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# Dynamics of the Arbitral Tribunals in India: Examining their Powers, Duties & Institutional Challenges

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**ABSTRACT**

*As the world grows more interconnected, disagreement occur that call for effective and specialised dispute resolution techniques. This report focuses on arbitration, a private process for resolving disputes in which impartial arbitrators often experts in the field make decision. we examine the fundamental dynamics of the arbitral tribunal along with all the various advantaged a party gains while going ahead with arbitration as their dispute resolution mechanism. In India, arbitration proceedings are governed by the Arbitration and Conciliation Act, 1996 and the subsequent amendments.*

*The report begins by defining the nature of arbitral tribunals and discusses their composition and the process for appointment of arbitrators, highlighting both party autonomy and judicial safeguards. It then analyses the extensive powers of arbitrators, such as granting interim measures, appointing experts, ruling on jurisdiction, proceeding ex - parte, and issuing binding arbitral awards. In parallel, it outlines the duties that ensure fairness, impartiality, confidentiality, procedural autonomy, and the integrity of the arbitral process.*

*A critical part of the report addresses the institutional challenges that continue to undermine the growth of arbitration in India. Finally, the report offers actionable recommendations In doing so, it aims to contribute to the evolving discourse on alternative dispute resolution and support India's ambition to become a global hub for arbitration.*

*Keywords: Arbitration, Arbitration in India, ADR, Arbitral Tribunal, Arbitration and Conciliation Act, 1996, Challenges, Party Autonomy.*

## I. INTRODUCTION

Arbitral tribunal is a panel of judges or highly qualified and knowledgeable experts who are termed as "arbitrators", appointed by the parties through mutual consent or by the court to resolve disputes. In reference to ***section 2(1)(d) of the Arbitration and Conciliation Act, 2019***, an arbitration tribunal means a person or persons, as the case maybe, appointed under this act. These people are said to possess quasi-judicial powers since they exercise the powers of a civil

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judge in as much as they are privately hired to do so. [2]

Unless otherwise specified in the agreement, an arbitrator in a case may be a person of any nationality. According to the new requirements, the Supreme Court and High Courts will have to designate arbitral institutions in accordance with their respective authorities if the parties or the two arbitrators (or all three in the case of a tribunal with three arbitrators) are unable to nominate the necessary arbitrator. In order to choose arbitrators to decide the dispute at hand, the disputing parties go to the courts.

In international commercial arbitration, appointments are made by the organisation that the Supreme Court has chosen. The organisation chosen by the relevant High Court appoints arbitrators for family disputes.

### A. Role of An Arbitrator

Discussing the position of an arbitrator within the certain arbitral proceeding it is possible to state that he is similar to the judge within the certain judicial proceeding. An arbitrator acts like a private judge, and both the parties to the conflict support this decision and go through with its implementation voluntarily. Their primary responsibilities as appointed by the arbitral institutions are as follows:

1. The legal function of understanding and implementing the rules and laws respective to arbitration
2. Also, regulating the scope of investigation in such a way that all the investigated circumstances and all the witnesses are thoroughly checked
3. Holding the arbitration hearing where the submits live testimonies to the arbitrator.
4. Reviewing the evidence and the proposed and the received testimonials fully
5. This implies a decision to resolve the above conflict.
6. Declaring the arbitral award. [3]

## II. COMPOSITION & APPOINTMENT OF ARBITRATORS

### A. Composition

The foundation of any arbitration procedure is an arbitral tribunal that is neutral and fair. The 1996 Arbitration and Conciliation Act establishes precise guidelines for the selection and

[2] Arbitration and Conciliation Act, 1996, §2(1)(d).

[3] Mudit Gupta, *All About the Arbitral Tribunal*, IPLEADER BLOG (June 16, 2022, 12:00 PM), https://blog.ipleaders.in/all-about-the-arbitral-tribunal/.

