# IPC Section 314: Death caused by act done with intent to cause miscarriage. if act done without woman's consent.

## IPC Section 314: Death Caused by Act Done with Intent to Cause Miscarriage  
  
Section 314 of the Indian Penal Code addresses the grave offense of causing a woman's death while attempting to induce a miscarriage. This section recognizes the potential dangers associated with unsafe abortion practices and holds individuals accountable for the fatal consequences of their actions. It differentiates between situations where the act is done with the woman's consent and those where it is done without her consent, reflecting the varying degrees of culpability.  
  
\*\*The Text of Section 314:\*\*  
  
"Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;  
  
If act done without woman’s consent.—and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment prescribed in the last preceding clause."  
  
  
\*\*Breaking Down the Elements of Section 314:\*\*  
  
1. \*\*Intent to Cause Miscarriage:\*\* The individual must have acted with the specific intention of causing a miscarriage. This means their primary objective was to terminate the pregnancy.  
  
  
2. \*\*Act Causing Death:\*\* The act performed with the intent to cause miscarriage must be the direct cause of the woman's death. A causal link must be established between the act and the death.  
  
  
3. \*\*Woman with Child:\*\* The victim must be a pregnant woman.  
  
  
4. \*\*Consent:\*\* The section differentiates the punishment based on whether the act was done with or without the woman's consent. This acknowledges the difference in culpability and the violation of the woman's bodily autonomy when the act is performed without her consent.  
  
  
\*\*Punishment under Section 314:\*\*  
  
\* \*\*With Woman's Consent:\*\* Imprisonment up to 10 years and a fine.  
  
  
\* \*\*Without Woman's Consent:\*\*  
 \* Imprisonment for life, or  
 \* Imprisonment up to 10 years and a fine (same as with consent).  
  
  
The higher maximum punishment for cases without consent reflects the greater culpability of the accused in such situations.  
  
  
\*\*Relationship with Other Sections of the IPC:\*\*  
  
\* \*\*Section 312 (Causing Miscarriage):\*\* Section 314 deals with the more serious consequence of \*death\* resulting from an attempt to cause miscarriage, whereas Section 312 addresses causing miscarriage without causing death.  
  
  
\* \*\*Section 313 (Causing Miscarriage without Woman's Consent):\*\* Both sections emphasize the lack of consent. Section 313 deals with causing miscarriage without consent where the woman survives, while Section 314 deals with cases where the woman dies as a result of the act done without her consent.  
  
  
\* \*\*Section 304A (Causing death by negligence):\*\* If the death is caused due to negligence rather than a deliberate act with the intent to cause miscarriage, Section 304A might be applicable.  
  
  
\*\*Relationship with the Medical Termination of Pregnancy Act, 1971 (MTP Act):\*\*  
  
The MTP Act provides a legal framework for abortions performed by registered medical practitioners under specific conditions. Deaths resulting from procedures performed in accordance with the MTP Act and by registered medical practitioners are generally not covered under Section 314. However, if negligence or malpractice is involved, other legal provisions may apply.  
  
  
\*\*Key Considerations and Judicial Interpretations:\*\*  
  
\* \*\*Establishing Intent:\*\* The prosecution must prove beyond a reasonable doubt that the accused intended to cause a miscarriage. This can be inferred from the nature of the act, the circumstances surrounding the incident, and any statements made by the accused.  
  
  
\* \*\*Causation:\*\* A clear causal link must be established between the act performed with the intent to cause miscarriage and the woman's death. The prosecution must demonstrate that the act was the direct and proximate cause of death.  
  
  
\* \*\*Consent:\*\* In cases where the act was done without the woman's consent, the prosecution must prove the lack of consent. This can be challenging and often relies on circumstantial evidence, witness testimonies, and the victim's statements (if any).  
  
  
\* \*\*Medical Evidence:\*\* Medical evidence plays a crucial role in determining the cause of death and whether it was linked to the attempt to induce miscarriage.  
  
  
\* \*\*Protection of Women's Health:\*\* Section 314 serves as a deterrent against unsafe abortion practices and highlights the importance of seeking safe and legal medical procedures for terminating a pregnancy.  
  
  
\*\*Conclusion:\*\*  
  
Section 314 of the IPC addresses the serious offense of causing a woman's death while attempting to induce a miscarriage. It distinguishes between cases with and without the woman's consent, reflecting the varying degrees of culpability. The section emphasizes the importance of seeking safe and legal medical procedures for terminating a pregnancy and serves as a deterrent against dangerous and illegal abortion practices. The application of Section 314 requires careful consideration of the MTP Act and prioritizes the protection of women's health and safety. The prosecution bears the burden of proving the accused's intent to cause miscarriage, the causal link between the act and the death, and the absence of consent where applicable.