

RIGHT OF PRIVATE DEFENCE OF BODY UNDER SECTION 100 OF THE INDIAN PENAL CODE 1860

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Introduction

There are circumstances when the state mechanism may not be accessible to the citizens to defend themselves in case of impending danger, and in those situations, a person is allowed to employ force to avert the impending threat. People have the right to protect themselves when state aid cannot be obtained and this right is called the right of private defence of body.²This right is provided under Sections 96-106 of the Indian Penal Code (IPC).³However, this right can only be exercised when the circumstances justify it and not otherwise. The right of private defence is subject to restrictions given under Section 99 of the IPC. Section 99 provides that the right to private defence cannot be availed when there is sufficient time to take recourse to the public authorities, and also not against a public servant acting in good faith under a legal duty unless reasonable apprehension is caused. It also provides that force used must not be excessive than is necessary to ward off the impending threat.⁴

In certain circumstances, the right of private defence also extends to causing death of the person who poses such a danger. This right is provided under Section 100 of the IPC.⁵In order to avail this, there must be reasonable apprehension that death or grievous hurt might be caused, or in case of assault with intention of committing rape, abducting, wrongfully confining a person or when there is apprehension of throwing or attempting to throw acid.⁶Although the law permits causing of death in certain circumstances of private defence, it ensures that the person does not exceed this right.⁷This right can only be availed when the danger or the threat is imminent and the force applied must be proportionate to the danger. However, as stated in *Puran Singh v. State*

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²RATANLAL AND DHIRAJLAL, THE INDIAN PENAL CODE 173 (34th ed. 2014).

³PSA PILLAI, CRIMINAL LAW 199 (10th ed. 2008).

⁴*Id.*p.217.

⁵K.D. GAUR, THE INDIAN PENAL CODE 188 (4th ed. 2009).

⁶DR. HARI SINGH GAUR, INDIAN PENAL CODE 297 (14th ed. 2013).

⁷K.N.CHANDRASEKHARAN PILLAI, GENERAL PRINCIPLES OF CRIMINAL LAW 150 (1st ed. 2003).

of Punjab,⁸ there is no set of scales that determines whether the accused has exceeded the right. It has to be determined from the facts and circumstances of each case.

The research paper begins with Chapter 1 that provides a detailed introduction of the Right of Private Defence under section 100. The paper goes down to explore and analyse the seven circumstances wherein this right of private defence to the extent of causing death is available along with the various case laws and its judicial interpretation. Chapter 3 sheds light on the addition of the seventh clause dealing with acid attack under Section 100 by the Justice Verma Committee through the Criminal Law Amendment Act 2013 and evaluate its effectiveness. Finally, taking into consideration the above aspects of Section 100 of Indian Penal Code, Chapter 4 sums up the research paper by providing a detailed conclusion.

⁸ AIR 1975 SC 1674.

WHEN RIGHT TO PRIVATE DEFENCE OF BODY EXTENDS TO CAUSING DEATH

No state has so much resource to place a police officer with every individual. Thereby, the Indian Penal Code recognizes an individual's right to protect body and property of himself and any other person against an impending threat when the state aid cannot be obtained and thus provides the right of Private Defence to protect them under section **96-106** of Indian Penal Code (IPC).⁹ This right is provided to ensure the safety of the citizens and a person is not responsible in law for his actions. However, this right can only be exercised when the circumstances justifies it and not otherwise. There has to be a reasonable apprehension of the threat although actual injury may or may not happen. Also, this right is subject to restrictions given under Section 99 of the IPC.¹⁰ In certain situations in cases of private defence of body, this right extends to causing death of the person who poses such a danger and this is recognized by section 100 of the IPC.

The right of Private Defence of the body extends to causing of voluntary death of the assailant in seven circumstances that have been enumerated below. However, this right can only be exercised and must be guided by restrictions given under S.99 IPC. Also, the assault under the six circumstances is not simply an assault but an aggravated form of assault. It means assault coupled with any other wrongful act.

- Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
- Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault.
- An assault with the intention of committing rape
- An assault with the intention of gratifying unnatural lust
- An assault with the intention of kidnapping or abducting
- An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release

⁹ Supra Note 2.

¹⁰ Supra Note 5 at 298.

- An act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.¹¹

The seventh clause dealing with acid attack has been added by the Justice Verma Committee through the Criminal Law Amendment Act 2013 and this clause would be dealt with in the subsequent chapter.

Cases are used to analyse the right of private defence under S.100 and therefore each circumstance is further explained with the help of relevant case laws.

