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Article

Comparative Evaluation of India as A Centre of International Commercial Arbitration in The Age of Technological Advancement and AI

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Abstract: In the current era of artificial intelligence and economy, no business body is willing to get stuck in time consuming traditional dispute resolution process of litigation. Although disputes occur during the commercial transactions between the bodies but they are always tended to resolve their disputes through amicable settlement using modern techniques of Artificial Intelligence. International Commercial Arbitration provides dispute settlement environment to all the involved parties in a very business friendly manner. In that arena, few destinations specifically in South East Asia like Hongkong and Singapore have marked their name in the list of effective centres of International Commercial Arbitration (ICA) at global level. Arbitral Institutions of these countries are using AI techniques very efficiently to conduct the Arbitration. It is notable thing that India has become the forth-largest economy in the world. Moreover, India aims to achieve a $5 trillion economy by 2026–27, potentially becoming the third-largest economy globally. Consequently, Cross-Border Commercial disputes involving India as a party are also growing rapidly. This has attracted attention of the world community on India's capabilities in the area of International Arbitration specifically in the time of Artificial Intelligence. Now It is the time of Bharat to ensure its name among the leading counterparts specifically in the south eastern and south western part of the globe by adopting most effective, efficient and techno friendly ecosystem of Arbitration. In India so far, Arbitration particularly International containing commerciality is yet to be succeeded like its counterparts in Singapore, Hongkong and some other developed countries of the globe. The efficacy of India's long-standing arbitral institutions is arguably the most significant of the numerous factors that have led to this state of things. But in last few years India has taken various reformative steps to emerge as a hub of International Commercial Arbitration. The results of India's efforts will be visible soon that may place India parallel to its counterparts in South east Asia.

Keywords: International Commercial Arbitration, Institutional Arbitration, Global Economy, Arbitral Awards, Artificial Intelligence

INTRODUCTION

International Commercial Arbitration has emerged as a platform where private parties having commercial interest may get their commercial disputes adjudicated amicably. It has been observed over the last few years that arbitral institutions have gone above and beyond to support the development and expansion of international commercial arbitration at global level specifically in the time of Artificial Intelligence. Many leading countries, through required amendments, upgraded their curial laws in alignment with the existing global arbitration scenario. Leading south east Asian countries like Singapore and

Hong Kong keep developing in the area of International Arbitration through timely amendments in their arbitration laws and modification of the policies of main Institutions by introducing the recent trends and adopting AI in their mechanism. Now It is the time of India to ensure its name among the leading counterparts specifically in the south eastern and south western part of the globe.

Along with the increase in international trade and investment there has also been an increase in commercial disputes among the parties from different countries. ICA has emerged as the most prioritised method for efficient resolution of such disputes.

In context of our country the Liberal economic policies are acting as a catalyst to boost the cross border economic transactions, hence there has been an influx of foreign investments and an increase in cross-border transactions involving Indian parties. Consequently, international commercial disputes involving India as a party are also growing rapidly. This has drawn attention of the world community on India's ecosystem of Arbitration.

It is notable thing that India has become the forth-largest economy in the world. Moreover, India aims to achieve a $5 trillion economy by 2026–27, potentially becoming the third-largest economy globally, as per the paper's perspective on economic growth challenges and projections. [1] It is clearly evident that Bharat is moving towards a new phase of market growth and the legislature has shifted gears to pave the way for private investment and establishing penetrating institutional arbitration would be an integrated step in meeting that end.

India's strong economic growth, driven by significant infrastructural and technological reforms, places it in a prominent position globally, contributing more than 16% of global growth.[2] It is notable that Indian government and Judicial system has been very keen in last one decade to encourage the environment of resolving the commercial disputes through ADR. Now this approach of India has been attributing to attract business players not only to invest in India but to get their commercial disputes settled by choosing India as a seat of Arbitration.

The Indian Government formed an Expert Committee named in short H.L.C. chaired by Mr. Justice B.N. Srikrishna, a former judge of Supreme Court in order to consider the importance of International Arbitration in redressing commercial disputes expeditiously. [3]

Indian legislature has brought three amendments in the Arbitration and Conciliation Act, 1996 in 2015, 2019 and 2021 to make Indian arbitration law as per global standard. Through the amendment of 2015 the provisions for time bound arbitration [4] and fast track arbitration[5] were incorporated but provisions for strengthening and regulating the Institutional Arbitration were inserted in 2019 with aiming to establish India as a strong hub for international commercial arbitration. The Act was amended in 2019 to incorporate the suggestions made by High Level Committee in its report.

