



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 2

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.153>

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com

Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

THE ROLE OF ALTERNATE DISPUTE RESOLUTION IN FACILITATING CROSS-BORDER TRADE AND INVESTMENT: AN INDIAN PERSPECTIVE

Aditya Kumar¹

I. ABSTRACT

This paper examines the role of Alternative Dispute Resolution (ADR), particularly arbitration and mediation, in facilitating cross-border trade and investment in India. The study addresses the central problem of inefficiencies in traditional litigation systems, which often deter foreign investors due to delays, high costs, and jurisdictional complexities. Adopting a doctrinal research methodology, the paper analyses statutory frameworks including the Arbitration and Conciliation Act, 1996, the Mediation Act, 2023, and relevant judicial precedents, alongside international instruments such as the UNCITRAL Model Law and the New York Convention. The research argues that while India has made significant progress in aligning its ADR framework with global standards, structural and institutional deficiencies continue to hinder its effectiveness in cross-border dispute resolution. Key challenges include delays in enforcement, judicial intervention, lack of institutional capacity, and limited adoption of technology-driven dispute resolution mechanisms. The paper concludes that strengthening ADR mechanisms is essential for enhancing investor confidence and promoting international trade. It recommends targeted reforms, including institutional strengthening, greater judicial restraint, enhanced digital infrastructure, and capacity-building initiatives for arbitrators and mediators. By addressing these challenges, India can position itself as a competitive and reliable global arbitration hub.

II. KEYWORDS

Alternative Dispute Resolution, International Arbitration, Arbitration and Conciliation Act 1996, Cross-Border Trade, Foreign Investment

III. INTRODUCTION

¹ Five-Year B.A. LLB. Degree Programme, Amity Law School, Amity University, Noida Uttar Pradesh (India). Email: adityachandrajeet2003@gmail.com

International trade and foreign investment depend on strong, reliable ways to resolve disputes without them, doing business across borders just gets riskier. India's Arbitration and Conciliation Act of 1996 tried to solve this. It brought all the laws about domestic and international arbitration, plus the recognition of foreign arbitration awards, under one umbrella. The idea was simple: make India's system as good as the world's best, and investors will feel good about doing business here.

This paper looks at how India's legal system lines up with what businesses actually need when disputes spill across borders, especially now that digital mediation platforms are shaking things up.

Still, traditional approaches under this law haven't kept up, despite updates and amendments. The requirement of participating in in-person arbitration proceedings across jurisdictions imposes significant financial burdens, particularly for small and medium-sized enterprises, thereby affecting their willingness to pursue such mechanisms. Jurisdictional uncertainties persist, digital infrastructure remains underdeveloped, and both adjudicatory proceedings and enforcement mechanisms are often subject to considerable delays. Furthermore, adversarial litigation frequently exacerbates tensions between parties, thereby undermining the continuation of commercial relationships in cross-border contexts.

A. Statement of Problem

With the expansion of international business, disputes between parties from different jurisdictions have correspondingly increased in frequency. But court litigation is slow, expensive, and tangled up in different legal systems. This deters foreign investors and renders the resolution of commercial disputes inefficient and protracted.

Alternative Dispute Resolution (ADR) arbitration, mediation, and conciliation steps in to help. India's 1996 Act aimed to modernize, to make us align with international practices so disputes would get sorted out faster. Nevertheless, several challenges persist, including continued judicial intervention, procedural delays, inconsistent enforcement, and the inadequate development of arbitration institutions in comparison with global standards. It's time to really look at how the law helps (or doesn't) and see what needs fixing.

B. Research Questions

1. How does ADR help sort out cross-border business disputes?
2. What role does the 1996 Act play in making trade and investment easier?
3. What challenges does ADR face in international arbitration in India?
4. What changes do we need to turn India into a global arbitration hub?

C. Hypothesis

ADR methods especially arbitration under the 1996 Act help international trade and investment by offering a quicker, fairer, and enforceable alternative to court battles.

D. Research Methodology

The study uses doctrinal, or qualitative, methods. That means digging deep into legal texts and existing research instead of collecting new data from businesses.

1. Sources of Data

- **Primary Sources:**
 - The Arbitration and Conciliation Act, 1996
 - Supreme Court and High Court decisions
- **Secondary Sources:**
 - Books on arbitration law
 - Academic articles and journals
 - Government and legal reports
 - Online legal databases and scholarly publications

E. Aims & Research Objectives

This study aims to figure out how well ADR helps boost international trade and foreign investment in India. Objectives:

1. Examine what the Arbitration and Conciliation Act, 1996, actually says about ADR.
2. Explore why ADR matters for cross-border business disputes.
3. Assess whether ADR really gives investors more confidence in India.
4. Examine the principal challenges associated with the use of arbitration and conciliation in international disputes.

5. Offer some solid ideas on how to improve ADR here.

F. Scope and Limitations

1. Scope

The research looks at ADR mainly arbitration and conciliation for international business fights. It zeroes in on how the 1996 Act helps or hinders cross-border trade and investment. The focus is on legal rules, amendments, and how courts actually interpret them.

2. Limitations

This isn't a broad international comparison—it mainly stays within India's legal framework. It also relies on books, articles, and reports, since real-world investor case studies are limited.

G. Literature Review

A quick look at the key authors sets the stage for this research. Gary B. Born points out that international arbitration matters because it gives a neutral ground and makes it easier to enforce awards across countries. Fali S. Nariman says arbitration is preferred because it's flexible and confidential.

Several scholarly articles examine how the Arbitration and Conciliation Act, 1996 draws upon the UNCITRAL Model Law, thereby aligning India's legal framework with international standards. All these sources agree: ADR is making India more attractive for global business.

IV. ALTERNATE DISPUTE RESOLUTION AND ITS EVOLUTION

Alternate Dispute Resolution, or ADR, has really shifted the landscape of how people settle conflicts without heading straight for the courtroom. At its core, ADR covers a range of methods negotiation, mediation, conciliation, arbitration, and India's Lok Adalats where people work out their disputes outside of traditional trials. Over the years, what started as informal, community-level practices has developed into a structured, law-based system that's starting to take a real load off the courts. It cuts costs, saves time, and helps more people actually get justice. The story of ADR's

evolution is one of adaptation to bigger economies, growing globalization, and the push for judicial reforms, especially in countries like India where these changes are easy to spot.

A. The idea and value of ADR

Put simply, ADR is any way of settling a dispute other than a formal lawsuit where a neutral third party helps the people involved find a solution everyone can accept. This gives people more control, keeps things private, and usually moves much faster than a court case. Unlike traditional litigation, ADR isn't always about who's legally right or wrong but about finding practical compromises, preserving relationships, and reaching fair outcomes. For businesses, ADR means decisions get enforced quickly. For regular folks, it comes with fewer costs, less red tape, and often a kinder, more straightforward process. The big appeals of ADR boil down to efficiency, access to justice, and keeping the peace. Courts everywhere are jam-packed, slow, and expensive. ADR offers a faster and less intense way to handle civil, family, consumer, and work-related disputes. On top of that, it lets people who otherwise couldn't risk years of litigation actually have a shot at a fair resolution, especially since mediation and Lok Adalats often charge little or nothing. And maybe most importantly, ADR tends to focus on healing and agreement not on winning and losing.

