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- Merely Protesting or Shouting Slogans Doesn't Violate Reasonable Restrictions Under Article 19; Liberty Cannot Be Curtailed Casually: Kerala HC. [Read More](#)



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

Dear All,

On the occasion of International Women's Day, we express our profound respect and gratitude to all the women folks around us. Happy International Women's Day.

It gives me immense pleasure to hand over the March EXHIBIT issue.

ESG (environmental, social, and governance norms) are new areas for judicial intervention. This evolving process can drive sustainable development and corporate responsibility. The law can play a pivotal role in embedding ESG principles by providing a structured mechanism for enforcement, accountability and incentives.

India already has laws like the Environment Protection Act of 1986, the Air (Prevention and Control of Pollution) Act of 1981, and the Water (Prevention and Control of Pollution) Act of 1974 that can enforce environmental aspects of ESG. Stricter emission norms, mandatory ecological impact assessments (EIAs), and penalties for non-compliance can align industries with ESG goals.

Section 135 of the Companies Act 2013 mandates Corporate Social Responsibility (CSR) for companies that meet certain financial thresholds, pertaining to the "Social" aspect of ESG. This can be expanded to include broader governance norms, such as transparency in supply chains and measures to combat corruption. In 2021, SEBI introduced the Business Responsibility and Sustainability Report (BRSR), requiring top-listed companies to disclose their ESG-related performance. Making the BRSR mandatory for additional companies and imposing penalties for non-compliance can strengthen governance.

Strengthening laws like the Occupational Safety, Health and Working Conditions Code, 2020, and ensuring fair wages, diversity, and inclusion policies can address the "Social" component of ESG. Laws require standardised ESG metrics aligned with global frameworks.

India's judiciary has a strong tradition of PILs, which can enforce ESG norms by holding corporations and the government accountable for environmental or social violations. Harmonising Indian laws with international ESG standards can boost foreign investment in escalating India's march towards a \$ 5.0 trillion economy.

India's legal system can bridge the gap between policy intent and practical outcomes, making ESG a cornerstone of India's economic growth. Hope the lawyer fraternity reading this column will comprehend the significance of ESG to enforce it legally to make India a happy place to grow.

Happy reading...

Best wishes





## Time to Opt for Alternative Dispute Resolution Mechanism

-By: Ankur Singhi, Joint Managing Partner

ADR mechanisms are gaining traction in India to address the judiciary's backlog, which includes over 40 million pending cases. Lok Adalats have resolved more than 5 million cases annually in recent years, demonstrating their efficiency. The momentum for ADR is also evident in laws like the Commercial Courts Act of 2015, which encourages mediation before litigation. The increasing adoption of Online Dispute Resolution (ODR), accelerated by the COVID-19 pandemic, further reduces timelines by leveraging technology.

Under the Mediation Act of 2023, disputes must be resolved within 120 days following the initial session. This timeframe may be extended by mutual consent for an additional 60 days, bringing the total to 180 days. This requirement applies to civil and commercial disputes where pre-litigation mediation is compulsory.

The Arbitration and Conciliation Act of 1996, which was amended in 2015 and 2019, mandates that domestic arbitration awards be issued within 12 months of the formation of the arbitral tribunal, allowing for a possible 6-month extension by mutual agreement.

Under the Arbitration and Conciliation Act of 1996, mediation is a voluntary process and does not have a fixed statutory timeline. However, it generally progresses more quickly than litigation, often concluding within months, depending on the parties' willingness to cooperate.

Lok Adalats are single-session meetings designed to resolve disputes efficiently, often settling cases quickly. Permanent Lok Adalats, which focus on public utility disputes, seek to address matters within 60 days, although this timeframe may be extended if necessary.

Through Lok Adalats, ADR minimizes delays and enhances access to justice, particularly for marginalized groups. Faster resolutions can prevent prolonged suffering and economic loss while improving perceptions of fairness. In mediation and arbitration, parties maintain greater control over the processes and outcomes, often resulting in resolutions they deem fairer than court-imposed judgments. Unlike adversarial litigation, mediated settlements can help preserve relationships in family or business disputes.

