# IPC Section 21: “Public servant”.

## Section 21 of the Indian Penal Code: "Public Servant" – A Detailed Analysis  
  
Section 21 of the Indian Penal Code (IPC) defines the term "public servant." This definition is crucial because many offenses under the IPC are specifically applicable to public servants, carrying stricter penalties due to the position of trust and authority they hold. A clear understanding of who constitutes a "public servant" is essential for proper application of the law.  
  
The section states:  
  
> “Public servant” denotes a person falling under any of the following descriptions, namely:—  
  
This indicates a broad, inclusive definition, encompassing various categories of individuals performing public duties. The descriptions that follow outline these categories:  
  
\*\*1. Every Officer in the service or pay of the Government:\*\*  
  
This is the most straightforward category. It includes all individuals employed by the government and receiving remuneration for their services. "Officer" here isn't confined to high-ranking officials but extends to any individual engaged in government service, irrespective of their designation or rank. This includes individuals employed in various government departments, ministries, agencies, and public sector undertakings. The key element is the employment relationship and the receipt of payment from the government.  
  
\*\*2. Every Judge including any person empowered by law to discharge, whether by himself or otherwise, any judicial functions:\*\*  
  
This clause broadens the scope beyond direct government employees. It includes all judges, from the highest courts to lower judicial officers. Crucially, it also encompasses individuals empowered by law to perform judicial functions, even if they are not formally designated as judges. This could include arbitrators, tribunal members, or other quasi-judicial authorities. The essential requirement is the legal authorization to perform functions of a judicial nature.  
  
\*\*3. Every person in the service or pay of a local authority:\*\*  
  
This category brings within the ambit of "public servant" individuals employed by local government bodies such as municipalities, panchayats, and municipal corporations. The principle is similar to the first category – employment by a local authority and receipt of payment constitute the defining factors.  
  
\*\*4. Every officer or servant of a Court of Justice including such officers and servants as are employed as officers or servants by the judge personally:\*\*  
  
This clause covers individuals employed by courts of justice, encompassing both administrative and support staff. It also explicitly includes those employed personally by judges, recognizing that judges may require personal staff to assist in their functions.  
  
\*\*5. Every person employed in any capacity by the Government in connection with the affairs of the State other than on an honorary capacity;\*\*  
  
This category addresses individuals employed by the government in a broader sense, going beyond direct employment in a specific department. It covers those engaged in tasks related to the affairs of the state, even if not formally designated as government employees. The exclusion of honorary appointments is significant, indicating that the individual must receive some form of remuneration or benefit for their services to qualify as a public servant.  
  
\*\*6. Every person holding any office or performing any employment entrusted with the collection, receipt, disbursement, or investment of public revenues;\*\*  
  
This clause focuses on the handling of public finances. Individuals entrusted with the responsibility of collecting, managing, or disbursing public funds are considered public servants. This includes officials in revenue departments, treasury officials, and those involved in financial management of public resources.  
  
\*\*7. Every officer or other employee of a University or Board or other authority for the time being established or constituted by or under a law made by Parliament or any State Legislature or by notification by or order of the Government:\*\*  
  
This category encompasses individuals employed by universities and other educational institutions established through parliamentary or state legislation or government notification. It acknowledges the public function of these institutions and the public nature of the resources they manage.  
  
\*\*8. Every director, manager, or secretary, or other officer or employee of any society or company or body corporate owned or controlled by the Government:\*\*  
  
This clause addresses the growing role of government-owned or controlled entities. Individuals holding key positions in these organizations, such as directors, managers, secretaries, and other officers or employees, are deemed public servants. This recognizes the public interest involved in the functioning of these entities.  
  
\*\*9. Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice or by any other competent public authority;\*\*  
  
This reiterates the inclusion of individuals performing quasi-judicial functions. Arbitrators and other individuals appointed by courts or public authorities to decide disputes or provide reports are considered public servants for the purposes of the IPC.  
  
\*\*10. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;\*\*  
  
This category focuses on the power of confinement. Individuals authorized to place individuals in confinement, such as prison officials, police officers, and certain other law enforcement personnel, are classified as public servants due to the significant power they wield.  
  
\*\*11. Every juror and every assessor;\*\*  
  
This clause includes members of juries and assessors who play a role in judicial proceedings. Their participation in the administration of justice necessitates their inclusion as public servants.  
  
\*\*12. Every officer of a Gram Panchayat.\*\*  
  
This final category recognizes the crucial role of Gram Panchayats in local governance. Officers of Gram Panchayats are deemed public servants, further emphasizing the broad scope of Section 21.  
  
In conclusion, Section 21 of the IPC provides a comprehensive and inclusive definition of "public servant." It goes beyond mere government employees to encompass a wide range of individuals who exercise public functions, hold positions of trust, and handle public resources. This broad definition ensures accountability and integrity in the discharge of public duties, serving as a crucial element in upholding the rule of law. Understanding the intricacies of this definition is vital for the proper application of numerous provisions within the IPC that relate specifically to offences committed by public servants.