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appointment of arbitrators, upholding the notion of party autonomy while guaranteeing court protections to preserve impartiality and process integrity.[4]

Section 10 of the Arbitration and conciliation act, 1996 clearly emphasis on the appointment of arbitrators: Parties may choose the number of arbitrators as long as it is not an even number. The default rule calls for the appointment of a single arbitrator in the absence of such an agreement. This adaptability enables parties to modify the tribunal's makeup in accordance with the type and complexity of the conflict.[5]

### B. Appointment Mechanism

Section 11 of the arbitration and conciliation act,1996 lays out a multi-tiered process –

Party Autonomy: The process for selecting arbitrators is left up to the party's mutual discretion or agreement that is laid in the contract created.[6]

Default Process: In a three-member tribunal, the presiding or third arbitrator is chosen by the two arbitrators who have been appointed by each of the parties. [7]
Judicial Intervention: To maintain neutrality and continuity in the process, the concerned High Court (for domestic arbitration) or the Supreme Court (for international commercial arbitration) may intervene to appoint an arbitrator in the event of disagreement or failure to do so within 30 days.[8]

### C. Role of Arbitral Institutions

The Arbitration and Conciliation (Amendment) Act, 2019 established provisions for the Supreme Court and High Courts to designate arbitral institutions in recognition of the necessity for reputable and specialised arbitral organisations. These organisations have the authority to oversee appointments and procedural matters, fostering arbitration's effectiveness,uniformity, and is responsible for quality.

The Arbitral council of India consists of a Chairperson who is either:

- A judge of the Supreme Court.
- A judge of a High Court.
- Chief Justice of a High Court.

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[4] *Arbitral Tribunal: Appointment, Composition, Jurisdiction and FAQs*, **Geeks for Geeks** (Mar. 1, 2024), https://www.geeksforgeeks.org/arbitral-tribunal-appointment-composition-jurisdiction-and-faqs/.
[5] Arbitration and Conciliation Act, 1996, §10.
[6] Arbitration and Conciliation Act, 1996, §11(2).
[7] Arbitration and Conciliation Act, 1996, §11(3).
[8] Arbitration and Conciliation Act, 1996, §11(4)(5)(6).

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- An eminent person who has expert knowledge in the conduct of arbitration.

Other members include an eminent arbitration practitioner, an academician with relevant experience in arbitration, and government appointees.

## III. POWERS AND DUTIES OF ARBITRAL TRIBUNAL IN INDIA

### A. Powers

#### 1. Power to make interim measure

This power is given by ***Section 17 of the Arbitration and Conciliation Act, 1996*** in regards to which the tribunal if approached by a party to the dispute for passing of an interim measure [9]can do so. The following are examples of interim actions that the arbitration panel may take:

a. The then appointment of a guardian of a minor or a person of unsound mind for the purpose of arbitral proceedings

b. Storing, protection, any goods, which is the subject-matter of arbitration agreement or any goods, which is in the process of importing and exporting, during the trial or before trial as well as handing over of any such goods to a third party for safe custody.

c. The respondents tried to secure the amount in dispute in the arbitration process and disregarded the complainants' rights.

d. Application for interim injunction or the making of an order for the appointment of a receiver

e. Other measures of protection as and when may seem fit to the arbitral tribunal during the entire process until the final award is issued.

The right to provide interim measures under the authority of courts and their enforcement by the arbitral tribunal underlines that the relief provided is not vague and acquires the impartial value. Such an effect helps to eliminate the time-consuming process of approaching the courts for efficient interim relief that in turn enhances the convenience for the parties using arbitration and enhances the prospects of arbitration in India.[10]

#### 2. Power to Appoint an Expert

The ***Arbitration and Conciliation Act of 1996, Section 26,*** gives the arbitral tribunal the authority to enlist the help of one or more experts on a given matter if it determines that doing

[9] Arbitration and Conciliation Act, 1996, §17.

[10] Sarthak Mittal, *Section 17 of the Arbitration and Conciliation Act*, IPLEADER (May 20, 2023), https://blog.ipleaders.in/section-17-of-the-arbitration-and-conciliation-act-3/.

