

December 2023 Vol XV-2

### In this Issue...

- Message from the Managing Partner
- Legal News
- Article: Significance of Jurisdiction in Enforcing a Legal Contract
- Article: Combine Law & Technology to Change the World
- Social Events

### In the News...

- Supreme Court dismisses the writ petitions challenging the constitutional validity of Sections 95 to 100 of the IBC. [Read More..](#)
- SC rejects personal guarantors' plea for early NCLT adjudication in their insolvency cases. [Read More..](#)
- PIL cannot be based on information gathered from social media: Bombay High Court. [Read More..](#)
- Allahabad High Court slams practice of husbands using women pradhans as 'rubber stamps'. [Read More..](#)

### FUN QUIZ

1. Who is the Legal Advisor to the Government of India?
2. Age of retirement of a High Court Judge?



**S.K. SINGHI**  
Founder & Managing Partner

### Message from the Managing Partner

It gives me tremendous pleasure to hand over the December edition of our in-house newsletter, THE EXHIBIT.

As a topic of the month, we have included an article from the Joint Managing Partner, discussing the significance of the enhanced relationship of Law and Information Technology joining hands to enhance user confidence. The increasing use of technology in the legal dispensation has brought in a paradigm shift, reduced the paperwork significantly and taught a lot of efficiency in the judicial process. Ultimately, the development shall reduce the cost and time incurred in the litigation.

The collaboration between law and technology has the potential to create a more accessible and fair legal system, address global challenges and profoundly shape the future of society.

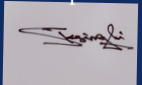
In another vital topic, the Senior Partner delves into the importance of legal jurisdiction while entering into contracts. A specific jurisdiction provides consistency and predictability in the application of Law. A Court's judgement is limited to the territory of its jurisdiction, which determines the laws that apply to a contract. It prevents a situation where one party might attempt to bring a lawsuit in an inconvenient authority to the other party.

A well-conceived jurisdiction provides the legal framework for interpreting, applying and enforcing a contract. It is a fundamental aspect of contract law that helps maintain order and fairness in enforcing contractual obligations.

I am confident that the readers will like the articles. Among important news is that the firm celebrated its Fifteenth Foundation Day on 01.11.2023 through an enthusiastic response from clients and wellwishers. The program was presided over by the leading criminal lawyer Shri Sidharth Luthra, who inaugurated the firm's YouTube channel. The readers are requested to subscribe to the channel @skspartners and support the cause of legal enlightenment. The former CEO and MD of Canara Bank dedicated the November issue of this newsletter and presented a webinar on Law & Banking: Two Sides of a Coin. The recording of the entire program is available on our YouTube Channel.

I wish all our readers and clients a prosperous and happy new year and hope to meet you in the Happy New Year 2024 through these columns.

With Regards,  
S.K. Singhi



**When law and morality contradict each other, the citizen has the cruel alternative of either losing his moral sense or losing his respect for the law.”**



## Significance of Jurisdiction in Enforcing Legal Contract - By Akshay Singh (Senior Partner)

Jurisdiction is crucial in enforcing a contract in law because it determines which court or legal system can hear and decide a case related to the contract. The draft contracts often focus on the content of the contract, ignoring its jurisdiction, leading to difficulties in enforcing the contracts.

Significant reasons why jurisdiction is vital in contract enforcement are:

### Legal Authority:

Each jurisdiction (a country, state, or even a specific court within a jurisdiction) has its own set of laws and regulations. The legal authority of a court to enforce a contract comes from the jurisdiction within which it operates.

### Consistency and Predictability:

A specific jurisdiction provides consistency and predictability in the application of laws. Parties entering a contract can reasonably anticipate which legal system governs the agreement and resolves disputes.

### Enforceability of Judgments:

A court's judgment is limited to the territory of its jurisdiction. For a judgment to be enforceable, it must have legal force within a specific jurisdiction. If a contract dispute arises, the winning party needs the ability to enforce the judgment in a relevant jurisdiction.

### Applicable Laws:

Jurisdiction determines the laws that apply to a contract. Different jurisdictions have specific contract laws, and parties choose a particular jurisdiction based on the most favourable for their agreement.

