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From Law to Implementation: A Comparative Study of India's Alternative Dispute Resolution Framework with Singapore

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Alternative Dispute Resolution (ADR) is an indispensable element of contemporary commercial justice due to its attributes of swiftness, flexibility, confidentiality and economy. The Indian Alternative Dispute Resolution framework has been consistently evolving since the passing of the Arbitration and Conciliation Act, 1996, followed by its amendments, along with the passage of the Mediation Act, 2023. However, the effectiveness of such reforms is always affected due to implementation problems, institutional difficulties, judicial interference, delays in enforcement, and absence of international cooperation. In contrast, Singapore has established a highly institutionalised alternative dispute resolution system owing to the International Arbitration Act, 1994, Arbitration Act, Mediation Act, 2017, Singapore Convention on Mediation, etc. The current research aims to compare the legal, institutional and judicial systems of India and Singapore in order to understand why the legislative advancement of India does not equal the effectiveness of its implementation. According to the authors, it is the latter that makes the difference rather than just the quality of the law because it is in the execution of laws. This paper also analyses emerging methods like institutional arbitration, mediation and Arb-Med-Arb. The conclusion is that India can improve its ADR system through institutional arbitration, a consistent judiciary, enforcement measures, professionalising ADR, and integrating mediation into arbitration.

Keywords: *alternative dispute resolution, arbitration, mediation, institutional arbitration, judicial intervention.*

INTRODUCTION

With the complexity of commercial dealings increasing with time, there is a requirement for new methods of resolving disputes that are not only swift but also flexible as compared to litigation. Alternative Dispute Resolution (ADR) offers the disputing parties different means of settling their differences through arbitration, mediation, conciliation, and negotiations. ADR is important in the context of commercial disputes for several reasons.[1]

India has long recognised the significance of ADR in its legal system. The implementation of the Arbitration and Conciliation Act in 1996 signified an entirely new approach, distinct from that of the Arbitration Act of 1940, to bring Indian arbitration laws in conformity with the UNCITRAL Model Law.[2] Subsequent amendments in 2015,[3] 2019[4] and 2021[5] aimed to make arbitration faster, more autonomous and commercial. The passage of the Mediation Act, 2023 also enhanced the legislative framework for mediation in India.[6]

Though all these are taking place, a major gap still exists between legislation and implementation. The delays in arbitral processes, too much involvement by courts, ad hoc arbitration, and poor enforcement have continued to hamper the efficacy of ADR.[7] Thus, the major question now becomes whether the law on ADR in India has been adequately enforced and not whether there is any such law.

Singapore is an effective comparative case study since it has been able to establish a well-refined system of ADR mechanisms through the International Arbitration Act 1994, Arbitration Act, Mediation Act 2017 and the Singapore Convention on Mediation.[8] Specialised procedures, professional management, and rules can be found in institutions like

[1] Nigel Blackaby et al., *REDFERN AND HUNTER ON INTERNATIONAL ARBITRATION* (6th edn, OUP Oxford 2015)
[2] Arbitration and Conciliation Act 1996
[3] Arbitration and Conciliation (Amendment) Act 2015
[4] Arbitration and Conciliation (Amendment) Act 2019
[5] Arbitration and Conciliation (Amendment) Act 2021
[6] Mediation Act 2023
[7] Srikrishna Committee, *Report of the High Level Committee to Review the Institutionalisation of Arbitration Mechanism in India* (2017)
[8] International Arbitration Act 1994

SIAC and SIMC.[9] In addition, the courts of Singapore have also taken an approach that has been supportive of arbitration in respect of the principle of party autonomy.[10]

RESEARCH PROBLEM

The main research problem lies in the presence of the policy-practice gap in the Indian ADR system. Even though legislation in India is becoming increasingly consistent with international standards, the efficiency of legislation is influenced by institutional constraints, judicial interference, delay and enforcement issues. Consequently, the research focuses on reasons for the inefficiency of legislative changes in India and on those institutional and judicial practices which could be adopted in India.

