INSTITUTIONALIZATION OF ARBITRATION IN INDIA: BUILDING A ROBUST ECOSYSTEM FOR COMMERCIAL DISPUTE RESOLUTION

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ABSTRACT

For nearly three decades, India's arbitration regime has promised speed and finality, yet it has often reproduced the very delay and judicial entanglement it was designed to avoid. This paper surveys the legislative and institutional project to transform Indian arbitration from an ad hoc, court-dependent model into a truly institutional one, in which specialized centers, rather than individual arbitrators and overburdened courts, administer the process from appointment to award. It follows this project from the Justice B.N. Srikrishna High-Level Committee Report of 2017 through the Arbitration and Conciliation (Amendment) Acts of 2019 and 2021, the creation of the India International Arbitration Centre, the still-to-be-formed Arbitration Council of India, to the Draft Arbitration and Conciliation (Amendment) Bill, 2024. With validated institutional the paper argues, based on empirical institutional data, such as the growth in the caseload of the Mumbai Centre for International Arbitration and India's historically poor performance on the World Bank's now-discontinued enforcing contracts indicator, that legislative intent has consistently outpaced institutional delivery, and that India's ambition to become a global arbitration seat is less a function of further statutory amendment and more a function of building durable, independent, and well-resourced institutions that commercial parties would actually choose to use. The paper ends with recommendations on sequencing reform so that regulatory architecture, institutional capacity and judicial support evolve in tandem rather than isolation.

Keywords: Institutional Arbitration, Arbitration Council of India, Mumbai Centre for International Arbitration, Arbitration and Conciliation Act, Commercial Dispute Resolution, India as an Arbitration Seat

INTRODUCTION

In 1996, India's arbitration law was substantially recast, when the Arbitration and Conciliation Act replaced the older Arbitration Act, 1940 and adopted with modification the UNCITRAL Model Law on International Commercial Arbitration, A step was taken in the wake of the 1991 economic liberalisation reforms, precisely because a modern internationally recognisable arbitration statute was seen as a precondition for attracting foreign investment and cross-border commercial confidence.[1] The 1996 Act itself was a major improvement on the earlier laws, namely, the Indian Arbitration Act, 1899, which applied only to the presidency towns, the arbitration provisions in the Second Schedule to the Code of Civil Procedure, 1908, and the separate statutes governing the enforcement of foreign awards under the Geneva and New York Conventions.[2] It is this implementation gap between the statute drafted on international lines and practice culture which changed far more slowly than the institutionalization project examined in this paper.

The recognized answer to this problem is the institutional model of arbitration, in which a dedicated body, rather than the parties themselves, administers appointment, procedural timelines, fee schedules, and scrutiny of the award. It is precisely this model that has allowed seats such as Singapore, London, and Paris to attract the bulk of the world's high-value international commercial disputes.[3] Ad hoc arbitration, by contrast, relies on the Act's default provisions only where the parties cannot agree on the arbitrator, procedure, venue, or fee arrangement.[4] Under Section 11, if one party refuses to cooperate, the other must petition the High Court or Supreme Court , a route that could once take years, before recent reforms allowed courts to designate institutions as appointing authorities.[5]

Institutional arbitration addresses this structural weakness by vesting a standing body with the authority to select arbitrators from a maintained panel, manage procedural deadlines under its

[1] Sumeet Kachwaha, "The Arbitration and Conciliation Act, 1996: Genesis and Objectives", 2 Indian Journal of Arbitration Law 1 (2013), on the adoption of the UNCITRAL Model Law following the 1991 economic liberalisation reforms.

[2] P.C. Rao & William Sheffield (eds.), Alternative Dispute Resolution: What It Is and How It Works, Universal Law Publishing, New Delhi, 1997, Ch. 3, tracing the evolution from the Indian Arbitration Act, 1899 through the Code of Civil Procedure, 1908 and the Foreign Awards (Recognition and Enforcement) Act, 1961 to the Arbitration and Conciliation Act, 1996.

[3] Gary B. Born, International Commercial Arbitration, 3rd ed., Kluwer Law International, The Hague, 2021, ch. 1.

[4] The Arbitration and Conciliation Act, 1996, §§ 10-15 (India).

