# IPC Section 218: Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.

## IPC Section 218: Public Servant Framing Incorrect Record to Save Person or Property – A Comprehensive Analysis  
  
Section 218 of the Indian Penal Code addresses a specific form of misconduct by public servants: intentionally creating or framing an incorrect record or writing with the intent to save a person from legal punishment or property from forfeiture. This section recognizes the potential for manipulation and falsification of official documents by those in positions of authority and aims to deter such behavior by criminalizing actions that obstruct the course of justice. This detailed analysis explores the nuances of Section 218, covering its scope, essential ingredients, punishment, and significance within the framework of criminal law and public administration.  
  
\*\*The Text of Section 218:\*\*  
  
"Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing incorrectly, with intent to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject to any legal forfeiture, any property of any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."  
  
  
\*\*Deconstructing the Section:\*\*  
  
1. \*\*"Whoever, being a public servant"\*\*: This phrase explicitly restricts the application of this section to individuals holding public office. The definition of "public servant" is provided in Section 21 of the IPC, encompassing a broad range of individuals entrusted with public duties, including government officials, judges, police officers, and others. This emphasizes the heightened responsibility and accountability expected from those in positions of public trust who have access to and control over official documentation.  
  
2. \*\*"being, as such public servant, charged with the preparation of any record or other writing"\*\*: This clause further narrows the scope to public servants whose official duties involve creating or handling records and documents. This could include preparing reports, maintaining registers, drafting legal documents, or any other activity involving the creation of official written material. The section specifically targets the misuse of this responsibility for personal gain or to obstruct justice.  
  
3. \*\*"frames that record or writing incorrectly"\*\*: This constitutes the core prohibited act. It involves intentionally creating a false, inaccurate, or misleading record or writing. This could include omitting crucial information, fabricating details, altering existing information, or any other action that results in an incorrect representation of facts in an official document. The incorrectness must be deliberate, not a result of unintentional error or oversight.  
  
4. \*\*"with intent to save, or knowing it to be likely that he will thereby save, any person from legal punishment"\*\*: This clause outlines the specific intent or knowledge required for the offence. The public servant must either \*intend\* to prevent someone from facing legal consequences through the falsification of the record or be aware that their actions are \*likely\* to have that effect. This encompasses both direct intent, where the primary objective is to protect someone from punishment, and oblique intent, where the public servant foresees the likely outcome even if it's not their primary goal.  
  
5. \*\*"or subject to any legal forfeiture, any property of any person"\*\*: This clause broadens the scope of the section to encompass acts intended to protect someone's property from legal forfeiture. Forfeiture is a legal process where the state seizes property due to illegal activity. The public servant's act of framing an incorrect record must be aimed at preventing this forfeiture, either intentionally or with the knowledge that it is a likely outcome.  
  
6. \*\*"Punishment"\*\*: The section prescribes a punishment of imprisonment of either description (rigorous or simple) for a term which may extend to three years, or with a fine, or with both. The maximum punishment is higher than that of Section 217 (which deals with disobeying the law to save a person or property) due to the specific act of manipulating official records, which is considered a more serious breach of trust and a greater obstruction of justice. The court retains discretion in determining the appropriate sentence, considering the specific circumstances of each case.  
  
  
\*\*Distinction from other related sections:\*\*  
  
\* \*\*Section 217:\*\* Addresses the broader act of a public servant disobeying any direction of the law to save someone from punishment or property from forfeiture. Section 218 focuses specifically on the manipulation of records and writings.  
\* \*\*Section 192:\*\* Deals with fabricating false evidence. While Section 218 can involve creating false evidence, it specifically applies to public servants charged with preparing records and writings in their official capacity.  
\* \*\*Section 464:\*\* Concerns making a false document. Section 218 focuses on the specific intent of saving someone from punishment or property forfeiture when framing an incorrect record, while Section 464 addresses a broader range of intents related to false documents.  
  
  
\*\*Significance and Implications:\*\*  
  
Section 218 plays a vital role in upholding the integrity and reliability of official records and documents. By criminalizing the act of intentionally creating incorrect records to obstruct justice, the section deters corruption and promotes accountability within the public service. This reinforces public trust in government institutions and ensures that official information is accurate and reliable.  
  
  
The section also contributes to the effective administration of justice. By preventing public servants from manipulating records to protect individuals from legal consequences, the section ensures that the law is applied fairly and that individuals are held accountable for their actions. This strengthens the rule of law and promotes a just legal system.  
  
  
\*\*Exceptions:\*\*  
  
While Section 218 establishes a clear prohibition, exceptional circumstances might justify a public servant's actions, even if they technically involve framing an incorrect record. For example, if a public servant alters a record to prevent a greater harm or injustice, they might argue a defense of necessity. However, such defenses are subject to stringent judicial scrutiny and require compelling evidence.  
  
  
In conclusion, Section 218 of the IPC is a critical provision in safeguarding against corruption and manipulation within the public service. By specifically addressing the act of framing incorrect records with the intent to obstruct justice, the section strengthens the integrity of official documentation, promotes accountability among public servants, and contributes to the fair and effective administration of justice. It serves as a strong deterrent against unethical conduct and reinforces public trust in the legal system.