
THE PUBLIC POLICY EXCEPTION IN INDIAN PRIVATE INTERNATIONAL LAW: GUARDING SOVEREIGNTY OR HINDERING COMITY?

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ABSTRACT

In countries like India, where courts regularly use it to reject the recognition and enforcement of foreign judgments and arbitral awards, the public policy exception is still one of the most controversial ideas in private international law. This paper critically analyzes the development and use of the public policy exception in Indian private international law, posing the questions of whether it successfully protects constitutional values and national sovereignty or if its arbitrary and frequently broad interpretation impedes judicial comity and international legal cooperation.

Following the development from *Renusagar Power Co. v. General Electric Co.* to *ONGC v. Saw Pipes*, and more recently in family law and child custody cases like *Nithya Anand Raghavan v. State (NCT of Delhi)*, the paper examines the various legal areas in which Indian courts have used the exception. It also contrasts India's strategy with the more stringent, standardized standards used in countries where international public policy is used sparingly, such as the United Kingdom, the United States, and Singapore.

The study contends that although public policy is an essential safeguard for sovereign legal identity, its overuse in India has resulted in judicial overreach, unpredictability, and barriers to the acceptance of valid foreign legal rulings. The paper concludes with a proposal for doctrinal reform, calling for a codified framework of Private International Law that strikes a balance between domestic values and the demands of globalization and cross-border justice, as well as a refined, dual-level interpretation of public policy.

Keywords: Public Policy Exception, Recognition of Foreign Judgments, Private International Law – India, Judicial Discretion, International Comity, Conflict of Laws – Enforcement, Judicial Activism.

Introduction:

A fundamental but contentious idea in the field of private international law (PIL) is the public policy exception. In its broadest sense, it refers to the theory that a forum court may decline to acknowledge or uphold a foreign law, ruling, or arbitral award if it is thought to be in conflict with the core legal, moral, or public standards of the forum state.¹

This exception serves as a legal filter in the Indian context, guaranteeing that foreign legal orders are rejected when they are perceived to transgress fundamental Indian values, such as justice, fairness, constitutional morality, and the public interest.² Even though there isn't a single, comprehensive definition for the term "public policy," Indian judges have interpreted it to mean "matters that shock the conscience of the court" or that jeopardize the fundamental principles of Indian law, such as justice and morality.³

The public policy exception in conflict of laws is essential for striking a balance between the need for international legal cooperation and the forum's sovereign legal identity. The forum state is frequently asked to apply foreign law or recognize foreign rulings in cross-border litigation, whether it concerns contract enforcement, custody disputes, or arbitral awards. This interaction with extraterritorial legal systems is not unqualified, though. When a foreign rule or judgment is deemed to be blatantly inconsistent with the forum's core legal principles, courts can refuse to enforce it thanks to the public policy exception.⁴

Theoretically, this mechanism makes sure that the interests of the domestic public are not compromised in the name of international comity. However, in reality, particularly in India, it has frequently been applied inconsistently—sometimes broadly, and other times sparingly raising questions about protectionism and judicial instability.⁵

India's application of the public policy exception has important ramifications for its duties under international law, especially in the age of globalization. India is expected to respect the values of legal certainty, reciprocity, and comity of courts as a rising diplomatic and economic force with a sizable diaspora and rising involvement in international arbitration. In order to

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1. See P.M. North & J.J. Fawcett, *Cheshire and North's Private International Law* 52–55 (14th ed. 2008).
 2. See G.C.V. Subba Rao, *Private International Law* 34–36 (8th ed. 2021).
 3. *Renusagar Power Co. v. Gen. Elec. Co.*, (1994) Supp. (1) S.C.C. 644 (India).
 4. See Dicey, Morris & Collins, *The Conflict of Laws* 98–105 (15th ed. 2012).
 5. Stellina Jolly, *Public Policy Exception in Enforcement of Foreign Awards in India: A Tale of Judicial Drift*, 57 Indian J. Int'l L. 45, 47–49 (2017).