[5] Herbert Smith Freehills Kramer, MCIA Recognised by the Supreme Court of India as an Appointing Institution (2017), https://www.hsfkramer.com/notes/arbitration/2017-08/mcia-recognised-by-the-supreme-court-of-india-as-an-appointing-institution.

own published rules, examine draft awards for consistency and enforceability, and provide secretarial and case-management support throughout the proceeding. The Mumbai Centre for International Arbitration's own rules, for instance, set strict deadlines for the tribunal to render a decision, an expedited timeline for low-value disputes, and a mechanism for appointing an emergency arbitrator to decide urgent applications for interim relief.[6] As a practical result, many procedural issues that would otherwise require a court application, arbitrator appointment, mandate extension, or arbitrator replacement become matters the institution itself resolves administratively, typically within days rather than months.

This is not a question of institutional prestige or branding. The Supreme Court's own willingness to recognise the Mumbai Centre for International Arbitration as an appointing authority under Section 11 reflects a judicial acknowledgment that a reputable institution can perform a task that would otherwise consume scarce judicial time, to the benefit of both the parties and an already overloaded court docket.[7]

India's effort to build such an ecosystem is neither new nor complete. It has evolved through the Arbitration and Conciliation (Amendment) Act, 2019, judicial recognition of arbitral institutions as appointing authorities, and the establishment of specialised centers such as the Mumbai Centre for International Arbitration and the India International Arbitration Centre.[8] Yet the Arbitration Council of India the regulatory body designed to anchor this entire ecosystem remains unconstituted more than six years after its statutory creation, and the Union government's own Draft Amendment Bill of October 2024 implicitly concedes that the 2019 framework has failed to deliver the institutional transformation it promised.[9] This paper tracks how far that project has actually progressed, where it has stalled, and what a genuinely functional ecosystem would still require, rather than restating the case for institutional over ad hoc arbitration, which by now is well established.

THE LEGISLATIVE HISTORY OF INDIA'S INSTITUTIONALISATION

Srikrishna Committee report, 2017

The High-Level Committee to Review the Institutionalization of Arbitration Mechanism in

[6]Mumbai Centre for International Arbitration, MCIA Rules of Arbitration, https://mcia.org.in.
[7]Herbert Smith Freehills Kramer, supra note 5.
[8]Arbitration and Conciliation (Amendment) Act, 2019, § 10, inserting Part IA (§§ 43A-43M); Mumbai Centre for International Arbitration, About MCIA, https://mcia.org.in.
[9]Ministry of Law and Justice, Government of India, Press Information Bureau release on the Arbitration Council of India, https://www.pib.gov.in/PressReleasePage.aspx?PRID=2224369.

India, which was established by the Ministry of Law and Justice and is presided over by former Supreme Court of India judge B.N. Srikrishna, is the official beginning point of India's institutionalization initiative.[10] The Committee was established in the context of the Arbitration and Conciliation (Amendment) Act, 2015, which had already made an effort to address judicial interference and delays in arbitral proceedings but had not addressed the more structural issue of who administers arbitration in India, dedicated institutions, overworked courts, or individual ad hoc arbitrators.[11] On July 30, 2017, the Committee delivered its findings to the Union government.[12]

Its diagnosis was that Indian Arbitration remained trapped in an ad hoc paradigm; retired judges were appointed informally, there is no accreditations standards for arbitrations, no repository of Indian arbitral awards for research and no central body with authority to grade or benchmark institutions the way the Singapore Arbitration Centre or the ICC's International court of Arbitration has benchmarked internationally. It was also found that the International Centre of Alternative Dispute Resolution (ICADR), a new Delhi body was founded in 1995, had never grown into a credible institutional forum in two decades of existence.[13].

Its recommendations were threefold: first, that ICADR be taken over and reorganized as a new flagship organization, which would eventually become the New Delhi International Arbitration Centre; second, that a statutory Arbitration Council of India be established to accredit arbitrators and grade arbitral institutions; and third, that courts be given the authority to designate arbitral institutions as the appointing authority under Section 11 of the Arbitration and Conciliation Act, 1996. The 2019 Amendment Act, the NDIAC (now IIAC) Act, 2019, and the modified Section 11 appointment process are the three legal and institutional events that are traced in the remaining portion of Part III. These three recommendations immediately map onto these developments.