RESEARCH GAP

Much of the existing literature is based on studying arbitration reforms in India and Singapore separately. Nonetheless, there has been comparatively little focus on examining the connection between the legislation, institutionalisation, behaviour of the judiciary, and implementation in practice. Another factor that makes it necessary to conduct a contemporary comparative study is the Mediation Act 2023. In addressing this void, this research project aims to investigate ADR not only as an ADR legal regime, but as an ADR legal system.

RESEARCH OBJECTIVES

1. Examining the development of ADR laws in India and Singapore.
2. Comparison of the arbitration and mediation systems of both jurisdictions.
3. Study of the functions of the ADR institutions like SIAC, SIMC and India's ADR institutions.
4. Study of the judicial attitude to arbitration, mediation and enforcement.
5. Identification of the main issues of implementation faced by India.
6. Recommendations for improvement of India's ADR system based on the experience of Singapore.

[9] Arbitration Rules of the Singapore International Arbitration Centre 2025
[10] *AKN & Anr v ALC & Ors* [2015] SGCA 18

RESEARCH QUESTIONS

1. In what way do the laws of India and Singapore regarding arbitration and mediation differ?
2. To what degree is judicial interference an obstacle to effective ADR in India?
3. In what ways have SIAC and SIMC helped Singapore develop its international reputation in ADR?
4. In what ways does Singapore compare to India in terms of institutions and enforcement?
5. What aspects of Singapore's practice can be realistically transferred to India?

RESEARCH METHODOLOGY

Approach: The research methodology used for this study includes a doctrinal and comparative approach.

Source Materials: These are primary sources that consist of legislation, court judgments, conventions, rules of institutions, etc. These are secondary sources that consist of academic literature, reports and institutional publications. This study compares India and Singapore on four fundamental dimensions: Legislation, Institutionalisation, Judicial Approach and Enforcement.

LEGISLATIVE EVOLUTION AND LEGAL FRAMEWORK OF ADR IN INDIA AND SINGAPORE

Evolution of ADR in India: The present-day law of arbitration in India is founded upon the Arbitration Act of 1940. The Act was criticised for judicial interference and delay of proceedings.[11] Reforms were thus required as India was getting increasingly involved in international business.

Arbitration and Conciliation Act, 1996 was enacted primarily based on the Model Law of UNCITRAL[12] and tried to institute a modern arbitration system within its own country as

[11] Law Commission, *Report No 246; Amendments to the Arbitration and Conciliation Act 1996* (2014)

well as internationally. This included features such as party autonomy and minimum court interference in arbitral awards.[13]

However, the scope of judicial review was often increased by judicial construction. In the case of ONGC Ltd. v Saw Pipes Ltd., the Supreme Court increased the ambit of public policy in relation to domestic awards, and the doctrine of patent illegality was recognised.[14] While the decision may have been significant in the jurisprudence of Indian arbitrations, the broader understanding of public policy created worries about judicial overreach.

Decisions that followed reduced the extent of this approach, especially regarding foreign awards. In the case of Shri Lal Mahal Ltd. v Progetto Grano Spa, the scope of public policy regarding foreign awards was limited.[15] In the same vein, the case of Vijay Karia v Prysmian Cavi E Sistemi SRL highlighted the importance of not conducting a comprehensive review of the merits of a foreign award during the enforcement process.[16]

Reforms were also introduced through the legislative route. While the 2015 Amendment Act was targeted towards restricting judicial intervention, improving processes of appointment, and ensuring swift arbitration, the focus of 2019 reforms was on Institutional Arbitration and the process of formation of the Arbitration Council of India.[17] Other amendments concerning enforcement and transparency came into effect in 2021.[18]

Mediation Act 2023 is yet another legislation that should not be overlooked. The said Act establishes the statutory regime of mediation that includes pre-litigation mediation, institutional mediation, online mediation and enforcement of mediated settlement agreements. It shows India's understanding of the necessity of making mediation a separate dispute resolution system.

