

FOREWORD

— Justice Rajiv Shakdher*

I am told that this is the VII edition of the Indian Arbitration Law Review (“IALR”) publication. In taking out this and earlier publications, National Law Institute University, Bhopal (“NLIU”) has done yeoman service to the cause of capacity building in the field of alternate dispute resolution amongst those who are concerned with quick resolution of disputes, albeit, at affordable cost.

It needs to be understood that in taking out such publications, year-on-year, NLIU has provided *inter alia* space to students, and young practitioners, to read, absorb, and contribute to the rapidly developing landscape of arbitration law.

For arbitration to gain traction in India, it is imperative that we have practitioners, as well as adjudicators, who are conversant with both domestic and international precedents, laws and regulations.

India can become an attractive destination for adjudication of international commercial disputes, if publications such as these are put in public realm as they provide the requisite platform for critiquing legislation enacted, judgements and awards rendered on the subject arbitration.

IALR provides such a space. The myriad articles that IALR has carried since February 2019, when it published its first edition, shows its commitment to raise a red flag, to caution, and make constructive suggestions whenever necessary.

The recent analysis conducted by members of Centre for Parliamentary Studies (an adjunct of NLIU) and IALR concerning the press release dated October 18, 2024, issued by the Government of India concerning the changes it proposes to the Arbitration and Conciliation Act, 1996 is a case in point.

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Likewise, articles on topics suggesting that it is time to de-couple domestic public policy from international public policy while dealing with recognition, and enforcement of foreign awards, the discussion on blockchain based arbitrations, the interplay between the Micro, Small and Medium Enterprises Development Act, 2006, and the Arbitration and Conciliation Act, 1996, and the issues which it has thrown up, and the retrograde step that has been taken with the issuance of “Guidelines for Arbitration and Mediation in Contracts of Domestic Public Procurement” which seeks to put breaks on resolution of disputes via arbitral tribunals offer insight into problems which bedevil the practitioners and adjudicators.

Having been on the bench for more than sixteen (16) and a half year, and practice at the bar of nearly two (2) decades, I can say with certainty that publications such IALR receive due weight and attention of policy makers, law commission, and law makers. It helps the executive of the day to keep itself abreast of the gaps and lacunas in the legal framework when applied to live situations.

NLIU’s perseverance, dedication, and contribution to alternate dispute resolution is commendable. The contributors and the editorial team have put out, once again, an engaging edition which, I am sure, would be of great interest to its readers.

I wish the IALR team the very best in its future endeavors.