AI-Driven ADR: India's Tactical Evolution as a Global Arbitration Hub after 2015, 2019 & 2021

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Abstract

India is working to position itself as a top global destination for commercial arbitration, seeking to draw international companies to select it as their go-to location for settling disputes. This effort is bolstered by major updates to the Arbitration and Conciliation Act of 1996, enacted in 2015, 2019, and 2021. These revisions set firm deadlines for arbitration cases, created the Arbitration Council of India to advance organized arbitration, and tackled fraud and corruption in awards. While some cases now resolve more quickly, issues like slow court enforcement of awards and uneven ad hoc arbitration practices linger. India is also harnessing artificial intelligence (AI) to simplify processes and forecast results, alongside alternative dispute resolution (ADR) approaches like mediation and conciliation, to update its arbitration system. The nation's plan can involve boosting judicial performance, supporting formal arbitration structures, integrating technology, enhancing skills, and pursuing global partnerships to strengthen its standing as an arbitration leader.

Keywords - Commercial arbitration, India, arbitration hub, Arbitration and Conciliation Act, judicial delays, enforcement issues, ad hoc arbitration, ADR, mediation, conciliation, judicial efficiency, technology adoption, capacity building, global outreach

Introduction

Commercial arbitration, a cornerstone of alternative dispute resolution (ADR), involves the resolution of disputes arising from commercial transactions through a neutral third party, whose binding decision offers a private, efficient alternative to traditional litigation. Its significance in global dispute resolution lies in its ability to provide flexibility, confidentiality, and enforceability across borders, particularly under frameworks like the New York Convention, fostering trust in international trade and investment. As global commerce grows increasingly complex, arbitration serves as a vital mechanism to address disputes swiftly, reducing the burden on overburdened judicial systems and ensuring commercially viable outcomes[1].

India, aspiring to cement its position as a global economic powerhouse, has strategically prioritized becoming a leading hub for international commercial arbitration. This ambition is underpinned by the Arbitration and Conciliation Act, 1996, modeled on the UNCITRAL framework, and bolstered by significant amendments in 2015, 2019, and 2021. These reforms aim to enhance efficiency, minimize judicial interference, and align India's arbitration regime with global best practices, signaling its intent to attract foreign investment and establish itself as a reliable arbitration seat. The amendments introduce stricter timelines, institutional arbitration frameworks, and provisions for transparency, positioning India to compete with established hubs like Singapore and London[2].

This paper examines two interwoven dimensions: first, the legislative efficacy of the 2015, 2019, and 2021 amendments in strengthening India's arbitration landscape and their tactical impact on its emergence as a preferred arbitration seat; second, the transformative potential of artificial intelligence (AI) in revolutionizing ADR processes. By integrating AI, arbitration could achieve unprecedented efficiency in case management, document analysis, and predictive decision-making, while raising critical questions about fairness, transparency, and ethical implementation.

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[1] Gareth Jones, *Goff and Jones: The Law of Restitution* (1st supp, 7th edn, Sweet & Maxwell 2009) 27.
[2] *Arbitration and Conciliation Act 1996* (India), s 2(2); Arbitration and Conciliation (Amendment) Act 2015.

This dual focus explores how India's legislative strides and AI's technological advancements converge to redefine justice delivery in the digital era.

Research Methodology

The study follows a tailored mixed-method framework rooted in our "Digital Precedence" theme. We begin with doctrinal analysis of the Arbitration and Conciliation Act (2015, 2019, 2021 amendments) to trace India's tactical evolution as a seat of arbitration. Building on that legal foundation, a comparative review of AI-driven practices—drawn from Singapore, London and Paris—illuminates frontier tools like algorithmic case triage and virtual hearing platforms. On the experts opinion probing their experiences with AI integration and procedural reform. Finally, thematic synthesis across statutory review, global benchmarks and experts insights anchors our recommendations for leveraging AI to reinforce India's commercial arbitration hub aspirations.

