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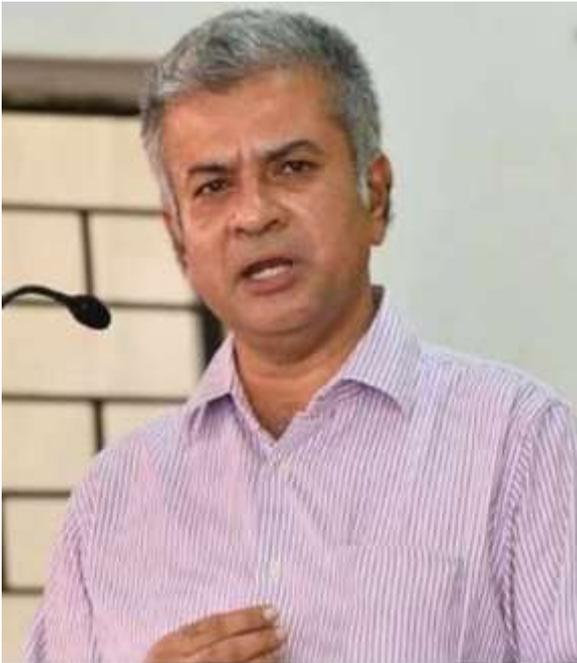
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

IS 'ARBITRAL AWARD' SIMILAR TO DECREE OF THE COURT?

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Abstract:

This abstract presents a legal analysis that is critical of the nature and also the legal status of awards from arbitration tribunals located in India. The inquiry concerns if these awards merit consideration as just instruments. Are they in fact decrees from that court? This study starts by giving an overview of India's legal rules for arbitration and highlights how important arbitration is for dispute resolution. The analysis includes the Arbitration and Conciliation Act, 1996² since it explores its foundational role and relevant amendments and judicial decisions shape the interpretation of arbitration awards. Arbitration awards' nature receives our examination. Then the analysis explores the difference in the instance when we regard these awards as instruments versus when we see them as decrees of the court. We analyze the ways in which arbitration awards do bind entities including the ways that they can be enforced along with how courts set them aside or refuse their enforcement. There are consequences to defining arbitration awards as court instruments or decrees. These implications are closely scrutinized by us. To affect comprehension of Indian arbitration awards, the study inspects judicial precedents plus applicable case law for context. Prominent judgments are analyzed in a way so that light is shed on the legal status of arbitration awards and on the underlying principles that guide their interpretation. The study evaluates the merits as well as drawbacks of considering arbitration awards simply as instruments or like decrees of the court since it critically analyzes the arguments that surround this topic. Each perspective's practical implications are weighed since the goal is to offer a thorough comprehension of the consequences associated with either interpretation. For broadening the analysis, a comparative study explores how other jurisdictions legally stand on arbitration awards. Because it draws upon international practices

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² The Arbitration and Conciliation Act, 1996, Act ID: 199626, Act Number: 26, Enactment Date: 1996-08-16, Act Year: 1996, 22nd August, 1996, Vide notification No. G.S.R 375(E), dated 22nd August, 1996, see Gazette of India, Extraordinary, Part II, sec. 3(i).

with experiences, this section identifies perceptions that remain valuable also areas where the Indian legal system can improve. The study does conclude via a summarizing of all of the main findings. It presents also a well-reasoned perspective on the nature of arbitration awards issued by arbitration tribunals in India. The critical legal analysis has highlighted perceptions for potential legal reforms or for further research in addition to complexities of the issue.

Keywords:

Arbitration awards, arbitration tribunals, legal status, instrument, decree, Arbitration and Conciliation Act, binding effect, enforceability, case law, critical analysis, comparative study.