In this paper, authors aim to analyse the India's efforts so far to make it an effective centre of International Commercial Arbitration specially in the time of technology and artificial intelligence.

Impact of Artificial Intelligence on International Arbitration-

The advent and application of artificial intelligence (AI) is causing a significant upgradation in the area of Arbitration involving parties from different countries. As the digital age progresses, artificial intelligence (AI) has permeated not just our everyday lives but also the system of adjudication, including Cross Border Arbitration. AI has been incorporated into the arbitration process at several levels. Needless to say that Artificial Intelligence has a big impact on both International Arbitration and the arbitration process itself. Addressing the function and influence of AI in the International Arbitration by examining its benefits and drawbacks is essential to determining whether the use of AI in the arbitration field is substantial.

The area of Arbitration is not affording both new opportunities and threats as a consequence of the fast development of increasingly complex types of AI, such as large language models (LLMs) and generative AI (GenAI). It is to say that AI is already in use in many areas of arbitration practice, including the creation of chronologies and the management and evaluation of massive document batches.

India has adopted the progressive approach to promote technology and artificial intelligence in the area of arbitration and dispute resolution. The Supreme Court, in cases like Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.[6] and Trimex International FZE Ltd. v. Vedanta Aluminium Ltd.,[7] has recognized the legal validity of using technology in arbitration and recognition of arbitration agreements through emails and other means of communication. In Grid Corpn. of Orissa Ltd. v. AES Corpn.[8], The Supreme Court ruled that the third arbitrator's appointment notice could be sent by email rather than having to be delivered in paper or in person. Furthermore, the Court recognised the validity of arbitration agreements through emails without their physical signing, amending Section 7(4)(b)5 of the Arbitration and Conciliation Act, 19966 to include "electronic means" as one of the ways to form arbitration agreements. The Court also introduced an e-Filing portal under the Mission Mode Project[9], permitting the parties to sign the documents electronically. These initiatives underscore the crucial role of technology, emphasising their potential to enhance efficiency. Signing documents

[1] Can India be a $5 Trillion economy by 2026–27: A perspective, paper written by Brij Behari Dave
01 Jan 2022 -published in The Clarion- International Multidisciplinary Journal - Vol. 11, Iss: 1, pp 1-13
[2] IMF Article IV Consultation with India, 203 https://www.imf.org/en/News/Articles/2023/12/18/pr23458-india-imf-exec-board-concludes-2023-art-iv-consult
[3] Department of Legal Affairs, Report of the High Level Committee to Review the Institutionalisation
of Arbitration Mechanism in India (2017) (Sep. 4, 2022), available at https://legalaffairs.gov.in/sites/default/files/Report-HLC.pdf.
[4] Arbitration and Conciliation Act, 1996, s. 29A (India) (hereinafter, ACA).
[5] *Id.* s. 29B.
[6] Shakti Bhog Foods Ltd. v. Kola Shipping Ltd (2009) 2 SCC 134
[7] (2010) 3 SCC 1 Trimex International FZE Ltd. v. Vedanta Aluminium Ltd.
[8] Grid Corpn. of Orissa Ltd. v. AES Corpn 2005 SCC OnLine Ori 78
[9] Ministry of Electronics & Information Technology, Government of India, Mission Mode Projects.

online makes the procedural aspect of arbitration hassle-free, cost-effective, and speedy. Drawing from these initiatives, there are numerous other ways in which advanced AI can influence arbitration and make the India as hub of International Arbitration.

Pivotal Role of Arbitral Institutions in India: An Analysis

A number of initiatives have been made recently to support institutional form of arbitration in India. If un-institutional form of arbitration i.e. ad hoc arbitration is compared with another form of arbitration i.e. institutional, it offers a number of benefits, including procedural guidelines to conduct arbitration, assistance with the appointment of arbitrators and general administrative support. In comparison to India, other south east Asian countries like Singapore ang Hongkong have developed a very efficient system of Institutional Arbitration in their countries.