The Arbitration and Conciliation (Amendment) Act, 2019

The Committee's recommendations were given statutory form through the Arbitration and

[10] High-Level Comm. to Review the Institutionalisation of Arbitration Mechanism in India, Ministry of Law & Justice, Gov't of India, Report (July 30, 2017)
[11] The Arbitration and Conciliation (Amendment) Act, 2015, No. 3, Acts of Parliament, 2016 (India).
[12] Deepak Raju, The Arbitration and Conciliation (Amendment) Act, 2019: Entering a New Domain, Lexology (Oct. 18, 2019), https://www.lexology.com/library/detail.aspx?g=c8b31408-d9b3-4c94-878c-77656dda2a17.
[13] Srikrishna Committee Report, supra note 1; Shardul Amarchand Mangaldas & Co., A Step Towards Strengthening Institutional Arbitration in India — New Delhi International Arbitration Centre Act, 2019, Lexology (2019)

Conciliation (Amendment) Act, 2019, No. 33 of 2019, which received the assent of the President on 9 August 2019.[14] The Act inserted a new Part IA comprising Sections 43A to 43M in the Arbitration and Conciliation Act, 1996. It established the Arbitration Council of India as a body corporate with perpetual succession and a common seal having its headquarters at Delhi. The Council has the power inter alia to frame policies for grading arbitral institutions, to recognise professional institutes for accreditation of arbitrators and to maintain an electronic depository of arbitral awards made in India.[15]

It is worth noting and this is a detail that deserves to be foregrounded rather than relegated to a footnote, because it materially affects Part III(D) below that not all the provisions of the 2019 Amendment Act were brought into force at the same time. Most of the sections were notified to take effect from 30 August 2019 but Section 2 (definitions), Section 3 (which empowers the Supreme Court and High Courts to specify graded arbitral institutions), Section 10 (which establishes the Arbitration Council of India itself) and Section 14 (which brings in the Eighth Schedule's accreditation norms) were expressly excluded from that notification..[16] In other words, the provisions that would have created the ACI were, by design, deferred until a further notification a notification that, as documented in Part III(D), has still not been issued more than six years later. Section 11 of the parent Act was amended to leave it to the Supreme Court and High Courts to designate arbitral institutions, rather than requiring the courts to appoint arbitrators as appointing authorities in each and every contested case, under which the Supreme Court recognised the Mumbai Centre for International Arbitration.[17] A companion statute, the New Delhi International Arbitration Centre Act, 2019, No. 17 of 2019, separately established the New Delhi International Arbitration Centre (renamed the India International Arbitration Centre in January 2023) as an autonomous, government-backed institution of “national importance”, intended to absorb the assets and functions of the moribund ICADR and to act as

[14]The Arbitration and Conciliation (Amendment) Act, 2019, No. 33, Acts of Parliament, 2019 (India) [hereinafter 2019 Amendment Act]; Raju, supra note 3.

[15]2019 Amendment Act, supra note 7, § 10 (inserting Part IA, §§ 43A–43M).

[16]Shardul Amarchand Mangaldas & Co., Arbitration and Conciliation (Amendment) Act 2019: Key Amendments (Mar. 2, 2021), https://www.amsshardul.com/insight/arbitration-and-conciliation-amendment-act-2019-key-amendments/ (noting that §§ 2, 3, 10 and 14 were excluded from the general 30 August 2019 notification).

[17]2019 Amendment Act, supra note 7, § 3 (amending § 11 of the Arbitration and Conciliation Act, 1996); Herbert Smith Freehills Kramer, MCIA Recognised by the Supreme Court of India as an Appointing Institution (2017), https://www.hsfkramer.com/notes/arbitration/2017-08/mcia-recognised-by-the-supreme-court-of-india-as-an-appointing-institution.

a flagship model for institutional arbitration.[18]

The Arbitration and conciliation (Amendment) Act, 2021

The 2021 Amendment has its genesis in the Arbitration and Conciliation (Amendment) Ordinance, 2020 promulgated on 4 November 2020 and subsequently replaced by the Arbitration and Conciliation (Amendment) Act, 2021, No. 3 of 2021 assented on 11 March 2021, and deemed to have come into force from the date of the Ordinance.[19] The 2021 Amendment introduced a proviso to Section 36(3) of the parent Act, deemed effective retroactively from October 23, 2015 (the commencement date of the 2015 Amendment), which states that where a court is prima facie satisfied that the arbitration agreement, the underlying contract, or the making of the award itself was induced by fraud or corruption, the court "shall stay the award unconditionally" pending disposition of the challenge under Section 34.[20]

