# IPC Section 179: Refusing to answer public servant authorised to question.

## IPC Section 179: Refusing to Answer Public Servant Authorized to Question - A Detailed Explanation  
  
Section 179 of the Indian Penal Code (IPC) addresses the offense of refusing to answer questions posed by a public servant legally authorized to do so. This provision is crucial for facilitating investigations, inquiries, and the gathering of information necessary for various governmental functions. It empowers public servants to effectively discharge their duties and obtain information crucial for maintaining order, enforcing regulations, and administering justice.  
  
\*\*The Text of Section 179:\*\*  
  
Section 179 states:  
  
“Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished 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.”  
  
\*\*Breaking Down the Section:\*\*  
  
1. \*\*Legal Obligation to State the Truth:\*\* The foundation of this offense is a pre-existing legal duty to provide truthful information to a public servant. This obligation can arise from various laws, regulations, or specific orders issued by competent authorities. Examples include responding to questions during police investigations, providing information to census officials, or answering inquiries from regulatory bodies.  
  
2. \*\*Refusal to Answer Questions:\*\* The core element of Section 179 is the deliberate refusal to answer questions posed by a public servant. This implies that the individual understands the questions and chooses not to provide a response. Mere inability to answer due to lack of knowledge or memory lapse does not necessarily constitute a refusal under this section.  
  
3. \*\*Authorized Public Servant:\*\* The questions must be posed by a public servant legally empowered to seek such information. This ensures that the inquiry is lawful and within the scope of the public servant's authority. Different public servants have different powers to demand information depending on their roles and the relevant laws.  
  
4. \*\*Exercise of Legal Powers:\*\* The public servant must be acting within the scope of their legal powers when demanding the information. This means that the questions must be relevant to the matter under investigation or inquiry and must not exceed the public servant's lawful authority.  
  
5. \*\*Punishment:\*\* The punishment for refusing to answer questions posed by an authorized public servant is simple imprisonment for a term which may extend to six months, a fine which may extend to one thousand rupees, or both. This penalty underscores the importance of cooperating with lawful inquiries and providing truthful information to public servants.  
  
\*\*Significance of Section 179:\*\*  
  
Section 179 plays a crucial role in:  
  
\* \*\*Facilitating Investigations and Inquiries:\*\* It empowers public servants to effectively gather information necessary for investigations, inquiries, and fact-finding missions. This is essential for uncovering the truth, apprehending offenders, and ensuring accountability.  
  
\* \*\*Enforcing Regulations and Maintaining Order:\*\* The section enables regulatory bodies and law enforcement agencies to obtain information necessary for enforcing regulations, maintaining public order, and protecting public safety.  
  
\* \*\*Supporting Administrative Functions:\*\* Many governmental functions rely on the collection of accurate information from citizens. Section 179 ensures that public servants can obtain the necessary data for administering programs, conducting surveys, and fulfilling other administrative responsibilities.  
  
\* \*\*Upholding the Authority of the State:\*\* The section reinforces the authority of the state and its institutions by ensuring that lawful requests for information are respected and complied with.  
  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 179 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 obstructing public servants in the discharge of their public functions (Section 186). These sections collectively aim to ensure the smooth functioning of government and the administration of justice.  
  
  
\*\*Challenges and Interpretation:\*\*  
  
Applying Section 179 requires careful consideration of the specific circumstances of each case. The prosecution must establish that the public servant had the legal authority to demand the information and that the individual understood the questions and deliberately chose not to answer. Several factors can influence the interpretation and application of this section:  
  
\* \*\*Right Against Self-Incrimination:\*\* A crucial aspect is the individual's right against self-incrimination. A person cannot be compelled to answer questions that could incriminate them in a criminal offense. This right is guaranteed under Article 20(3) of the Indian Constitution.  
  
\* \*\*Legal Professional Privilege:\*\* Communications between a client and their lawyer are protected by legal professional privilege. An individual cannot be compelled to disclose information shared in confidence with their lawyer.  
  
\* \*\*Other Privileges:\*\* Other privileges, such as spousal privilege or doctor-patient confidentiality, may also be relevant in determining the scope of the obligation to answer questions.  
  
\* \*\*Ambiguity or Irrelevance of Questions:\*\* If the questions posed are ambiguous, irrelevant, or beyond the scope of the public servant's authority, the individual may be justified in refusing to answer.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 179 of the IPC plays a vital role in facilitating investigations, enforcing regulations, and supporting various governmental functions by penalizing the refusal to answer questions posed by authorized public servants. However, the right against self-incrimination, legal professional privilege, and other relevant privileges must be carefully considered when applying this section. The prosecution must establish both the legal authority of the public servant and the deliberate nature of the refusal to answer. By balancing the need for information with the protection of individual rights, Section 179 contributes to the effective functioning of the state while upholding the principles of justice and fairness.