It has been observed that Institutional Arbitration has played a pivotal role to make Singapore and Hongkong a hub for International Arbitration. The annual reports of leading Arbitral Institutions of Singapore [10] and Hongkong[11] reveals that in the year of 2023 out of total cases filed in SIAC and HKIAC 93% and 86% cases respectively were International involving foreign Parties. Basically, arbitration can be categorised into two forms: Institutional Arbitration and Ad hoc Arbitration, depending on the process of carrying out the procedure. In the former, the whole arbitral process is governed and managed by a specific institution, while in the latter, the parties select individual arbitrators to lead and oversee the arbitration process. It can be said that the advantages and consequences of the institutional arbitration are more effective than those of ad hoc arbitration.

The government think tank NITI Aayog, held a three-days Global Arbitration Conference [12]in Delhi in 2016 that focused on the government's steadfast pledge to establish a welcoming cross-border business climate. A national initiative to strengthen India's arbitration law and enforce it, particularly for cross-border disputes, has been adopted as part of this global conference.

Participants in the panel talks included Supreme Court of India judges, prominent political figures, celebrities, legal professionals, and business executives. The interactive discussions covered every step necessary to build a strong and economical arbitration environment in India.

The Prime Minister of India's auspicious presence allowed the legal geniuses to explore a number of insightful points of view. "A strong legal system with a thriving arbitration culture is essential for businesses to grow and prosper," Prime Minister Mr. Narendra Modi stated. "the creation of a vibrant eco-system for institutional arbitration is one of the foremost priorities of this government."

The then Chief Justice of India, Justice T.S. Thakur endorse the views on the need to move forward Alternative Dispute Resolution (ADR), remarked that "The avalanche of cases constantly puts the judiciary under great stress" and articulated his concerns over the unnecessary judicial involvement in arbitral awards. Since then so many effective steps have been taken by the Indian Legislature and Judiciary to make India a hub of International Commercial Arbitration.

In India so far, International Commercial Arbitration is yet to be succeeded like its counterparts in Singapore, Hongkong and some other developed countries of the globe. There are so many factors that contributed towards such a state of affairs, probably the most prominent factor is the effectiveness of entrenched arbitral institutions in India.

Among the Indian Institutions that conduct arbitrations are the Delhi International Arbitration Centre ("DAC"), the India International Arbitration Centre (IIAC), and most recently, the Mumbai Centre for International Arbitration ("MCIA"). Numerous of these organizations provide venues for arbitral hearings, their own panels of arbitrators, and their own sets of arbitral procedures. They provide different levels of administrative assistance for arbitrations. While these institutions are growing in popularity, their caseload is insignificant compared to those of well-established international arbitral institutions.[13] Although Arbitral Institutions in India are at rise but their less case load indicates that still few issues are to address to make India a robust centre of International Commercial Arbitration.

In 2019, the amendment act was passed by the parliament with object to make India a hub of International Commercial Arbitration. Through this amendment the recommendations of the High-Level Committee chaired by Justice B.N. Srikrishna [14]were given effect to make institutional arbitration in India more efficient and penetrative and to reduce court intervention, making the process speedy.

Given the importance of institutional form of arbitration in establishing international arbitration as a prosperous private adjudicatory forum, the Amendment Act of 2019 (AA, 2019) is a praiseworthy first step. The necessity to improve institutional arbitration has become even more important in recent years because of the continued travel restrictions and lockdowns around the world owing to the proliferation of COVID-19. Globally, arbitral institutions have responded swiftly and improved their capacity to manage e-filings and virtual hearings. The amendment act of 2019 inserted many new things to strengthen the

[10] SIAC Annual Report, 2023 Available at https://siac.org.sg/wp-content/uploads/2024/04/Press-Release-SIAC-Annual-Report-2023.pdf

[11] HKIAC Statistics, 2023 available at https://www.hkiac.org/news/hkiac-releases-statistics-2023#:~:text=In%202023%2C%20there%20was%20a,184%20were%20administered%20by%20HKIAC.

