# Abstract

This doctoral research critically examines the legal framework and judicial practice governing the recognition and enforcement of foreign arbitral awards in India, with a particular focus on the Arbitration and Conciliation Act 1996, its interaction with international instruments, and the evolving role of Indian courts. Arbitration has emerged as a preferred mechanism of commercial dispute resolution due to its efficiency, party autonomy, and global enforceability, especially in the context of India's post-liberalisation economic environment and significant growth in foreign direct investment. However, India's arbitration regime has historically struggled with excessive judicial intervention, conceptual ambiguity, and inconsistent jurisprudence, particularly under earlier statutes such as the Arbitration Act 1940, the Arbitration Act 1937, and the Foreign Awards (Recognition and Enforcement) Act 1961. The research evaluates the contemporary statutory framework under the Arbitration & Conciliation Act 1996, especially Part II, and its alignment with the UNCITRAL Model Law and the New York Convention 1958. Key issues analysed include the definition and scope of "international commercial arbitration" and "foreign award", the territoriality principle reaffirmed in BALCO, and the implications of judicially created doctrines such as implied exclusion and the Bhatia - Venture Global line of cases. Particular attention is given to grounds for refusal of enforcement under Section 48, notably non-arbitrability and public policy, areas in which Indian courts have exhibited fluctuating interpretive approaches despite legislative attempts at clarification through the 2015 and 2019 amendments. The research also addresses emerging challenges insufficiently regulated under the present statute, including the enforceability of emergency arbitral awards and non-conventional awards, highlighting the legislative vacuum and divergent judicial responses that undermine predictability in cross-border dispute resolution. Furthermore, the thesis undertakes a detailed examination of the enforcement of investment treaty awards in India, noting the absence of a dedicated statutory framework, India's non-membership of the ICSID Convention, and the potential exposure of India to international responsibility due to judicial delays or non-compliance at the enforcement stage. By integrating doctrinal, comparative, and analytical methods, this study aims to identify structural deficiencies, evaluate judicial conduct, and propose reforms to reinforce India's pro-enforcement commitment and enhance its credibility as an arbitration-friendly jurisdiction.