# IPC Section 107

## Section 107 of the Indian Penal Code: Abetment of a thing  
  
Section 107 of the Indian Penal Code (IPC) lays the foundation for understanding the concept of abetment. It defines what constitutes abetment of a “thing,” providing a broad framework that underpins other sections related to abetment (Sections 108-120). This section doesn't specify a particular offense but rather defines the general principle of abetment, which is then applied to specific offenses in subsequent sections.  
  
\*\*Deconstructing Section 107:\*\*  
  
Section 107 defines abetment in three distinct ways:  
  
1. \*\*Instigating a person to do that thing:\*\* This refers to actively inciting or encouraging someone to commit an offense. It involves provoking, stimulating, or urging another person to act in a criminal manner.  
  
2. \*\*Engaging with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing:\*\* This pertains to the formation of a criminal agreement between two or more individuals to commit an offense. The agreement itself, coupled with an illegal act or omission carried out in furtherance of the conspiracy, constitutes abetment.  
  
3. \*\*Intentionally aiding, by any act or illegal omission, the doing of that thing:\*\* This refers to providing assistance or support to the commission of an offense, knowing that such aid will facilitate the criminal act. This could involve providing resources, information, or creating favorable conditions for the offense to occur. The omission must be illegal, meaning there's a legal duty to act, and the failure to do so facilitates the offense.  
  
  
\*\*Elaborating on Each Clause:\*\*  
  
\*\*1. Instigation:\*\*  
  
Instigation involves actively prompting another person to commit an offense. It requires a clear connection between the instigator's actions and the subsequent offense. Mere expression of a desire or opinion, without a clear intent to incite, doesn't constitute instigation.  
  
\* \*\*Nature of Instigation:\*\* Instigation can take various forms, including verbal communication (e.g., speeches, threats, persuasion), written communication (e.g., letters, messages), gestures, or any other form of communication that incites a person to commit an offense.  
  
\* \*\*Proof of Instigation:\*\* Proving instigation requires establishing a causal link between the instigator's actions and the commission of the offense. The prosecution must demonstrate that the instigation played a significant role in influencing the person to commit the crime.  
  
\* \*\*Examples:\*\* A person urging a mob to attack a specific community, a leader inciting followers to commit acts of vandalism, or an individual provoking another to commit assault.  
  
  
\*\*2. Conspiracy:\*\*  
  
Conspiracy focuses on the agreement between two or more individuals to commit an offense. The agreement itself, combined with an overt act carried out in furtherance of the conspiracy, constitutes abetment.  
  
\* \*\*Elements of Conspiracy:\*\* A conspiracy requires a meeting of minds between at least two individuals, a shared intention to commit an offense, and an agreement to pursue that objective.  
  
\* \*\*Overt Act Requirement:\*\* For a conspiracy to become abetment under Section 107, an act or illegal omission must take place in pursuance of the conspiracy. This overt act demonstrates the active pursuit of the criminal objective.  
  
\* \*\*Examples:\*\* A group of individuals planning a bank robbery and subsequently purchasing weapons, individuals agreeing to smuggle illegal goods and then securing a transportation vehicle, or individuals conspiring to commit fraud and then creating false documents.  
  
  
  
\*\*3. Intentional Aiding:\*\*  
  
Intentional aiding involves providing assistance or support to the commission of an offense, with the knowledge that such aid will facilitate the criminal act. The assistance can be through an act or an illegal omission.  
  
\* \*\*Nature of Aid:\*\* Aid can take many forms, including providing financial resources, supplying weapons or tools, offering logistical support, providing information, or creating favorable conditions for the offense to occur.  
  
\* \*\*Illegal Omission:\*\* An illegal omission refers to a failure to act when there's a legal duty to do so, and this failure facilitates the offense. This typically arises when a person has a specific responsibility to prevent a crime but fails to act.  
  
\* \*\*Intentionality:\*\* The aiding must be intentional. The person providing the assistance must be aware that their actions are facilitating the commission of an offense.  
  
\* \*\*Examples:\*\* Providing a getaway car for a robbery, supplying counterfeit currency for distribution, or a security guard deliberately leaving a door unlocked to facilitate a burglary.  
  
  
\*\*“Thing” in Section 107:\*\*  
  
The term “thing” in Section 107 refers to the offense being abetted. It encompasses any act or omission punishable by law. This broad definition ensures that the principle of abetment applies to a wide range of offenses.  
  
  
\*\*Mens Rea (Criminal Intent) in Abetment:\*\*  
  
\*Mens rea\* plays a crucial role in establishing abetment. The prosecution must prove that the accused had the necessary intention to abet the commission of the offense. This means demonstrating that the accused was aware of the nature of their actions and their likely consequences.  
  
  
\*\*Abetment vs. Attempt:\*\*  
  
It's important to differentiate between abetment and attempt. Abetment involves instigating, conspiring, or intentionally aiding another person to commit an offense, while attempt involves taking direct steps towards committing an offense oneself, but failing to complete it.  
  
  
\*\*Abetment vs. Accessory:\*\*  
  
Abetment focuses on the pre-commission stage of an offense, while being an accessory typically involves actions taken after the offense has been committed, such as harboring a criminal or concealing evidence.  
  
  
\*\*Punishment for Abetment:\*\*  
  
The punishment for abetment is generally provided in the sections dealing with the specific offenses being abetted. Section 109 of the IPC provides a general framework for punishment when no specific provision is made.  
  
  
\*\*Conclusion:\*\*  
  
Section 107 of the IPC is a cornerstone of the law of abetment. It provides a comprehensive definition of abetment, encompassing instigation, conspiracy, and intentional aiding. The broad scope of the term “thing” ensures that this principle applies to a wide array of offenses. Understanding Section 107 is essential for comprehending other sections related to abetment and appreciating the significance of this concept in criminal law. By criminalizing actions that facilitate the commission of offenses, Section 107 serves as a deterrent and reinforces the principle of accountability in the criminal justice system.