# IPC Section 318: Concealment of birth by secret disposal of dead body.

## IPC Section 318: Concealment of Birth by Secret Disposal of Dead Body - A Detailed Analysis  
  
Section 318 of the Indian Penal Code (IPC) deals with the specific offence of concealing the birth of a child by secretly disposing of its dead body. This section addresses the act of deliberately hiding the birth, regardless of whether the child was born dead or alive, by disposing of the body in a clandestine manner. It’s crucial to differentiate this section from other offences related to infanticide or causing miscarriage, as it specifically targets the act of concealment through secret disposal.  
  
\*\*The Text of Section 318:\*\*  
  
"Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."  
  
\*\*Breaking down the elements of the offence:\*\*  
  
1. \*\*Secretly burying or otherwise disposing of the dead body of a child:\*\* This constitutes the \*actus reus\* (guilty act) of the offence. The disposal must be done secretly, implying an intention to hide the birth. "Burying" is explicitly mentioned, but the phrase "otherwise disposing of" broadens the scope to include other methods like burning, throwing into a river, abandoning in a deserted place, etc. The method of disposal must be aimed at concealing the birth.  
  
2. \*\*Of a child:\*\* The section applies specifically to the body of a "child." While the IPC doesn't explicitly define "child" in this context, it generally refers to a human offspring at any stage of development, from conception to birth and immediately thereafter. This includes stillborn children as well as those who die shortly after birth.  
  
3. \*\*Whether such child die before or after or during its birth:\*\* This clause clarifies that the timing of the child's death is irrelevant to the offence. The section covers scenarios where the child is stillborn, dies during birth, or dies shortly after birth. The focus remains on the act of concealing the birth by disposing of the body secretly.  
  
4. \*\*Intentionally conceals or endeavours to conceal the birth of such child:\*\* This element constitutes the \*mens rea\* (guilty mind) of the offence. The prosecution needs to prove that the accused intended to conceal the birth through the act of disposal. Mere disposal isn't enough; the intent behind the disposal must be to hide the fact of the birth itself. An "endeavour" to conceal also falls within the ambit of this section, meaning that even if the attempt at concealment is unsuccessful, the offence is still committed if the intent was present.  
  
\*\*Distinction from other offences:\*\*  
  
It’s crucial to distinguish Section 318 from related offences like:  
  
\* \*\*Infanticide (Section 302/304 IPC):\*\* Infanticide deals with the act of killing a newly born child. Section 318 doesn't require proof of killing; the child could have been stillborn or died of natural causes. The focus is solely on the concealment of birth.  
  
\* \*\*Culpable homicide not amounting to murder (Section 299/304 IPC):\*\* This applies when the death is caused by an act with the knowledge that it is likely to cause death, but without the intention to cause death or bodily injury likely to cause death. While the disposal of the body might be a factor in a case of culpable homicide, Section 318 focuses solely on concealment and doesn't require proof of any act causing death.  
  
\* \*\*Causing miscarriage (Sections 312-316 IPC):\*\* These sections deal with intentionally causing a woman to miscarry. Section 318 deals with the disposal of a dead body \*after\* birth, whether live birth or stillbirth.  
  
\* \*\*Exposure and abandonment of a child (Section 317 IPC):\*\* This section covers abandoning a child under twelve years of age with the intention of wholly abandoning it. While there might be an overlap if a dead body is abandoned, Section 318 specifically targets the concealment of birth through the disposal of the body.  
  
  
\*\*Punishment:\*\*  
  
The punishment for this offence is imprisonment for up to two years, a fine, or both. It's a cognizable offence, meaning the police can arrest without a warrant. It's also bailable and triable by a Magistrate of the First Class.  
  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving Section 318 requires establishing both the act of secret disposal and the intention to conceal the birth. Circumstantial evidence often plays a significant role. Factors considered might include the manner of disposal, the location, attempts to hide the pregnancy, and the accused's conduct after the birth. Medical evidence regarding the cause and time of the child's death can also be relevant, though it isn't essential to prove the offence itself.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 318 addresses a specific form of misconduct – the concealment of birth through the secret disposal of a child’s body. It recognizes the social stigma associated with illegitimate births and the potential for desperate acts to hide them. While the punishment is relatively lenient compared to other offences against children, it serves as a deterrent and highlights the importance of acknowledging and addressing the circumstances surrounding childbirth, regardless of the outcome. Understanding the nuances of this section and its distinction from other related offences is crucial for proper application and interpretation within the legal system.