prevent impeding transnational legal procedures, instruments like the UNCITRAL Model Law on International Commercial Arbitration, to which India is a signatory or has incorporated into domestic law, and the New York Convention (1958) promote a limited interpretation of public policy.⁶

Scholars and practitioners have criticized the Indian judiciary's occasionally broad approach, which has undermined trust in its legal system and diluted India's commitments to international arbitration standards. This was evident in *ONGC v. Saw Pipes Ltd.*, where the Court expanded the scope of public policy to include patent illegality.⁷

Furthermore, the public policy exception is being used more frequently in areas other than business, such as human rights, family law, and custody disputes, which makes its application even more difficult. For example, the Indian Supreme Court rejected a UK custody order in *Nithya Anand Raghavan v. State (NCT of Delhi)*⁸, stating that comity and foreign rulings must yield to the mother's safety and the child's welfare, which are deemed to be public policy issues. This demonstrates that public policy is not a set legal doctrine in India but rather a dynamic, ever-changing, and highly contextual principle that, depending on how it is interpreted by judges, can either support national interests or erode international confidence.

This paper hence aims to investigate whether the public policy exception, as it is currently applied in Indian private international law, serves as a safeguarding principle consistent with sovereign and constitutional values or if it is being abused to deny recognition of legitimate foreign legal decisions, undermining India's standing in the international legal system. To ascertain whether this exception is still a necessary safeguard or has turned into a double-edged sword, the investigation will include a doctrinal analysis of case law, comparative approaches from other jurisdictions, and normative arguments for reform.

Theoretical Foundations

The fundamental conflict in private international law—the need to uphold the forum state's fundamental values while also respecting other legal systems—is where the public policy

6. Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), June 10, 1958, 330 U.N.T.S. 3; UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006.

7. Gary B. Born, *International Commercial Arbitration* 2812–15 (3d ed. 2021).

8. *Nithya Anand Raghavan v. State (NCT of Delhi)*, (2017) 8 S.C.C. 454 (India).

exception comes from. The exception is presented as a doctrine of last resort in classical doctrine, which permits courts to refuse to apply or recognize foreign laws, rulings, or arbitral awards that are essentially incompatible with the legal order of the forum. This principle makes sure that the forum's ingrained moral, social, and constitutional values are upheld without sacrificing international cooperation. But in countries like India, which combine constitutional principles, pluralistic personal laws, and common law heritage, the definition of "public policy" is so broad and ambiguous that it is highly discretionary and context-dependent.

The difference between domestic (internal) and international (transnational) public policy has been a crucial one in both scholarship and jurisprudence. International public policy refers to a more restrained, universal set of norms that are specifically invoked in the recognition and enforcement of foreign judgments or awards, whereas domestic public policy is related to a state's internal socio-legal and political norms—often used in cases involving local contracts or laws.⁹

The majority of international conventions, including the Hague Conventions and the New York Convention (1958), promote the use of this more stringent public policy standard while warning against protectionist or regional biases.¹⁰ In spite of this, Indian courts have not always distinguished between these two levels clearly, leading to inconsistent results and criticism from the PIL and international arbitration communities.

The public policy exception is conceptually justified by the necessity of sovereign autonomy and legal pluralism. No legal system, no matter how liberal or open, must uphold a foreign law or ruling that is thought to conflict with its core moral or constitutional values. Thus, the exception upholds principles like equality, justice, fundamental rights, and public order by acting as a constitutional valve. Unrestrained use of this doctrine, however, could turn it into a legal escape route that is used to protect domestic parties or supersede international commitments without sound or transparent justification. Because of this, numerous comparative jurisdictions like UK, Singapore and Canada have emphasized that the exception should only be applied to "manifest" violations of public policy, rather than just because a

9. Jan Paulsson, *The Idea of Arbitration* 265–68 (Oxford Univ. Press 2013).

10. Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), art.V(2)(b), June 10, 1958, 330 U.N.T.S. 3.

