



Advocates  
& Solicitors

Expert Committee  
Constituted for Reforms in  
Arbitration and Conciliation  
Act, 1996

The Ministry of Law and Justice has taken a significant step towards strengthening India's arbitration framework by establishing a sixteen member expert committee. The committee's primary objective is to propose comprehensive reforms to the Arbitration and Conciliation Act, which will promote efficiency, transparency, and international standards in resolving commercial disputes through arbitration.

The expert committee comprises legal and industry experts who will analyze the current provisions of the Arbitration and Conciliation Act and suggest necessary recommendations to address existing challenges. The committee's establishment reflects the government's commitment to creating a more robust and effective arbitration ecosystem in India. The working of the Expert Committee includes the following:

- Building a regime that streamlines procedures and encourages specialized arbitration institutions, proper accreditation of arbitrators, and continuous professional development.
- To expedite the enforcement of arbitral awards, measures should be proposed to modify existing provisions related to setting aside awards and appeals, ensuring finality and efficiency in resolving disputes.
- Minimizing recourse to judicial authorities in arbitration-centric dispute resolution mechanisms can be achieved through the introduction of statutory means such as mandatory pre-arbitration negotiations, mediation, and settlement conferences.
- Suggest an administrative mechanism or Standard Operating Procedure (SOP) to minimize routine challenges to arbitral awards by the government in disputes involving them, providing clarity and guidelines for fair and impartial arbitration.
- Recommend principles for the determination of costs of arbitration and fees of arbitrators, considering transparency, reasonableness, and proportionality to maintain trust and fairness in the arbitration process.
- Propose a charter of duties to guide arbitral tribunals, parties, and arbitral institutions, ensuring consistency, ethical standards, and clarity in their roles and responsibilities.
- Examine the feasibility of enacting separate laws for domestic arbitration, international arbitration, and the enforcement of certain foreign awards to address specific needs and enhance efficiency in resolving disputes.

The establishment of the expert committee for reforms to the Arbitration and Conciliation Act is a significant step towards strengthening India's arbitration ecosystem. The proposed guidelines will not only improve the efficiency and effectiveness of commercial dispute resolution but also contribute to India's position as a favourable destination for international arbitration.