[12] https://updates.manupatra.com/roundup/contentsummary.aspx?iid=6528 Global Conference on Strengthening Arbitration and Enforcement in India - (21 Oct 2016)

[13] For instance, the case load of the MCA was 23 arbitration cases in 2023 as compared to 663 new cases handled by the SIAC in 2023, 377 new cases handled by the LCIA in 2023, and 890 new cases handled by the ICC Court in 2023. Data of International Arbitral Institutions published on https://enyolaw.com/news/arbitral-institution-stats-2024/ and MCA Annual Report, 2023 available at https://mcia.org.in/wp-content/uploads/2016/05/MCIA-Annual-Report-2023.pdf

[14] The High Level Committee was constituted to review the institutionalisation mechanism in India under the chairmanship of Justice Shri B.N. Srikrishna, Former Judge of Supreme Court of India

existing institutional arbitration in India.

Arbitration Council of India- A New Vision

In the year of 2019, one of the major amendments in ACA was the insertion of New Chapter as Chapter I A titled "Arbitration Council of India." By this amendment a new authority has been brought in the existence in order to regulate and certify Arbitral Institutions. It is the strategy of India to encouraging and strengthening institutional arbitration in this country. Arbitration Council of India has been established as a body incorporated[15], consisting a chairman, who has been, a Judge of the Supreme Court or Chief Justice or Judge of High Court, 5 members, out of which 2 are ex-officio and one part-time member, who shall be appointed by the Government of India and a chief executive officer. Section 3 of the Arbitration Amendment Act, 2019 contemplates Arbitral Council of India to grade the designated Arbitral Institution in India.

Through Amendment Act, 2019 a new process of appointment by Arbitral Institution has been introduced under which the graded arbitral institution shall be impowered to appoint arbitrator in certain cases.[16] Section 3 of the AA, 2019 amends the provisions of Section 11 of the ACA wherein the existing mechanism of appointment of Arbitrator has been expanded. Now, those arbitral institutions would have appointing authority in the case where parties have not appointed their arbitrator and seeks the appointment from institution. But the Section 3 of Arbitration Amendment Act, 2019 has not been notified yet.

The High Court or Supreme Court, as the case may be, currently hears applications for the appointment of arbitrators under the ACA. It is uncommon for arbitrators to be former justices of the High Court or the Supreme Court, which somewhat reflects fraternization and the complex web of reciprocal advantages. This trend of appointment may also cause a delay in the conduct of arbitral proceedings due to the age-long practice of fostering the civil rules of practice by such former judges in the arbitral proceeding despite it being expressly not made applicable and also escalate the cost of the arbitral proceedings due to charging hefty amount as fees and various adjournments.[17]

Adversely, new process of appointment proposes more transparency and open the platform for meritorious professionals to be appointed as arbitrator. But those new provisions could not be notified yet. Hence it yet to come into practice.

Comparative study of ICA in India, Singapore and Hongkong

Although India has emerged as a global player in the international trade but Indian parties are still approaching foreign seated arbitral institution to get their commercial disputes settled through Arbitration. Regardless of the existence of arbitral institutions in India, a number of arbitrations which involve Indian parties are handled by foreign arbitral organizations like the London Court of International Arbitration ("LCIA"), the Singapore International Arbitration Centre ("SIAC"), and the Court of Arbitration of the International Chamber of Commerce ("ICC Court"). There hasn't been much interest in international arbitral institutions having their operation in India, even when they have tried. For example, the LCIA had an Indian subsidiary (LCIA India) that operated in India from 2009 to 2016, allowing Indian parties to have their arbitrations handled by the LCIA India in New Delhi at Indian prices. However, the LCIA India closed down its operations due to insufficient caseload. [18]

According to the International Arbitration Centre of Singapore (SIAC's) annual report of 2016 says that 45% of the total 343 cases it received involved Indian parties – either as a petitioner or as a respondent. Moreover, in the annual report of 2023 India has been shown on top in the list of foreign user ranking. [19] The report reveals that 93% of the new cases were international in nature (compared to 88% in 2022). China, India and USA remained amongst the top foreign users. SIAC recorded its second highest ever caseload with 663 new cases filed, of which 640 SIAC-administered in 2023.[20] the most preferably applied laws to govern the arbitration were Singapore (64.6%) followed by the United Kingdom (20.7%) and India (4.5%).

