# IPC Section 164: [Repealed.]

IPC Section 164, which dealt with the abetment of offences defined in the now-repealed sections related to illegal gratification by public servants (Sections 161, 162, and 163), has itself been \*\*repealed\*\*. With the enactment of the Prevention of Corruption Act, 1988, the old sections concerning illegal gratification were replaced, and consequently, the provision for their abetment under Section 164 also became obsolete. Therefore, Section 164 is no longer a part of the current Indian Penal Code. To understand this repealed section, it’s crucial to examine its historical context, the reasons for its repeal, and how the concept of abetment in corruption cases is now addressed under the Prevention of Corruption Act.  
  
\*\*Historical Context of Section 164:\*\*  
  
Before its repeal, Section 164 of the IPC specifically addressed the abetment of offences defined under Sections 161, 162, and 163. These sections dealt with different facets of illegal gratification taken by public servants. Section 164 criminalized the act of assisting or instigating a public servant to commit these offences or intentionally aiding a public servant in the commission of these offences.  
  
\*\*Reasons for Repeal:\*\*  
  
The repeal of Section 164 followed logically from the repeal of Sections 161, 162, and 163. The primary reasons for its repeal include:  
  
\* \*\*Dependent Provision:\*\* Section 164 was intrinsically linked to the now-repealed sections on illegal gratification. With their repeal, Section 164 became redundant as it referred to offences that no longer existed.  
  
\* \*\*Duplication and Overlap:\*\* The general provisions for abetment under the IPC (Sections 107-120) and the specific abetment provision under the Prevention of Corruption Act made Section 164 superfluous.  
  
\* \*\*Streamlining the Legal Framework:\*\* The repeal contributed to a more coherent and streamlined legal framework for dealing with corruption offences, consolidating all relevant provisions under the Prevention of Corruption Act.  
  
\*\*Abetment under the Prevention of Corruption Act, 1988:\*\*  
  
The Prevention of Corruption Act, 1988, replaced the repealed sections related to illegal gratification and also incorporated provisions addressing the abetment of such offences. While not a direct replacement for Section 164, the concept of abetment in corruption cases is now primarily covered under Section 10 of the Act, along with the general principles of abetment under the IPC.  
  
\*\*Section 10 of the Prevention of Corruption Act:\*\*  
  
Section 10 of the Act states that "any person who abets any offence punishable under this Act shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine." This provision covers the abetment of all offences defined under the Prevention of Corruption Act, effectively encompassing the scenarios previously addressed by the repealed Section 164.  
  
\*\*General Principles of Abetment (IPC Sections 107-120):\*\*  
  
In addition to Section 10 of the Prevention of Corruption Act, the general principles of abetment as defined in Sections 107-120 of the IPC also apply to corruption cases. These sections define various forms of abetment, including:  
  
\* \*\*Instigating a person to commit an offence:\*\* Encouraging or provoking someone to commit a corrupt act.  
\* \*\*Engaging with one or more other person(s) in any conspiracy:\*\* Planning or conspiring with others to commit a corruption offence.  
\* \*\*Intentionally aiding a person to commit an offence:\*\* Providing assistance or support to facilitate the commission of a corrupt act.  
  
  
\*\*Advantages of the Current Framework:\*\*  
  
The current framework for addressing abetment in corruption cases offers several advantages over the previous provision under Section 164:  
  
\* \*\*Broader Applicability:\*\* Section 10 of the Prevention of Corruption Act covers the abetment of all offences under the Act, not just those related to illegal gratification. This provides a wider net for prosecuting those involved in facilitating corruption.  
  
\* \*\*Clarity and Precision:\*\* The language used in Section 10 and the general abetment provisions of the IPC is clearer and more precise, minimizing ambiguity and facilitating more effective prosecution.  
  
\* \*\*Harmonization with General Principles:\*\* Integrating the concept of abetment in corruption cases with the general principles of abetment under the IPC creates a more consistent and harmonious legal framework.  
  
\* \*\*Enhanced Punishments:\*\* The Prevention of Corruption Act generally prescribes more stringent penalties for corruption offences, including abetment, serving as a stronger deterrent.  
  
  
\*\*Conclusion:\*\*  
  
Although IPC Section 164 has been repealed, its core purpose – punishing those who aid or abet corruption – is now effectively addressed by a combination of Section 10 of the Prevention of Corruption Act and the general principles of abetment under the IPC. This transition has resulted in a more comprehensive and robust legal framework for combating corruption, covering a wider range of offences and ensuring stricter penalties for those involved in corrupt practices, including those who facilitate such actions. Understanding this evolution is crucial for anyone navigating the legal landscape concerning corruption offences in India.