# IPC Section 140: Wearing garb or carrying token used by soldier, sailor or airman.

## IPC Section 140: Wearing Garb or Carrying Token Used by Soldier, Sailor or Airman - A Detailed Explanation  
  
Section 140 of the Indian Penal Code, 1860, addresses the offense of unauthorized wearing of military uniforms or carrying tokens used by soldiers, sailors, or airmen. This provision aims to protect the sanctity and distinctiveness of military attire and prevent its misuse for fraudulent or deceitful purposes. The section reads:  
  
"Whoever, not being a soldier, sailor or airman in Her Majesty’s Army or Her Majesty’s Navy, or in the Army or Navy of the East India Company, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman, with the intention that it may be believed that he is such a soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."  
  
While the section references outdated entities like "Her Majesty's Army/Navy" and the "East India Company," the underlying principle remains pertinent in contemporary India. It prohibits the unauthorized use of military attire or insignia with the intent to deceive others into believing the wearer is a member of the armed forces.  
  
Let's break down the key components of Section 140 for a comprehensive understanding:  
  
\*\*1. The Actus Reus (Guilty Act):\*\* The offense consists of two distinct actions:  
  
\* \*\*Wearing any garb:\*\* "Garb" refers to clothing or attire, specifically military uniforms or any part thereof. This includes items like combat fatigues, ceremonial uniforms, distinctive headwear, and other recognizable military apparel.  
\* \*\*Carrying any token:\*\* "Token" refers to any object or insignia used by members of the armed forces, such as medals, badges, identification cards, or other symbols of military affiliation.  
  
The actus reus is complete when an individual, not authorized to do so, wears such garb or carries such a token \*resembling\* those used by the armed forces. The resemblance need not be exact, but it should be sufficient to create a potential for deception.  
  
\*\*2. The Mens Rea (Guilty Mind):\*\* The section explicitly states that the act must be committed "with the intention that it may be believed that he is such a soldier, sailor or airman." This crucial element of intent establishes the deceptive nature of the offense. The prosecution must prove that the individual intended to mislead others into believing they were a member of the armed forces. Accidental or unintentional resemblance is not sufficient for conviction under this section.  
  
\*\*3. "Not being a soldier, sailor or airman":\*\* This phrase clearly defines the scope of the offense, targeting individuals who are \*not\* authorized to wear military uniforms or carry related tokens. It distinguishes between legitimate use of military attire by authorized personnel and unauthorized use by civilians.  
  
\*\*4. Punishment:\*\* The prescribed punishment is imprisonment for up to three months, a fine up to five hundred rupees, or both. The relatively lenient punishment reflects the nature of the offense, which is primarily concerned with preventing deception and protecting the integrity of military symbols.  
  
\*\*Evidentiary Challenges and Defenses:\*\*  
  
Proving this offense requires demonstrating:  
  
\* The individual wore military garb or carried a token resembling those used by the armed forces.  
\* The individual was not authorized to do so.  
\* The individual intended to deceive others into believing they were a member of the armed forces.  
  
The accused could offer several defenses, such as:  
  
\* \*\*Lack of Intent:\*\* Arguing they had no intention to deceive anyone and that any resemblance was purely coincidental. For example, they might claim they were wearing the garb for a theatrical performance or a costume party.  
\* \*\*Authorized Use:\*\* Claiming they were authorized to wear the garb or carry the token, perhaps due to being a member of a veterans' organization or a military re-enactment group.  
\* \*\*No Resemblance:\*\* Arguing that the garb or token did not sufficiently resemble official military items to create a potential for deception.  
  
\*\*Relevance in Contemporary Context:\*\*  
  
Despite its archaic language, Section 140 remains relevant today. Protecting the sanctity of military uniforms and preventing their misuse for fraudulent purposes is crucial. Impersonating a member of the armed forces can be used for various illegal activities, including gaining access to restricted areas, soliciting money under false pretenses, or committing other crimes under the guise of military authority. This section provides a legal tool to address such deceptive practices and uphold the respect and integrity associated with military service.  
  
  
\*\*Distinction from Other Offenses:\*\*  
  
It is important to distinguish Section 140 from offenses related to cheating or impersonation under other sections of the IPC. While impersonation might be a component of cheating, Section 140 specifically focuses on the unauthorized use of military garb or tokens with the intent to deceive others into believing the wearer is a member of the armed forces. Cheating and other forms of impersonation are covered under separate provisions of the IPC.  
  
In conclusion, Section 140, despite its dated language, continues to play a significant role in safeguarding the distinct identity of the armed forces and preventing the misuse of military symbols for fraudulent purposes. It highlights the importance of maintaining the integrity of military attire and deterring deceptive practices that could undermine public trust and potentially facilitate criminal activity.