REASONABLE APPREHENSION OF DEATH OR GRIEVOUS HURT

The first and the second clause of S.100 lays down and stipulates that the right of Private Defence to the extent of causing death is available when the assault employed by the assailant reasonably cause the apprehension that death or grievous hurt will otherwise be the consequence of such assault. Such an apprehension must be real and not illusory and the danger must be imminent.¹² And in that event, the accused can go to the extent of causing death of the assailant in the exercise of right of Private Defence even though no actual injury may have been inflicted. The burden is on the accused to prove that he had a right of private defence which extended to causing of death.¹³

James Martin v. State of Kerala lay down that there are a number of factors that need to be considered to find whether the right of private defence is available or not. Factors such as injuries received by the accused, imminence of danger to his safety, injuries that are caused by the accused and also the circumstances in which the injuries were caused are taken into consideration.¹⁴ It also noted that the person who is apprehending danger cannot weigh in golden scales on the spur of the moment as to what amount of force is required to ward off the threat of

¹¹ SECTION 100, INDIAN PENAL CODE 1860.

¹² K.D. GAUR, THE INDIAN PENAL CODE 189 (4th ed. 2009).

¹³ Ibid.

¹⁴ (2004) 2 SCC 203 Para 16.

the assailant. It is difficult to expect a person to be composed and measure the force required. Such situations are pragmatically viewed keeping in mind normal human reaction and conduct.¹⁵

The accused just has to show that he was faced with a reasonable apprehension and whether the apprehension was reasonable or not, is to be determined from the facts and circumstances of each case. Also, there could be no laid down test to measure whether the force used is appropriate. It has to be judged subjectively and no 'reasonable man' concept is there. These principles were laid down in a celebrated of *Darshan Singh v. State of Punjab*.¹⁶

In the instant case, there was a dispute between the two brothers regarding the agricultural field. Gurcharan Singh, the deceased, was the brother of Bakhtawar Singh and uncle of Darshan Singh. According to the prosecution story, Gurcharan Singh and his son were irrigating their field when Gurcharan Singh and Darshan Singh came to their field and started abusing the complainant party. They had gun and gandasa with them. Bakhtawar Singh gave a gandasi blow to Gurcharan Singh and in order to save himself, he also caused injury on the head of Bakhtawar Singh. After that, Darshan Singh fired two shots at Gurcharan Singh as a result of which, he died. However, according to the accused version, it was Gurcharan Singh who first inflicted injury on Bakhtawar Singh and then, in order to protect himself, Darshan Singh fired shots at Gurcharan Singh. The accused pleaded Right of Private Defence. The trial Court considered the defence of the version as more probable and acquitted the accused and put forth two questions as to who was the aggressor and who had the motive to open the attack. Also, it considered as to where did the incident take place. It came to a conclusion that Gurcharan Singh was the aggressor and he also had the motive to attack. The place where incident happened belonged to the accused. On this basis, it justified its decisions. However, the High Court reversed the judgment without giving any cogent reasons. Consequently, the appeal was allowed and the decision of the High court set aside. It was held that a mere apprehension is enough to put the right of private defence into operation and actual commission is not required. And in this case Darshan Singh had reasonable apprehension that Gurcharan Singh might also injure him. Also, it was held that even though the accused may not plead the right of Private Defence, still it need to be given to him.

¹⁵ (2004) 2 SCC 203 Para 17.

¹⁶ AIR 2010 SC 1212.

The accused is not given the benefit of this Section if he does the act with the intention of taking revenge or in a sudden altercation as in that case there would be no reasonable apprehension of any kind as held in case of *Vishvas Aba Kurane v. State of Maharashtra*¹⁷, in which a scuffle took place between one Jaywant and Akram in a local cinema where the deceased, Raghunath and few others intervened to solve the matter. Two days later, when Jaywant went to the bazaar to purchase something, he was given a blow with stick and axe by the accused. On hearing the cry of Jaywant, Raghunath along with his brother rushed to the bazaar. On seeing them, the accused started running behind them and caught hold of them assaulting them badly. As a result of which, Raghunath died. The trial court held that after the first assault on Jaywant, he turned back towards the accused with a view to retaliate and threw one of the accused on the ground, as a consequence of which, the accused had acquired a right of private defence. Also, as against the deceased, the court held that the accused assaulted the deceased in the heat of moment and sudden fight and thereby it amounted to culpable homicide not amounting to murder. However, the High Court interfered with the findings of the trial court. The plea of the appellants that they have exercised the right of private defence in causing the death of the deceased was rejected because, in this case, the accused failed to prove that there were circumstances giving rise to reasonable grounds for apprehending that either death or grievous

s hurt would be caused to him. The High Court held that they shared a common intention to kill the deceased and killing in the exercise of the right of Private Defence would be justified only when there is an honest belief of the imminent and real threat. Unless there is reasonable apprehension of the danger, the right of Private Defence is not available.¹⁸