foreign law or judgment deviates from domestic norms.¹¹

India's two legal traditions—a formal adherence to international comity and treaty obligations, and a judiciary firmly rooted in constitutional morality and social justice—exacerbate the theoretical ambiguity surrounding the public policy exception. Doctrinal drift has resulted from this tension, despite the fact that it is contextually valid and intellectually rich. Indian courts can now set aside awards on grounds that might not meet the threshold of an international public policy violation thanks to cases like *ONGC v. Saw Pipes*, which broadened the doctrine to include "patent illegality," a term that is not defined in international arbitration law.¹²

The welfare principle, which has its roots in domestic statutes and *parens patriae* jurisdiction, has also been given precedence over foreign custody orders in family law cases such as *Nithya Anand Raghavan* by Indian courts, which have interpreted child welfare as an extension of public policy. These patterns imply that although the exception still plays a significant role in preserving national legal identity, more doctrinal clarity and policy discipline are required for its application and justification in India.¹³

Therefore, the public policy exception's theoretical foundations show that it is a useful but risky instrument. It fulfils the function of constitutional guardianship when applied strictly; when applied broadly, it obstructs international legal cooperation and certainty. Moving toward a model that balances international engagement with constitutional fidelity is India's challenge, and doing so calls for a more organized theoretical and legislative approach to public policy within the framework of private international law.

III. Indian Jurisprudence: A Pattern of Inconsistency

A fragmented jurisprudence has resulted from Indian courts' conspicuous lack of consistency in applying the public policy exception across various legal contexts. When comparing cases in contract law, family law, and international commercial arbitration, the differences in judicial reasoning are most noticeable. The scope of the public policy exception has both widened and contracted, frequently without principled coherence, as this section shows by following the

11. See, e.g., *Parsons & Whittemore Overseas Co. v. Société Générale de l'Industrie du Papier (RAKTA)*, 508 F.2d 969, 974 (2d Cir. 1974) (U.S.); *Soleimany v. Soleimany*, [1999] QB 785 (Eng. C.A.); *PT First Media TBK v. Astro Nusantara Int'l BV*, [2013] SGCA 57 (Sing.).

12. *ONGC v. Saw Pipes Ltd.*, (2003) 5 S.C.C. 705 (India).

13. *Nithya Anand Raghavan v. State (NCT of Delhi)*, (2017) 8 S.C.C. 454 (India).

doctrinal trajectory through landmark Supreme Court rulings. The courts have taken a much more interventionist and moralistic stance in some cases, using expansive ideas of justice, morality, and constitutional values to support their refusal of enforcement, while in other cases they have placed a greater emphasis on international comity and minimal interference.

The foundation of contemporary Indian jurisprudence on this matter is *Renusagar Power Co. v. General Electric Co.*, a seminal case in which the Supreme Court adopted a restrictive interpretation of public policy while interpreting the Foreign Awards (Recognition and Enforcement) Act, 1961. According to the Court, a foreign award can only be refused enforcement if it conflicts with (i) the core principles of Indian law, (ii) India's interests, or (iii) justice or morality.¹⁴ This interpretation provided international parties doing business with Indian entities with predictability and was in line with the New York Convention. The *Renusagar* test was widely commended for bringing Indian arbitration law into compliance with international norms and set a high bar for citing public policy.

But in *ONGC v. Saw Pipes Ltd.*, the Supreme Court enlarged the definition of public policy in accordance with Section 34 of the Arbitration and Conciliation Act, 1996, upending this clarity.¹⁵ By holding that an award that contravenes the terms of the contract or Indian statutory provisions could be set aside as contrary to public policy—even if the illegality was not egregious or shocking—the Court controversially introduced the concept of "patent illegality" as an additional ground under public policy. This ruling made it difficult to distinguish between a legal error and a violation of public policy, which resulted in an increase in technical challenges to arbitral awards. This expansion was criticized by academics and practitioners for weakening India's adherence to the UNCITRAL Model Law framework and undermining the finality of arbitral proceedings.¹⁶

In *ONGC v. Western Geco International Ltd.*, the Court added even more complexity by interpreting the "fundamental policy of Indian law" to include adherence to the *Wednesbury* unreasonableness test, judicial reasoning, and natural justice principles.¹⁷ The decision was criticized for adding subjectivity to what was intended to be a narrow exception, despite its commendable efforts to ensure procedural justice. Public policy consequently evolved into a

¹⁴ *Renusagar Power Co. v. Gen. Elec. Co.*, (1994) Supp. (1) S.C.C. 644 (India).

