

4. Ins. by the [Criminal Law \(Amendment\) Act, 2013](#) (13 of 2013), section 3 (w.r.e.f. 3-2-2013).
5. Subs. by Act 22 of 2018, section 2, for "section 376B, section 376C, section 376D" (w.r.e.f. 21-4-2018).

THE INDIAN PENAL CODE

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

This chapter deals with two classes of offences, of which one can be committed by public servants alone, and the other comprises offences which relate to public servants, though they are not committed by them.

Deletion of provisions.—Sections 161–165A stand omitted by the [Prevention of Corruption Act, 1988, section 31](#) (w.e.f. 9 September 1988).

The relevant portion from the Statement of Objects and Reasons appended to the [Prevention of Corruption Act, 1988](#) relating to the omission of [sections 161 to 165A](#) of [Indian Penal Code, 1860 \(IPC, 1860\)](#) is given below:

3. The Bill *inter alia*, envisages widening the scope of the definition of the expression

"public servant", incorporation of offences under sections 161–165A of the [Indian Penal Code](#), enhancement of penalties provided for these offences and incorporation of a provision that the order of the trial court upholding the grant of sanction for prosecution would be final if it has not already been challenged and the trial has commenced. In order to expedite the proceedings, provisions for day-to-day trial of cases and prohibitory provisions with regard to grant of stay and exercise of powers of revision on interlocutory orders have also been included.

4. Since the provisions of section 165A are incorporated in the proposed legislation with an enhanced punishment, it is not necessary to retain those sections in the [Indian Penal Code](#). Consequently, it is proposed to delete those sections with the necessary saving provision.

⁴[[s 166A] Public servant disobeying direction under law.

Whoever, being a public servant,—

- (a) **knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or**
- (b) **knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or**
- (c) **fails to record any information given to him under sub-section (1) of [section 154 of the Code of Criminal Procedure, 1973](#) (2 of 1974), in relation to cognizable offence punishable under [section 326A](#), [section 326B](#), [section 354](#), [section 354B](#), [section 370](#), [section 370A](#), [section 376](#), [section 376A](#), ⁵[[section 376AB](#), [section 376B](#), [section 376C](#), [section 376D](#), [section 376DA](#), [section 376DB](#)], [section 376E](#) or [section 509](#),**

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.]

4. Ins. by the [Criminal Law \(Amendment\) Act, 2013](#) (13 of 2013), section 3 (w.r.e.f. 3-2-2013).
5. Subs. by Act 22 of 2018, section 2, for "section 376B, section 376C, section 376D" (w.r.e.f. 21-4-2018).

THE INDIAN PENAL CODE

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

This chapter deals with two classes of offences, of which one can be committed by public servants alone, and the other comprises offences which relate to public servants, though they are not committed by them.

Deletion of provisions.—Sections 161–165A stand omitted by the [Prevention of Corruption Act, 1988, section 31](#) (w.e.f. 9 September 1988).

The relevant portion from the Statement of Objects and Reasons appended to the [Prevention of Corruption Act, 1988](#) relating to the omission of [sections 161 to 165A](#) of [Indian Penal Code, 1860 \(IPC, 1860\)](#) is given below:

3. The Bill *inter alia*, envisages widening the scope of the definition of the expression

"public servant", incorporation of offences under sections 161–165A of the [Indian Penal Code](#), enhancement of penalties provided for these offences and incorporation of a provision that the order of the trial court upholding the grant of sanction for prosecution would be final if it has not already been challenged and the trial has commenced. In order to expedite the proceedings, provisions for day-to-day trial of cases and prohibitory provisions with regard to grant of stay and exercise of powers of revision on interlocutory orders have also been included.

4. Since the provisions of section 165A are incorporated in the proposed legislation with an enhanced punishment, it is not necessary to retain those sections in the [Indian Penal Code](#). Consequently, it is proposed to delete those sections with the necessary saving provision.

⁴[[s 166A] Public servant disobeying direction under law.

Whoever, being a public servant,—

- (a) **knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or**
- (b) **knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or**
- (c) **fails to record any information given to him under sub-section (1) of [section 154 of the Code of Criminal Procedure, 1973](#) (2 of 1974), in relation to cognizable offence punishable under [section 326A](#), [section 326B](#), [section 354](#), [section 354B](#), [section 370](#), [section 370A](#), [section 376](#), [section 376A](#), ⁵[[section 376AB](#), [section 376B](#), [section 376C](#), [section 376D](#), [section 376DA](#), [section 376DB](#)], [section 376E](#) or [section 509](#),**

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.]

4. Ins. by the [Criminal Law \(Amendment\) Act, 2013](#) (13 of 2013), section 3 (w.r.e.f. 3-2-2013).
5. Subs. by Act 22 of 2018, section 2, for "section 376B, section 376C, section 376D" (w.r.e.f. 21-4-2018).

THE INDIAN PENAL CODE

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

This chapter deals with two classes of offences, of which one can be committed by public servants alone, and the other comprises offences which relate to public servants, though they are not committed by them.

Deletion of provisions.—Sections 161–165A stand omitted by the [Prevention of Corruption Act, 1988, section 31](#) (w.e.f. 9 September 1988).

