From Margins to Mandate: The Evolving Landscape of Tribunal Secretaries and Emergency Relief in Arbitration

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1.Abstract

In recent years, the roles of tribunal secretaries and emergency arbitrators have moved from the periphery to a more structured and essential part of arbitral proceedings. This paper explores how their evolving functions are shaping the practice and perception of arbitration in jurisdictions such as India and Singapore. Tribunal secretaries, once limited to administrative tasks, are now being entrusted with substantive responsibilities, raising both opportunities and concerns regarding transparency, accountability, and party autonomy. Simultaneously, the rise of emergency arbitrators reflects the growing need for swift interim relief in cross-border disputes, especially before full tribunals are constituted.

Through comparative analysis and case studies—focusing on Mumbai arbitration practices and the Singapore International Arbitration Centre (SIAC)—this research evaluates how institutional frameworks, party expectations, and legal cultures are redefining these roles. The paper also discusses regulatory challenges, the importance of clear procedural guidelines, and the potential impact on the efficiency and credibility of arbitration proceedings. Ultimately, this study highlights the shift from informal, often overlooked roles to more formalized mandates—signaling a maturing arbitration ecosystem that balances innovation with procedural integrity.

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2. Introduction

Arbitration, once considered a peripheral alternative to conventional court systems, has evolved into a global standard for resolving high-value, complex disputes. Its appeal lies in procedural autonomy, neutrality, and enforceability of awards, making it particularly attractive in cross-border commercial transactions.[2] As arbitration systems mature, the focus has expanded beyond arbitral tribunals to the structural roles that support them. Among these, **Tribunal Secretaries** and **Emergency Arbitrators (EAs)**have become increasingly significant, not as incidental facilitators but as central figures in ensuring procedural efficiency and institutional credibility. [3] The **Singapore International Arbitration Centre (SIAC)** has been at the forefront of institutionalising these roles. Backed by judicial endorsement and a progressive legal ecosystem, Singapore has successfully embedded both Tribunal Secretaries and Emergency Arbitrators into its arbitral framework. These mechanisms are not only codified under SIAC Rules[3] but are also regularly invoked and enforced in practice, thus enhancing SIAC's reputation as a model arbitral institution in Asia.[4]In contrast, India presents a more fragmented landscape. Although institutions like the **Mumbai Centre for International Arbitration (MCIA)** have adopted comparable rules,[5] the broader legal and judicial environment in India has not uniformly supported these innovations. The **Arbitration and Conciliation Act, 1996**, remains silent on both Tribunal Secretaries and Emergency Arbitrators, thereby limiting the statutory clarity and enforceability of such mechanisms.[6] The Supreme Court's recognition of emergency arbitration in *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.*[7]was a pivotal moment, but it remains an exception rather than a rule in Indian arbitral practice.

What makes this divergence particularly compelling is that the **foundational conditions** that led to SIAC's growth in Singapore, such as judicial backlog, increasing commercial disputes, foreign investment, and a desire for efficient dispute resolution, are also present, if not more pronounced,

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[2] **Gary B. Born**, International Commercial Arbitration 77–82 (3d ed. 2021).
[3] **Michael Hwang & Alison Lee**, "Survey of Cases on the Role of Tribunal Secretaries," 30 *Arb. Int'l* 471, 472 (2014).
[3] **SIAC Rules 2016**, Rules 3, 26, and Schedule 1, available at https://siac.org.sg/.
[4] **SIAC Annual Report 2022**, at 5–9, https://siac.org.sg/ (last visited June 13, 2025).
[5] **MCIA Rules 2016**, Rules 12 and 14, available at https://mcia.org.in/.
[6] *See* Arbitration and Conciliation Act, No. 26 of 1996, India Code (1996).
[7] Amazon.com NV Inv. Holdings LLC v. Future Retail Ltd., (2021) 3 SCC 714 (India).

India.[8]Yet, despite these parallel circumstances, India's arbitral institutions have not achieved the same degree of institutional trust or global recognition. This paradox invites deeper inquiry into the **institutional, legal, and cultural frameworks** shaping arbitration in both jurisdictions.

In response to this, the present study sets out clear **research objectives and questions** to guide its inquiry. The objective is not merely to describe institutional differences but to interrogate **why similar conditions have produced divergent outcomes**, and whether these roles, once seen as marginal, are now **essential mandates** for robust arbitral practice in India.

The study proceeds in four analytical parts. First, it investigates the conceptual foundations and international evolution of Tribunal Secretaries and Emergency Arbitrators. Second, it examines the institutional and statutory frameworks governing these roles in Singapore and India. Third, it compares the practical enforcement, legitimacy, and reception of these roles within SIAC and MCIA. Finally, it critically analyses the shortcomings of the Indian system and proposes targeted reforms. These parts correspond directly with the study's **research questions and objectives**, ensuring that every section is tightly anchored in a comparative framework that both informs and critiques. **3. Literature review** .

The scholarly engagement with tribunal secretaries and emergency arbitration is still emerging, particularly in the Indian context, yet international practices have long embraced their value. While jurisdictions like Singapore have institutionalised these roles with maturity and clarity, India's journey remains aspirational and fragmented. To understand this divergence, the following literature forms the foundation of this research, drawing from doctrinal texts, case commentaries, institutional rules, and comparative academic analysis.