¹⁵ *ONGC v. Saw Pipes Ltd.*, (2003) 5 S.C.C. 705 (India).

¹⁶ Gary B. Born, *International Commercial Arbitration* 2814–18 (3d ed. 2021).

¹⁷ *ONGC v. Western Geco Int'l Ltd.*, (2014) 9 S.C.C. 263 (India).

catch-all provision for a variety of legal objections, moving India away from the minimal intervention principle that governs jurisdictions that support arbitration.

Family law is also inconsistent, particularly when it comes to international child custody disputes. The Supreme Court ruled in *Nithya Anand Raghavan v. State (NCT of Delhi)* that the child's welfare came first and that Indian courts were not required to uphold foreign custody orders.¹⁸ The Court underlined that it was against Indian public policy to send the child back to the UK, where the father was legally granted custody, as this could expose the mother to instability and domestic abuse. Although the ruling acknowledged legitimate worries regarding child welfare and gender-based violence, it also showed how Indian courts can use public policy to subvert international comity, even in cases where a foreign judgment has already been rendered following due process.

These cases show that Indian courts frequently change the scope of public policy based on the perceived equity of a particular case, the legal context, or the judicial philosophy. Although *Renusagar* continues to be the benchmark for judicial restraint, rulings such as *Saw Pipes*, *Western Geco*, and *Nithya Anand Raghavan* show that the doctrine has expanded, motivated more by discretionary reasoning and domestic values than by cogent PIL principles. In addition to discouraging foreign investment and causing uncertainty for litigants, this jurisprudential divergence raises the possibility that Indian courts will be seen as moral or parochial arbiters rather than impartial upholders of international commitments.

As a result, Indian jurisprudence on the public policy exception exhibits a fluctuating and occasionally illogical approach, alternating between constitutional exceptionalism and international conformity. This doctrinal instability casts doubt on India's legitimacy as a jurisdiction for cross-border legal transactions in addition to affecting the predictability and consistency of results.

IV. Public Policy as a Double-Edged Sword

Although the public policy exception is meant to serve as a safeguard, it frequently has unintended consequences in the context of Indian private international law. On the one hand, it protects public morality, constitutional values, and national interests. The recognition of

¹⁸ *Nithya Anand Raghavan v. State (NCT of Delhi)*, (2017) 8 S.C.C. 454 (India).

legitimate foreign judgments and arbitral awards may be hampered by the judicial ambiguity it produces and the possibility of inconsistent or local interpretations. The current discussion about India's use of the public policy exception is centered on this conflict between international comity and sovereign legal autonomy.

On the plus side, the doctrine gives judges a legal buffer against enforcing rulings from other countries that go against India's core principles. For example, under the pretense of public policy, decisions that violate fundamental human rights, due process, or constitutional morality may rightfully be exempt from enforcement. In situations where the application of a foreign legal standard may be fundamentally at odds with Indian statutory or constitutional principles, such as child custody, surrogacy, same-sex partnerships, or human trafficking, this is especially pertinent.

In *Nithya Anand Raghavan*, the public policy exception was used to reject the mechanical enforcement of a UK custody order in favor of the mother's safety and the child's welfare.¹⁹ Public policy has also been used in arbitral settings to nullify awards that defy statutory requirements, like those pertaining to tax evasion, fraud, or corruption.

Judicial unpredictability has resulted from the same exception's expansive and inconsistent application. The bar for overturning arbitral awards was lowered by the expanded interpretation in *ONGC v. Saw Pipes Ltd.*, which included "patent illegality" in the list of public policy grounds.²⁰ Although arbitration was intended to restrict such scrutiny, the absence of precise guidelines has permitted courts to reexamine the merits of cases. In addition to lengthening litigation timelines and undermining finality, this gives foreign investors the wrong idea about the enforceability of arbitral and foreign rulings in India.

