# IPC Section 220

## IPC Section 220: Commitment for trial or confinement by person having authority knowing that he is not empowered to do so  
  
Section 220 of the Indian Penal Code addresses the abuse of authority by individuals empowered to commit others for trial or confinement. It specifically targets those who, knowing they lack the legal authority, proceed to commit a person for trial or confine them. This provision aims to protect individuals from arbitrary detention and malicious prosecution by ensuring that those with the power to restrict liberty exercise it within the bounds of law. It safeguards fundamental rights and emphasizes the importance of due process and adherence to legal procedures.  
  
\*\*Detailed Breakdown of Section 220:\*\*  
  
\*\*Text of Section 220:\*\*  
  
Whoever, being in any office which gives him legal authority to commit persons for trial or confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or confinement, or keeps any person in confinement, knowing that he is not empowered so to do, 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 of Key Elements:\*\*  
  
1. \*\*"Being in any office which gives him legal authority to commit persons for trial or confinement, or to keep persons in confinement":\*\* This element defines the scope of Section 220. It applies only to individuals holding positions that grant them the legal power to initiate legal proceedings against others or to detain them. This could include judges, magistrates, police officers, or other officials authorized to arrest and detain individuals. The crucial point is that the individual must be acting within the purported scope of their official capacity. The offense does not cover instances where a private citizen illegally detains someone, which would fall under different provisions of the IPC.  
  
2. \*\*"Corruptly or maliciously":\*\* This phrase highlights the \*mens rea\* (criminal intent) required for the offense. The act of committing someone for trial or confining them must be motivated by either corruption or malice. "Corruptly" implies an improper or unlawful motive, such as bribery or personal gain. "Maliciously" denotes an intention to cause harm or injury to the person being committed or confined. The prosecution needs to demonstrate that the act was driven by one or both of these motivations.  
  
3. \*\*"Commits any person for trial or confinement":\*\* This phrase describes the act of initiating legal proceedings against someone or ordering their detention. "Committing for trial" refers to sending someone to be tried in a court of law. "Confinement" refers to restricting someone's liberty by detaining them.  
  
4. \*\*"Keeps any person in confinement":\*\* This part of the section extends its scope to situations where an individual is already in confinement and the public servant continues to keep them detained despite knowing they lack the legal authority to do so. This covers prolonged or unlawful detention even after the initial grounds for confinement might have ceased to exist.  
  
5. \*\*"Knowing that he is not empowered so to do":\*\* This element emphasizes the knowledge requirement for the offense. The public servant must be aware that they lack the legal authority to commit the person for trial or keep them in confinement. This distinguishes the offense from situations where a public servant might make a genuine mistake or misinterpret the law. The prosecution needs to establish that the public servant was consciously aware of their lack of authority.  
  
6. \*\*"Punishment":\*\* The punishment for violating Section 220 is imprisonment of either description (rigorous or simple) for a term which may extend up to seven years, and a fine. The court has the discretion to determine the appropriate sentence based on the specific circumstances of the case, considering the duration of the unlawful confinement, the harm caused to the victim, and the motive of the public servant.  
  
  
\*\*Different Interpretations and Judicial Pronouncements:\*\*  
  
Judicial interpretations have provided further clarity on various aspects of Section 220:  
  
\* \*\*"Legal authority":\*\* Courts have emphasized that the authority referred to in this section must be legal and derived from statutory provisions or established legal principles. A public servant cannot rely on assumed or self-proclaimed authority.  
  
\* \*\*"Corruptly or maliciously":\*\* The courts have held that while both "corruptly" and "maliciously" are mentioned, the presence of either one is sufficient to establish the \*mens rea\* for the offense.  
  
\* \*\*"Knowing that he is not empowered":\*\* The prosecution must prove that the public servant had actual knowledge of their lack of authority. A mere error in judgment or misinterpretation of the law is not enough to attract Section 220.  
  
\* \*\*Distinction from wrongful confinement (Section 340):\*\* Section 220 is specifically aimed at public servants abusing their authority. Wrongful confinement under Section 340 applies to anyone who wrongfully restrains another person, regardless of whether they hold a public office.  
  
  
\*\*Examples:\*\*  
  
\* A police officer arresting and detaining someone without any reasonable suspicion or probable cause, knowing that they lack the authority to do so.  
  
\* A magistrate ordering the pre-trial detention of an individual without following due process and knowing that the legal requirements for such detention have not been met.  
  
\* A jail superintendent continuing to keep a prisoner incarcerated even after their sentence has been completed, knowing that they no longer have the authority to detain them.  
  
  
  
\*\*Section 220 and Related Sections:\*\*  
  
Section 220 should be read in conjunction with other related sections of the IPC:  
  
\* \*\*Section 21 (Definition of "Public Servant")\*\*: Provides the definition of a public servant, crucial for applying Section 220.  
  
\* \*\*Section 340 (Wrongful confinement):\*\* Deals with the general offense of wrongfully restraining someone's liberty.  
  
\* \*\*Section 167 (Public servant framing an incorrect document with intent to cause injury):\*\* This section might apply if the public servant creates false documents to justify the unlawful confinement.  
  
  
\*\*Conclusion:\*\*  
  
Section 220 of the IPC serves as a crucial safeguard against the abuse of power by public servants who hold the authority to commit individuals for trial or confinement. By criminalizing the act of knowingly exceeding their authority, it protects individuals from arbitrary detention and malicious prosecution. The requirement of a corrupt or malicious motive further ensures that honest mistakes or misinterpretations of the law are not penalized. Judicial interpretations have provided valuable guidance on the application of this provision, strengthening its effectiveness in upholding due process and protecting fundamental rights. Section 220 acts as a strong deterrent against those who might be tempted to misuse their position to unjustly deprive others of their liberty, thereby contributing to a more just and equitable criminal justice system.