# IPC Section 213

## IPC Section 213: A Deep Dive into Taking Gift, etc., to Screen an Offender from Punishment  
  
Section 213 of the Indian Penal Code (IPC) addresses the corrupt practice of accepting a gratification or reward in exchange for harboring or concealing an offender or screening them from legal punishment. This provision complements Section 212 (Harboring or Concealing an Offender) by criminalizing the act of profiting from such illicit assistance. Understanding Section 213 requires a comprehensive examination of its elements, its relationship with other legal provisions, and its implications for the integrity of the criminal justice system.  
  
\*\*I. The Text of Section 213\*\*  
  
Section 213 of the IPC is structured into two clauses, each targeting different scenarios:  
  
\*\*(a) Whoever accepts or attempts to accept any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; if the offence is punishable with transportation for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of either description for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.\*\*  
  
\*\*(b) Whoever accepts or attempts to accept any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence, or of his screening any person from legal punishment for any offence, when such offence has been committed outside [India], and the offender is extradited or otherwise brought to trial before a court in [India], shall be punished in the same manner as if such offence had been committed in [India].\*\*  
  
\*\*II. Dissecting the Elements of Section 213\*\*  
  
Across its clauses, Section 213 incorporates several key elements:  
  
1. \*\*Accepts or Attempts to Accept:\*\* This covers both the actual receipt of a gratification and the attempt to obtain one. This broad scope ensures that individuals are held accountable even if the transaction is not completed. An "attempt" occurs when the individual takes steps towards accepting the gratification, demonstrating a clear intention to receive it.  
  
2. \*\*Gratification for Himself or Any Other Person:\*\* This includes any form of benefit, reward, or inducement, whether monetary or otherwise. It can involve cash, property, favors, promises of future benefits, or any other advantage offered as an incentive. The gratification can be for the benefit of the individual accepting it or for any other person designated by them.  
  
3. \*\*Restitution of Property to Himself or Any Other Person:\*\* This specifically addresses situations where the gratification involves the return of stolen or illegally obtained property. This recognizes that accepting the return of such property in exchange for concealing the offense can be a powerful incentive for corruption.  
  
4. \*\*In Consideration of:\*\* This establishes a direct link between the gratification and the act of concealing the offense, screening the offender, or refraining from pursuing legal action. The gratification must be offered and accepted as payment for these illicit acts.  
  
5. \*\*Concealing an Offence:\*\* This involves actively hiding or covering up the commission of an offense, preventing its discovery or investigation.  
  
6. \*\*Screening Any Person from Legal Punishment:\*\* This involves protecting an offender from arrest, prosecution, or punishment.  
  
7. \*\*Not Proceeding Against Any Person for the Purpose of Bringing Him to Legal Punishment:\*\* This targets individuals who have a duty to pursue legal action against offenders but refrain from doing so in exchange for a gratification. This clause is particularly relevant to law enforcement officials and other public servants involved in the criminal justice system.  
  
8. \*\*Punishment (Clause a):\*\* The punishment under Clause (a) varies depending on the severity of the concealed offense:  
  
 \* \*\*Offense punishable with death:\*\* Imprisonment up to seven years and a fine.  
 \* \*\*Offense punishable with life imprisonment or imprisonment up to ten years:\*\* Imprisonment up to three years and a fine.  
 \* \*\*Offense punishable with imprisonment less than ten years:\*\* Imprisonment up to one-fourth of the longest term prescribed for that offense, or a fine, or both.  
  
9. \*\*Offenses Committed Outside India (Clause b):\*\* Clause (b) addresses situations where the concealed offense was committed outside India but the offender is extradited or brought to trial in India. In such cases, the punishment is the same as if the offense had been committed within India. This emphasizes that the location of the offense does not diminish the seriousness of accepting a gratification to conceal it.  
  
\*\*III. Illustrative Examples\*\*  
  
To better understand the application of Section 213, consider the following examples:  
  
\* \*\*Example 1 (Clause a):\*\* A police officer accepts a bribe to not arrest a person who has committed a robbery.  
  
\* \*\*Example 2 (Clause a):\*\* A private individual accepts a payment to hide a fugitive wanted for murder.  
  
\* \*\*Example 3 (Clause b):\*\* A lawyer accepts a large sum of money to help conceal a financial fraud committed abroad, knowing that the offender will be extradited to India for trial.  
  
  
\*\*IV. Distinguishing Section 213 from Related Offenses\*\*  
  
Section 213 must be distinguished from other related offenses:  
  
\* \*\*Bribery (Prevention of Corruption Act):\*\* While Section 213 can overlap with bribery offenses, it specifically targets the act of accepting gratification to conceal offenses, whereas bribery provisions cover a broader range of corrupt practices.  
  
\* \*\*Extortion (Section 383):\*\* Extortion involves obtaining something of value from a person by putting them in fear of injury. While Section 213 might involve an element of coercion, the core element is the acceptance of a gratification for concealing an offense.  
  
  
\*\*V. Evidentiary Considerations\*\*  
  
Proving a violation of Section 213 requires strong evidence demonstrating the acceptance or attempted acceptance of a gratification, the link between the gratification and the act of concealing the offense, and the accused's knowledge of the offense. This can involve financial records, witness testimony, intercepted communications, and other forms of evidence linking the accused to the offender and demonstrating their corrupt intent.  
  
  
\*\*VI. Challenges and Interpretational Issues\*\*  
  
Applying Section 213 can present certain challenges:  
  
\* \*\*Proving the "In Consideration of" Element:\*\* Establishing the direct link between the gratification and the act of concealing the offense can be complex, especially in cases involving circumstantial evidence.  
  
\* \*\*Interpreting "Gratification":\*\* The broad definition of "gratification" requires careful consideration in each case to determine whether the alleged benefit constitutes a gratification within the meaning of the section.  
  
  
\*\*VII. Significance and Implications\*\*  
  
Section 213 plays a crucial role in maintaining the integrity of the criminal justice system and preventing corruption within law enforcement and the broader community. By criminalizing the act of profiting from the concealment of offenses, it deters individuals from obstructing justice for personal gain and reinforces public trust in the rule of law.  
  
  
\*\*VIII. Conclusion\*\*  
  
Section 213 of the IPC targets the specific problem of individuals accepting rewards for shielding offenders from justice. By penalizing this corrupt practice, it upholds the integrity of the legal system, protects the public interest, and promotes accountability for criminal acts. While applying this section requires careful consideration of the elements of gratification, the link between the gratification and the concealment of the offense, and the accused's knowledge, its effective enforcement is vital for maintaining a just and equitable criminal justice system. Its continued relevance is essential to ensure that the pursuit of justice is not undermined by corrupt practices that allow criminals to evade accountability.