### Local Regulations and Customs:

Jurisdictions may have specific regulations that impact contractual relationships. Local legal nuances are crucial in interpreting and enforcing contracts, property, employment, or regulatory compliance.

**"Injustice anywhere is a threat to justice everywhere."**

### Access to Justice:

Jurisdiction ensures that parties have access to a legal system to resolve disputes. It prevents a situation where one party might attempt to bring a lawsuit in an inconvenient jurisdiction to the other party.

### Efficiency and Convenience:

Parties select a jurisdiction with a well-established legal system, experienced judges, and a reputation for resolving cases promptly.

### International Contracts:

In the case of international contracts, parties agree on a specific jurisdiction and a choice of law clause in the contract. This helps avoid conflicts between legal systems and ensures a clear framework for resolving disputes.

### Public Policy Considerations:

Jurisdictions may refuse to enforce contracts that violate their public policy. Determining what constitutes public policy varies between jurisdictions, highlighting the importance of selecting an appropriate jurisdiction for a contract.

In essence, jurisdiction provides the legal framework for interpreting, applying, and enforcing a contract. It is a fundamental aspect of contract law that helps maintain order and fairness in enforcing contractual obligations.

## Combine Law & Technology to Change the World - By Ankur Singh (Joint Managing Partner)



The intersection of law and information technology is bringing significant changes in the world. Digitalising records and using Artificial Intelligence to locate identical judicial cases have enabled speedier justice. People are experiencing the speed and accuracy of the law prescription despite a massive spike in litigation cases. However, a lot of ground must be covered by harnessing Information Technology and Artificial Intelligence

The combination of these two fields has the following transformative effects:

### Access to Justice:

Technology enhances access to legal services, making them more affordable and available to a larger population. Online platforms and applications provide information about legal rights, offer self-help tools, and connect individuals with legal professionals.

### Efficiency and Automation:

Information technology streamlines legal processes, automates routine tasks, and reduces the time and cost associated with legal proceedings. This leads to an efficient legal system, allocating resources effectively.

### Data Analysis and Predictive Analytics:

Legal professionals use technology to analyse datasets, identify patterns, and make informed decisions. Predictive analytics can forecast legal outcomes to assist legal strategies and policies.

### Blockchain and Smart Contracts:

Blockchain technology has the potential to revolutionise areas like contract law. Smart contracts, with the terms of the agreement directly written into code, can automate and enforce contractual obligations, reducing the intermediaries.

### Cybersecurity and Privacy:

Information technology addresses legal challenges related to cybersecurity and privacy. Legal frameworks play a crucial role in protecting individuals' data to ensure technology's responsible use.

### E-Government and Digital Governance:

Governments leverage information technology to improve public services, enhance transparency, and streamline administrative processes. This enhances governance and citizen engagement.

**"Lawyers are the foot soldiers of our Constitution."**

### International Collaboration and Communication:

Technology facilitates communication and collaboration across borders, allowing legal professionals to collaborate on global issues. This leads to developing international legal standards and frameworks for addressing transnational challenges.

### Ethical and Legal Considerations in Technology Development:

As technology advances, legal frameworks must keep pace to address ethical and legal challenges. Collaboration between legal experts and technologists ensures that technologies are deployed responsibly.

### Intellectual Property and Digital Innovation:

Information technology significantly impacts intellectual property law in the context of digital innovation. Legal frameworks must adapt to protect intellectual property rights in the digital age.

### Environmental Impact:

Technology can be harnessed to address environmental challenges, and legal frameworks can play a role in regulating and incentivising sustainable practices in the tech industry.

**The collaboration between law and technology has the potential to create more accessible, efficient, and fair legal systems, address global challenges, and shape the future of society in profound ways.**

## S.K.Singhi & Partners LLP Celebrated its Fifteenth Foundation Day

Entering the fifteenth year of existence as a Law Firm is a matter of pride and achievement. The firm was founded on 01.11.2008 in Kolkata and has become a leading law firm with footprints in Kolkata, Mumbai and Delhi. The firm has presence nationwide and works closely with International law firms from cross-border litigations.

