

- **Amendments to the Arbitration Act could boost investors' confidence in India**
- **Change in the mindset for mainstreaming arbitration is the need of the hour, says Justice S.S. Nijjar**

NEW DELHI, July 11, 2016: Mr. **Justice S.S. Nijjar**, Former Judge, Supreme Court of India and currently governing body member of the ICA, today lamented that courts were increasingly interfering in awards passed by arbitrators, frustrating the very purpose of having an alternative dispute resolution system.

In his keynote address at the Seminar on 'International arbitration in India: Changes & Challenges', organized by Indian Council of Arbitration (ICA), he opined that arbitration should be the mainstream dispute mechanism and a substitute of the justice system. If India, is to be seen as a country having a mature and efficacious arbitration regime, arbitration should be treated as an independent mechanism.

He suggested for a change in mindset or paradigm shift amongst all the stakeholders to see functioning of arbitration as an effective arbitration resolution process. It is a full-fledged dispute redressal mechanism and capable of resolving the disputes in a manner to satisfy all the parties concerned and minimize any further litigation. The amendments to the Arbitration & Conciliation Act, 1996 are salutary with an aim to make India an attractive investment destination, but it may not be possible to adhere to all the strict standards prescribed.

He further emphasized that amendments to the Arbitration Act could boost investors' confidence in India. He advocated for rigorous adoption of the amendments for better international arbitration practices, for making India as a global investor hub.

Justice Nijjar said in view of the arbitration being a complex process involving pleadings, oral submissions and evaluation of facts, the time-limits fixed in the amendments would be too harsh to maintain or adhere to.

He appealed to consumers of arbitration to look at institutional arbitration as way forward rather than arbitration done in an ad-hoc manner and the lawyers to work towards making it a full time profession if we have to emerge as the prominent arbitration hub.

Mr. N.G. Khaitan, President, Indian Council of Arbitration (ICA) stated that the problems hindering the working of successful arbitration in India are manifold. All stakeholders – Arbitrators, Judges, Lawyers and parties to arbitration should make collective efforts to change the general attitude towards Arbitration.

He appealed for making institutional arbitration a practice and not a part time activity.

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