# IPC Section 67: Imprisonment for non-payment of fine, when offence punishable with fine only.

## IPC Section 67: Imprisonment for Fine Default in Offenses Punishable Only with Fine  
  
Section 67 of the Indian Penal Code (IPC) addresses the enforcement of fines in cases where the offense is punishable \*only\* with a fine. Unlike Section 64, which deals with offenses punishable with both imprisonment and fine, Section 67 focuses on situations where a fine is the sole prescribed punishment. Understanding the nuances of this provision is crucial for grasping how the law ensures the effectiveness of financial penalties even when imprisonment isn't a primary sentencing option.  
  
The section states:  
  
"When the offence is punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of such fine, shall not exceed the following scale, that is to say, for any fine not exceeding fifty rupees, the term of imprisonment shall not exceed two months; for any fine exceeding fifty rupees and not exceeding one hundred rupees, the term of imprisonment shall not exceed four months; and for any fine exceeding one hundred rupees, the term of imprisonment shall not exceed six months."  
  
This provision outlines the following key aspects:  
  
1. \*\*Applicability:\*\* This section applies exclusively to offenses punishable only with a fine, where no term of imprisonment is prescribed as a primary punishment.  
2. \*\*Simple Imprisonment:\*\* The imprisonment imposed for default in these cases shall always be simple, meaning without hard labor.  
3. \*\*Scaled Imprisonment Terms:\*\* The section establishes a tiered system for determining the maximum term of default imprisonment based on the amount of the fine:  
 \* Up to ₹50: Maximum 2 months  
 \* ₹51 to ₹100: Maximum 4 months  
 \* Over ₹100: Maximum 6 months  
  
\*\*1. Purpose and Scope:\*\*  
  
Section 67's primary purpose is to provide a mechanism for enforcing fines when they are the sole punishment for an offense. It ensures that financial penalties retain their effectiveness even in the absence of the threat of primary imprisonment. This reinforces the deterrent and retributive aspects of fines and contributes to the overall effectiveness of the criminal justice system.  
  
The scope of this section is strictly limited to offenses punishable only with a fine. It does not apply to offenses that also carry a potential term of imprisonment.  
  
\*\*2. Simple Imprisonment – A Humane Approach:\*\*  
  
The mandate for simple imprisonment reflects a legislative intent to avoid excessive hardship in cases where the original offense is not considered serious enough to warrant imprisonment as a primary punishment. By focusing on the deprivation of liberty without imposing hard labor, the law adopts a more humane approach to enforcing fines in these specific situations.  
  
\*\*3. Scaled Imprisonment Terms – Ensuring Proportionality:\*\*  
  
The tiered system for determining the maximum default imprisonment ensures that the consequence of non-payment is proportionate to the amount of the fine imposed. A smaller fine results in a shorter potential term of default imprisonment, while a larger fine allows for a longer term, up to a maximum of six months. This prevents disproportionately lengthy periods of confinement for relatively minor financial penalties.  
  
\*\*4. Court's Discretion within the Scale:\*\*  
  
While the scale provides maximum limits, the court retains the discretion to impose a shorter term of imprisonment within those limits. This allows the court to consider individual circumstances, such as the offender's financial capacity and the specific details of the case.  
  
\*\*5. Importance of Reasoned Order:\*\*  
  
Even within the prescribed scale, the court should provide a reasoned order explaining the chosen duration of default imprisonment. This ensures transparency and allows for appellate review if the imposed term is considered unjust or disproportionate.  
  
\*\*6. Focus on Fine Enforcement, Not Punishment:\*\*  
  
The imprisonment imposed under Section 67 is primarily a means of enforcing the fine, not an additional punishment for the original offense. It aims to compel payment and ensure that the financial penalty is not ignored.  
  
\*\*7. No Retrospective Application to Offenses with Imprisonment:\*\*  
  
Section 67 cannot be applied retrospectively to offenses that originally carried a potential term of imprisonment but were later amended to be punishable only with a fine. The relevant provision for such cases would be Section 65, which limits default imprisonment based on the original potential term of imprisonment.  
  
\*\*8. Practical Implications for Offenders:\*\*  
  
While simple imprisonment is less severe than rigorous imprisonment, it still involves the deprivation of liberty and can have significant consequences for the individual, including social and economic disruption.  
  
\*\*9. Impact on Fine Collection:\*\*  
  
Section 67 contributes to the effective collection of fines by providing a credible consequence for non-payment. This incentivizes compliance and ensures that financial penalties are not simply disregarded.  
  
\*\*10. Role in Maintaining Order and Justice:\*\*  
  
By providing a mechanism for enforcing fines in cases punishable only with a fine, Section 67 contributes to maintaining order and ensuring that the law is respected. It reinforces the principle that financial penalties, even in less serious offenses, have real consequences and cannot be ignored with impunity.  
  
  
In conclusion, Section 67 of the IPC plays a vital role in ensuring the effectiveness of fines as a standalone punishment. By providing for simple imprisonment with scaled maximum terms based on the amount of the fine, it establishes a proportionate and humane approach to enforcing financial penalties in cases where imprisonment is not a primary sentencing option. The court's discretion within the prescribed scale allows for individualized consideration of circumstances, further promoting fairness and justice in the application of this provision. The proper implementation of Section 67 is essential for maintaining the integrity of the criminal justice system and ensuring that financial penalties serve their intended purpose of deterrence, retribution, and compensation.