

June 2012 Answers

Ans. 1. (a) This Article 14 of the Constitution of India is about equality before law. This article envisages equality between equals, i.e., those equal in the eyes of law have to be treated equally. A direct corollary of this article is that it is not possible to have different rules for people belonging to the same class. Therefore, it is possible to have classification but not class legislation under the Constitution of India. Classification would be valid if it fulfils the following tests –

- There should be valid factors distinguishing one group from another, while making rules for one group and not for another.
- The differences should be created to achieve some objective enshrined in the act.
- There should be valid bases for classification.

Even if a class has a single person constituting it, it is not invalid. Moreover, the person who says that a classification is invalid has to prove so.

This right is enshrined in Article 14 under Right of Equality as provided In the Constitution of India. The equality before law implies equal protection of the laws and that all persons are equal in the eyes of the law; if two persons are similar as far as their situation is concerned; they will be treated as equal in law. 'Equal protection of the laws' implies that all persons who are equal in the eyes of the law will receive same treatment.

This article involves the use of classification for the purpose of better providing equality. Classification means segregating people into groups according to a commonly identified feature, viz income, geographical location, gender, etc. so that their special needs can better be catered to and their legal rights ensured. By itself, classification is not against the Constitution. Rather, it helps in upholding the principle of equality. In doing so, even if the class has a single individual in it, it will still be a valid class.

For example, if the Constitution foresees the segregation of backward classes, the desire here is to better accommodate their needs; this is discrimination in favour, not discrimination against anyone. This in itself means that discrimination in order to make the conditions of a class better is allowed, because this in itself upholds the very foundations of the Consitution and is hence allowed.

Ans. 1. (b) The 42nd Amendment Act passed in 1976 added the Fundamental Duties of citizens to the Constitution. They are given in Article 51-A of the

constitution. They include the addition made by the 86th constitutional amendment in 2002, which enjoins every citizen, "who is a parent or guardian, to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years".

These are treated like moral obligations of the citizens of India. The important **features** of Fundamental Duties are –

They are non-justiciable.

They cover both citizens and the State.

They ensure equality of individuals.

They help in maintaining the environment and public property, to develop "scientific temper", to abjure violence, to strive towards excellence and to provide free and compulsory education.

They develop respect towards the nation and its symbols, and to cherish the heritage and secure the defence of India.

The basic Fundamental Duties are -

To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

To cherish and follow the noble ideals which inspired our national struggle for freedom.

To uphold and protect the sovereignty, unity and integrity of India.

To defend the country and render national service when called upon to do so.

To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

To value and preserve the rich heritage of our composite culture.

To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

To develop the scientific temper, humanism and the spirit of inquiry and reform.

To safeguard public property and to abjure violence.

To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.

It has to be kept in mind, however, that the Fundamental Duties are not enforceable by writs; their fulfilment can only be ensured by educating the citizens as to their necessity and importance.

Ans. 1. (c) Presumptions are used in the interpretation of statutes only when the intention of the legislature is not clear; when it is clear, they are to be avoided. Conjecture or suppositions are used when it becomes difficult to comprehend the statute in its own light. The basic presumptions used in the interpretation of statutes are as follows –

- (i) The words used in the statute have been used in the literal sense with precise meanings unless otherwise defined.
- (ii) There has been effected no change in the rights of the people unless the statute prescribes such a change expressly.
- (iii) Liability only attaches where there is mens rea (guilty mind).
- (iv) The state or governmental institutions, unless expressly covered, are deemed to be exempted.
- (v) The legislature, while passing the new statute, was aware of the manner of functioning of the judiciary and the executive as well as the legal condition in the country and unless stated, has not caused any changes in it.
- (vi) No mistakes have been committed by the legislature in drafting the statute.
- (vii) No pointless activity would be enjoined on the people.
- (viii) The statute has been made with a view to exercise the powers given through it equitably and fairly.
- (ix) Where the statute creates a legal duty that is accompanied by a legal power, and cannot stand without it, it is assumed both go together.

Ans. 2. (a) According to Sections 16 and 17 of the Specific Relief Act, 1963, **specific performance cannot be enforced in favour of the following –**

- Someone who cannot claim any damages or compensation for the non-performance of an act.
- Someone who has breached any conditions of the contract or become incapable of performing his part in the contract.
- Someone who commits a fraud or is party to it.

