# IPC Section 187: Omission to assist public servant when bound by law to give assistance.

## IPC Section 187: Omission to Assist Public Servant When Bound by Law to Give Assistance  
  
Section 187 of the Indian Penal Code (IPC) addresses the offense of failing to assist a public servant when legally obligated to do so. This provision emphasizes the civic duty of citizens to cooperate with public authorities and contribute to the effective functioning of the government. It recognizes that certain situations require public assistance for maintaining order, enforcing laws, and protecting the community, and failure to provide such assistance when legally required can impede these essential functions.  
  
\*\*The Text of Section 187:\*\*  
  
"Whoever, being legally bound to render any assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."  
  
  
\*\*Key Elements of the Offense:\*\*  
  
1. \*\*Legal Obligation to Render Assistance:\*\* The foundation of this offense is the existence of a legal duty to assist the public servant. This duty must be clearly established by law, either through specific statutory provisions or through established legal principles. It differentiates situations where assistance is merely requested or desirable from situations where it is legally mandated. The law creating the obligation must be valid and applicable to the individual in question.  
  
2. \*\*Public Servant in Execution of Public Duty:\*\* The assistance must be required by a "public servant" who is engaged in the performance of their official duties. As defined in Section 21 of the IPC, a "public servant" encompasses a wide range of government officials acting in their official capacity. The public servant must be acting within the scope of their lawful authority when requesting assistance. Assisting a public servant engaged in illegal or unauthorized activities would not be required under this section.  
  
3. \*\*Intentional Omission:\*\* The individual must intentionally omit to provide the required assistance. This means the failure to assist must be a deliberate and conscious choice, not merely an oversight or inability to assist. The prosecution must demonstrate that the individual was aware of their legal obligation and consciously chose not to fulfill it.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*Refusal to Aid in Arrest:\*\* If a citizen witnesses a lawful arrest being made and is legally required to assist the police officer upon request, refusing to do so would constitute an offense under Section 187.  
  
\* \*\*Failure to Report Crime:\*\* If a law mandates reporting certain types of crimes (e.g., cognizable offenses) and a citizen witnesses such a crime but intentionally fails to report it, they could be liable under this section.  
  
\* \*\*Ignoring Summons:\*\* In some cases, citizens might be legally required to respond to summons issued by public servants for providing information or appearing before an inquiry. Intentionally ignoring such a summons could be considered an offense.  
  
\* \*\*Neglecting to Join Posse Comitatus:\*\* If a law requires citizens to join a posse comitatus (a group of people mobilized by law enforcement to assist in maintaining order) when called upon, and an individual intentionally refuses to join, they could be liable under this section.  
  
\* \*\*Failure to Assist in Disaster Relief:\*\* In certain disaster situations, laws may authorize public servants to requisition assistance from citizens for rescue and relief operations. Intentionally refusing to provide such assistance when legally required would fall under this section.  
  
  
\*\*Punishment:\*\*  
  
Section 187 prescribes a punishment of imprisonment of either description (simple or rigorous) for a term which may extend to six months, or with a fine which may extend to one thousand rupees, or with both. The penalty is relatively moderate, reflecting the fact that the offense focuses on omission rather than commission. However, it recognizes the importance of citizen cooperation in enabling public servants to effectively perform their duties.  
  
\*\*Distinction from Other Related Offenses:\*\*  
  
\* \*\*Section 186 (Obstructing Public Servant in Discharge of Public Functions):\*\* Section 186 deals with actively obstructing a public servant, while Section 187 focuses on the omission to provide legally required assistance. While both sections aim to protect public servants from interference, they address different forms of interference – active obstruction versus passive omission.  
  
\* \*\*Section 172 to 185:\*\* These sections address various forms of disobedience to public servants, including absconding to avoid service of summons, preventing a public servant from discharging their duty, and other related offenses. Section 187 specifically deals with the omission to render assistance when legally bound to do so.  
  
  
  
\*\*Importance of Section 187:\*\*  
  
Section 187 reinforces the concept of civic duty and the responsibility of citizens to assist public servants in maintaining order, enforcing laws, and protecting the community. It recognizes that in certain situations, public cooperation is essential for effective governance and the successful execution of public functions. By criminalizing the intentional omission to provide legally required assistance, it encourages citizens to fulfill their civic obligations and contribute to the smooth functioning of public services. It empowers public servants to effectively discharge their duties by ensuring they can rely on citizen support when mandated by law. This provision strengthens the relationship between the state and its citizens by fostering a sense of shared responsibility for the common good.