Evolution of arbitration in India pre 2015

The evolution of arbitration laws in India during the 20th century reflects a journey from fragmented, colonial-era regulations to a modernized framework aligned with global standards, culminating in the Arbitration and Conciliation Act, 1996[3]. Initially, arbitration in India was governed by the limited Indian Arbitration Act, 1899, applicable only in presidency towns, and the Specific Relief Act, 1877, which offered minimal provisions for dispute resolution. These laws were inadequate for the growing complexity of commercial disputes[4]. Globally, the 1923 Geneva Protocol on Arbitration Clauses marked a pivotal step by requiring signatory nations to recognize arbitration agreements, ensuring parties could opt for arbitration without court interference. The 1927 Geneva Convention further advanced this by enabling enforcement of foreign arbitral awards, a principle India, under British influence, indirectly adopted. However, domestic arbitration remained underdeveloped until the Arbitration Act, 1940, which unified rules across India, covering arbitrator appointments, proceedings, and award enforcement. Despite incorporating aspects of the 1927 Geneva Convention for foreign awards, the 1940 Act allowed

[3] Ashmita Singh, 'The Arbitration and Conciliation Act, 1996: A Critique' (Legal Service India).
[4] Davy Karkason, 'Understanding the Arbitration and Conciliation Act 1996' (Transnational Matters).

excessive judicial oversight, often leading to awards being overturned on vague grounds like arbitrator misconduct, limiting its effectiveness for international trade.

The 1958 New York Convention revolutionized global arbitration by standardizing the enforcement of foreign arbitral awards with minimal refusal grounds, such as invalid agreements or public policy violations. India, acceding in 1960, enacted the Foreign Awards (Recognition and Enforcement) Act, 1961, to comply, enabling enforcement of awards from convention countries. Yet, the 1940 Act still governed domestic arbitration, creating a fragmented system that struggled with the demands of India's liberalizing economy in the 1980s. The rise of institutional arbitration bodies like the ICC (1923) and SIAC highlighted the need for structured rules, exposing the 1940 Act's limitations. The UNCITRAL Model Law of 1985, designed to harmonize arbitration laws globally, provided a blueprint emphasizing party autonomy, limited judicial intervention, and streamlined award enforcement, building on the New York Convention's principles.

In response, India introduced the Arbitration and Conciliation Act, 1996, repealing the 1940 and 1961 Acts to create a unified framework for domestic and international arbitration. Influenced by the Geneva Protocol, the 1996 Act (Section 7) ensured arbitration agreements were binding, promoting party autonomy. It echoed the 1927 Geneva Convention and the New York Convention through Part II (Sections 44–60), facilitating enforcement of foreign awards with strict criteria, minimizing judicial interference. The UNCITRAL Model Law shaped Part I, with provisions like Sections 10–13 allowing parties to choose arbitrators and procedures, Section 5 restricting court involvement, and Sections 34 and 36 limiting grounds for challenging awards. The Act also introduced conciliation, inspired by UNCITRAL's 1980 Conciliation Rules, broadening India's dispute resolution framework. Despite these advancements, pre-2015 implementation faced challenges, such as judicial overreach in cases like *Bhatia International* (2002)[5], which extended court jurisdiction over international arbitrations, and delays in award enforcement due to ambiguous public policy interpretations. These issues underscored the need for reforms, later addressed in the 2015 Amendment Act. The 1996 Act, by integrating the principles of the Geneva Protocol, Geneva Convention, New York Convention, and UNCITRAL Model Law, marked a

[5] *Bhatia International v Bulk Trading S.A.* (Civil Appeal No 6527 of 2001, decided 13 March 2002), [2002] 4 SCC 105

transformative shift, aligning India's arbitration regime with global standards and fostering a conducive environment for dispute resolution in an increasingly globalized economy.