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so is required in any given situation.

The arbitrator also has the right to give any information, documents or property that is pertinent in the case to the experts for inspection. If necessary then the arbitrator also has the authority to nominate the expert as a person, attending the hearing. There is just one requirement before this authority can be used, and that is for the expert to demonstrate to the parties that he has experience with the issues at hand.

**3. Power to Make Awards**

An arbitral award is similar to a judgement of the court because an arbitrator assumes jurisdiction of the matter and makes the award. It largely depends on the assessment of the arbitrators concerning the facts and the evidence presented to them.

***Section 31*** [11]***of the act*** provides the forms of content to be followed while preparing and arbitral award.

The main goal of the arbitral process is to determine the arbitral award, and the arbitral tribunal has the authority to make this determination. However, in order to verify whether rules apply in an arbitration procedure, the following phrases should be used:

a. Concerning the international commercial arbitration of the dispute, the proceedings of the said commercial arbitration have to be conducted in accordance to the agreed rules that the parties have to set but in the event that the parties do not agree, the arbitrator gets to set them and they become operational.

b. On other aspects, the arbitral tribunal shall have the right to define the rules that are under the provision of the substantive law. Announcing is not only the authority of the arbitral tribunals, but also a responsibility of the same to evaluate all the information concerning the given controversy and then come up with the said award.

**4. Jurisdiction of the Arbitral Tribunal**

Strangely, arbitral jurisdiction lacks an irresponsive quality and makes no prior mention of the characteristics of court jurisdiction. Nonetheless, the parties' agreement that arbitration will be used to settle a particular dispute gives it jurisdiction. As a result, the law does not grant jurisdiction to an arbitral tribunal. The level of party autonomy is very high. Consequently***, the Arbitration & Conciliation Act, 1996, Section 16*** contains the authority for the arbitration panel to determine its jurisdiction. Section 16(1) of the Act grants an arbitration tribunal the authority to decide whether or not it has jurisdiction. The arbitration panel's acceptance that the law can

[11] Arbitration and Conciliation Act, 1996, §31.

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be applied is related to the ***Kompetenz-kompetenz*** or competence de la competence premise.[12]

**5. Power to Proceed Ex-Parte**

The arbitration tribunal may proceed ex parte in the following cases –

a. If the claimant does not submit or communicate his statements as provided in ***Section 23 of the Arbitration and Conciliation Act, 1996***;

b. Where the respondent has not forwarded or presented their statements under the provision of section 23 of the Arbitration and Conciliation Act, 1996; and

c. Where under any of the said circumstances, any of the parties to the dispute, fails to attend an oral hearing or to produce the underlying document or any sort of documentation sought by the tribunal. It however has to be noted that an arbitration tribunal cannot pass an ex parte order on the basis of mere filing of an interim application because as per the provisions of Arbitration and Conciliation Act 1996, sufficient prior notice has to be given for any hearing.[13]

**6. Power to Administer Oath to Parties and Witnesses**

The law governing arbitration in India is the Arbitration and Conciliation Act of 1996 it gives arbitrators a broad power of taking an oath from the parties involved and all the witness. The Parties and their attorneys may also be served with written interrogatories by him/her if the latter deems it proper to do so. This duty is accorded to the arbitrator in compliance with the general rules of law as a quasi-judicial officer.

**7. Power To Hold Oral Hearings**

***Section 24 of the Act*** provided that the arbitral tribunal could decide whether or not the proceedings shall be only on papers and other documents or whether there should be oral hearings for the purpose of the presentation of witnesses and/or arguments. By mechanism, the parties must notify in advance of the hearing of a particular case, and in regards to any submissions made by the arbitral tribunal to one party, the other party is entitled to be served with those submissions.[14]

**B. Duties / Functions**

**1. Duty to be Impartial**

***Section 18*** of the arbitration and conciliation act says that it is the duty of an arbitral tribunal to be impartial, that means the arbitral tribunal shall treat each party equally and each party shall

[12] Arbitration and Conciliation Act, 1996, §16.
[13] Arbitration and Conciliation Act, 1996, §23.
[14] Arbitration and Conciliation Act, 1996, §24.

