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**Title:** Scope and Efficiency of Commercial Arbitration for Alternate Dispute resolution in Indian Companies.

Commercial arbitration as an alternate dispute resolution mechanism in Indian companies is a real need for addressing burgeoning commercial litigations in India. It is universally accepted that an effective dispute resolution mechanism ushers confidence between contracting parties and therefore lays a strong foundation for the growth and development of trade, Industry and commerce both at national and international. On a rough estimate, there are about 30 million cases pending on the dockets of all Courts of India from the lowest rung to the highest court of the country. Commercial arbitration reduces the cost of proceedings to a great extent and helps in expediting the business processes.

Research objectives of the research study are to examine current arbitration practices and strategies in business world about use of arbitration as a tool for dispute resolution; to identify the extent to which knowledge about arbitration is essential within business world in terms of risks; to ascertain the extent to which commercial arbitration is relevant for the business as a measure and tool of risk mitigation and litigation cost management; to ascertain how commercial arbitration can be made more effective by reviewing provisions of the Arbitration and Conciliation Act, 1996 and the measures which government can take to promote commercial arbitration over routine court litigation. It also evaluated the relevance of Institutional Arbitration over adhoc arbitration and the role of online dispute resolution in commercial arbitration.

Studies have been carried out by blending the theoretical framework and data analysis based on literature review, surveys by questionnaires administered on corporate executives and legal practitioners, case studies and judgment reviews and personal interaction with relevant people in order to arrive at logical conclusions. The data collected has been edited, coded and tabulated and the research Propositions have been tested using various statistical tools. Cross Tabulation, Measure of Central Tendency e.g. Mean, Standard Deviation, ANOVA, Factor Analysis have been used to analyses data. More specifically, descriptive statistics has been used to test the research propositions to find the polarization of the perception and concentrations. One-way ANOVA has been used to examine the significant differences in the opinions across the respondent on question specific parameters/options with classifying variable as Role of the Respondent in the sample organization. Factor analysis has been conducted to extract important factors on a particular issue. The quantitative analysis has been carried out using SPSS 14.0 and MS Office tools have been used for presenting the results.

This thesis covers the analysis of arbitration process, judgments and a macro view of legislative frameworks and emerging policy implications. It provides an insight into challenges and problems faced by Indian companies due to inefficient and long pending litigations, delay in arbitration, issues relating appointment of arbitrators, lack of information about arbitrators and arbitral institutions, problems in enforcement of awards, interference of courts in arbitrations and absence of regulator(s) in commercial arbitration.

The results indicate certain positive trends as well as some problem areas, which need to be addressed. Positive features of practice of commercial arbitration in Indian companies and businesses are involvement of decision makers and attorneys and generation of ideas for improvement of commercial arbitration by them. Problem areas in the commercial arbitration practices in Indian companies are lack of institutional arbitration and regulation of on-going arbitrations by some regulator.

Even now companies are not involved in creating and developing repositories in their respective organization of standard terms and procedures pertaining arbitration, which can be incorporated in agreements with other parties. Only fewer business firms have a proper system of periodic assessment of the on-going arbitrations with other parties. Commercial arbitration as a tool for dispute resolution is confined mostly to large business organization in private/public sectors and that too, in big cities and also, not yet fully accepted by small and medium size business companies in urban small cities. Complex business processes their technical nature provide ample opportunity for arbitration to resolve disputes in an effective manner. Parties are strictly bound by processes of court, in court litigation and cannot decide location and judge for their disputes. Many lawyers and academicians still find that there is still lot of intervention practically done by courts during arbitral proceedings.

Interviews of companies and arbitration lawyers and online survey reflects that in India majority of people are still not fully aware about the very existence of institutions which are involved in commercial arbitration. It has further been noted that people are also not knowing the role and functionality of arbitral institutions who can assist them in properly including arbitration clause in their commercial agreement and then if need arises, can further assist in arbitration till the award is made. Government may also appoint regulator for exercising proper control over pending control. Professional bodies shall circulate literature and shall also conduct seminars, conferences, and workshop besides short-term courses on commercial arbitration throughout the country involving all stakeholders.

Thus, this research offers many suggestions including amendment in existing laws, preference for institutional arbitration, increased initiatives and incentives by Governments and other stakeholders for developing India as an arbitration hub, evolving commercial arbitration as an alternate to routine court litigation for overall development and betterment of business environment.