The Stated Aim as per Statements and Objective and reasons was to close a loophole that had allowed fraud-tainted awards to be enforced despite substantial prima facie evidence of fraud.[21] However, practitioner, including a number of arbitration practitioners who wrote soon after the Amendment, warned that an automatic and unconditional stay, triggered only on a prima facie fraud allegation rather than a final finding, risked being strategically invoked by award-debtors simply to delay enforcement reintroducing precisely the type of default judicial entanglement in the post-award phase that the larger institutionalization project was intended to eliminate.[22]

The Draft Arbitration and Conciliation (Amendment) Bill, 2024

The Union government published the Draft Arbitration and Conciliation (Amendment) Bill, 2024 for public discussion in October 2024, A document that in effect concedes the 2019

[18]The New Delhi International Arbitration Centre Act, 2019, No. 17, Acts of Parliament, 2019 (India), § 4(1) (declaring the Centre an institution of national importance), renamed by New Delhi International Arbitration Centre (Amendment) Act, 2022, No. 23, Acts of Parliament, 2022 (India) (effective Jan. 27, 2023) [together, the IIAC Act]; Ministry of Law & Justice, Notification S.O. 644(E) (Feb. 13, 2023), https://ibclaw.in/notifications-act/new-delhi-international-arbitration-centre-act-2019/.

[19]The Arbitration and Conciliation (Amendment) Act, 2021, No. 3, Acts of Parliament, 2021 (India)

[20]2021 Amendment Act, supra note 12, § 2 (inserting proviso to § 36(3) of the Arbitration and Conciliation Act, 1996).

[21]Statement of Objects and Reasons, The Arbitration and Conciliation (Amendment) Bill, 2021 (India); Lexology, The Arbitration and Conciliation (Amendment) Act, 2021 (Mar. 17, 2021), https://www.lexology.com/library/detail.aspx?g=bb7310e9-dd29-4370-85e0-c6583033f348.

[22]Mondaq, The Arbitration and Conciliation (Amendment) Act, 2021 (Mar. 18, 2021), https://www.mondaq.com/india/arbitration-dispute-resolution/1048504/the-arbitration-and-conciliation-amendment-act-2021.

framework's limited practical impact in the six years since its passage. In contrast to the 2019 framework's requirement that an institution be formally designated by the Supreme Court or a High Court before it could act as an appointing authority, the Draft Bill proposes to redefine "arbitral institution" to mean anybody or organization conducting arbitration under its own procedural rules or as otherwise agreed by the parties.[23] Simultaneously, the Draft Bill seeks to continue the de-judicialization trend seen in the 2019 and 2021 Amendments by giving arbitral institutions direct control over a number of powers currently held by courts, such as the authority to extend the twelve-month statutory timeline for rendering an award under Section 29A and the authority to lower arbitrator fees for tribunal-caused delay.[24]

To address the long-standing concern that courts have continued to exercise concurrent jurisdiction over interim relief even after a tribunal has been legitimately constituted and could itself grant equivalent relief, the Draft Bill also proposes a new Section 9-A that places emergency arbitration on an explicit statutory footing for the first time and attempts to limit courts' power to grant interim measures under Section 9 to the periods before arbitral proceedings begin and after an award has been rendered.[25] The Expert Committee, led by Dr. T.K. Viswanathan and constituted in 2024, proposed its own set of reforms aimed at a more economical, time-bound institutional framework. These included steps to lessen the amount of ancillary litigation that currently accompanies arbitrations with Indian seats.[26] As the government's most recent parliamentary statement, that the bill remained under considerations and had not yet been passed.[27]

That a second major amendment bill was introduced within five years of the 2019 Amendment Act, which at the time was billed as a comprehensive institutionalization measure, is instructive in and of itself. It suggests that the Arbitration Council of India, the central innovation of the 2019 framework, has not only been slow to produce results but has also been effectively circumvented by a subsequent legislative proposal that redefines "arbitral institution" so broadly that formal court or Council designation is no longer even a prerequisite for

[23] *Id.*
[24] Id.; Kluwer Arbitration Blog, 2024 Year in Review: Arbitration in India — Reset or Rewind? (Feb. 15, 2025), https://legalblogs.wolterskluwer.com/arbitration-blog/2024-year-in-review-arbitration-in-india-reset-or-rewind/.
[25] White & Case LLP, supra note 24 (discussing proposed § 9-A and the curtailment of courts' § 9 power once arbitral proceedings have commenced).
[26] Rep. of the Expert Comm. to Examine the Working of the Arbitration Law & Recommend Reforms in the Arbitration & Conciliation Act, 1996, Ministry of Law & Justice, Gov't of India (Feb. 7, 2024).
[27] Supreme Court Observer, (noting the Bill remained under consideration as of mid-2025).

institutional status.