B. The roots of ADR

ADR goes way back long before modern states or official courts existed. Back in the day, disputes usually got sorted by village elders, religious leaders, or following community customs, years before professional judges came into the picture. In India, for example, panchayats and village gatherings were solving arguments long before colonial legal systems turned up. These early approaches were informal and aimed at mending fences, not at abstract legal rules. When central governments and formal laws took over, community strategies lost ground but never totally vanished. Even under colonial rule, arbitration and other consensual techniques held space in trade and in procedural codes. So, ADR has always been running alongside the official court system, sometimes filling gaps where the law can't quite reach.

C. International growth of ADR

The modern spreading of ADR took off in international business. As global trade got bigger, companies needed ways to resolve cross-border quarrels that didn't depend on any one country's legal system. Arbitration took center stage because it was quick, handled by experts, and the results the arbitral awards could be enforced worldwide thanks to treaties like the 1958 New York Convention.

The United Nations, through the UNCITRAL framework, played a major hand here. The UNCITRAL Model Law on International Commercial Arbitration, launched in 1985 and updated in 2006, helped countries build modern arbitration laws. UNCITRAL also pushed forward global standards for mediation and conciliation, making it easier for people to rely on these methods across borders and to enforce mediated settlements. This all turned ADR from a collection of local customs into a seriously global legal system. Now, resolving international business disputes through arbitration and mediation has become standard practice, and plenty of countries have synced up their laws with UNCITRAL's standards.

D. Global trade, investment, and built-in arbitration

Cross-border trade and investment deals like foreign direct investment, global joint ventures, tech transfer deals, and supply contracts often include arbitration clauses. These are basically agreements that if something goes wrong, disputes don't head to any country's courts but straight to arbitration. This offers neutral ground, makes sure decisions get enforced across countries, and boosts the confidence of investors who might otherwise be nervous about new legal territories. Major frameworks like the New York Convention mean an award from an arbitration panel in one country is taken seriously almost anywhere in the world.

E. Types of ADR: Definitions and distinctions

ADR isn't just one thing it comes in a few Flavors:

1. **Arbitration:** Here, both sides pick a neutral arbitrator who hears the case and makes a binding decision (the arbitral award). Arbitration, especially in

international business disputes, is popular because the outcome holds up all over the world.

2. **Mediation:** In this setting, a neutral mediator helps both parties talk things out and reach an agreement. The mediator doesn't make a decision; they just help guide the discussion.
3. **Conciliation:** Like mediation, but the conciliator gets a bit more involved and may suggest actual solutions. In India, the Arbitration and Conciliation Act, 1996 lays down the rules.
4. **Hybrid models:** Some approaches mix and match methods for example, "Med-Arb" (mediation first, then arbitration if necessary) or "Arb-Med." There are also mini-trials and cases decided by experts outside of court.

F. The rise of ADR in India

India's experience with ADR weaves ancient custom and modern law together. The first legal nod to arbitration came with the Indian Arbitration Act, 1899, and the Code of Civil Procedure, 1908. Both let people choose arbitration and, at least a little bit, limited court interference. Later, the Arbitration Act, 1940 tried to pull these rules together but ended up bogged down by too much judicial meddling and slow processes.

Things changed with the Arbitration and Conciliation Act, 1996, based heavily on UNCITRAL's model. This law cut down on court interference, sped up proceedings, and brought India's system in line with global standards, covering both domestic and international arbitration and conciliation.

On the access-to-justice front, India also introduced Lok Adalats starting in the 1980s, mainly in Gujarat, before cementing them in the Legal Services Authorities Act, 1987. Lok Adalats use compromise and practical settlement to quickly resolve disputes often about family matters, small civil issues, and more at no cost to the parties. Their success proves that ADR isn't just for big business but can reach ordinary people as an engine of legal empowerment.

A significant development occurred with the introduction of Section 89 into the Code of Civil Procedure in 1999. This section lets courts refer ongoing civil cases to ADR if

they see a chance for a settlement. Of course, judges have to make sure there's at least a sliver of hope for agreement before doing so, but this tool has become a crucial link between traditional litigation and alternative processes.

Most recently, the Mediation Act, 2023 formally set up mediation as a proper, standalone option. It created rules for institutional and community mediation, online mediation, mediator qualifications, and how mediated settlements get treated in the legal system. Now, mediation isn't just a sideline in India but a full-fledged part of the justice process matching a growing global focus on strengthening mediation practices.

G. How ADR works and what it aims for

ADR methods aren't all alike, but they do have a shared goal solving disputes faster and with less formality than a lawsuit. You've got negotiation (where the two sides work things out face to face, no third party needed), mediation (a mediator helps them talk, but doesn't decide), conciliation (similar, but the conciliator might suggest a solution), arbitration (an agreed-upon arbitrator makes a binding decision), and Lok Adalats (unique to India, where officials help the parties reach settlements in bulk, often for free). Most forms result in agreements only if both sides sign on the dotted line. Arbitration, though, goes further, producing a decision that's as enforceable as any court ruling though it can only be challenged in limited ways. Lok Adalat awards are final, too, which shows the trust placed in settlement-based outcomes.

H. Pros and cons

People turn to ADR mainly for the speed, the flexibility, and the focus on real-world solutions. It saves time, costs less, and helps the courts catch up. Especially in complex commercial or family cases, ADR lets subject-matter experts handle disputes privately. Confidentiality is another big draw; for companies, it keeps sensitive business info out of the public eye.

Of course, ADR isn't a silver bullet. It's not fit for criminal cases, matters of big public interest, or constitutional questions that need the full weight of a court. Sometimes, imbalances between parties or poor-quality neutrals can make things unfair or one-sided. In arbitration, you may have concerns about limited appeals or inconsistent

decisions across cases. That's why modern ADR keeps evolving tightening standards for mediators and arbitrators, improving oversight, and designing better enforcement to make sure the process is both fair and reliable.

V. THE LEGISLATIVE FRAMEWORK IN INDIA SUPPORTING ALTERNATIVE DISPUTE RESOLUTION

India's legal system around Alternative Dispute Resolution (ADR) has really changed the way people settle disputes. It isn't just about keeping cases out of courts; it's about making justice faster, lighter on the system, and more open to everyone – especially in business and cross-border deals.

At the heart of ADR in India is Article 39A of the Constitution, which tells the government to make sure everyone gets equal justice and free legal help. The idea is, justice shouldn't depend on money or status. That set the stage for all sorts of ADR laws that followed, slowly moving these processes from optional add-ons to well-structured, regular parts of our legal culture. These laws line up with international best practices think UNCITRAL models so India's rules can handle complicated global business disputes too.

The principal legislative instruments and their role within the broader legal framework are examined below. A big step came with Section 89's addition to the Code of Civil Procedure in 1999. We'll start with that constitutional basis, then look at The Arbitration and Conciliation Act, 1996, the new Mediation Act, Section 89 of the Civil Procedure Code, the Lok Adalats under the Legal Services Authorities Act, the Consumer Protection Act, and the Commercial Courts Act. We'll also touch on international rules and bilateral investment treaties.

A. Constitutional Foundation

Article 39A, brought in by the 42nd Amendment (1976), tells the State to make sure everyone gets equal justice and free legal aid no matter their economic or social background. This isn't a casual suggestion; it means the State needs to ensure people have ways to solve disputes outside expensive, slow court battles. ADR methods

thrive on this idea cutting down costs, speeding up settlements, and keeping doors open for everyone.

B. The Arbitration and Conciliation Act, 1996

This law is the backbone of ADR in India and lines up with global arbitration standards. It kicked off in 1996, making the old system faster, less tangled with courts, and more reliable, especially for big business disputes, including international ones. Based on the UNCITRAL Model Law, it puts a big emphasis on the parties' independence, keeps courts from interfering too much, and gives arbitral awards the same power as a High Court order. That's a big deal for international investors, who want to know awards can actually be enforced.

