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# Bootstrapping Patent Illegality & Public Policy to Anul the Arbitral Award: Unblinkering an Unruly Horse

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## ABSTRACT

*Arbitration stands apart from other forms of dispute resolution in that arbitral decisions are final and binding. However, the Act on Arbitration and Conciliation entitles a court to rebound an award for any of the justifications it lists. It is relevant due to Section 34 of the Act details the procedure to be followed in order to vacate a verdict proferred by the arbitral tribunal, including the assistance of the Court in setting aside the decision. While the participation of the courts is essential to the operation of the arbitration system, the courts should refrain from taking too active a role in reviewing challenges to arbitration awards. It would be antithetical to the spirit of the Act and only serve to prolong the process if this were to happen. Court involvement in arbitration proceedings is possible because the phrase "public policy of India" is not portrayed in the 1940 Act of Arbitration. Moreover, because the criteria for nullifying an award are not stated, the courts are free to use their own standards in ruling on the case. "The Arbitration and Conciliation (Amendment) Act of 2015 gave Section 34 of the Arbitration and Conciliation Act of 1996 the force of law and addressed a number of issues that had developed in its wake. This article analyzes the scope of judicial involvement and how Section 34 of the revised 1996 Act is implemented. In addition, the definition of" "public policy of India" "has been dissected, along with the revisions introduced by the Amendment Act of 2015."*

## I. INTRODUCTION

Ad hoc arbitrations have been the norm in Indian society for quite some time. This has resulted in several unusual aspects and raised questions about the length of the process, the amount of money involved, as well as the effectiveness of the arbitration procedure. The community of arbitration practitioners, users, Arbitrations were expected to go more quickly after the A & C Act, 1996 got passed and various issues were thought to be resolved, particularly those stemming from the several levels of objections based on preceding legislation. Unfortunately, this was simply a hope, since the requirement to interpret the law brought forth additional

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concerns and challenges. While this was going on, arbitration's reputation as a quick and cheap alternative dispute settlement process was being chipped away at by delays.

Courts' involvement in arbitration cases is curtailed or taken over entirely via the 1996 Arbitration Act. Section 34 details the circumstances under which a judge may intervene to review an arbitration award that has already been issued. Arbitration is guided by the principle of party autonomy. For many years, India has had a bad reputation as a place where international arbitral judgements have difficulty being enforced due to a lack of favorable legislation. Section 34(2)(b)(ii), itemizes that it goes of against the "public policy of India" for a court to uphold an arbitral result that is contrary with that provision. A foreign decision might be challenged on the bottoms of "Public Policy of India" as per Section 48(2)(b).

With respect to India, it has hung around the strongest stronghold and the last recourse for the mislaying party, despite the fact that better developed, arbitration-friendly nations have adopted a narrower approach and defined the phrase "public policy" narrowly. That's why it's important to understand that when lawyers talk about the "fundamental policy of law," they're referring an underlying philosophy of the law, not a specific clause and not a part of any statute.

## II. ILLEGALITY: A TOOL FOR SETTING ASIDE AN ARBITRAL AWARD

Indian Supreme Court heard the climactic case ONGC v. Saw Pipes, which is widely regarded as the first time the phrase "patent illegality" was used. The term "public policy of India" "was given a broader interpretation in the 246th report of the law commission in 2015 than in previous judicial pronouncements, prompting an amendment to Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter, Act)" to reflect this new understanding. Several court rulings have ruled that patents were invalid because they were granted improperly. When something is patently illegal, there is a serious flaw in the law at its foundation. For there to be a legal mistake, either the common law, the constitution, or the law itself must be in conflict.

The Court in Jaikishan *Dass Mull v. Luchhiminarain Kanoria and Co*[2]**.** If the contract itself is found to be unlawful, then the arbitration provision is likewise illegitimate since it is an essential component of the deal.(competence violated; arbitration agreement itself illegal due to lack of competence)

"If the court determines that the dispute is not properly arbitrable, it is not required to send the

[2] Jaikishan Dass Mull Vs. Luchhiminarain Kanoria and Co *(1974)2 SCC 521*

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parties to arbitration even if they have a fully completed arbitration agreement. The precedent decision established If the court determines that the dispute is not properly arbitrable, it is not required to send the parties to arbitration even if they have a fully completed arbitration agreement. " a two-part test for deciding whether a dispute may be taken to arbitration: (i) rights in personam; and (ii) rights in rem. Booz Allen has been singled out for particularly harsh criticism in this regard. The first steps of the lawsuit show a total disregard for the kompetenz kompetenz concept provided as per S. 16 of the Act. It also established a precedent for judicial intervention in arbitration cases.

