# IPC Section 86

## Section 86 of the Indian Penal Code: Offense requiring a particular intent or knowledge committed under intoxication  
  
Section 86 of the Indian Penal Code (IPC) addresses the complex interplay between voluntary intoxication and criminal liability. Unlike Section 85, which provides a complete defense for acts committed under \*involuntary\* intoxication, Section 86 deals with situations where the individual voluntarily consumes intoxicating substances before committing an offense. It establishes a principle of constructive knowledge, presuming that a voluntarily intoxicated person had the same knowledge as a sober person, but also provides an exception for offenses requiring a specific intent or knowledge. In such cases, voluntary intoxication can negate the necessary \*mens rea\* if it impairs the individual's capacity to form that specific intent or knowledge.  
  
\*\*The precise wording of Section 86 is as follows:\*\*  
  
"In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will."  
  
\*\*Breaking Down the Elements of Section 86:\*\*  
  
1. \*\*"In cases where an act done is not an offence unless done with a particular knowledge or intent..."\*\*: This clause sets the stage for the section's application. It refers to offenses that require a specific mental element – either knowledge or intent – for culpability. These are offenses where simply performing the physical act is not enough; the prosecution must also prove the defendant possessed the required knowledge or intent. Examples include offenses like murder, theft, or cheating, which require specific intentions.  
  
2. \*\*"...a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated..."\*\*: This establishes the principle of constructive knowledge. It presumes that a voluntarily intoxicated person possessed the same knowledge they would have possessed if they were sober. This means that voluntary intoxication cannot be used as a general excuse for criminal behavior. The law holds individuals accountable for the foreseeable consequences of their voluntary actions, including the decision to consume intoxicating substances.  
  
3. \*\*"...unless the thing which intoxicated him was administered to him without his knowledge or against his will."\*\*: This clause serves as an exception to the principle of constructive knowledge and links back to Section 85. It clarifies that if the intoxication was involuntary, the provisions of Section 85 apply, providing a complete defense. This ensures that individuals are not unjustly held liable for acts committed while incapacitated due to no fault of their own.  
  
\*\*Understanding the Principle of Constructive Knowledge:\*\*  
  
The principle of constructive knowledge is crucial to understanding Section 86. It essentially prevents individuals from using voluntary intoxication as a shield against criminal liability. The law recognizes that the decision to consume intoxicating substances is a voluntary act, and individuals should be held responsible for the consequences of that decision. Therefore, even if intoxication impairs their judgment or cognitive functions, they are deemed to possess the same knowledge they would have had if sober. However, this principle is subject to the exception for offenses requiring a particular intent or knowledge.  
  
\*\*The Exception for Specific Intent or Knowledge:\*\*  
  
The exception carved out in Section 86 recognizes that voluntary intoxication, while not a general excuse, can impact an individual's capacity to form specific intents or possess specific knowledge required for certain offenses. If the intoxication is so severe that it impairs the defendant's ability to form the required \*mens rea\* for the specific offense, it can negate the element of intent or knowledge, leading to a reduction in charges or acquittal. This exception requires a careful examination of the specific offense and the level of intent or knowledge required for culpability.  
  
\*\*Distinguishing between Basic Intent and Specific Intent:\*\*  
  
The distinction between basic intent and specific intent is central to the application of Section 86. While no rigid definition exists in Indian law, the following general principles apply:  
  
\* \*\*Basic Intent:\*\* Offenses of basic intent require only the intention to perform the act itself. The consequences of the act are not relevant to the \*mens rea\*. Examples include assault and battery. Voluntary intoxication is generally not a defense to offenses of basic intent.  
  
\* \*\*Specific Intent:\*\* Offenses of specific intent require an additional mental element beyond the intention to perform the act. This might be an intention to achieve a particular result or an awareness of a particular circumstance. Examples include murder (requiring the intent to cause death) and theft (requiring the intent to permanently deprive the owner of their property). Voluntary intoxication can be a defense to offenses of specific intent if it impairs the capacity to form that specific intent.  
  
\*\*Burden of Proof:\*\*  
  
Similar to Sections 84 and 85, the burden of proving the applicability of the exception under Section 86 lies with the defendant. They must establish, on a preponderance of probabilities, that their voluntary intoxication was so severe that it prevented them from forming the specific intent or having the specific knowledge required for the offense. This burden involves demonstrating both the level of intoxication and its impact on their mental capacity.  
  
\*\*Judicial Interpretations and Case Law:\*\*  
  
Indian courts have extensively interpreted and applied Section 86, providing valuable guidance on its scope and application. Some key principles that have emerged from these interpretations include:  
  
\* \*\*Voluntary Intoxication Not a Complete Defense:\*\* Courts have consistently emphasized that voluntary intoxication is not a general defense to criminal charges. The principle of constructive knowledge prevents individuals from escaping liability simply by claiming they were intoxicated.  
  
\* \*\*Focus on Specific Intent/Knowledge:\*\* The focus under Section 86 is on whether the intoxication prevented the formation of the specific intent or the possession of the specific knowledge required for the charged offense. The level of intoxication must be sufficient to impair this specific mental element.  
  
\* \*\*Evidence of Intoxication:\*\* The court considers various evidence to assess the level and impact of intoxication, including medical evidence, witness testimonies, and the defendant's conduct.  
  
\* \*\*Jury's Role (where applicable):\*\* In jury trials, the judge guides the jury on the principles of Section 86, and the jury ultimately decides whether the defendant's intoxication prevented the formation of the necessary intent or knowledge.  
  
  
  
\*\*Examples and Scenarios:\*\*  
  
\* \*\*Murder vs. Manslaughter:\*\* If a highly intoxicated person kills another, the question arises whether they had the specific intent for murder (intention to cause death). If the intoxication impaired their capacity to form this intent, they may be convicted of manslaughter (which doesn't require the same specific intent) rather than murder.  
  
  
\* \*\*Theft:\*\* If an intoxicated person takes someone's property, the question arises whether they had the specific intent to permanently deprive the owner of their property. If the intoxication prevented them from forming this intent, they may not be liable for theft.  
  
  
\*\*Conclusion:\*\*  
  
Section 86 of the IPC provides a nuanced approach to the issue of voluntary intoxication and criminal liability. It balances the principle of holding individuals accountable for the consequences of their voluntary actions with the recognition that severe intoxication can impair mental capacity to the extent of negating specific intent or knowledge required for certain offenses. The section utilizes the concept of constructive knowledge, presuming that voluntarily intoxicated individuals have the same knowledge as sober individuals, unless their intoxication prevents the formation of the specific \*mens rea\* for the offense. Understanding the distinction between basic and specific intent is crucial for the correct application of this section. Ultimately, the courts must carefully consider the specific facts of each case, the level and impact of intoxication, and the specific requirements of the charged offense to determine the applicability of Section 86 and its impact on criminal liability.