

December 2024 Vol XV - 13



S.K. SINGHI
Founder & Managing Partner

Dear Readers,

It gives me immense pleasure to hand over the year-end issue.

India's judicial system is vast and complex, with multiple levels of courts and forums designed to meet the legal needs of over a billion citizens. At the apex stands the Supreme Court, followed by High Courts for each state or region, and a network of District and Sessions Courts handling most civil and criminal cases at the local level. Additionally, specialised tribunals—such as those for tax, environmental and consumer issues—address specific legal areas. Despite this structure, a severe backlog of cases burdens the system, with unresolved cases piling up across these forums.

Case pendency has serious consequences: it delays justice, causes economic strain, and erodes public trust in the judiciary. Legal pendencies affect the efficiency and effectiveness of the Indian judiciary. According to the National Judicial Data Grid (NJDG), over 4.5 crore (45 million) pending cases were in Indian courts as of 2023. The average pendency period for cases in Indian courts is around 5-7 years, with some cases taking longer to resolve.

The reasons for the situation are inadequate infrastructure resources, insufficient judges, support staff, courtrooms, heavy workload, inefficient case management, a lack of a tracking system and frequent adjournments. As a part of our CSR activity, we are endeavouring to bring out a workable and result oriented solution to this problem by launching, LEXITS soon....



“ LEXITS” LAUNCH

At
Bharat Mandapam, Pragati Maidan, New Delhi 110001
From 10.0 am onwards on **Saturday, the 4th of January, 2025**
SKS Centre for Legal Disputes Management & Strategy-“ LEXITS”
-An initiative of SK Singhi & Partners LLP
An e-Global Platform

For rendering Pre-litigation, Portfolio Based Advice
“LEXITS” aims to revolutionise the country's legal landscape.
Please wait for further announcement...

The government should invest in building courtrooms, hiring judges and support staff, and providing technology and equipment. Courts should adopt effective case management systems, including electronic filing and tracking, to streamline the process and reduce delays. Courts should implement strict rules and penalties to reduce adjournments and improve punctuality among lawyers and litigants.

There is an urgent need to promote not only ADR mechanisms such as mediation, arbitration, and conciliation but also something unique and out-of-the-box that starts much before ADR and travels beyond ADR.

Technology, such as online filing, video conferencing, and artificial intelligence, can be leveraged to improve the efficiency and accessibility of the justice system. By implementing these solutions, India can reduce its legal pendencies, enhance the efficiency of its justice system, and provide faster and more affordable justice.

At S.K.Singhi & Partners LLP, our endeavour has always been to deliver quality legal services within the given timelines. As part of our social obligation and return to society, we are coming up with a concept of rendering Pre-litigation portfolio-based advice to prospective litigants through an e-Global platform called “ LEXITS.” This platform will be launched soon to coincide with the onset of the new year 2025 as our gift to the community. Please wait for our announcement shortly.

Best wishes for a Happy New Year 2025 in advance.

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In the News...

- S.19(b) Specific Relief Act | To Claim 'Bona Fide Purchaser' Protection, Subsequent Purchaser Must Make Due Inquiries: Supreme Court :[Read More...](#)
- 'Bail Is The Rule, Jail The Exception': Supreme Court Deprecates High Courts Routinely Denying Bail By Fixing Deadline For Trials:[Read More...](#)
- Air India urination case: Supreme Court calls for creative ways to deal with unruly air passengers. :[Read More...](#)
- Social media users who spread hate and false info cannot be called activists: Andhra Pradesh High Court.:[Read More...](#)



Eight Steps to Bring the Law Closer to People in India -By: Hargovind Sachdev, Banking Advisor

Bringing the law closer to the people in India is a multifaceted challenge that requires addressing accessibility, awareness, affordability, and efficiency. Many people in India, especially in rural and marginalised communities, often struggle to access justice due to a variety of social, economic, and geographical factors. Here are some ways to make the law more accessible:

1. Legal Awareness and Education

Community Legal Literacy Programs: These initiatives aim to educate citizens about their fundamental rights and duties and empower them with the knowledge to navigate the legal system. They should be designed to reach people in rural and underserved areas through workshops, pamphlets, local radio shows, and social media campaigns.

Curriculum Integration: Introducing primary legal education in rural areas could better equip future generations to understand their rights and the legal system.

Online Resources and Legal Blogs: Digital literacy programs are crucial in making legal information more accessible. By creating straightforward content that explains complex legal concepts in layperson's terms, websites, mobile apps, and social media platforms can disseminate information on legal procedural steps and services, connecting people to the legal system like never before.

2. Access to Affordable Legal Services

Legal Aid Services: Expanding government-funded or non-profit legal aid programs that provide free or subsidised legal services to the economically disadvantaged is critical.

Pro Bono Work: Encouraging lawyers to take on pro bono cases involving women, children, and marginalised groups can help ensure that legal representation is available to those who cannot afford it.