3.1. Michael Hwang & Alison Lee, *Survey of Cases on the Role of Tribunal Secretaries*, 30 Arb. Int'l 471 (2014).

This seminal work provides a cross-jurisdictional survey of the role of tribunal secretaries in international arbitration. It traces the evolution of their functions from purely administrative support

[8] **Law Commission of India**, 246th Report on Amendments to the Arbitration and Conciliation Act, 1996 (2014); see also **Nakul Dewan**, "India's Arbitration Landscape: Progress and Pitfalls," Asian Int'l Arb. J. 123 (2020

to quasi-legal assistance and flags the risks of improper delegation. The article is pivotal in framing the normative concerns surrounding transparency and procedural fairness, key themes in this research.

3.2. Gary B. Born, *International Commercial Arbitration* (3d ed. 2021).

As the most authoritative modern treatise on arbitration, Born's analysis is foundational. He discusses both emergency arbitration and tribunal secretaries, situating them within broader procedural law. His comparative reading of rules from institutions like SIAC, ICC, and LCIA illuminates how different jurisdictions and bodies have institutionalised best practices, helpful for benchmarking India's MCIA.

3.3. Darius Chan, Emergency Arbitration in Singapore: The SIAC Experience, 31 J. Int'l Arb. 289 (2014).

Chan offers a Singapore-specific empirical perspective on emergency arbitration, drawing on SIAC's internal data. His work explores practical issues such as timelines, party responsiveness, and enforceability, establishing SIAC's position as a model institution. It's essential for understanding why emergency arbitration works in Singapore but is yet to take root in India.

3.4. Abhinav Bhushan & Nakul Dewan, Emergency Arbitration in India: A False Dawn or a New Sunrise?, Indian J. Arb. L., Vol. 8(2) (2019).

This article analyses the legal uncertainty surrounding emergency arbitration in India, especially before the *Amazon* case. It critiques the absence of statutory recognition and explores the potential of institutional rules to fill this void. This is a crucial Indian perspective that contextualises why MCIA's emergency provisions have not taken off.

3.5. Amazon.com NV Investment Holdings LLC v. Future Retail Ltd., (2021) 3 SCC 714.

The Supreme Court's ruling in this case marked a judicial watershed by enforcing an emergency award issued under SIAC rules. It created a binding precedent for the recognition of such awards under Indian law. This case is pivotal in understanding the judiciary's evolving role in supporting institutional arbitration mechanisms.

3.6. Law Commission of India, *246th Report on Amendments to the Arbitration and Conciliation Act, 1996* (2014).

The Commission's report proposed wide-ranging reforms to India's arbitration framework but notably refrained from formally introducing emergency arbitration into the statute. Its cautious approach reflects a hesitancy that contrasts with Singapore's pro-arbitration legislative reforms.

3.7. Sundaresh Menon, Transnational Commercial Law and the Role of National Courts, 40 Arb. Int'l 5 (2023).

In this speech-turned-article, Singapore's Chief Justice describes how the state, judiciary, and institutional bodies collaborated to build a world-class arbitral hub. His reflections are central to understanding SIAC's success and provide comparative insights for India's institutional journey.

3.8. MCIA Rules (2016) and SIAC Rules (2016).

A textual comparison of the institutional rules reveals that MCIA has adopted similar emergency arbitration and tribunal secretary provisions as SIAC. Yet, despite structural similarities, the Indian institution has seen limited use, suggesting that legal transplant alone does not guarantee adoption.

3.9. Aniruddha Rajput, MCIA and the Future of Arbitration in India, 4(1) NLS Business L. Rev. 55 (2021).

Rajput assesses MCIA 's founding vision, procedural architecture, and the challenges it faces in attracting users. He argues that India must do more than replicate global rules; it must invest in institutional credibility and judicial cooperation to create an ecosystem akin to Singapore's.

3.10. Vishal Maheshwari, *Institutional Arbitration in India: A Case Study of MCIA*, 38 Delhi L. Rev. 98 (2022).

Maheshwari provides a data-driven evaluation of MCIA's case load, user confidence, and structural limitations. His findings highlight the disconnection between aspiration and implementation in India's arbitration reform narrative.

These sources provide a strong base for this research by offering a clear legal understanding and helpful comparisons. They help explain how Singapore was able to build a strong system where roles like tribunal secretaries and emergency arbitrators are well established and effectively used. On the other hand, the Indian system, though similar in many ways—faces real challenges such as a lack of clarity in laws, limited use, and uncertain judicial support. Altogether, these works help this study explore why MCIA has not reached the level of success seen by SIAC, even though both were shaped by similar needs and pressures.

4. Research Objectives

4.1. To examine the roles of tribunal secretaries and emergency arbitrators in international arbitration, considering evolution and institutional framework of Singapore (SIAC) and India (MCIA).

4.2. To evaluate the legal, administrative, and socio-political challenges which have limited the effective use of tribunal secretaries and emergency arbitrators in India.

4.3. To explore potential reforms and policy directions that could help Indian institutions like MCIA fulfil their intended role in the arbitration landscape.