Further the case beefed up the power of the court under Section 8 of Act of 1996. Courts got underway deciding on as to or not an inevitable brawl is "arbitrable" even in cases when they are required as per the pact to intend for the parties to arbitration. Last but not least, the highest court overlooked a momentous aspect of arbitration whilst discerning the spectrum of the liberty in personam & rem.

In recent years, India's strategy has prioritized making the country more business-friendly and attractive to investors. The purpose of the Act's revision was to reduce judicial involvement. Only if the award is contrary to reason or clearly wrong may it be overturned. Now, if we look at Section 34 of the Arbitration Act, we can see that there are only a few scenarios in which an award may be nullified.

- Parties' incapacity, if one of them is a minor or otherwise unable to fulfill their end of the bargain. An arbitral guardian may be appointed in accordance with regard to Section 9 of the Act.
- The Agreement Is Null and Void
- The parties were not given any advance caution of the arbitrators' designation or procedures.
- The award will be null and invalid if the problem it resolves goes outside the extent of the dispute that was offered up to arbitration.
- If the makeup of the tribunal differs from what was agreed upon by the parties,
- This disagreement cannot be arbitrated because of its unique characteristics.
- Award violates the public interest.

The reasons given for challenging an arbitration decision are all well understood. However, "against public policy" has been interpreted in a number of court declarations, thus the exact

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meaning of this basis is unclear. "Patel Engineering Ltd. v. North Eastern Electric Power Corporation Ltd., decided by a three-judge bench in 2015, amended the Arbitration and Conciliation Act to confirm that patent invalidity may be used as a grounds for setting aside a domestic judgment.

Following its amendment in 2015, Section 34 (2A) of the Act now allows a court to set aside a domestic award if it seems that the award was made illegally. Given that the present application under Section 34 of the Arbitration and Conciliation Act was filed after 23.10.15, the Supreme Court ruled that the Amendment Act, 2015 shall apply. This decision relied on a Supreme Court ruling ((2018) 6 SCC 287), Board of control for cricket in India vs. Kochi Cricket Pvt. Ltd and others. The Supreme Court of India has heard arguments in Bhaven Construction v. Sardar Sarovar " Narmada Nigam Ltd.[3] emphasized the term "only" in Section 34's introductory wording to emphasize "that an application for setting aside an arbitral judgment must be presented in accordance with sub-sections (2) and (3) of Section 34". In 2003, ONGC Ltd. v. Saw Pipes Ltd. was heard by the Supreme Court, which ultimately found in favor of ONGC.[4], Section 34 of the Act enclosed patent illegality as a fourth cause for invalidity, augmenting the whimsy of "public policy." "The Court made it clear that the violation in question must be fundamental; otherwise, it cannot be considered contrary to public policy. The Delhi High Court attempted to restrict the decision's applicability by arguing that the Renusagar method should only be used in Section 34 cases, rather than in Section 48 cases involving the execution of foreign judgements. The 1996 Act**.** [5] An attempt by the Apex Court in ***Phulchand Exports Ltd. v OOO Patriot***[6] An attempt to incorporate 'patent illegality' within the phrase 'public policy of India' in assessing whether or not to execute a foreign judgement under Section 48 of the 1996 Act was rejected in Shri Lal Mahal Ltd. v. Progetto Grano Spa.[7] Under Section 48 of the 1996 Act, the Supreme Court agreed with Renusagar's interpretation.

In 2014, the Law Commission released a study that recommended adding Explanation 1 to Sections 34& 48 to clarify whether an award is in conflict with "public policy." It was determined that the aforementioned change was sufficient to guarantee that the courts apply the idea of public policy narrowly and do not conduct a de novo assessment of the merits in cases

[3] Bhaven Construction v. Sardar Sarovar Narmada Nigam Ltd (2022) 1SCC 75
[4] *"ONGC v. Saw Pipes, (2003), [(2003) 5 SCC 705].*
[5] Glencore Grain Rotterdam B.V. v. Shivnath Rai Harnarain (India) Co., (2008), [2008(4) Arb. LR 497 (Delhi)].
[6] Phulchand Exports Ltd. v. OOO Patriot, (2011), [(2011) 10 SCC 300].
[7] Shri Lal Mahal Ltd v. Progetto Grano Spa, (2014), [(2014) 2 SCC 433].