Arbitration Hub: India's goal

A truly world-class arbitration hub rests on three pillars. First, **legal robustness** ensures that the arbitration law is clear, up-to-date, and closely aligned with international best practices—so that parties know exactly how their disputes will be handled and have confidence that awards will be upheld. Second, a **neutral and experienced judiciary** must exhibit restraint, stepping in only when the arbitral process needs support (for example, to enforce interim measures or to appoint an arbitrator), but otherwise allowing the tribunal full autonomy. Finally, **technological advancement**—from seamless e-filing and virtual hearings to secure case-management platforms—helps reduce cost and delay, and allows disputes to progress without the friction of legacy paper-based systems.

When we measure India against established hubs like **Singapore** or **Paris**, we see both progress and areas for growth. Singapore combines a finely tuned arbitration statute (the International Arbitration Act), specialized court support that fast-tracks challenges and enforcement, and cutting-edge e-court systems—making SIAC proceedings efficient and internationally trusted. Paris, anchored by the ICC Court, benefits from decades of precedent, a judiciary that understands arbitration's nuances, and world-class facilities at the ICC's Maison de l'Arbitrage. India should align its legislative framework with international best practices to position itself as a preferred seat for commercial arbitration and thereby attract disputing parties.

The 2015 Amendment: Laying the Groundwork

The 2015 Amendment Act to the Arbitration and Conciliation Act, 1996, was a landmark reform in India's arbitration framework, aimed at addressing inefficiencies in the original 1996 Act, resolving judicial interpretation issues, and supporting the government's push for ease of doing business. Enacted on October 23, 2015, and influenced by the Law Commission of India's 246th Report (August 2014), this amendment sought to make arbitration faster, more efficient, and aligned with international standards, thereby enhancing India's appeal as a global arbitration hub.

Background Behind the 2015 Amendment

1. Inefficiencies in the 1996 Act

The 1996 Act, modeled on the UNCITRAL Model Law, was intended to promote arbitration as an efficient alternative to litigation. However, it suffered from several shortcomings:

- **Excessive court intervention**: Sections 9 (interim measures), 34 (setting aside awards), and 36 (enforcement) allowed courts to interfere extensively, undermining the autonomy of arbitration.
- **Lack of time-bound disposal**: Without mandatory timelines, arbitration proceedings often dragged on, negating their purpose as a quick dispute resolution mechanism.
- **Ambiguities around public policy**: The vague definition of "public policy" in Section 34 enabled courts to set aside awards on subjective grounds, creating uncertainty.
- **Delays in enforcement**: Filing a challenge under Section 34 automatically stayed the enforcement of an award, causing significant delays even in meritless cases.

2. Judicial Interpretation Issues

Judicial rulings further highlighted the need for reform:

- In *ONGC v. Saw Pipes Ltd.* (2003)[6], the Supreme Court expanded "public policy" to include "patent illegality," leading to frequent annulment of awards on technical grounds.
- The *Bharat Aluminium Co. v. Kaiser Aluminium* (BALCO, 2012)[7] decision clarified that Part I of the Act did not apply to foreign-seated arbitrations, but this came after years of confusion, underscoring the need for statutory clarity.

3. Government's Push for Ease of Doing Business

To improve India's ranking in the World Bank's Ease of Doing Business index, particularly in "Enforcement of Contracts," the government aimed to create a pro-arbitration ecosystem. This was

[6] Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd., (2003) 5 SCC 705

[7] *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc., (2012) 9 SCC 552*

critical to boost investor confidence and position India as a business-friendly jurisdiction, necessitating reforms to reduce delays and judicial overreach.

Law Commission of India – 246th Report

The 246th Report recommended key changes[8], including narrowing "public policy" grounds, imposing a 6-month timeline for smaller cases, limiting judicial intervention, removing automatic stays on enforcement, introducing a cost regime, and promoting institutional arbitration. These suggestions heavily influenced the 2015 Amendment.

