# IPC Section 175

## Section 175 of the Indian Penal Code: Omission to produce document to public servant by person legally bound to produce it  
  
Section 175 of the Indian Penal Code (IPC) addresses the offence of omitting to produce a document to a public servant when legally bound to do so. This provision aims to facilitate the smooth functioning of government administration and legal processes by ensuring that individuals comply with their legal obligations to furnish documents when required by authorized public servants. This essay will provide a comprehensive analysis of Section 175, exploring its ingredients, judicial interpretations, related provisions, and significance in upholding the rule of law and efficient governance.  
  
\*\*I. The Text of Section 175:\*\*  
  
Section 175 of the IPC states:  
  
“Whoever, being legally bound to produce or deliver up any document or electronic record to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;  
  
or, if the document or electronic record is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”  
  
\*\*II. Ingredients of the Offence:\*\*  
  
To establish an offence under Section 175, the prosecution must prove the following essential ingredients:  
  
1. \*\*Legal Obligation to Produce or Deliver:\*\* The accused must be legally bound to produce or deliver the document or electronic record. This obligation must stem from a statutory provision, a court order, or another legally valid directive. A mere request or informal demand would not suffice.  
  
2. \*\*Document or Electronic Record:\*\* The object of the obligation must be a "document" or "electronic record." These terms are broadly defined in the IPC and the Information Technology Act, respectively. A "document" can be any material bearing writing, marks, figures, or symbols used to record information. An "electronic record" is data, record, or data generated, image stored, received or sent in electronic form. The inclusion of "electronic record" reflects the growing importance of digital information in contemporary society.  
  
3. \*\*Public Servant:\*\* The document or electronic record must be required by a "public servant." The definition of "public servant" under Section 21 of the IPC is crucial for the interpretation of Section 175. This definition encompasses a wide range of government officials, including police officers, judicial officers, revenue officials, and others authorized to demand the production of documents.  
  
4. \*\*Intentional Omission:\*\* The accused must have intentionally omitted to produce or deliver the document or electronic record. This intentional omission is the \*mens rea\* (criminal intent) element of the offence. Accidental failure to produce the document, or an inability to do so despite best efforts, would not constitute an offence.  
  
  
\*\*III. Production to a Court of Justice:\*\*  
  
Section 175 prescribes a higher punishment if the document or electronic record is required to be produced before a Court of Justice. This enhanced penalty reflects the importance of ensuring compliance with court orders and the smooth functioning of judicial proceedings.  
  
  
\*\*IV. "Legally Bound to Produce or Deliver":\*\*  
  
This phrase highlights the necessity of a legal obligation. The obligation must arise from a specific legal provision, a court order, or another valid legal instrument. The prosecution must demonstrate the source and validity of the legal obligation.  
  
  
\*\*V. "Document" and "Electronic Record":\*\*  
  
The broad definition of "document" and "electronic record" ensures that the section covers various forms of information, both physical and digital. This allows the provision to adapt to evolving technologies and methods of information storage.  
  
  
\*\*VI. "Public Servant":\*\*  
  
The requirement that the document be demanded by a "public servant" limits the scope of the section to situations involving government administration and legal processes. A demand from a private individual, however authoritative, would not trigger the application of Section 175.  
  
  
\*\*VII. "Intentionally Omits":\*\*  
  
The term "intentionally" emphasizes the requirement of \*mens rea\*. The prosecution must establish that the accused deliberately failed to produce the document, knowing they were legally obligated to do so. The intent can be inferred from the surrounding circumstances and the accused's conduct.  
  
  
\*\*VIII. Related Provisions:\*\*  
  
Several other sections of the IPC are relevant to Section 175:  
  
\* \*\*Section 174 (Non-attendance in obedience to an order from public servant):\*\* This section deals with non-attendance in person, while Section 175 deals with non-production of documents.  
  
\* \*\*Section 176 (Omission to give notice or information to public servant by person legally bound to give it):\*\* This section deals with the omission to provide information, while Section 175 focuses on the non-production of documents.  
  
\* \*\*Section 187 (Omission to assist public servant when bound by law to give assistance):\*\* This provision relates to a broader duty to assist public servants.  
  
  
  
  
\*\*IX. Defences:\*\*  
  
Several defences may be available to an accused charged under Section 175:  
  
\* \*\*Lack of legal obligation:\*\* If the accused can demonstrate that they were not legally bound to produce the document, the charge would fail.  
  
\* \*\*Lack of intention:\*\* If the accused can show that their failure to produce the document was unintentional or due to factors beyond their control, they may be acquitted.  
  
\* \*\*Reasonable excuse:\*\* A genuine and substantiated reason for the non-production, such as the document being lost or destroyed without the accused's fault, may be accepted as a defence.  
  
\* \*\*Privilege:\*\* In certain cases, legal professional privilege or other forms of privilege may excuse the non-production of a document.  
  
  
  
  
\*\*X. Evidentiary Aspects:\*\*  
  
The prosecution must prove each ingredient of the offence beyond a reasonable doubt. This may include:  
  
  
\* \*\*Proof of legal obligation:\*\* Evidence of the statutory provision, court order, or other legal instrument creating the obligation to produce the document.  
  
\* \*\*Demand by public servant:\*\* Evidence that the public servant duly demanded the document from the accused.  
  
\* \*\*Non-production:\*\* Evidence establishing that the accused failed to produce the document despite the demand.  
  
\* \*\*Intention:\*\* Evidence suggesting that the accused's omission was intentional. This can include circumstantial evidence, such as the accused's conduct and statements.  
  
  
\*\*XI. Judicial Interpretations:\*\*  
  
Numerous judicial pronouncements have shaped the understanding and application of Section 175. Courts have emphasized the need to establish the legal obligation to produce, the intentional nature of the omission, and the absence of a valid defence. The specific context and circumstances of each case are crucial in determining whether the ingredients of the offence are met.  
  
  
  
\*\*XII. Significance of Section 175:\*\*  
  
Section 175 plays a significant role in facilitating the smooth functioning of government administration and legal processes. By ensuring compliance with lawful demands for documents from public servants, it aids in investigations, inquiries, and judicial proceedings. This strengthens the rule of law and contributes to efficient governance. The section also protects the integrity of public institutions by preventing individuals from obstructing official processes through non-compliance.  
  
  
  
In conclusion, Section 175 of the IPC provides a valuable mechanism for ensuring that individuals comply with their legal obligations to produce documents when required by authorized public servants. The section’s differentiated punishment scheme underscores the importance of complying with court orders. By requiring the prosecution to prove the legal obligation, intentional omission, and absence of a valid defence, the section protects individuals from unjust prosecution while upholding the effectiveness of public administration and the justice system. Judicial interpretations have further clarified the scope and application of Section 175, reinforcing its role in maintaining order and facilitating the efficient functioning of the state.