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originating from international commercial arbitrations and foreign judgments.[8] judgment in the matter of Associate Builders v. Delhi Development Authority."

Following the antecedent calibrated in Western Geco, Court,[9] used the criteria outlined there but still reached a different conclusion. Location: Western Geco[10] In addition to the Tribunal's failure to grasp and draw conclusions that logically followed from such confirmed facts, Miscarriage of justice occurred, the Court said, since the Tribunal made a mistake in how it calculated the duration of the delay. In light of this, Because of these flaws, the Court "had no hesitation in rejecting the contention urged on behalf of the respondent that the arbitral award should not be disturbed." Partners in Construction,[11] Once again, determining how long the delay was and how much it cost was an issue. Western Geco stands in stark contrast to the Supreme Court's decision in Associate Builders. [12] reverse the High Court's ruling that contradicted the Arbitral Award. The Court ruled that the High Court went over its authority when it disagreed with a plausible factual determination made by the Arbitrator. The Supreme Court made it clear that it is not the role of a court to decide questions of fact." The weight and credibility of the evidence presented to the Arbitrator are entirely under his discretion. The Court warned that a finding by an arbitrator must be accorded significant weight, particularly on matters of fact, despite the fact that deciding whether or not an award violates India's core policy. Specifically, the Court acknowledged that the Arbitrator, in rendering his Arbitral Award, is the foremost expert of the abundance & marker of evidence to have been sure of upon, and that an Award affirmed on "little evidence or on evidence which does not measure up in quality to a trained legal mind would not be held to be invalid on this score."

The arbitrator's judgment is final as to all relevant facts unless his procedure is shown to be unreasonable or capricious. However, the Court reaffirmed that, under certain conditions, the merits of an arbitral ruling might be reviewed. Thus, the Courts went from a very restricted reading of policy in Renusagar case to an overly wide understanding of 'public policy' over a span of 20 years. The Law Commission saw the need to provide a Supplementary Report due to the continued growth in interpretation after the first report. [13] whereby Sections 34 and 48 of the Act now have an Explanation 2. Sections 34 and 48 of the Act needed clarification, and

[8] *Amendments to the Arbitration and Conciliation Act 1996, Law Commission of India Report No. 246 (2014).*
[9] Associate Builders v. Delhi Development Authority, (2015) 3 SCC 49.
[10] Id
[11] Associate Builders v. Delhi Development Authority, (2015) 3 SCC 49."
[12] "Associate Builders v. Delhi Development Authority, (2015) 3 SCC 49.
[13] Supplementary to Report No. 246 dated February, 2015

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the Law Commission suggested adding them, thus the legislature did so in the 2015 Amendment Act along with other recommendations.[14] To clarify, the court stated that it is possible for the court to agree with the tribunal's reasoning on the issue of liability but not on the issue of quantification because liability and quantification are separate and distinct issues, and thus the court can vacate an award to the extent of wrongful quantification without interfering with the determination on the aspect of liability.

To clarify, the court stated that it is feasible for the courtroom to conform with the tribunal's logic on subject of liability but not on the issue of quantification because liability and quantification are separate, so the court can vacate an award to the extent of wrongful quantification without interfering with the determination on the aspect of liability.[15]

## III. LIMITATION OF SCOPE TO DOMESTIC AWARDS

"Neither the New York Convention nor the Convention on the Recognition and Enforcement of Foreign Arbitral Awards acknowledges the existence of a globally applicable public approach that would avert the execution of awards if they were set up to be defiant to the public policy " of any of contracting parties. The award may be mandated for use in a certain nation, but in doing so would contradict the public policy of another, creating a problem for the execution of international arbitral decisions on the rationale of overstepping guidelines.

Due to the underlying goal of fostering business across sectors and luring international investors to India, the country's patent illegality was confined to domestic awards. The next fiscal year will see India's efforts to develop the arbitration ecosystem and make the country a more prominent international seat for arbitration continue to bear fruit.