C. Mediation Act, 2023

This statute, enacted in 2023, constitutes India's first standalone mediation law and places mediation at the forefront of civil and commercial dispute resolution. It introduces provisions for pre-litigation mediation in specified matters, alongside frameworks for online mediation, community mediation, confidentiality, and court-referred mediation. Settlement agreements under the Act are accorded binding legal status, subject to limited grounds such as fraud. India signed the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention) on 7 August 2019; however, it has not yet ratified the Convention. Consequently, the Convention's framework for cross-border enforcement of mediated settlements does not currently apply to India, and the Mediation Act, 2023 operates as a distinct domestic legal regime. India's potential ratification of the Convention remains an open question.

D. Section 89 of the Code of Civil Procedure, 1908

Section 89 lets courts push civil disputes into ADR paths arbitration, conciliation, mediation, or the Lok Adalat if there's a chance of settlement. This section came in through an amendment in 1999. Courts have to lay out possible settlement terms first, then refer cases to ADR, but sometimes this step is criticized because it can add work instead of reducing it. Still, Section 89 is crucial in making sure ADR is firmly part of civil court processes for things like consumer cases and family disputes.

E. Legal Services Authorities Act, 1987: Lok Adalats

This Act set up agencies to make legal aid work and with it, the Lok Adalats or people's courts. These forums solve disputes through conciliation, and their awards are treated like a final decree of a civil court no appeals. They're especially powerful at the grassroots, helping people who couldn't otherwise afford justice. Permanent Lok Adalats handles public utility disputes and have resolved millions of cases, freeing up court time and saving parties a fortune in legal expenses.

F. The Consumer Protection Act, 2019 and Commercial Courts Act, 2015

Consumer law now has a mediation route built-in; if you have a dispute, consumer commissions can refer your matter to mediation so you might find a quick, friendly settlement especially good for online shopping and cross-border complaints. The Commercial Courts Act creates special courts for high-value business disputes and requires mediation before certain cases even start, unless urgent relief is needed.

G. International Dimensions and Bilateral Investment Treaties (BITs)

India's ADR framework operates in alignment with international conventions, including the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (New York Convention), which has 172 state parties globally, ensuring widespread recognition and enforcement of arbitral awards.² For foreign investment, India's newer model Bilateral Investment Treaties require that investors exhaust local remedies before initiating international arbitration, thereby balancing investor protection with national interests.

VI. JUDICIAL INTERPRETATION AND INCORPORATION OF GLOBAL ARBITRATION STANDARDS INTO INDIA'S LEGAL STRUCTURES

It's not just laws that have changed the ADR landscape; judges have had a huge influence in weaving global arbitration standards into India's system. Over the past

² UNCITRAL, Status: Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958).

thirty years, especially after the Arbitration and Conciliation Act, 1996, Indian courts moved from a habit of getting involved in every little detail, to letting arbitration work the way it's supposed to respecting party autonomy and keeping interference to a minimum.

The Supreme Court and High Courts, through key decisions, aligned Indian arbitration law with international standards. They now care more about finality, restrict repeated challenges, and only step in for serious issues stuff like violation of basic legal principles, or awards that plainly ignore the facts or law.

A. The Legislative Foundation: Arbitration and Conciliation Act, 1996

By copying the UNCITRAL Model Law, this Act did two things: it covered both domestic and international arbitrations in one law, and it built in clear rules for enforcing foreign arbitral awards. The Act has four parts:

1. Domestic and international arbitration seated in India
2. Enforcement of foreign awards under the New York and Geneva Conventions
3. Conciliation
4. Other supplemental matters

Amendments in 2015 and 2019 made deadlines tighter, set up better arbitration institutions, and put stronger limits on court review.

B. Recent Landmark Rulings

1. In *Hindustan Construction Co. v. Union of India* (2019/2020), the Supreme Court struck down Section 87 as unconstitutional, making sure certain amendments applied retrospectively and ending automatic award stays that used to drag out cases.
2. In *M/s. Uttarakhand Purv Sainik Kalyan Nigam Ltd. v. Northern Coal Field Ltd.* (2020) 2 SCC 455, the Supreme Court reaffirmed the principle of *kompetenz-kompetenz*, holding that arbitral tribunals possess the authority to determine their own jurisdiction.

3. *Hindustan Construction v. Bihar Rajya Pul Nirman Nigam* (2025) stopped High Courts from reviewing their appointment of arbitrators after proceedings have started.

C. Judicial Reasoning as the Engine of Integration

The courts have moved beyond treating arbitration as just another type of lawsuit. Instead, they respect arbitral awards as final only stepping in when there's a clear legal flaw. Now, challenges are limited to things like patent illegality or basic unfairness, not just a general disagreement with the outcome.

Judges often cite international sources the UNCITRAL Model Law, New York Convention, even cases from other countries to keep Indian law in sync with global best practice. That's how they 'import' international standards without needing to rewrite the statutes every time.

D. Landmark Supreme Court Cases

1. *ONGC v. Saw Pipes* (2003): Defined "public policy" as it relates to awards but warned against using the phrase as a loophole for every challenge.
2. *Associate Builders v. DDA* (2014): Broke down just what counts as a "patent illegality."
3. *Ssangyong Engineering v. NHAI* (2019): Further tightened what judges can review, saying no re-examination of the facts, only the law.

E. Integration of Core International Norms

Party autonomy letting parties pick their rules, institutions, and seat of arbitration keeps getting stronger through case law. Courts consistently back freedom of contract, only going against it when there's a clear public policy issue.

Courts also quickly refer disputes to arbitration and discourage stalling tactics. Interim measures temporary relief to protect assets or evidence can now come from either courts or arbitral tribunals, making things more efficient.

Perhaps most importantly, Indian law now treats arbitral awards as final and only allows challenges on strict, narrow grounds. Section 34 of the Arbitration Act spells

out a short window and limited reasons to attack an award. Courts repeatedly remind everyone that this isn't an appeal; it's only about legality, not redoing the case.

When it comes to enforcing foreign awards, courts only refuse for very rare reasons like blatant public policy breaches or due process failures again echoing international standards.

F. Public Policy, Reasoned Awards, and the Limits of Judicial Review

Public policy is a tricky area. Earlier, Indian courts used it pretty broadly to overturn awards, but recent decisions recognize that this isn't what international law expects. Now, "public policy" is read narrowly, and awards must have reasons, but courts don't pick apart every detail.

G. Institutional and Procedural Developments

Amendments in recent years brought in requirements for arbitrator qualifications, timelines, and efforts to make institutions more professional. These changes only work well if judges back them up, so the courts' approach really decides whether the system lives up to its promise.

All in all, India isn't just building its own ADR system—it's learning from and plugging straight into the global framework, with both the legislature and judiciary pulling in the same direction.

A lack of strong institutions and clear rules for alternative dispute resolution (ADR) makes international trade harder than it needs to be.

VII. WHY ADR MATTERS IN CROSS-BORDER TRADE

Global trade only works when companies trust each other, know what to expect, and feel sure they'll get help if things go wrong. UNCITRAL says its rules are meant to knock down legal barriers in international business including smoothing out commercial conflict with tools like arbitration and mediation. So, ADR isn't just a private contract thing. It's baked into the legal structure that keeps world commerce running.

