# IPC Section 92: Act done in good faith for benefit of a person without consent.

## IPC Section 92: Act Done in Good Faith for Benefit of a Person Without Consent - A Detailed Explanation  
  
Section 92 of the Indian Penal Code (IPC) addresses the delicate balance between individual autonomy and the necessity of acting in good faith for another person's benefit, even without their explicit consent. It provides a legal justification for interventions that might otherwise be considered unlawful due to the absence of consent. The section states:  
  
\*\*"Nothing is an offence by reason of any harm which it may cause to any person for whose benefit it is done in good faith, even without that person’s consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of his person from whom it is possible to obtain consent in time for the thing to be done with benefit:  
  
Provided—  
  
First.—That this exception shall not extend to the intentional causing of death, or the attempting to cause death;  
  
Secondly.—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;  
  
Thirdly.—That this exception shall not extend to the voluntary causing of grievous hurt, or the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;  
  
Fourthly.—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause grievous hurt to any person for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;  
  
Fifthly.—That this exception shall not extend to unlawful compulsory carnal intercourse."\*\*  
  
This intricately worded section, with its multiple provisos, requires careful dissection to understand its scope and limitations:  
  
  
\*\*1. Absence of Consent:\*\*  
  
The core principle of Section 92 is the permissibility of acting for a person's benefit even without their explicit consent. This recognizes that in certain circumstances, obtaining consent might be impossible or impractical, yet intervention is necessary to protect the person's life or well-being.  
  
  
\*\*2. "Good Faith" for the Person's Benefit:\*\*  
  
The act must be done in "good faith" for the benefit of the person. This means the actor must genuinely believe that their actions are in the best interests of the individual. This subjective belief must be reasonable and supported by the circumstances. The motive behind the act must be altruistic, not driven by self-interest, malice, or any other ulterior motive.  
  
  
\*\*3. Impossibility of Obtaining Consent:\*\*  
  
The section applies in situations where it is impossible for the person to signify consent. This might be due to unconsciousness, severe injury, mental incapacity, or other factors that prevent them from expressing their will. The impossibility must be genuine and not simply a matter of inconvenience or lack of effort to obtain consent.  
  
  
\*\*4. Incapacity to Give Consent and Unavailability of Guardian:\*\*  
  
The section also covers situations where the person is incapable of giving consent, such as due to age or unsoundness of mind, and there is no guardian or other person in lawful charge from whom consent can be obtained in time. This addresses situations where a decision needs to be made urgently, and delaying action to obtain consent would be detrimental to the person's well-being.  
  
  
\*\*5. Provisos: Exceptions to the Exception:\*\*  
  
Similar to Section 89, Section 92 contains several provisos that carve out specific exceptions to the general rule, limiting the permissible harm:  
  
\* \*\*First – No Intentional Causing of Death:\*\* Intentionally causing death or attempting to cause death is not protected, even if done with the belief that it is for the person's benefit.  
  
\* \*\*Second – No Act Known to Be Likely to Cause Death (except specific purposes):\*\* Acts known to be likely to cause death are not protected unless done to prevent death or grievous hurt or to cure a grievous disease or infirmity. This acknowledges the permissibility of risky interventions in life-threatening situations.  
  
\* \*\*Third – No Voluntary Causing of Grievous Hurt (except specific purposes):\*\* Voluntarily causing grievous hurt or attempting to cause grievous hurt is not protected unless done to prevent death or grievous hurt or to cure a grievous disease or infirmity. This restricts the permissible level of harm even in situations of necessity.  
  
\* \*\*Fourth – No Act Known to Be Likely to Cause Grievous Hurt (except specific purposes):\*\* Acts known to be likely to cause grievous hurt are not protected unless done to prevent death or grievous hurt or to cure a grievous disease or infirmity. This further limits permissible harm, even in the absence of consent.  
  
\* \*\*Fifth – No Unlawful Compulsory Carnal Intercourse:\*\* This proviso explicitly excludes sexual assault, even if claimed to be done for the person's benefit. This safeguard protects against the potential misuse of the section to justify sexual violence.  
  
  
\*\*6. Medical Context:\*\*  
  
Section 92 is frequently applied in medical emergencies. It allows medical professionals to provide life-saving treatment to unconscious or incapacitated patients without waiting for consent, especially when delaying treatment would pose a serious risk to the patient's life or health.  
  
  
\*\*7. Burden of Proof:\*\*  
  
The burden of proving the applicability of Section 92 lies on the person claiming its protection. They must demonstrate that they acted in good faith for the person's benefit, that obtaining consent was impossible or impractical, and that their actions do not fall under any of the exceptions outlined in the provisos.  
  
  
\*\*8. Judicial Interpretation:\*\*  
  
Courts have emphasized the "good faith" requirement and the necessity of the circumstances when applying Section 92. They have held that the intervention must be objectively justifiable based on the available information and the potential consequences of inaction. Mere subjective belief in the benefit of the act is not sufficient; it must be supported by reasonable grounds.  
  
  
\*\*9. Policy Considerations:\*\*  
  
Section 92 balances the right to individual autonomy with the need to protect individuals in emergencies or when they lack capacity. It recognizes that in certain circumstances, acting without consent might be the only way to preserve a person's life or well-being.  
  
  
\*\*10. Conclusion:\*\*  
  
Section 92 of the IPC provides a crucial legal framework for acting in good faith for a person's benefit, even without their consent, in situations of necessity. It is particularly relevant in medical emergencies and cases involving individuals lacking capacity. However, the section contains important safeguards to prevent its misuse and ensure that any harm caused is justified by the circumstances and the genuine belief in the person's best interests. The application of this section requires careful consideration of the specific facts, the impossibility of obtaining consent, the presence of good faith, and the limitations imposed by the provisos.