## IV. PUBLIC POLICY: MUDDIED WATER'S OF COURT

The arbitral system in India has been weakened by public policy, which provides losing parties with a way to challenge arbitration decisions on a larger range of grounds than is often tolerated elsewhere. The most recent Supreme Court decisions corroborate this, therefore it's not surprising that the Law Commission has offered a quick response to a recommendation from its August 2014 Report that the Act be changed to make it consistent with arbitration legislation in other nations.

[14] Fuerst Day Lawson Ltd. and Ors. etc. etc. v. Jindal Exports Ltd. and Ors. etc., (2011), [(2011) 8 SCC 333], Para 89.
[15] Larsen Air Conditioning v. Union of India 2023 SCC Online 982"

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The court concluded that PASL might continue with its designation (of a foreign seat) notwithstanding its claim that doing so could be intractable to policy of India, since the parties consented to factor out an application of Indian regulation in certain standings. It was decided that "the balancing act between freedom of contract and clear and undeniable harm to the public must be resolved in favor of freedom of contract, as there is no clear and undeniable harm caused to the public in permitting two Indian nationals to avail of a challenge procedure of a foreign country when, after a foreign award passes muster under that procedure, its enforcement can be resisted in India."

"The Court adopted a previous ruling in Atlas Export as precedent [16] *that a foreign award originating from arbitration between two Indian parties is not subject to Section 23 of the Indian Contract Act, 1872, which deals with contracts that are unconstitutional. This section addresses contracts that are opposed to public policy and limits on judicial procedures."*

Concerns that allowing Indian parties the option to arbitrate overseas would give them cover to act unlawfully or in violation of required Indian laws were also shot down by the court. A foreign award could not be enforced because of a clause that declared it would be invalid if it could be shown that the parties involved were Indian citizens who "circumvented a law which pertains to the fundamental policy of India." It is only after all other arguments have been exhausted that public policy is brought up as an issue.

Additionally, assessing whether there has been a breach of the absolute principle of law, it isn't indispensable to go into the specifics of the dispute, as made abundantly plain by the Amendment Act. In the Amendment Act, Without any clarification, articulates such as "fundamental policy of Indian law" & "the most basic conceptions of morality" are thrown about. The concept of "the fundamental policy of Indian law" is analogous to the stint "public policy" in that it defies easy categorization.[17]

Perhaps the clearest indication of a sovereign's reluctance to utilize its executive authority to execute a foreign judgment at odds with its policy is the argument that doing so would be against national approach.[16] The whim of public approach is malleable and has some open spaces. [18]

The Renusagar ruling was in line with international standards that aim to minimize judicial supervision, Regardless of as to if the Court's finding got propelled by a commitment to referee

[16] M/s Atlas Export Industries v. M/S Kotak & Company (1999) 7 SCC 61 [ para 10]
[17] Cruz City 1 Mauritius Holdings v. Unitech Ltd., (2017), [2017 SCC OnLine Del 7810 : (2017) 239 DLT 649].
[18] Renusagar Power Co. Ltd. v. General Electric Co, (1994), [A.I.R. 1994 S.C. 860].

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under the specific facts of this case or a concern about judicial overreach, it must be respected. At least in spans of international commendation and accolades, the standard was warmly received both internationally and by the vast majority of Indian practitioners. In 1996, the Act was passed, which unified India's arbitration legislation. Sadly, the definition of 'public policy' steadily extended in future instances under the 1996 Act, and to the level that permitted tribunals to scrutinize matter-of-fact by benches, despite 1996 Act's explicit goal to limit judicial participation.

The Indian Supreme Court has said on several occasions that 'public policy' is not a set idea and would be mostly ineffective if it were.[19] Scholars have called the provision allowing courts to overturn laws based on grounds the "Unruly Horse". No precise meaning can be ascribed to the representation "public policy", and there are opposing assertions about what it entails (a broad perspective and a restricted one) "***(Gherulal Parakh v Mahadeodad Maiya & Ors[20])*** which believes that new heads ought not to be created under its ambit and the broad view ***(Central Inland Water Transport Corporation Limited & Anr. v Brojo Nath Ganguly & Anr[21] and Murlidhar Agarwal and Anr. v. State of U.P. and Ors.[22])*** which accepts the possibility of producing new heads inside the same framework at any given point in time.

**Evolution of 'PUBLIC POLICY' in India can be summarized as follows:**

The Supreme Court of India has decided that an international award will not be implemented in India if it violates (i) the core policy of Indian law, (ii) the interests of India, or (iii) the principles of justice and morality."

