

**High Level Committee on Making India Hub of Arbitration Submits Report****High Level Committee on Making India Hub of Arbitration Submits Report**

The Government of India under the dynamic leadership of Hon'ble Prime Minister is committed for speedy resolution of commercial disputes and to make India an international hub of Arbitration and a Centre of robust ADR mechanism catering to international and domestic arbitration, at par with international standards available.

To give an impetus to this endeavor, the Department of Legal Affairs, Ministry of Law and Justice, on 13 January, 2017 constituted a ten Member, High Level Committee under the Chairmanship of Justice B.N.Srikrishna, Retired Judge, Supreme Court of India. Justice R.V.Raveendran, Retired Judge, Supreme Court of India, Justice S. Ravindra Bhat, Judge, High Court of Delhi, Shri K.K.Venugopal, Sr. Advocate and presently Attorney General for India, Shri P.S.Narasimha, Additional Solicitor General of India, Ms. Indu Malhotra, Senior Advocate, Supreme Court of India, Shri Arghya Sengupta, Research Director, Vidhi Centre for Legal Policy, Shri Arun Chawla, Deputy Secretary General, FICCI, Shri Vikkas Mohan, Senior Director CII, were the Members and Law Secretary, Shri Suresh Chandra, was the Member Secretary of the High Level Committee.

The High Level Committee was given the mandate to review the institutionalization of arbitration mechanism and suggest reforms thereto. The Committee held 7 sittings. It submitted its report on 3 August, 2017 to Shri Ravi Shankar Prasad, Hon'ble Minister of Law & Justice and Electronics and Information Technology.

The Committee has divided its Report in three parts. The first part is devoted to suggest measures to improve the overall quality and performance of arbitral institutions in India and to promote the standing of the country as preferred seat of arbitration. The Committee in this context have *inter alia* recommended –

- (i) Setting up an Autonomous Body, styled the Arbitration Promotion Council of India (APCI), having representatives from all stakeholders for grading arbitral institutions in India.
- (ii) The APCI may *inter alia* recognize professional institutes providing for accreditation of arbitrators
- (iii) The APCI may hold training workshops and interact with law firms and law schools to train advocates with interest in arbitration and with a goal to create a specialist arbitration bar comprising of advocates dedicated to the field.
- (iv) Creation of a specialist Arbitration Bench to deal with such Commercial disputes, in the domain of the Courts.
- (v) Changes have been suggested in various provisions of the 2015 Amendments in the Arbitration and Conciliation Act with a view to make arbitration speedier and more efficacious and incorporate international best practices.

The Committee are also of the opinion that the National Litigation Policy (NLP) must promote arbitration in Government Contracts.

The Committee in Part II of the Report reviewed the working of ICADR working under the aegis of the Ministry of Law and Justice, Department of Legal Affairs. The Institution was set up with the objective of promoting ADR methods and providing requisite facilities for the same. The Committee has preferred for declaring the ICADR as an Institution of national importance and takeover of the Institution by a statute. The Committee are of the view that a revamped ICADR has the potential be a globally competitive institution.

As regards the role of arbitrations in matters involving the Union of India, including bilateral investment treaties (BIT) arbitrations, the Committee in Part III of the Report has *inter alia* recommended for creation of the post of an 'International Law Adviser' (ILA) who shall advise the Government and coordinate dispute resolution strategy for the Government in disputes arising out of its international law obligations, particularly disputes arising out of BITs. The Committee has emphasized that ILA may be consulted by the Department of Economic Affairs (DEA), at the time of negotiating and entering into BITs.

The roadmap of suggested reforms after an in depth examination of the issues, by the High Level Committee can result in a paradigm shift from the current perception of delay in resolution of commercial disputes in India to it being viewed as an investor friendly destination. The suggested reforms will not only lessen the burden of the judiciary, but give a fillip to the development agenda of the Government and aid the financial strength of the country and serve the goal of welfare of the citizens.

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