The issue is made worse by Indian judicial discourse's failure to distinguish between "domestic" and "international" public policy. Without this distinction, courts are more likely to evaluate foreign decisions based on local legal or moral considerations, which hinders cross-border cooperation.

The public policy exception has been applied more sparingly in other countries, such as Singapore, France, and the United Kingdom. Public policy is only used in these systems when

¹⁹ *Nithya Anand Raghavan v. State (NCT of Delhi)*, (2017) 8 S.C.C. 454 (India).

²⁰ *ONGC v. Saw Pipes Ltd.*, (2003) 5 S.C.C. 705 (India).

enforcing a foreign judgment or award would go against "fundamental principles of justice and morality," not just because the law is different or the result is undesirable. In *Soleimany v. Soleimany*, for instance, the English Court of Appeal stressed that domestic norms and international public policy should not be confused, but declined to enforce an award that was illegal under both English and foreign law.²¹

Similar to this, Singaporean courts have emphasized that in order to maintain the integrity of international arbitration, the exception must be applied strictly.²² Indian courts, on the other hand, have not yet established a precise and uniform standard for applying the exception, leading to a patchwork of doctrinal approaches that vary based on the subject matter, court composition, and case type.

As a result, even though it is required, India's public policy exception functions as a very arbitrary and loosely regulated concept. Legislative reform and judicial restraint are necessary because of its dual nature as a protector of national values and a possible barrier to international legal cooperation. For India to preserve both its constitutional sovereignty and its reputation in the international legal community, its application must be more exacting and based on principles.

V. Comparative Perspective: Public Policy in International Contexts

It is helpful to examine how other jurisdictions with solid international legal reputations interpret and apply the public policy exception in private international law in order to gain a better understanding of India's approach. In addition to providing a standard by which to evaluate India's judicial development, a comparative lens identifies best practices that India could adopt in order to achieve a balance between international legal coherence and sovereignty. This section compares India's developing jurisprudence with the public policy exceptions in the US, UK, Singapore, and EU.

The public policy exception is interpreted narrowly and used only in extraordinary situations in the United Kingdom. British courts have repeatedly emphasized that legal system differences are not an excuse for rejecting recognition of foreign awards or judgments, especially since implementing the New York Convention and the Brussels Regime. In

²¹ *Soleimany v. Soleimany*, [1999] Q.B. 785 (Eng. C.A.).

²² *PT First Media TBK v. Astro Nusantara Int'l BV*, [2013] SGCA 57 (Sing.).

Soleimany v. Soleimany, the court stressed that the policy must be international in scope, not just domestic in flavor, even though it denied enforcement of an award involving smuggling on the grounds of illegality.²³

Comparably, Section 103(3) of the English Arbitration Act of 1996 permits enforcement to be refused only in the event that doing so would be against public policy, which is interpreted as a high threshold in accordance with comity and international obligations.²⁴ English courts seldom get involved unless there is a clear violation of fundamental rights, fraud, or corruption.

Under the Federal Arbitration Act (FAA) and the New York Convention, the United States takes a similarly deferential stance, particularly when it comes to the recognition and enforcement of foreign arbitral awards. Public policy must represent the most fundamental ideas of morality and justice, not widespread discontent with the result or foreign law, according to the precedent set by the seminal case *Parsons & Whittemore Overseas Co. v. Société Générale de l'Industrie du Papier (RAKTA)*.²⁵ Unless the case violates fundamental constitutional principles or procedural fairness, American courts typically avoid reevaluating foreign rulings. The nation's strong pro-enforcement stance and dedication to legal certainty in cross-border disputes are reflected in this standard.

One of the most complex and stringent interpretations of the public policy exception has been adopted by Singapore, which is now widely acknowledged as a major center for international arbitration. The Singapore Court of Appeal reiterated in *PT First Media TBK v. Astro Nusantara International BV* that public policy must be applied carefully and sparingly, cautioning against using it to reexamine the merits of an arbitral award.²⁶ The Singaporean judiciary establishes a high threshold before courts can step in and makes a distinction between international public policy and domestic illegality. Singapore's reputation for neutrality, predictability, and adherence to international standards has improved as a result of this methodical approach.