Singapore's Arbitration Framework: The system for arbitration that was put in place in Singapore has been done so with significant consideration for international trade. The

[12] UNCITRAL Model Law on International Commercial Arbitration 2006
[13] Arbitration and Conciliation Act 1996
[14] *Oil & National Gas Corporation Ltd v Saw Pipes Ltd* (2003) 5 SCC 705
[15] *Shri Lal Mahal Ltd v Progetto Grano Spa* (2014) 2 SCC 433
[16] *Vijay Karia v Prysmian Cavi E Sistemi SRL* (2020) 11 SCC 1
[17] Arbitration and Conciliation (Amendment) Act 2019
[18] Arbitration and Conciliation (Amendment) Act 2021

International Arbitration Act 1994 governs international arbitration cases.[19] This differentiation allows Singapore to offer specialised treatments for international business conflicts.

Singapore is a signatory to the New York Convention as well as having enacted laws that reflect international arbitration practice.[20] The International Arbitration Act embodies the principles of the UNCITRAL Model Law while minimising judicial intervention in arbitration proceedings.[21]

The judiciary of Singapore adopts an attitude of respect towards party autonomy when it comes to arbitration. Judicial interference can be done when allowed by law, but normally the courts will not interfere in reconsidering the arbitral decision.

Mediation Framework in Singapore: Singapore's structure for mediation has also developed from a legislative standpoint and structurally. Mediation Act 2017 is the legislation that makes mediation possible as well as gives validity to mediation agreements.[22]

The international mediation system of Singapore became even stronger owing to the introduction of the Singapore Convention on Mediation in 2019.[23] Singapore is among the first supporters of the Convention[24], which has been enacted by the Singapore Convention on Mediation Act, 2020.[25] It gives an international framework for the enforcement and recognition of settlements reached through the process of mediation.[26] This is important in international business since the negotiating parties need assurance that any agreement reached will be enforceable internationally.[27]

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[19] Arbitration Act 2001
[20] Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958
[21] International Arbitration Act 1994
[22] Mediation Act 2017
[23] United Nations Convention on International Settlement Agreements Resulting from Mediation 2018
[24] *Status: United Nations Convention on International Settlement Agreements Resulting from Mediation* (United Nations Commission on International Trade Law)
[25] Singapore Convention on Mediation Act 2020
[26] United Nations Convention on International Settlement Agreements Resulting from Mediation 2018
[27] Eunice Chua, 'The Singapore Convention on Mediation—A Brighter Future for Asian Dispute Resolution' (2019) 9(2) Asian Journal of International Law <https://doi.org/10.1017/S2044251318000309> accessed 01 October 2026

India became a signatory to the Singapore Convention on Mediation in 2019 without ratification.[28] Though the Mediation Act, 2023 has greatly contributed to the development of the mediation system in India, its non-ratification will limit India's participation in the international system of enforcement of the Convention.[29]

Legislative Comparison: In both nations, legislation based on international standards has been enacted. But the enactment of legislation alone does not account for the success of Singapore. India has enacted many reforms through legislation, but implementation has not been uniform. The difference between the legal system and ADR process comes into play. What India has been doing is developing a legal system, while what Singapore has been able to do is integrate the two.

INSTITUTIONAL AND JUDICIAL FRAMEWORKS OF ADR

Institutionalisation of ADR in India: One of the main drawbacks associated with Indian arbitration is that of ad hoc arbitration.[30] There is no administrative support under ad hoc arbitration, as both the parties and arbitrators will engage in the appointment process and other procedural work. India has been encouraging arbitration institutions.[31] For example, institutions like the Mumbai Centre for International Arbitration (MCIA), India International Arbitration Centre (IIAC), etc., provide institutional back-up and procedure for arbitration.[32]

Institutional arbitration is significant since institutional bodies have procedural systems, arbitrators' panels, administrative control, and cost and management systems. Nevertheless, institutional arbitration has not attained the international prominence that the SIAC has reached.