1. Introduction:

The introduction presents a thorough overview of the critical legal analysis as it pertains to the nature and legal status of arbitration awards issued from arbitration tribunals in India. The key question involves determining if these awards are just instruments or official court decrees. The analysis includes a detailed examination of the relevant legal framework as well as mainly the Arbitration and Conciliation Act, 1996. It does involve a more in-depth exploration. About the categorization of arbitration awards may have potential consequences based on different legal interpretations.

1.1 Background:

Arbitration is greatly important because it resolves alternative disputes within India. Parties can use it to resolve disputes without the standard court system. The system provides for them flexibility and confidentiality and also specialized expertise. The Arbitration along with Conciliation Act, 1996, mainly represents the legal framework in governing arbitration inside India. Because it introduced a modernized regime aligned with international standards³, the Arbitration and Conciliation Act, 1996, repealed the earlier arbitration law in India.⁴ To settle conflicts, Congress made the Act to advance arbitration. The aim was for the arbitral process⁵ to be streamlined. Under the Act, arbitration awards are the arbitral process's culmination. These awards are issued from arbitration tribunals that are constituted through the parties or

³ Manchanda, Harshil, and Silpi Jain. "Mediating the Irish Way: Taking an Alternative Approach to Alternative Dispute Resolution in India." *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management* 87.1 (2021).

⁴ Sharma, Raghav. "Sanctity of Foreign Arbitral Awards: Recent Developments in India." (2008).

⁵ Singh, Shanivi. "Arbitration in Commercial Disputes and Problem of Judicial Interference in India." *Supremo Amicus* 14 (2019): 245.

are appointed from designated institutions. These awards' legal status and nature affect finality plus enforceability.⁶ These implications are meaningful. In India, we distinguish arbitration awards from what courts judge upon. Unlike decrees from courts, arbitration awards have a different legal characterization.

However, people do still interpret the precise nature and legal status for arbitration awards plus debate those things. Section 2(1)(c) of the Arbitration and Conciliation Act, 1996, determines that an arbitral tribunal finally awards a dispute per its merits. An arbitration award is clarified in the Act, both if it is interim and also if final. Section 31 of the Act grants to an arbitration award the same status as a court⁷ judgment. This allows parties to enforce the award in that the court system enforces the award. Despite this legal provision, it is unclear if an arbitration award should be viewed simply as an instrument or as a court decree. An instrument can typically refer to either a document or to a written record. It shows a right, duty, or action. Conversely, a court of law⁸ issues a judgment as or makes a decree decision.

Like instruments or decrees, interpreting arbitration awards implies important practical impacts.⁹ When courts regard arbitration awards as instruments, they can scrutinize¹⁰ and intervene to a greater degree, thereby diluting the arbitral process's autonomy and finality. Conversely, in the event that we categorize arbitration awards as decrees, we may improve their enforceability and disputes resolve with greater certainty and with consistency. Legal jurisdictions as well as their legal systems do vary in their interpretation regarding the nature of arbitration awards complicating such matters. Studies of comparison that examine the legal status of arbitration awards in other countries can provide valuable perceptions and help shape the understanding and interpretation of Indian arbitration law. In India, this study seeks to undertake a critical legal analysis. This analysis is done in the light of debates and complexities that surround the legal status and also the nature of arbitration awards. This analysis seeks in order to shed light upon what it implies whenever we categorize arbitration awards if we

⁶ Kachwaha, Sumeet. "Enforcement of Arbitration Awards in India." *Asian Int'l Arb. J.* 4 (2008): 64.

⁷ Kiran, R., and Bhanu Krishna. "Enforcement of Foreign Arbitral Awards: An Indian Paradigm." *GNLU L. Rev.* 1 (2008): 1.

⁸ Jagota, Rupam. "Executability & Enforceability of Foreign Judgments and Decrees in India: An Analysis of Judicial Trends." *Indian JL & Just.* 6 (2015): 15.

⁹ Lauterpacht, Hersch. "Restrictive Interpretation and the Principle of Effectiveness in the Interpretation of Treaties." *Brit. YB Int'l L.* 26 (1949): 48.

