# IPC Section 326B: Voluntarily throwing or attempting to throw acid.

## IPC Section 326B: Voluntarily Throwing or Attempting to Throw Acid – A Detailed Analysis  
  
Section 326B of the Indian Penal Code (IPC) specifically criminalizes the act of "Voluntarily Throwing or Attempting to Throw Acid." This section, introduced alongside Section 326A, aims to address the specific act of using acid or corrosive substances as weapons, regardless of whether grievous hurt is actually caused. It recognizes the inherent danger and malicious intent behind such acts, even if the intended consequences are not fully realized.  
  
\*\*The Text of Section 326B:\*\*  
  
"Whoever throws or attempts to throw acid on any person, or attempts to administer acid to any person, or with the intention of thereby causing such hurt or injury to any person, or knowing that he is likely thereby to cause such hurt or injury to any person, causes such hurt or injury to any person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine."  
  
\*\*Key Elements of the Offence:\*\*  
  
1. \*\*Act of Throwing or Administering Acid:\*\* The \*actus reus\* of the offence focuses on the act itself – throwing acid on a person, attempting to throw acid, or attempting to administer acid. Similar to Section 326A, this section covers both completed and attempted acts, emphasizing the criminal intent behind the action even if it doesn't result in the intended harm.  
  
2. \*\*Intention to Cause Hurt or Injury:\*\* The \*mens rea\* requires the intention to cause "hurt or injury" through the act of throwing or administering acid. This is a broader requirement than Section 326A, which specifies particular types of injuries like grievous hurt, disfigurement, or disability. Section 326B encompasses any intention to cause harm, even if that harm doesn't reach the threshold of grievous hurt.  
  
3. \*\*Knowledge of Likelihood of Causing Hurt or Injury:\*\* Alternatively, the section also covers situations where the accused may not have specifically intended to cause hurt or injury, but had the knowledge that their actions were likely to cause such harm. This encompasses cases where the accused was aware of the potential consequences of throwing or administering acid, even if they didn't specifically desire to cause harm.  
  
4. \*\*"Acid":\*\* Similar to Section 326A, the term "acid" is generally interpreted to include other corrosive substances capable of causing hurt or injury. The focus is on the corrosive nature of the substance and its potential to cause harm, rather than its specific chemical composition.  
  
  
\*\*Significance of Section 326B:\*\*  
  
\* \*\*Focus on the Act Itself:\*\* Section 326B criminalizes the act of throwing or attempting to throw acid, regardless of the severity of the resulting injuries. This recognizes the inherent danger and malicious intent behind such acts, even if they don't result in grievous hurt.  
  
\* \*\*Deterrent Effect:\*\* By criminalizing even attempts, the section aims to deter individuals from using acid as a weapon. The potential for prosecution even in unsuccessful attacks serves as a deterrent against such behavior.  
  
\* \*\*Complementary to Section 326A:\*\* Section 326B complements Section 326A by covering cases where the acid attack doesn't result in grievous hurt. This ensures that all forms of acid attacks are addressed under the law, preventing loopholes and ensuring accountability.  
  
\* \*\*Punishment:\*\* The section prescribes a punishment of imprisonment of either description for a term not less than five years but which may extend to seven years, along with a fine. This significant penalty underscores the seriousness of the offence.  
  
  
\*\*Distinction from Other Sections:\*\*  
  
\* \*\*Section 326A (Voluntarily Causing Grievous Hurt by Use of Acid):\*\* The key difference lies in the consequence of the act. Section 326A requires that the acid attack results in grievous hurt or specific types of injuries. Section 326B applies even if the resulting injuries do not qualify as grievous hurt, focusing solely on the act of throwing or attempting to throw acid.  
  
\* \*\*Section 324 (Voluntarily Causing Hurt by Dangerous Weapons or Means):\*\* While both sections address the use of dangerous substances, Section 326B specifically deals with acid attacks, while Section 324 covers a broader range of dangerous weapons and means. Section 326B carries a higher minimum punishment, reflecting the specific concern regarding acid attacks.  
  
\* \*\*Sections 319, 321, and 323 (Hurt and Voluntarily Causing Hurt):\*\* These sections deal with causing hurt in general. Section 326B specifically addresses acid attacks, providing a more stringent punishment than the general provisions for causing hurt.  
  
  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving an offence under Section 326B requires establishing the act of throwing or attempting to throw acid, as well as the intent or knowledge of the accused. This can involve witness testimonies, forensic evidence, recovery of the container used to throw the acid, and other circumstantial evidence to demonstrate the accused's actions and mental state.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 326B of the IPC plays a crucial role in combating acid attacks by criminalizing the act itself, regardless of the severity of the resulting injuries. It complements Section 326A and ensures that all forms of acid violence are addressed under the law. The stringent punishment serves as a deterrent and reflects the serious nature of this crime. Understanding the nuances of this section and its relationship with related provisions is crucial for its proper application and for effectively addressing the menace of acid attacks.