

PART XIV  
OF PENALTIES

**81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.**—Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code (45 of 1860), to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

**STATE AMENDMENTS**

**Goa:**

In section 81,—

- (a) for the words "or registering of any document", substitute the words "registering, or filing a true copy of, any document";
- (b) for the words "or registers such document", substitute the words "registers or files a true copy of, such document".

[Vide Goa Act 24 of 1985, sec. 12 (w.e.f. 5-12-1985).]

**Karnataka:**

In section 81,—

- (i) in the marginal heading for the words "or registering", substitute the words "registering or filing",
- (ii) for the words "or registering of any document", substitute the words "registering or filing a true copy of any document".
- (iii) for the words "or registers such document", substitute the words "registers or files a copy of such document."

[Vide Karnataka Act 55 of 1976, sec. 15 (w.e.f. 24-10-1976).]

**Kerala:**

In section 81,—

- (a) for the words "or registering of any document", substitute the words "registering, or filing a true copy of, such document";
- (b) for the words "or registers such document", substitute the words "registers, or files a true copy of, such document".

[Vide Kerala Act 7 of 1968, sec. 15 (w.e.f. 22-2-1968).]

**Orissa:**

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 13 (w.e.f. 19-9-1989).]

**Pondicherry:**

In section 81,—

- (i) in the marginal heading for the words "or registering", substitute the words "or registering or filing";

- (ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document"; and
- (iii) for the words "or registers such document", substitute the words "registers, or files a copy of such document".

[Vide Pondicherry Act 17 of 1970, sec. 5 (w.e.f. 18-7-1970)].

**Tamil Nadu:**

Same as in Pondicherry.

[Vide Tamil Nadu Act 21 of 1966, sec. 3 (w.e.f. 1-4-1967)].

**Tripura:**

For section 81, substitute the following section, namely:—

"81. Every registering officer appointed under this Act, and every person employed in his office for the purpose of this Act, who, being charged with the checking, endorsing, reading, examining, copying, translating, comparing, pasting a true copy, pasting a copy of the translation or registering of any document presented or deposited under its provisions checks, endorses, reads, examines, copies, translates, compares, pastes a true copy, pastes a copy of the translation or registers such document in a manner which he knows or believes to be incorrect intending thereby to cause or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both."

[Vide Tripura Act 7 of 1982, sec. 14 (w.e.f. 1-1-1983).]

**West Bengal:**

In section 81,—

- (i) in the marginal note, for the words "or registering", substitute the words "registering or filing",
- (ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document", and
- (iii) for the words "or registers such documents", substitute the words "registers or files a copy of such document".

[Vide West Bengal Act 17 of 1978, sec. 4 (w.e.f. 1-1-1983).]

**82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.—Whoever—**

- (a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or
- (b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or
- (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or
- (d) abets anything made punishable by this Act,

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

**STATE AMENDMENTS**

**Goa:**

In section 82, in clause (b) for the words and figures "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

[Vide Goa Act 24 of 1985, sec. 13 (w.e.f. 5-12-1985).]

**Karnataka:**

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 16 (w.e.f. 23-10-1976).]

**Kerala:**

In section 82, in clause (b), for the words "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

[Vide Kerala Act 7 of 1968, sec. 16 (w.e.f. 22-2-1968).]

**Orissa:**

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 13 (w.e.f. 19-9-1989).]

**Pondicherry:**

Same as in Kerala.

[Vide Pondicherry Act 17 of 1970, sec. 6 (w.e.f. 1-11-1970).]

**Tamil Nadu:**

Same as in Kerala.

[Vide Tamil Nadu Act 21 of 1966, sec. 4 (w.e.f. 1-4-1967).]

**Tripura:**

In section 82, for clause (b), substitute the following clause, namely:—

"(b) intentionally delivers to a registering officer, in any proceeding under this Act or the rules made thereunder, a false copy or translation of a document, or a false copy of a map or plan; or".

[Vide Tripura Act 7 of 1982, sec. 15 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

In section 82, for clause (b), substitute the following clause, namely:—

"(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or".

[Vide Uttar Pradesh Act 14 of 1971, sec. 6 (w.e.f. 25-5-1971). This clause has now been substituted by Uttar Pradesh Act 19 of 1981, sec. 14 (w.r.e.f. 1-8-1981) and the substituted clause is the same as original clause (b).]

**West Bengal:**

Same as in Kerala.

[Vide West Bengal Act 17 of 1978, sec. 5 (w.e.f. 1-1-1983).]

**Section 82A****Karnataka:**

After section 82, insert the following section, namely:—

"82A. *Penalty in respect of deed-writers.*—Whoever contravenes the provisions of section 80B or any term or condition of a licence granted under rules made under section 69, shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both."

[Vide Karnataka Act 55 of 1976, sec. 17 (w.e.f. 23-10-1976).]

**Madhya Pradesh:**

*Mahakoshal.*—In its application to Mahakoshal region of the State of Madhya Pradesh, after section 82, insert the following section, namely:—

"82A. *Penalty for writing documents without licence.*—(1) On and from such date as the State Government may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer except under a licence granted in accordance with the rules made under this Act:

Provided that nothing in this sub-section shall apply where the writer of such document is an authorised agent of the executant or a pleader engaged by the executant for drawing up the document or the registered clerk of such pleader.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees."

[Vide Madhya Pradesh Act 8 of 1955, sec. 2 (w.e.f. 18-4-1955).]

**Maharashtra:**

*Vidarbha*.—Section 82A inserted by the Madhya Pradesh Act 8 of 1955 is repealed in its application to the Vidarbha region of the State of Maharashtra by Bombay Act 35 of 1958, sec. 3 (w.e.f. 24-4-1958).

**Tamil Nadu:**

After section 82, insert the following section, namely:—

"82A. *Penalty*.—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both."

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

**West Bengal:**

After section 82, insert the following section, namely:—

"82A. *Penalty*.—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

[*Vide* Bengal Act 5 of 1942, sec. 10 (w.e.f. 1-11-1943).]

**83. Registering officers may commence prosecutions.**—(1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector-General, <sup>1</sup>[\*\*\*] the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

**STATE AMENDMENTS****Goa, Daman and Diu:**

In section 83, for sub-section (1), substitute the following sub-section namely:—

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector-General or any officer empowered in this behalf by the Government."

[*Vide* Goa Act 2 of 1968, sec. 3.]

**Tamil Nadu:**

In section 83, in sub-section (2), for the word "Offences", substitute the words, figures and letter "Save as provided in section 80G, offences".

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

**West Bengal:**

In sub-section (2), for the word "Offences", substitute the words, figure and letter "Save as provided in section 80F, offences".

[*Vide* Bengal Act 5 of 1942, sec. 11 (w.e.f. 1-11-1943).]

**84. Registering officers to be deemed public servants.**—(1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the Indian Penal Code (45 of 1860), the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

1. The words "the Branch Inspector-General of Sindh", omitted by A.O. 1937.