# IPC Section 162: [Repealed.]

IPC Section 162, dealing with the offence of taking illegal gratification by a public servant as a motive for forbearing to do something, has been \*\*repealed\*\*. Similar to Section 161, it was replaced by the Prevention of Corruption Act, 1988. Therefore, Section 162 is no longer a part of the current Indian Penal Code. Analyzing this repealed section requires understanding its historical context, the reasons for its repeal, and its equivalent provisions within the Prevention of Corruption Act.  
  
\*\*Historical Context of Section 162:\*\*  
  
Section 162 of the IPC, before its repeal, addressed a specific aspect of corruption related to public servants. It penalized the act of a public servant accepting or obtaining, or agreeing to accept or obtain, any gratification other than legal remuneration, as a motive or reward for forbearing to do any official act which he was legally bound to do. Essentially, it criminalized taking bribes for inaction or omission of duty.  
  
\*\*Reasons for Repeal:\*\*  
  
The reasons for repealing Section 162 are largely the same as those for Section 161 and other related IPC sections dealing with corruption. They include:  
  
\* \*\*Limited Scope:\*\* Section 162 focused solely on the act of forbearance in exchange for illegal gratification. It didn't address other forms of corruption, such as active bribery or demanding gratification for performing an official act.  
  
\* \*\*Overlap with Section 161:\*\* There was considerable overlap between Section 161 (taking illegal gratification for doing or forbearing to do any official act) and Section 162 (taking illegal gratification specifically for forbearance). This overlap created confusion and redundancy.  
  
\* \*\*Ambiguity and Loopholes:\*\* The language used in the section was prone to interpretation issues, leading to difficulties in prosecution and acquittals in some cases.  
  
\* \*\*Need for Comprehensive Legislation:\*\* The repeal paved the way for a more comprehensive and dedicated law to combat corruption, encompassing various forms of corrupt practices and providing more effective enforcement mechanisms.  
  
  
\*\*The Prevention of Corruption Act, 1988 and its Relevance:\*\*  
  
The Prevention of Corruption Act, 1988, repealed Section 162 and consolidated various corruption-related offences under its purview. The essence of Section 162 is now covered primarily under Section 7 of the Prevention of Corruption Act.  
  
\*\*Section 7 of the Prevention of Corruption Act:\*\*  
  
Section 7 of the Act criminalizes "public servant taking gratification other than legal remuneration in respect of an official act." This section broadly covers the scenario addressed by the repealed Section 162. The inclusion of "in respect of an official act" encompasses both acts performed and acts forborne by a public servant. Therefore, taking a bribe for not performing a duty, as covered under the old Section 162, now falls under the ambit of Section 7.  
  
\*\*Key Elements of Section 7:\*\*  
  
The key elements of Section 7 relevant to the context of the repealed Section 162 are:  
  
\* \*\*Public Servant:\*\* The individual involved must be a public servant.  
  
\* \*\*Taking Gratification:\*\* This includes both accepting and obtaining gratification, whether directly or indirectly.  
  
\* \*\*Other than Legal Remuneration:\*\* The gratification received must be beyond the public servant's lawful entitlements.  
  
\* \*\*In Respect of an Official Act:\*\* The crucial aspect here is that the gratification must be linked to an "official act," which includes both acts performed and acts forborne in the course of official duty. This addresses the specific element of forbearance that was the focus of the repealed Section 162.  
  
  
\*\*Advantages of the Prevention of Corruption Act:\*\*  
  
The Prevention of Corruption Act offers several advantages over the previous fragmented provisions within the IPC:  
  
\* \*\*Wider Scope:\*\* It covers a broader range of corrupt practices, including both active and passive bribery, and extends beyond public servants to include private individuals in some cases.  
  
\* \*\*Clearer Language:\*\* The Act uses more precise language, minimizing ambiguity and making prosecution more effective.  
  
\* \*\*Stronger Penalties:\*\* The Act provides for stricter punishments, including imprisonment and fines, acting as a stronger deterrent against corruption.  
  
\* \*\*Presumptions of Guilt:\*\* In certain circumstances, the Act establishes presumptions of guilt against the accused, shifting the burden of proof and making it more difficult for corrupt officials to escape conviction.  
  
\* \*\*Specialized Investigative Agencies:\*\* The Act allows for the establishment of specialized agencies to investigate corruption cases, leading to more efficient and focused investigations.  
  
  
\*\*Conclusion:\*\*  
  
Although IPC Section 162 is no longer in force, its underlying principle of criminalizing the acceptance of illegal gratification by public servants for forbearing to perform their duty remains firmly enshrined within the legal framework through Section 7 of the Prevention of Corruption Act, 1988. The repeal of Section 162 and its replacement by a more comprehensive legislation has significantly strengthened India's fight against corruption, enabling more effective prosecution and promoting higher standards of integrity in public service. Understanding this transition and the key provisions of the Prevention of Corruption Act is vital for anyone concerned with the legal aspects of corruption in India.