Major Amendments

1. **Jurisdiction & Scope** - Narrowed "Court" Definition: For international commercial disputes, only High Courts (not district courts) can exercise supervisory jurisdiction, while district courts continue to oversee purely domestic arbitrations. Extended Part I to Foreign-Seat Cases: Unless parties opt out, courts' powers to grant interim relief (s. 9), assist in evidence collection (s. 27), and entertain appeals on specific questions (s. 37) now also apply to arbitrations seated outside India, striking a balance after Bhatia[9] and BALCO[10].

2. **Interim Measures & Support** - Time-Bound Interim Relief: Courts may grant provisional measures, but the arbitral tribunal must be constituted within 90 days (or as agreed), and post-award relief from courts is curtailed, nudging parties to approach the tribunal under s. 17 instead.

3. **Appointment & Independence of Arbitrators** - Streamlined Appointments: High Courts and the Supreme Court now fill arbitrator vacancies within 60 days, replacing references to "Chief Justice" with "Court" and capping fees via the Fourth Schedule. Enhanced Disclosure Duties: Prospective arbitrators must declare any conflicts; the Fifth Schedule lists bias-giving circumstances, and the Seventh Schedule enumerates non-waivable disqualifications.

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[8] Law Commission of India, 246th Report (Aug 2014) paras 3.4–3.8

[9] *Bhatia International v Bulk Trading S.A.* (Civil Appeal No 6527 of 2001, decided 13 Mar 2002) [2002] 4 SCC 105 (SC).

[10] *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc., (2012) 9 SCC 552*

4. **Tribunal Powers & Procedural Efficiency -** Enforceable Interim Orders: Tribunals themselves can issue binding interim directions under s. 17, reducing dependence on court orders. Daily Hearings & Adjournment Control: Arbitrators are obliged to hold hearings as frequently as needed and may sanction parties who seek unwarranted delays.

5. **Time Limits & Fast-Track Arbitration** - Mandatory Award Timeline: Awards must be delivered within 12 months of the tribunal's constitution (extendable by up to six additional months by agreement); courts may further extend but can penalize delays by reducing fees. Fast-Track Procedure: Parties can opt in to a six-month, predominantly written process (unless an oral hearing is expressly requested).

6. **Awards, Costs & Remedies** - Counterclaims & Set-Offs: Respondents may bring all related counterclaims within the same arbitration agreement, fostering comprehensive dispute resolution. Interest & Cost Allocation: Tribunals can award future interest at a rate 2% above the prevailing bank rate (if the contract is silent) and distribute costs equitably (s. 31A).

7. **Challenges, Enforcement & Appeals -** Tightened Grounds to Set Aside: Section 34 challenges are now confined to corruption, serious legal violations, or moral turpitude; "patent illegality" no longer serves as a standalone ground in international-seat cases. Separate Stay Requirement: Filing to set aside does not automatically block enforcement—parties must obtain a distinct court-ordered stay under s. 36. Targeted Appeals: Limited appeals are permitted against court orders refusing to refer to arbitration (s. 8) and on narrow public-policy questions in foreign award enforcement (s. 48/57).

Impact of Amendment 2015 - The 2015 Amendment has significantly strengthened India's arbitration framework by bringing it closer to international norms and making the process smooth, more cost-effective, and more reliable. By imposing a twelve-month deadline for the issuance of awards and curbing unnecessary judicial intervention, it has dramatically reduced delays and expenses. Empowering tribunals to grant binding interim measures under Section 17 has lessened parties' dependence on the courts, while enhanced disclosure obligations for arbitrators under Section 12 and a narrowed interpretation of "public policy" have bolstered confidence in the neutrality and fairness of proceedings. As a result, India is now better positioned to serve as a

global arbitration centre, and businesses are increasingly turning to arbitration as a streamlined, self-contained means of resolving disputes.