The Rome I and II Regulations and the Brussels I Recast Regulation both restrict the reach of public policy within the European Union. Foreign judgments may only be refused recognition

²³ *Ibid* 23

²⁴ Arbitration Act 1996, c. 23, § 103(3) (U.K.).

²⁵ *Parsons & Whittemore Overseas Co. v. Société Générale de l'Industrie du Papier (RAKTA)*, 508 F.2d 969, 974 (2d Cir. 1974).

²⁶ *PT First Media TBK v. Astro Nusantara Int'l BV*, [2013] SGCA 57 (Sing.).

under Article 34 of the Brussels I Recast if they are "manifestly contrary to the public policy of the Member State addressed." In order to prevent courts from abusing this clause to favor domestic parties or overturn legitimate foreign judgments, the European Court of Justice (ECJ) has repeatedly held that it must be interpreted strictly.²⁷ Mutual trust between Member States is the foundation of the EU's harmonized legal framework, which emphasizes the importance of consistent interpretation and prudent public policy implementation.

On the other hand, Indian courts have frequently conflated the boundaries of moral discretion and valid constitutional protection. Later cases like *Saw Pipes* and *Western Geco* have broadened the doctrine to include contractual illegality, interpretative disputes, and even a lack of reasoning in awards—grounds that are not typically recognized as public policy violations elsewhere, even though *Renusagar* is in line with international standards, India's judiciary has been viewed as unpredictable and inward-looking due to its inability to consistently distinguish between domestic and international public policy.

Comparative Table: Scope of Public Policy Exception

Jurisdiction	Scope of Public Policy Exception	Threshold of Application	Judicial Attitude
UK	Narrow – only fundamental violations	High – requires manifest injustice	Pro-enforcement
USA	Basic morality and justice only	Very high – procedural/public outrage	Strongly pro-enforcement
Singapore	Strict – excludes merits-based review	Exceptionally high – rare application	Arbitration-friendly
EU	“Manifest” violation only	Strictly limited – mutual trust model	Uniform, treaty-compliant
India	Broad – includes patent illegality etc.	Moderate to low – context dependent	Varies across judgments

²⁷ *Diageo Brands BV v. Simiramida-04 EOOD*, Case C-681/13, 2015 E.C.R. 131 (CJEU).

In addition to creating doctrinal inconsistencies, India's judicial expansion of public policy and lack of a codified private international law regime run the risk of offending foreign actors who demand legal certainty. India must approach the public policy exception in a comparative, restrained, and principled manner that is in line with its global goals while still being mindful of constitutional requirements if it hopes to establish itself as a reliable venue for international dispute resolution.

VI. Need for Doctrinal Reform and Policy Suggestions

The urgent need for doctrinal clarity and legislative reform is highlighted by the public policy exception's changing and frequently inconsistent judicial application in India. Although the doctrine is crucial for protecting the nation's fundamental constitutional principles, its unbridled growth, especially in areas like child custody and arbitration, has made it susceptible to abuse, endangering both legal predictability and India's standing abroad. To ensure that India's Private International Law is in line with its expanding global role in trade, diplomacy, and transnational justice, reform is not only desirable but also necessary in this context.

First and foremost, India needs to follow the *Renusagar* precedent by interpreting public policy in international affairs narrowly and precisely. Indian statutory law should codify and incorporate the distinction between "domestic" and "international" public policy, particularly under the Arbitration and Conciliation Act and any future unified PIL legislation.²⁸ In transnational disputes where international comity, party autonomy, and finality are crucial, this would assist courts in avoiding bringing in social and moral issues from within their own countries. This restricted approach is already successfully used in a number of jurisdictions, such as Singapore and the UK, making it a workable model for India to adopt.

Second, India ought to work toward a thorough codification of private international law. India's conflict of law regulations are currently dispersed throughout laws, court rulings, and fundamental constitutional ideas. The recognition and enforcement of foreign judgments, jurisdiction, and choice of law are all not governed by a standardized framework. Doctrinal inconsistency is exacerbated by this gap, particularly in family law and civil litigation. Similar to the Swiss or EU models, a unified Indian PIL Code might guarantee uniformity amongst

²⁸ *Renusagar Power Co. v. Gen. Elec. Co.*, (1994) Supp. (1) S.C.C. 644 (India).

