

## **PRACTICE AREAS**

### **COMMERCIAL LAWS**

A broad concept that describes the Substantive Law that governs transactions between business entities, with the exception of maritime transportation of goods (regulated by Admiralty and Maritime Law).

Commercial law include all aspects of business ie:

- Advertising and Marketing
- Collections and Bankruptcy
- Banking
- Contracts
- Negotiable Instruments
- Secured Transactions
- Sale of goods
- Leases
- Bank deposits
- Fund transfers
- Letters of credit
- Bulk sales
- Warehouse receipts
- Bills of lading
- Investment Securities.

### **CIVIL PROCEDURE CODE**

Civil law is a body of rules that defines and protects the private rights of citizens, offers legal remedies that may be sought in a dispute, and covers areas of law such as contracts, torts and property. Civil law is derived from the laws of ancient Rome which used doctrines to develop a code that determined how legal issues would be decided.

Civil law systems, also called continental or Romano-Germanic legal systems, are found on all continents and cover about 60% of the world. They are based on concepts, categories, and rules derived from Roman law, with some influence of canon law, sometimes largely supplemented or modified by local custom or culture. The civil law tradition, though secularized over the centuries and placing more focus on individual freedom, promotes cooperation between human beings.

In their technical, narrow sense, the words civil law describes the law that pertains to persons, things, and relationships that develop among them, excluding not only criminal law but also commercial law, labor law, etc. Codification took place in most civil law countries, with the French Code civil and the German BGB being the most influential civil codes.

### **BANKRUPTCY LAWS**

The passing of the Insolvency and Bankruptcy Code by parliament has finally paved the way for a much-needed modern framework to deal with the insolvency and bankruptcy of corporate entities and natural persons in India. While many financial sector laws have undergone a massive transformation after the liberalization of the economy, the insolvency law, which is an essential part of any country's financial architecture, remained outdated and unreformed, with the rehabilitation or winding up of companies comprising a long-drawn and time consuming process.

An efficient insolvency system is necessary to encourage enterprise, underpin investment and economic growth and create wealth. It helps create a sound climate for investment, and enable market participants to be more accurately priced, manage and control default risks and corporate failure. An effective exit law

promotes responsible corporate behavior to avoid the consequences of insolvency and preserves employment through an effective system for rehabilitating financially distressed but viable enterprises, while ensuring maximum play in a fair reallocation of assets to more efficient market users.

## **CRIMINAL LAWS**

Criminal law refers to a body of laws that apply to criminal acts. In instances where an individual fails to adhere to a particular criminal statute, he or she commits a criminal act by breaking the law. This body of law is different from civil law, because criminal law penalties involve the forfeiture of one's rights and imprisonment. Conversely, civil laws relate to the resolution of legal controversies and involve monetary damages.

There are various theories for why we have a criminal law system. Neither theory is exclusive or dispositive. The main theories for criminal law include: to deter crime, to reform the perpetrator, to provide retribution for the act, and to prevent further crimes. There is much discussion regarding these theories of criminal law and which policy is best promoted by the body of criminal law.

Parts of criminal law statutes:-

All criminal law statutes contain two distinct parts. The first of these parts is the mens rea, which is the mental state that one must possess when committing a crime. For example, if one commits murder, it is necessary that the party committing the murder intended to engage in the act. This intention is the mens rea of the crime of murder.

The other part of a criminal statute is the actus reus. This portion of the criminal statute refers to the action taken by the perpetrator. For instance, in a drug dealing case, in order to charge the perpetrator with the crime of drug dealing, the perpetrator must have actually sold the drugs. This is the action required for the criminal statute's actus reus to exist.

## **COMPETITION LAWS**

Every law promulgated by any legislature is based on certain reason, belief and welfare of the society. The laws provide us social security from exploitation, whether it is physical or social. For development of a society and economy it is essential that there should be free competition among players. Every player in the market should have adequate space and time to participate and put their products or services before the people.

The economic environment in the world has changed in last decade and continuously changing. There emerged large players and MNCs in the local market. The liberalization of Indian economy opened door for many large MNCs to cater emerging markets in India. The Indian companies are also allowed to explore foreign markets for their products and services.