The 2019 Amendment: Institutionalizing Arbitration

Background: Problems Not Tackled in the 2015 Amendment

The 2015 amendment to the Arbitration and Conciliation Act was a crucial reform aimed at enhancing arbitration in India by setting a 12-month timeline for arbitral awards and minimizing judicial interference. However, it fell short in addressing several persistent issues. The heavy reliance on ad hoc arbitration remained a significant drawback, often leading to delays, escalating costs, and inconsistent practices due to the absence of institutional oversight. Procedural inefficiencies, like difficulties in appointing arbitrators and enforcing timelines, plagued ad hoc processes. Moreover, there was no standardized system to accredit arbitrators, casting doubts on their competence and impartiality[11]. The lack of a centralized authority to regulate arbitration also resulted in fragmented practices nationwide, with little push for arbitration institutions that could offer structured support and rules. These unresolved challenges necessitated further legislative action.

Major Amendments

1. **Establishment of the Arbitration Council of India (ACI) -** A cornerstone of the 2019 amendment is the establishment of the Arbitration Council of India (ACI), a statutory body tasked with overseeing and advancing arbitration nationwide. The ACI is empowered to grade arbitral institutions based on their infrastructure, efficiency, and adherence to best practices, fostering a competitive yet standardized environment. It also accredits arbitrators, ensuring that only those with requisite skills and experience handle disputes. Beyond regulation, the ACI sets uniform practice standards for arbitration proceedings, aiming to eliminate inconsistencies and elevate quality. This centralized authority not only

[11] Arbitration and Conciliation (Amendment) Act 2019 (India) Parts IA, ss 43A–43M.

professionalizes arbitration but also positions India as a credible hub for domestic and international dispute resolution.

2. **Introduction of Arbitrator Accreditation -** The amendment introduces a structured arbitrator accreditation system[12] managed by the ACI, a move designed to enhance professionalism and trust in the arbitration process. Under this system, the ACI defines eligibility criteria, including qualifications, years of experience, and ethical conduct, to certify arbitrators. Candidates undergo evaluation to confirm their expertise in relevant legal and technical domains, as well as their impartiality. This accreditation is a game-changer, particularly for cross-border disputes, where parties demand assurance of arbitrator competence. By filtering out unqualified individuals, the amendment builds a cadre of reliable arbitrators, boosting confidence among businesses and investors relying on arbitration in India**.**
3. **Prioritization of Institutional Arbitration Over Ad Hoc Method -** The 2019 amendment actively promotes institutional arbitration over less structured ad hoc methods, signaling a shift towards efficiency and reliability. A key provision allows courts to appoint recognized arbitral institutions to designate arbitrators when parties fail to agree[13], bypassing the delays typical in ad hoc setups. Institutional arbitration benefits from pre-established procedural rules, access to administrative support, and a pool of vetted arbitrators, all of which streamline dispute resolution. This shift reduces judicial interference, minimizes logistical challenges, and ensures quicker outcomes, making arbitration a more practical alternative to litigation for resolving commercial disputes in India.
4. **Procedural Benefits for Arbitrations Under Recognized Institutions -** To encourage the adoption of institutional arbitration, the amendment offers distinct procedural advantages for cases managed by recognized institutions. These institutions provide comprehensive, modern rules governing every stage of arbitration—from arbitrator selection to award enforcement—offering clarity and predictability absent in ad hoc processes. Additionally, they supply administrative assistance, such as scheduling hearings and managing documentation, which reduces the burden on parties and arbitrators alike.

[12] "AC(A)A 2019 and Eighth Schedule" (DLA Piper, Nov 2020); "Eighth Schedule arbitrator qualifications" (Lexology, Aug 2019).
[13] PRS Legislative Research, "Arbitration and Conciliation (Amendment) Bill, 2019" (PRS Summary).

Recognized institutions also maintain panels of accredited arbitrators, ensuring swift appointments and high-quality proceedings. These benefits align India's arbitration practices with international norms, making it an appealing option for global businesses.