In case of *Natraj Studios v. Navrang Studios, (1981) 1 SCC 523,* the Supreme Court held:

[16] *"ONGC Ltd. v. Western Geco International Ltd. (2014), [(2014) 9 SCC 263].*

***"17.*** *The Rent Act of Bombay is a chunk of social weal law with explicit purpose of shielding tenants from harassment on the part of landlords. This is a question of public policy. The Act's structure demonstrates that the exclusive jurisdiction granted to specific courts is justified by the need to achieve the Act's overarching societal goal. It is against public interest to allow tenants' rights under the Act to be voided by a landlord's contract. As a result, it would be*

[19] Murlidhar Agarwal and another v. State of U.P. and others, (1974), [1974 (2) SCC 472].
[20] Gherulal Parakh v Mahadeodad Maiya & Ors AIR 1959 SC 781
[21] Central Inland Water Transport Corporation Limited & Anr. V Brojo Nath Ganguly & Anr (1986) 3 SCC 156
[22] *Murlidhar Agarwal and another v. State of U.P. and others, (1974), [1974 (2) SCC 472]."* [22] "Natraj Studios v. Navrang Studios, (1981), [(1981) 1 SCC 523].

*against public interest to enable parties to opt out of the Act's requirement that certain ilks of dissensions be sentinel to by Special Courts designated by the Act.*[22]

"of the case of Eros International Media Ltd. vs. Telemax Links (India) Pvt. Ltd., 2016 (6) Bom.C.R. 321, the Bombay High Court issued a ruling that showed a stark divide of opinion, and it only took one paragraph to make it clear.[23] Claiming" that the defendant had infringed upon his copyright, the plaintiff initiated a joint action seeking injunctive relief and monetary compensation. According to the Term Sheet's arbitration provision, the Defendant has filed an application for an order according to S. 8 of the A & C Act, 1996, looking for a finding that the Parties have acquiesced to put forward their disagreements to arbitration. The defendant argued that arbitration is permissible under all circumstances and that all issues are arbitrable. The defendant argued that submitting any Trademarks Act or Copyright Act case to arbitration would be an overly broad statement.

Cases involving intellectual property rights, such as patent infringement, trademark infringement, and copyright infringement, provide a complex set of circumstances that may or may not be amenable to arbitration. "2011 5 SCC 532, Booz Allen & Hamilton Inc. v. SBI Home Finance Ltd.[24], The issue of whether or not a case is amenable to arbitration was considered by the Supreme Court.

The Supreme Court" has headed that there is no formidable and fast limitation that says all conflicts in personam may be arbitrated but all issues in rem cannot. Arbitrability has been established for disputes involving rights in rem that give rise to rights in personam that are subordinate.

Because it is entirely optional, the parties may shape the makeup of the arbitral tribunal in a way that best serves their interests. It is reasonable to expect a nearly flawless award given the expertise of the tribunal and the cooperation of the parties and their attorneys. However, the legitimacy of such an award would depend on the swiftness with which any subsequent challenge viz Section 34 of Act is settled.[25] The *High Court of Delhi*[26] has ruled that protecting children is a bedrock foundation of Indian law and an essential part of the country's legal system. Therefore, it is impossible to hold a youngster accountable for perpetrating fraud either directly

[23] Eros International Media Ltd. vs. Telemax Links (India) Pvt. Ltd., (2016), [2016 (6) Bom.C.R. 321].
[24] Booz Allen & Hamilton Inc. v. SBI Home Finance Ltd., (2011), [(2011) 5 SCC 532].
[25] The Arbitration and Conciliation Act, 1996 Section 34.
[26] Daiichi Sankyo Co. Ltd. v. Malvinder Mohan Singh & Ors., (2018), [2018 SCC OnLine Del 6869]."

or indirectly. The aim of arbitration would be substantially compromised if the processes to dispute an award were to be excessively protracted for whatever reason. Improving the effectiveness of even the most renowned Courts in the area of arbitration would be beneficial to the cause of arbitration. Courts will not vacate or delay execution of verdicts simply because the Tribunal's riff of a contract disagrees with regional law or harms local economic interests. The Award may be nullified or enforcement may be barred if allowing the parties to do so would violate substantive rights and problems like anti-trust or securities laws. This is due to the fact that certain Awards may run counter to principles enshrined in constitutional documents, essential civil or property rights, or even constitute an illegal scheme.

