# IPC Section 17: “Government”.

Section 17 of the IPC does \*not\* define "Government" (that's Section 16). Section 17 defines \*\*"Judge."\*\*  
  
## IPC Section 17: "Judge" - A Detailed Explanation  
  
Section 17 of the Indian Penal Code (IPC) defines the term "Judge." This definition is crucial for interpreting various offences within the IPC that relate to the administration of justice, such as contempt of court, obstruction of judicial proceedings, and offences related to giving or fabricating false evidence. Understanding the scope of "Judge" is vital for the proper application of these provisions. The section states:  
  
"The word “Judge” denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, any one of whom is empowered by law to give such a judgment."  
  
This rather complex definition is designed to be comprehensive and encompass various individuals exercising judicial functions.  
  
\*\*1. Inclusive Definition:\*\* The core principle of Section 17 is inclusivity. It recognizes that judicial powers can be vested in individuals who are not formally designated as judges. The definition extends to any person empowered by law to give a definitive judgment or a judgment that could become definitive upon appeal or confirmation.  
  
\*\*2. Officially Designated Judges:\*\* This covers individuals formally appointed as judges in courts of law, such as magistrates, judges of district courts, high courts, and the Supreme Court.  
  
\*\*3. Persons Empowered by Law:\*\* This expands the definition beyond formally appointed judges to include individuals who may exercise judicial functions in specific circumstances. This could include administrative tribunals, quasi-judicial bodies, and other authorities empowered to make binding decisions in legal proceedings.  
  
\*\*4. Definitive Judgment:\*\* The definition focuses on the nature of the judgment, rather than the title of the individual making the decision. A "definitive judgment" is a final decision that settles the matter in dispute.  
  
\*\*5. Judgments Subject to Appeal or Confirmation:\*\* The definition also includes judgments that, while not initially definitive, can become so if not appealed against or if confirmed by a higher authority. This recognizes that judicial power can be exercised at different levels and that some decisions may require review or confirmation before becoming final.  
  
\*\*6. Body of Persons:\*\* The inclusion of "a body of persons" clarifies that judicial power can be vested in a collective body, where any one member is empowered to give a definitive judgment. This can apply to tribunals or commissions where decisions are made collectively.  
  
  
\*\*7. Examples within the IPC:\*\*  
  
\* \*\*Giving or fabricating false evidence (Sections 191-194):\*\* These offences relate to giving false evidence before a "Judge." Section 17 clarifies who qualifies as a "Judge" in this context, ensuring that individuals giving false evidence before various judicial and quasi-judicial bodies can be held accountable.  
\* \*\*Obstructing public servant in discharge of public functions (Section 186):\*\* While not specifically mentioning "Judge," this offence can apply to obstructing a judicial officer in performing their duties. Section 17 helps determine if the obstructed individual falls under the definition of "Judge."  
\* \*\*Contempt of court:\*\* While contempt of court is primarily dealt with under separate legislation (The Contempt of Courts Act, 1971), the definition of "Judge" in Section 17 can be relevant in interpreting related provisions within the IPC.  
  
  
  
\*\*8. Importance for the Administration of Justice:\*\* Section 17's broad definition of "Judge" is essential for protecting the integrity of the judicial process. It ensures that individuals exercising judicial functions, regardless of their formal designation, are subject to the law and can be held accountable for misconduct.  
  
\*\*9. Challenges and Interpretative Issues:\*\* While designed to be comprehensive, Section 17 can present interpretative challenges in determining whether a particular individual or body exercises sufficient judicial power to qualify as a "Judge." The specific functions and powers of the individual or body must be carefully examined in each case.  
  
\*\*10. Judicial Interpretation:\*\* Judicial precedents play a crucial role in clarifying the scope of Section 17. Courts have addressed various scenarios and provided interpretations that guide the application of this definition in different contexts. This evolving jurisprudence helps to refine the understanding of "Judge" and ensure that the law remains relevant and effective.  
  
  
In conclusion, Section 17's definition of "Judge" is a vital component of the IPC. Its inclusive nature ensures that the law protects the integrity of the judicial process by covering a wide range of individuals and bodies exercising judicial functions. The ongoing judicial interpretation of this definition is crucial for navigating the complexities of this concept and ensuring the effective administration of justice.