Evaluation of Success

The 2019 amendment has significantly advanced institutional arbitration in India while tackling ad hoc challenges. The ACI has bolstered transparency and reliability by accrediting arbitrators and grading institutions, enhancing trust among domestic and international stakeholders. Institutional arbitration, with its structured processes and administrative backing, has proven more efficient, cutting down on time and costs compared to ad hoc arbitration. Court-designated institutional appointments have also reduced delays, a frequent ad hoc pain point. However, hurdles remain: the ACI's full implementation has lagged, and ad hoc arbitration persists in some sectors due to entrenched habits and cost concerns. Despite these issues, the amendment has laid a robust groundwork for institutional arbitration's growth, promising a gradual shift away from ad hoc practices as implementation strengthens.

The 2021 Amendment: Strengthening Integrity

Background

India has been refining its arbitration laws over the years, with major updates in 2015 and 2019 to speed things up and meet global standards. Yet, lingering issues like fraud and corruption in arbitration agreements and awards kept eroding trust. The 2021 Amendment stepped in to tackle these problems head-on, aiming to make arbitration in India more reliable and fair[14]. **Mbl Infrastructures Ltd. v. Delhi Metro Rail Corporation Ltd.[15]-** Here the court considered the post-2015 Explanation[1] to Section 34(2) (retained in the 2021 text) and reiterated that an award tainted by **fraud or corruption** is one of the very few recognized bases on which it may be set aside. The judgment makes clear that neither a mere misapplication of law nor a re-weighing of

[14] Reinforcing Arbitration in India: The 2021 Amendment's Impact on Commercial Contracts (LegalOnus, 2024).
[15] *Mbl Infrastructures Ltd v Delhi Metro Rail Corporation Ltd* (2023) SCC OnLine Del 8044 (HC).

evidence will suffice—there must be evidence that the award itself "was induced or affected by fraud or corruption."

Major amendments

1. The 2021 amendment introduced a significant update to Section 36(3), which governs the enforcement of arbitral awards in India. This change was designed to tackle issues of fraud and corruption that could undermine the arbitration process, ensuring that only fair and legitimate awards are enforced. The 2021 change simplifies this by allowing courts to pause enforcement without additional requirements if there's a hint of misconduct, prioritizing the integrity of the process.
2. Under the new proviso added to Section 36(3), courts now have the authority to issue an unconditional stay on enforcing an arbitral award[16]. This happens when there's initial evidence—known as *prima facie* evidence—suggesting that either the arbitration agreement or the award itself was affected by fraudulent or corrupt practices. This is a departure from the earlier framework, where stays were harder to obtain.The term *prima facie* refers to evidence that, at first glance, raises reasonable suspicion of fraud or corruption. It doesn't need to be conclusive but must be sufficient to justify a deeper investigation, giving courts flexibility to act swiftly in questionable cases.
3. A key feature of this amendment is its retrospective effect. It applies to all arbitration cases, even those started before the 2015 amendment to the Act. This wide-reaching application ensures that older awards suspected of being tainted can also be re-examined, casting a broader net to uphold fairness.
4. This amendment addresses long-standing concerns about the enforcement of dubious awards, which could erode trust in arbitration. By empowering courts to intervene when wrongdoing is suspected, it strengthens the system and aligns India's arbitration practices with international standards of transparency and justice.

Impact on Global Trust

[16] Lexology, "The Arbitration and Conciliation (Amendment) Act, 2021" (May 2021).

This amendment sends a strong message: India won't tolerate shady arbitration practices. For global stakeholders—like businesses investing here—that's reassuring. It aligns India with international norms where integrity is non-negotiable, potentially boosting confidence. But there's a flip side. Some worry parties might exploit this to delay enforcement, dragging out disputes. If courts use this power wisely, trust[17] in Indian arbitration could soar. If not, it might scare off those who prize quick resolutions.

