# IPC Section 476: Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.

## IPC Section 476: Counterfeiting Authentication Devices for Documents Other Than Those in Section 467 – A Comprehensive Analysis  
  
Section 476 of the Indian Penal Code (IPC) complements Section 475 by addressing the counterfeiting of devices or marks used for authenticating documents \*other than\* those described in Section 467 (valuable security, wills, etc.), and the possession of material bearing such counterfeit marks. While Section 475 focuses on protecting high-value documents, Section 476 broadens the scope of protection to encompass a wider range of documents, ensuring a comprehensive legal framework against counterfeiting authentication mechanisms.  
  
\*\*The Text of Section 476:\*\*  
  
“Whoever counterfeits any device or mark, other than those mentioned in the last preceding section, used for authenticating any document or electronic record, other than those described in section 467, or any instrument or device, other than those mentioned in the last preceding section, used for authenticating any document or electronic record, or knowingly has in his possession, any such counterfeit device or mark, or any such instrument or device, or any material or other instrument having such counterfeit mark, or any other material marked with such counterfeit mark or other material, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.”  
  
\*\*Dissecting the Elements of the Offence:\*\*  
  
Similar to Section 475, Section 476 outlines two distinct offences:  
  
\*\*A. Counterfeiting Authentication Devices or Marks:\*\*  
  
To establish the offence of counterfeiting, the prosecution must prove:  
  
1. \*\*Counterfeiting a Device or Mark:\*\* The accused must have counterfeited a device or mark used for authenticating documents \*other than\* those described in Section 467. This encompasses a wide range of documents and their authentication features, including certificates, licenses, permits, official stamps, and other markings used to verify their authenticity.  
  
2. \*\*Intended Use for Authenticating Documents Other Than Those in Section 467:\*\* The counterfeit device or mark must be intended for use in authenticating documents that are \*not\* covered under Section 467. This distinction is crucial, as Section 475 specifically deals with the more serious offence of counterfeiting authentication mechanisms for high-value documents like valuable security and wills.  
  
  
\*\*B. Possessing Counterfeit Marked Material:\*\*  
  
To establish the offence of possession, the prosecution must prove:  
  
1. \*\*Knowing Possession:\*\* The accused must knowingly possess any of the following:  
  
 \* \*\*Counterfeit Device or Mark:\*\* This includes possessing the tools or instruments used for creating the counterfeit authentication features.  
 \* \*\*Instrument or Device Used for Authenticating:\*\* This encompasses possessing instruments designed for applying the counterfeit authentication features onto documents.  
 \* \*\*Material or Other Instrument Having a Counterfeit Mark:\*\* This covers possessing documents or materials bearing the forged authentication features.  
 \* \*\*Other Material Marked with a Counterfeit Mark:\*\* This includes any material marked with the counterfeit authentication features, even if it's not a document itself.  
  
2. \*\*Counterfeit Mark Intended for Authenticating Documents Other Than Those in Section 467:\*\* The counterfeit mark on the possessed material must be one typically used for authenticating documents \*not\* covered under Section 467.  
  
  
\*\*Punishment:\*\*  
  
Section 476 prescribes a punishment of imprisonment of either description for a term which may extend to three years, and a fine. While the punishment is less severe than that under Section 475, it still reflects the seriousness of counterfeiting authentication mechanisms, even for documents not specifically covered under Section 467.  
  
\*\*Illustrative Examples:\*\*  
  
\* Counterfeiting a university seal for forging degree certificates.  
\* Possessing a stamp for creating fake medical prescriptions.  
\* Knowingly possessing fake licenses with counterfeit holograms.  
\* Having paper with a counterfeit watermark intended for printing fake certificates.  
  
  
\*\*Distinction from Other Sections:\*\*  
  
Section 476 complements Section 475 by addressing a broader range of document authentication mechanisms. While Section 475 focuses on protecting high-value documents, Section 476 extends protection to other documents, ensuring a more comprehensive legal framework against counterfeiting. This distinction is reflected in the different punishments prescribed under the two sections.  
  
  
  
\*\*Challenges in Prosecution:\*\*  
  
Similar to Section 475, proving the intent behind the counterfeiting or possession can be challenging. The prosecution needs to rely on circumstantial evidence, expert testimony, and forensic analysis to establish the accused's knowledge and intent. The accused might argue that the device or mark was intended for a legitimate purpose, or that they were unaware of its counterfeit nature. Therefore, thorough investigation and robust evidence presentation are essential for successful prosecution.  
  
  
\*\*Conclusion:\*\*  
  
Section 476 of the IPC plays a vital role in maintaining the integrity of authentication mechanisms used for a wide range of documents. By criminalizing the counterfeiting of these mechanisms and the possession of counterfeit marked material, it provides a comprehensive legal tool to combat forgery. While the punishment under this section is less severe than that under Section 475, it still reflects the seriousness of the offence and the potential harm it can cause. The effective implementation of Section 476, along with other relevant provisions, strengthens the overall legal framework against forgery and contributes significantly to protecting the authenticity and reliability of various documents used in different spheres of life.