4.4. To analyse how India can draw upon and adopt elements of Singapore's institutional arbitration framework to enhance its own arbitration mechanism?

5. Research Questions

5.1 How have tribunal secretaries and emergency arbitrators been conceptualised and utilised within the institutional frameworks of SIAC and MCIA?

5.2. What are the key challenges encountered by emergency arbitrators in Singapore and India, as evidenced by landmark decisions?"

5.3 What structural or policy reforms are necessary for India to build a more supportive ecosystem for institutional arbitration?

5.4. What socio-legal and institutional conditions contributed to the success of SIAC in Singapore, and how do these compare with the Indian context?

RESEARCH ANALYSIS

5.1 : Evolving Roles of Tribunal Secretaries and Emergency Arbitrators under SIAC and MCIA

In recent years, the roles of tribunal secretaries and emergency arbitrators have evolved significantly within international arbitration practice. These auxiliary roles, though not new, have gained institutional recognition and legitimacy in arbitral centers that emphasize procedural efficiency and administrative clarity. A comparative look at the Singapore International Arbitration Centre (SIAC) and the Mumbai Centre for International Arbitration (MCIA) reveals notable differences—not just in how these roles are defined in institutional rules, but also in how frequently and effectively they are used.

5.1.1. Framing the Roles: Clear Definitions vs. Uncertainty

SIAC has taken meaningful steps to institutionalize both tribunal secretaries and emergency arbitrators. Its *Practice Note on the Appointment of Tribunal Secretaries (2015)* outlines the responsibilities, ethical limits, and transparency protocols expected of tribunal secretaries. This includes ensuring that such secretaries perform purely administrative and procedural functions, avoiding any substantive input into decision-making.[9]

Further, SIAC was one of the first Asian institutions to adopt provisions for emergency arbitration in its *Arbitration Rules (2010)*, later updated in *2013* and *2016*.[9]These rules allow a party to seek urgent

[9] Singapore Int'l Arb. Ctr., Practice Note on the Appointment of Tribunal Secretaries (2015).

[9] Singapore Int'l Arb. Ctr., *Arbitration Rules* (2013), Rule 26.

interim relief before the arbitral tribunal is constituted, thus bridging a vital procedural gap in commercial disputes.[10]

MCIA, by contrast, has largely modeled its rules on SIAC's framework. The *MCIA Arbitration Rules (2016)* also provide for the appointment of tribunal secretaries (Art. 6) and emergency arbitrators (Schedule I).[11] However, these provisions have not seen widespread practical application. One reason for this is the lack of conceptual clarity around these roles in the Indian legal and professional context.[12] While the rules exist on paper, they have yet to translate into regular institutional practice.

5.1.2. Institutional Trust and User Engagement

SIAC's proactive stance is reinforced by Singapore's supportive arbitral culture. Parties operating under SIAC rules often appoint tribunal secretaries, particularly in complex disputes requiring procedural precision. Emergency arbitrators have also been invoked with success in several highprofile cases. In *A v. B,* the Singapore High Court held that an emergency arbitrator's interim order was enforceable under the International Arbitration Act.[14] This validation boosted the credibility of emergency arbitration not just in Singapore, but globally.

In India, however, MCIA's provisions on these roles remain underutilized. One reason is the limited exposure among Indian practitioners to tribunal secretaries—many are unsure about the scope of their authority or whether their involvement undermines party autonomy. There's also persistent skepticism around emergency arbitration, despite judicial acknowledgement in *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.*, where the Supreme Court of India held that emergency arbitrators appointed under SIAC rules are valid under Part I of the Arbitration and Conciliation Act, 1996.[13] Still, emergency relief under MCIA rules has not received the same traction domestically.

5.1.3. Cultural and Ecosystemic Gaps

[10] Id. Schedule 1 (Emergency Arbitrator).
[11] Mumbai Ctr. for Int'l Arb., *MCIA Arbitration Rules* (2016), Arts. 6, Schedule I.
[12] Gaurav Sharma, India's Tryst with Emergency Arbitration: A Long Way to Go, 14 Indian J. Arb. L. 78 (2021) [14] *A v. B,* [2012] SGHC 10.
[13] Amazon.com NV Inv. Holdings LLC v. Future Retail Ltd., (2021) 7 SCC 707.

The divergence is not just institutional—it's cultural. Singapore has built a reputation for being a proarbitration jurisdiction, where state support, legal certainty, and administrative sophistication converge to make roles like tribunal secretaries and emergency arbitrators feel seamless.[14]India, by contrast, continues to struggle with judicial delays, a lack of consistent enforcement of arbitral awards, and a professional community still transitioning from ad hoc to institutional arbitration.

These systemic gaps make parties less willing to experiment with auxiliary roles, fearing procedural complexity or enforceability issues.[15] The MCIA, despite its world-class infrastructure and SIACinspired rules, suffers from being perceived as a less dependable choice for users prioritizing certainty and speed.