The Government of India in order to check various types of Restrictive and Unfair Trade Practices introduced Monopolies and Restrictive Trader Practices Act, 1969, which regulated and prohibited Restrictive and Unfair Trade practices. But in the course of time and due to changing business and economic environment in the world the MRTP Act, 1969 lost its significance. The government enacted the competition act 2000 which now applies to the all commercial world in India.

## **FAMILY LAWS**

It covers the following statutes:

Adoption  
Adoption among Hindus  
Adoption-Others

Child Custody Laws  
Christian Marriage and Registration Procedure  
Court Marriage  
Divorce Procedure for Sikhs  
Divorce under Hindu Marriage Act  
Divorce Under Muslim Law  
Domestic Violence  
Dowry  
Enforcement of A Will  
Hindu Marriages  
Hindu Succession Laws  
Homosexual Rights  
Inheritance (Muslim Law)  
Judicial Separation Law  
Maintenance under Hindu Marriage Act  
Maintenance under Section 125 of The Code of Criminal Procedure  
Marriage and Divorce  
Marriage Laws (Amendment) Bill - An Overview  
Marriage under Muslim Law  
Maternity and Paternity Benefits  
Muslim women right to maintenance  
Obtaining Succession Certificate and Letter of Administration  
Procedure for court marriages in India  
Registered Marriage Laws  
Right of Hindu Women in Undivided Property  
Sikh Marriages and Registration Procedure in India  
Solemnization of marriage under Hindu Marriage Law  
Solemnization of Marriage under Special Marriage Law  
Live in relationships  
The maintenance and welfare of parents and senior citizens  
Wills (under Muslim Law)

## **INTELLECTUAL PROPERTY LAWS**

Our firm offers a full range of services that cover patents, trademarks, copyrights, designs and other allied laws, from conceptualization to enforcement and from negotiations to creation of innovative corporate structures based on intellectual property.

Patents give inventors the right to use their product in the marketplace, or to profit by transferring that right to someone else. Depending on the type of invention, patent rights are valid for up to 20 years. Qualifying items include new machines, technological improvements, and manufactured goods, including the “look” of a product. Patent protection is denied if an invention is found to be obvious in design, not useful, or morally offensive.

Trademarks protect symbols, names, and slogans used to identify goods and services. The purpose is to avoid confusion, deter misleading advertising, and help consumers distinguish one brand from another. Since the goal is to distinguish, generic or purely descriptive marks may not qualify. Rights can potentially last forever, and they are obtained by simply using a mark. While not required, owners can register their marks for additional protection.

Copyrights apply to writings, music, motion pictures, architecture, and other original intellectual and artistic expressions. Protection is not available for theories or ideas, or anything that has not been captured in a fixed medium. The act of creation itself produces a copyright and unpublished works are still protected. Use of a copyright [symbol and date is common, but not mandatory. Most copyrights are valid for the creator’s lifetime, plus 70 years.](#)

## **PASSPORT AND IMMIGRATION LAWS**

Our law office provides whole range of services in the domain of passport act, foreigners act and other relevant act

## **CONSUMER LAWS**

Consumer act was enacted in the year 1986 to safeguard the interest of consumer. Consumers should not be cheated or misled by business organisations. Our law office provides a whole range of services in the domain of consumer affairs. We have specialized expertise in RERA as well

## **ENVIRONMENTAL LAWS**

In the Constitution of India it is clearly stated that it is the duty of the state to 'protect and improve the environment and to safeguard the forests and wildlife of the country'. It imposes a duty on every citizen 'to protect and improve the natural environment including forests, lakes, rivers, and wildlife'. Reference to the environment has also been made in the Directive Principles of the State Policy as well as the Fundamental Rights. The Department of Environment was established in India in 1980 to ensure a healthy environment for the country. This later became the Ministry of Environment and Forests in 1985.

The constitutional provisions are backed by a number of laws – acts, rules, and notifications. The EPA (Environment Protection Act), 1986 came into force soon after the Bhopal Gas Tragedy and is considered an umbrella legislation as it fills many gaps in the existing laws. Thereafter a large number of laws came into existence as the problems began arising, for example, Handling and Management of Hazardous Waste Rules in 1989.

## **ARBITRATION LAWS**

Increasingly, arbitration is recognised as the most effective method of solving commercial disputes, especially those of an international dimension. It can achieve equitable solutions more quickly than litigation, and at less cost; it allows parties to adopt whatever procedure they choose for the resolution of differences; it enables parties to decide where disputes shall be heard.