- Who fails to convince that he is willing to perform his end of the contract.
- Who deals in property to which he has no title?
- Who believing himself to possess a good title, enters into a contract of which it forms the subject matter, but is unable to get a clear title until the date of performance.

Ans. 2. (b) Sections 28 and 29 of The Registration Act, 1908 cover the provisions for the place of registration of documents related to land and other property.

According to Section 17 of the Act, documents relating to creation, diminution or alteration of rights related to immovable property, if not registered, will not have the same effect as it would have had if it had been registered.

Section 28 provides that all documents mentioned in Section 17 as compulsorily registrable would be registered in the office of the sub-registrar in whose jurisdiction or sub-district the property or a part of it is located. Any other document would be registered in the office of the Sub-Registrar within whose jurisdiction the document was executed, or where the persons who are executing the document want it to be registered.

Section 29 provides for all other documents, for example, a decree or court order needs to be presented in the office of the sub-registrar where the decree or order was executed, or at the place where the persons in whose favor the decree has been passed want it to be registered.

Ans. 2. (c) Section 12 of the Indian Stamp Act, 1899, provides for the method of canceling stamps, so that they cannot be reused. This has to be done either at the time of execution or before it. The commonly acceptable method of stamping is by writing across the face of the stamp. Unless the stamp has already been cancelled, one who executes an instrument on stamp paper has the duty of cancelling it. If the stamp on an instrument is not so cancelled, as in a manner rendering the stamp unusable again, the instrument will be deemed to be unstamped.

Acceptable ways of cancelling a stamp are as follows –

- Writing of the executant's initials or his name or the name of the firm on or across the face of the stamp, along with the date of doing so, at the time of executing such an instrument. [*Nuddea Tea Co. Ltd. vs Asok Kumar Saha and Ors.*]
- When an adhesive stamp affixed to an instrument was cancelled by a third person on a date subsequent to the date on which the instrument was drawn, by putting the date across the stamps, there was no proper cancellation of the stamp. [*Dayaram v. Chandulal*]
- Drawing lines across the adhesive stamp, extending onto the instrument.
- Drawing of two parallel lines across adhesive stamps.

- Drawing of two lines crossing each other across the face of the stamp.
While there is no fixed format of a valid cancellation of a stamp, the true test for determining the same is whether after the cancellation, the stamp is capable of being used again. The true test, therefore for determining whether an adhesive stamp has been effectually cancelled is whether an ordinary man would, on seeing the stamp, believe that it had already been used so as to preclude him from using it again. [**A. Narayana Reddy vs Dr. J. Sarojini Devi And Anr. 1962**]

Ans. 3. (a) An arbitral award can be challenged and **set-aside** on application to the High Court having jurisdiction, and any civil court of an inferior grade. This has been provided under Section 34 of the Arbitration and Conciliation Act, 1996.

The grounds based on which an application under this section can be filed are as follow –

- Invalid or unacceptable arbitration agreement
- Incapacity of parties
- Improper notice of arbitration proceedings
- Inability in presenting a proper case to the arbitral authority
- Award not according to the terms of reference
- Improperly constituted arbitral tribunal
- Proceedings not as per agreement
- Award against the public policy of India
- Matter of dispute not capable of being the subject matter of arbitration

The application for **setting aside** an award has to be made within three months of receiving the award. If there is a previous application for correction or interpretation of the award already pending, the time would be counted from the date of disposal of that application. This period can be extended on proof of sufficient cause for not presenting the application being evident.

Ans. 3. (b) Strict liability or absolute liability – This liability arises when some harm takes place without any intention or negligence on the part of the defendant, even then he is liable for it. This can happen in any of the following cases –

- Unavoidable accidents –When a person is doing some work, which, if it goes wrong, is liable to cause harm to another, it will bring liability upon him even if the harmful substances were being kept and maintained by another on his land. For instance, if someone has a godown, which he leases to another, and if that other causes some illegal activity to take place in that place, the owner is also liable for it.

- Unavoidable mistake – When a person affects another’s tangible or intangible property, for example, someone who gives wrong information about another to the press has to undertake full liability for it.

