

73. Comparison of signature, writing or seal with others admitted or proved.—In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

¹[This section applies also, with any necessary modifications, to finger-impressions.]

²[73A. Proof as to verification of digital signature.—In order to ascertain whether a digital signature is that of the person by whom it purports to have been affixed, the Court may direct —

(a) that person or the Controller or the Certifying Authority to produce the Digital Signature Certificate;

(b) any other person to apply the public key listed in the Digital Signature Certificate and verify the digital signature purported to have been affixed by that person.

Explanation. — For the purposes of this section, “Controller” means the Controller appointed under sub-section (1) of section 17 of the Information Technology Act, 2000 (21 of 2000).]

PUBLIC DOCUMENTS

74. Public documents.—The following documents are public documents: —

(1) Documents forming the acts, or records of the acts —

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive, ³[of any part of India or of the Commonwealth], or of a foreign country;

(2) Public records kept ⁴[in any State] of private documents.

75. Private documents.—All other documents are private.

76. Certified copies of public documents.—Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees there for, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Proof of documents by production of certified copies.—Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

1. Ins. by Act 5 of 1899, s. 3.

2. Ins. by Act 21 of 2000, s. 92 and the Second Schedule (w.e.f. 17-10-2000).

3. The original words “whether of British India, or of any other part of Her Majesty’s Dominions” have successively been amended by the A.O. 1948 and the A.O. 1950 to read as above.

4. Subs. by the A.O. 1950, for “in any Province”.