# IPC Section 175: Omission to produce document to public servant by person legally bound to produce it.

## IPC Section 175: Omission to Produce Document to Public Servant by Person Legally Bound to Produce It - A Detailed Explanation  
  
Section 175 of the Indian Penal Code (IPC) addresses the offense of failing to produce a document to a public servant when legally obligated to do so. This provision is crucial for ensuring compliance with lawful requests for information and documentation necessary for various administrative, investigative, and judicial functions. It empowers public servants to effectively gather evidence, conduct inquiries, and enforce regulations.  
  
\*\*The Text of Section 175:\*\*  
  
Section 175 states:  
  
“Whoever, being legally bound to produce or deliver up any document or other thing to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;  
  
or, if the document or other thing is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;  
  
or, if the document or other thing required to be produced or delivered up relates to an offense for which the person producing or delivering it up is being or is about to be prosecuted before a Court of Justice, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”  
  
  
\*\*Breaking Down the Section:\*\*  
  
1. \*\*Legal Obligation to Produce:\*\* The foundation of this offense is a pre-existing legal duty to produce or deliver a document or other thing to a public servant. This obligation can arise from various laws, regulations, or specific orders issued by competent authorities. Examples include summonses to produce documents in court, notices to furnish information to regulatory bodies, or requests for records during investigations.  
  
2. \*\*Intentional Omission:\*\* The section emphasizes the importance of intent. Accidental or unintentional failure to produce a document is not punishable under this section. The prosecution must prove that the individual deliberately and knowingly chose not to comply with the legal obligation.  
  
3. \*\*Document or Other Thing:\*\* The scope of this section extends beyond just documents to encompass any "other thing" that a person is legally bound to produce. This could include physical evidence, electronic records, or any other object relevant to an official inquiry or proceeding.  
  
4. \*\*Public Servant:\*\* The document or other thing must be required by a public servant acting in their official capacity. This ensures that the request is lawful and within the scope of the public servant's authority.  
  
5. \*\*Three Tiers of Offenses and Punishments:\*\* Similar to Sections 172, 173, and 174, Section 175 also defines three tiers of offenses with escalating penalties depending on the context of the non-production:  
  
 \* \*\*First Tier:\*\* Intentionally omitting to produce any document or thing to any public servant is punishable with simple imprisonment up to one month, a fine up to five hundred rupees, or both.  
  
 \* \*\*Second Tier:\*\* Intentionally omitting to produce a document or thing to a Court of Justice is punishable with simple imprisonment up to six months, a fine up to one thousand rupees, or both. The higher penalty reflects the greater disruption to judicial proceedings caused by non-compliance.  
  
 \* \*\*Third Tier:\*\* Intentionally omitting to produce a document or thing related to an offense for which the person is being or is about to be prosecuted carries the most severe punishment: imprisonment (either simple or rigorous) up to two years, a fine, or both. This reflects the potential for obstructing justice and hindering the prosecution of offenses.  
  
  
\*\*Significance of Section 175:\*\*  
  
Section 175 is crucial for:  
  
\* \*\*Ensuring Compliance with Lawful Requests:\*\* It empowers public servants to effectively gather information and documentation necessary for their official duties, investigations, and inquiries.  
  
\* \*\*Facilitating Administrative and Regulatory Functions:\*\* The section enables regulatory bodies and government agencies to access necessary records and documents for monitoring compliance, enforcing regulations, and protecting public interest.  
  
\* \*\*Aiding Judicial Proceedings:\*\* By ensuring the production of documents and evidence in court, Section 175 contributes to the fair and efficient administration of justice.  
  
\* \*\*Preventing Obstruction of Justice:\*\* The section deters individuals from withholding crucial evidence or information that could hinder investigations or legal proceedings.  
  
  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 175 is closely related to other provisions of the IPC dealing with offenses against public justice, such as giving false information to public servants (Section 177) and fabricating false evidence (Sections 192-194). These sections collectively aim to ensure the integrity of the legal system and prevent interference with the administration of justice.  
  
  
  
\*\*Challenges and Interpretation:\*\*  
  
Applying Section 175 requires careful consideration of the specific circumstances of each case. Establishing intent is essential, and mere inability to produce a document due to genuine reasons, like its loss or destruction, might not constitute an offense if proven. The legality and validity of the request for the document are also subject to judicial review. Furthermore, claims of privilege, such as legal professional privilege or the right against self-incrimination, may be relevant defenses against producing specific documents.  
  
  
\*\*Conclusion:\*\*  
  
Section 175 of the IPC is a crucial provision for ensuring compliance with lawful requests for documents and other things by public servants. It facilitates administrative, investigative, and judicial functions by empowering authorities to access necessary information and evidence. The tiered penalty structure reflects the varying degrees of disruption and potential obstruction of justice caused by non-compliance. By promoting transparency, aiding investigations, and upholding the rule of law, Section 175 plays a vital role in the effective functioning of the legal system.