# IPC Section 39

## Section 39 of the Indian Penal Code: Voluntarily  
  
Section 39 of the Indian Penal Code (IPC) defines the term "voluntarily." While seemingly simple, this definition is crucial for understanding the concept of culpability and assigning criminal liability under the IPC. It provides the essential link between an act and the mental state of the accused, determining whether an act was performed consciously and intentionally, or as a result of factors beyond the individual's control. This extensive analysis delves into the intricacies of Section 39, examining its various facets, judicial interpretations, and practical implications.  
  
\*\*The Text of Section 39:\*\*  
  
"Voluntarily.—A person is said to cause an effect “voluntarily” when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it."  
  
  
\*\*Deconstructing the Definition:\*\*  
  
Section 39 defines "voluntarily" in terms of causation and the accompanying mental state of the actor. It encompasses two distinct scenarios:  
  
1. \*\*Intention:\*\* A person acts voluntarily when they cause an effect by means they intended to use to cause that specific effect. This implies a direct desire and conscious purpose to bring about the particular consequence.  
  
2. \*\*Knowledge or Reason to Believe:\*\* A person also acts voluntarily when they cause an effect by means they knew or had reason to believe were likely to cause it. This extends the scope of "voluntarily" beyond direct intention to include situations where the accused may not have specifically desired the outcome but was aware of its likelihood.  
  
\*\*Key Elements of Section 39:\*\*  
  
\* \*\*Causation:\*\* The section hinges on the concept of causation, implying a direct link between the act of the accused and the resulting effect. The prosecution must establish this causal connection beyond reasonable doubt.  
  
\* \*\*Means:\*\* The term "means" refers to the methods or instruments employed by the accused to bring about the effect. This can include physical actions, words, gestures, or even omissions where there is a legal duty to act.  
  
\* \*\*Intended to Cause:\*\* This refers to the conscious objective or purpose of the accused. The intended effect must be the same as the effect actually caused.  
  
\* \*\*Knew or Had Reason to Believe:\*\* This element broadens the scope of "voluntarily" to encompass situations where the accused may not have specifically intended the outcome but was aware of its probability. This introduces an objective standard – what a reasonable person in the same circumstances would have known or believed.  
  
\*\*The Importance of "Voluntarily" in the IPC:\*\*  
  
The concept of "voluntarily" is fundamental to establishing criminal liability under the IPC. Many offences within the code specifically use the term "voluntarily," making it an essential element of the offence. For instance, sections related to hurt (Section 321), grievous hurt (Section 322), wrongful restraint (Section 339), and wrongful confinement (Section 340) all require the act to be committed "voluntarily." Without establishing this element, the prosecution cannot secure a conviction.  
  
\*\*Distinguishing "Voluntarily" from other Mental States:\*\*  
  
Section 39 plays a vital role in distinguishing between various degrees of culpability. It helps differentiate between intentional acts, negligent acts, and acts committed under duress or mistake.  
  
\* \*\*Intention vs. Knowledge:\*\* While both are covered under Section 39, there's a subtle distinction. Intention implies a direct desire for the specific outcome, while knowledge or reason to believe implies awareness of the likely consequence without necessarily desiring it.  
  
\* \*\*Voluntarily vs. Negligently:\*\* Negligence, defined in Section 304A, involves a breach of a duty of care that a reasonable person would have exercised. While a negligent act might also be voluntary, the degree of culpability is lower than an act committed with intention or knowledge.  
  
\* \*\*Voluntarily vs. Acts under Duress or Mistake:\*\* Acts committed under duress or mistake lack the element of voluntariness. If a person is forced to commit an act against their will, or if they act under a genuine and reasonable mistake of fact, they might not be held criminally liable, even if their actions cause harm.  
  
  
\*\*Illustrations and Judicial Interpretations:\*\*  
  
Numerous judicial pronouncements have shaped the interpretation of "voluntarily" under Section 39. Here are some illustrative examples:  
  
\* \*\*Throwing a stone at a mango tree:\*\* A person throws a stone at a mango tree intending to dislodge a fruit. If the stone misses the tree and hits a passerby, causing injury, the act of throwing the stone, though not intended to cause harm to the passerby, was still voluntary as the person knew or had reason to believe that such a consequence was possible.  
  
  
\* \*\*Administering medicine:\*\* A person administers medicine to a sick relative, believing it to be beneficial. If the medicine turns out to be harmful and causes further illness, the act of administering the medicine was voluntary, even if there was no intention to cause harm. The person had reason to believe that administering medicine could have consequences, and they proceeded with the act despite this knowledge.  
  
  
\* \*\*Driving a car:\*\* A person driving a car loses control due to a sudden mechanical failure and causes an accident. While the act of driving was voluntary, the accident itself might not be considered voluntary as it resulted from an unforeseen and unavoidable circumstance.  
  
  
\* \*\*Acts under duress:\*\* A person is forced at gunpoint to steal money. The act of stealing, though seemingly voluntary in a physical sense, is not considered voluntary under Section 39 as it was performed under duress, eliminating the element of free will.  
  
  
  
\*\*The Objective Standard of "Reason to Believe":\*\*  
  
The phrase "reason to believe" introduces an objective standard into the definition of "voluntarily." It necessitates considering what a reasonable person in the same circumstances would have known or believed. This prevents individuals from escaping liability by claiming ignorance or subjective misunderstanding when a reasonable person would have foreseen the consequences of their actions.  
  
  
\*\*Conclusion:\*\*  
  
Section 39 of the IPC, defining "voluntarily," is a cornerstone of criminal law in India. It establishes the crucial link between an act and the mental state of the accused, determining whether an act was performed consciously and intentionally or as a result of circumstances beyond their control. Understanding the nuances of this section is essential for legal professionals, law enforcement agencies, and anyone seeking a comprehensive understanding of the principles of criminal liability within the Indian legal framework. The seemingly simple definition of "voluntarily" has far-reaching implications, impacting the interpretation and application of numerous offences within the IPC. Its interplay with concepts like intention, knowledge, negligence, and duress shapes the landscape of criminal culpability and ensures that individuals are held accountable for their actions in a just and equitable manner.