In addition to that ICC (International Chamber of Commers) Dispute Resolution Statistics published in 2023[21], has provided a very comprehensive data worldwide. The report states that 52 parties from India filed their cases in ICA and India accounted for 2nd rank in Asia in term of maximum number of parties who filed their arbitration cases in ICC. On the other hand reports says that India does not have any place in the List of Top 10 countries where Place of arbitration was most frequently selected either by the parties or the court.[22] As per ICC report, In 2023, the top five countries selected as place of arbitration remained France (with 99 cases, representing 15% of the overall places), the United Kingdom (85), Switzerland (79), the United States (66), and Brazil (34), followed by Germany (33), Singapore (30), the United Arab Emirates (24), Mexico (19), and Spain (18). The top five cities most frequently selected worldwide15 were Paris (96 cases), London (85), Geneva (49), New York (39) and Singapore (30).

In the same way, ICDR, the International Division of American Arbitration Association in its annual report of 2023 reveals that total 848 International Cases were filed

[15] Arbitration and Conciliation Act, 1996, Section- 43B
[16] Section 3 of the Arbitration Amendment Act, 2019, Available at https://legalaffairs.gov.in/sites/default/files/arbitration-and-conciliation%28amendment%29-act-2019.pdf
[17] Dhananjay Mahapatra, Ex-judges as arbitrators earn thrice their last salary in a day, Times of India, 1 April 2022 (Sep. 9, 2022), available at https://timesofindia.indiatimes.com/india/ex-judges-as-arbitratorsearn-Dhananjay Mahapatra,

[18] 'LCIA India to end operations', Herbert Smith Freehills Arbitration Notes, available at http://hsfnotes.com/arbitration/2016/02/08/lcia-india-to-end-operations/ (accessed on 16.06.2017).
[19] https://siac.org.sg/wp-content/uploads/2023/04/SIAC_AR2022_Final-For-Upload.pdf
[20] Ibid
[21] www.efaidnbmnnnibpcajpcglclefindmkaj/https://iccwbo.org/wp-content/uploads/sites/3/2024/06/2023-Statistics_ICC_Dispute-Resolution_991.pdf
[22] ibid, page 27

in a year.[23] Interestingly, India remains in top 5 in the list of Party Nationality. It means fifth highest number of parties from India filed their cases in ICDR to be settled through International Arbitration or other methods of ADR.

Table- 1

Name of the Institution	Total Case filed in 2023	Domestic Cases	International Cases	Sum Involved
Mumbai International Arbitration Centre	23	87%	13%	--
Singapore International Arbitration Centre	663	7%	93%	USD 11.90 billion
Hongkong International Arbitration Centre	500	25%	75%	USD 12.5 billion

After studying the annual reports of various International Arbitral Institutions from different countries, it is inferred very specifically that such arbitral Institutions are loaded with International Cases involving parties from various nationalities including India. On the other hand, when we study the reports of India's arbitral institutions, we do not find them on the same page as any other institution in the world. The annual report of Mumbai Centre for International Arbitration published in 2023 says that MCA received only 23 new matters in 2023, of which 87% parties were domestic and only 13% parties were International. [24] The total filing of new cases in 2023 was lesser than 2022. In previous year total 24 new cases were filed in MCA.

It can be inferred from the above-mentioned table that there have been several factors due to which Indian Arbitral Institutions couldn't compete Arbitral Institutions of foreign Country. Moreover, as Justice BN Srikrishna noted in his invaluable 2017 report, the quality of these institutions varies in terms of the: (i) efficiency and speed of the arbitral process; (ii) on-site infrastructure; (iii) available arbitrators; and (iv) quality of the awards made.[25]

Furthermore, India's contribution to the global market cannot be overlooked. Given its size and character, India will unavoidably be crucial in resolving and averting future global crises by affecting broad macroeconomic issues like capital flows, trade, economic policies, and the operations of international financial institutions.[26]

In the wake of above stated commercial growth of India, the mechanism to settle down the disputes arising out of business transaction must be amicable, expeditious and as per global standard. International Commercial Arbitration has been proved as one of the very effective way to fulfil the aspirations of the parties. But in the last three decades India's neighbouring countries in South East Asia has taken the mileage. Consequently, by providing well developed mechanism for Institutional Commercial Arbitration the countries like Singapore, Malaysia and Hongkong have attracted large number of matters of ICA including foreign parties having seat of arbitration there. Now its time for India to emerge as a robust centre for International Commercial Arbitration at global level.

