# IPC Section 218

## IPC Section 218: Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture  
  
Section 218 of the Indian Penal Code addresses the offense committed by a public servant who frames an incorrect record or writing with the intent to save a person from punishment or property from forfeiture. This provision targets the manipulation of official records and documents by public servants for corrupt purposes. It aims to maintain the integrity of official records and ensure that public servants do not abuse their power to obstruct the course of justice or protect individuals from the legal consequences of their actions.  
  
\*\*Detailed Breakdown of Section 218:\*\*  
  
\*\*Text of Section 218:\*\*  
  
Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, intending thereby to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject to such direction any property from forfeiture, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.  
  
  
\*\*Explanation of Key Elements:\*\*  
  
1. \*\*"Public Servant":\*\* Similar to other sections related to public servant misconduct, this element restricts the application of Section 218 to individuals holding a public office. The definition of "public servant" is provided in Section 21 of the IPC and encompasses a wide range of government officials. It's crucial to establish the accused's status as a public servant for this section to apply.  
  
2. \*\*"Being as such public servant, charged with the preparation of any record or other writing":\*\* This phrase emphasizes that the offense must be committed in the public servant's official capacity while performing their duty of preparing a record or writing. This could include various official documents, reports, registers, or any other written material prepared as part of their official responsibilities. The act of framing an incorrect record or writing must be directly related to the public servant's official duties.  
  
3. \*\*"Frames that record or writing in a manner which he knows to be incorrect":\*\* This element specifies that the public servant must knowingly create a false or inaccurate record. The inaccuracy must be deliberate and not a result of a genuine mistake or oversight. The prosecution must demonstrate that the public servant was aware of the falsity of the information being recorded.  
  
4. \*\*"Intending thereby to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person":\*\* This part of the section outlines one of the potential motivations behind framing an incorrect record. The public servant might intend to cause harm or damage to the public or any individual through the falsified document. This harm could be financial, reputational, or any other form of legally recognized injury.  
  
5. \*\*"Intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment":\*\* This element highlights another motive behind framing an incorrect record – to shield someone from facing legal consequences for their actions. The public servant's intention can be direct, aiming specifically to protect someone from punishment, or indirect, knowing that the falsified record is likely to result in someone escaping punishment.  
  
6. \*\*"Or subject to such direction any property from forfeiture":\*\* Similar to Section 217, this part extends the scope of Section 218 to situations where the public servant manipulates records to prevent the forfeiture of property that is subject to seizure due to its involvement in illegal activities.  
  
7. \*\*"Punishment":\*\* The punishment for violating Section 218 is imprisonment of either description (rigorous or simple) which may extend up to three years, or with a fine, or with both. The court has the discretion to determine the appropriate penalty based on the facts and circumstances of each case, considering the severity of the falsification, the potential harm caused, and the motive of the public servant.  
  
  
\*\*Different Interpretations and Judicial Pronouncements:\*\*  
  
Judicial interpretations have clarified various aspects of Section 218:  
  
\* \*\*"Record or writing":\*\* Courts have interpreted this phrase broadly to encompass various forms of official documents, including electronic records, registers, reports, and any other written material prepared in the course of official duties.  
  
\* \*\*"Knows to be incorrect":\*\* The prosecution must demonstrate that the public servant had actual knowledge of the falsity of the information being recorded. Mere negligence or a lack of due diligence is not sufficient to attract Section 218.  
  
\* \*\*Intent or Knowledge:\*\* The court needs to be satisfied that the public servant's action was motivated by the specific intent to cause loss or injury or to save someone from punishment or property from forfeiture. This intent can be inferred from the surrounding circumstances and the nature of the falsification.  
  
\* \*\*Distinction from other offenses:\*\* Section 218 needs to be distinguished from related sections like Section 192 (fabricating false evidence), Section 193 (giving false evidence), Section 464 (making a false document), and Section 471 (using as genuine a forged document). The crucial difference lies in the offender's status as a public servant and the specific intent relating to causing loss/injury or saving someone from punishment/forfeiture.  
  
  
  
\*\*Examples:\*\*  
  
\* A police officer falsifying a crime scene report to protect a friend or relative involved in a hit-and-run accident, thereby preventing them from facing prosecution.  
  
\* A government official manipulating land records to prevent the rightful owner from claiming their property, intending to cause them financial loss.  
  
\* A tax officer creating a false audit report to reduce the tax liability of a business owner in exchange for a bribe, causing loss to the public exchequer.  
  
\* A registrar altering birth records to conceal the actual parentage of a child, thereby saving individuals from potential legal complications.  
  
  
\*\*Section 218 and Related Sections:\*\*  
  
Section 218 is often read along with other relevant sections of the IPC, including:  
  
\* \*\*Section 21 (Definition of "Public Servant"):\*\* Provides the essential definition of "public servant."  
\* \*\*Section 167:\*\* Public servant framing an incorrect document with intent to cause injury.  
\* \*\*Section 192:\*\* Fabricating false evidence.  
\* \*\*Section 193:\*\* Giving false evidence.  
\* \*\*Section 464:\*\* Making a false document.  
\* \*\*Section 471:\*\* Using as genuine a forged document.  
  
  
\*\*Conclusion:\*\*  
  
Section 218 of the IPC plays a critical role in safeguarding the integrity of official records and preventing the abuse of power by public servants. By criminalizing the act of framing incorrect records with corrupt intent, it ensures that public servants are held accountable for their actions and cannot manipulate official documents for personal gain or to obstruct justice. The specific requirement of intent differentiates this section from mere errors or negligence, ensuring that only deliberate acts of falsification are penalized. Judicial interpretations have further clarified the scope and application of this provision, making it a potent tool in combating corruption and maintaining the rule of law. This section acts as a deterrent for public servants who might be tempted to misuse their authority and manipulate records, fostering trust in the integrity of public institutions and the administration of justice.