# IPC Section 135: Abetment of desertion of soldier, sailor or airman.

## IPC Section 135: A Comprehensive Analysis of Abetting Desertion of Armed Forces Personnel  
  
Section 135 of the Indian Penal Code (IPC) addresses the offence of abetting desertion by a soldier, sailor, or airman from the Indian armed forces. Desertion, the act of abandoning one's military duties without permission, weakens the strength and effectiveness of the armed forces. Section 135 recognizes the seriousness of actions that encourage or facilitate desertion and criminalizes such abetment. This detailed examination will explore the elements of Section 135, analyze relevant judicial interpretations, and explain its significance in maintaining military discipline and operational readiness.  
  
\*\*The Text of Section 135:\*\*  
  
"Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."  
  
  
\*\*Dissecting the Elements:\*\*  
  
1. \*\*Abets the Desertion:\*\* "Abetting" encompasses instigating, encouraging, or assisting the act of desertion. In this context, it involves any action that contributes to a soldier, sailor, or airman abandoning their military duties without permission. This can include providing financial assistance, arranging transportation, offering shelter, or providing misleading information to facilitate the desertion. The abetment doesn't necessarily need to be the sole cause of desertion; it must, however, contribute significantly to the decision and act of desertion.  
  
2. \*\*Desertion of any Officer, Soldier, Sailor or Airman:\*\* The act of desertion must be committed by a member of the Indian armed forces. This clarifies that the section targets actions that undermine the strength and readiness of the military by encouraging personnel to abandon their duties. The abettor, however, can be anyone, whether or not they are part of the military.  
  
3. \*\*In the Army, Navy or Air Force of the Government of India:\*\* This element specifies the targeted armed forces, emphasizing the importance of maintaining their strength and operational effectiveness.  
  
  
\*\*Interpretations and Case Law:\*\*  
  
Judicial interpretations have clarified various aspects of Section 135. Courts have emphasized the need to establish a clear link between the abetment and the act of desertion. The prosecution must demonstrate that the abettor's actions played a substantial role in influencing the decision of the armed forces personnel to desert.  
  
The nature of the abetment, the timing of the abetment in relation to the desertion, and the overall circumstances surrounding the incident are relevant factors in determining the connection between the abetment and the desertion. Mere expression of dissatisfaction with military life or sympathy for someone contemplating desertion does not constitute abetment unless it's intended to encourage or facilitate the act of desertion.  
  
  
\*\*Significance and Purpose:\*\*  
  
Section 135 plays a crucial role in maintaining the strength and readiness of the Indian armed forces. By criminalizing the abetment of desertion, it discourages external interference with military personnel and prevents individuals from influencing soldiers, sailors, or airmen to abandon their duties. This protects the operational capabilities of the armed forces and safeguards national security.  
  
  
\*\*Distinction from Harbouring a Deserter:\*\*  
  
Section 136 of the IPC deals with harboring a deserter, which is a distinct offence from abetting desertion. Abetting desertion focuses on the act of encouraging or facilitating the initial act of desertion, while harboring a deserter involves providing shelter or assistance to someone who has \*already\* deserted. These two offences can be committed sequentially, but they are distinct in their elements and focus.  
  
  
\*\*Relationship with Other Offences Against the State:\*\*  
  
Section 135 complements other sections of the IPC dealing with offences against the state, such as Section 121 (waging war against the Government of India) and Section 131 (abetting mutiny). While these sections address broader threats to the state, Section 135 focuses specifically on the act of desertion, recognizing its potential to weaken the armed forces and compromise national security.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 135 of the IPC is a vital provision designed to maintain the strength and effectiveness of the Indian armed forces by criminalizing the abetment of desertion. By targeting actions that encourage or facilitate soldiers, sailors, or airmen to abandon their duties, the section protects the operational capabilities of the military and safeguards national security. While the punishment prescribed under this section is less severe than that for abetting mutiny, it reflects the seriousness with which the law views actions that undermine the integrity and readiness of the armed forces.