



# Know Your Law

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## Right to Self-defence

**D**oes a citizen have the right to private defence / Self defence?

The right of private defence/ self defence is codified in Sections 96-106 IPC which have to be read together in order to have a proper grasp of the scope and limitations of this right. By enacting the sections, the authors of the Code wanted to exempt from the operation of its penal clauses acts done in good faith for the purpose of repelling unlawful aggression.

Section 96 states: "Nothing is an offence which is done in the exercise of the right of private defence". This right can be exercised if there is no sufficient time for recourse to public authorities. One cannot do harm more than that is necessary to protect himself/herself. There should be a reasonable apprehension of death or grievous hurt or hurt to the person or damage to the property concerned (Puran Singh, 1975, Cr LJ 1479 (SC).

**For what purposes can one exercise his/her right to private defence?**

One can exercise this defence

(1) to protect one's own body, and the body of any other person, against any offences affecting the human body.(2) To protect one's property or of any other person, whether moveable or immovable, in case of theft, robbery, mischief or criminal trespass, or an attempt to do so.

**Can one exercise private defence against a person of unsound mind?**

Yes. Ex: Z, under the influence of madness, attempts to kill A. Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

**Can one exercise private defence against a public servant who is acting in good faith?**

No.

**When can one exercise his/her private defence up to the point of death of the other person?**

Section 100 of IPC states one can exercise private defence up to the point of death of the other in the case of:

- (1) such an assault may reasonably cause the apprehension of fear of death
- (2) apprehension of fear of

grievous hurt

(3) apprehension of fear of committing rape

(4) gratifying unnatural lust

(5) an assault with the intention of kidnapping or abducting

(6) in case of wrongful confinement.

The law authorizes a man/woman, who is under a reasonable apprehension that his/her life is in danger or his body in risk of grievous hurt, to inflict death upon his assailant either when the assault is attempted or directly threatened, but the apprehension must be reasonable and the violence inflicted must not be greater than is reasonably necessary for the purpose of self-defence. In the exercise of private defence one should not also cause hurt to an innocent person/s.

**When can one not exercise private defence?**

One cannot exercise private defence if there is sufficient time to inform the authorities and to get protection that his/her life will not be in danger.

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