# IPC Section 228

## IPC Section 228: Intentional Insult or Interruption to Public Servant Sitting in Judicial Proceeding  
  
Section 228 of the Indian Penal Code (IPC) addresses the offence of intentionally insulting or interrupting a public servant while they are engaged in a judicial proceeding. This section is designed to protect the sanctity of judicial proceedings and ensure the smooth administration of justice by preventing disruptions and maintaining decorum in court. This detailed analysis will delve into the various aspects of Section 228, including the interpretation of "public servant sitting in judicial proceeding," the meaning of "intentional insult or interruption," the scope of judicial proceedings, the prescribed punishment, and the relationship of this section with other relevant provisions.  
  
\*\*I. Public Servant Sitting in Judicial Proceeding:\*\*  
  
The scope of Section 228 is limited to protecting "public servants sitting in judicial proceeding." A "public servant" is defined under Section 21 of the IPC and includes any person who is employed by the government in any capacity. In the context of Section 228, this primarily refers to judges, magistrates, and other judicial officers who preside over court proceedings. It can also extend to other public servants who play a crucial role in the judicial process, such as court clerks, registrars, and other officials assisting the court.  
  
The phrase "sitting in judicial proceeding" emphasizes that the protection afforded by this section applies only when the public servant is actively engaged in performing their judicial duties. It does not extend to interactions outside the courtroom or during non-judicial functions.  
  
  
\*\*II. Intentional Insult or Interruption:\*\*  
  
The core of the offence under Section 228 lies in the "intentional insult or interruption" of a public servant sitting in judicial proceeding.  
  
\* \*\*Intentional Insult:\*\* This refers to any deliberate act or utterance intended to disrespect or offend the dignity of the public servant. This can include using abusive language, making derogatory remarks, showing disrespect through gestures or actions, or any other conduct that undermines the authority and respect due to the court.  
  
\* \*\*Intentional Interruption:\*\* This refers to any deliberate act that disrupts the smooth flow of judicial proceedings. This can include shouting, creating a commotion, interrupting the proceedings with irrelevant remarks, refusing to comply with court orders, or any other behavior that hinders the court's ability to conduct its business.  
  
  
The word "intentional" is crucial. Accidental or unintentional acts that might cause insult or interruption would not fall under this section. The prosecution must establish that the accused acted with the deliberate intention to insult or interrupt the judicial proceeding.  
  
  
\*\*III. Scope of Judicial Proceedings:\*\*  
  
Section 228 applies to any "judicial proceeding." This encompasses a broad range of court activities, including:  
  
\* \*\*Trials:\*\* Formal court proceedings where evidence is presented and witnesses are examined.  
\* \*\*Hearings:\*\* Proceedings where arguments are heard and legal issues are debated.  
\* \*\*Sentencing:\*\* The stage of a trial where the court pronounces the punishment for the convicted person.  
\* \*\*Bail proceedings:\*\* Proceedings related to granting or denying bail.  
\* \*\*Other court-related activities:\*\* Any other activity conducted by the court in the exercise of its judicial functions.  
  
It is important to note that the proceedings must be legitimately judicial in nature. Disrupting non-judicial activities conducted by a public servant, even within a courtroom, would not fall under the purview of this section.  
  
  
\*\*IV. Punishment:\*\*  
  
Section 228 prescribes simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. The quantum of punishment depends on the specific circumstances of the case, the nature of the insult or interruption, and the impact it had on the judicial proceeding.  
  
  
\*\*V. Relationship with Other Sections:\*\*  
  
Section 228 is related to other sections of the IPC that deal with contempt of court and offences against public servants.  
  
\* \*\*Contempt of Courts Act, 1971:\*\* This Act provides a more comprehensive framework for dealing with contempt of court, which includes acts that scandalize or lower the authority of the court. Section 228 of the IPC can be seen as a specific instance of criminal contempt under the Contempt of Courts Act.  
  
\* \*\*Section 186 (Obstructing public servant in discharge of public functions):\*\* While Section 186 has a broader scope, Section 228 specifically addresses insults or interruptions directed at public servants engaged in judicial proceedings.  
  
\* \*\*Section 188 (Disobedience to order duly promulgated by public servant):\*\* If the interruption involves disobedience to a court order, Section 188 might also be applicable.  
  
\* \*\*Section 227 (Violation of condition of release):\*\* While Section 227 deals with violating conditions imposed upon release from confinement, Section 228 addresses disruptions during judicial proceedings.  
  
  
  
\*\*VI. Illustrations:\*\*  
  
\* \*\*A shouts obscenities at the judge during a trial. This constitutes intentional insult.\*\*  
  
\* \*\*B repeatedly interrupts the lawyer's arguments with irrelevant remarks. This constitutes intentional interruption.\*\*  
  
\* \*\*C stands up and starts singing loudly in the courtroom while the judge is delivering a judgment. This constitutes intentional interruption.\*\*  
  
\* \*\*D throws a shoe at the magistrate during a bail hearing. This constitutes intentional insult and interruption.\*\*  
  
  
\*\*VII. Conclusion:\*\*  
  
Section 228 of the IPC plays a crucial role in safeguarding the sanctity of judicial proceedings and maintaining order and decorum in court. This section protects public servants engaged in judicial functions from intentional insults and interruptions that could undermine their authority and disrupt the administration of justice. Understanding the specific elements of the offence, the scope of judicial proceedings, and the prescribed punishment is essential for the proper application of this section. The judiciary must strike a balance between protecting the dignity of the court and upholding the right to free speech, ensuring that the application of Section 228 is proportionate and does not unduly restrict legitimate criticism or dissent. The ultimate goal is to create an environment where judicial proceedings can be conducted fairly and efficiently without fear of disruption or disrespect.