

THE INDIAN PENAL CODE

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

This Chapter contains penal provisions intended to enforce obedience to the lawful authority of public servants. Contempt of the lawful authority of Courts of Justice, of Officers of Revenue, Officers of Police, and other public servants are punishable under this head.

25. [[s 174-A] Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.

Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of [section 82 of the Code of Criminal Procedure, 1973](#) shall be punished with imprisonment for a term which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.]

COMMENT.—

Cr PC (Amendment) Act, 2005—Clause 44.—This clause amends the [IPC, 1860](#) as follows, namely:—

Clause 12 seeks to insert new sub-sections (4) and (5) in section 82 of the Code to provide for the declaration of a person as proclaimed offender, if he fails to appear in spite of the proclamation published under sub-section (1) of that section. In order to curb the tendency on the part of criminals not to attend the Court in response to proclamation published under sub-section (1) or further proclamation issued under sub-section (4) declaring the accused as "Proclaimed Offender" a new section 174-A is being added to the [Indian Penal Code](#) to prescribe punishment for such offender. [Notes on Clauses.]

If Investigating Officer submits charge sheet without arresting the accused persons (unless he is on bail), it can be submitted only if he has been declared absconder and the case under [section 174-A IPC, 1860](#) has also been registered as a result of this proclamation.^{26.}

The offence under [section 174A IPC, 1860](#) which arises out of the proceedings conducted during the main case can be tried and disposed of by the same Court. Lodging of separate FIR for commission of offence under [section 174 IPC, 1860](#) is not always required.^{27.}

25. Ins. by [Cr PC](#) (Amendment) Act, 2005 (25 of 2005), section 44(b) (w.e.f. 23-6-2006 *vide* Notfn. No. SO 923(E), dated 21 June 2006.

26. *Iqbal v State of UP*, [2013 Cr LJ 1332](#) (All).

27. *A Krishna Reddy v CBI*, 2017 (5) ADR 635.

THE INDIAN PENAL CODE

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

This Chapter contains penal provisions intended to enforce obedience to the lawful authority of public servants. Contempt of the lawful authority of Courts of Justice, of Officers of Revenue, Officers of Police, and other public servants are punishable under this head.

[s 175] Omission to produce ²⁸[document or electric record] to public servant by person legally bound to produce it.

Whoever, being legally bound to produce or deliver up any ²⁹[document or electronic record] of any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both,

or, if the ³⁰[document or electronic record] is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

ILLUSTRATION

A, being legally bound to produce a document before a ³¹[District Court], intentionally omits to produce the same. A has committed the offence defined in this section.

COMMENT—

This section punishes persons who refuse to produce documents which they are legally bound to produce before a public servant. From reading of [section 345 of the Cr PC, 1973](#), it is clear that offences under sections 175, 178, 179, 180 or 228 would constitute contempt, only if they are committed in the view or presence of the Court. This would also show that offences under sections 175, 178, 179, 180 or 228 *per se* do not amount to contempt. They are contempt only if they are committed "in the view or presence of the Court"; otherwise they remain offences under the [IPC, 1860](#) simpliciter.³²

²⁸. Subs. by Act 21 of 2000, section 91 and Sch. I, for "document" (w.e.f. 17-10-2000).

²⁹. Subs. by Act 21 of 2000, section 91 and Sch. I, for "document" (w.e.f. 17-10-2000).

³⁰. Subs. by Act 21 of 2000, section 91 and Sch. I, for "document" (w.e.f. 17-10-2000).

³¹. Subs. by the A.O. 1950, for "Zila Court".

³². *Arun Paswan v State of Bihar*, [AIR 2004 SC 721](#) [[LNIND 2003 SC 1085](#)] : (2004) 5 SCC 53 [[LNIND 2003 SC 1085](#)].

THE INDIAN PENAL CODE

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

This Chapter contains penal provisions intended to enforce obedience to the lawful authority of public servants. Contempt of the lawful authority of Courts of Justice, of Officers of Revenue, Officers of Police, and other public servants are punishable under this head.

[s 176] Omission to give notice or information to public servant by person legally bound to give it.

Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

³³. [or, if the notice or information required to be given is required by an order passed under sub-section (1) of section 565 (now 356) of the [Code of Criminal Procedure, 1898 \(now 1973\)](#)³⁴. 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.]

COMMENT.—

Omission to give notice or information.—This section applies to persons upon whom an obligation is imposed by law to furnish certain information to public servants, and the penalty which the law provides is intended to apply to parties who commit an intentional breach of such obligation,³⁵ and not where the public servants have already obtained the information from other sources.³⁶

A doctor is not obliged to inform the police when he treats a patient who has met with vehicle accident.³⁷

[s 176.1] CASE.—

It was not within the scope of the Magistrate to hold investigative officer guilty for violation of his official duties who had already sought extension to complete the investigation. Omission on the part of IO to complete the investigation within 60 days from date of arrest is not covered under provisions of [section 176, IPC, 1860](#).³⁸ Under section 39 (i)(v) [Cr PC, 1973](#), where a person is aware of commission or an intention to commit an offence under [sections 302, 303 and 304, IPC, 1860](#), he is bound to give

information to the nearest Magistrate or police-officer of such commission or intention and failure to do so is punishable under this section. Where the mother of a murder suspect merely said that her son and daughter-in-law went to bed at about 10 P.M. and that early next morning, her son came out and ran away and she found her daughter-in-law lying dead on the bed, it was held that her failure to inform the police did not constitute an offence under [section 176, IPC, 1860](#), as she was neither aware that a murder was going to be committed nor aware that a murder had been committed.^{39.}

33. Added by Act 22 of 1939, section 2.

34. Now see [section 356 of the Code of Criminal Procedure, 1973](#) (2 of 1974).

35. *Phool Chand Brojobassee*, (1871) 16 WR (Cr) 35.

36. *Sashi Bhusan Chuckrabutty*, (1878) 4 Cal 623 ; *Pandya*, (1884) 7 Mad 436; *Gopal Singh*, (1982) 20 Cal 316 .

37. *SN Naik v State of Maharashtra*, 1996 Cr LJ 1463 (Bom).

38. *Manoj Kumar Gautam v State of UP*, 2009 Cr LJ 3176 (Pat).

39. *TS John v State*, 1984 Cr LJ 753 (Ker). See also *Geetha v Sub-Inspector of Excise, Mudigere*, 2007 Cr LJ 3496 (Kar).

THE INDIAN PENAL CODE

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

This Chapter contains penal provisions intended to enforce obedience to the lawful authority of public servants. Contempt of the lawful authority of Courts of Justice, of Officers of Revenue, Officers of Police, and other public servants are punishable under this head.

[s 177] Furnishing false information.

Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

ILLUSTRATIONS

- (a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.
- (b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under clause, 5, section VII, Regulation III, 1821,⁴⁰ of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest police station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the later part of this section.

⁴¹.**[Explanation.—In section 176 and in this section the word "offence" includes any act committed at any place out of** ⁴².**[India], which, if committed in** ⁴³.**[India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word "offender" includes any person who is alleged to have been guilty of any such act.]**

COMMENT.—

Furnishing false information.—Section 176 deals with the omission to give information; this section deals with the giving of false information. Persons who are not under a legal obligation to furnish information cannot be dealt with under these sections.⁴⁴ Furnishing false information is distinct from omission to give information. Omission to mention about a two-wheeler in the statement of assets and liabilities by a public servant is not an offence under [section 177 IPC, 1860](#).⁴⁵ It is clear that the accused having been aware of the fact that she belongs to "Havyak Brahmin" by caste, furnished false information to the authority and obtained admission by producing false caste certificate. The ingredients of section 177 are proved.⁴⁶ In a case where the allegation was that the complainant filed false information in nomination paper, it was held that a complaint by the Returning officer is mandatory.⁴⁷

The appellant being a *Sarpanch* of the Gram Panchayat was legally bound to give correct information and issue a correct certificate but he issued a false certificate in favour of one Lal Chand that he does not own any land except the land which he has made fit for cultivation, in fact, though Lal Chand owned 13 *kanals*, 13 *marlas* and also his wife owned lands in the village Baruhi. Therefore, the ingredients of section 177 of the Code were proved as against him.⁴⁸

[s 177.1] Application of [Section 195 and 340 Cr PC, 1973](#).—

[Section 195\(1\), Cr PC, 1973](#) lays down that no Court shall take cognizance of any offence punishable under sections 172–188, [IPC, 1860](#) except on the complaint in writing of the public servant concerned or some other public servant to whom he is administratively subordinate. The provision of [section 195\(1\), Cr PC, 1973](#) is mandatory.⁴⁹

⁴⁰. Rep. by Act 17 of 1862.