Mere reasonable apprehension is sufficient to exercise this right and a person cannot avail this right once the apprehension is over. In *Deo Narain v. State of Uttar Pradesh*¹⁹, There was a dispute with respect to a certain piece of land. So, one day the complainant party went to the land in question to prevent the accused persons from ploughing. So the complainant party used lathi in the dispute to which the accused answered with the spear to protect them. In the dispute, one of the persons from the complainant party died. So the question before the court was whether the accused person exceeded the right to private defence. The Court was of the view that the right to

¹⁷ AIR 1978 SC 414.

¹⁸ PSA PILLAI, CRIMINAL LAW 201 (10th ed. 2008).

¹⁹ AIR 1973 SC 473.

private defence of body commences as soon as the reasonable apprehension of danger arises and it is not necessary for the accused to show that he has sustained any injuries. And while protecting himself from the apprehended danger to his life, a person cannot be expected to measure the amount of force employed. So it's very normal that a person protects himself with full capacity against any danger to his life. Therefore the amount of force to be used to prevent the injury can't be judged on a golden scale and it has to be judged according to the facts and circumstances of each case. This was also stated in *Puran Singh v. State of Punjab*²⁰, that an individual while exercising the right of private defence must employ proportionate amount of force. However, there is no set of scales that determines whether the accused has exceeded the right or not. It has to be judged according to the facts and circumstances of the case.

ASSAULT WITH INTENTION OF COMMITTING RAPE OR GRATIFYING UNNATURAL LUST

The third and the fourth clause of S.100 stipulate that the right of Private Defence to the extent of causing death is available in cases of assault with the intention of committing rape or gratifying unnatural lust. This right, being a preventive right must be utilized with utmost care and caution. Since, the burden is on the accused to prove that he has exercised his right of private defence, he need not prove it beyond reasonable doubt but only on preponderance of probability that creates doubt in the mind of the judge.²¹ Various cases are referred to analyse the clause in a better manner.

The leading Supreme Court case of *Yeshwant Rao v. State of Madhya Pradesh*²² clarifies the position of law as regard to the third and the fourth clause of S.100. In this case, the deceased tried to have sexual intercourse with the daughter of the accused while she went to the toilet on the rear side of her house. The accused, on seeing the daughter being raped hit the deceased with the spade and the deceased died as a consequence. The Supreme Court held that the accused was justified in exercising the right of Private Defence of body against the deceased and hence was given the acquittal. Here it can be seen that the assault that took place on the daughter was sufficient to create reasonable apprehension in the mind of the accused and thereby his act was

²⁰ MANU/SC/0184/1975 Para. 26.

²¹ DR. HARI SINGH GAUR, INDIAN PENAL CODE 299 (14th ed. 2013).

²² AIR 1992 SC 1683.

justified under S.100. The right of private defence was exercised by the accused to protect the body of another.

In *Bhadar Ram v. State of Rajasthan*²³, where the appellant saved her widow sister-in-law from the clutches of one Nand Ram and assaulted him with gandasa while he was running was given the exception under clause third of S.100 IPC. In this case, the appellant's sister-in-law was a widow lady who was grappled by Nand Ram in the dead hour of the night in order to outrage her modesty for committing rape. Hearing her hue and cry, the appellant came prepared with a gandasa and assaulted Nand Ram while he was trying to commit rape of the widow lady. It can be seen here that there was reasonable apprehension of danger to the body of appellant's sister and thus the right of Private Defence in this case was rightly availed against the danger that was real, present and imminent.

This right of Private Defence is available to everyone irrespective of the moral character of the person exercising her right as in the case of *State of Orissa v. Nirupamma Panda*²⁴, where the woman while preventing herself from the non-consensual sexual intercourse stabbed the person when the deceased tried to rape her and she was given the benefit of this right. It was contended that the character of the accused was in doubt and thereby she should not be given the right of private defence. It was held that she was entitled for an acquittal as she had every right to save her honor even by causing death and her alleged immoral character is of no consequences. The Court also observes that while providing the right of Private Defence under thirdly S.100, the personal character of the accused is immaterial.

