# IPC Section 315: Act done with intent to prevent child being born alive or to cause it to die after birth.

## IPC Section 315: Act Done with Intent to Prevent Child Being Born Alive or to Cause It to Die After Birth  
  
Section 315 of the Indian Penal Code addresses acts committed with the specific intent to either prevent a child from being born alive or to cause its death after birth. This section recognizes the sanctity of life, even before birth, and criminalizes actions taken to intentionally terminate a pregnancy at a late stage or to cause the death of a newborn. The section focuses on the intent behind the act, recognizing that such actions represent a deliberate attempt to prevent a child from living.  
  
\*\*The Text of Section 315:\*\*  
  
"Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both."  
  
  
\*\*Breaking Down the Elements of Section 315:\*\*  
  
1. \*\*Act Done Before Birth:\*\* The act must be performed \*before\* the child is born. This distinguishes it from infanticide (Section 318), which deals with the killing of a child after birth.  
  
  
2. \*\*Intention to Prevent Live Birth or Cause Death After Birth:\*\* The act must be done with the specific intention of either preventing the child from being born alive or causing its death after birth. This highlights the \*mens rea\* (guilty mind) requirement. The prosecution must prove that the accused acted with this specific intent.  
  
  
3. \*\*Prevention of Live Birth or Death After Birth:\*\* The act must actually result in either the child not being born alive or its death after birth. This establishes the \*actus reus\* (guilty act) component of the offense.  
  
  
4. \*\*Absence of Good Faith to Save the Mother's Life:\*\* This is a crucial exception. If the act is done in good faith by a registered medical practitioner for the purpose of saving the mother's life, it is not considered an offense under this section. This recognizes that in certain critical medical situations, actions taken to save the mother's life may unintentionally result in the death of the child. The burden of proving good faith lies on the medical practitioner.  
  
  
\*\*Punishment under Section 315:\*\*  
  
The punishment for this offense is:  
  
\* \*\*Imprisonment up to 10 years:\*\* This can be either rigorous imprisonment (involving hard labor) or simple imprisonment.  
  
  
\* \*\*Fine:\*\* The court can also impose a fine in addition to imprisonment.  
  
  
\* \*\*Both Imprisonment and Fine:\*\* The court can impose both imprisonment and a fine.  
  
  
\*\*Distinction from Other Offenses:\*\*  
  
\* \*\*Section 312 (Causing Miscarriage):\*\* Section 312 deals with causing a miscarriage, which typically occurs earlier in pregnancy. Section 315 focuses on acts done closer to the time of birth, with the specific intent to prevent a live birth or cause death after birth.  
  
  
\* \*\*Section 314 (Death Caused by Act Done with Intent to Cause Miscarriage):\*\* While both sections deal with acts intended to terminate a pregnancy, Section 314 focuses on situations where the \*mother's\* death results from the act, while Section 315 focuses on the \*child's\* death (either by preventing live birth or causing death after birth).  
  
  
\* \*\*Section 316 (Culpable homicide by causing death of quick unborn child):\*\* This section deals with causing the death of a "quick unborn child" (a fetus that has begun to show signs of life) by an act that would amount to culpable homicide if the child had been born alive.  
  
  
\* \*\*Section 318 (Concealment of birth by secret disposal of dead body):\*\* This section deals with the act of concealing the birth of a child by secretly disposing of its dead body, regardless of whether the child was born alive or dead.  
  
  
\*\*Key Considerations and Judicial Interpretations:\*\*  
  
\* \*\*Proof of Intent:\*\* The prosecution must prove beyond a reasonable doubt that the accused acted with the specific intent to prevent the child from being born alive or to cause its death after birth. This can be challenging and relies on circumstantial evidence, witness testimonies, and any statements made by the accused.  
  
  
\* \*\*Causation:\*\* A clear causal link must be established between the act performed and the outcome (prevention of live birth or death after birth).  
  
  
\* \*\*"Good Faith" Exception:\*\* The "good faith" exception for acts done to save the mother's life is a crucial safeguard. Medical practitioners must be able to act decisively in emergency situations without fear of prosecution, provided they act in good faith and with the best interests of the mother in mind.  
  
  
\*\*Conclusion:\*\*  
  
Section 315 of the IPC serves as a deterrent against acts intended to prevent a child from being born alive or to cause its death shortly after birth. It reflects the legal protection afforded to nascent life and prioritizes the child's right to life. The section's focus on intent is crucial, distinguishing it from other offenses related to pregnancy and childbirth. The application of this section requires careful consideration of the specific facts, including the timing of the act, the intent of the accused, and the causal link between the act and the outcome. The "good faith" exception protects medical practitioners who act to save the mother's life in emergency situations.