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- Kerala High Court Upholds Law Mandating Display Of Rates Outside Hospitals; Rejects Challenge Of IMA, Pvt Hospital Bodies. [Read More..](#)



S.K. SINGHI
Founder & Managing Partner

Welcome Readers,

It gives me pleasure to present the July 2025 issue of the "EXHIBIT".

Based on feedback from most readers, I am confident you have enjoyed our previous edition, which initiated a dedicated "LEXITS CORNER" with an article by a leading professor from an Indian Law University.

The weapon of an advocate is the sword of a soldier, not the dagger of an assassin. If the Judiciary is to survive, those who represent it must strengthen it; those who support it must stand by it; and those who believe in it must fight for it.

As lawyers, we serve as instruments of support for the courts in implementing the Law. At S.K.Singhi & Partners, we strive to strengthen the Law by equipping its practitioners with knowledge. We also foster an attitude of client focus, emphasizing legal practice as a service first and business second.

We are pleased to share our recent success story, where our team secured an arbitration victory for FORUM GROUP, an infrastructure leader based in East India, in a lease and damages dispute against Tata Consultancy Services. This achievement demonstrates that a strong, fact-based judicial presentation can succeed regardless of the stature of the opposing party.

At M/s S.K.Singhi & Partners LLP, our philosophy is to serve clients with sincerity, integrity, and respect for their resources by effectively presenting their cases before courts and judicial forums to achieve the best possible outcome. We believe in promising less and delivering more.

We are pleased to share that our firm and top management recently sponsored the "TERAPANTH SEMINAR" in Kolkata, where the nation's leading scientist and security advisor, Dr. G. Satheesh Reddy, ex-Chairman of DRDO, shared valuable insights into the country's efforts in defence preparedness and the role of professionals in building national security. A few photographs of the event are included on the last page of this newsletter.

Please share your valuable suggestions to improve the newsletter.

Happy Reading,

Best Wishes





How to strengthen the Rural Justice System in India?

By: - Ankur Singhi, Jt. Managing Partner

Rural justice entails providing fair, accessible, and timely legal and judicial services to individuals residing in rural areas.

In India, addressing the unique challenges faced by rural communities involves tackling issues such as geographical isolation, poverty, illiteracy, and limited access to legal institutions. Rural justice encompasses both formal systems (courts, police, and legal aid) and informal systems (traditional dispute resolution mechanisms, such as panchayats) to resolve disputes, protect rights, and promote equity. Its goal is to bridge the gap between marginalised rural populations and the legal framework, ensuring access to justice despite socio-economic or logistical barriers.

Strengthening rural justice in Indian villages is a collective effort that combines modern judicial reforms, the empowerment of traditional systems, and the effective use of innovative technology. By focusing on accessibility, awareness, and accountability, India can ensure justice reaches its most remote and marginalised citizens. Collaboration among the government, NGOs, local leaders, and communities is crucial for establishing a robust rural justice system.

Key aspects of rural justice in India include providing affordable and accessible legal aid for issues such as land disputes, domestic violence, and labor rights, as well as balancing formal judicial processes with informal systems like Gram Nyayalayas or village panchayats, and educating rural communities about their constitutional and legal rights, while resolving disputes related to land, water, caste, gender, and other rural-specific concerns.

Strengthening rural justice in India involves empowering the National Legal Services Authority (NALSA) and District Legal Services Authorities (DLSAs). These bodies play a vital role in ensuring free legal aid reaches remote villages. To improve their effectiveness, increase the deployment of paralegals and mobile legal aid vans. Establish permanent or periodic legal aid clinics in villages, staffed by lawyers and trained community workers to offer consultation and guidance. Additionally, use mobile apps, helplines, and video conferencing to connect villagers with lawyers, thereby reducing travel requirements.

Fully implementing the Gram Nyayalayas Act, 2008, which aims to establish village courts for delivering quick and affordable justice, is an essential step in strengthening rural justice in India. However, recent data shows that only a small fraction of the proposed 5,000 Gram Nyayalayas are currently functioning. To improve this, allocate sufficient budgets, train judges, and provide basic facilities such as electricity and internet to ensure Gram Nyayalayas are effective. We also suggest launching campaigns to inform villagers about Gram Nyayalayas as an alternative to distant courts, thereby increasing their usage and impact.