## V. PRINCIPLES OF NATURAL JUSTICE: ENSURING PUBLIC POLICY

Its relevant to elucidate that the Supreme Court[27] has ruled that invoking the "most basic notions of justice" to protect India's "public policy" is a last resort and should only be used if the Court's qualm is disquietude by the violation of such basic values. No matter what, the Court restated that an ordeal for whether an Award violates "the most basic notions of morality or justice" is whether or not it "shocks the conscience of the Court.", whether or not the Award violates any applicable laws or ethical principles. For examples of when a court's conscience might be shocked, the Supreme Court69 referenced and approved the following examples from Associate Builders[28] initial to the Amendment Act of 2015.

"First used in the United States court case Parsons & Whittemore Overseas Co. v. Societe Generale de L'Industrie du Papier, the phrase" "most basic notions of morality or arbiter" (or "most fundamental principles") has been used in many contexts ever since.[29] where the Bench decided that procedure defenses might be used to dissuade the undertaking of foreign arbitral judgements only where doing so would go against the forum state's fundamental values. Loucks v. Standard Oil Co. was cited by the court as precedent.[30] It implies that a breach of a basic principle of justice, a widely held sense of good morals, A Court will refuse to order the execution of a foreign right only if doing so would be contrary to an established custom protecting the public interest or the common weal of the State. To win a dispute concerning

[27] "Ssangyong Engineering & Construction Co. Ltd. v. National Highways Authority of India, (2019), [2019 SCC OnLine SC 677

[28] Associate Builders v. Delhi Development Authority, (2015) 3 SCC 49.

[29] Parsons & Whittemore Overseas Co. v. Societe Generale de L'Industrie du Papier, (1974), [508 F.2d 969, 974 (2d Cir. 1974)].

[30] Loucks v. Standard Oil Co., (1918), [224 N.Y. 99, 111, 120 N.E. 198 (1918)], Reliance was also placed on Restatement (second) of conflict of laws s.117, comment c, at 340 (1971)'.

public policy in Singapore, a party must "cross a very high threshold and demonstrate egregious circumstances such as corruption, bribery, or fraud, which would violate the most basic notions of morality and justice," as one court put it.[31]

## VI. EPILOGUE

Insights into the magisterial use of 'public policy' to thrash arbitral judgements may be gained through examining the concept through a global perspective, which is something that India can benefit from. In terms of economic might, our country is on the cusp of global prominence. When it comes to commercial conflicts, it's crucial to remember that arbitration was created to be a quick and effective way of resolving disputes while also safeguarding the interests of the parties. Arbitral decisions were only to be set aside on the basis of an amorphous term like "public policy" if they were demonstrated to be in obvious violation of judicial procedures. "Unless the parties to the arbitration agree to reopen the issue before the Court for a fresh examination and new arguments, the judgment of the Arbitrator determined in accordance with the agreement between the parties to the arbitration must be final and binding. The purpose of both the Arbitration Act and the New York Convention will be defeated if parties are able to easily challenge arbitral rulings on the basis " of "public policy." since this would make the whole arbitration ecosystem moot. Courts, the body, and the legislature should all work together to keep public policy fresh and relevant, however judges should be aware that challenges to their rulings should be met with a very high standard and assessed through a very limited lens. especially when compared to the experience of other countries. The goal is not to nullify the prize, but rather to provide it with the resources it needs to do its job. A party that has been wronged may undoubtedly bring allegations of mala fides, bribery, or corruption to a court, but it is important to prevent a reappraisal of the merits from occurring under such guise. Many European courts have taken a global and transnational view on public

policy issues. A jus cogens that is consistent with the many international usages of the term has been proposed. A jus cogens would be a universally agreed-upon set of values and principles that govern all "public policy problems" everywhere.

Our nation is at a major hub for worldwide trade and commerce, and it is imperative that we accept, implement, and judicially acknowledge the overarching transnational values, all while

[31] Sui Southern Gas Co Ltd v. Habibullah Coastal Power Co (Pte), (2010), [[2010] 3 SLR 1]; BAZ v. BBA & Ors, (2018)," [[2018] SGHC 275].

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viewing occurrences through the lens of 'public policy.' It is especially true in light of India's aspirations to become a dominant global power, which necessitates that we do so at a time when we find ourselves at the crossroads of many different cultures and values.

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