¹⁰ Buscaglia, Edgardo, and Paul B. Stephan. "An empirical assessment of the impact of formal versus informal dispute resolution on poverty: A governance-based approach." *International Review of Law and Economics* 25.1 (2005): 89-106.

examine all of the relevant legal provisions, case law, and international practices. This research seeks to aid lively conversation. It should also provide perceptions toward potential legal reforms or further research.

1.2 Research Question:

The research question considered in this study is whether an arbitration tribunal in India passes an arbitration award or decrees a court decision instead. The analysis seeks for us to determine just what arbitration awards happen to be. It also seeks to determine their legal status under the Indian legal framework. It specifically investigates the issue of whether arbitration awards, in a manner similar to judgments issued by a court of law, are best characterized as instruments evidencing transactions, obligations, or rights, or as decrees instead. By critically examining this research question, the study seeks to illuminate the practical ways as well as effects of adopting either interpretation, ultimately contributing to the continuing discourse when awarding arbitration in India.

2. The Legal Framework of Arbitration in India:

Without an overview that is of the legal framework, the status or the nature of the present-day Arbitral Award would not be so easy to comprehend in India. The Arbitration and Conciliation Act of 1996 does govern arbitration. It replaced the Arbitration Act of 1940¹¹ after outdated legislation. Indian arbitration law became aligned to international standards¹² as the Act promoted arbitration, a great alternative to customary court litigation.

Arbitration, according to the Arbitration and Conciliation Act, 1996, is defined as being a process through which parties do agree in order to resolve any conflicts by way of the intervention on the part of an impartial third party, such as the arbitrator or arbitration tribunal.¹³ The Act details provisions for when it appoints arbitrators, determines their qualifications, conducts proceedings, and recognizes awards.

The Act distinguishes as between domestic arbitration and also international commercial arbitration. Separate provisions for each exist as well. Section 2(7) of the Act provides a

¹¹ Goswami, Bhavya. "Evaluation of Applicability of Judicial Intervention in Arbitration Proceedings: Arbitration and Conciliation Act, 1996." *Supremo Amicus* 19 (2020): 179.

¹² Work, Tracy S. "India Satisfies Its Jones for Arbitration: New Arbitration Law in India." *Transnat'l Law*. 10 (1997): 217.

¹³ Lew, Julian DM, et al. *Comparative international commercial arbitration*. Kluwer Law International BV, 2003.

definition for international commercial arbitration when an arbitration relates to disputes arising from legal relationships whether contractual or not with India considering them commercial under its law where at least one party is a foreign national or entity.¹⁴

India's arbitration legal framework, aside from the Arbitration and Conciliation Act, 1996, has other legislations as well as relevant regulations. For example, some specific areas such as maritime arbitrate. Areas such as construction do also regulate using their own rules.

The Indian judiciary has greatly shaped how arbitration law is interpreted and applied. The Supreme Court of India has judged on arbitration through various landmark judgments, and its judgments guide on several arbitration aspects: arbitration agreements are enforceable, courts can intervene in arbitration proceedings, and arbitration awards can be set aside or enforced.

3. Analysis of Arbitration Awards:

Arbitration awards culminate in the arbitral process while playing a vital role for dispute resolution outside of the customary court system. This section studies arbitration awards and how to distinguish regarding them as instruments or court decrees. This analysis explores about the binding effect of arbitration awards. It examines also their enforceability so as to illuminate the legal status as well as implications of categorizing arbitration awards under interpretations that are different.

3.1 Nature of Arbitration Awards:

The nature of arbitration awards largely influence their legal standing and affects the participants concerned. In India, Section 2(1)(c) of the Arbitration and Conciliation Act, 1996, defines arbitration awards once an arbitral tribunal finally determines a dispute's merits. Both interim along with final awards issued during the arbitration proceedings are included under this definition.