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be given full opportunity to present his case

**2. Duty to choose place, time and language of Arbitration**

Arbitrators' obligation to select the time, the place and the language of arbitration. According to the ***Section 20 of the Act,*** the parties have the liberty of choosing the place of arbitration but in case of failure to do so then it becomes the responsibility of arbitral tribunal to decide such place by taking into consideration the circumstances of the case.

Thus in the context of Section 20 there is the result stated by the Supreme Court in *Sanshin Chemicals Industry vs Orientals Carbons And Chemicals ( 2001[15])* – a joint reading of Section 2(6) and Section 20 indicates that while the parties had the right to select the seat of the arbitration, they also had the right to empower any person, including an institution to make that decision regarding the choice of the seat In the case at hand the stay of the joint committee is such an institution and once a resolution is made then it cannot be appealed.

Under Section 22, where the parties fail to determine the one or more languages to be used by the arbitral tribunal, the latter is entitled to make that determination.[16]

**3. Duty to disclose relevant facts required to be known by the parties**

It then becomes the duty of such an appointed arbitrator that he shall in terms of ***Section 12*** of the Act[17] file a statement in writing of all past and present relations, whether social, business, professional or other, with the parties or the subject matter in dispute, which would affect his ability to devote sufficient time to the arbitral proceedings.

The arbitrator has the obligation to disclose relevant facts about him/herself in the form mention in schedule 6 of the act. Schedule 5 of the act mentions all the grounds that are to followed and In the event of a dispute, the parties cannot engage into a contract that contradicts the categories listed in the seventh schedule, and he loses his eligibility for appointment. Nevertheless, the parties may agree in writing to waive the schedule's application when a disagreement develops.

In the premises of *Steel Authority Of India Ltd vs British Marine Plc (2016),*[18] the Delhi High Court scrutinized the validity of AT members' statement that they were not bound to make disclosures apart from the one they had provided. Namely, the Court determined that in line with either the criteria of the Fifth Schedule – not Item 24 of that Schedule – the arbitrators were bound to act. The Court had looked at explanation to section 12 (1) which provides for

[15] Sanshin Chemicals Industry v. Orientals Carbons & Chemicals Ltd., (2001) 3 SCC 341 (India).
[16] Arbitration and Conciliation Act, 1996, §20,22.
[17] Arbitration and Conciliation Act, 1996, §12.
[18] Steel Authority of India Ltd. v. British Marine Plc., O.M.P. (T)(Comm.) 48/2016, Delhi High Ct. (Oct. 20, 2016).

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perhaps derogations where as a matter of business, people select the same arbitrators for several occasions.

**4. Duty To maintain the secrecy of the case**

It is mandatory for the arbitrators in the tribunal to keep all facts sealed so as to preserve the trust values as defined earlier, exemplary. However, as ***per section 12 of the Arbitration and Conciliation Act, 1996*** the arbitrators are also to provide some of the facts to the parties so that no possibility of biasness can be found in the delivery of the award. Confidentiality is one of the main reasons parties choose arbitration, and to maintain the importance of it, it is mandatory for the arbitrator to look after the non-disclosure of information to outsiders.

**5. Duty to determine the rule of procedure**

As ***per section 19 of Arbitration and Conciliation Act, 1996*** [19]arbitration is not subject to any prescribed code of procedure. The arbitration organisation which allocates the specifics of the establishment of the said tribunal for a particular arbitration matter prescribes the manner in which the arbitration proceedings is to be conducted. In most cases these rules are set by an organisation prior to the occurrence of the proceedings while some are given a conceptual interpretation in the process. These have to satisfy other laws of the country as well.