High Courts and tribunals and offer structured guidance on when public policy may be rightfully invoked.

Thirdly, India ought to change its mind about ratifying and enforcing important international agreements, like the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Fear that foreign custody orders may clash with Indian family customs or jeopardize the welfare of kidnapped children is one of the main justifications given for non-accession. However, as allowed by the Convention, the majority of these issues can be resolved by reservations or interpretative declarations. In addition to isolating itself from international collaboration, India's exclusion from international regimes promotes forum shopping and protracted custody disputes, both of which are ultimately more detrimental to families and children. With protections, accession would strengthen rather than weaken India's established legal sovereignty.

Additionally, Indian courts ought to establish a jurisprudence of restraint, according to which public policy should only be invoked in situations involving egregious and fundamental violations, like fraud, denial of due process, or threats to the constitutional order.²⁹ To achieve this, standardized guidelines must be published, judicial training must be provided, and comparative viewpoints must be incorporated into legal education and court decisions. Since this erodes trust between legal systems, special attention should be paid to making sure that the welfare principle in family law is not arbitrarily expanded to supersede international comity in every situation.

Lastly, India needs to make sure that its legal system is regarded as stable, equitable, and globally involved if it hopes to establish itself as a major center for legal services, arbitration, and dispute settlement. This entails keeping public policy exceptions to their legitimate function, which is to safeguard the nation's moral and constitutional foundation, while also honouring the independence of international agreements and transnational legal systems.³⁰

VII. Conclusion

In Indian Private International Law, the public policy exception holds a particularly

²⁹ Stellina Jolly, *The Public Policy Exception in Enforcement of Foreign Judgments in India: A Call for Restraint*, 57 Indian J. Int'l L. 43, 50 (2017).

³⁰ Abhinav Chandrachud, *Public Policy in the Indian Conflict of Laws*, 66 Int'l & Comp. L.Q. 493 (2017).

contradictory place. Originally intended as a safeguard to preserve constitutional principles and national values, it has frequently served as a sword of judicial discretion as well as a shield of sovereignty, producing unpredictable results in cross-border legal disputes. Although protecting the nation's moral and legal fabric is its stated goal, the wide-ranging and uneven application by Indian courts has sparked serious questions about legal certainty, justice, and India's compliance with international legal standards.

From the restrictive approach in *Renusagar* to the expansive interpretations in *Saw Pipes*, *Western Geco*, and *Nithya Anand Raghavan*, this paper has examined how Indian jurisprudence reflects an oscillation between internationalist and insular perspectives. The public policy exception has been applied to a variety of disputes, from child custody to commercial arbitration, due to the absence of a clear doctrinal framework. This has frequently happened without making a distinction between internationally recognized thresholds and domestic sensitivities. In addition to causing doctrinal fragmentation and practical uncertainty, this judicial fluidity has hampered collaboration in areas of recognition, enforcement, and comity and damaged India's standing in the international legal community.

According to the comparative analysis, the public policy exception is applied narrowly and with well-defined standards in nations like the United Kingdom, the United States, Singapore, and EU member states. They place an emphasis on obvious and serious violations, refraining from interfering just because international laws deviate from national standards. India's departure from this consensus puts it at odds with international best practices and erodes its commitment to mutual legal respect and predictability, particularly its inability to distinguish between domestic and international public policy.

The use of the public policy exception needs to be changed immediately in light of India's growing involvement in international arbitration, diaspora engagement, cross-border marriages, and global trade. In order to match India's domestic priorities with its international obligations, it is imperative that private international law be codified, the public policy threshold be clarified, important treaties like the Hague Convention be ratified, and judicial discipline be upheld.

In the end, the issue is not whether public policy should be included in PIL—it must—but rather whether it should remain a subjective judicial veto or develop into a transparent, principled, and strictly enforced safeguard. The public policy exception can change from being

a source of conflict to a tool of integrity—maintaining sovereignty while promoting international legal harmony—if India can strike this balance.