Arbitrators and mediators often have specialized expertise in commercial or technical disputes, enabling them to make more informed decisions than generalist judges handling numerous cases. With projections of over 40 million pending cases in India by 2025, alternative dispute resolution (ADR) is likely to prioritize simpler disputes, such as motor accident claims, in Lok Adalats. This approach allows courts to concentrate on more complex cases and enhances the quality of the judicial system.

ADR is a significant mechanism in Europe and the USA, aimed at resolving disputes outside the traditional court system. In Europe, ADR is well-established and supported by various legislative frameworks, which help consumers find out-of-court solutions for disputes. In the USA, both federal and state courts widely use and support ADR. Mediation, arbitration, and negotiation are commonly used to resolve conflicts in various contexts, including commercial, labor, and family disputes. ADR's flexibility, cost-effectiveness, and confidentiality make it a popular choice for dispute resolution in the USA.

Both regions recognise the importance of ADR in providing efficient and accessible dispute resolution mechanisms, reducing the burden on courts, and offering parties a more collaborative approach to resolving conflicts.

ADR does not inherently diminish the quality of justice; instead, it can enhance it by providing tailored and timely resolutions. However, limited oversight, power imbalances, and inconsistent standards could jeopardize fairness if not addressed.

ADR complements, rather than replaces, courts in India, so its expansion is likely to enhance access rather than diminish the quality of justice. The time has come to widely adopt the Alternative Dispute Resolution mechanism in India.



## An Efficient Legal System Brings in Economic Miracles

-By: Hargovind Sachdev, Banking Advisor

An efficient legal system can catalyze an economic miracle by creating a stable, predictable, and fair environment that encourages investment, entrepreneurship, and growth. As demonstrated in many stagnating economies, a sluggish, corrupt, or unpredictable legal system stifles growth. Businesses hoard cash, investors flee, and talent migrates.

Efficiency is not only about speed; it also encompasses trust. When the law functions effectively, it resembles a well-oiled machine: quiet, steady, and robust. Economic miracles do not occur in chaos—they rely on a solid legal framework and an independent judiciary as their foundation.

A legal system that consistently protects physical and intellectual property rights inspires confidence in individuals and businesses to invest in assets, innovate, and take risks. When people know their land, inventions, or capital won't be arbitrarily seized, they are more likely to build wealth.

Efficient courts that enforce contracts swiftly significantly reduce transaction costs and risks. Businesses can depend on honored agreements, timely deliveries from suppliers, and repaid debts. This seamless operation keeps the economic engine running smoothly. In contrast, in regions where contract disputes linger for years, commerce stagnates and capital departs.

A transparent legal framework, coupled with swift accountability, reduces bribery and cronyism. When rules are enforced impartially, resources are directed toward productive uses instead of benefiting well-connected insiders. Singapore's economic success is largely credited to its clean and efficient judiciary—investors are drawn to a location where the rules are equitable.

Time is money. A legal system that resolves disputes quickly and affordably—such as streamlined commercial courts—helps businesses avoid wasting resources on litigation. For instance, India's recent initiatives to reduce judicial backlogs aim to unlock economic potential by freeing up capital from legal limbo.

Both foreign and domestic investors value predictability. A stable and fair legal system ensures that profits are safeguarded against arbitrary rulings or expropriation. After World War II, Germany's "Wirtschaftswunder" (economic miracle) relied on establishing a dependable legal framework to attract capital.

Clear regulations and a legal safety net, including bankruptcy laws that do not excessively penalise failure, empower innovators to take calculated risks. The U.S. tech boom thrives partly because entrepreneurs can fail, pivot, and try again without bureaucratic obstacles or harsh penalties.

An efficient legal system is a cornerstone of fostering economic growth and development. It ensures that property rights are well protected, giving individuals and businesses the confidence to invest in assets and infrastructure without fear of unlawful seizure or unfair practices. Efficient legal systems also provide mechanisms for resolving disputes fairly and promptly. A strong legal framework deters corruption and arbitrary decision-making, creating a level playing field for all market participants and fostering competition and innovation.

An efficient legal system creates a foundation of trust, predictability, and fairness. These elements are crucial for encouraging investment, fostering innovation, and sustaining long-term economic growth.

A robust legal system promotes competition by preventing monopolies and ensuring businesses compete fairly. This leads to innovation, better services, and lower prices. An efficient legal system encourages entrepreneurship by providing a supportive environment for startups and small businesses to grow and innovate. By promoting economic growth and stability, an efficient legal system can help reduce poverty and improve living standards.