Modernising and regulating village panchayats is essential, not just a suggestion, to promote fairness, transparency, and inclusivity—especially for women, lower castes, and minorities. Training panchayat members in legal principles and gender sensitivity, integrating with formal systems, and establishing mechanisms to oversee traditional dispute resolution are urgent steps. Promoting women's representation in panchayats and khap panchayats to address gender-based injustices is a vital move towards building a more just society.

Integrating basic legal education into rural school curricula is more than just an idea; it serves as a powerful tool to raise awareness from a young age. Collaborating with non-governmental organisations and self-help groups to run legal literacy programs, especially for women and marginalised groups, is not only beneficial but also a potential catalyst for positive change.

Reducing geographical barriers is a crucial step in enhancing rural justice and improving transportation and road networks, thereby increasing access to courts and police stations. Additionally, expanding internet access supports e-courts, online complaint filings, and virtual hearings, especially in remote areas. To further lower barriers, deploy mobile courts to hear cases in underserved regions, reducing travel costs and delays, and ultimately providing financial aid or waiving fees for legal procedures to ensure that impoverished villagers can access justice.

Sensitise police, judges, and local leaders to prevent discrimination in the justice system.

Establish fast-track courts for cases involving atrocities against Scheduled Castes, Scheduled Tribes, and women. Create dedicated helplines and shelters for women, children, and minorities facing violence or injustice. The stronger the Rural Justice, the stronger India would be.

Rightly said, “India lives in villages. Empowering farmers will empower India.”



Legal Framework Governing Air Crash Liability

By:- Advocate Akshaya Puthran, Principal Associate

The legal framework governing air crash liability represents a complex intersection of international conventions, domestic legislation, and regulatory standards. While air travel remains one of the safest modes of transportation, aviation accidents, though rare, necessitate a comprehensive understanding of liability principles and legal mechanisms for resolution. This article provides an in-depth analysis of the principal legal instruments, statutory provisions, judicial precedents, and emerging developments that shape air crash liability.

1. Overview of Air Travel and Liability

Despite being widely regarded as one of the safest transportation modes, aviation accidents do occur, raising complex liability questions. Determining responsibility for injury or loss, whether involving passengers, crew, or third parties, requires navigating a multifaceted legal landscape comprising international conventions, domestic laws, and regulatory frameworks.

2. Importance of a Legal Framework

A clear and comprehensive legal framework is essential to ensure consistency, accountability, and fairness in addressing aviation incident liability. It provides compensation mechanisms, defines stakeholder rights and obligations, and supports orderly claim resolution. Without such a framework, dispute resolution would lack coherence and predictability.

3. International Treaties and Conventions

3.1. The Warsaw Convention (1929)

The Warsaw Convention established the foundational framework for international air carrier liability, introducing standardised rules on carrier responsibility for passenger injury, death, baggage loss, and delay. It imposed liability limits designed to balance the interests of passengers and airlines while promoting cross-jurisdictional uniformity.

Key provisions of the Warsaw Convention include:

- Article 17: Establishing carrier liability for passenger death or injury occurring during international carriage.
- Article 22: Setting liability limits for personal injury and baggage loss.
- Article 25: Removing liability limits in cases of willful misconduct.

3.2. The Montreal Convention (1999)

The Montreal Convention modernised the Warsaw regime, enhancing passenger rights and streamlining compensation procedures. Its key features include a two-tier liability system for bodily injury or death and expanded jurisdictional options for claimants. This convention reflects a more claimant-friendly approach and aligns with contemporary standards in international aviation law.

Significant improvements in the Montreal Convention include:

- Article 17: Strict liability up to 128,821 SDRs (Special Drawing Rights) for passenger death or injury.
- Article 21: Presumed fault for damages exceeding the strict liability threshold.
- Article 33: Expanded "fifth jurisdiction" option allowing claims in the passenger's country of residence.

4. National Laws and Regulations

National legal frameworks vary considerably in their treatment of air crash liability. In the United States, the Aviation Disaster Family Assistance Act outlines procedures for providing support to victims and coordinating assistance. Within the European Union, Regulation (EC) No 261/2004 establishes passenger rights in cases of flight delays, cancellations, and denied boarding.

Additional significant national legislation includes:

- U.S. Federal Aviation Act (49 U.S.C. § 40101 et seq.).
- U.K. Civil Aviation Act 1982.
- Australian Civil Aviation (Carriers' Liability) Act 1959.