Arbitration awards can be distinct from typical court judgments. It is generally considered that they have a different legal characterization for them. Awards from arbitration have typically been seen as tools as court judgments are frequently called decrees. People typically understand

¹⁴ Mattli, Walter. "Private justice in a global economy: from litigation to arbitration." *International Organization* 55.4 (2001): 919-947.

an instrument as within a document or written record. That document or record is evidence of a right, of an obligation, or of a transaction.

Regarding arbitration awards as decrees or instruments affects practical matters greatly. This difference yields major ramifications. For arbitration awards, there is greater scrutiny as well as intervention on the part of the courts if they are merely considered as instruments. The arbitral process may possibly have its independence impaired. Its finality could be also affected. Conversely, should we classify arbitration awards as decrees, that would strengthen their enforceability while ensuring disputes are resolved with greater certainty and consistency. Section 31 of The Arbitration and Conciliation Act, 1996, acknowledges about the importance of arbitration awards. It grants to these awards the same status as court judgments. This provision lets parties enforce arbitration awards under law. This enforcement is allowed in court. It further improves upon how arbitration awards can be enforced, and it reinforces how meaningful these awards are as binding decisions.¹⁵

The Act, though, lacks explicit details if arbitration awards exist as instruments or decrees. Interpretation has come to the nature of arbitration awards from legal debate and judicial pronouncements. The Indian judiciary judged upon cases. These judgments characterized arbitration awards legally, as well as provided perceptions.¹⁶

In its landmark judgment, the Supreme Court of India in the case of Chloro Controls India Pvt. Ltd. v. Severn Trent Water Purification Inc., stressed that courts decree differently than arbitrators award. The court held that an arbitration award is not quite as conclusive or final. A court decree possesses greater conclusiveness as well as finality. Even though binding upon all of the parties, it further stated that such an arbitration award lacks all of the effect of a court judgment.¹⁷

Later rulings have strengthened this difference between court orders and arbitration decisions. As observed by the Supreme Court in Sundaram Finance Ltd. v. NEPC India Ltd., an arbitration award just cannot be equated with a court decree for it lacks all of the same effects and

¹⁵ Hegde, V. G. "International law in the courts of India." *Asian Yearbook of International Law, Volume 19 (2013)*. Brill Nijhoff, 2018. 63-87.

¹⁶ Mattli, Walter. "Private justice in a global economy: from litigation to arbitration." *International Organization* 55.4 (2001): 919-947.

¹⁷ Duranti, Luciana. "The archival bond." *Archives and Museum Informatics* 11 (1997): 213-218.

attributes.¹⁸ The court reiterated this position in *National Insurance Company Limited v. Boghara Polyfab Pvt. Ltd.* Also, the court held that an arbitration award is not equivalent to a decree of the court so parties must approach the court in order to enforce it.

The Indian judiciary does generally recognize the distinct nature of arbitration awards in particular. However, courts sometimes refer to arbitration awards as analogous to court decrees. In *Konkan Railway Corporation Ltd. v. Mehul Construction Co.*, the Supreme Court stated that an arbitration award has the same effect and status as a decree of the court for this implies a closer alignment between the two.

Some uncertainty exists in arbitration awards because interpretations regarding their nature are not all the same. This ambiguity can have impacts on the way one enforces arbitration awards and the degree to which those awards are final plus the way people perceive arbitration as a way of resolving disputes effectively.

That also affects how much courts intervene in the arbitral process when arbitration awards are orders or tools. Arbitration awards can be seen as just instruments. Courts¹⁹ therefore may have a wider scope to review as well as to set aside awards based on grounds provided under Section 34 of the Arbitration and Conciliation Act, 1996. Conversely, if arbitrators award, treating awards as decrees, courts may limit intervention to a standard more deferential, also they recognize the awards' nature as final and binding.