⁴¹. Added by Act 3 of 1894, section 5.

⁴². The words "British India" have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, section 3 and Sch. (w.e.f. 1-4-1951), to read as above.

⁴³. The words "British India" have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, section 3 and Sch. (w.e.f. 1-4-1951), to read as above.

⁴⁴. *Ashok Kumar Mittal v Ram Kumar Gupta*, (2009) 2 SCC 656 [LNIND 2009 SC 33] : (2009) 1 SCC (Cr) 836 : (2009) 1 KLT 398 [LNIND 2009 SC 33] : (2009) 1 CHN 184 (SC) : (2009) 234 ELT 193.

⁴⁵. *Veeranna v State of Karnataka*, 2013 Cr LJ (NOC) 335 (Kar).

⁴⁶. *State of Karnataka v G M Sumanabai*, 2004 Cr LJ 4112 (Kar).

⁴⁷. *Amita Trivedi v State of Rajasthan*, 2013 Cr LJ (NOC) 240 (Raj). See also *Jayalalithaa v Kuppusamy*, 2013 Cr LJ 839 (SC) : 2012 (11) Scale 432 [LNIND 2012 SC 756].

⁴⁸. *Bishan Dass v State of Punjab*, 2015 Cr LJ 281 : 2014 (9) Scale 690 [LNINDORD 2014 SC 21072]. See also *State of Karnataka v G M Sumanabai*, 2004 Cr LJ 4112 (Kar).

⁴⁹. *Lakpa Sherpa v State of Sikkim*, 2004 Cr LJ 3488 (Sik). See also *Ram Dhan v State of UP*, 2012 (4) Scale 259 [LNIND 2012 SC 1057] : 2012 AIR(SCW) 2500 : 2012 Cr LJ 2419 : (2012) 5

SCC 536 [LNIND 2012 SC 1057] : AIR 2012 SC 2513 [LNIND 2012 SC 1057] **relied** on *Sachida Nand Singh v State of Bihar*, (1998) 2 SCC 493 [LNIND 1998 SC 138] .

THE INDIAN PENAL CODE

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

This Chapter contains penal provisions intended to enforce obedience to the lawful authority of public servants. Contempt of the lawful authority of Courts of Justice, of Officers of Revenue, Officers of Police, and other public servants are punishable under this head.

[s 178] Refusing oath or affirmation when duly required by public servant to make it.

Whoever refuses to bind himself by an oath ⁵⁰. [or affirmation] to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

COMMENT.—

Refusal to take oath.—The refusal to take an oath amounts to contempt of Court. The person refusing may be dealt with under [section 345 of the Cr PC, 1973](#) summarily or the Court may proceed under section 195 of the same Code. The penalty of this section would not be attracted where the refusal to take oath is justifiable. This observation of the Supreme Court occurs in *Kiran Bedi and Inder Singh v Committee of Inquiry*.⁵¹ The justification available to the police-officers in question was that they were sought to be cross-examined under oath at the very outset of the inquiry, whereas other officers similarly placed were to figure in the cross-examination at a subsequent stage. This procedure was discriminatory, hence, the justification. The Court accordingly held that the committee should not have directed a complaint to be filed against them under this section.

⁵⁰. Ins. by Act 10 of 1873, section 15.

⁵¹. *Kiran Bedi and Inder Singh v Committee of Inquiry*, [AIR 1989 SC 714](#) [[LNIND 1989 SC 833](#)] : [1989 Cr LJ 903](#) : (1989) 1 SCR 20 [[LNIND 1989 SC 833](#)] : (1989) 1 SCC 494 [[LNIND 1989 SC 10](#)] .