



Notice for the PhD Viva Voce Examination

Ms Neha Garg (Registration Number: 1960075), PhD scholar at the School of Law, CHRIST (Deemed to be University), Delhi NCR Off-Campus will defend her PhD thesis at the public viva-voce examination on Tuesday, 20 August 2024 at 2.30 pm in the Room No. B206, Second Floor, B Block, CHRIST (Deemed to be University), Delhi NCR - 201003.

Title of the Thesis	:	Indian Approach to International Commercial and Investment Arbitration vis-a-vis Global Arbitral Institutes: A Critical Analysis
Discipline	:	Law
External Examiner - I	:	Dr R Haritha Devi Professor Dr Ambedkar Law University Perungudi, Chennai Tamil Nadu - 600096
External Examiner - II	:	Dr Maruthi T R Dean and Chairman Department of Studies in Law University of Mysore Manasagangothri Mysore - 570006 Karnataka
Supervisor	:	Dr Fincy Pallissery Professor School of Law CHRIST (Deemed to be University) Delhi, NCR campus Ghaziabad, Uttar Pradesh – 201003

The members of the Research Advisory Committee of the Scholar, the faculty members of the Department and the School, interested experts and research scholars of all the branches of research are cordially invited to attend this open viva-voce examination.

Registrar

Place: Bengaluru
Date: 10 August 2024

ABSTRACT

The rise of international trade and investments by the foreign states has led to increased number of contractual relationships between the parties. The world is now moving towards a new regime of dispute settlement via alternative dispute redressal mechanisms like arbitration, mediation, conciliation, and negotiation. Arbitration and Conciliation Act, 1996 and amendments in 2015, 2019 and 2021 to promote international commercial and institutional arbitration in India. The amendments provide a slight sigh of relief but do not completely cater to the global needs of making India a preferred seat for international arbitration. The title of the thesis is "INDIAN APPROACH TO INTERNATIONAL COMMERCIAL AND INVESTMENT ARBITRATION VIS A VIS GLOBAL ARBITRAL INSTITUTES: A CRITICAL ANALYSIS". It is covering the conceptual and theoretical framework of international commercial and investment arbitration, evolution of arbitration laws in India, comparative study of Indian arbitral institutes with respect to Singapore, UK and USA and judicial approach in international arbitration. It also analyses the judicial approach towards arbitration regime pertaining to enforcement of awards, appointment of arbitrators or interim reliefs. The judicial intervention must be minimized and there is requirement of trained arbitration personals including foreign lawyers or academicians.

Provisions must be made for third party funding and consolidation of arbitration proceedings providing data privacy. This study applies doctrinal methodology and through legislations, cases study, articles and research papers, relevant material has been collected. Along with doctrinal methodology, the empirical methodology (qualitative) has been adopted whereby hypothesis has been tested to reach out the finding and to find the answers of research questions. As per the empirical research conducted, the hypothesis is tested and proved, the conclusion drawn is that the recent Arbitration and Conciliation amendments are not sufficient to cater to the global standards pertaining to International commercial and international investment arbitration. It also suggests a conceptual framework incorporating suggestions to provide international recognition to India as a preferred seat for international arbitration.

Keywords: International Commercial Arbitration, International Investment Arbitration, Institution Arbitration, International Commercial courts, Amendments Arbitration and Conciliation Act, 1996.

Publications:

1. Neha Garg, Dr. Bhupinder Singh, Resolution of Intellectual Property disputes through International Commercial Arbitration, Turkish online Journal of Qualitative Inquiry, 12(8), Pg. 3431-3438 (July 2021) (Scopus), e-ISSN 1309-6591
2. Neha Garg, Dr. Bhupinder Singh, Sustainable Development-Adopting a Balanced Approach between Development and Development Induced Changes, ECS Transactions, 107 (1) 15-31 (2022) (Scopus), doi:10.1149/10701.0015
3. Neha Garg, Role of International Commercial Arbitration in resolving WTO disputes, Emerging Trends and Innovations in Industries of the developing world-A multidisciplinary approach, Routledge, Taylor Francis, ISBN-9781032601038, Pg. 19-23 (2023), doi:10.1201/9781003457602.