There are, however, exceptions to the rule of strict liability. They are as under –

- Damage caused even when land used for natural purposes – When land is used for the purposes it is meant to be used for, and still harm is caused, then no liability arises. For example, when the land to be used for building a house is used for that purpose, and still it causes some harm to another, then the defendant is not liable for it if he has exercised normal care.
- With the knowledge and consent of plaintiff – When the plaintiff will benefit from the action too, then he cannot complain against it later, having enjoyed the fruit of that action.
- Damage caused from an act of a stranger or a third party – However, if the defendant was aware of the damage being caused, then he should have taken steps to mitigate the harm, else he would be held liable.
- Action of a statutory body – This will be exempt when the statutory body, i.e., the municipality etc. has taken proper steps to keep the substance in a way so as to ensure that no one is harmed because of its leakage.
- Act of God is exempt, for example, floods, lightning, etc.
- When the plaintiff is at fault himself – In this case, if the plaintiff was forewarned of the chance of damage, but he did not pay heed, he himself is liable for his loss or harm.

Ans. 3. (c) Extension of limitation period is covered under Section 5 of the Limitation Act, 1963, which covers the Doctrine of Sufficient Cause. It provides for the period of limitation being extended in case the plaintiff was hindered by a cause serious enough to have prevented him from initiating proceedings. In this case, while going to the court, Amar met with an accident, which prevented him from presenting the plaint in time. Now he filed an application for condonation of the delay on grounds of sufficient cause. Under Section 5, ‘sufficient cause’ is seen as something of a serious nature that prevents the person concerned from initiating or carrying on the proceedings within the required or prescribed time.

He cannot claim extension of time, as the Section does not apply to suits and to applications made under Order XXI of the Code of Civil Procedure, 1908.

Ans. 4. (i) ‘Cause of action’ as per the Code of Civil Procedure, 1908, includes everything that the plaintiff would have to prove in order to claim the right to file a suit in any court of law. It includes anything that gives the plaintiff the right to file a suit in order to enforce his rights. It presupposes two things –

- Firstly, that there was a right which accrued to the plaintiff.
- Secondly, the right accruing to him was infringed, giving rise to a cause of action, i.e. a right to file a suit for the legal enforcement of his right.

Section 20(c) of the Code of Civil Procedure says that every suit shall be instituted in a court within the local limits of whose jurisdiction the cause of action, wholly or in part, arises. That means that

the cause of action entails the right to file a suit in the court within the local limits of which the cause of action arose.

Ans. 4. (ii) Cyber Appellate Tribunal has been established under the Information Technology Act under the aegis of Controller of Certifying Authorities (C.C.A.). The first and the only Cyber Appellate Tribunal in the country have been established by the Central Government in accordance with the provisions contained under Section 48(1) of the Information Technology Act, 2000. The Tribunal initially known as the Cyber Regulations Appellate Tribunal (C.R.A.T.), started functioning from October 2006 in a portion of the D.I.T. building at C.G.O. Complex, Lodhi Road, New Delhi. At present the Tribunal is functioning at the Jeevan Bharti (L.I.C.) Building, Connaught Place, New Delhi.

Anyone who is unable to accept the decision of the adjudicator can apply to the Cyber Appellate Tribunal. The Tribunal can be approached even against the decision of the Controller of Certifying Authorities, who regulates all Certifying Authorities. This appeal has to be filed within 45 days from the date of receipt of the order against which the appeal is being filed.

The High Court has the power to hear appeals regarding any order of the Cyber Appellate Tribunal. The limitation period for this is 60 days.

As per CHAPTER X of the Information Technology Act, 2000:

“ THE CYBER REGULATIONS APPELLATE TRIBUNAL

1. Establishment of Cyber Appellate Tribunal

(1) The Central Government shall, by notification, establish one or more appellate tribunals to be known as the Cyber Regulations Appellate Tribunal.

(2) The Central Government shall also specify, in the notification referred to in sub-section (1), the matters and places in relation to which the Cyber Appellate Tribunal may exercise jurisdiction.

2. Composition of Cyber Appellate Tribunal

A Cyber Appellate Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Cyber Appellate Tribunal) to be appointed, by notification, by the Central Government.

3. Qualifications for appointment as Presiding Officer of the Cyber Appellate Tribunal

A person shall not be qualified for appointment as the Presiding Officer of a Cyber Appellate Tribunal unless he-

(a) is, or has been, or is qualified to be, a Judge of a High Court; or

(b) is or has been a member of the Indian Legal Service and is holding or has held a post in Grade I of that Service for at least three years.”