5. Liability Framework for Airlines and Operators

5.1. Carrier Liability and Responsibilities

Under most international conventions, air carriers are subject to a strict liability regime for passenger injury or death occurring during air carriage. Liability is presumed unless the airline can demonstrate that the damage resulted from circumstances beyond its control. This framework highlights the operational and financial risks faced by airlines, necessitating rigorous compliance with safety standards and incident response protocols.

Judicial precedents have shaped this area, including:

- Air France v. Saks, 470 U.S. 392 (1985): Defining "accident" under the Warsaw Convention as an unexpected or unusual event external to the passenger.

- *Olympic Airways v. Husain*, 540 U.S. 644 (2004): Establishing that carrier inaction can constitute an "accident".
- *Eastern Airlines, Inc. v. Floyd*, 499 U.S. 530 (1991): Ruling that pure emotional distress without physical injury is not compensable under the Warsaw Convention.

5.2. Third-Party Liability Considerations

Air carriers may also incur liability for injury or damage caused to third parties on the ground. Such claims typically arise under domestic tort law or specialised aviation statutes and can result in substantial financial exposure. Given the potential for protracted litigation and reputational harm, operators must proactively assess and mitigate third-party risk through insurance, crisis management planning, and legal preparedness.

6. Passenger Rights and Compensation Claims

6.1. Rights Under International Law

International instruments, notably the Montreal Convention, provide passengers with enforceable rights in the event of injury, death, delay, or loss of baggage arising from international air travel. These rights attach upon the issuance of a valid ticket and establish a carrier liability framework, including strict liability up to specified thresholds and presumed fault above those limits, subject to defined exceptions.

Key statutory provisions include:

- Montreal Convention Article 19: Carrier liability for delay.
- Montreal Convention Article 22: Limitation of liability for baggage and cargo.
- Montreal Convention Article 26: Invalidity of contractual provisions limiting liability.

6.2. Claims Process and Procedural Challenges

While passengers may be entitled to compensation, the claims process can be complex and procedurally challenging. It typically involves submitting detailed documentation, including proof of travel, medical records, and incident reports. Carriers may assert various defences, such as extraordinary circumstances or contributory negligence. Procedural hurdles, delays, and legal ambiguities often complicate recovery, underscoring the importance of legal representation and familiarity with applicable international and domestic frameworks.

7. Defences and Limitations of Liability

7.1. Common Defences Raised by Airlines

Airlines commonly invoke defences such as "acts of God" or extraordinary circumstances, including severe weather, terrorism, or wildlife interference, to rebut liability claims. They may also contest the extent or causation of damages alleged by claimants. These defences aim to mitigate or negate carrier responsibility within the bounds of applicable legal standards. Recognised defences include:

- Article 20 defence: All necessary measures taken to avoid damage.
- Article 21 defence: Contributory negligence by the passenger.
- Force majeure and extraordinary circumstances beyond the carrier's control.

7.2. Statutory Limitations and Exemptions

Liability for air carrier damages is often subject to statutory caps and exemptions under international conventions and national laws. Compensation limits may vary by jurisdiction and claim type, potentially restricting recoverable amounts. Additionally, carriers may be exempt from liability if they can demonstrate adherence to all reasonable safety measures and exercise due diligence. Awareness of these legal thresholds is critical when pursuing claims.

8. Emerging Issues and Future Trends

Rapid advancements in aviation technology, including the proliferation of unmanned aerial vehicles (drones) and commercial space travel, present novel legal challenges that existing air crash liability frameworks are ill-equipped to address. Additionally, environmental factors such as climate change may increase operational risks, potentially expanding carriers' liability exposure. These developments necessitate adaptive legal responses to maintain effective regulation and passenger protection.

Conclusion

The legal framework governing air crash liability plays a crucial role in ensuring accountability and protecting the rights of passengers and industry stakeholders. As aviation technology and risks evolve, so too must the laws and regulations that govern liability and compensation. A thorough understanding of these principles enables passengers to assert their rights and helps carriers manage their obligations effectively. Legal professionals must remain vigilant regarding ongoing developments in this dynamic field, as continued reforms will shape the future of air crash liability law for years to come.



LEXITS

An Initiative of
S.K.Singhi & Partners LLP



LEXITS CORNER



The Urgent Need for Pre-Litigation Advisory Services in India: LEXITS Leading the Way

By Hargovind Sachdev, Banking Advisor

In India's complex and often overburdened judicial system, the need for effective pre-litigation advisory services has never been more urgent. With courts handling a backlog of over 50 million cases, lengthy litigation can financially and emotionally drain businesses and individuals, often taking years without resolution.