GROWTH OF INDIA’S ARBITRATION INSTITUTE

India's push to build credible domestic institutions for commercial arbitration has gathered visible momentum in recent years, driven by a mix of statutory reform, judicial signaling, and deliberate adoption by government-linked enterprises. The clearest illustration of this growth is the Mumbai Centre for International Arbitration (MCIA), launched in October 2016 as a joint initiative of the Government of Maharashtra and the domestic and international legal community.

Mumbai Central for International Arbitration

MCIA's published data show its caseload rising from 23 cases in 2023 to 34 in 2024, a 48 per cent year-on-year increase, with disputes administered in 2024 valued at approximately USD 257 million and an average case value of USD 11.4 million.[28] Ninety-one per cent of its cases were concluded within the eighteen-month statutory timeframe that applies in India, the Bombay High Court referred twelve cases to the Centre in just the first six months of 2025, and 32 per cent of arbitrators appointed through it in 2024 were women.[29] The Center's registrar has cited these figures as proof of the increasing judicial confidence in institutional arbitration. In order to bring its practice closer to that of well-known international organizations, MCIA also released the third edition of its Arbitration Rules in 2025, adding provisions on joinder of parties, early dismissal of unmeritorious claims, summary procedures, disclosure of third-party funding, and publication of redacted awards[30].

Other Domestic Institution and Sector Specific Adoption

Beyond MCIA, the Indian Council of Arbitration, established in 1965,[31] continues to administer a significant volume of domestic commercial arbitrations, while the Delhi International Arbitration Centre, operating under the Delhi High Court, has built a substantial docket of court-referred matters. The India International Arbitration Centre (IIAC), created

[28]Mumbai Centre for International Arbitration, MCIA Annual Report 2024 (Mumbai: MCIA, 2025).
[29] Dep't of Legal Affairs, Ministry of Law & Justice, Gov't of India, Conference Proceedings on Institutional Arbitration Adoption by Central Public Sector Enterprises *(2025).*
[30] Singapore International Arbitration centre, SIAC Annual Report, (2024); International Chamber, ICC dispute resolution statistics, Int’l Ct. of Arb. (2019).
[31]Indian Council of Arbitration, established 1965 under the aegis of the Federation of Indian Chambers of Commerce and Industry.

under its 2019 enabling statute, has focused its early growth on securing adoption by central public sector enterprises, a strategy giving it access to a steady volume of government-linked commercial disputes. The adoption of IIAC by enterprises such as the Oil and Natural Gas Corporation and Bharat Petroleum Corporation Limited during 2024–25 signals to private counterparties that institutional dispute resolution is becoming the default expectation in government-linked contracting.[32]

JUDICIAL INFRASTRUCTURE AND COURT'S ROLE IN ARBITRATION

Institutional arbitration cannot function as intended without a supportive judicial environment, since courts remain the forum for appointment applications, interim relief, and challenges under Section 34 of the Arbitration and Conciliation Act, 1996. India's civil justice system carries a substantial backlog, with judicial data indicating that nearly fifty lakh cases have remained pending for over ten years.[33] A systemic issue that distorts opinions about the speed at which court applications pertaining to arbitration will be settled, even in cases when the underlying dispute has been successfully arbitrated. By establishing specialized commercial courts and commercial divisions of High Courts with exclusive jurisdiction over conflicts over a certain value, together with a necessary pre-institution mediation requirement, the Commercial Courts Act, 2015 was a partial response to this problem.

The Supreme Court's ruling in Bharat Aluminium Company v. Kaiser Aluminium Technical Services Inc.[34] significantly limited the ability of Indian courts to get involved in arbitrations with foreign seats, bringing Indian law into compliance with the widely recognized territoriality principle. Yet Confidence in India's own post-award review procedure has occasionally wavered in response to the Supreme Court's use of curative authority to overturn a sizable decision in Delhi Metro Rail Corporation v. Delhi Airport Metro Express (P) Ltd.,[35] the Ministry of Finance issued an Office Memorandum in 2024 cautioning government departments and public sector entities against routinely including arbitration clauses in domestic procurement contracts, underscoring how far practice still departs from the flexibility and finality arbitration is meant to deliver.