Ans. 4. (iii)

Salient features of India's Right to Information Act, 2005

1. The RTI Act, 2005 empowers every citizen to:
 - To ask for clarifications from any government department
 - Inspect any government documents.
 - Take copies of any government documents
 - Take samples of materials of any Government work, subject to certain facts remaining outside the scope of public purview.
2. Information can be sought from any department of the central or state government, from panchayati raj institutions, and from any other organization or institution (including NGOs) that is established, constituted, owned, controlled or substantially financed, directly or indirectly, by the state or central government (section 2(a) & (h)).
3. In each department, at least one officer has been designated as a public information officer (PIOs). The work of this officer would be to provide the information sought by the applicant (section 5(1)).
4. Each sub-district/divisional level there are to be assistant public information officers (APIOs) who receive requests for information and appeals against decisions of the public information officers, and then send them to the appropriate authorities (section 5(2)).
5. Any person seeking information should file an application in writing or through electronic means in English or Hindi (or in the official language of the area) along with the application fees with the PIO/APIO (section 6(1)).
6. Where a request cannot be made in writing, the PIO is supposed to render all reasonable assistance to the person making the request orally to reduce the same in writing (section 6(1)).
7. The applicant need not give any reasons for requesting the information or any other personal details (section 6(2)).
8. A fees will be charged for obtaining a copy of the documents. (The Central Government has prescribed fees of Rs.2/- for each page created and copied. In some states the charges may vary. Please see the fee rules chart). If the Information is not provided in the stipulated time limit then the information will be provided for free. (u/s 7(6)).
9. If the PIO feels that the sought information does not pertain to his department then it shall be his responsibility to forward the application to the related/relevant department within 5 days and also inform the applicant about the same. In such instance, the stipulated time limit for provision of information would be 35 days (u/s 6(3)).
10. In case PIO does not furnish information within the prescribed period or unreasonably troubles the applicant, then the applicant can file a complaint against him with the information commission. In case a PIO without any reasonable cause fails to receive an application for information, malafidely denies a request for information, or knowingly gives incorrect, incomplete or misleading information, or asks for high fees for furnishing the information the applicant can file a direct complaint to the Central or the State Information Commission.
11. The PIO can deny information in some cases/matters. The various exemptions from disclosure of information are listed in Section 8 of the RTI Act, 2005. If the sought information is in public interest then the exemptions enumerated in Section 8 of the RTI Act, 2005 can also be disclosed.
12. Any information that cannot be denied to parliament or legislative assembly cannot be denied to a common citizen.
13. In case a person fails to get a response from the PIO within the prescribed period or is aggrieved by the response received, or misuses Section 8 of the Act, then he/she can file an appeal within 30 days with an officer superior in rank to the PIO (first appellate authority) (section 19(1)).
14. If the appellant is not happy with the 1st appeal then he/she can file a 2nd appeal with the State Information Commission or the Central Information Commission within 60 days (u/s 19(3))
15. In case a PIO fails to furnish the information asked for under the Act or fails to communicate the rejection order, within the time specified, he will be liable to pay a penalty of Rs 250 per day for each day of delay, subject to a maximum of Rs 25,000 (section 20(1)). The information commission can also recommend disciplinary action against the concerned PIO (section 20(2)).

Ans. 4. (iv) Expert opinion under the Indian Evidence Act, 1872

This is covered under Sections 45 to 51 in the Indian Evidence Act, 1872. They prescribe as under –

Section 45 - This makes the opinions of experts important on points of specialized areas like handwriting analysis, fingerprints, artistic impressions, scientific principles and foreign legal positions. Anyone possessing specialized knowledge in the above mentioned fields would be

deemed to be an expert. However, the court is not bound by the opinion of the expert. It might or might not give weightage to the opinion of the expert while adjudicating the issue. This is allowed since an expert has detailed knowledge vis-à-vis a judge who is not equipped with the technical knowledge and hence not capable of drawing inferences from the facts presented before him.

For example – An expert can be considered when the analysis of someone's handwriting is to be done, or when it is to be found whether someone was killed by a particular poison.