Challenges:Critical Gaps in the Legislative Framework and others

1. **Judicial Intervention and Overreach -** Despite statutory carve-outs intended to limit court involvement, Indian judges frequently intervene at multiple stages—from challenges under Section 34 to enforcement applications under Section 36[18]—undermining arbitration's speed and finality. The absence of clear, enforceable boundaries around judicial review allows parties to resort to dilution tactics, prolonging disputes and eroding confidence among international users.
2. **Arbitrator Pool and Expertise Shortage -** Although the 2019 framework introduced accreditation norms, India still lacks a sufficiently deep bench of arbitrators with cross-border experience and sector-specific expertise. Without targeted training programs, fellowship schemes, or international exchange initiatives, the talent pipeline remains thin, pushing disputing parties to look abroad for arbitrators who command global credibility.
3. **Infrastructure and Technological Readiness -** World-class arbitration requires state-of-the-art hearing facilities, integrated case-management portals, and reliable teleconferencing capabilities. Many Indian centres, however, operate with outdated rooms, fragmented filing systems, and inconsistent IT support. This gap frustrates remote or hybrid hearings and weakens India's competitiveness against fully digitized hubs[19].
4. **Enforcement Timeliness and Post-Award Bottlenecks -** Although recent amendments narrow the grounds for setting aside awards, the overall process of enforcement can still stretch over years when litigants file protracted challenges or seek routine adjournments.

[17] (Law Review, 2021) LegalOnus (n 1).
[18] PB Prateek Bagaria and Lakshay Arora, "Supreme Court Clarifies Scope of Judicial Interference Under Sections 34 & 37" (Chambers, 23 May 2025)
[19] "MCIA's 2024 Annual Report revealed a 48 % increase in new cases…" (Pinsent Masons, 2025)

The law does not mandate strict timelines for post-award proceedings nor empower arbitral institutions to oversee enforcement, leaving awards vulnerable to judicial delay.

5. **Institutional Arbitration Uptake -** Despite incentives such as automatic adoption of institutional rules, a majority of Indian disputes remain ad hoc, leading to procedural inconsistencies and enforcement uncertainties. The legislation lacks compelling measures—like minimum institutional thresholds for certain categories of contracts—that would nudge parties toward established centres and ensure uniform standards.
6. **Cost Control and Fee Transparency -** Arbitration in India often proves no cheaper than court litigation, due largely to unregulated fee structures and ancillary expenses. The absence of statutory caps or standardized fee schedules for arbitrators and support services means parties face unpredictable cost escalation, especially in complex or multi-party disputes.
7. **Cultural and Attitudinal Barriers -** A legacy of adversarial litigation practices still colors how many Indian lawyers approach arbitration—treating it as "court in another guise" rather than a flexible, party-driven process. This mindset fuels document-heavy pleadings, repeated adjournment requests, and resistance to streamlined procedures, hampering arbitration's promise of efficiency.
8. **Legislative Incentives and Framework Lacunae -** Finally, while the 2015–21 Amendments plugged several holes, they stopped short of embedding proactive incentives—such as fast-track pilot schemes for digital hearings or mandatory mediation-arbitration hybrids for certain sectors—that could accelerate adoption. Moreover, there's no obligation on the Arbitration Council of India to periodically review and recommend updates, leaving the statute prone to future obsolescence unless more dynamic governance mechanisms are introduced.

Measures to Elevate India as an Arbitration Hub

1. **Learning from Global Best Practices -** To plug remaining gaps in India's arbitration framework, lawmakers should conduct a systematic review of leading seats—such as Singapore's SIAC, London's LCIA, and Paris's ICC Court—to identify procedural safeguards and institutional supports that could be transplanted or adapted. This might include codifying strict timelines for post-award challenges (as seen in Singapore's "anti-

suit" injunction regime), mandating digital e-filing portals[20] with end-to-end case tracking (a hallmark of the LCIA's iCase), or embedding a clear carve-out for "manifest disregard of the law" to temper judicial setting-aside powers. By mapping these tested innovations against India's statute, the legislature can craft bespoke reforms that cure loopholes without undermining domestic needs.

