

India's Proposed Amendment Bill 2018 – A Step Further Towards an Arbitration-Friendly Environment: A Critical Analysis

by Associate Professor Vikas H. Gandhi, Ph.D., Gujarat National Law University

Chaired by Associate Professor Gary F. Bell, Faculty of Law, NUS

Thursday, 1 November 2018, 1.15pm to 2.15pm

Lee Sheridan Conference Room, Eu Tong Sen Building,
NUS (Bukit Timah Campus)

ABSTRACT

Since economic liberalisation in 1991, India has emerged as a commercially significant polity. As in most developed legal systems, the *Arbitration and Conciliation (amendment) Act, 2015* was adopted with the objectives of making the arbitration process cost-effective, speedy, with minimum court intervention and to maintain the neutrality and independence of arbitrators. However, many issues still exist such as the need to promote institutional arbitration in order to minimize the need to approach the Courts for the appointment of arbitrators, the need to ensure confidentiality, the need to incorporate arbitral immunity, the need for time limits for making of an arbitral award etc. To address these difficulties, the *Arbitration and Conciliation (Amendment) Bill, 2018* was passed by the 'Lok-Sabha' (house of the people) on 10 August 2018 but has yet to become an Act. The aim of this seminar is to consider **whether these proposed amended provisions can make India a more arbitration-friendly jurisdiction?** To answer this question, the presenter will **follow four steps. First**, one needs to determine whether the above mentioned problems do in fact exist in the arbitration process adopted by India. **Second**, one need to find out which existing problems have not been taken in to consideration by proposed amendment Bill, 2018. **Third**, to discuss the provisions proposed by Bill, 2018 that still need to be improved. **Fourth**, one need to discuss the similarities and differences and suggest how to make India an arbitration-friendly jurisdiction.

ABOUT THE SPEAKER



Vikas H. Gandhi is an associate professor of law in the Gujarat National Law University. His area of teaching and research are International Arbitration (IA), Human Rights and International Humanitarian Law (HR & IHL). Recently, in September 2018, Gandhi has received the 'Excellent Faculty Award (Law)' for academic year 2017-18 in the home university. Gandhi has successfully conducted the research work and teaching assignments in these areas (ADR, HR & IHL – UN mechanisms) at the University of Mauritius. He has also successfully completed an academic exchange at the chair of comparative law and public law at Justus Liebig University Giessen, Germany in similar areas (HR & IHL). Gandhi has served as 'Judge' in the twenty-second Inter-American Human Rights moot court competition organised by American University, Washington

College of Law, Washington DC in 2017. Currently, since last year, apart from his regular teaching and research assignments, Gandhi is working on the empirical research project in the area of 'Court management' sanctioned by the Ministry of Law and Justice, Department of Justice, Government of India.

REGISTRATION

There is no registration fee for this seminar, but seats are limited. There is selected light lunch provided upon registration.

Closing Date: **Thursday, 25 October 2018**

For enquiries, please contact Chris Chan at asli@nus.edu.sg

To register, go to <https://goo.gl/9tMZZn>

Or scan the QR code