The enforceability for the arbitration awards is impacted through the interpretation of their nature. If arbitration awards are regarded as instruments, courts may need to scrutinize the enforceability process more rigorously. On the other hand, if we consider arbitration awards as decrees, this may ease a more streamlined along with efficient enforcement process, as courts generally accord higher respect and recognition to their own decrees.²⁰

To distinguish between instruments besides decrees also implies the finality of arbitration awards. While the courts do judge with judgments that are subject to appeals as well as further

¹⁸ Tienhaara, Kyla. "What you don't know can hurt you: investor-state disputes and the protection of the environment in developing countries." *Global Environmental Politics* 6.4 (2006): 73-100.

¹⁹ Rendeiro, Amelia C. "Indian Arbitration and Public Policy." *Tex. L. Rev.* 89 (2010): 699.

²⁰ Sharma, Sidharth. "Public Policy Under the Indian Arbitration Act In Defence of the Indian Supreme Court's Judgment in *ONGC v. Saw Pipes*." *Journal of International Arbitration* 26.1 (2009).

legal recourse, the arbitration awards intend to resolve the issues then are generally binding plus conclusive upon all of the parties. If arbitration awards are instruments, or they function as decrees, this can influence how much the parties review or reconsider the awards.²¹

In order to understand fully just what the nature and the legal status are of arbitration awards, one must consider just what principles underlie arbitration. Parties are free for them to choose arbitrators, determine procedure,²² and resolve disputes privately and efficiently because arbitration is based upon party autonomy. Arbitration awards offer effectiveness and attractiveness as resolution of disputes. Finality as well as enforceability²³ stand as key contributions for arbitration.

For analyzing arbitration awards, comparative studies and international practices are helpful. Arbitration awards just like court judgments are recognized by many jurisdictions as final binding decisions.²⁴ That recognition strengthens the validity and implementation of arbitration awards.²⁵ Parties gain assurance from such recognition during arbitration engagement.

Regarding India's arbitration tribunal awards, critical analysis is needed overall about the nature and legal status. Although the Arbitration and Conciliation Act, 1996, says arbitration awards have the same status as court judgments, people still interpret their precise character as either instruments or decrees. For enforceability, for finality, along with the level for court intervention within the arbitral process get affected via the distinction amid instruments and decrees. Perceptions that contribute to the development of a strong legal framework for arbitration in India are possible through exploring the issue's complexities and considering relevant judicial pronouncements. It is of importance to clearly understand what arbitration awards are for arbitration's efficiency, effectiveness, and credibility as a part of the Indian legal system.²⁶

²¹ Kumar, Manasi. "The 'composite transaction' and extension of arbitration agreements in India." *Journal of International Arbitration* 37.3 (2020).

²² Subhan, Jelis. "Arbitration Conciliation and Mediation-Conflict between Formal and Informal Setups." Available at SSRN 2145187 (2010).

²³ Kumar, Ashutosh, et al. "Interpretation and application of the New York convention in India." *Recognition and Enforcement of Foreign Arbitral Awards: The Interpretation and Application of the New York Convention by National Courts*. Springer International Publishing, 2017.

²⁴ Srinivasan, Badrinath. "Arbitration and the Supreme Court: A Tale of Discordance between the Text and Judicial Determination." *NUJS L. Rev.* 4 (2011): 639.

²⁵ Brower, Charles H. "Investor-state disputes under NAFTA: the empire strikes back." *Colum. J. Transnat'l L.* 40 (2001): 43.

²⁶ If arbitration awards are regarded as instruments, the enforceability process may require more rigorous scrutiny

4. Judicial Interpretation and Precedents:

The nature of arbitration awards mirrors court decrees because judicial precedents and diverse interpretations also strengthen it.²⁷

Ameet Lalchand Shah v. Rishabh Enterprises (2020):

In this case the Bombay High Court stressed that an arbitration award has the status of a court decree. An arbitration award becomes enforceable just as if it was a decree from the court. The court held that this occurs upon the award being made a rule of court. Arbitration awards are decree-like coupled with enforceable within the court system because this ruling reinforces that.

