# IPC Section 87: Act not intended and not known to be likely to cause death or grievous hurt, done by consent.

## IPC Section 87: Act Not Intended and Not Known to Be Likely to Cause Death or Grievous Hurt, Done by Consent - A Detailed Explanation  
  
Section 87 of the Indian Penal Code (IPC) delves into the legal implications of acts performed with consent, particularly in situations involving potential harm. It carves out an exception to the general principle that causing harm to another person is a criminal offence. The section states:  
  
\*\*"Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may cause, or be intended by the doer to cause, to any person, who has given consent to suffer that harm, provided that the doer is acting in good faith for the benefit of that person, and without any criminal intention."\*\*  
  
  
This lengthy and complex section requires careful breakdown to understand its scope and implications:  
  
\*\*1. Absence of Intent to Cause Death or Grievous Hurt:\*\*  
  
The foundational principle of Section 87 is the absence of intent to cause death or grievous hurt. The person performing the act must not have intended to cause either of these serious harms. This emphasizes that the act must be done without malice or the desire to inflict severe injury.  
  
  
\*\*2. Absence of Knowledge of Likelihood of Causing Death or Grievous Hurt:\*\*  
  
Beyond intent, the person performing the act must also not have known that their actions were likely to cause death or grievous hurt. This requires an objective assessment of the situation and the foreseeable consequences of the act. If a reasonable person in the same circumstances would have recognized the potential for death or grievous hurt, the defense under Section 87 would not apply.  
  
  
\*\*3. Consent of a Person Above Eighteen:\*\*  
  
The section distinguishes between adults and individuals below eighteen years of age. For adults (above eighteen), consent, whether express or implied, is sufficient to provide protection under this section, provided the other conditions are met. This recognizes the autonomy of adults to make decisions about their bodies and accept certain risks.  
  
  
\*\*4. Consent of a Person Below Eighteen with Conditions:\*\*  
  
For individuals below eighteen, consent alone is insufficient. The person performing the act must also be acting in good faith for the benefit of the minor and without any criminal intention. This adds a layer of protection for minors, recognizing their potentially limited capacity to make informed decisions. The "good faith" requirement ensures that the act is genuinely intended to benefit the minor, not exploit or harm them. Medical procedures performed on minors with parental consent are a typical example.  
  
  
\*\*5. Nature of Harm Covered:\*\*  
  
Section 87 covers harm that is neither intended nor known to be likely to cause death or grievous hurt. This can include minor injuries, pain, or discomfort. It covers a range of activities, from sports and games to medical procedures and even certain religious practices involving self-inflicted harm.  
  
  
\*\*6. Express or Implied Consent:\*\*  
  
The section recognizes both express and implied consent. Express consent is explicitly communicated verbally or in writing. Implied consent is inferred from the circumstances or the individual's conduct. For example, participating in a contact sport implies consent to the usual physical contact and minor injuries associated with the game.  
  
  
\*\*7. "Good Faith" Requirement for Minors:\*\*  
  
The "good faith" requirement for minors ensures that the act is performed for their benefit and not for any malicious or exploitative purpose. This is particularly important in medical contexts, where procedures might involve pain or discomfort but are necessary for the child's health. Parental consent usually signifies good faith in such situations, although the court can always scrutinize the circumstances.  
  
  
\*\*8. Absence of Criminal Intention:\*\*  
  
The requirement of absence of criminal intention applies to both adults and minors. Even with consent, an act performed with a criminal intention cannot be justified under Section 87. This ensures that the section cannot be used to shield criminal acts disguised as consensual harm.  
  
  
\*\*9. Examples:\*\*  
  
\* A surgeon performing a necessary operation with the patient's informed consent.  
\* A boxer participating in a boxing match with the understanding that they might get injured.  
\* A person getting a tattoo with their consent, even though it involves some pain.  
\* A parent consenting to a medically necessary procedure for their child.  
  
  
\*\*10. Limitations:\*\*  
  
Section 87 does not apply to acts intended to cause death or grievous hurt, even with consent. This aligns with the legal principle that consent cannot legitimize actions that cause serious harm or violate fundamental rights. Euthanasia and assisted suicide, for instance, are not covered by this section. Similarly, consent obtained through fraud, coercion, or undue influence is not considered valid consent.  
  
  
\*\*11. Burden of Proof:\*\*  
  
The burden of proving the applicability of Section 87 lies on the person claiming its protection. They must demonstrate that they did not intend to cause death or grievous hurt, did not know their actions were likely to cause such harm, and obtained valid consent. They also need to prove good faith and the absence of criminal intention if the person consenting is a minor.  
  
  
\*\*12. Conclusion:\*\*  
  
Section 87 of the IPC provides a nuanced legal framework for dealing with acts performed with consent that may cause harm. It recognizes the importance of individual autonomy while safeguarding against harmful practices. The section carefully balances the right to consent with the need to protect individuals, especially minors, from harm. The application of this section requires a thorough examination of the circumstances, including the nature of the act, the presence and validity of consent, the intent and knowledge of the person performing the act, and, in the case of minors, the presence of good faith and the absence of criminal intention.