# IPC Section 171

## Section 171 of the Indian Penal Code: Wearing garb or carrying token used by public servant with fraudulent intent  
  
Section 171 of the Indian Penal Code (IPC) addresses the specific act of wearing a garb or carrying a token used by a public servant with fraudulent intent. This provision complements Section 170, which deals with personation of a public servant, by focusing on the deceptive use of symbols and attire associated with public office. This essay will provide a detailed analysis of Section 171, exploring its ingredients, judicial interpretations, related provisions, and significance in upholding public trust and order.  
  
\*\*I. The Text of Section 171:\*\*  
  
Section 171 of the IPC states:  
  
“Whoever, not being a public servant, wears any garb or carries any token resembling any garb or token used by a public servant, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he is such a public servant, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.”  
  
\*\*II. Ingredients of the Offence:\*\*  
  
The following ingredients must be established to secure a conviction under Section 171:  
  
1. \*\*Not being a Public Servant:\*\* The accused must not be a public servant authorized to wear the garb or carry the token in question. This ingredient distinguishes the offence from situations where a public servant legitimately wears their uniform or carries their official insignia.  
  
2. \*\*Wearing any Garb or Carrying any Token:\*\* The accused must physically wear a garb or carry a token. “Garb” refers to any article of clothing or attire, while “token” refers to any object or symbol. The garb or token need not be an exact replica of that used by a public servant; a resemblance that is likely to create confusion or deception is sufficient.  
  
3. \*\*Resemblance to Garb or Token Used by a Public Servant:\*\* The garb or token worn or carried must resemble the official garb or token used by a public servant. The resemblance must be such that it can potentially deceive an ordinary person into believing that the accused is a public servant. A minor or insignificant resemblance is not enough; it must be substantial enough to create a misleading impression.  
  
4. \*\*Intention or Knowledge of Likely Deception:\*\* This is the \*mens rea\* (criminal intent) element of the offence. The prosecution must prove that the accused intended to deceive others into believing they were a public servant or that they knew it was likely that others would be deceived. This ingredient distinguishes innocent acts from deliberate attempts to mislead. The intention or knowledge can be inferred from the circumstances and conduct of the accused. For example, wearing a police uniform and stopping vehicles on a public road would strongly suggest an intention to deceive.  
  
\*\*III. "Public Servant" Definition:\*\*  
  
As with Section 170, the definition of "public servant" under Section 21 of the IPC is crucial for interpreting Section 171. The wide scope of this definition encompasses various government officials, judges, police officers, members of the armed forces, and individuals entrusted with public duties. The exact nature and responsibilities of the office are not determinative; the key is whether the office falls within the purview of Section 21.  
  
\*\*IV. "Garb" and "Token":\*\*  
  
The terms “garb” and “token” are broadly interpreted to include various items. “Garb” encompasses uniforms, specific articles of clothing, or any attire associated with a public office. "Token" includes badges, identification cards, insignia, official seals, or any other object that symbolizes authority or official status.  
  
\*\*V. "Resembling":\*\*  
  
The requirement of resemblance doesn't necessitate an exact replica. A sufficient degree of similarity that is likely to create a misleading impression in the mind of an ordinary person is enough. The context in which the garb or token is worn or carried is also relevant in determining whether the resemblance is sufficient to deceive.  
  
\*\*VI. "Intention" and "Knowledge":\*\*  
  
The prosecution must establish either the \*intention\* to deceive or the \*knowledge\* that deception is likely. Direct evidence of intention is rarely available, and it is usually inferred from the circumstances surrounding the act. The conduct of the accused, the manner in which the garb or token is worn or carried, and the context of the situation can all be considered in determining the accused's mental state.  
  
  
\*\*VII. Related Provisions:\*\*  
  
Section 171 is closely related to other provisions in the IPC:  
  
\* \*\*Section 170 (Personating a Public Servant):\*\* While Section 171 focuses on the deceptive use of garb or tokens, Section 170 deals with the broader act of impersonating a public servant, regardless of whether any specific garb or token is used. The two sections are often used together where the accused both wears a garb/carries a token and performs acts under the colour of the assumed office.  
  
\* \*\*Section 415 (Cheating):\*\* If the wearing of the garb or carrying of the token is part of a larger scheme to cheat someone out of property or valuable security, the accused may also be charged with cheating under Section 415.  
  
\* \*\*Section 419 (Punishment for cheating by personation):\*\* If the intent behind wearing the garb or carrying the token is to cheat, Section 419 would be applicable, carrying a harsher punishment than Section 171.  
  
  
\*\*VIII. Evidentiary Aspects:\*\*  
  
The prosecution needs to adduce evidence proving each ingredient of the offence beyond a reasonable doubt. This might include:  
  
\* \*\*Witness testimony:\*\* Witnesses who observed the accused wearing the garb or carrying the token and can testify about the resemblance to official items.  
\* \*\*Documentary evidence:\*\* Photographs or videos of the accused wearing the garb or carrying the token.  
\* \*\*Material evidence:\*\* The garb or token itself can be presented as evidence.  
\* \*\*Circumstantial evidence:\*\* Evidence of the accused's conduct and the surrounding circumstances that suggest an intention to deceive or knowledge of likely deception.  
  
  
\*\*IX. Punishment:\*\*  
  
Section 171 prescribes a relatively lighter punishment compared to other offences related to personation. The maximum punishment is imprisonment for three months, or a fine of up to two hundred rupees, or both. This reflects the legislature's intent to address the deceptive use of symbols of authority without imposing unduly harsh penalties.  
  
  
\*\*X. Judicial Interpretations:\*\*  
  
Numerous judicial pronouncements have clarified the scope and application of Section 171. Courts have emphasized the importance of establishing the intention or knowledge of likely deception and the resemblance of the garb or token to official items. The specific context and circumstances of each case play a crucial role in determining whether the ingredients of the offence are met. Courts have also clarified that the mere wearing of a similar garb or carrying a similar token is not enough; the prosecution must establish the fraudulent intent or knowledge.  
  
  
\*\*XI. Significance of Section 171:\*\*  
  
Section 171 holds significant importance in protecting public order and maintaining public trust in institutions. By prohibiting the fraudulent use of symbols of authority, it safeguards against potential misuse and abuse of power. The section aims to prevent individuals from leveraging the appearance of official status for personal gain or malicious purposes. This contributes to preserving the integrity of public administration and ensuring that symbols of authority are not used to deceive or mislead the public.  
  
  
In conclusion, Section 171 of the IPC plays a vital role in maintaining public order and preventing the fraudulent use of symbols associated with public service. The section’s focus on the deceptive use of garb or tokens complements the broader provision of Section 170 relating to personation of a public servant. By requiring the prosecution to prove the intent or knowledge of likely deception, the section ensures that innocent actions are not penalized. Judicial interpretations have further clarified the scope and application of the section, ensuring its effectiveness in protecting society from the misuse of symbols of authority.