Within and around Asia, India offers both the resources and a venue for Arbitrations and dispute resolution procedures and is dedicated in its mission to advancing and supporting arbitration as a means of resolving commercial disputes.

The Indians have long been aware of the advantages of arbitration, acknowledging its value as a method of resolving disputes, and more recently has extended tradition by the statutory adoption of the UNCITRAL Model Law for international commercial arbitration and the UNCITRAL Rules of Arbitration, with relevant modifications to fit into its institutional framework.

With a sophisticated and well placed legal system, India is also a party to the New York Convention (on enforcement of arbitration awards) allowing arbitral awards to be enforced by the Courts in almost any country around the world.

## **IT LAWS**

Information technology law provides the legal framework for collecting, storing, and disseminating electronic information in the global marketplace.

We help structure information technology transactions in a way that maximizes the client's economic benefit while ensuring regulatory compliance. A great deal of emphasis is also placed on anticipating potential sources of dispute between the parties to a transaction, and drafting agreements that address these concerns, thereby reducing the risk of litigation.

When disputes arise in the field of information technology that cannot be resolved outside of the court system, we specialize in these types of cases.

## **LABOUR LAWS**

Labour Law is the body of law that governs the employer-employee relationship, including individual employment contracts, the application of tort and contract doctrines, and a large group of statutory regulation on issues such as the right to organize and negotiate collective bargaining agreements, protection from discrimination, wages and hours, and health and safety.

The law relating to labour and employment in India is primarily known under the broad category of "Labour and Industrial Law".

Factors responsible for shaping the Indian Labour legislation include:

The prevailing social and economic conditions

The views expressed by important nationalist leaders during the days of national freedom struggle

The provisions of the Constitution

The International Conventions and Recommendations.

Important human rights and the conventions and standards that have emerged from the United Nations.

The deliberations of the various Sessions of the Indian Labour Conference and the International Labour Conference.

Recommendations of the various National Committees and Commissions such as First National Commission on Labour (1969) under the Chairmanship of Justice Gajendragadkar, National Commission on Rural Labour (1991), Second National Commission on Labour (2002) under the Chairmanship of Shri Ravindra Varma etc.

Judicial pronouncements on labour related matters specifically pertaining to minimum wages, bonded labour, child labour, contract labour etc.

## **FOREIGN EXCHANGE LAWS**

FERA was enacted in September 1973 and it came in force from January 1, 1974. It was amended by the Foreign Exchange Regulation (Amendment) Act 1993 and later in 2000, was replaced by FEMA.

The Foreign Exchange Management Act, 1999 (FEMA) is an Act of the Parliament of India "to consolidate and amend the law relating to foreign exchange with the objective of facilitating external trade and payments and for promoting the orderly development and maintenance of foreign exchange market in India". This act makes offences related to foreign exchange as civil offences.

FEMA is a regulatory mechanism that enables the Reserve Bank of India and the Central Government to pass regulations and rules relating to foreign exchange in tune with the Foreign Trade policy of India.

Regulations/Rules under FEMA

Foreign Exchange Management (Current Account Transactions) Rule, 2000  
Foreign Exchange Management (Permissible Capital Account Transactions) Regulations, 2000  
Foreign Exchange Management (Transfer or Issue of any Foreign Security) regulations, 2004  
Foreign Exchange Management (Foreign currency accounts by a person resident in India) Regulations, 2000  
Foreign Exchange Management (Acquisition and transfer of immovable property in India) regulations, 2000  
Foreign Exchange Management (Establishment in India of branch or office or other place of business) regulations, 2000  
Foreign Exchange Management (Manner of Receipt and Payment) Regulations, 2000  
Foreign Exchange Management (Export of Goods and Services) regulations, 2000  
Foreign Exchange Management (Realisation, repatriation and surrender of Foreign Exchange) regulations, 2000  
Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulations, 2000  
Foreign Exchange (g proceedings) rules, 2000.

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“KCC Law Offices thinks the first duty of society is justice.”

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KCC LAW OFFICES practice in Civil Laws, Criminal Laws, Family Laws, IT Laws, Competition Laws, Intellectual Property Laws, Commercial Laws, Bankruptcy Laws, Environmental Laws, Foreign Exchange Laws, Arbitration Laws, Labour Laws , Consumer Laws , Passport and Immigration Laws & Constitutional laws.

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