Ans. 4. (v) Digital signature – This is the system used to verify or authenticate an electronic record with the help of a previously allocated key pair. Under Section 16 of the Information Technology Act, 2000, the Central Government has been given the responsibility to provide for a procedure for assuring the security of electronic records. Accordingly, it has prescribed the usage of digital signatures for verification of electronic records.

The digital signature ensures that the record cannot be created by a spurious source, as without the signature being attached to a document, it cannot be said to be created by an authorized source. Moreover, since the authorized person can use the digital signature only after getting it registered with the Certifying Authority established under the Act, it is safe to presume that any document having the signature is secure.

The security of a digital signature can be presumed if the following holds true –

- If the signature can be ascribed to the person using it, i.e. the subscriber.
- If the signature has been created using a secure key pair, and the public key created by the Certifying Authority.
- If the attachment of the signature has been done using the secure key pair.

This is seen as safe because only the subscriber has access to the secure key pair, which works like a password, without which the signature cannot be accessed and attached.

Ans. 5. (i) Vested interest is one that is complete and perfect at the time of transfer. In opposition, we have the concept of contingent interest, in which the transferee is required to fulfil some condition so that the transfer can be perfected. The condition can be a condition precedent or a condition subsequent.

The differences between the two are as under-

1. Perfection of title – In case of vested interest the acquirer gets a perfect title, but in case of contingent interest the title is perfected upon fulfillment of specific conditions.
2. Effective date – A vested interest is effective from the date of transfer. Contingent interest takes effect from the date of fulfillment of conditions.
3. Effect of death of transferee – Vested interest still continues in validity; conditional interest is defeated in case of death of transferee before the condition can be fulfilled.
4. Transferability and inheritance – Vested interest is transferable and heritable but Contingent interest is heritable but not transferable.

Ans. 5. (ii) English mortgage –

- There is a personal binding on the part of the mortgagor.
- The property is transmitted to the mortgagee.
- The property is reconveyed to the mortgagor after repayment of the debt amount.

Mortgage by deposit of title deeds (Equitable mortgage) –

- This type of mortgage can be created in some towns in India, not in all.
- It involves the deposit of the deed to the property with the mortgagee, with the intention of the property providing security against non-payment of the amount of loan.
- Such a mortgage need not be registered; it can even be created orally.
- The best feature of this mortgage is that it is extremely fast, as compared to other types of mortgages.

Ans. 5. (iii) Actionable claims – Actionable claims are defined in Section 3 of the Transfer of Property Act, 1882. They are debts that are unsecured by any asset, and therefore only recoverable by a suit. Since the debt is unsecured, on non-repayment, the only remedy available to the creditor is to sue the debtor for the sum due. These can be transferred to another person. It includes only specified sums; payable either in the present or in the future, i.e. it can be an accrued debt or an accruing one. It can even be a contingent or conditional debt. For example, bills receivable or debts due from a customer.

Rights to sue, for example (i) a person was defrauded by a seller; he himself has the right to sue the seller, and this right cannot be transferred. (ii) A stranger to a contract cannot sue; only those who are a party to that contract

can sue on that contract. Section 6 of the Transfer of Property Act, 1882 says that mere right to sue cannot be transferred.

Ans. 5. (iv) 'Set off' means a settlement where both the plaintiff and the defendant have some claims to be collected from each other. What one party owes to another might be used to discharge all or a part of the debt he is owed by the other party.

There are various types of set-offs. One of these is an 'equitable set-off'. It implies the rights of set-off arising from the same transaction instead of from different ones. Hence, the legal action takes the form of a single lawsuit instead of two different ones. This type of right is allowed only when allowed by court; it is not there inherently.

The differences between the two are as follows –

1. Fixed amount – In legal set off, the amount has to be ascertained, but in equitable set off, it need not be so ascertained.
2. Same/different transaction – An equitable set off needs to originate from the same transaction. But a legal set off can be derived from another transaction.
3. Court's discretion vs. claimant's right – Equitable set off can be claimed only at the court's discretion; it is not inherent, but legal set off is an inherent right.
4. Court fee – Court fee is to be paid mandatorily in case of legal set off, but is not required under equitable set off.
5. Time bar – An equitable claim may be time barred too, but no such facility exists for a legal claim.

Ans. 5. (v) Asymmetric crypto system – This is the combination of the secure key pair, which is used to access any digital signature. It is made by combining a private key and a public key.