Mobile Legal Clinics: Legal services can be brought directly to underserved areas via mobile legal clinics. Lawyers provide free consultations and help with legal paperwork.

3. Digitization and Technology

E-Government and E-Litigation: The Indian judiciary has made strides with initiatives like the e-courts project, which enables online case filing, digital hearings, and case tracking. However, rural areas need additional support for digital infrastructure.

Online Legal Counselling and Chatbots: Legal tech startups and NGOs can offer online legal advice through affordable consultation services and AI-based legal chatbots to help people understand how to proceed with a legal issue.

Tele-Law Services: The government's Tele-Law initiative connects people in remote areas with lawyers via telecommunication, ensuring that even people in rural areas can access legal consultation.

4. Simplifying Legal Processes

Streamlining Court Procedures: Legal processes can be lengthy, complex, and expensive, often intimidating for the average citizen. Simplifying documentation and court procedures, reducing delays, and speeding up dispute resolution can make the system more user-friendly and less daunting, putting people at ease.

Alternative Dispute Resolution (ADR): Encouraging mediation, conciliation, and arbitration as viable alternatives to litigation can reduce the burden on courts and provide quicker resolutions. Community-based dispute resolution mechanisms should be promoted, especially in rural areas.

Outreach Programs by Judiciary: Judicial officers need to engage in outreach programs that demystify the legal process for ordinary citizens, helping them understand how the courts function and what they can expect.

5. Public Interest Litigation (PIL) and Advocacy

Encourage PILs for Public Welfare: PILs have been a powerful tool for social justice in India. Encouraging citizens and social organisations to approach the courts for public causes helps ensure that the law is responsive to society's needs.

NGOs and Advocacy Groups: NGOs and advocacy organisations can play a crucial role in representing communities and individuals who cannot navigate the legal system independently, thereby increasing the law's visibility in everyday life.

6. Transparency and Accountability:

Increasing transparency in the judicial system would make the judiciary more accountable and accessible by publishing court decisions and appointments online. Ensuring that judicial appointments are transparent and merit-based is also critical to maintaining public trust.

7. Social Justice and Inclusion

Inclusive Policies for Marginalized Communities: The law should be considered an instrument for social justice. Special attention to marginalised groups such as Dalits, Adivasis, women, and LGBTQ+ people who have limited access to the legal system due to social, cultural, and economic barriers is indispensable.

8. Reforming Legal Education

Practical Legal Training: Law schools must emphasise practical legal skills that prepare students to serve real-world needs, especially in underprivileged communities. The initiative includes clinical legal education, NGO internships, and outreach programs that allow students to engage directly with people facing legal problems.

Bringing the law closer to people in India requires a holistic approach that involves legal reform, improved accessibility, public awareness, and a commitment to social justice. By leveraging technology, simplifying processes, expanding legal aid, and ensuring greater outreach, the legal system can become a more inclusive, transparent, and effective means for ensuring justice for all.



How Can We Curb the Menace of Cyber Crime in India?

-By: Ankur Singhi, Joint Managing Partner

Cyber fraud in India is a growing concern and a pressing issue that has increased significantly in recent years. As technology adoption rises and more citizens become part of the digital ecosystem, the scope and sophistication of cyber fraud have expanded, demanding immediate attention and action.

The scale of the problem is ever-rising. Cyber fraud cases have been growing, with India ranking high among countries affected by cybercrime. Reports suggest a sharp increase in phishing attacks, ransomware, identity theft, and financial fraud.

According to the National Crime Records Bureau (NCRB), cybercrime cases rose by over 15% year-on-year, with financial fraud accounting for a significant portion. Phishing scams, UPI (Unified Payments Interface) frauds, and social engineering attacks target individuals, especially those new to digital payments. Small and medium enterprises (SMEs) and even large corporations face risks from ransomware, data breaches, and business email compromises. Banks, healthcare, and government systems face data breaches and financial manipulation.

One key contributor to cyber fraud is the rapid digital growth in India, a landscape where many are still learning the ropes. Despite having one of the largest internet user bases globally, there is a pressing need for cyber awareness. The swift adoption of digital payments has left users vulnerable to fraud due to a lack of knowledge about securing transactions.

Another significant reason for the prevalence of cyber fraud is the lack of robust cybersecurity practices. Both organisations and individuals must implement essential cybersecurity measures, such as two-factor authentication and secure passwords. Many institutions with legacy systems need to bolster their security features.

Empowering individuals and organisations with the proper knowledge is crucial in the fight against cyber fraud. Many victims fall prey to scams due to insufficient knowledge about cyber fraud. Scammers exploit vulnerabilities such as urgency in messages or posing as authority figures. Cybercriminals use advanced tactics like AI-driven scams, deepfakes, and malware targeting. Dark web marketplaces provide tools for fraud, such as hacking kits and stolen data. However, with the proper awareness and education, these tactics can be recognised and avoided.

