

Professionalising arbitration

Jurisprudence concept with judges gavel and law book, vector silhouette

In its statement of objects and reasons for the New Delhi International Arbitration Centre Bill of 2018, which was introduced earlier this month in the Lok Sabha, the government highlighted that rapidly changing economic activities demand expeditious settlement of disputes. The government also stressed the need for creation and establishment of mechanisms such as institutional arbitration to inspire confidence and credibility among the litigants.

The huge backlog in courts is another reason for the government to consider instituting other modes of dispute resolution. Besides, the International Centre for Alternative Dispute Resolution (ICADR), which was set up in 1995 with government funds to promote alternative dispute resolution mechanism, has not been able to achieve its objectives.

This Bill proposes the establishment of a new institution called the New Delhi International Arbitration Centre (NDIAC) for better management of arbitration in the country. The Bill also aims to declare it as an institution of national importance.

According to the government, the Bill envisages appointment of persons of repute and those having knowledge and expertise in institutional arbitration as the chairperson and members of the NDIAC. The members are to hold office for three years and they will be eligible for re-appointment.

The objectives of the institution are to provide facilities and assistance for the conduct of arbitration, mediation and conciliation proceedings. The Bill says the institution will conduct arbitration in a professional manner and in the most cost-effective way.

The NDIAC will also be entrusted with promoting study in the field of alternative dispute resolution. The Bill also proposes to set up a Chamber of Arbitration, which would have a permanent panel of professionals at the national and international levels.

An Arbitration Academy is to be set up by NDIAC to train arbitrators in India, so as to empower them to compete on par with other reputed arbitration institutions.

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