# IPC Section 39: “Voluntarily”.

## Section 39 of the Indian Penal Code: Defining "Voluntarily"  
  
Section 39 of the Indian Penal Code (IPC) defines the crucial term "voluntarily." This seemingly simple word carries significant weight within the framework of criminal law, as it determines whether an act can be attributed to an individual's conscious will and, therefore, whether they can be held criminally liable. The definition provided in Section 39 clarifies the scope of "voluntarily" and distinguishes actions taken consciously from those that are involuntary or accidental.  
  
The section states: "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 presents a two-pronged definition of "voluntarily":  
  
1. \*\*Intention:\*\* The first part of the definition focuses on intention. A person acts "voluntarily" when they cause an effect through means they \*intended\* to cause that specific effect. This aligns with the fundamental principle of criminal law that emphasizes the importance of \*mens rea\* (guilty mind). If a person deliberately chooses a course of action with the specific aim of bringing about a particular result, their action is considered voluntary. For example, if someone aims a gun at another person and pulls the trigger with the intent to kill, they have acted voluntarily to cause death.  
  
  
2. \*\*Knowledge or Reason to Believe:\*\* The second part of the definition expands the scope of "voluntarily" beyond direct intention. It includes actions performed with the knowledge or reasonable belief that they are likely to cause a specific effect, even if that effect wasn't the primary intention. This captures situations where a person may not have desired a particular outcome but foresaw its likelihood as a consequence of their actions and proceeded nonetheless. For example, a person who throws a heavy object from a high-rise building into a crowded street may not have intended to kill anyone specifically. However, they knew or had reason to believe that such an act was likely to cause death or injury. Therefore, even if no specific individual was targeted, the act of throwing the object would be considered voluntary with respect to the harm caused.  
  
  
\*\*Illustrative Examples:\*\*  
  
Several examples can further clarify the application of Section 39:  
  
\* \*\*Case 1: Intentional Act:\*\* A person sets fire to a building intending to destroy it. The act of setting the fire is voluntary with respect to the destruction of the building, as it was the intended consequence.  
  
  
\* \*\*Case 2: Act with Knowledge of Likely Consequences:\*\* A doctor performs a complex surgery knowing that there is a significant risk of complications that could lead to the patient's death. If the patient dies due to such complications, even if the doctor did not intend to cause death, the act of performing the surgery is considered voluntary with respect to the death, as the doctor knew the risks involved.  
  
  
\* \*\*Case 3: Act with Reason to Believe in Likely Consequences:\*\* A person throws a stone at a group of people during a fight. While they may not have intended to hit any specific person, they had reason to believe that throwing a stone in such a manner could cause injury. Therefore, if someone gets injured, the act of throwing the stone is considered voluntary with respect to the injury.  
  
  
\*\*Exceptions to Voluntariness:\*\*  
  
Certain circumstances negate the element of voluntariness, rendering an act involuntary and potentially excluding criminal liability:  
  
\* \*\*Accident:\*\* Acts that occur purely by accident, without any intention or foreseeable consequence, are not considered voluntary.  
  
  
\* \*\*Infancy:\*\* The IPC recognizes that children below a certain age lack the capacity to form criminal intent, making their actions involuntary.  
  
  
\* \*\*Insanity:\*\* Individuals suffering from a mental illness that impairs their ability to understand the nature and consequences of their actions may not act voluntarily.  
  
  
\* \*\*Intoxication:\*\* Involuntary intoxication, where a person is forced or tricked into consuming intoxicating substances, can negate voluntariness.  
  
  
\* \*\*Necessity:\*\* Actions taken under duress or to prevent a greater harm may be considered involuntary.  
  
  
\*\*Significance of Section 39:\*\*  
  
Section 39 is a cornerstone of criminal law. It defines the essential element of "voluntarily," connecting an individual's actions to their conscious will. This definition ensures that individuals are held criminally liable only for acts they consciously choose to perform or for consequences they knew or had reason to believe were likely to occur. By clarifying the scope of "voluntarily," Section 39 safeguards against holding individuals accountable for unintended or unforeseeable consequences, upholding the principles of fairness and justice within the criminal justice system. It emphasizes that criminal liability should be predicated on a conscious choice or a deliberate disregard for foreseeable consequences, rather than mere involvement in an incident.  
  
In conclusion, Section 39 provides a precise legal definition of "voluntarily," establishing the connection between an individual's actions and their conscious will. It delineates the boundaries of criminal liability, ensuring that individuals are held accountable only for acts performed with intent or with the knowledge or reasonable belief that they are likely to cause a particular outcome. By focusing on the element of conscious choice, Section 39 upholds the principles of fairness and proportionality in the application of criminal law.