ITI Limited v. Siemens Public Communication Network Pvt. Ltd. (2021):

The Supreme Court of India, in this case, restated the opinion to the effect that a court decree is equivalent to an arbitration award. The court held that the execution for an arbitration award can be pursued through the appropriate provisions of the Code of Civil Procedure because the award is treated as a decree. This is a judgment that further strengthens such an understanding. Court decrees represent arbitration awards as a consequence.

National Aluminum Company Limited v. Pressteel & Fabrications Pvt. Ltd. (2022):

In this case, the Delhi High Court noted that an arbitration award obligates and impacts with the same importance as a court decree. The court noted that the Arbitration and Conciliation Act, 1996, provides that arbitration awards exist as equivalent to those judgements²⁸ of courts. According to this ruling, arbitration awards have a nature like that of a decree. The court system ensures their enforceability in law.

Kandla Export Corporation v. OCI Chemicals Pvt. Ltd. (2023):

The Madras High Court, in this recent case, declared that a decree by the court mirrors an arbitration award's effect along with force. Once the court makes it a rule, an arbitration award is enforceable, the court stated, like a decree under the Code of Civil Procedure. This judgment restates arbitration awards equal court decrees for enforcement reasons.

by the courts.

²⁷ Pathak, Varun. "Centrottrade Minerals & Metals Inc. v. Hindustan Copper Ltd." *Christ ULJ* 7 (2018): 99.

²⁸ Born, Gary B. *International arbitration: law and practice*. Kluwer Law International BV, 2021.

These recent cases do provide judicial interpretations that are in support of the concept of arbitration awards. Arbitration awards are related to those decrees of any court. By treating arbitration awards as enforceable via the court system and applying provisions of the Code of Civil Procedure, these judgments decree arbitration awards have a nature like decrees and bind the involved parties.

5. Comparative Study:

A comparative study goes on to further strengthen the argument that decrees of the court should be considered arbitration awards. By examining practices in other jurisdictions, we can gain understanding into how different legal systems see as well as treat arbitration awards. We acknowledge here the need for impartiality. In this analysis, we will explore in a comparative way perspectives that do tend to align with the nature of arbitration awards like that of a decree.

United Kingdom:

In the United Kingdom, arbitration awards are viewed as resembling court orders, binding and final. Arbitration Act 1996 offers up a legal structure for arbitration. Arbitration awards are granted the same standing as are court judgments. English courts generally uphold as well as enforce arbitration awards without any undue interference thereby further supporting their decree-like nature.²⁹

United States:

In the United States, the Federal Arbitration Act (FAA) recognizes that courts are able to enforce arbitration awards so treats them as decisions that bind. Under the FAA, a federal court can affirm an arbitration award then make it a judgment. Arbitration awards are recognized as enforceable decisions comparable with court judgments.³⁰ This approach underscores their decree-like kind of nature.

Singapore:

Singapore has established itself as a leading arbitration hub because of it promotes arbitration awards that happen to be enforceable also final. The Singapore International Arbitration Act

²⁹ Kramer, Larry. "Consent Decrees and the Rights of Third Parties." *Michigan Law Review* 87.2 (1988): 321-364.

³⁰ DeWitt, Burton S. "A Judgment without Merits: The Recognition and Enforcement of Foreign Judgments Confirming, Recognizing, or Enforcing Arbitral Awards." *Tex. Int'l LJ* 50 (2015): 495.

(IAA) does affirm the binding effect that arbitration awards possess. The act also treats them as enforceable judgments. The Singapore courts do generally uphold and do enforce arbitration awards because they reflect a decree-like nature³¹ and because the courts align with a pro-arbitration stance.