The Foundation Day was celebrated at all three offices with the Managing Partner and all Associates and employees. The program was broadcast live, and many clients, well-wishers and leading luminaries from Law and Banking also joined.

The function was presided over by the nation's leading criminal lawyer Shri Sidharth Luthra who praised the firm's customer centricity in his presidential address. He also appreciated the managing partner's dedication, follow-up, and transparency over a long period of his association with the firm.

On the occasion, Shri Luthra inaugurated the YouTube channel of the firm named @SKSPARTNERS. While dedicating the channel, the Chief Guest appreciated the efforts of S.K.Singhi & Partners to catch up with the technology for speedier dispensation of Law and customer delight.

The Guest of Honour, Shri Rajiv Kishore Dubey, a seasoned lawyer and former CEO and MD of Canara Bank, Bangalore, highlighted the close relationship between Law and Banks. He presented a webinar on the subject, quoting Bhagwat Gita's message of the importance of selfless service and dedication to work without expectations. Shri Dubey dedicated the November issue of the in-house newsletter, The Exhibit, to the occasion.

The Founder and Managing Partner, Shri S.K.Singhi, addressed the gathering, narrating his journey and the vision for a brighter tomorrow. The Joint Managing Partner Shri Ankur Singhi, in his message from Camp Office, Paris, France, where he was attending IBA Annual Conference, thanked all colleagues for their support and encouraged them to hone their skills to grab the opportunities for the legal profession in India's developing economy. The Senior Partner, Shri Akshay Singhi, also attending the IBA Conference in Paris, expressed the hope that the firm shall fulfil its commitment to the fair dispensation of legal services to its clients and progress to become a leading law firm in the country. He honoured 11 Associates and employees of the firm who have put in 5 or more years of dedicated service. He thanked his colleagues for their valuable support in the firm's journey to take it to the present heights.

The function concluded with a resolve to dedicate the law firm to the service of clients in a transparent, honest, and dignified way, as well as to festivities and the distribution of sweets.



**SHRI SIDHARTH LUTHRA**

Former Additional Solicitor General of India & Senior Advocate, Supreme Court of India



**SHRI RAJIV KISHORE DUBEY**

Former Chairman cum Managing Director, Canara Bank

## DIWALI CELEBRATIONS IN ALL OFFICES



**MUMBAI OFFICE**



**KOLKATA OFFICE**



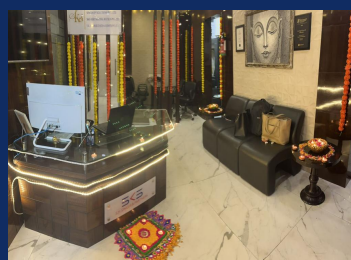
**KOLKATA OFFICE**



**KOLKATA OFFICE**



**DELHI OFFICE**



**DELHI OFFICE**

### CONTACT DETAILS

**KOLKATA OFFICE :** Raja Chambers, 1st Floor,4, Kiran Shankar Roy Road  
Kolkata – 700 001,  
P: +91 33 22318652 , E: kolkata@skspartners.law

**DELHI OFFICE:** D-75, Lower Ground Floor, East of Kailash, New Delhi –  
110065 P: +91 11 26425568, E: delhi@skspartners.law

**MUMBAI OFFICE:** 134A, Level 13, Mittal Court A Wing, Nariman Point,  
Mumbai-400021  
P: +91 22 4971 8652, E: mumbai@skspartners.law

[www.skspartners.law](http://www.skspartners.law)

**Disclaimer** This publication has been prepared for general guidance on matters of interest only, and does not constitute professional advice. You should not act upon the information contained in this publication without obtaining specific professional advice. No representation or warranty (express or implied) is given as to the accuracy or completeness of the information contained in this publication, and, to the extent permitted by law, SKS, its members, employees and agents accept no liability, and disclaim all responsibility, for the consequences of you or anyone else acting, or refraining to act, in reliance on the information contained in this publication or for any decision based on it. Without prior permission of SKS, this publication may not be quoted in whole or in part or otherwise referred to in any documents. In case you have any suggestions or do not wish to receive our newsletter, please email us at : [theexhibitfeedback@skspartners.law](mailto:theexhibitfeedback@skspartners.law) (All rights reserved)