International Arbitration survey of 2021 conducted by Queen Mary University revels in its report that International arbitration is the respondents' preferred method of resolving cross-border disputes for 90% of respondents. That means at global level development of more and more efficient arbitral institution may lead that country to become a rival amongst its competitors.

India's attractiveness as an effective centre of ICA

For any country to become a leading hub of international arbitration, a strong foundation is needed. In fact, India's foundation has strengthened over the years, with four aspects that could be particularly noteworthy.

First, India has an exceptional bar of advocates and solicitors, with a slew of major domestic firms boasting strong dispute resolution and commercial arbitration practices[27]. The strength of the Indian legal profession is well known, which is rapidly attracting international attention and global legal firms. Indian lawyers have become both the best team partner and the formidable rival.

Second, India's judicial decisions today are increasingly pro-arbitration compared to the past. In this way, the Indian judiciary is continuing to play an active role in providing critical support for the arbitral process.

As a matter of fact, in just the past five years, the Supreme Court and High Courts have addressed several critical matters such as:

- Identifying the seat of arbitration in situations where the arbitration agreement only states the venue as the

[23] 2023 ICDR Case data infographic, https://www.adr.org/sites/default/files/document_repository/AAA458_2023_ICDR_Case_Data.pdf

[24] MCA Annual Report, 2023 https://mcia.org.in/wp-content/uploads/2016/05/MCIA-Annual-Report-2023.pdf

[25] Justice BN Srikrishna, Report of the High Level Committee to Review the Institutionalisation of Arbitration Mechanism in India (30 July 2017), p. 49, para. 3.

[26] "India's journey towards becoming an international commercial hub that could rival Singapore and London was hampered by a largely ineffective Act and an arbitration regime." *See* Prakash Pillai & Mark Shan, *Persisting Problems: Amendments to the Indian Arbitration and Conciliation Act*, Kluwer Arbitration Blog, 10 March 2016 (Sep. 20, 2022), available at https://arbitrationblog.kluwerarbitration.com/2016/03/10/persisting-problems-amendments-to-the-indian-arbitration-and-conciliation-act/.

[27] The Legal 500, 'Legal Market Overview in India' (2021–2022).

seat of arbitration.[28]

- Whether the parties involved have the right to designate a foreign law to rule over an arbitration agreement made between them.[29]
- The discretion of two Indian parties to select a foreign arbitral seat in their arbitration agreements, even if the contracts and parties involved are entirely located in India.[30]

Third, India's government is invested in building the legislative and institutional support required for arbitration to thrive.

This is clear from:

- The changes made by the Parliament have been directed towards improving the arbitral system of India. Especially the Amendments[31] of 2019 and 2021 are meant to foster arbitration in India and at "encouraging the status of India as a centre for international commercial arbitration.
- The 'New Delhi International Arbitration Centre' ("NDIAC")–now the 'India International Arbitration Centre' ("IIAC")[32] –the objectives of which are all geared towards developing the IIAC as a leading institution for international and domestic arbitration and to creating an independent and autonomous regime for institutionalised arbitration.
- State governments, such as those in Telangana and Maharashtra, have established regulations requiring institutional arbitration for government contracts beyond a specific amount.

Fourth, India benefits from a common law tradition and history, which allows it to benefit from jurisprudence elsewhere. Indeed, the very foundation of India's laws, the Constitution of India, is sometimes referred to as a "cosmopolitan document" because it derives several of its features from foreign sources; including from the UK, Ireland, the US and Canada.[33]

In this outward-looking tradition, Indian courts regularly consider and rely on international legal principles and judicial decisions of other (mostly common law) jurisdictions while dealing with social, economic, environmental, governance and contractual issues.[34] This willingness to be outward-looking and flexible to the changing needs of the law stands India in very good stead. It is clear, therefore, that India has a very strong foundation from which to pursue its arbitration goals. The constant efforts will be materialised soon to make India an attractive centre in the area of International Commercial Arbitration. Pertinent to be noted here that Singapore and Hongkong's status is the outcome of consistent collective efforts.