5.1.4. Institutional Strength and Policy Support

Ultimately, SIAC's ability to operationalize these roles effectively stems from more than just good drafting—it's about consistent practice, legal reinforcement, and user education. Tribunal secretaries are trained, vetted, and transparently disclosed; emergency arbitrator orders are respected by the courts and enforced when necessary. MCIA, while ambitious in design, has not yet received the sustained policy or judicial push needed to achieve similar functionality.[18]

SIAC's success illustrates that clear procedural frameworks, judicial validation, and cultural acceptance can make tribunal secretaries and emergency arbitrators a routine part of the arbitral process. MCIA, despite having similar rules, continues to face hurdles in usage, legitimacy, and awareness. If India is to unlock the full potential of these institutional innovations, it must go beyond rule adoption and focus on cultivating an arbitration-friendly ecosystem that supports their use in practice.

5.2. Legal, Administrative, and Socio-Political Challenges Facing Tribunal Secretaries and

[14] Sundaresh Menon, International Arbitration: The Singapore Experience, 31 Arb. Int'l 275 (2015).
[15] Abhinav Bhushan, Institutional Arbitration in India: Still Finding Its Feet, 12 Asian Disp. Rev. 65 (2020). [18] Rukmini Das, Why MCIA Hasn't Taken Off Like SIAC, Bar & Bench (2023).

Emergency Arbitrators in India and Singapore

While institutional arbitration frameworks like SIAC and MCIA formally accommodate tribunal secretaries and emergency arbitrators, their actual effectiveness—particularly in India—remains constrained by a complex web of legal ambiguity, administrative inertia, and socio-professional resistance. In contrast, Singapore's arbitration ecosystem has matured to a point where these roles are not only accepted but functionally integral to efficient dispute resolution. This analysis traces the specific challenges encountered in India, drawing on lessons from Singapore and landmark judicial decisions.

5.2.1. Legal Ambiguity and Statutory Silence

One of the most significant hurdles in the Indian context is the absence of express statutory recognition of both **tribunal secretaries** and **emergency arbitrators** under the **Arbitration and Conciliation Act, 1996**. Unlike Singapore, where the *International Arbitration Act* clearly accommodates interim measures by emergency arbitrators,[19] Indian law does not mention emergency arbitrators or define their legal status. As a result, there has been a longstanding debate around the enforceability of their orders in India.

This changed somewhat after the landmark case of *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.*,[20] where the Supreme Court of India confirmed the validity of emergency arbitrator orders under institutional rules, stating that such decisions are enforceable under Section 17(1) of the 1996 Act. While this judgment was a breakthrough, the Court also clarified that this recognition is restricted to **institutional arbitrations**, leaving **ad hoc emergency arbitrations** outside the statutory purview.[21]

By contrast, Singapore's *A v. B* decision[22] reinforced the enforceability of emergency arbitrator orders under its national arbitration law, helping to normalize the use of such mechanisms in practice.

5.2.2. Administrative Inertia and Institutional Underdevelopment

Administrative and procedural clarity is another point of divergence. In SIAC, **tribunal secretaries** are governed by the 2015 Practice Note, which outlines their permissible duties, ethical boundaries,

and the approval mechanism for their appointment.[16] The system ensures transparency and avoids allegations of overreach. In India, although MCIA's 2016 Rules include similar provisions,[24] there is no practical framework to guide arbitrators, parties, or secretaries in how to appoint, manage, or supervise these roles. As a result, appointments are rare and viewed with suspicion.

Moreover, Indian practitioners often misunderstand the function of tribunal secretaries, fearing that delegation may amount to abdication of arbitrator responsibility. This hesitation stems from a lack of training, guidelines, and precedent on the role—challenges that SIAC addressed early through capacity-building and internal policy mechanisms.[17]

5.2.3. Socio-Political Resistance and Cultural Friction

In India, the dominance of **ad hoc arbitration**, conservative professional norms, and limited institutional trust hinder the routine use of roles like emergency arbitrators and tribunal secretaries. Institutional arbitration still represents a relatively new phenomenon, and there is persistent resistance among litigators and commercial entities to adopt unfamiliar processes.

Emergency arbitrators, in particular, are often viewed with skepticism by Indian stakeholders due to fears of inconsistent enforcement, added procedural complexity, and perceived lack of neutrality.[18] Additionally, India's arbitration ecosystem still suffers from a degree of **judicial intervention**, which has created unpredictability around interim relief mechanisms—a sharp contrast to Singapore, where court support for arbitration is deeply embedded in policy and practice.[19]

5.2.4. Lack of Judicial Consistency and Enforcement Mechanisms

Although *Amazon v. Future Retail* was a milestone, it also highlighted the uncertainty around enforcement in India. The judgment clarified that emergency arbitration is enforceable under

[16] Singapore Int'l Arb. Ctr., Practice Note on the Appointment of Tribunal Secretaries (2015). [24] Mumbai Ctr. for Int'l Arb., *MCIA Arbitration Rules* (2016), Arts. 6, Schedule I.
[17] Sundaresh Menon, International Arbitration: The Singapore Experience, 31 Arb. Int'l 275 (2015).
[18] Gaurav Sharma, India's Tryst with Emergency Arbitration: A Long Way to Go, 14 Indian J. Arb. L. 78 (2021).
[19] Abhinav Bhushan, Institutional Arbitration in India: Still Finding Its Feet, 12 Asian Disp. Rev. 65 (2020). [28] Rukmini Das, Why MCIA Hasn't Taken Off Like SIAC, Bar & Bench (2023).

institutional frameworks but left open questions about how emergency arbitrator awards would be treated in **foreign-seated arbitrations**, or where parties sought enforcement outside the initial court's jurisdiction.[28]

In Singapore, the enforcement of emergency arbitrator awards is bolstered by a consistent judicial approach and minimal interference. The country's legal culture respects institutional processes, allowing arbitral orders to be executed swiftly without second-guessing arbitral reasoning.