ADR is especially handy for cross-border deals because going to court abroad is usually slow, costly, and tangled in unfamiliar procedures. Businesses want dispute solutions that let them skip foreign courts, keep things private, and avoid blowing up ongoing relationships. Arbitration and mediation make all this possible—or at least, they're supposed to. But it only works if the backing institutions and legal system are actually reliable and accessible.

A. Where things fall short: Institutional gaps

One big obstacle is that ADR institutions are weak or unevenly developed, especially across borders. Take the European Parliament's own study: yes, many ADR schemes technically exist, but their coverage is spotty some places and sectors are left out. This means companies might be able to use ADR in one country but hit a dead end in another, right when consistency is most crucial.

Another problem is scope. Many ADR bodies won't even look at disputes involving traders from other EU countries, mainly because they worry about which law applies, what court enforces rulings, and whose rules actually count. That defeats the whole point of ADR: bridging gaps, not reinforcing them. If institutions don't deal with foreign disputes, their value shrinks for anyone doing serious international business.

There's also the issue of resources. Many ADR setups lack staff, tech, or coordination to deal with cases that spill across borders especially when language, law, and specialized expertise all get involved. Without trained people, systems in multiple languages, and smooth procedures to get cases off the ground, ADR is just a theory. Small and medium enterprises feel this even more they're the ones most likely to be shut out by these barriers.

B. Rules and regulations: More problems

When institutions are weak, regulatory chaos usually makes things worse. ADR thrives when the law clearly spells out the status of agreements, how mediation or arbitration works, and how results are enforced. That's why UNCITRAL pushes for model laws and conventions: global commerce can't operate on guesswork.

But when these rules are all over the place or fuzzy companies get stuck trying to fit their disputes into inconsistent national norms. In the EU, some laws still expect the courts to handle core steps, which means ADR can't truly stand in for old-school litigation. So, the supposed speed and simplicity of ADR vanishes if the courts still control key decisions.

This kind of uncertainty ups the time, cost, and hassle. It also kills business confidence. If companies can't be sure their ADR clause will hold up, or that the outcome will be honored in another country, they start adding more legal padding to contracts, ask for bigger financial guarantees, or even stay out of certain markets altogether.

C. The heart of the problem: enforcement

Even if everything else works, enforcement remains the make-or-break issue. Parties need to know any mediation or arbitration outcome will actually stick, no matter where the other party is located. The European Parliament study flags this as a source of real reluctance: if you can't enforce the result in another country, what's the point?

Enforcement doubts shape business behavior before disputes even come up. When companies fear that an ADR ruling won't translate across borders, they act defensively: more paperwork, stricter terms, reluctance to trust new partners. This weakens not just the efficiency of dispute resolution, but the willingness to do business internationally in the first place.

D. Confidence takes a hit

The fallout from weak ADR ties directly into business confidence. When companies can trust the system to resolve disputes fairly and efficiently, they're willing to take risks and explore new markets. But if ADR mechanisms are patchy, underfunded, or unreliable, businesses hold back especially smaller firms, which don't have the cash or stamina for long court fights across countries.

Large multinationals can often lawyer up and fight things out, but smaller outfits usually depend on fast, cheap, and accessible ADR. If those solutions don't really function, these companies will quietly swallow losses or just sit out international deals

altogether, limiting competition and diversity in cross-border trade. The long-term effect is less vibrant, less stable global business.

Mediation can actually help preserve business relationships, encouraging settlement rather than burn-the-bridge fights. But without the right legal and institutional support, even simple problems can spiral into big disputes, making global trade less efficient and a lot more fragile.

E. Raising the bar: What's needed

It takes more than just passing some laws to fix these problems. UNCITRAL's practical guidance makes that clear. Reform isn't just about rulebooks it's about making sure those rules are understood the same way everywhere, offering training, and building real coordination among regional and national bodies.

Legal reform is just the starting point. Institutions need to be capable, independent, and easy to access. The European Parliament's report backs this up: fix sector gaps, clear up how parties can access ADR, guarantee funding, and design systems that actually stay open and responsive to cross-border disputes.

There's still more to do growing awareness, expanding language support, and clarifying which law applies in each case. The real test is not whether ADR is a good idea, it is, but whether governments and institutions will step up and invest in making ADR work in practice.

The solution is straightforward: pass clear, harmonized arbitration and mediation laws, ensure enforcement mechanisms run smoothly, give ADR bodies the funding and tech infrastructure they need, and develop coordinated, multilingual systems for cross-border users. Regulators should go beyond enforcement: they should help businesses understand their options, simplify processes, and connect institutions across borders.

Done right, these reforms won't just look good on paper they'll actually make ADR a powerful, practical tool for international trade, instead of just another unmet promise.

VIII. CONCLUSION AND SUGGESTIONS

This study drilled into why ADR, especially international arbitration, matters so much for India's trade and investment future. At bottom, India's big push to become a global economic player and draw foreign investment can't succeed unless it builds a strong, efficient arbitration system that meets world standards. Tracing ADR's core principles, history, and recent legislative and court reforms, the research underscored arbitration's central role: it offers neutrality, privacy, and finality three things global business values above all.

A. Conclusion

Chapter 5 dug into India's stumbling blocks on the road to becoming an arbitration powerhouse. It showed how the current framework is still fragmented: the country lacks truly first-class physical and digital facilities, suffers from administrative inefficiency, and often fails to get everyone pulling in the same direction. All this falls short of global competitors.

The research then pinpointed how unpredictable regulation, bureaucratic headaches, and economic disincentives all stem from flaws in the Arbitration and Conciliation Act, 1996 and continuing worries about judges stepping in too much. Even big Supreme Court decisions like the BALCO case have dialled back some judicial interference in foreign arbitrations, but concerns remain, with delays and high costs still keeping many investors on the sidelines.

Add to this the shortage of recognized expert arbitrators and lingering doubts—at home and overseas about India's legal culture and red tape, and it's easy to see why many global investors hesitate. Altogether, these issues make India less appealing for anyone looking to resolve disputes efficiently and predictably.

But Chapter 6 doesn't just dwell on problems. It lays out clear, practical steps to fix things. To close gaps in infrastructure and institutions, it calls for world-class arbitration centers and smoother administration. To reduce regulatory unpredictability and financial risk, it recommends concrete legal reforms and strategies to limit unnecessary court intervention. And to build trust and credibility, it pushes for real investment in training and professional development.

In short, this study stands by its core claim: India must overhaul its ADR framework build strong institutions, offer predictable and accessible law to win investor confidence. Fixing patchy infrastructure, murky rules, overactive courts, skill shortages, and negative global perceptions isn't just nice to have; it's essential. These changes will boost trust, efficiency, and reliability, making cross-border trade and foreign investment much more attractive.

India has a huge opportunity right now, thanks to a lively economy, big internal market, and deep legal traditions. But seizing global economic leadership will take more than small tweaks. The roadmap here points toward unified action from policymakers, judges, lawyers, arbitrators, and everyone with a stake in the system to build a truly arbitration-friendly environment. Doing this right pays off not just by growing India's economy, but by making it a trusted business partner worldwide.

