

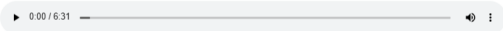
# UPES School Of Law Concludes World Café Style Conference On “Adapt Or Perish: Indian Arbitration At A Crossroads”

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The UPES School of Law hosted a conference *“Adapt or Perish: Indian Arbitration at a Crossroads”* in New Delhi. The event brought together distinguished legal minds, policy experts, academicians and students to engage in critical dialogue on the current state and future of arbitration in India.

This unique conference began with the keynote speech delivered by **Justice Vikramajit Sen, Former Judge of the Supreme Court of India**, and **Justice Hemant Gupta (Retd.), Chairperson of the India International Arbitration Centre**—whose thought-provoking insights urged the audience to reconsider arbitration not merely as an alternative, but as a strategic tool to support the judiciary.

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**Justice Sen** noted a visible shift in India’s arbitration framework, driven by both legislative changes and judicial precedents. However, a critical question remains—are the statute and judiciary working in tandem to support arbitration, or is excessive judicial interference holding it back? He expressed concern over the Supreme Court’s recent trend, where a part of the arbitral award is dissected and reopened, allowing excessive court interference. This goes against international norms, where courts rarely intervene in arbitral decisions.

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On the question of accountability, Justice Sen, said arbitrators must be expected to Uphold party expectations by advancing their case fairly, Remain unaffected by extraneous influences, and Maintain integrity in decision-making. He praised the legal acumen of Indian lawyers, arguing there’s no reason why only retired judges should dominate arbitration panels.

India has what it takes to become a global leader in arbitration—but it needs consistent support from Parliament, institutional infrastructure, and the courage to let professionals take the mantle.

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**Justice Hemant Gupta** began by commending the organisers for selecting a topic of great significance. He candidly acknowledged that arbitration in India is indeed at a crossroads, facing multiple challenges in its evolution and public perception.

Justice Gupta noted that when India adopted the UNCITRAL Model Law, it was done verbatim, without tailoring it to the unique needs and realities of the Indian legal system, particularly its litigation-heavy culture.

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He observed that historically, India has functioned under an ad hoc arbitration system, with no strong tradition or understanding of institutional arbitration. Even under the 1940 Act, ad hoc arbitration was the default, and this mindset has persisted for nearly eight decades.

Justice Gupta then highlighted his personal experience managing both ad hoc arbitrations and institutional responsibilities, noting that, most arbitrators are retired judges, with few lawyers involved. Lawyers often struggle to find time, seeking hearings after court hours, leading to delays and loss of efficiency. Arbitrations are often prolonged — for instance, he said that in one case he handled, the matter began in 2012 and was still not completed due to scheduling conflicts.

He emphasized that India must apply international best practices like those followed by SIAC and ICC, where schedules are fixed, and proceedings are strictly time-bound.

He called on lawyers and law firms to step forward and take leadership roles in institutional arbitration, encouraging younger professionals to build careers in this area.

Justice Gupta also cautioned against using arbitration routinely, especially in small-value or unsuitable commercial contracts.

The conference featured a dynamic- world café style, allowing participants to engage deeply with six sub-themes, including India’s shifting stance on arbitration and mediation, cultural and systemic barriers, arbitrator autonomy and ethics, judicial involvement in arbitration, challenges in enforcement, and mapping India’s path toward becoming a global arbitration hub.

This dynamic and high-profile gathering brought together an esteemed and diverse cohort of legal and industry leaders. Distinguished participants included Justices from various High Courts across India, along with senior representatives from prominent law firms like Khaitan & Co., Cyril Amarchand Mangaldas, Shardul Amarchand Mangaldas & Co., Trilegal, Karanjawala & Co., JSA Advocates & Solicitors, Luthra & Luthra, Dua Associates, etc. There also were senior officials from leading public and private sector organizations such as Tech Mahindra, Tata Steel, Indian Oil, PwC, Accenture, and LG amongst many others. Each table sparked rich discussions on questions ranging from institutional delays and professional accountability to strategic policy choices and international credibility. The participants deliberated upon the proactivity of arbitrators, foreign investor confidence, and the broader landscape of arbitration.

The roundtable conversations, followed by an insightful panel discussion including Justice J.R. Midha, Former Judge of the Delhi High Court; Justice Rekha Palli, Former Judge of the Delhi High Court; Mr. Akshay Sharma, Partner at Shardul Amarchand Mangaldas; Mr. Manan Shukla, Partner at HSA Advocates; Mr. Gauhar Mirza, Partner at Cyril Amarchand Mangaldas; Mr. Navin Kumar Singh, CEO of the India International Arbitration Centre;

Mr. Zafar Khurshid, Senior Partner at TKC Partners; and Ms. Palak Nagar, Principal Associate at Cyril Amarchand Mangaldas, delved into pressing issues shaping the arbitration landscape in India. The panel deliberated upon the cultural preference for litigation, India’s position in the global arbitration arena, and the adverse impact of delayed judgments. They further explored the implications of judicial interference and the growing trust deficit within arbitration, offering critical insights into the challenges and opportunities that lie ahead.

The session culminated in a dynamic rapid-fire round, where participants reflected on the provocative statement, “Arbitration in India looks Global but feels Local.” To which, the panel unitedly responded that “It should look global, be global and feel local”. This sentiment underscored the remarkable transformation of India’s arbitration landscape.