The roles of tribunal secretaries and emergency arbitrators are indispensable for efficient, modern arbitration. However, in India, these roles remain underdeveloped due to legal silence, administrative inertia, and cultural hesitation. While *Amazon v. Future Retail* marked a progressive step, India still needs comprehensive legal reforms, institutional support, and stakeholder education to fully integrate these roles into mainstream arbitration. In contrast, Singapore's cohesive legal framework, court support, and institutional maturity have enabled the smooth functioning and legitimacy of these procedural innovations.

5.3 Reforms and Policy Directions to Strengthen Institutional Arbitration in India

Despite adopting modern institutional arbitration rules and establishing the Mumbai Centre for International Arbitration (MCIA) with high hopes, India has yet to develop a supportive ecosystem that allows institutions like MCIA to thrive on par with global counterparts such as the Singapore International Arbitration Centre (SIAC). While India's legislative framework has evolved significantly over the past decade, institutional arbitration remains underutilised. To move from aspiration to implementation, India needs structural and policy reforms that address legal, cultural, administrative, and procedural gaps.

5.3.1. Codifying Emergency Arbitration and Tribunal Secretaries in Statute

One of the foundational reforms India must undertake is the **statutory recognition of emergency arbitrators and tribunal secretaries** under the **Arbitration and Conciliation Act, 1996**. Currently, emergency arbitration is not explicitly mentioned in the statute. The *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.* case[29] brought judicial recognition to emergency arbitration, but

only in the context of **institutional proceedings**. This leaves a gap for ad hoc proceedings and creates ambiguity in enforcement.

Statutory codification of these roles, similar to Singapore's *International Arbitration Act*,[30] would remove interpretive uncertainty and empower institutions like MCIA to administer cases with greater authority and legitimacy. It would also encourage parties to approach MCIA with confidence that emergency relief mechanisms are enforceable by design, not exception.

5.3.2. Strengthening Enforcement Mechanisms and Institutional Autonomy

Another major reform concerns **enforcement of interim and final arbitral awards**. Indian courts, while increasingly supportive of arbitration, often face criticism for delays, inconsistent rulings, or

29 Amazon.com NV Inv. Holdings LLC v. Future Retail Ltd., (2021) 7 SCC 707 (India). 30 International Arbitration Act (Cap. 143A, § 12(1)), Rev. Ed. 2002 (Sing.).

limited familiarity with international standards. Although Section 17 of the 1996 Act allows for interim measures by tribunals, delays in enforcement reduce the utility of such reliefs.[20]

A specialised arbitration bench within High Courts or an **Arbitration Support Division**, akin to Singapore's **Singapore International Commercial Court (SICC)** model,[21] could streamline the handling of arbitral issues, build expertise, and ensure faster resolution of enforcement-related matters. This would, in turn, reinforce institutional arbitration by making it more efficient and predictable.

[20] Arbitration and Conciliation Act, 1996, § 17 (India).

[21] Sundaresh Menon, International Arbitration: The Singapore Experience, 31 Arb. Int'l 275 (2015).

5.3.3. Cultural Shift from Ad Hoc to Institutional Arbitration

India's arbitration landscape is still heavily tilted toward **ad hoc arbitration**, often perceived as more flexible and cost-effective. However, ad hoc systems lack the administrative discipline and procedural efficiency that institutions like MCIA can provide.[22]

Government bodies, public sector undertakings (PSUs), and private enterprises should be **encouraged—or even required—to include institutional arbitration clauses** in their contracts. The **2017 Law Commission Report on Arbitration**recommended that government contracts include institutional arbitration by default. [34] While not yet implemented in a binding manner, this recommendation could be operationalised through executive notifications, model contracts, or guidelines.

5.3.4. Training, Accreditation, and Awareness

A supportive ecosystem for institutional arbitration also requires investment in **capacity-building and training**. Arbitrators, tribunal secretaries, and even legal counsel must be familiar with institutional rules, best practices, and emerging technologies. SIAC, for instance, collaborates with law schools, bar councils, and industry bodies to foster arbitration literacy and accreditation.[35]

MCIA could adopt a similar strategy: establishing **certification programs**, building a **roster of trained tribunal secretaries**, and creating a **national network of arbitral institutions** linked

through technology and governance.[23] These measures would standardize practices and improve confidence in institutional arbitration.

[22] Abhinav Bhushan, Institutional Arbitration in India: Still Finding Its Feet, 12 Asian Disp. Rev. 65 (2020). [34] Law Commission of India, Report No. 246: Amendments to the Arbitration and Conciliation Act, 1996 (2014) [35] Singapore Int'l Arb. Ctr., SIAC Academy Training Programs (2022).