A well-functioning legal system can boost government revenue by fostering economic activity, reducing tax evasion, and ensuring that businesses comply with tax laws. In conclusion, an efficient legal system is essential for creating a favorable business environment, promoting economic growth, and achieving financial stability. By providing a predictable, stable, and fair environment, an efficient legal system can indeed contribute to an economic miracle.

## SKS LEGAL QUIZ

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

1. In which of the following landmark judgments did the Hon'ble Supreme Court of India lay down guidelines against sexual harassment of women at workplace?

- |                                       |   |
|---------------------------------------|---|
| a) Nilabati Behera vs State of Orissa | b) Vishakha vs State of Rajasthan       |
| c) Maneka Gandhi vs Union of India    | d) Hussainara Khatoon vs State of Bihar |

2. In which of the following judgments did the Hon'ble Supreme Court uphold states' power to create sub-classification within the reserved Scheduled Caste and Scheduled Tribe categories?

- |                                     |                                 |
|-------------------------------------|---------------------------------|
| a) E.V. Chinnaiah v Union of India  | b) Azeez Basha v Union of India |
| c) State of Punjab v Davinder Singh | d) Seema vs Ashwini Kumar       |

3. In which of the following states was a mobile court first set up?

- |                  |            |
|------------------|------------|
| a) Uttar Pradesh | b) Sikkim  |
| c) Karnataka     | d) Haryana |

4. What does the phrase *lex est norma recti* mean?

- a) Law is a rule of state   b) Law is a rule of right   c) Law follows equity   d) Law is a rule of right

5. Recently, NCLT allowed an application for liquidation of Go First Airways. Under which provision of the Insolvency & Bankruptcy Code, 2016 does an application under liquidation lie?

- a) Section 33   b) Section 53   c) Section 10   d) Section 15

6. In which of the following judgments did the Supreme Court rule that provisions under the Arbitration Act were above the institutional arbitration rules?

- a) Era International v. Aditya Birla Global Trading India Private Limited  
b) Amiya Steel (P) Ltd. v. SAIL  
c) Synergy Ispat (P) Ltd. v. Orissa Manganese & Minerals Ltd  
d) Kashmir Harvard Educational Institute v. President and Fellows of Harvard College

7. In which of the following cases was the Doctrine of Rarest of Rare established?

- a) Arnesh Kumar vs State Of Bihar & Anr.  
b) Bacchan v. State of Punjab  
c) Gian Singh vs State Of Punjab & Anr  
d) State of Kerala v. Muhammed Ameer-UI Islam Case

8. In which of the following cases did the Hon'ble Supreme Court rule that the Arbitration & Conciliation Act 1996 is a self-contained code which does not distinguish between government and private entities?

- a) Shankar Kisanrao Khade vs State of Maharashtra  
b) Mohinder Singh vs State of Punjab  
c) International Seaport Dredging Pvt Ltd. Vs Kamarajar Port Limited.  
d) Central Organisation for Railway Electrification v. ECI-SPIC-SMO-MCML (JV)

9. Protection of personality rights is an emerging concept in India. It was introduced to prevent commercial exploitation of an individual's personality. Identify the first case of protection of personality rights from the case laws mentioned below.

- |   |  |
|---|--|
| a) Devi Prasad Shetty v. Medicine Me          | b) R. Rajagopal v. State of Tamil Nadu       |
| c) Arun Jaitley v. Network Solutions Pvt. Ltd | d) Titan Industries Ltd. V Ramkumar Jewelers |

10. In which case was a registered society held to be an "authority" for the purpose of Article 12 of the Constitution of India, 1950?

- |   |                                  |
|---|----------------------------------|
| a) Ajay Hasia Vs Khalid Mujib                     | b) Sukhdev Vs Bhagatram          |
| c) R.D. Shetty Vs International Airport Authority | d) Som Prakash Vs Union of India |



## Social Events



**Marriage Anniversary Celebration of  
Jt. Managing Partner**



**Birthday Celebration At  
Kolkata Office**



**International Women's Day celebration  
organized by Society of Indian  
Law Firms Ladies Group**



**Birthday Celebration At  
Mumbai Office**



**Birthday Celebration At  
Delhi Office**

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