ASSAULT WITH INTENTION OF KIDNAPPING OR ABDUCTING

The fifth clause of S.100 IPC provides that the right of private defence is available when the assault is made with the intention of kidnapping or abducting. Abduction is an offence against the human body and takes place when a person is compelled to go from any place.²⁵ Whoever, by force compels, or by any deceitful means induces, any person to go from any place, is said to

²³ (2000) Cr L.J. 1174 (Raj).

²⁴ (1989) Cr LJ 621 (Ori).

²⁵ RATANLAL AND DHIRAJLAL, THE INDIAN PENAL CODE 177 (34th ed. 2014).

abduct that person.²⁶ Relevant case laws are referred to in order to understand this particular clause.

Abduction given under fifthly of Section 100 IPC has to be taken in its plain meaning as enumerated in *Vishwanath v. state of Uttar Pradesh*.²⁷ In this case, the accused's sister left her husband's house and was residing with her father and brother. One day, the deceased husband came to the house and tried to take her wife away with her to which she rebelled and caught hold of the door. In the meanwhile, in order to protect her sister from the deceased, the accused took out a knife and stabbed the deceased husband. As a consequence, he died. The accused pleaded that he must be given the benefit under fifth clause of S.100. However, the prosecution contended that the right of Private Defence under this clause is only available when there is some other intent coupled with abduction. The Allahabad High Court gave the judgment in favor of the defendant and held that the accused will not be given the right of private defence as no there was no other intent coupled with Abduction. Allowing the appeal and setting aside the judgment of the high court, the Supreme Court rejected the contention and held that the word 'abduction' in clause fifth has to be read in a plain meaning as defined under S.362 of the IPC and therefore acquitted the accused. It held that this right is only available for Abduction simpliciter and only when compelled by force. In the second category of Abduction by deceitful means given under S.362, Private Defence is not available as there is no compulsion by force.²⁸ The Supreme Court said that at the time the accused intervened, his sister was forcibly compelled to go from the place of the accused and thereby, there was an assault with the intention of abduction under S.100 clause fifthly. The accused therefore had the right of private defence that could even extend to causing the death of the assailant.

As soon as the accused is faced with the assault that is carried out with the intention of kidnapping or abduction, the right of private defence can be availed of. In *Nand Kishore Lal v. Emperor*²⁹, a married Muslim woman was abducted by the accused and converted to Sikhism. Nearly after a year, the husband of the woman and demanded her to return back to which the accused and the woman herself objected. The woman herself did not want to go back. Therefore,

²⁶ SECTION 362, INDIAN PENAL CODE 1860.

²⁷ MANU/SC/0027/1959.

²⁸ MANU/SC/0027/1959 Para 7.

²⁹ AIR 1924 Pat. 789.

the husband and his relatives tried to drag her away with them to which she and the accused resisted and while resisting the attempt, the accused inflicted a fatal blow over one of the female assailants which resulted in her death. The court held that the accused would be given the plea under fifth clause of S.100 as he was trying to protect the woman against the assailants. It can be seen that the motive and intention of the accused does not matter at all and as soon as a reasonable apprehension is caused, the right of private defence can be availed of.

ASSAULT WITH INTENTION OF WRONGFUL CONFINEMENT

The sixthly clause of S.100 provides that the right of Private Defence extending to causing death is available when an assault is carried out with the intention of wrongfully confining a person. However, in order to avail this right there must be a proof that there was an assault and that was with the intention of wrongful confinement. Also, it has to be proved that the circumstances were such that caused reasonable apprehension in the mind of the accused that he will not be able to take recourse to the public authorities for his release.³⁰ Even if the act satisfies all these prerequisites, it has to fall under the restrictions mentioned in S.99 of IPC.

As stated in *Abdul Habib v. State*³¹, when a person is wrongfully arrested and taken to the police station for being handed over to the police cannot be said to have reasonable apprehension that he will not have recourse to the public authorities for his release. In this case, the appellant tried to steal away the bicycle of one Swaran Singh. Swaran Singh made an effort to stop him and caught hold of his bicycle and the appellant in order to save himself gave a stab blow in the right elbow with a knife and ran away. Swaran Singh raised a hue and cry and many people joined in the pursuit of the fleeing appellant. One Naresh Kumar is said to have heard the slogans that the appellant must be arrested and therefore ran towards him but the appellant, in order to evade his arrest, struck a blow by his knife and stabbed him. Naresh Kumar attempted to commit an assault but the intention was to apprehend the appellant and take him to the police station. The question before the court was whether this act of arresting amounted to wrongful restraint or wrongful confinement.