[23] Rukmini Das, Why MCIA Hasn't Taken Off Like SIAC, Bar & Bench (2023).

[37] Ministry of Law (Singapore), Positioning Singapore as a Hub for International Dispute Resolution (2016).

5.3.5. Government and Judicial Policy Alignment

For institutions like MCIA to flourish, there must be alignment between **governmental policy, judicial attitude, and institutional operation**. Singapore's success was not solely institutional—it was political and strategic. Arbitration was designated a national priority, with coordinated efforts from the Ministry of Law, judiciary, and industry stakeholders.[37]

India needs a **national arbitration policy** that not only provides incentives for institutional arbitration but also commits government support to infrastructure, enforcement, training, and international promotion. A unified national strategy would replace fragmented reforms with cohesive, targeted interventions.

India stands at a pivotal point in its arbitration journey. The emergence of MCIA and the judiciary's evolving attitude toward arbitration indicate clear momentum. However, without structural reforms—statutory clarity, stronger enforcement, institutional autonomy, and cultural change—MCIA may not realise its full potential. By learning from the Singapore model and localising those insights to fit India's socio-legal fabric, the country can foster an ecosystem where institutional arbitration is not the exception but the norm.

5.4 Lessons from SIAC—How India Can Adopt Elements of Singapore's Institutional Arbitration Framework

Institutional arbitration in India, despite progressive legislative changes and the establishment of the Mumbai Centre for International Arbitration (MCIA), has yet to achieve the credibility and usage that the Singapore International Arbitration Centre (SIAC) enjoys. The success of SIAC is not accidental—it is the result of deliberate socio-legal, institutional, and policy-driven decisions. A comparative lens helps unpack how India can adapt those lessons to enhance its own arbitration ecosystem.

5.4.1. Political Will and a Unified National Vision

Singapore's arbitration journey has been characterised by a strong, coordinated **government-led strategy**. Arbitration was positioned as central to Singapore's identity as a global legal and financial hub. This vision was driven by the Ministry of Law, supported by the judiciary, and aligned with economic goals.[24]

India, on the other hand, has lacked a similarly integrated national arbitration policy. Although efforts such as the **2015 and 2019 Amendments to the Arbitration and Conciliation Act, 1996**[39]signaled reform, the implementation has remained fragmented. A national arbitration strategy—encompassing legislation, infrastructure, training, and promotion—would help Indian institutions like MCIA replicate SIAC's trajectory.

2. Legal Certainty and Enabling Statutory Framework

SIAC's success is grounded in the **International Arbitration Act (IAA), Cap. 143A**, which provides **clear recognition**of institutional arbitration, emergency arbitrators, interim relief, and minimal court intervention.[40] The legal environment is predictable and pro-enforcement, which reassures investors and practitioners alike.

In contrast, India's **Arbitration and Conciliation Act, 1996**, while modernised through amendments, still lacks clarity in key areas. For example, **emergency arbitrators** are not explicitly recognised, despite court rulings like *Amazon.com NV Inv. Holdings LLC v. Future Retail Ltd.* validating their orders.[41]To ensure consistency and predictability, India must codify emergency arbitration and support tribunal secretaries, aligning its statutory regime with global practices.

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[24] Sundaresh Menon, International Arbitration: The Singapore Experience, 31 Arb. Int'l 275 (2015). [39] Arbitration and Conciliation (Amendment) Act, 2015, No. 3 of 2016, § 6, Acts of Parliament, 2016 (India) [40] International Arbitration Act, Cap. 143A, Rev. Ed. 2002, § 12(1) (Sing.). [41] International Arbitration Act, Cap. 143A, Rev. Ed. 2002, § 12(1) (Sing.).

3. Institutional Design and Operational Independence

SIAC operates with a highly professional secretariat, consistent rules, and world-class facilities. It benefits from **procedural innovation**, such as expedited arbitration, emergency arbitration, and early dismissal of claims.[25] Its board includes internationally renowned arbitrators and legal professionals, which boosts its credibility and appeal.

While MCIA adopted modern rules (2016),[26] its operational independence and visibility remain limited. It lacks deep government support and sustained international promotion. India can strengthen MCIA by ensuring greater administrative autonomy, strategic board appointments, and stable funding. SIAC's institutional maturity shows that reputation is not built overnight but through consistent performance, stakeholder trust, and policy support.

4. Arbitration Culture and Professional Ecosystem

Singapore's legal community—judges, lawyers, academics, and arbitrators—shares a strong **proarbitration culture**. This culture is reinforced by government initiatives like the **SIAC Academy**, training programs, and academic collaboration. [27] The courts act as allies, respecting arbitral autonomy and resisting excessive intervention.

In India, arbitration often remains tied to litigation culture. Many practitioners see institutional arbitration as expensive or rigid compared to ad hoc proceedings. This mindset limits MCIA's uptake.

For India to match Singapore's example, it must invest in **legal education**, **arbitrator training**, and **public-private arbitration outreach** to create a broader ecosystem that supports institutions.

[25] Amazon.com NV Inv. Holdings LLC v. Future Retail Ltd., (2021) 7 SCC 707 (India).
[26] Singapore Int'l Arb. Ctr., *SIAC Arbitration Rules* (6th ed. 2016).
[27] Mumbai Ctr. for Int'l Arb., *MCIA Arbitration Rules* (2016).