The relevant portion from the Statement of Objects and Reasons appended to the [Prevention of Corruption Act, 1988](#) relating to the omission of [sections 161 to 165A](#) of [Indian Penal Code, 1860 \(IPC, 1860\)](#) is given below:

3. The Bill *inter alia*, envisages widening the scope of the definition of the expression

"public servant", incorporation of offences under sections 161–165A of the [Indian Penal Code](#), enhancement of penalties provided for these offences and incorporation of a provision that the order of the trial court upholding the grant of sanction for prosecution would be final if it has not already been challenged and the trial has commenced. In order to expedite the proceedings, provisions for day-to-day trial of cases and prohibitory provisions with regard to grant of stay and exercise of powers of revision on interlocutory orders have also been included.

4. Since the provisions of section 165A are incorporated in the proposed legislation with an enhanced punishment, it is not necessary to retain those sections in the [Indian Penal Code](#). Consequently, it is proposed to delete those sections with the necessary saving provision.

⁶[[s 166B] Punishment for non-treatment of victim.

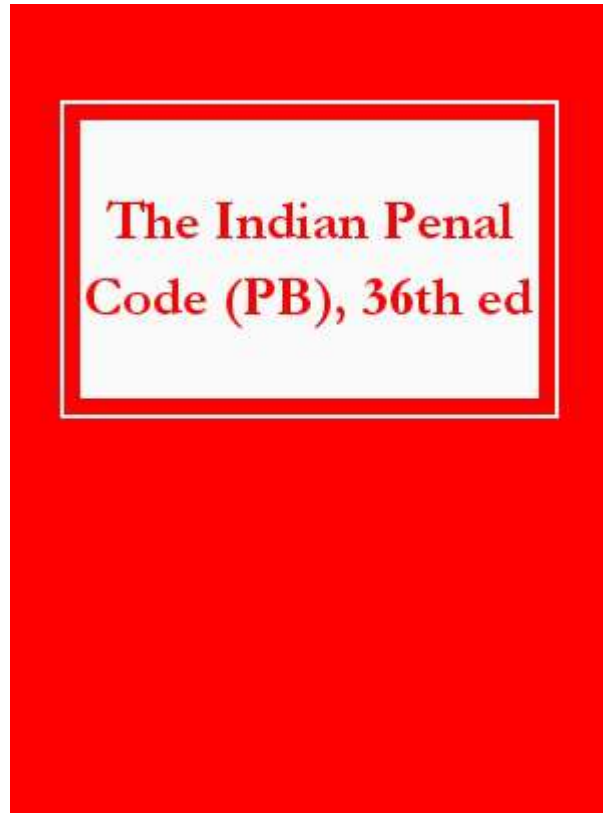
Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of [section 357C of the Code of Criminal Procedure, 1973](#) (2 of 1974), shall be punished with imprisonment for a term which may extend to one year or with fine or with both.]

COMMENT—

Sections 166A and 166B are enacted based on the recommendations given by the Justice J.S. Verma Committee, constituted in the aftermath of the December 2012 Delhi Rape Case by the [Criminal Law \(Amendment\) Act, 2013](#) (Nirbhaya Act, 2013).

⁶ Ins. by the [Criminal Law \(Amendment\) Act, 2013](#) (13 of 2013), section 3 (w.r.e.f. 3-2-2013).

The Indian Penal Code (PB), 36th ed



Ratanlal & Dhirajlal: Indian Penal Code (PB) / 6. Ins. by the Criminal Law (Amendment) Act, 2013 (13 of 2013), section 3 (w.r.e.f. 3-2-2013). [[s 166B] Punishment for non-treatment of victim.

Currency Date: 28 April 2020

© 2020 LexisNexis

THE INDIAN PENAL CODE

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

This chapter deals with two classes of offences, of which one can be committed by public servants alone, and the other comprises offences which relate to public servants, though they are not committed by them.

Deletion of provisions.—Sections 161–165A stand omitted by the [Prevention of Corruption Act, 1988, section 31](#) (w.e.f. 9 September 1988).

The relevant portion from the Statement of Objects and Reasons appended to the [Prevention of Corruption Act, 1988](#) relating to the omission of [sections 161 to 165A](#) of [Indian Penal Code, 1860 \(IPC, 1860\)](#) is given below:

3. The Bill *inter alia*, envisages widening the scope of the definition of the expression

"public servant", incorporation of offences under sections 161–165A of the [Indian Penal Code](#), enhancement of penalties provided for these offences and incorporation of a provision that the order of the trial court upholding the grant of sanction for prosecution would be final if it has not already been challenged and the trial has commenced. In order to expedite the proceedings, provisions for day-to-day trial of cases and prohibitory provisions with regard to grant of stay and exercise of powers of revision on interlocutory orders have also been included.

4. Since the provisions of section 165A are incorporated in the proposed legislation with an enhanced punishment, it is not necessary to retain those sections in the [Indian Penal Code](#). Consequently, it is proposed to delete those sections with the necessary saving provision.

⁶[[s 166B] Punishment for non-treatment of victim.

Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of [section 357C of the Code of Criminal Procedure, 1973](#) (2 of 1974), shall be punished with imprisonment for a term which may extend to one year or with fine or with both.]

COMMENT—

Sections 166A and 166B are enacted based on the recommendations given by the Justice J.S. Verma Committee, constituted in the aftermath of the December 2012 Delhi Rape Case by the [Criminal Law \(Amendment\) Act, 2013](#) (Nirbhaya Act, 2013).

⁶ Ins. by the [Criminal Law \(Amendment\) Act, 2013](#) (13 of 2013), section 3 (w.r.e.f. 3-2-2013).