B. Suggestions

- 1. Build world-class arbitration institutions:** India should focus first on setting up top-notch arbitration centers in its major commercial cities. That means having the latest digital tech: secure video conferencing, e-filing, seamless case management, and so on. But great buildings aren't enough administrative standards must match the world's best, staff need continuous multilingual training, and all the key players (institutions, lawyers, government, universities) must work together. A national coordination body can help championing not just the centers but also support services like transcription, translation, and electronic document discovery. All of this together creates a smooth, high-quality user experience to rival any international arbitration hub.
- 2. Strengthen the legal framework and judicial predictability:** India needs targeted changes to the Arbitration and Conciliation Act, 1996, to clear up confusion and offer legal certainty. Reforms should bring India's rules in line with UNCITRAL standards, making it easier to handle interim relief, emergency arbitrators, and multi-party disputes. Guidance should be clearer on what types of disputes can be arbitrated and how to coordinate

with the new Mediation Act, 2023. At the same time, the courts have to play a more supportive role. This means mandatory arbitration training for judges, with a focus on international conventions and strict limits on court interference. Award enforcement needs to be quicker: special commercial benches, more streamlined procedures, strict timelines. Taken together, these steps would help judgments actually turn into results.

3. **Grow expertise and global trust:** India should invest heavily in developing expert arbitrators, mediators, and counsel through advanced training, mentoring, and specialized courses covering international and sector-specific issues. Link up with top arbitration academies abroad and push for diverse panels to strengthen credibility. Global branding also matters. The country needs a strong national marketing effort, real outreach, and campaigns to share success stories and break down old stereotypes about India's legal system. Presented right, India can grow into a world-class arbitration destination.

IX. BIBLIOGRAPHY

A. Statutes Referred

1. The Arbitration and Conciliation Act, No. 26, Act of Parliament, 1996.
2. Arbitration and Conciliation (Amendment) Act, 2015, No. 3, Act of Parliament, § 12, 2015.
3. Arbitration and Conciliation (Amendment) Act, 2015, No. 3, Act of Parliament, 2015.
4. The Arbitration and Conciliation (Amendment) Act, 2019, No. 33, Act of Parliament, 2019.

B. Books Referred

1. (Born, 2021)
2. (Blackaby et al., 2015)
3. (Aiyar, 1997)

C. Journals Referred

1. (Chandrachud, 2018)
2. (Sugdhare & Mahesh, 2023)
3. (Kachwaha, 2019)
4. Kumar, Ashutosh & Amit Kumar, 'Alternative Dispute Resolution - An Ancient Indian Practice as an Alternative to Realize Sustainable Development Goal-16', *Dehradun Law Review*, <https://www.dehradunlawreview.com/wpcontent/uploads/2024/10/ALTERNATIVE%20DISPUTE%20RESOLUTION%20-.pdf>.
6. Ramachandran, Garvit and Shiva Singh, 'Evolution of Alternative Dispute Resolution (ADR) in India'; *Jus Corpus Law Journal (JCLJ)*, Vol. 1, No. 3, <https://www.juscorpus.com/wp-content/uploads/2021/03/1.-Garvit-Shiva-1.pdf>.
7. (Roy, 2023)
8. (Shree & Singh, 2024)
9. Sharma, Neeraj, 'An Analysis of the Impact of the Model Indian Bilateral Investment Treaty on Foreign Direct Investment in India'; *Lex Humana*, Vol. 14, No. 1, pp. 99-110, 2022. <file:///C:/Users/avina/Downloads/DialnetAnAnalysisOfTheImpactOfTheModelIndianBilateralInve-9912373.pdf>

D. Reports Referred

1. (1978)
2. (2014)
3. (NITI Aayog, 2016)
4. (Srikrishna, 2017)

E. Websites Referred

1. About Alternative Dispute Resolution, University of North Florida, <https://www.unf.edu/deanofstudents/resolution/about-adr.html>.
2. Arbitration in India, Indian Dispute Resolution Centre, <https://theidrc.com/content/arbitration/arbitration-in-india>.
3. Arbitration in India, Types, Benefits, Reforms and Challenges, STUDYIQ, (April 29, 2015), <https://www.studyiq.com/articles/arbitration-in-india/>
4. Arbitration, WIPO, <https://www.wipo.int/amc/en/arbitration/what-is-arb.html>.
5. Arbitration in India - A Story of Growth and Opportunity, Cyril Amarchand Mangaldas (Jan. 1, 2020), <https://www.cyrilshroff.com/wp-content/uploads/2019/06/Arbitration-inIndia-%E2%80%93-A-Story-of-Growth-and-Opportunity.pdf>.
6. Can two Indian parties opt for a foreign seat of arbitration: An unresolved question! Trilegal, (Sep. 6, 2016) https://www.trilegal.com/pdf/create.php?publication_id=14&publication_title=can-twoindian-parties-opt-for-a-foreign-seat-of-arbitration-an-unresolved-question.
7. Constitution of high-level committee to review Institutionalization of Arbitration Mechanism in India', Press Information Bureau (Dec. 12, 2016), <http://pib.nic.in/newsite/PrintRelease.aspx?relid=155959>.
8. <https://viamediationcentre.org/readnews/NDUy/OVERVIEW-OF-MEDIATION-IN-INDIA>.
9. <https://www.icsi.edu/media/webmodules/CSJ/December-2024/15.pdf>.
10. IIAC Releases Regulations for Conduct of Arbitration Involving Micro and Small Enterprises, MBG Corporate Services, <https://www.mbgcorp.com/in/insights/iiacreleases-regulations-for-conduct-of-arbitration-involving-micro-and-small-enterprises/>.

11. INDIA'S MODEL BILATERAL INVESTMENT TREATY IS INDIA TOO RISKY AVERSE? Prabhash Ranjan Harsha Vardhana Singh (August 2018), <https://www.brookings.edu/wpcontent/uploads/2018/08/India%E2%80%99s-Model-Bilateral-Investment-Treaty-2018.pdf>.

F. References

1. N. S. (2024). Mediation Act, 2023: an Analytical Study. *International Journal for Multidisciplinary Research*, 6(3). <https://doi.org/10.36948/ijfmr.2024.v06i03.22883>
2. Acemoğlu, D., Cheema, A., Khwaja, A. I., & Robinson, J. A. (2018). Trust in State and Non-State Actors: Evidence from Dispute Resolution in Pakistan. <https://doi.org/10.3386/w24611>
3. Aiyar, P. R. (1997). *Law Lexicon*.
4. Albert, I. O., Olarinde, Y. T., & Albert, O. O. (2019). Order outside the Law? Rethinking Amnesty as an ADR Mechanism in Nigeria. *Beijing Law Review*, 10(4), 913. <https://doi.org/10.4236/blr.2019.104049>
5. Aydemir, D. (2021). Multi-Tiered Dispute Resolution Clauses after UML on Mediation 2018 and the Singapore Convention. *Public and Private International Law Bulletin*, 41(1), 191. <https://doi.org/10.26650/ppil.2021.41.1.819689>
6. Basedow, R. (2024). Alienated Twins – The Overlooked Private Law Dimension of Global Trade and Investment Governance. *World Trade Review*, 23(4), 507. <https://doi.org/10.1017/s1474745624000144>
7. Baylis, C. (1999). Reviewing Statutory Models of Mediation/Conciliation in New Zealand: Three Conclusions. *Victoria University of Wellington Law Review*, 30(1), 279. <https://doi.org/10.26686/vuwlr.v30i1.6024>
8. Belikova, K. M. (2020). Some Ideas on Pre-Trial Dispute Settlement in BRICS Countries. *REVISTA QUAESTIO IURIS*, 13(4). <https://doi.org/10.12957/rqi.2020.51963>
9. Benedikt, A., Susło, R., Paplicki, M., & Drobnik, J. (2020). Mediation as an alternative method of conflict resolution: A practical approach. *Family*

