# IPC Section 94: Act to which a person is compelled by threats.

## IPC Section 94: Act to Which a Person is Compelled by Threats - A Detailed Explanation  
  
Section 94 of the Indian Penal Code (IPC) addresses the complex issue of criminal liability when an individual commits an act under duress or coercion. It provides a potential defense for individuals who are forced to commit an offence due to threats of instant death. The section reads as follows:  
  
\*\*"Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:  
  
Provided—  
that the person doing the act did not of his own accord, or from reasonable apprehension of harm to himself short of instant death, place himself in a situation by which he became subject to such constraint."\*\*  
  
  
This section, with its exception and proviso, requires careful analysis to understand its implications:  
  
\*\*1. Compulsion by Threats:\*\*  
  
The core principle of Section 94 is the element of compulsion or coercion. The individual must be forced to commit the act against their will due to threats. The threat must be of such a nature that it overpowers the individual's free will and leaves them with no reasonable alternative but to comply.  
  
  
\*\*2. Reasonable Apprehension of Instant Death:\*\*  
  
The threat must reasonably cause the apprehension of "instant death" to the person being threatened. This means the threat must be credible and imminent. The individual must genuinely believe that they will be killed immediately if they do not comply with the demands. The fear must be objectively reasonable based on the circumstances. A vague or distant threat would not be sufficient to invoke this defense.  
  
  
\*\*3. Exceptions: Murder and Offences Against the State Punishable with Death:\*\*  
  
The section explicitly excludes murder and offences against the state punishable with death from its scope. This means that even under the threat of instant death, an individual cannot use duress as a defense for committing murder or treason. This reflects the legal and ethical principle that preserving one's own life does not justify taking another innocent life or betraying one's country.  
  
  
\*\*4. Proviso: Avoiding Self-Placement in a Situation of Constraint:\*\*  
  
The proviso to Section 94 introduces an important limitation to the defense of duress. It states that the defense is not available if the person voluntarily placed themselves in a situation where they became subject to such constraint. This means that if an individual knowingly and willingly associates with criminals or engages in activities that are likely to expose them to threats, they cannot later claim duress as a defense if they are forced to commit an offence. This provision prevents individuals from using the defense of duress as a shield for criminal activity they willingly participated in. However, if the individual placed themselves in the situation out of a reasonable apprehension of harm short of instant death, the defense may still be available.  
  
  
\*\*5. Burden of Proof:\*\*  
  
The burden of proving duress rests on the accused. They must demonstrate that they were compelled to commit the act due to a reasonable apprehension of instant death and that they did not voluntarily place themselves in the situation of constraint. This can involve providing evidence of the threats made, the circumstances surrounding the offence, and the accused's state of mind at the time.  
  
  
\*\*6. Judicial Interpretation:\*\*  
  
Courts have interpreted Section 94 strictly. They have emphasized that the threat must be of instant death, not just serious harm or injury. The fear must be objectively reasonable and the individual must have had no realistic alternative but to comply with the threat. The courts also scrutinize the accused's conduct to determine whether they voluntarily placed themselves in the situation of constraint.  
  
  
\*\*7. Examples:\*\*  
  
\* A bank teller forced to hand over money by a robber threatening to shoot them.  
\* A driver forced to transport illegal goods by someone threatening to kill their family.  
  
  
  
\*\*8. Distinction from Section 81 (Necessity):\*\*  
  
While both Section 94 (Duress) and Section 81 (Necessity) deal with situations where an individual commits an act to avoid harm, they operate on different principles. Duress involves a threat from another human being, while necessity involves a threat from circumstances or natural forces. In duress, the harm is caused by the accused due to the threat of another person; in necessity, the harm caused is to avoid a greater harm from a different source.  
  
  
  
\*\*9. Policy Considerations:\*\*  
  
Section 94 reflects a policy balance between holding individuals accountable for their actions and recognizing that in certain extreme circumstances, individuals may be forced to commit acts against their will. The strict requirements of the section ensure that the defense of duress is not misused to excuse criminal behavior.  
  
  
\*\*10. Conclusion:\*\*  
  
Section 94 of the IPC provides a limited defense of duress for individuals compelled to commit offences due to threats of instant death. The defense is not available for murder, offences against the state punishable with death, or if the individual voluntarily placed themselves in the situation of constraint. The section reflects a policy of holding individuals accountable for their choices while recognizing the mitigating circumstances of extreme coercion. The application of this section requires a careful examination of the nature of the threat, the imminence of the danger, the accused's state of mind, and their role in placing themselves in the situation of constraint.