# IPC Section 193

## Section 193 of the Indian Penal Code: Punishment for False Evidence  
  
Section 193 of the Indian Penal Code (IPC) prescribes the punishment for giving or fabricating false evidence. This detailed analysis will explore the various facets of Section 193, including its different clauses, judicial interpretations, and its significance in maintaining the integrity of the Indian judicial system.  
  
\*\*I. Text of Section 193:\*\*  
  
The text of Section 193 is as follows:  
  
“Whoever intentionally gives false evidence in any stage of a judicial proceeding or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.  
  
  
\*\*Explanation 1\*\*.—A trial before a Court-martial is a judicial proceeding.  
  
  
\*\*Explanation 2\*\*.—An investigation directed by a Court-martial is a judicial proceeding.  
  
  
\*\*Explanation 3\*\*.—An inquiry by a Magistrate which may lead to a trial before himself or some other Magistrate is a judicial proceeding, notwithstanding anything contained in section 202 or section 203 of the Code of Criminal Procedure, 1973 (2 of 1974).  
  
Whoever intentionally gives or fabricates false evidence in any other stage of a judicial proceeding or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.  
  
  
\*\*Illustrations:\*\*  
  
\*\*(a)\*\* A intentionally gives false evidence before a Magistrate in order to procure B’s conviction of robbery.  
  
\*\*(b)\*\* A intentionally gives false evidence before a Magistrate in an inquiry in the course of which evidence is taken on oath, in order to procure B’s being bound over to keep the peace.  
  
\*\*(c)\*\* A gives false evidence before a Court of Session.  
  
\*\*(d)\*\* A falsely swears in an affidavit which he tenders in evidence before a Court of Justice, that C said certain words constituting slander.  
  
\*\*(e)\*\* A falsely swears that an arbitration award was duly made by an arbitrator, intending that the award may be enforced by a Court of Justice.  
  
\*\*(f)\*\* A fabricates a document with intent that it may be used as false evidence in a Court of Justice.  
  
\*\*(g)\*\* A, by causing a false entry to be made in his shop-book, by omitting to enter a material circumstance in his shop-book, fabricates evidence upon which he intends to sue B falsely for goods sold.  
  
  
\*\*II. Essential Ingredients of the Offence:\*\*  
  
To establish an offence under Section 193, the prosecution must prove the following elements beyond a reasonable doubt:  
  
1. \*\*Intentional giving or fabrication of false evidence:\*\* This requires proving that the accused knowingly and deliberately gave false evidence or created fabricated evidence. The act must be intentional, meaning the accused must have been aware that the evidence was false and intended to present it as genuine.  
  
2. \*\*The false evidence is given or intended for use in a judicial proceeding:\*\* This element establishes the context in which the offence occurs. The term "judicial proceeding" is broadly interpreted to include various stages of a legal process, including trials, inquiries, and investigations conducted by courts or tribunals. The Explanations to Section 193 clarify that court-martial proceedings and inquiries by magistrates are also considered judicial proceedings.  
  
\*\*III. Types of Offences under Section 193:\*\*  
  
Section 193 creates two distinct categories of offences based on the nature of the judicial proceeding:  
  
\* \*\*Offences related to proceedings where the punishment is imprisonment or death:\*\* This category covers cases where the maximum punishment for the main offence being tried is imprisonment for life or death. In such cases, giving or fabricating false evidence is punishable with imprisonment up to seven years and a fine.  
  
\* \*\*Offences related to other judicial proceedings:\*\* This category covers all other judicial proceedings where the maximum punishment for the main offence is less than life imprisonment or death. In these cases, giving or fabricating false evidence is punishable with imprisonment up to three years and a fine.  
  
  
\*\*IV. Distinction between giving and fabricating false evidence:\*\*  
  
Section 193 penalizes both the act of giving false evidence (Section 191) and the act of fabricating false evidence (Section 192). While both involve falsehood, they are distinct offences:  
  
\* \*\*Giving false evidence:\*\* This refers to presenting false statements, documents, or other material as evidence in a judicial proceeding. The focus is on the act of presenting the falsehood.  
  
\* \*\*Fabricating false evidence:\*\* This refers to creating or manufacturing false evidence with the intention that it be used in a judicial proceeding. The focus is on the act of creating the falsehood.  
  
  
\*\*V. Judicial Interpretations:\*\*  
  
Several judicial decisions have shaped the understanding and application of Section 193. Key principles that have emerged from these interpretations include:  
  
\* \*\*"Judicial proceeding" broadly construed:\*\* Courts have interpreted the term "judicial proceeding" broadly to include various stages of the legal process, including preliminary inquiries and investigations.  
  
\* \*\*Intention is crucial:\*\* The prosecution must prove that the accused intended to give or fabricate false evidence. Mere negligence or mistake is not sufficient.  
  
\* \*\*Severity of punishment:\*\* Courts have emphasized the seriousness of giving or fabricating false evidence and have often imposed substantial sentences to deter such conduct.  
  
  
  
\*\*VI. Significance and Contemporary Relevance:\*\*  
  
Section 193 plays a crucial role in upholding the integrity of the judicial system. False evidence can undermine the fairness and reliability of judicial proceedings, leading to wrongful convictions or acquittals. By prescribing stringent punishments for giving or fabricating false evidence, Section 193 serves as a powerful deterrent and reinforces public trust in the legal process. In today’s world, where the volume and complexity of evidence in judicial proceedings are constantly increasing, the importance of Section 193 in maintaining the sanctity of the truth-seeking process has only grown.  
  
  
  
\*\*VII. Conclusion:\*\*  
  
Section 193 of the IPC is a critical provision for safeguarding the integrity and effectiveness of the Indian judicial system. By punishing those who give or fabricate false evidence, the section ensures that judicial decisions are based on truthful and reliable information. The section's graded punishment structure reflects the varying degrees of harm that false evidence can cause in different types of judicial proceedings. As the legal landscape evolves, the continued relevance and importance of Section 193 in upholding the principles of justice and fairness remain undeniable.