Enter LEXITS, an innovative initiative by S.K. Singhi & Partners LLP, launched on January 4, 2025, in New Delhi, aimed at transforming dispute resolution through expert-driven pre-litigation strategies, providing a much-needed relief from the financial and emotional stress of prolonged litigation.

LEXITS, under the guidance of S.K. Singhi & Partners, meets the urgent need for proactive legal solutions in India. What sets LEXITS apart is its unique team composition, backed by a distinguished team of over 35 retired Supreme Court and High Court judges, senior advocates, and experienced professionals. This diverse and experienced team ensures that clients receive the highest quality advice and representation.

LEXITS provides a comprehensive range of pre-litigation advisory services. These services cover market entry strategies, structuring mergers and acquisitions, compliance guidance, and dispute resolution, ensuring that clients are well-informed and prepared to avoid costly and time-consuming court battles.

By offering actionable insights into potential outcomes, costs, timelines, and risks, LEXITS enables clients to make informed decisions, lowering litigation costs and speeding up resolutions. For instance, in a recent case involving a multinational company's market entry strategy, LEXITS provided crucial advice that led to a successful and expedited resolution. Such success stories demonstrate the effectiveness of LEXITS in resolving complex legal issues.

The need for pre-litigation advisory services arises from India's changing economic environment. As international investors and companies more often work with India's markets, understanding its complex legal and regulatory systems becomes crucial.

LEXITS bridges this gap by offering a digital platform that integrates legal, regulatory, and business advisory services. The initiative is significant for industries like real estate, banking, healthcare, and manufacturing, where disputes can significantly hinder growth.

By anticipating conflicts and providing alternative solutions, LEXITS reduces risks before they escalate, instilling a sense of security and confidence in its clients.

The launch of LEXITS, inaugurated by India's Attorney General R. Venkataramani, marks a milestone in legal innovation. As S.K. Singhi, Founder & Managing Partner, noted, it's a step toward "justice and legal innovation for everyone who believes in informed decision-making."

With endorsements from legal luminaries and a client-centric approach, LEXITS is redefining dispute resolution in India, addressing the urgent need for pre-litigation strategies that save time, resources, and reputations in an increasingly complex legal environment.

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 :

Question 1. In the Kesavananda Bharati v. State of Kerala case what Doctrine was established?

- a) Doctrine of Eclipse
- b) Doctrine of Reasonable Classification
- c) Basic Structure Doctrine
- d) Doctrine of Severability

Question 2. In the Indian Contract Act a minor's agreement is generally:-

- a) Void ab Initio
- b) Void
- c) Valid with guardian's consent
- d) Valid if the minor's consents

Question 3. In the Indian Constitution, which of the following is NOT a fundamental right?

- a) Right to Equality
- b) Right to Property
- c) Right to Freedom and Speech
- d) Right to Personal Liberty

Question 4. Which of the following offences is a Non-Bailable offence under the Bharatiya Nyaya Sanhita (BNS), 2023?

- a) Petty theft
- b) Causing hurt
- c) Attempt to murder
- d) Criminal intimidation

Question 5. Which of the following deals with the Doctrine of 'Lis Pendens'?

- a) Section 52
- b) Section 44
- c) Section 41
- d) Section 53

Question 6. The Doctrine of Eclipse applies to:

- a) Cutting parts of laws which not consistent with fundamental rights
- b) Punishments be balanced to the gravity of the offense
- c) Pre-constitutional laws inconsistent with Fundamental Rights
- d) Emergency provisions

Question 7. Which of the following cases banned "Triple Talaq":-

- a) Navtej Singh Johar v. Union of India
- b) Sarla Mudgal v. Union of India
- c) Chand Patel v. Bismillah Begum
- d) Shayara Bano vs Union of India

Question 8. Which of the following is NOT an essential element of a valid contract?

- a) Offer and acceptance
- b) Lawful consideration
- c) Intention to create legal relations
- d) Social agreement

Question 9. The 'Preamble' to the Indian Constitution is:

- a) Not a part of the Constitution
- b) A part of the Constitution and enforceable in courts
- c) A part of the Constitution but not enforceable in courts.
- d) Only an introduction and holds no legal value

Question 10. The Indian Contract Act, 1872 primarily deals with:

- a) Rights in rem
- b) Public policy matters
- c) Agreements enforceable by law
- d) Criminal liabilities

Social Events



Jain Acharya ji Maharaj inaugurated the Terapanth Seminar in his auspicious presence

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