The Government and Legal Response have been evolving sharply. A plethora of Acts and legislations are implemented now.

As a significant Legislation, The IT Act of 2000, amended in 2008, provides a legal framework for combating cybercrimes. However, due to rapid technological evolution, implementation and enforcement face challenges.

The government has launched campaigns like "Cyber Surakshit Bharat" to improve awareness. CERT-In (Indian Computer Emergency Response Team) aids in monitoring and addressing cyber incidents. Platforms like the National Cyber Crime Reporting Portal allow victims to report incidents. Victims often do not report cyber fraud, which skews the data and limits preventive measures.

More cybersecurity experts are needed to tackle the growing threats, and large-scale campaigns to educate citizens about cyber hygiene and fraud prevention are required. Faster updates to cyber laws are also needed to address emerging threats. Increased Investment in Cybersecurity: Businesses and governments must prioritise cybersecurity in their budgets.

Organisations and individuals must adopt robust cybersecurity frameworks to protect their systems and data from cyber threats. Regular software updates and patches can help fix vulnerabilities that cybercriminals often exploit. Using robust antivirus software can help detect and prevent cyber threats. Further, conducting cybersecurity awareness programs can help educate individuals about the risks of cyber fraud and how to avoid it.

Promoting cybersecurity best practices, such as using strong passwords and being cautious when clicking links or downloading attachments, can help prevent cyber fraud. Establishing dedicated cybercrime units can help investigate and prosecute cybercrime cases more effectively. Training law enforcement officials can help them develop the skills and expertise to investigate and prosecute cybercrime cases.

Establishing clear guidelines for online businesses can help ensure that they operate securely and transparently. While cyber fraud poses significant challenges in India, implementing proactive measures by individuals, businesses, and the government can help mitigate the risks. By taking these measures, we can create a safer online environment for all citizens, instilling a sense of reassurance and confidence in the digital ecosystem.

India must curb the increasing cyber fraud and create a safer online environment for its citizens to sustain its position as a top economy.

SKS LEGAL QUIZ DECEMBER 2024

We welcome young law college students to participate in this Quiz.: December 2024 Quiz

The winners shall be offered priority apprenticeship at any of our offices at Kolkata, New Delhi and Mumbai. For replies please click on this link :

- Who is the longest serving chief justice India?
 - Justice Dipak Mishra
 - Justice U.U. Lalit
 - Justice D.Y. Chandrachud
 - Justice Sharad Bobde
- Which judgement is referred to as the genesis of the collegium system in India?
 - SP Gupta Vs Union of India
 - Supreme Court Advocates-on-Record Association Vs Union of India
 - Three Judges' case
 - All of the above
- What is the financial threshold for a merger to come under the purview of the Competition Commission of India?
 - Turnover of more than One Thousand Crore
 - Turnover of more than Five Hundred Crore
 - Turnover of more than Fifteen Hundred Crore
 - Turnover of more than Two Thousand Crore.
- Which of the following is not a mode of testamentary succession under the Indian Succession Act?
 - Will
 - Gift
 - Codicil
 - Bequest
- What is a merger of two firms in different stages of distribution and production in the same business activity called?
 - Horizontal merger
 - Vertical merger
 - Conglomerate merger
 - Leverage buyout
- Under Article 39(b) of the Constitution of India, which of the following was the conclusion reached by the nine-judge Constitution Bench in its 2024 judgment?
 - All privately owned property is a material resource of the community under Article 39(b).
 - Privately owned property can only be a material resource if it is nationalized.
 - Privately owned property may be considered a material resource of the community if it fulfills certain criteria.
 - Privately owned property cannot be a material resource of the community under any circumstances.
- Which of the following is not an essential ingredient under the Doctrine of Res Gestae?
 - The statements made should not be an opinion.
 - The statements should only be made by the participants of the transaction.
 - The statements should have enough information to explain or brief about the incident
 - The statement must be as per the advice of legal expert
- What does the maxim "Lex rei situs" mean?
 - The law of the place where the party is situated
 - The law of the place where the person is domiciled
 - The law of the place where the act is done
 - The law of the place where the property is situated
- Which of the following landmark judgements has Justice Sanjiv Khanna not been a part of?
 - Article 370 abrogation
 - Striking down of the Electoral Bond Scheme
 - Right to Information (RTI) and judicial independence
 - Right to privacy
- Till what stage can a creditor submit its claim after admission of a Corporate Debtor for CIRP?
 - Till the preparation of the Information Memorandum
 - Till the admission of the petition under Sec 7/Sec 9 of the IBC
 - Till the admission of the resolution plan by the Adjudicating Authority
 - None of the above

Social Events



Birthday celebration at our Mumbai Office



Birthday celebration at our Kolkata Office



Birthday celebration at our Delhi Office

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