# IPC Section 487

## Section 487 of the Indian Penal Code: Counterfeiting a Trademark Used by a Public Servant  
  
Section 487 of the Indian Penal Code (IPC) addresses the specific offence of counterfeiting a property mark used by a public servant. This provision builds upon the general offence of counterfeiting trademarks (Section 483) but focuses on marks used by public servants in their official capacity, recognizing the potential for greater harm and disruption when such marks are forged. This in-depth analysis will explore the intricacies of Section 487, examining its essential ingredients, judicial interpretations, penalties, its relationship with other related provisions, and its broader significance in maintaining the integrity of public administration and preventing fraud.  
  
\*\*I. The Text of Section 487:\*\*  
  
Section 487 of the IPC states:  
  
"Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has passed out of the possession of that public servant, or that any article was manufactured by a particular public servant, or at a particular place or time, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."  
  
  
\*\*II. Unpacking the Elements of the Offence:\*\*  
  
To secure a conviction under Section 487, the prosecution must prove the following elements beyond reasonable doubt:  
  
1. \*\*Counterfeiting a Property Mark Used by a Public Servant:\*\* This is the core of the offence. The accused must have fabricated a property mark that is used by a public servant in their official capacity. This goes beyond mere similarity; it involves a deliberate act of creating a replica with the intention to deceive. The counterfeit must be sufficiently similar to the genuine mark to mislead others into believing its authenticity.  
  
2. \*\*Mark Used to Denote Change of Possession or Manufacture:\*\* The counterfeit mark must be of the type used by a public servant to indicate either that certain property has been transferred from their official custody or that a particular item was manufactured by a specific public servant, at a specific location, or at a specific time. This element emphasizes the official nature of the mark and its use in public administration.  
  
3. \*\*Public Servant:\*\* The individual whose mark is counterfeited must be a "public servant" as defined under Section 7 of the IPC. This definition is broad and includes government officials, members of the judiciary, and anyone entrusted with public duties.  
  
  
\*\*III. Understanding the Context of Public Servant Marks:\*\*  
  
Marks used by public servants often serve crucial functions in public administration, including:  
  
\* \*\*Authentication of Documents:\*\* Seals, stamps, and signatures of public servants authenticate official documents, ensuring their validity and integrity.  
  
\* \*\*Tracking Government Property:\*\* Marks can be used to identify and track government property, preventing theft and misuse.  
  
\* \*\*Certifying Quality and Origin:\*\* Marks may certify the quality or origin of goods produced or regulated by government agencies.  
  
\* \*\*Facilitating Official Processes:\*\* Marks can facilitate various official processes, such as customs clearance, licensing, and registration.  
  
  
\*\*IV. Distinguishing Section 487 from Related Provisions:\*\*  
  
It's crucial to differentiate Section 487 from other relevant provisions in the IPC:  
  
\* \*\*Section 483, IPC:\*\* Section 483 addresses the general offence of counterfeiting a property mark. Section 487 builds upon Section 483 but focuses specifically on marks used by public servants, recognizing the potential for greater harm when such marks are forged.  
  
\* \*\*Section 485, IPC:\*\* Section 485 deals with counterfeiting devices or marks used for authenticating documents described in Section 467 (valuable security). While there can be overlap, Section 487 is broader and covers any property mark used by a public servant, not just those related to valuable securities.  
  
\* \*\*Section 471, IPC:\*\* This section deals with using as genuine a forged document or electronic record. While Section 487 deals with counterfeiting the mark, Section 471 deals with the subsequent use of a document bearing the counterfeit mark.  
  
\* \*\*Section 170, IPC:\*\* This section deals with personating a public servant. It focuses on falsely claiming to be a public servant, while Section 487 deals with counterfeiting their mark.  
  
  
\*\*V. Judicial Interpretation and Case Law:\*\*  
  
Limited case law specifically addresses Section 487, potentially due to its specialized nature and the higher likelihood of such cases being prosecuted under other related provisions, especially when document forgery is involved. However, principles from related sections regarding intent and the degree of similarity required for counterfeiting are likely to apply.  
  
  
\*\*VI. Penalties under Section 487:\*\*  
  
Section 487 prescribes a punishment of imprisonment of either description for a term which may extend to seven years, and also a fine. The relatively stringent penalty, compared to the general offence of counterfeiting trademarks under Section 483 (one year imprisonment and/or fine), reflects the seriousness of counterfeiting marks used by public servants and the potential for undermining public trust and disrupting public administration.  
  
  
\*\*VII. Significance of Protecting Public Servant Marks:\*\*  
  
Protecting the integrity of marks used by public servants is vital for several reasons:  
  
\* \*\*Maintaining Public Trust:\*\* Counterfeiting public servant marks erodes public trust in government documents and official processes.  
  
\* \*\*Preventing Fraud and Corruption:\*\* Forged marks can be used to facilitate various fraudulent activities, including impersonation, forgery, and corruption.  
  
\* \*\*Protecting Government Revenue:\*\* Counterfeit marks can be used to evade taxes and duties, resulting in loss of revenue for the government.  
  
\* \*\*Ensuring Smooth Functioning of Government:\*\* Protecting public servant marks is essential for ensuring the smooth functioning of various government departments and agencies.  
  
\* \*\*Upholding the Rule of Law:\*\* Counterfeiting public servant marks undermines the rule of law and challenges the authority of the state.  
  
  
\*\*VIII. Conclusion:\*\*  
  
Section 487 of the IPC plays a critical role in protecting the integrity of public administration and preventing fraud by criminalizing the counterfeiting of property marks used by public servants. While related provisions like Sections 483 and 485 address broader aspects of counterfeiting, Section 487 specifically targets marks used in the public sphere, recognizing the increased potential for harm when such marks are forged. The stringent penalty prescribed under Section 487 reflects the seriousness of this offence and the importance of maintaining public trust in government institutions and processes. Despite its limited specific case law, Section 487 remains a vital legal tool for safeguarding the integrity of public administration and deterring individuals from engaging in fraudulent activities that could undermine the functioning of the state. It underscores the ongoing need for robust legal mechanisms to combat all forms of counterfeiting and protect the interests of both the government and the public.