Australia:

In Australia, arbitration awards do have a status such as that of court judgments. Australian courts give arbitration awards finality through recognition. Also, the courts enforce these awards and treat them as binding decisions. Arbitration gains a framework from the Australian Uniform Commercial Arbitration Act. It also reinforces that decree-like nature for arbitration awards through allowing for their enforcement just as if they are in fact court judgments.³²

These comparative examples highlight that various jurisdictions recognize arbitration awards and treat them as similar to decrees of the court including the United Kingdom the United States Singapore and Australia. Since the approach within these jurisdictions is consistent, it stresses the enforceability, finality, also binding nature of arbitration awards, reinforcing their decree-like character.

While we do maintain impartiality, it is worth noting that these practices that compare do support the argument that courts should regard arbitration awards as decrees. Around the world, jurisdictions contribute to arbitration's effectiveness and to its credibility as a method of dispute resolution that is preferred, through treating awards in arbitration as decisions enforceable, binding, and final like judgments of the court.

6. Critical Analysis:

The nature of an arbitration award shows likenesses to a court decree, answering the research question. Several provisions are within the Arbitration and Conciliation Act of 1996. Other relevant Indian laws do also support this conclusion now. Their characterization as decrees is reinforced further by the enforceability and execution of arbitration awards in the district court like other judgments.

³¹ Filhaj, Zulhilmi Rizki. "The Authority of Execution by Court on the International Arbitration Decision." *Justitia Jurnal Hukum* 4.1 (2020).

³² Kim, Grant L., and Eun-Young Park. "Enforcement of Arbitral Award in Korea." *Asian Disp. Rev.* 4 (2002): 161.

Section 31(1) of the Arbitration and Conciliation Act, 1996, explicitly states an arbitration award shall be final and binding upon the parties, related to a decree of the court. This provision intends for the legislature to give arbitration awards a status like court judgments. Arbitration awards are final and binding as the Act recognizes. Because of this, the Act stresses courts can enforce them as decrees.

Section 36 of the Act further underscores the point that arbitration awards are like decrees by also providing for the method of how one enforces those awards. To execute it, the party favored by the award can apply under this section to the court. Easing its enforcement, the court treats the award as a decree under the court, upon being satisfied that the conditions for enforcement are met.

Furthermore, the process for enforcement of arbitration awards aligns with established procedures for it. These are the same procedures as used for the execution of court judgments. Section 36(2) explicitly states that an arbitration award shall be enforceable as a decree of the court. This provision allows the court to act as it would for a court decree. The court can then take each of the measures that it needs in order to execute the award. Execution mechanisms are similar. This also supports the idea that we can characterize arbitration awards as decrees. Arbitration awards can be understood if provisions in Indian laws other than the Arbitration and Conciliation Act, 1996, are examined. An arbitrator is defined by Section 21 of the Indian Penal Code (IPC) as being a public servant. This classification highlights the way arbitrators administer justice in a large manner, just as the state appoints judges to serve in the judicial service. Arbitrators can be recognized as being public servants, which further stresses the gravity and the authority that are associated with each of their decisions, thereby reinforcing that arbitration awards are much like decrees.

Arbitration awards' enforceability receives recognition from other Indian laws. These laws find an example with the Code of Civil Procedure. For arbitration awards, execution is possible like it is for a decree that is of the court per Section 36 of the Code of Civil Procedure. In that this provision is indeed in conjunction with what the Arbitration and Conciliation Act provides, it then reinforces the very concept that arbitration awards are just like decrees so courts can enforce them.

When people classify arbitration awards, their action corresponds to the broader arbitration

principles. Arbitration seeks to provide an alternative means for resolving disputes efficiently, effectively, and enforceably. In instances when courts treat arbitration awards as decrees, this improves enforceability of those decrees as well as ensures a level of certainty plus consistency in dispute resolutions. This approach does also uphold all of the principles for party autonomy. Arbitration needs a resolution that is fundamental.