- Medicine & Primary Care Review, 22(3), 235.
<https://doi.org/10.5114/fmpcr.2020.98252>
10. Beyer, J., & Girke, F. (2020). The State of Custom: Gerd Spittler's "Dispute settlement in the shadow of Leviathan" (1980) today. *Zeitschrift Für Rechtssoziologie*, 41(1), 3. <https://doi.org/10.1515/zfrs-2021-0002>
 11. Biard, A. (2023). The Age of Consumer Law Enforcement in the European Union: High Hopes or Wishful Thinking? *European Journal of Risk Regulation*, 1. <https://doi.org/10.1017/err.2023.66>
 12. Biresaw, S. M. (2021). Appraisal of the Success of the Instruments of International Commercial Arbitration vs. Litigation and Mediation in the Harmonization of the Rules of Transnational Commercial Dispute Settlement. Research Square (Research Square). <https://doi.org/10.21203/rs.3.rs-953987/v1>
 13. Blackaby, N., Partasides, C., Redfern, A., & Hunter, M. (2015). Redfern and Hunter on International Arbitration. In Oxford University Press eBooks. Oxford University Press. <https://doi.org/10.1093/law/9780198714248.001.0001>
 14. Born, G. B. (2021). *International Commercial Arbitration*. Kluwer Law International.
 15. Chandrachud, A. (2018). Arbitration in India: Challenges and Opportunities. *NUJS Law Review*, 3(1), 1.
 16. Clammer, J., & Byrne, M. J. (2021). The Village Says "No": Why Online ADR is Not (Yet) Working in Rural India. *Law Technology and Humans*, 3(1), 133. <https://doi.org/10.5204/lthj.1564>
 17. Co., B. A., & Aluminium, K. (2012). *Bharat Aluminium Co. v. Kaiser Aluminium (BALCO)*. SCC, 9, 552.
 18. Cooter, R. D., & Fikentscher, W. (1998). Indian Common Law: The Role of Custom in American Indian Tribal Courts (Part I of II). *The American Journal of Comparative Law*, 46(2), 287. <https://doi.org/10.2307/840932>
 19. Deligny, M. (2023). La transformation du Système de résolution des conflits entre État hôte et investisseur étranger: la conciliation des intérêts d'acteurs

- d'un système adaptatif complexe [Ludwig-Maximilians-Universität München]. In Munich Personal RePEc Archive (Ludwig Maximilian University of Munich). <http://www.theses.fr/2023LORR0237/document>
20. Dunna, G. T. (2019). Standard of Review in Set-Aside and Enforcement Proceedings Relating to Arbitral Awards in India. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3437302>
21. Erie, M. S. (2015). Muslim Mandarins in Chinese Courts: Dispute Resolution, Islamic Law, and the Secular State in Northwest China. *Law & Social Inquiry*, 40(4), 1001. <https://doi.org/10.1111/lsi.12137>
22. Fadillah, F. A., & Putri, S. A. (2021). ALTERNATIF PENYELESAIAN SENGKETA DAN ARBITRASE (LITERATURE REVIEW ETIKA). *Jurnal Ilmu Manajemen Terapan*, 2(6), 744. <https://doi.org/10.31933/jimt.v2i6.486>
23. Feehily, R. (2022a). Commercial Mediation in the International Context. In Cambridge University Press eBooks (p. 29). Cambridge University Press. <https://doi.org/10.1017/9781108869423.004>
24. Feehily, R. (2022b). International Commercial Mediation. In Cambridge University Press eBooks. Cambridge University Press. <https://doi.org/10.1017/9781108869423>
25. Gelder, E. van. (2019). The EU Approach to Consumer ODR. *International Journal of Online Dispute Resolution*, 6(2), 219. <https://doi.org/10.5553/ijodr/235250022019006002015>
26. Gulati, R., & Schoeffmann, P. (2023). UNCITRAL's work in investor-state dispute settlement: promoting the rule of law internationally? In Edward Elgar Publishing eBooks (p. 140). Edward Elgar Publishing. <https://doi.org/10.4337/9781803924540.00016>
27. Gupta, S. (2025). Effectiveness of ADR in Reducing Judicial Backlog in India. *International Journal for Multidisciplinary Research*, 7(4). <https://doi.org/10.36948/ijfmr.2025.v07i04.50912>

28. Haigh, D. R., Kunetzki, A. K., & Antony, C. M. (1995). International Commercial Arbitration and the Canadian Experience. *Alberta Law Review*, 34(1), 137. <https://doi.org/10.29173/alr1103>
29. Harris, H. (2020). *When Trust Fails: Merchants, Law, and the British Empire in the Eighteenth Century*. Deep Blue (University of Michigan). <https://doi.org/10.7302/78>
30. Hayrulina, A. (2024). Comparative analysis of mediation in some foreign countries and Uzbekistan: potential questions and proposals. *JANUS NET E-Journal of International Relation*, 15(1). <https://doi.org/10.26619/1647-7251.15.1.3>
31. Honcharenko, O., Bakalinska, O., Belianevych, O. A., Bevz, S., & Chernenko, O. A. (2022). International Commercial Arbitration as a Modern Self-Regulation Tool in Hybrid War. *AUC IURIDICA*, 68(3), 123. <https://doi.org/10.14712/23366478.2022.40>
32. Hussain, M. A., Labanieh, M. F., Mahdzir, N., Sulaiman, N., & Bawazir, O. S. A. (2023). THE POTENTIAL PROSPECT OF ARTIFICIAL INTELLIGENCE (AI) IN ARBITRATION FROM THE INTERNATIONAL, NATIONAL AND ISLAMIC PERSPECTIVES. *Journal International Studies*, 19. <https://doi.org/10.32890/jis2023.19.1.4>
33. Hwang, M. (2022). The New York Convention and the UNCITRAL Model Law on International Commercial Arbitration: Existing Models for Legal Convergence in Asia? In *Cambridge University Press eBooks* (p. 62). Cambridge University Press. <https://doi.org/10.1017/9781108566391.004>
34. İPEK, M. (2017). Interpretation of Article II (3) of the New York Convention. *DergiPark* (Istanbul University). <https://dergipark.org.tr/tr/pub/maruhad/issue/36611/414867>
35. Ivanova, E. P. (2022). Intervention in Inter-State Arbitration, including the Case of UNCLOS Annex VII Arbitration. *Max Planck Yearbook of United Nations Law*, 25(1), 318. https://doi.org/10.1163/18757413_02501017