- o Private key – This key is the one used to create a key pair, as per the Information Technology Act, 2000.
- o Public key - This key is the one used to verify the veracity and authenticity of a key pair, as per the Information Technology Act, 2000.

Ans. 6. (a) (i) decree holder

Ans. 6. (a) (ii) proclaimed offender

Ans. 6. (a) (iii) cognizable offence

Ans. 6. (a) (iv) thirty

Ans. 6. (a) (v) four

Ans. 6. (a) (vi) public key

- Ans. 6. (b) (i) (a) voidable
Ans. 6. (b) (ii) (a) 3 years
Ans. 6. (b) (iii) (a) 30 days
Ans. 6. (b) (iv) (a) growing trees
Ans. 6. (b) (v) (c) both a and b
Ans. 6. (b) (vi) (d) all the above

Ans. 6. (c) In this case, the mortgage deed would already be stamped, since it is a prior contract. Hence, the stamp duty already paid on it can be deducted from the duty payable now on the deed of sale. So, only the balance duty is to be paid, i.e. the duty paid on mortgage would be less, and that required on sale would naturally be more, so the assessee now needs to pay the balance duty on the sale. For such a ruling, however, the Act specifies the condition that the entire property should be sold.

Ans. 7. (i) True. The law of limitation exists as a protection for the plaintiff, hence it is entirely constitutional.

(ii) True. This is as per Article 23 of the Constitution of India.

(iii) False. The laws passed by the Parliament have a maximum validity of six months, as per the Constitution of India.

(iv) True. Section 7 of the Specific Relief Act allows for this.

(v) True. As per the law of torts, which allow for injuria sine damnum, i.e. legal infringement without actual damage can be sued against.

(vi) True. The maximum period allowable under the Limitation Act is thirty years for three kinds of suits.

(vii) False. The fact is relevant as per Section 8 of the Indian Evidence Act.

(viii) True. The court may issue such a warrant to recover/inspect the object/document required, which the person might not produce willingly.

Ans. 8. (a) The suit can only be filed in Kolkata or Allahabad, but not in Puri, as per Section 20 of the Code of Civil Procedure.

The Civil Procedure Code 1908, Section 20, tells about where suits are to be instituted - where defendants reside or cause of action arises.

Subject to the limitations aforesaid, every suit shall be instituted in Court within the local limits of whose jurisdiction-

(a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.

Ans. 8. (b) Sohan can challenge the decision of the court.

A 'summary trial' is a fast-track procedure that provides for speedy trial of cases. Under Section 260 of the Code of Criminal Procedure, 1973, any Magistrate of First Class or a Metropolitan Magistrate or a Chief Judicial Magistrate can hear cases of offences not punishable with death, life imprisonment or even imprisonment of more than two years in a summary trial. Included would be offences like petty theft (where the value of the stolen property does not exceed rupees two hundred), assisting in such theft or in keeping its proceeds hidden, acquiring or keeping such stolen property, trespass, breaking into a house, insulting someone with the intention of provoking him to a violent act, and helping anyone in the performance of these crimes.

Section 261 covers the conduct of a summary trial by a Magistrate of second class.

Section 262 provides the procedure involved in a summary trial. These cases are also known as summons cases, since they do not normally make use of warrants. Moreover, the maximum punishment that can be pronounced in such cases is of imprisonment upto three months.

Ans. 8. (c) Sections 28 and 29 of The Registration Act, 1908 cover the provisions for the place of registration of documents related to land and other property.

According to Section 17 of the Act, documents relating to creation, diminution or alteration of rights related to immovable property, if not registered, will not have the same effect as it would have had if it had been registered.

Section 28 provides that all documents mentioned in Section 17 as compulsorily registrable would be registered in the office of the sub-registrar in whose jurisdiction or sub-district the property or a part of it is located. Any other document would be registered in the office of the Sub-Registrar within whose jurisdiction the document was executed, or where the persons who are executing the document want it to be registered.

Section 29 provides for all other documents, for example, a decree or court order needs to be presented in the office of the sub-registrar where the decree or order was executed, or at the place where the persons in whose favor the decree has been passed want it to be registered.

In this case, since the property is situated in Faridabad, not in Gurgaon, the parties can only get it registered in Faridabad.