SIAC and SIMC: Singapore's institutional framework is one of the reasons why the country enjoys its place as an international hub of ADR. Singapore International Arbitration Centre offers institutional arbitration in accordance with a set of rules and procedures. This

[28] Status: United Nations Convention on International Settlement Agreements Resulting from Mediation (n 25)
[29] Mediation Act 2023
[30] Report of the High Level Committee to Review the Institutionalisation of Arbitration Mechanism in India (n 7)
[31] Arbitration and Conciliation Act 2019
[32] 'Arbitral Institutions in India' (*iPleaders,* 24 July 2026) <https://blog.ipleaders.in/arbitral-institutions-in-india/> accessed 01 October 2026

institution's appeal is due not only to Singapore's laws, but to the presence of competent arbitrators, efficient administration, emergency arbitration, speedy process and recognised rules.[33]

In mediation, there exists a body known as the Singapore International Mediation Centre. This body specialises in mediating disputes. The most significant aspect in mediation is the interconnection between arbitration and mediation. The Arb-Med-Arb model adopted in Singapore gives room for switching from arbitration to mediation of disputes. If the disputes are settled in the process, then the settlements are converted into consent awards.[34] This forms a link between consensual and adjudicative dispute resolution.[35]

In essence, therefore, institutionalisation in Singapore is not simply about setting up an organisation but also about rules, professionalism, processes, casework, networking and enforceability.

Judicial Approach in India: Supervision by courts has always been one of the major criticisms levelled against arbitration in India. Supervision by courts in matters pertaining to policy, arbitration, interim measures, and challenge to arbitral awards has at times been very intrusive.[36]

There have been considerable changes within Indian jurisprudence nonetheless. The Supreme Court has shown a tendency to place greater emphasis on minimal judicial intervention and party autonomy. In Vidya Drolia v Durga Trading Corporation, the Supreme Court considered the narrowness of judicial intervention during the referral process.[37] Cases like Vijay Karia are further indications that judges recognise the limited nature of review in the enforcement of foreign awards.[38]

Nevertheless, just the existence of progressive decisions does not ensure full predictability of results. In commercial cases, consistent decision-making at different levels of arbitral

[33] SIAC Rules 2025
[34] SIAC-SIMC Arb-Med-Arb Protocol 2014
[35] Thomas J Stipanowich and Véronique Fraser, 'The International Task Force On Mixed Mode Dispute Resolution: Exploring The Interplay Between Mediation, Evaluation and Arbitration In Commercial Cases' (2017) 40 FILJ <https://ir.lawnet.fordham.edu/ilj/vol40/iss3/6/> accessed 01 October 2026
[36] Arbitration and Conciliation Act 1996
[37] *Vidya Drolia v Durga Trading Corporation* (2021) 2 SCC 1
[38] *Vijay Karia v Prysmian Cavi E Sistemi SRL* (2020) 11 SCC 1

procedure is needed. Delays in appointment and in interim proceedings and opposition procedures make it difficult to use the procedure despite a good outcome in the end.[39]

Judicial Approach in Singapore: The Singapore judicial system has earned itself an image of favouring arbitration, yet retaining its supervisory powers as provided for in the law.[40]

Party autonomy and limited grounds for challenging an arbitral award have been continuously stressed by the courts.[41] On the other hand, judicial review is always there to uphold procedural justice and ensure that arbitration is not compromised.[42] This balance is very critical. Judicial restraint is not judicial non-intervention. Rather, judicial restraint is intervention that is within the scope of the laws that have been put in place to regulate arbitration.

The outcome is a favourable environment that gives businesses more certainty. This means that businesses can choose Singapore as the place to conduct arbitration without worrying about the process being dragged into court.

COMPARATIVE ANALYSIS, EMERGING PRACTICES AND IMPLEMENTATION CHALLENGES

India and Singapore: The Principal Difference: The main distinction is not the presence of ADR laws in Singapore and the absence in India. Modern laws on arbitration and mediation are present in both countries. The difference is in the process of implementing the legal system.

A number of international standards have been brought into place by India through legislative measures. The issue lies in the delay in procedures, organisational limitations, and lack of experience in international mediation. In contrast to Singapore, where a comprehensive ADR mechanism has been created, the legislative, judicial, institutional, professional, and international dimensions of ADR exist separately in South Africa.

