WHETHER THERE IS FORUM FOR DISPUTE RESOLUTION AVOIDING PROLONGED LITIGATION SAVING TIME & MONEY AND TO GET LEGAL SOLUTIONS EARLY AS PER LAW?

BY

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 Due to enormous growth in e-governance throughout the Public and Private Sector, Electronic Evidence have involved into a fundamental pillar of Communication, processing and documentation. These various forms of electronic evidence are increasingly being used in both Civil & Criminal Litigations. During trials, Judges are often asked to rule on the admissibility of electronic evidence and it substantially impacts the outcome of civil law suit or conviction/acquittal of the accused. The Court continue to grapple with the new electronic frontier as the unique nature of e-evidence, as well as the case with which it can be fabricated or falsified, creates hurdle to admissibility not faced with the other evidences. The various categories of electronic evidence such as website data, social network communication, e-mail, SMS/MMM and computer generated documents poses unique problem and challenges for proper authentication and subject to a different set of views.

 The Indian Evidence Act has been amended by virtue of Section 92 of Information Technology Act, 2000 (Before amendment). Section 3 of the Act was amended and the phrase “All documents produced for inspection of the Court” were substituted by “All documents including electronic records produced for the inspection of the Court”. Regarding the documentary evidence, section 59, for the words “Content of documents” the words “Content of documents or electronic records” have been substituted and sections 65A and 65B were inserted to incorporate the admissibility of electronic evidence.

LITIGATIONS-AVOID IT. GET YOUR PROPERTY DOCUMENTS IN ORDER.

 Litigations – Avoid it; Get your property documents in order! There is a strong feeling that over the past few decades, unfortunately, India has become a hub of corruption, frauds, black money and scams. Property disputes are on the rise too. Invariably, people come to us seeking

 ::2::

legal advice from our expert litigation lawyers. To curb these, the government is doing everything possible from implementing demonetization to seizing benami properties.

Creating a transparent environment for all the citizens has become a major focus for the present government. In order to achieve this, the Indian government is introducing new rules and exercising new limits related to investments, finance, and property. This step directly or indirectly affects not only the permanent citizens but also the NRIs.

Even with the government trying its best to eradicate corruption, human nature still remains a huge barrier. Due to various reasons, the NRIs tend to depend on their friends and relatives for the management of their properties. Despite strong laws, this dependency often leads to problems such as unauthorized occupancy and even loss of ownership entirely.

Living away from roots is always challenging, and on top of that when NRIs are faced with false allegations in the country to which once they belonged, it becomes tough for them to manage things. Though most of the time these accusations are either baseless or non-existent altogether, it becomes dreadful for the NRIs to visit India and maintain their properties here. Often these false litigations are initiated by the friends, relatives or others. These invalid implications are made to prevent them from coming to India and seizing their property or maintaining its illegal occupancy.

Certain precautionary steps can be taken to avoid all the property issues that NRIs face without any intentional fault such as Updated documents and issue of Specialised Power of Attorney (POA).

Often knowing all the details about the property is not enough. Maintaining proper and appropriate documents required to claim the ownership is necessary. It is imperative for an NRI to possess validated title deed, current updated documents with ground reality of the property to protect themselves from any fraud such as illegal possession or selling off their land or false criminal litigation or transfer of assets. Maintaining updated property documents can help NRIs prove their innocence and claim their property at any point in time.