Comparative analysis of India and Hongkong:

Aspect	Strength	Weakness
Procedural Rules and Party Autonomy	**Singapore**'s arbitration framework, grounded in the UNCITRAL Model Law and reinforced by the International Arbitration Act, strongly upholds party autonomy and provides clear procedural guidance, fostering predictability and efficiency in arbitration proceedings. The legislative amendments in Singapore have been prompt and responsive to judicial developments, enhancing the procedural robustness. **India**'s Arbitration and Conciliation Act, 1996, especially post-2015 amendments, reflects a commitment to modernizing arbitration and embracing party autonomy principles.	Despite legislative alignment with the Model Law, India's procedural framework suffers from ***inconsistent judicial interpretations*** *and* ***excessive court intervention***, undermining party autonomy and procedural efficiency. The lack of specialized arbitration benches and underdeveloped institutional arbitration infrastructure further complicate procedural consistency ambiguity in the application of the competence-competence principle in India contrasts with Singapore's clearer approach.

[28] BGS SGS Soma JV v. NHPC Ltd, 2019 SCC OnLine SC 1585.
[29] Dholi Spintex Pvt. Ltd. v. Louis Dreyfus Company India Pvt. Ltd CS, (COMM) 286/2020.
[30] PASL Wind Solutions Pvt Ltd v. GE Power Conversion India Pvt Lt, Civil Appeal No. 1647 of 2021.
[31] The Arbitration and Conciliation (Amendment) Act, 2019 and Arbitration and Conciliation (Amendment) Act, 2021, respectively.
[32] Following the introduction of the New Delhi International Arbitration Centre (Amendment) Act, 2022.
[33] A. Bhan and M. Rohatgi, 'Legal Systems in India: Overview' (Thompson Reuters Practical Law, 01 October 2022), p. 1, para. 5.
[34] A. Bhan and M. Rohatgi, 'Legal Systems in India: Overview' (Thompson Reuters Practical Law, 01 October 2022), p. 7, para. 2.

Enforcement Mechanisms	**Singapore**'s enforcement regime is widely regarded as efficient and pro-arbitration, with courts exhibiting a non-interventionist stance and facilitating the recognition and enforcement of both domestic and foreign awards. The integration of the New York Convention and Model Law provisions into domestic law supports uniform enforcement standards. **India** has made significant legislative strides to improve enforcement, including amendments empowering courts to assist foreign-seated arbitrations. And clarifications on enforcement grounds.	**Enforcement** in India remains problematic due to broad judicial discretion, particularly concerning ***public policy exceptions***, leading to unpredictability and delays. The judiciary's expansive interpretation of public policy has historically hindered enforcement of foreign awards, damaging India's reputation as an arbitration-friendly venue. The enforcement of investment treaty arbitration awards faces additional challenges under Indian law.
Judicial Intervention and Public Policy	**Singapore** courts maintain a restrained approach, intervening only when strictly necessary, thereby supporting arbitration finality and minimizing disruptions. **Indian** courts, while increasingly adopting the seat theory to limit intervention, still engage in significant judicial oversight, especially on public policy grounds . Recent legislative amendments attempt to narrow the scope of public policy to reduce judicial interference.	**Indian** judicial intervention remains a critical obstacle, with inconsistent application of public policy leading to uncertainty and under mining arbitration's finality. The doctrine's vague contours and the inclusion of morality-based considerations exacerbate unpredictability. **The 2021** amendment introducing fraud and corruption as grounds for setting aside awards may further increase court involvement.
Legislative Reforms and Adaptability	Singapore's arbitration legislation demonstrates adaptability, with multiple amendments reflecting evolving international arbitration norms and judicial feedback, thereby reinforcing its status as a leading arbitration hub. India's 2015 and subsequent amendments show legislative intent to reform and align with international standards, including extending court assistance to foreign-seated arbitrations.	Despite reform efforts, India's legislative changes have been criticized for partial implementation and limited impact on practical arbitration efficiency. The ambiguity in amendments, such as the 'implied exclusion' in section 2(2), creates interpretative challenges. The slow pace of institutional development and judicial training limits the reforms effectiveness.
Interim Measures and Court Assistance	**Singapore**'s legal framework empowers arbitral tribunals and courts to grant interim measures effectively, with a supportive court-subsidiarity model that enhances arbitration efficacy. The court's facilitative role in interim relief, including for foreign-seated arbitrations, is a notable strength. **India**'s Arbitration Act provides for interim measures and	**In India**, the enforcement of ***interim measures is often hampered by judicial delays*** and inconsistent application, detracting from arbitration's efficiency. The lack of clarity on the extent of court's powers and the interplay with arbitral tribunals creates procedural uncertainty. **The 2015** Amendment Act has introduced certain changes to the