[39] Report of the High Level Committee to Review the Institutionalisation of Arbitration Mechanism in India (n 7)
[40] *BLC & Ors v BLB & Anr* [2014] SGCA 40
[41] *AKN & Anr v ALC & Ors* [2015] SGCA 18
[42] International Arbitration Act 1994

Judicial Intervention and Predictability: Judicial interference is among the most significant comparative aspects. The judicial expansion of terms like public policy in India led to ambiguity regarding the finality of awards. [Saw Pipes, supra note 14.] While judicial intervention has since been reduced by subsequent rulings, it is still an important aspect to consider.[43]

In Singapore, on the other hand, predictability seems to have been more the norm. The courts understand the fact that arbitration is meant to be a final resolution process and any further merits review would defeat the object of arbitration.[44] In respect to business dealings, certainty sometimes takes precedence over the quality of law-making. An efficient arbitration process becomes meaningless when the parties know that years of litigation will follow either before or after arbitration.

Institutional Arbitration: The practice of using ad hoc arbitration in India has led to procedural inefficiencies. The use of institutional arbitration could mitigate this problem through the use of administrative services and procedural rules. This is proven by the example of Singapore, where SIAC has created its international reputation due to special procedural regulations, well-trained arbitrators, and efficient management of cases. SIMC provides similarly professional services for mediation.

Institutions are emerging in India; nevertheless, for a greater level of trust towards them, their implementation must be widely used among domestic and foreign firms. This means that courts, lawyers, and businesses have to promote institutional arbitration as an alternative to ad hoc procedures.

Mediation and the Arb-Med-Arb Model: Mediation is one field where there are lessons to be learned from Singapore. The Mediation Act, 2023 has established a framework for mediation at home.[45] However, successful mediation requires mediators who have been trained, credibility of institutions, professionalism, and enforceability. The arb-med-arb system of Singapore would be particularly relevant here. This system takes advantage of the enforceability of the arbitration system along with the flexibility of mediation. Disputes can

[43] *Vijay Karia v Prysmian Cavi E Sistemi SRL* (2020) 11 SCC 1
[44] International Arbitration Act 1994
[45] Mediation Act 2023

be taken to mediation while the arbitration process is going on.[46] Such an integrated model could be furthered in India by use of arbitral organisations and mediation centres.[47]

International Enforcement: Enforceability across international boundaries is key to commercial ADR. The advantage of arbitration is the existence of the New York Convention, which offers an internationally recognised procedure for enforcing foreign arbitration awards.[48]

There was no system that enforced international mediation.[49] In an effort to close the gap, the Singapore Convention provides an international mechanism through which mediation settlements can be enforced.[50] The failure to ratify the Singapore Convention is yet another crucial limitation that exists within the realm of international mediation. Ratification would improve the trust of foreign enterprises when mediating their disputes in relation to India.

Implementation Challenges in India –

The key issues in implementation are:

- Reliance on ad hoc tribunals.
- Problems in setting up the arbitral tribunal.
- Judicial interference and inconsistencies in procedures.
- Inadequate arbitration culture.
- Uneven distribution of professional mediators.
- Lack of proper international mediation structure.
- Delays associated with enforcement and litigation processes.
- Awareness required by businesses and legal experts.

[46] SIAC-SIMC Arb-Med-Arb Protocol 2014
[47] Eunice Chua, 'The Singapore Convention on Mediation and the New York Convention on Arbitration: Comparing Enforcement Mechanisms and Drawing Lessons for Asia' (2020) 16(2) Asian International Arbitration Journal <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3802242> accessed 01 October 2026
[48] Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958
[49] Bryan Clark & Tania Sourdin, 'The Singapore Convention: A Solution in Search of a Problem?' (2020) 71(3) SSRN Electronic Journal <https://doi.org/10.2139/ssrn.3720979> accessed 01 October 2026
[50] Nadja Alexander et al., *The Singapore Convention on Mediation: A Commentary* (Kluwer Law International 2022)

These issues show that legislative reform needs to go hand-in-hand with institutional and administrative reform.

Emerging Practices: Moreover, technology is also revolutionising ADR. ODR will prove to be very useful in solving the issue of jurisdiction, particularly in those cases where the dispute is business-related, and the parties belong to different jurisdictions. There is immense scope in this regard in India, thanks to its advanced digital network. However, technology must be accompanied by certain measures ensuring privacy, cybersecurity standards, digital evidence and secure online platforms.