[32]Department of Legal Affairs, Ministry of Law and Justice, Government of India, Conference Proceedings on Institutional Arbitration Adoption by Central Public Sector Enterprises (2025).
[33]National Judicial Data Grid, Department of Justice, Government of India.
[34]Bharat Aluminium Company v. Kaiser Aluminium Technical Services Inc., (2012) 9 SCC 552.
[35]Delhi Metro Rail Corporation Ltd. v. Delhi Airport Metro Express Pvt. Ltd., curative petition, Supreme Court of India (2024).

The ancillary litigation, appointment applications, interim relief petitions, and Section 34 challenges surrounding arbitration account for a sizable amount of the delay measured by contract enforcement metrics. Where a commercial court is available to hear these matters on an accelerated basis, the total time to finality can be reduced significantly without touching the arbitration process itself. The readiness of courts like the Bombay High Court to send cases straight to MCIA indicates that judicial infrastructure and institutional arbitration are starting to support one another, at least in the major cities where institutional arbitration has established itself. A significant portion of the institutionalization project's remaining work is expanding this relationship to other significant commercial hubs like Bengaluru, Chennai, and Ahmedabad. The picture outside of these centers is still far less developed.

INDIA'S PROSPECT AS GLOBAL ARBRITRATION SEAT

India's economic scale gives its institutionalisation project an unusually large potential dividend. Foreign direct investment inflows reaching approximately USD 1 trillion cumulatively by 2024[36] have multiplied the number of cross-border relationships that can lead to conflicts; each of these disputes is a decision made during the contract writing process between an Indian and a foreign seat. However, India's performance on the most popular comparative benchmark for contract enforcement, the World Bank's Enforcing Contracts indicator, placed the country 163rd out of 190 economies in the 2020 edition, the last complete edition released prior to the survey's termination. According to the report, a standardized commercial dispute took 1,445 days to settle through a local first-instance court and cost roughly 31% of the claim value.[37] numbers that stand in stark contrast to India's far higher overall ease-of-doing-business ranking of 63rd that same year. This indicator captures the exact judicial context that determines whether an institutional arbitration located in India can truly provide the pace it claims on paper, even though it evaluates court-based dispute resolution rather than arbitration directly. The most obvious quantitative indication of why institutionalization is important is the disparity between India's overall reform trend and its consistently poor contract enforcement measure.

CONCLUSION AND RECOMMENDATIONS

India's institutionalization project has produced real, measurable institutional growth most

[36]Department for Promotion of Industry and Internal Trade, Government of India, FDI Statistics (cumulative inflows to 2024).
[37]World Bank, Doing Business 2020: Enforcing Contracts (Washington, DC: World Bank Group, 2020).

visibly at the Mumbai Centre for International Arbitration alongside a substantial legislative architecture: the Srikrishna Committee's diagnosis, the 2019 and 2021 Amendments, the India International Arbitration Centre, and a 2024 Draft Bill aimed at fixing the 2019 framework's shortcomings. But the continued non-constitution of the Arbitration Council of India, more than six years after its statutory creation, is not a minor administrative delay. It is the absence of the very central body around which the entire reform project was built, without which institutional grading, arbitrator accreditation, and the promised award repository lack the coordinating authority the legislature itself determined was required.

Three recommendations follow. First, the Union government should treat the Council's constitution or its replacement under the final form of the 2024 Draft Bill as an urgent institutional priority rather than a pending legislative item; every additional year of non-constitution further undermines confidence in the seriousness of India's stated reform commitment. Second, since MCIA's own data shows that a well-run institution can perform these tasks swiftly where courts, given current backlogs, frequently cannot, reform should continue to transfer specific procedural powers extension of award timelines, fee adjustment for tribunal-caused delay, appointment of substitute arbitrators from courts to accredited institutions. Third, since the Enforcing Contracts data shows that no institution can fully shield arbitrating parties from a surrounding judicial system that takes years to resolve an ancillary application, institutional reform must be pursued alongside, not instead of, continued investment in commercial court capacity.

Taken together, these three threads offer the most practical route to the environment India's own reform documents have outlined for nearly a decade not as substitutes for one another, but as parallel and mutually reinforcing commitments. The growth of MCIA's caseload, the adoption of the India International Arbitration Centre by major public sector enterprises, and the Supreme Court's own recognition of institutional appointing authorities all point to a real, if uneven, change in practice. None of this indicates that India's institutionalisation project has failed. But the record makes clear that it remains structurally unfinished, resting on legislative foundations that assumed an institutional architecture the government has yet to finish building. For India's credibility as a commercial arbitration seat, closing that gap matters more than layering on any further round of statutory amendment.