**6. Duty to interpret or correct the award**

Pursuant to ***section 33 of the Arbitration and Conciliation Act, 1996***[20], the arbitral tribunal has the responsibility to rectify the award and or interpret the award which has been passed by the arbitral tribunal that has been assigned so and this has to be done within thirty days from the date application has been received for the same. It can be done in the following two cases:

a. The notice to the other party may, in the party's request to the arbitration tribunal, be requested to correct an error of the sort of typographical, computation, clerical, or any other similar error.

b. If a party desires that the specific part or parts of the award should be interpreted in a different manner the party may, with notice to the other party, request the tribunal to give its interpretation.

According to this section, either the arbitral tribunal or the party concerned may request the correction of any error it has committed in the award within thirty days of the arbitration award's issuance.

[19] Arbitration and Conciliation Act, 1996, §19.
[20] Arbitration and Conciliation Act, 1996, §33.

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### 7. Duty to avoid misconduct

The arbitral tribunal shall not make any award which is contravenes the public policy. It must not corruptly give or receive bribes also it must not do any act that violates the principle of natural justice.[2122]

## IV. LANDMARK JUDGMENTS

### *A. Perkins Eastman Architects DPC v. HSCC (India) Ltd. (2019) 9 SCC 389*[23]

**Issue:** Whether a party interested in the outcome of the dispute can unilaterally appoint an arbitrator.

**Held:** The Supreme Court held that a party cannot unilaterally appoint a sole arbitrator if it has an interest in the outcome. This violates principles of impartiality under Section 12(5) of the Act.

**Relevance:** Reinforces **neutrality and fairness in arbitrator appointments**; promotes trust in arbitration.

### *B. Vidya Drolia v. Durga Trading Corporation (2021) 2 SCC 1*[24]

**Issue:** What disputes are non-arbitrable, and what is the role of courts at the referral stage under Section 11.

**Held:** The Supreme Court ruled that disputes related to landlord-tenant matters governed by special statutes are non-arbitrable. The court also clarified the **limited scope of judicial interference** in referring matters to arbitration.

**Relevance:** Clarifies the doctrine of **arbitrability** and strengthens the principle of **minimal court interference**.

### *C. Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc. (BALCO) (2012) 9 SCC 552*[25]

**Issue:** Whether Indian courts have jurisdiction over international commercial arbitration seated outside India.

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[21] Dheeraj Joshi, Oishika Banerji, *Analysis of Power and Functions of an Arbitral Tribunal*, IPLEADER, (July 19, 2023), https://blog.ipleaders.in/analysis-of-power-and-functions-of-an-arbitral-tribunal/.

[22] Akshaya K, *Power and Duties of Arbitrators*, VIA Mediation Centre (May 2, 2020), https://viamediationcentre.org/readnews/MTU2/Power-and-Duties-of-Arbitrators.

[23] Perkins Eastman Architects DPC v. HSCC (India) Ltd., (2019) 9 SCC 389 (India).

[24] Vidya Drolia v. Durga Trading Corp., (2021) 2 SCC 1 (India).

[25] Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc., (2012) 9 SCC 552 (India).

**Held:** The court held that Indian courts cannot exercise jurisdiction in foreign-seated arbitrations.

**Relevance:** Reaffirms the principle of **territoriality** and **party autonomy in selecting the seat of arbitration**, encouraging India's alignment with international norms.

### D. *State of Gujarat v. Amber Builders (2020) 2 SCC 540*[26]

**Issue:** Whether courts can revisit factual findings of the arbitral tribunal under Section 34.

**Held:** The Supreme Court reiterated that **courts cannot reappreciate evidence** or interfere with findings of fact unless there is gross illegality.

**Relevance:** Upholds the **finality of arbitral awards** and limits judicial overreach, encouraging faster enforcement.