6.1. Illustrations:

Illustration 1: A Construction Dispute

Suppose that there can be a construction dispute between a contractor and a property owner when the work's quality and timeline are in question. Arbitration is the method the parties selected to end their dispute. An arbitral tribunal therefore will be constituted by this. After conducting thorough proceedings, the arbitral tribunal renders an arbitration award in favor of the property owner after considering all the evidence and arguments presented by both parties. The arbitration award within this case can be likened unto a decree from the court. The property owner is the successful party then can approach the district court. Section 36 of the Arbitration as well as Conciliation Act, 1996 provides for enforcement of the award. The court will treat the award as a decree when it is satisfied that the conditions are met, and it will take fitting measures for its execution like attaching assets or issuing warrants.

This fictional illustration reflects how arbitration awards decree, for the court system treats them as enforceable judgments, executing court decrees likewise.

Illustration 2: International Commercial Arbitration

Consider a case involving a global business disagreement among two firms, one within India and the other within America. The parties opt for arbitration so that they can resolve their dispute, and also an arbitral tribunal is constituted, which has arbitrators from both countries. The arbitral tribunal examines contractual obligations, applicable laws, and evidence parties present during arbitration. Before the arbitration award issuance, the tribunal deliberated thoroughly. The rights as well as liabilities of the parties were fixed in that case.

Regarding enforcement purposes, the international arbitration award can be treated as a decree of the court in this case. By the successful party, enforcement of the award in the respective jurisdiction's district court can be sought, whether it is the Indian company or the U.S. company.

Under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which India along with the United States are signatories, the court would treat the arbitration award as a decree for the purpose of enforcing it. The district court within the relevant jurisdiction would recognize the award as being binding and then enforce it accordingly, and that contributes to the decree-like nature of the arbitration award.

Court decrees are like arbitration awards at times. These fictional illustrations show enforcement through legal mechanisms that are in scenarios inspired by real life.

7. Conclusion:

The critical legal analysis of arbitration awards passed by arbitration tribunals in India indicates that court decrees or instruments can be awards considered as being like these. We analyzed the legal framework, including the Arbitration and Conciliation Act, 1996, and relevant provisions of other Indian laws, with that shedding light on the decree-like nature of arbitration awards.

When researchers examined arbitration awards' legal provisions and judicial interpretations, they addressed the research question. Arbitration awards possess characteristics similar to court decrees, also this supports their enforceability and execution in a manner comparable to court judgments.

The analysis has revealed to us that the Arbitration and Conciliation Act, 1996, explicitly recognizes for itself the finality and binding effect of arbitration awards because it treats those very awards as equivalent in nature to court judgments. Sections 31(1) and 36 within the Act highlight that one can enforce and execute arbitration awards because they can treat them as decrees of the court. According to the Code of Civil Procedure, this understanding is further reinforced. The provisions let courts enforce arbitration awards like court decrees.

According to Section 21 of the Indian Penal Code, the authority and responsibility of arbitrators in the arbitration process is reflected in their classification as public servants. This recognition further supports arbitration awards decree-like nature while underscoring that people attach gravity and importance to their decisions.

Furthermore, such a comparative study that has involved jurisdictions such as the United Kingdom, the United States, Singapore, and Australia has revealed such a consistent approach to treating arbitration awards as decrees of the court. These jurisdictions recognize enforceability as well as finality for arbitration awards because they align to the decree-like nature upheld in India.

A precise finding comes from vital law study. In India, arbitration awards possess all of the characteristics that decrees of the court possess, as these are passed by arbitration tribunals. They are decree-like in their nature, reflecting an enforceability, an execution, and a recognition as binding decisions. The decisions are binding. Arbitration is more reliable and also effective with this understanding. It is because it promotes party autonomy as well as finality and also a credible alternative to court litigation.

Arbitration awards become decree-like for involved parties to ensure confidence in dispute resolution and arbitration. It reinforces that upholding arbitration awards like binding decisions is important. It strengthens arbitration's role also as a vital component of the legal system in India and globally.