

Dispute Resolution Hotline

August 20, 2018

INDIA - PROPOSED AMENDMENTS TO ARBITRATION LAW: A SOLUTION WITH MANY PROBLEMS

This article was originally published in the 15th August 2018 edition of



The Lok Sabha, on August 10, 2018, passed the Arbitration and Conciliation (Amendment) Bill, 2018 ("**Bill**") with the aim of further improving the arbitration regime and particularly institutional arbitration in India. Notably, this Bill is premised on the Report of the High Level Committee to Review the Institutional Arbitration Mechanism in India chaired by Justice B.N. Sri Krishna ("**Committee**").

In brief, the Bill, *inter alia*, proposes the following amendments:

- Creation of Arbitration Council of India ("**ACI**") for grading and accreditation of arbitral institutions to promote and encourage arbitration and other alternate dispute resolution mechanisms;
- Arbitrators to be appointed by arbitral institutions (as recognized by the ACI) designated by the Supreme Court (for international commercial arbitrations) or the High Court (in other cases);
- International commercial arbitrations to be excluded from the 12-months' timeline under Section 29A of the Arbitration and Conciliation Act 1996 ("**Act**"). The time-period is to be calculated from the date of completion of pleadings;
- Introduction of an express provision to maintain confidentiality of arbitral proceedings;
- Introduction of an express provision on arbitral immunity;
- Schedule containing qualifications and experiences of arbitrators to be appointed;
- Applications challenging an award should be decided only on the basis of the record of the arbitral tribunal.

While the Bill awaits clearance from the Rajya Sabha, the amendments require further consideration. Some of the amendments, may, in fact create more confusion or be detrimental to the growing acceptance amongst foreign parties particularly investors in having India as a seat of arbitration. In [this article](#), the authors give an overview of such aspects which may be re-looked.

— [Shweta Sahu](#), [Ashish Kabra](#) & [Vyapak Desai](#)
You can direct your queries or comments to the authors

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Mergers & Acquisitions

July 11, 2025

New Age of Franchising

June 20, 2025

Life Sciences 2025

June 11, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Audio

CCI's Deal Value Test

February 22, 2025

Securities Market Regulator's Continued Quest Against "Unfiltered" Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

[Click here to view Hotline archives.](#)

Video

Reimagining CSR: From Grant Giving to Blended Finance & Outcome Based Funding

June 16, 2025

Courts vs Bankruptcy code: The