## V. CHALLENGES IN THE PROCESS OF DELIVERING JUSTICE THROUGH ARBITRATION

The Constitution of India gives so many options to go on with the reliefs and everything that 'one' can dream of getting justice to each and every person in this country who has suffered. One such relief is the Process of arbitration that has been defined under Arbitration and Conciliation Act, 1996 (A&C Act). But due to the following reasons, Arbitration and the arbitral tribunals in India has not grown properly as it is accepted to be:

### A. Conventional thinking of Indians

Yet India is on its way of modernisation but it is still considered to be a developing country. That is, a majority of the population is indifferent towards arbitration and still has comparatively higher faith in courts than in ADR. This is not entirely a bad thing, to have faith in one's judicial system, but when the citizens of a country are narrow minded and are resistant towards change, having this orthodox mentality can actually cause more damage than benefits.

People of the country still prefer litigation as the primary dispute resolution mechanism. It isn't wrong to have faith in the judicial system but embracing the new pathways towards resolution can help them achieve their goals quicker and in much easier manner.

### B. Intervention of courts in arbitral proceedings

In all matters relating to arbitration, reception of the decision of the courts should be minimal. Because of such interferences, those who prefer arbitration rather pleading to a court and those who contribute to the inclination towards courts, are also included. It is often held to be

[26] State of Gujarat v. Amber Builders, (2020) 2 SCC 540 (India).

preferable for people to go directly to the court in the first instance.

Preliminary legal regulation has to set the limit to intervention of the Courts not only in the course of the arbitration procedure but also in the case of the procedure completed. This means that there must be some restriction to apply for a review of the arbitral award under Section 34 Of Arbitration Act, 1996. [27]

In *White Industries Vs. Republic of India* [28], two issues arise: twofold with the help of judiciaries and two fold due to delay in arbitration. And thus, it was well debated and agreed that any role played by the judiciary should be reduced to an extent in order to project a superior image of India as a business as well as an arbitral hub.

The Indian courts have been accused severally of overemphasis in intervening in arbitrations. Regular attempts to set aside, vacate or challenge the award on different grounds along with frequent judicial interferences in appointments of arbitrators weaken the batch of arbitral proceedings, and increase the time and money required for all the processes.

### C. Lack of credible arbitral institutions

The mentioned challenge is one of the unseen truths of arbitration in India. My courts appoint the parties with an arbitrator but do not see the lack of infrastructure facilities and time constrains at these places governed by the state itself.

In India, it is a mandatory requirement to allocate proper space and time for such arbitral proceedings since the parties are paying a lot from their pockets and do expect an fair proceeding.

Many a times the fee of the arbitrator is placed low and along side that he/ she isn't given the sum among at the beginning, due to which there are high possibilities that the arbitrator so appointed may lose interest in the case or may refrain from passing a fair decision.

### D. Lack of awareness

Among the various factors which are quite predominant and are attributed to the fact that Arbitration is not developing in India, one of the primary reasons is that the people are not aware of Arbitration and its functioning. While there are some businessmen, advocates or legal advisors who lack knowledge of the said situation with regard to arbitration proceedings, such information leaves many small scale businessmen or various newcomers who have no idea on

[27] Arbitration and Conciliation Act, 1996, §34.

[28] White Industries Australia Ltd. v. The Republic of India, UNCITRAL, Final Award (Nov. 30, 2011).

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the existence of such remedies out of the said proceedings.

### E. Lack of specialized arbitration benches

It can be noted that most matters related to arbitration in India are dealt with by the regular court which often is not well equipped with the knowledge related to arbitration systems. This might result in having different judgment being passed and having cases taken longer time to be solved as the judges may take time to understand the arbitration procedure.

### F. Limited availability of skilled arbitrators

India lacks adequate trained and experienced arbitrators to fulfil the requirement in new generation specialized fields like construction, infrastructure and international arbitration. The few number of arbitrators makes the quality and efficiency of arbitrations to be compromised and the parties may find it hard to secure the most appropriate arbitrators for their cases.

The above mentioned points are the main reasons as to why arbitration is not progressing at the rate it should in India. Thus, it becomes imperative to discuss how these issues can be addressed so as to build a favourable perception of India as a business and as an arbitral hub.

