# IPC Section 185: Illegal purchase or bid for property offered for sale by authority of public servant.

## IPC Section 185: Illegal Purchase or Bid for Property Offered for Sale by Authority of Public Servant  
  
Section 185 of the Indian Penal Code (IPC) addresses the offense of illegally purchasing or bidding for property that is being sold under the authority of a public servant. This provision aims to prevent conflicts of interest and ensure the integrity and fairness of public auctions and sales conducted by government officials. It targets individuals who exploit their position or influence to gain an unfair advantage in such transactions, potentially undermining the public trust and harming the interests of other potential buyers.  
  
\*\*The Text of Section 185:\*\*  
  
"Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both."  
  
  
\*\*Key Elements of the Offense:\*\*  
  
1. \*\*Sale of Property by Lawful Authority of Public Servant:\*\* The property being purchased or bid for must be offered for sale by a public servant acting under lawful authority. This typically involves situations like public auctions, government tenders, or sales conducted under court orders or other legal mandates. The public servant must have the legal power to conduct the sale.  
  
2. \*\*Illegal Purchase or Bid:\*\* The offense involves either purchasing or bidding for the property illegally. The illegality stems from two specific scenarios outlined in the section:  
  
 \*\*(a) Purchase/Bid on Behalf of Incapacitated Person:\*\* The individual purchases or bids on behalf of someone they know is legally incapable of purchasing the property at that particular sale. This incapacity could arise from various legal restrictions, such as a court order, a conflict of interest prohibition, or other legal disqualifications that prevent the person from participating in the sale.  
  
 \*\*(b) Bid Without Intention to Fulfill Obligations:\*\* The individual bids for the property without any intention of fulfilling the obligations associated with the bid. This includes situations where a person bids to artificially inflate the price or discourage other bidders without any genuine intention of purchasing the property. This type of "dummy bidding" disrupts the fair market process and can harm the interests of genuine buyers and sellers.  
  
3. \*\*Knowledge of Incapacity:\*\* In scenario (a), the person making the purchase or bid must be aware of the other person's legal incapacity to participate in the sale. This element of knowledge highlights the intentional nature of the offense. It targets individuals who knowingly circumvent legal restrictions by acting as intermediaries for disqualified buyers.  
  
4. \*\*Lack of Intention to Perform Obligations:\*\* In scenario (b), the person making the bid must lack the genuine intention to fulfill the obligations that come with the bid, such as paying the purchase price and completing the transaction. This requires demonstrating the individual's state of mind at the time of bidding.  
  
\*\*Punishment:\*\*  
  
Section 185 prescribes a punishment of imprisonment of either description (simple or rigorous) for a term which may extend to one month, or with a fine which may extend to two hundred rupees, or with both. The relatively lower penalty compared to other offenses related to obstructing public servants or interfering with legal processes reflects the specific nature of this offense, which focuses on illegal purchases or bids rather than more direct forms of obstruction or violence.  
  
  
\*\*Distinction from Other Related Offenses:\*\*  
  
\* \*\*Section 184 (Obstructing Sale of Property):\*\* Section 184 deals with intentionally obstructing the sale of property offered by a public servant, while Section 185 addresses illegal participation in the sale itself, either through purchase or bidding. While both offenses can occur in the same context, they target different aspects of the sale process.  
  
\* \*\*Section 420 (Cheating and Dishonestly Inducing Delivery of Property):\*\* If the illegal bid or purchase involves deception and fraudulent intent to deprive the seller of the property or its value, Section 420 might be applicable in addition to or instead of Section 185.  
  
  
  
\*\*Importance of Section 185:\*\*  
  
Section 185 safeguards the fairness and transparency of public sales conducted under the authority of public servants. It prevents individuals from exploiting their position or influence to gain an unfair advantage over other potential buyers. By prohibiting purchases and bids made on behalf of incapacitated persons and bids made without the intention to fulfill obligations, it protects the interests of genuine buyers and sellers and ensures that public resources are disposed of in a lawful and equitable manner. It promotes public trust in government processes and upholds the principle of equal opportunity in public sales of property. This section contributes to maintaining the integrity of public auctions and other sales conducted by government authorities, preventing manipulation and ensuring that these processes serve their intended purpose without being undermined by illegal practices.