36. Jain, S. (2015). Framework Governing International Commercial Arbitration: UNCITRAL Model Law and Principles. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.2777728>
37. Junaid, Md. (2023). The Development and Progression of Alternative Dispute Resolution (ADR) In India. *International Journal For Multidisciplinary Research*, 5(5). <https://doi.org/10.36948/ijfmr.2023.v05i05.7824>
38. Junita, F. (2015). 'PRO ENFORCEMENT BIAS' UNDER ARTICLE V OF THE NEW YORK CONVENTION IN INTERNATIONAL COMMERCIAL ARBITRATION: COMPARATIVE OVERVIEW. *Indonesia Law Review*, 5(2). <https://doi.org/10.15742/ilrev.v5n2.150>
39. Kachwaha, S. (2019). The Arbitration Landscape in India: An Overview. *Asian International Arbitration Journal*, 17(2), 105.
40. KRAVTSOV, S. (2022). The definitive device of the term "international commercial arbitration." *Juridical Tribune*, 12(3). <https://doi.org/10.24818/tbj/2022/12/3.03>
41. Kumar, A., & Mishra, S. (n.d.). The Role of Alternate Dispute Resolution in Facilitating Cross-Border Trade and Investment: An Indian Perspective.
42. Kumar, A., Mourya, G., Mishra, P., & Agrawal, P. (2025). The intersection of human rights and mandatory arbitration: An overview. *Social Sciences & Humanities Open*, 13, 102355. <https://doi.org/10.1016/j.ssaho.2025.102355>
43. Kumar, R. S. (2021). Resolving Pending Cases through Alternative Dispute Resolution under Section 89 of Civil Procedure Code. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3896028>
44. Kunal, K. (2011). Importance of ADR in the Current Indian Scenario. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.1969164>
45. Landon, T., & Weid, K. von der. (2022). The Impact of Covid on International Disputes. *Arbitration International*, 38(4), 291. <https://doi.org/10.1093/arbint/aiac014>
46. Latilo, A., Uzougbo, N. S., Ugwu, M. C., Oduro, P., & Aziza, O. R. (2024a). Management of complex international commercial arbitrations: Insights

- and strategies. *International Journal of Applied Research in Social Sciences*, 6(8), 1884. <https://doi.org/10.51594/ijarss.v6i8.1431>
47. Latilo, A., Uzougbo, N. S., Ugwu, M. C., Oduro, P., & Aziza, O. R. (2024b). Managing cross-border disputes in telecommunications: A case study approach. *International Journal of Management & Entrepreneurship Research*, 6(8), 2708. <https://doi.org/10.51594/ijmer.v6i8.1415>
48. Law Commission of India. (1978). Arbitration Act 1940, 76th Report.
49. Law, S. W. (2021). Upholding parental responsibility by family mediation: revisiting the role of the law for children in divorce in Hong Kong. *Public Administration and Policy*, 24(3), 241. <https://doi.org/10.1108/pap-08-2021-0045>
50. Loos, M. (2019). Towards Civil Justice in the EU: The European Commission's New Deal for Consumers. An Introduction to This Issue. *European Review of Private Law/Revue Européenne de Droit Privé/Europäische Zeitschrift Für Privatrecht*, 27, 1219. <https://doi.org/10.54648/erpl2019068>
51. Ma, A. (2020). Emerging Legal Issues in Blockchain for Construction Supply Chains. <https://doi.org/10.1145/3448823.3448880>
52. Makarenkov, O., & Mesquita, L. V. (2023). FORMAL AND LEGAL BASIS FOR THE INSTITUTIONALISATION OF INTERNATIONAL COMMERCIAL ARBITRATION: 100 YEARS OF EXPERIENCE. *Baltic Journal of Economic Studies*, 9(5), 153. <https://doi.org/10.30525/2256-0742/2023-9-5-153-163>
53. Malacka, M. (2016). Multi-Door Courthouse established through the European Mediation Directive? *Mezinárodní a Srovnávací Právní Revue/International and Comparative Law Review*, 16(1), 127. <https://doi.org/10.1515/iclr-2016-0009>
54. Mishra, A., & Singh, K. (2023). The Role of Sanatan Dharma in Indian Jurisprudence. *International Journal for Research in Applied Science and Engineering Technology*, 11(10), 1238. <https://doi.org/10.22214/ijraset.2023.56187>

55. NAE, L. R. (2023). The hotel franchise contract in the HoReCa domain and applicable ADR methods from a comparative perspective. *Juridical Tribune*, 13(3). <https://doi.org/10.24818//tbj/2023/13/3.08>
56. NITI Aayog. (2016). Report of the Task Force on Improving Dispute Resolution Mechanisms.
57. Oeveren, H. van. (2016). "It Hurts My Head to Think About It" - SMEs and the Legal Framework for International Commercial Contracts. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2791321>
58. Ojelabi, L. A., & Noone, M. A. (2020). Jurisdictional perspectives on alternative dispute resolution and access to justice: introduction. *International Journal of Law in Context*, 16(2), 103. <https://doi.org/10.1017/s1744552320000087>
59. Ojo, S. O. (2023). Alternative Dispute Resolution (ADR): A Suitable Broad Based Dispute Resolution Model in Nigeria; Challenges and Prospects. *International Journal of Conflict Management*, 4(1), 50. <https://doi.org/10.47941/ijcm.1253>
60. OMOOLA, S., & AHMAD, A. A. (2024). International Business in Conflict Zones: The Case of MTN. *Conflict Studies Quarterly*, 49, 64. <https://doi.org/10.24193/csq.49.4>
61. ONGC Ltd. & Saw Pipes Ltd. (2003). *ONGC Ltd. v. Saw Pipes Ltd.* SCC, 5, 705.
62. Pal, S. (2022). Public Policy with Reference to Setting aside the Arbitral Award in India. *VEETHIKA-An International Interdisciplinary Research Journal*, 8(2), 1. <https://doi.org/10.48001/veethika.2022.08.02.001>
63. Patoari, Md. M. H., Nor, A. H. M., Awang, M. N. B., Chowdhury, A. H., & Talukder, J. (2020). Legal and Administrative Challenges of Alternative Dispute Resolution (ADR) as a Peaceful Means of Resolving the Land Dispute in the Rural Areas of Bangladesh. *Beijing Law Review*, 11(2), 415. <https://doi.org/10.4236/blr.2020.112026>

64. Pillai, A. V. (2020). Promises and Nuances of Consumer Protection Act, 2019: A Birds Eye View. SSRN Electronic Journal. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3681722
65. Puig, S., & Shaffer, G. (2018). Imperfect Alternatives: Institutional Choice and the Reform of Investment Law. *American Journal of International Law*, 112(3), 361. <https://doi.org/10.1017/ajil.2018.70>
66. Qadir, MSQ. F. A. (2026). An Analysis on Section 89 of CPC: Settlement of Disputes Outside the Court. *International Journal of Advanced Research in Science Communication and Technology*, 658. <https://doi.org/10.48175/ijarsct-31156>
67. Rakin, A., & Tariq, R. F. (2025). The Role of International Arbitration in Resolving Cross-Border Commercial Disputes. *Law and Justice Research Journal*, 1(1), 36. <https://doi.org/10.70062/ljrj.v1i1.37>
68. Rashid, A. (2024). Untitled. <https://doi.org/10.55277/researchhub.vq5dnd6h>
69. Rathore, B. (2025). The Evolution of Arbitration in India: Contemporary Developments and Structural Challenges. *International Journal for Research in Applied Science and Engineering Technology*, 13(12), 2141. <https://doi.org/10.22214/ijraset.2025.76457>
70. Raworth, P. M. (1987). International Business Transactions and Economic Relations. *Alberta Law Review*, 327. <https://doi.org/10.29173/alr1685>
71. Rott-Pietrzyk, E. (2020). Trust and reasonable expectations in contracts – values that always matter (from the perspective of Polish private law). *Pravovedenie*, 64(4), 458. <https://doi.org/10.21638/spbu25.2020.402>
72. Roy, C. (2023). Alternative dispute resolution and its mechanism – A critical analysis in the light of access to justice in India. *Quest-The Journal of UGC-HRDC Nainital*, 17, 29. <https://doi.org/10.5958/2249-0035.2023.00003.7>
73. Saeb, A., Mohamed, O., Danuri, M. S. B. M., & Zakaria, N. (2018). Critical Factors for Selecting a Neutral to Support Alternative Dispute Resolution Methods in the Construction Industry. *Civil Engineering Journal*, 4(1), 11. <https://doi.org/10.28991/cej-030965>

