# IPC Section 259

## A Comprehensive Analysis of Section 259 of the Indian Penal Code: Knowingly aiding or assisting in the unlawful return from transportation  
  
Section 259 of the Indian Penal Code (IPC) addresses the offense of assisting an individual in unlawfully returning from transportation. This section, like Section 258, reflects the historical context where transportation was a form of punishment involving banishment. While transportation is no longer practiced in India, Section 259 remains in the IPC. This essay provides a detailed analysis of Section 259, examining its historical context, elements, scope, current relevance, and relationship with other related provisions.  
  
\*\*I. The Text of Section 259:\*\*  
  
Section 259 of the IPC states:  
  
“Whoever knowingly aids or assists in the unlawful return from transportation of any person who has been transported under any law in force in <sup>1</sup>[India], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”  
  
  
\*\*II. Historical Context of Transportation:\*\*  
  
As discussed in the analysis of Section 258, transportation was a widely used form of punishment in the British Empire. Convicts were sent to penal colonies, often in remote locations, for forced labor. This practice served to remove criminals from society, provide a labor source for the colonies, and act as a deterrent to crime. The Andaman Islands, known as "Kala Pani," served as a significant penal colony for India.  
  
  
\*\*III. Deconstructing the Elements of Section 259:\*\*  
  
Understanding the elements of Section 259, despite its limited practical application today, remains important for understanding the historical context of the IPC and the development of criminal law. The elements include:  
  
1. \*\*Knowledge:\*\* The individual must \*knowingly\* aid or assist in the unlawful return. This implies awareness that the person being assisted has been transported and that their return is unauthorized. Mere suspicion or negligence is insufficient to establish the offense.  
  
2. \*\*Aiding or Assisting:\*\* The individual must provide some form of assistance to facilitate the unlawful return. This could include providing financial support, arranging transportation, offering shelter, or any other act that helps the transported person return.  
  
3. \*\*Unlawful Return from Transportation:\*\* The return of the transported person must be unlawful, meaning they did not have the appropriate government's authorization to return before the completion of their sentence. This links Section 259 to Section 258, which defines the offense of unlawful return from transportation.  
  
4. \*\*Transportation under a Law in Force in India:\*\* The person being assisted must have been initially transported under a law valid in India at the time of their sentencing.  
  
  
\*\*IV. Scope and Interpretation of Section 259:\*\*  
  
Section 259's scope is limited to the act of knowingly assisting an unlawful return from transportation.  
  
1. \*\*Focus on Assistance:\*\* The section focuses on the act of providing assistance, not the motivations behind the assistance. Whether the assistance was provided out of sympathy, personal gain, or any other motive is irrelevant to the offense itself.  
  
2. \*\*Connection to Unlawful Return:\*\* The assistance must be linked to an unlawful return from transportation. Assisting a transported individual in other ways, such as sending them supplies or communicating with them, would not fall under this section unless it directly facilitated their unauthorized return.  
  
  
\*\*V. Current Relevance of Section 259:\*\*  
  
Like Section 258, Section 259 has limited practical relevance today due to the abolition of transportation as a punishment. However, it remains on the statute books as a historical artifact reflecting the legal framework of a bygone era.  
  
1. \*\*Historical Significance:\*\* Section 259 provides insight into the legal mechanisms employed to enforce the system of transportation and prevent escapes and unauthorized returns.  
  
2. \*\*Potential for Repeal:\*\* Given its lack of practical application, Section 259, along with Section 258, is a candidate for repeal. However, its continued presence does not create any practical legal issues, as it remains dormant.  
  
  
\*\*VI. Distinguishing Section 259 from Related Offenses:\*\*  
  
No directly analogous offenses exist in contemporary Indian law. However, Section 259 can be contrasted with provisions relating to harboring offenders:  
  
1. \*\*Section 212 (Harbouring offender):\*\* This section deals with concealing or giving shelter to an offender to prevent their apprehension. While conceptually similar to assisting an unlawful return, Section 259 specifically applies to the context of transportation, a historically distinct form of punishment.  
  
2. \*\*Section 216 (Harbouring offender who has escaped from custody or whose apprehension has been ordered):\*\* This section is more specific than Section 212, focusing on harboring individuals who have escaped custody or whose apprehension is pending. While sharing some similarities with Section 259, it deals with escape from custody, not return from transportation.  
  
  
\*\*VII. Hypothetical Examples (Within Historical Context):\*\*  
  
\* Providing a boat to a transported convict to help them escape from the Andaman Islands and return to the mainland.  
\* Providing financial support to a transported person to enable their unauthorized journey back home.  
\* Offering shelter and food to a transported person who has unlawfully returned, knowing their return is unauthorized.  
  
  
  
\*\*VIII. Conclusion:\*\*  
  
Section 259 of the IPC, dealing with knowingly aiding or assisting in an unlawful return from transportation, serves as a historical marker within Indian criminal law. Although transportation is no longer practiced, the section remains on the statute books, providing a glimpse into the legal framework that once governed this now-obsolete form of punishment. Understanding the elements of Section 259, its historical context, and its relationship with other provisions enhances our understanding of the development of penal law. While its repeal is a possibility, its current presence does not cause practical legal conflicts, primarily serving as a historical artifact within the Indian Penal Code.