

Take salaam everyone, I am Nishat Tasnim Alvi before you. Now I am going to presenting my topic under registration act section 83 and 84.

According to section 83 of registration act 1908 states that,

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Section 83 most commonly refers to **Section 83 of the Registration Act, 1908**, which deals with the power of a **Registering Officer to commence prosecutions** for offenses under that Act.

Here is a breakdown of the key provision:

- **Subject:** Registering Officer may commence prosecutions.
- **Provision:** A prosecution for any offense under the Act that comes to the knowledge of a registering officer in their official capacity may be commenced **by or with the permission** of the:
 - Inspector-General,
 - Registrar, or
 - Sub-Registrar
 - in whose territories, district, or sub-district the offense was committed.
- **Trial of Offenses:** Offenses punishable under the Act are generally triable by any court or officer exercising powers not less than those of a Magistrate of the second class.

case summary dharamdeo rai vs ramnagina rai 1972

Background/Facts

Ramnagina Rai filed a complaint alleging a conspiracy to forge a *Zerpeshgi* deed (a mortgage deed) and false personation during the registration process. The trial court convicted some of the accused under the Indian Penal Code and the Registration Act. The High Court, on appeal, convicted the appellant, Dharmadeo Rai, under Section 82(d) of the Registration Act for abetment, finding that he had falsely identified one of the personators before the Sub-Registrar.

Main Legal Issue

The core issue before the Supreme Court was whether a private individual (Ramnagina Rai) could file a criminal complaint for an offense under the Registration Act without first obtaining the **permission** of the Registering Officer as mentioned in **Section 83(1)** of the Act.

Appellant's Contention (Dharmadeo Rai)

The conviction was bad because the private complaint was filed without the mandatory permission required by Section 83.

Supreme Court's Interpretation & Ruling

The Supreme Court **dismissed the appeal** and **upheld the conviction**, holding that:

Key Principle Established

Section 83 is an *enabling* provision, not a *prohibitory* one.

Detailed Rationale

- **Nature of Section 83:** The court held that Section 83 merely empowers a Registering Officer to initiate a prosecution when an offense comes to their knowledge in their official capacity. The language "may be commenced by or with the permission of" is permissive and not restrictive.

- **Right of Private Individual:** The section does **not** take away the right of an aggrieved private person to file a complaint for an offense under the Act. To hold otherwise would unjustly deprive individuals of their right to seek redress, especially in cases where the Registering Officer might be negligent or complicit.

- **Scope of Applicability:** Section 83 only applies to cases where the commission of the offense comes to the knowledge of the Registering Officer in their official capacity.

According to section 84,

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Section 84 of the **Registration Act, 1908** (of India and similar jurisdictions) is a brief but crucial provision that addresses the legal status of the officers appointed under the Act.

The section is titled "**Registering officers to be deemed public servants**" and typically consists of three sub-sections:

1. Registering Officers as Public Servants

- **Subsection (1):** Every registering officer (such as the Inspector-General, Registrar, or Sub-Registrar) appointed under this Act **shall be deemed to be a public servant** within the meaning of the Indian Penal Code.
 - **Implication:** This grants them the legal protection and subjects them to the responsibilities and penalties that apply to public servants under the general criminal law.

2. Duty to Furnish Information

- **Subsection (2):** Every person **shall be legally bound to furnish information** to such registering officer when required by the officer to do so.
 - **Implication:** This empowers the registering officer to demand necessary information from the public during inquiries or proceedings and places a legal obligation on the public to comply.

3. Proceedings as Judicial Proceedings

- **Subsection (3):** In section 228 of the Indian Penal Code (which deals with intentional insult or interruption to a public servant sitting in a judicial

proceeding), the words "judicial proceeding" **shall be deemed to include any proceeding under this Act.**

- **Implication:** This extends the penal provision of Section 228 of the IPC (punishment for contempt of court-like acts) to cover proceedings conducted by the registering officers under the Registration Act, ensuring respect and smooth functioning of the registration process.

I have finished my cases and I am grateful to you for your patience. See you later.