74. Saeed, R. (2018). Law and Coloniality of Empire: Colonial Encounter and Normative Orderings in the Indian Sub-Continent. *Yearbook of Islamic and Middle Eastern Law Online*, 19(1), 103. https://doi.org/10.1163/01901001_006
75. Sahle, E. (2020). Law and Gospel Order: resolving commercial disputes in colonial Philadelphia. *Continuity and Change*, 35(3), 281. <https://doi.org/10.1017/s0268416020000259>
76. Sax, B. (1996). Alternative Dispute Resolution (ADR). <https://doi.org/10.21236/ada311045>
77. Seyadi, R. M. (2017). Understanding the jurisprudence of the Arab Gulf States national courts on the implementation of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. *International Review of Law*, 2017(3), 12. <https://doi.org/10.5339/irl.2017.12>
78. Sherman, N. O., & Momani, B. T. (2024). Alternative dispute resolution: Mediation as a model. *F1000Research*, 13, 778. <https://doi.org/10.12688/f1000research.152362.1>
79. Shree, A., & Singh, D. (2024). The Concept of Alternative Dispute Resolution in India. *The Academic International Journal for Multidisciplinary Research*, 2(3).
80. Sindhu, S., & Negi, N. (2022). REDRESSAL MECHANISM OF CONSUMER DISPUTES UNDER THE CONSUMER PROTECTION ACT, 2019: A STUDY WITH SPECIAL REFERENCE TO WORKING OF THE HIMACHAL PRADESH STATE CONSUMER DISPUTES REDRESSAL COMMISSION. *PARIPEX-INDIAN JOURNAL OF RESEARCH*, 148. <https://doi.org/10.36106/paripex/3109391>
81. Soltanifar, E. (2019). Exploration and exploitation of business development opportunities between two countries: the case of Iran-France relations. HAL (Le Centre Pour La Communication Scientifique Directe). <https://theses.hal.science/tel-03790480>

82. Soviani, R. Y., & Priyono, E. A. (2022). The Dispute Settlement through International Arbitration between PT. Karaha Bodas Company against PT. Pertamina and PLN. *Jurnal Daulat Hukum*, 5(3), 184. <https://doi.org/10.30659/jdh.v5i3.23922>
83. Srikrishna, J. B. N. (2017). Report of the High-Level Committee to Review the Institutionalisation of Arbitration Mechanism in India.
84. Srinivasan, B. (2008). Public Policy and Setting Aside Patently Illegal Arbitral Awards in India. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1958201>
85. Sugdhare, D., & Mahesh, Adv. (2023). The Effectiveness of Lok Adalats in Resolving Disputes in India. *International Journal of Emerging Technologies and Innovative Research (IJETIR)*, 3(12).
86. Suhail, A. S., & Singhal, A. K. (2025). Bridging The Gap Between Law And Justice: An In-Depth Examination Of Article 39A And The Right To Free Legal Aid In India. *International Journal For Multidisciplinary Research*, 7(2). <https://doi.org/10.36948/ijfmr.2025.v07i02.40170>
87. Suseela, J. V. (2025). Introduction to Arbitration in India (p. 1). <https://doi.org/10.1017/9781009514279.003>
88. Taak, S. (2022). 'Mediation' as an Alternative Dispute Settlement Mechanism under the Consumer Protection Act 2019: An Analysis. *REVISTA BRASILEIRA DE ALTERNATIVE DISPUTE RESOLUTION*, 4(8). <https://doi.org/10.52028/rbadr.v4i8.10>
89. Technical assistance to law reform. (2021). In *Yearbook* (p. 1199). United Nations. <https://doi.org/10.18356/9789210057035c010>
90. The Law Commission of India. (2014). 246th Report, Amendments to the Arbitration and Conciliation Act 1996. The Law Commission of India.
91. Tiba, F. K. (2016). The Emergence of Hybrid International Commercial Courts and the Future of Cross Border Commercial Dispute Resolution in Asia. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2940918>
92. Uncitral Model Law on International Commercial Arbitration. (1985). *Uniform Law Review*, 2, 321. <https://doi.org/10.1093/ulr/os-13.2.321>

93. Vahini, Prof. V., Kulshreshtha, P., & Gaur, S. (2025). Intervention by Court in Arbitration Proceedings: Help or Hindrance. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 18(2). <https://doi.org/10.1061/jladah.ladr-1472>
94. Vajawat, B., Dinakaran, D., Nandimath, O. V., HC, A., Kumar, C. N., Basavarajappa, C., & Math, S. B. (2023). The Consumer Protection Act, 2019: A critical analysis from a medical practitioner's perspective. *Indian Journal of Medical Ethics*, 9(1), 65. <https://doi.org/10.20529/ijme.2023.073>
95. Vilar, S. B. (2015). The Faces of Civil Justice in the Global Society of the 21st Century. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3511382>
96. Vilar, S. B. (2018). ARBITRATION AND ADR, COMPONENTS OF THE NEW PARADIGM OF THE JUSTICE IN THE MODERNITY. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3511389>
97. Vinnitskiy, D. V. (2018). BRICS AND DEVELOPING COUNTRIES LEGAL EXPERTS' FORUM: EMERGENCE OF INTERNATIONAL COORDINATION IN ECONOMIC AND TAX LAW. *BRICS Law Journal*, 5(1), 140. <https://doi.org/10.21684/2412-2343-2017-5-1-140-168>
98. Vukadinović, S. (2020). The arbitration clause in general terms and conditions of business transactions: Current trends in international trade versus consumer arbitration. *Glasnik Advokatske Komore Vojvodine*, 92(3), 379. <https://doi.org/10.5937/gakv92-28020>
99. Yadav, S. K., & Prakash, P. O. (2024). LOK ADALAT AND ALTERNATIVE DISPUTE RESOLUTION MECHANISMS: BRIDGING THE GAP BETWEEN INFORMAL AND FORMAL JUSTICE SYSTEMS. *ShodhKosh Journal of Visual and Performing Arts*, 5(2). <https://doi.org/10.29121/shodhkosh.v5.i2.2024.3913>
100. Younas, F. (2025). Alternative Dispute Resolution (ADR) Future of Justice System. *International Journal of Law and Policy*, 3(9), 33. <https://doi.org/10.59022/ijlp.365>
101. Yuningsih, D. (2017). THE ESSENCE OF JUSTICE FOR THE LIVING LAW IN THE ALTERNATIVE DISPUTE RESOLUTION OF INDONESIA

- LEGAL SYSTEM. *International Journal of Advanced Research*, 5(3), 1927.
<https://doi.org/10.21474/ijar01/3712>
102. Zamroni, M. (2021). MISCONCEPTIONS ON THE CONCEPT OF MEDIATION AND CONCILIATION IN THE ACT ON INDUSTRIAL RELATIONS DISPUTES SETTLEMENT. *Yustisia Jurnal Hukum*, 10(2), 240.
<https://doi.org/10.20961/yustisia.v10i2.48667>
103. Zhu, W. (2012). A Brief Analysis of the Disputes Arising from China-African Civil and Commercial Transactions. *SSRN Electronic Journal*.
<https://doi.org/10.2139/ssrn.2195249>
104. Фёдорова, А. (2017). Cross-Border Mediation and Small and Medium Enterprises. *Białostockie Studia Prawnicze*, 22(4), 193.
<https://doi.org/10.15290/bsp.2017.22.04.14>