The emergence of another trend is that of the increasing usage of institutional arbitration. With greater awareness about international arbitration among Indian companies, institutionalised practices may supersede ad hoc arrangements.

FINDINGS

This study makes five major discoveries:

The first point is that India has formulated a strong statutory ADR system. The above is clearly seen through the Arbitration and Conciliation Act, 1996 and the Mediation Act, 2023.

Secondly, the problem with the legislation is the gap between the law and its enforcement. Delays, inefficiency, and uncertainty in the judicial system may reduce the effect of progressive legislation.

Thirdly, the success of Singapore has been dependent upon institutionalisation. The SIAC and the SIMC have the necessary institutional structure that turns legislative ideas into dispute resolution mechanisms.

Fourthly, judicial restraint is another factor in the success of ADR. Singapore has shown that courts can safeguard arbitration while still being restrained.

The fifth area of interest would be that of international enforceability and integration, especially in connection with mediated settlements.

RECOMMENDATIONS

Enhancement of Institutional Arbitration: Not only Indian business enterprises but even government agencies should be encouraged to choose known arbitral institutions. IIAC, MCIA and other arbitral institutions require organisational support and recognition on the global level.

Judicial Consistency: It is imperative for the courts to always apply the principle of non-interference and not unnecessarily delve into the issue of an arbitrator's award.[51]

Enhancing Mediation Infrastructure: Training, Accreditation, Mediation Centres, and Case Management would be necessary for the successful enactment of the Mediation Act, 2023.[52]

Ratification of the Singapore Convention: In consideration of the Singapore Convention on Mediation, India needs to evaluate the requirement for its ratification for better enforcement of mediation settlements internationally.[53]

Developing Arb-Med-Arb Mechanisms: An arbitration-mediation-arbitration process should be incorporated into Indian arbitral forums for the sake of blending the enforceability of arbitration with the flexibility of mediation.[54]

Improving Professional Capacity: A lawyer, judge, arbitrator, or mediator requires specific training in the international standards of ADR.

Online Expansion of ADR: Mediation and Arbitration through technology must be promoted with privacy and security considerations.

CONCLUSION

There have been significant legal changes within the Indian ADR system. Arbitration and Conciliation Act, 1996, the Mediation Act, 2023, along with subsequent amendments, show

[51] Arbitration and Conciliation Act 1996
[52] Mediation Act 2023
[53] *UNITED NATIONS CONVENTION ON INTERNATIONAL SETTLEMENT AGREEMENTS RESULTING FROM MEDIATION: "SINGAPORE CONVENTION ON MEDIATION"* (UN)
[54] SIAC Rules 2025

a definite inclination to make an international and modern system of dispute resolution. However, just passing legislation is not enough for making an effective ADR system.

The example of Singapore shows that an effective ADR system requires interaction of various factors. The example of Singapore is indicative of the need for special institutions like SIAC and SIMC, judicial restraint, professionalisation and an international enforcement system. Therefore, there is no need for an overhaul of India's ADR system because what India needs is not a new system but rather the proper implementation of the existing one. The above factors will help India to greatly enhance its position.

The main point is that the success of ADR does not only depend on the laws, but also on their effective implementation within the legal system. The Indian state has done its part in creating the legal framework; the next step should be to create an appropriate institutional and judicial setting for this framework to operate.

RESEARCH AUGMENTATION: ADVANCING THE INDIA–SINGAPORE ADR FRAMEWORK

The research extension offers an exhaustive academic review of the comparison between ADR mechanisms of India and Singapore. This study, through its exploration of more than 60 academic sources, looks into legislative developments, institutional development, and judicial perspectives. Singapore is the top arbitration and mediation centre, which is linked to the presence of competent courts, contemporary laws, and organisations like SIAC and SIMC, as opposed to India, which is in the process of reform through the Mediation Act 2023 and changes in the Arbitration and Conciliation Act. It also covers the Singapore Convention on Mediation, judicial involvement, international enforcement, ODR, and institutional development.