

International Arbitration in India: Past, Present & Future **Conference Delhi Saturday, 26 August 2023**

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Arbitration is critical to Indian commercial dispute resolution:

- **To attract international arbitrations to India;**
- **Encourage the development of the skill of Indian counsel and arbitrators for export; and**
- **Domestically to provide effective commercial dispute resolution given the workload of the local courts.**

Indeed, it is critical for the development of the Indian economy as it becomes the 3rd largest in the world.

International arbitration is not the real issue because unless domestic arbitration is, and is seen locally and internationally to be, effective, international arbitration will not be successfully encouraged.

The Indian legal profession and judiciary are amongst the best in the world and have a capacity to innovate and reform second to none.

So, what are the domestic arbitration challenges?

- **Not taking arbitration advocacy seriously. It should not be a sideline to court advocacy;**
- **Encouraging diversity, particularly age diversity, of arbitrators;**
- **Timely conclusion of proceedings – where has the 18-month time limit gone?;**
- **Clear procedural pathways from commencement (first CMC) to Award;**
- **Not breaking up evidentiary hearings; and**
- **Changing the culture of seeking to set aside every Award, and then appealing.**

The solutions are not difficult, and lessons can be learned from international arbitration practice.

However, Indian solutions are necessary, and could indeed show the world what best practice can be like.