

→ Boosting arbitration process is one of the most important ways to revive the economy of the country. Discuss.

→ India had brought Arbitration & conciliation act, 1996 & its amendment act, 2015 in order to expedite dispute resolution & limiting judicial interference, thus also declogging the courts.

However, even after the amendment there are some inherent issues

- SC in Rice Mills case & NHAI case 2018 held that appointment of arbitrator by the central or state government goes against principle of law if the government is a party to the agreement. (Govt. Department & PSUs)
- SC also struck down the clause that made the appellant deposit 10% of the disputed claim before the arbitration.

- Government has also admitted in Madras HC in 2010 that it will phasewise open its legal sector to foreign law-firms as without it India cannot become a global centre of arbitration as Singapore is currently today which handles 80% of these cases.
- Issue of third-party funding
- Continuance of retrospective taxation as recently India lost a case against Cairns energy in PCA, Hague.
- Refusal to renew Bilateral Investment Treaties.

Suggestions

- SC guidelines laid down in BCCI vs Kochi cricket case should be incorporated by bringing suitable amendments.
- SC in 2018, in Bar Council of India case granted liberty to government & Bar Council, to make specific legislation in regard to foreign lawyers.

- Revisit BIT as well as resolve the issue of retrospective taxation because it only hurts the interest of our economy as foreign investors become skeptical.
- ▶ Strong institutional arbitration framework is needed to revive the economy as enhancing arbitration will enhance our Ease of doing business along with making India a global hub for it. It will be crucial for attaining our goal of \$5 Trillion economy by 2025 & "Atmanirbhar Bharat".