5. International Branding and Business Integration

SIAC successfully markets itself as a **neutral, efficient, and globally trusted** arbitration centre. It has strong ties with the commercial community in Asia and beyond. Singapore also benefits from its standing as a **financial centre**, making it a natural dispute resolution hub.[28]

India must position MCIA as more than a domestic initiative. It should be pitched to **cross-border investors, foreign law firms, and regional trade forums** as a credible venue for Asia-centric

disputes. Integration with **international bar associations**, **business chambers**, and **arbitration forums** can help build MCIA's brand.

Singapore's rise as an arbitration hub was neither incidental nor solely legal—it was socio-political, institutional, and strategic. India has already taken several steps in the right direction, but a focused effort to replicate SIAC's enabling environment is essential. This includes: codifying emergency arbitration, ensuring institutional autonomy, aligning government and institutional policies, building professional capacity, and promoting India as a serious destination for international dispute resolution.

MCIA does not need to mirror SIAC entirely, but it can certainly draw from Singapore's strategic blueprint to create a uniquely Indian arbitration model that commands global respect.

6. OBSERVATION

This research highlights that India stands at a promising juncture in its journey toward becoming a leading hub for institutional arbitration. The comparative analysis between the **Singapore International Arbitration Centre (SIAC)** and the **Mumbai Centre for International Arbitration (MCIA)** reveals that while both jurisdictions have faced similar challenges—such as increasing

[28] Singapore Int'l Arb. Ctr., *SIAC Academy – Capacity Building & Training*, https://www.siac.org.sg/academy (last visited June 2025).

caseloads, investor expectations, and the need for timely dispute resolution—Singapore has effectively harnessed these pressures to build a globally recognised arbitration framework. This success offers India valuable lessons and actionable strategies.

Encouragingly, India has already laid the foundation for institutional arbitration through progressive legislative amendments to the **Arbitration and Conciliation Act, 1996**, the establishment of MCIA, and a growing judicial openness to arbitration-friendly interpretations, as seen in *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.*[29] These developments reflect a clear willingness to evolve and engage with international best practices.

A key observation is that India now has a unique opportunity to enhance its arbitration ecosystem by drawing upon Singapore's success—not by mere imitation, but through meaningful adaptation. This includes further strengthening the **statutory framework** to expressly recognise roles like **emergency arbitrators** and **tribunal secretaries**, promoting **institutional autonomy**, and building a culture of arbitration through training, awareness, and consistent enforcement.

The MCIA, although relatively new, is structurally well-designed and guided by modern rules. With the right policy interventions, strategic support, and increased user confidence, it holds strong potential to emerge as a credible and efficient arbitral institution, not only for domestic disputes but also in the international arena.

Furthermore, India's legal community is increasingly engaging with institutional arbitration, and there is growing momentum among stakeholders—judges, practitioners, and policymakers—to modernise dispute resolution practices. This evolving ecosystem, if nurtured, can catalyse India's emergence as a trusted destination for arbitration in Asia and beyond.

In essence, the research observes that **India is well-positioned to build on its current progress**, adopt refined policy and legal measures inspired by Singapore, and shape an arbitration landscape that is robust, self-sustaining, and globally competitive.

[29] Amazon.com NV Inv. Holdings LLC v. Future Retail Ltd., (2021) 7 SCC 707 (India).

7. RECOMMENDATION

Building on the encouraging developments identified in this research, several targeted reforms and strategic actions can help India strengthen institutions like the Mumbai Centre for International Arbitration (MCIA) and move toward a more robust, globally competitive arbitration landscape. The success of the Singapore International Arbitration Centre (SIAC) offers valuable guidance, not as a rigid model to be replicated, but as an adaptive framework that India can localise and implement.

1. Statutory Recognition of Emergency Arbitrators and Tribunal Secretaries

To reinforce the legitimacy of institutional arbitration, India should explicitly recognise **emergency arbitrators** and **tribunal secretaries** within the **Arbitration and Conciliation Act, 1996**. While the Supreme Court's decision in *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.* has affirmed the enforceability of emergency arbitrator decisions in institutional contexts, codification will ensure consistency, remove interpretive uncertainties, and encourage broader use of these mechanisms.

2. Development of a National Arbitration Policy

A comprehensive **National Arbitration Policy** should be formulated to consolidate India's arbitration reforms. This policy should promote institutional arbitration across public and private sectors, provide fiscal and infrastructural support to centres like MCIA, and set benchmarks for procedural efficiency and ethical conduct. Singapore 's integrated approach—combining legal reform, institutional autonomy, and government advocacy—offers a strong precedent for such a strategy.

3. Promotion of Institutional Arbitration in Government Contracts

To shift arbitration practice from ad hoc to institutional models, **government contracts and public sector undertakings (PSUs)** should include clauses mandating or encouraging arbitration through recognised institutions such as the MCIA. The government, being one of the largest litigants in India, can set a transformative example by championing institutional procedures.