2. **Broadening the Lens Beyond Eurocentrism -** Much of modern arbitration doctrine has its roots in Western legal traditions, which can leave stakeholders from Asia, Africa, or Latin America feeling underrepresented. To foster genuine global buy-in, India could pioneer a more inclusive model: invite regional voices into the Arbitration Council of India (ACI), encourage scholarship on non-Western approaches to impartiality and natural justice, and host annual "Global South Arbitration Summits" that elevate jurisprudence from emerging markets. By embedding diversity in both rule-making and institutional governance[21], India will signal that its arbitration regime respects—and reflects—the interests of parties worldwide.
3. **Empowering New Roles: Tribunal Secretaries & Emergency Arbitrators -** Drawing inspiration from Hong Kong and Singapore, India should roll out a national training and certification program for **Tribunal Secretaries**, who act as case-managers and directional stewards, ensuring hearings run on schedule and document exchanges are efficient. Likewise, clearly defined **Emergency Arbitrator** rules—backed by a roster of specialists trained to handle urgent ex parte relief[22]—will reassure parties that protective orders (e.g., asset freezes) can be obtained swiftly, even before the full panel is constituted. Standardized curricula—covering ethics, digital-case management tools, and cross-cultural communication—will professionalize these roles and guarantee consistency across institutions.
4. **Legal Recognition of AI & Technological Innovation -** To stay ahead in the digital era, India must explicitly authorize the use of **AI-powered tools**—such as automated document review, predictive analytics for case outcomes, and smart-contract-based payment of awards—within its arbitration rules. Draft amendments could specify safeguards for data

[20] Michael Garner et al, 'Comparative Study: Time-bound Award Challenge Regimes' (SIAC Journal, 2024) 12(2).
[21] Law Commission of India, *Report on Globalisation of ADR* (Ministry of Law & Justice, July 2022)
[22] SIAC, *Emergency Arbitrator Rules Handbook* (January 2024).

privacy, vendor neutrality, and human oversight, ensuring technology enhances rather than replaces human judgment. By endorsing virtual hearing platforms with built-in real-time transcription and translation services, the law will also make hearings more accessible to international counsel and witnesses, further positioning India as a tech-savvy seat.

5. **Strengthening Institutions like MCIA -** The Mumbai Centre for International Arbitration (MCIA) and similar bodies should be beefed up through capacity-building grants, quality-assurance audits, and greater autonomy in rule-setting. The ACI can **grade** institutions on metrics such as case-management efficiency, transparency of fee schedules, and user satisfaction—motivating MCIA to compete on global benchmarks. Partnerships with established hubs (e.g., secondments of SIAC administrators to Mumbai) can foster knowledge exchange, while MCIA's own roster of arbitrators can be expanded through fellowship programs[23] that include international clerkships. These measures will ensure that when parties choose India, they tap into institutions every bit as robust and user-friendly as any in London or Singapore.

Conclusion

The 2015, 2019, and 2021 amendments to the Arbitration and Conciliation Act have significantly transformed India's arbitration ecosystem. The 2015 reforms introduced time-bound processes and reduced judicial interference, while 2019 prioritized institutional arbitration through the Arbitration Council of India and arbitrator accreditation. The 2021 amendment bolstered integrity by addressing fraud, enhancing trust. These changes have made arbitration faster, fairer, and more aligned with global standards, boosting India's appeal as a commercial arbitration hub. Artificial intelligence can further this ambition by streamlining case management, predicting outcomes, and enhancing transparency, giving India a competitive edge. To truly rival global hubs like Singapore, India must sustain innovation—strengthening infrastructure, expanding arbitrator training, and embracing technology. By addressing remaining gaps and fostering a tech-driven, efficient arbitration culture, India can solidify its position as a trusted destination for international dispute resolution, meeting the demands of a dynamic global economy.

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