### G. Removal of arbitrator by termination

In India the removal of arbitrators doesn't take place in the court by happens by the operation of parties and in front of the tribunal itself. If the grounds mentioned are violated then the arbitrators can be terminated in the middle of the proceedings by the guidance of section 13 and 15 of the arbitration and conciliation act. Challenges can be made according to section 12 and 13 and the termination takes place based on section 15.

## VI. JUDICIAL TRENDS AND SUGGESTIONS

### A. Enactment and Modernization of Arbitration Laws

National legislation should establish comprehensives and up to date arbitration laws similar to those of the international recommendation like UNCITRAL Model Law on International Commercial Arbitration. These laws should contain provisions on the specific processes of arbitration, arbitration awards, and rights of the parties.

### B. Specialized Arbitration Institutions

Actually, governments ought to set up or enhance special arbitration organizations which will be able to manage arbitration procedures effectively. Such institutions should have clear procedures, capable arbitrators and efficient ways of handling the cases to enable efficient conduct of arbitration.

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### C. Judicial Support and Non-Interference

Courts should do away with excessive mediation and or intervention with arbitration proceedings hence leaning toward arbitration. This includes, non-interference with party autonomy, non-interference with the arbitration agreements and non-interference with the arbitral proceedings. More precisely, clear guidelines should be given in the regional legislation to guarantee the support of the judiciary for arbitration.

### D. Training and Accreditation of Arbitrators

Governments should encourage the training and certification of the arbitrators with a view of improving their efficiency and professionalism. Applying educational concepts for arbitrators as well as creating proper workshops and certification will add to the arbitration process a reputation followed by quality.

### E. Transparency and Efficiency

Arbitration proceedings should be conducted with efficiency with they level of transparency when relaying information to the parties involved. There should be provision of proper information necessary for the conduct of the parties and also hearings should be promptly conducted. Such measures as e-filing and video-conferencing are examples of the proper use of technology that can bring about a huge change in arbitration.

### F. Fair and unbiased procedure for termination of arbitrators

Since in arbitration, the top most priority is party autonomy, therefore based and vague and invalid reasoning the qualified arbitrators must not be denied the chance to resolve the conflict.

## VII. CONCLUSION

***"Conflict is neither good nor bad. Properly managed, it is absolutely vital."*** [29]

The rules and regulations concerning the forms of the ADR are also becoming more and more liberal, especially if referring to the Indian experience. New institutions are extending their services due to the increase in arbitration proceedings in India, which might assist in solving the unwanted situation of court congestion in a few of years.

Regarding domestic arbitration in India, the Arbitration and Conciliation Act, 1996, is the primary statute governing arbitration in India. Second, it must be in lieu of India's substantive and procedural laws with regard to all of the aforementioned actions.These provisions have to be followed by the arbitral tribunal while deciding a particular dispute with the purpose to

[29]Kenneth Kaye, **AzQuotes**, https://www.azquotes.com/author/40419

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pronounce an arbitral award which can be backed by law. Based on the UNCITRAL model text, India's civil law systems include the Code of Civil Procedure, 1908, and the Arbitration and Conciliation Act, 1996, which the arbitration panel must abide by in order to control the proceedings and render an arbitral decision.

Therefore the tribunal thus constituted plays a vital role in outcome of the dispute. Managing the dispute properly, in guidance with the act and code is the utmost necessary step. In India, the above mentioned powers and duties of the arbitrator must be followed by all to ensure that there is no hinderance of justice.

In conclusion, there aren't any one factor responsible for the challenges faced by the tribunals but many and keeping in mind the suggestions and reactions we need to make sure that there is a striking balance between them. Strategic risks like judiciary's bias towards other remedies, lack of awareness, inadequate legal infrastructure, and enforcement concern hinder the growth of India as an international arbitration destination. Therefore, more efforts should be pursued on procedural reforms, public education and training, development of infrastructure and technology as well as enhancing the measures to enforce the prioritized measures. In this regard, resolving the mentioned issues would help in strengthening the arbitration landscape of tribunals within India as well as help in better positioning itself as an attractive seat for arbitration to international business entities.

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