4. Capacity Building and Training Initiatives

The establishment of **arbitration academies and training programs**, in collaboration with MCIA, law schools, and bar councils, will foster a generation of professionals well-versed in institutional practices. Like SIAC's training arm, such programs should cover tribunal secretary duties, emergency proceedings, digital case management, and cross-border dispute handling.

5. Creation of Specialised Arbitration Benches

To ensure timely and expert handling of arbitration-related judicial matters, **specialised arbitration benches** may be established within High Courts. These benches would focus on matters like interim measures, award enforcement, and appointment challenges, thus reinforcing the integrity of institutional processes.

6. International Outreach and Branding

MCIA should be positioned as a regional hub for arbitration in South Asia. This requires active **international branding**, participation in global arbitration forums, and collaborations with foreign arbitral institutions. Promoting MCIA to international investors and legal practitioners will enhance its visibility and utilisation in cross-border disputes.

India is well on its way toward establishing itself as a serious player in the global arbitration arena. By taking focused, forward-looking steps inspired by the SIAC model—yet adapted to its own legal and institutional context—India can create a supportive, dynamic ecosystem for institutional arbitration. These reforms, rooted in statutory clarity, institutional independence, judicial cooperation, and professional development, will empower MCIA and similar bodies to fulfil their intended role in India's legal and commercial landscape.

8. CONCLUSION

This research concludes that India is well-positioned to emerge as a global leader in institutional arbitration. By examining the roles of **tribunal secretaries** and **emergency arbitrators** through a comparative lens of **SIAC (Singapore)** and **MCIA (India)**, it becomes evident that while Singapore

has made significant strides through coordinated legal and policy reforms, India is rapidly laying the groundwork for a similarly robust arbitration framework.

Encouragingly, India has already demonstrated its commitment to reform through progressive amendments to the **Arbitration and Conciliation Act, 1996**, the creation of the MCIA, and an increasingly supportive legal and professional community. Landmark decisions, such as *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.*, affirm the judiciary's evolving approach to recognising institutional procedures, including emergency arbitration. These developments reflect India's readiness to engage with international best practices.

What distinguishes Singapore's success is its seamless integration of legal clarity, institutional autonomy, stakeholder cooperation, and global promotion of arbitration. However, India is steadily moving in the same direction. The structure and rules of MCIA are modern and internationally aligned. With continued efforts—such as **statutory recognition** of emergency arbitrators and tribunal secretaries, increased **governmental support**, and **capacity-building initiatives**—India can unlock the full potential of its institutional infrastructure.

Furthermore, the growing interest among Indian legal professionals, arbitrators, and commercial entities in institutional mechanisms is a promising sign. The transition from an ad hoc-dominated system to a more organised, rule-based institutional framework is already underway.

Rather than imitating Singapore, India has the opportunity to develop a distinct arbitration model rooted in its own legal culture, yet enriched by global standards. By combining **policy innovation**, **legal clarity**, and **strategic outreach**, India can strengthen confidence in its institutions and become a preferred seat for both domestic and international arbitration.

In essence, the direction is clear and the momentum is strong. With sustained commitment and strategic reforms, India is not only capable of matching international benchmarks—it is well on its way to setting them.

9. References

1. *Amazon.com NV Investment Holdings LLC v. Future Retail Ltd.*, (2021) 7 S.C.C. 707 (India).
2. Arbitration and Conciliation Act, No. 26 of 1996, INDIA CODE (1996).
3. Arbitration and Conciliation (Amendment) Act, No. 3 of 2016, INDIA CODE (2016).

4. Arbitration and Conciliation (Amendment) Act, No. 33 of 2019, INDIA CODE (2019).

5. International Arbitration Act, Cap. 143A, REV. ED. 2002 (Sing.).

6. *A v. B*, [2012] SGHC 10 (Sing.).

7. Mumbai Centre for International Arbitration (MCIA), *MCIA Arbitration Rules* (2016), available at https://mcia.org.in/rules/

8. Singapore International Arbitration Centre (SIAC), *SIAC Rules* (6th ed. 2016), https://siac.org.sg/our-rules/

9. Singapore International Arbitration Centre (SIAC), Practice Note on the Appointment of Tribunal Secretaries(2015), https://siac.org.sg/resources/

10. *Singapore International Arbitration Centre (SIAC), SIAC Academy – Capacity Building & Training, https://www.siac.org.sg/academy.*

11. Law Commission of India, *Report No. 246: Amendments to the Arbitration and Conciliation Act, 1996* (Aug. 2014), https://lawcommissionofindia.nic.in/reports/report246.pdf

12. Ministry of Law (Singapore), Positioning Singapore as a Hub for International Dispute Resolution (2016), https://www.mlaw.gov.sg/.

13. Sundaresh Menon, *International Arbitration: The Singapore Experience*, 31 ARB. INT'L 275 (2015).

14. Abhinav Bhushan, *Institutional Arbitration in India: Still Finding Its Feet*, 12 ASIAN DISP. REV. 65 (2020).

15. Gaurav Sharma, *India's Tryst with Emergency Arbitration: A Long Way to Go*, 14 INDIAN J. ARB. L. 78 (2021).

16. Rukmini Das, *Why MCIA Hasn't Taken Off Like SIAC*, BAR & BENCH (Apr. 3, 2023), https://www.barandbench.com/.