	court assistance, with amendments expanding jurisdiction to aid foreign arbitrations.	provisions on interim reliefs (**section 9**) with respect to the kind of reliefs available and the time-frame for seeking such reliefs before courts. In case of ***arbitrations commenced on or after 23 October 2015***, The parties must start arbitral proceedings within ninety days if a judge has issued an order of temporary reliefs before the arbitral panel is established. Following the start of the arbitral process, the parties would need to approach the arbitral tribunal to request temporary relief. Typically, a court would not consider a petition for temporary relief in this circumstance until The party can provide evidence of the presence of conditions that render an arbitral tribunal's relief insufficient. **Singapore**'s recent court interpretations limiting interim relief to Singapore-seated arbitrations have sparked debate on alignment with international practice. In Singapore-seated arbitrations, courts possess limited powers to grant interim relief, primarily in cases of urgency to preserve evidence or assets when the arbitral tribunal is unable to act effectively. Generally, parties are expected to seek interim measures from the arbitral tribunal first, and the court's role is supplementary.
Institutional Arbitration and Infrastructure	**Singapore** benefits from well-established arbitration institutions like SIAC and Maxwell Chambers, which provide comprehensive procedural support and contribute to Singapore's reputation as a premier arbitration seat. The institutional framework complements the legal regime, enhancing arbitration attractiveness. **India**'s institutional arbitration remains underdeveloped, with limited institutional support and infrastructure, which impedes the growth of arbitration as a preferred dispute resolution mechanism.	**The** underutilization of institutional arbitration in India, coupled with the absence of specialized arbitration courts, results in procedural inefficiencies and diminished confidence among international parties. **The** fragmented institutional landscape and lack of investment in arbitration infrastructure hinder India's competitiveness.
Comparative Legal and Interpretations	**Singapore**'s legal framework exhibits strong alignment with international arbitration principles, including the UNCITRAL Model	**Indian** courts' divergent interpretations, especially regarding the law governing arbitration agreements and public

International Alignment	Law and New York Convention, supported by consistent judicial interpretations. **India**'s adoption of the Model Law and New York Convention reflects international harmonization efforts.	policy, create legal uncertainty. **The** theory of implied exclusion' and inconsistent application of Model Law provisions undermine predictability. The lack of clear distinction between domestic and international public policy further complicates enforcement**.**
Appeal and Application for Setting aside the Arbitral	**In Singapore**, a party to the arbitral proceedings may appeal (upon notice to the other parties and to the arbitral tribunal) to the Singapore courts on a question of law arising out of an award with the agreement of all the other parties to the proceedings or with leave of court (AA, section 49, paragraphs (1) and (3))[35]. **In Singapore**, an arbitral award can be set aside by the court on limited grounds, as outlined in the Arbitration Act (IAA) and the Model Law. These include both procedural and substantive issues, with a strong emphasis on minimal court intervention to uphold the finality of arbitral awards.	**In India**, recourse against an arbitral award is limited to an application for setting aside the award under Section 34 of the Arbitration and Conciliation Act, 1996. There is no provision of appeal against arbitral award granted by the Arbitral Tribunal in India. **Moreover**, in the application of setting aside the arbitral award, court can not modify the award subject to certain exceptions.

CONCLUSION

After assessing the existing status of International Commercial Arbitration in Singapore and Hongkong and simultaneously the journey of India in this field, it can be conclusively held that although India is not standing at the same stage where Singapore and Hongkong is as of Now but India's efforts are leading us to a new platform. Multidimensional efforts in the area such as legal mechanism, Institutional arbitration, Infrastructure, judicial cooperation and so on will materialise our dream soon to emerge as Global hub of International Commercial Arbitration. There are five key areas that India will need to ensure that it is on a level footing with other leading seats for international arbitration. Those are recognition of party autonomy, strong home-grown arbitral institutions, independence of the arbitrators, adoptability of international best practices and innovation. These five key areas will bring India parallel to its counterparts i.e. Singapore and Hongkong. It is evident that India has a strong base on which to build its ambition of becoming a major centre for international arbitration. India is closer than it has ever been to reaching that goal. The recent amendments will encourage the international community to consider India as a seat for their arbitrations.

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