³⁰ K.D. GAUR, THE INDIAN PENAL CODE 191 (4th ed. 2009).

³¹ 1974 Cr. L.J. 248.

Wrongful Restraint means voluntarily obstructing any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed.³² Wrongful confinement means wrongfully restraining any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits.³³ The court held that the intention was more of wrongful confinement to let him move only within the limits of the place of arrest. It was also held that the circumstances were not such that any reasonable person would have apprehended that he would not be able to secure the help of the public authorities in obtaining his release. There was no right of Private Defence of person given in this case. Also, the court observed that in no case can a person inflict more harm than is necessary to ward off the danger. In this case, it cannot be said that the appellant had exceeded the right because he had no right of Private Defence in the first place.

³² SECTION 339, INDIAN PENAL CODE 1860.

³³ SECTION 340, INDIAN PENAL CODE 1860.

ANALYSATION OF THE ADDITION OF THE SEVENTH CLAUSE UNDER SECTION 100 OF IPC

The seventhly clause under S.100 says if there is an act of throwing or administering acid or an attempt to throw or administer acid that causes reasonable apprehension in the mind of the accused that grievous hurt will be caused, then the right of Private Defence to the extent of causing death will be available.³⁴

This clause dealing with acid attack has been added by the Justice Verma Committee through the Criminal Law Amendment Act 2013. This Amendment was the first attempt to specifically include provisions relating to the acid attacks. As per the **Law Commission of India**³⁵, there was no specific provision dealing with acid attack and hence cases were registered under different sections of Indian Penal Code particularly those dealing with hurt, grievous hurt by corrosive substances and attempt to murder and murder. The Committee suggested that these circumstances enumerated therein should also extend to the right of private defence in case of an Acid Attack, which was made an offence under Section 326A as per the Criminal Law Amendment act 2013.³⁶ This was inserted under the pretext of making laws relating to acid attack a lot more stringent and lead to the better prosecution of acid attacks. Prior to this amendment, any such acid attack was covered under S.326. This section included causing grievous hurt by the use of the corrosive substance and acid comes under corrosive substance. Also, as regards to the Right of Private Defence, grievous hurt is covered under secondly clause of S.100. The Verma committee was of the opinion that there is a need for a comprehensive law on compensation to victims and the offences pertaining to acid attacks should not be covered under the provisions of grievous hurt.

But the question that needs to be considered is that how far the new addition under seventhly clause is of any utility. What was the requirement of redundant addition of a new clause under S.100 inspite of having provisions that already protects it?

³⁴ SECTION 100, INDIAN PENAL CODE 1860.

³⁵ Law Commission of India, 226th report, 2009.

³⁶ JUSTICE VERMA COMMITTEE REPORT ON CRIMINAL LAW AMENDMENT ACT, 2013.

The incidents in the recent past relating to acid attacks prompted the changes in the legal framework. The government wanted to give a stringent law to the public and thereby included acid attacks as specific offences under IPC.

However, there is a need for a contextualized reading of the provisions of the IPC to analyse the addition and utility of this clause under S.100 IPC. Acid attack offences were never given any specific provisions under IPC before the amendment. Since, acid falls under the category of corrosive substance, hence, offences relating to it fell under S.324 and S.326 that deals with grievous hurt by “corrosive substances” which includes acids. Also, The secondly clause of S.100 provides right of private defence to the extent of causing death when there is a reasonable apprehension that grievous hurt will otherwise be the consequence.³⁷ By and far, there are kinds of grievous hurt provided under S.320 which covers Emasculation, permanent privation of the sight of either eye, the hearing of either ear or any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of head or face, fracture or dislocation of a bone or a tooth or any hurt that endangers life.³⁸

So, going by this Section, reasonable apprehension of grievous hurt by an acid substance is already covered under the second clause of S.100. Though, there have been several criticisms that this definition does not contain multiple types of grievous hurt and deliberate hurt.³⁹ However, this has proved to be an insufficient explanation for not including hurt by acid as grievous hurt under S.320. It, at best, proves to be redundant. Also, S.100 specifically deals with right of Private defence to the extent of causing death that already covers the six circumstances under which such a right is available. And giving this section a seventhly clause that has been added only to give acid attack a specific heading, does nothing than making this a redundant clause. The clause was merely added with the pretext of giving acid attack a specific heading considering the increment in the number of such cases. And if there is reasonable justification for the same, then the committee must come forward and provide a meaning to this clause.

It is also to be noted that the first six clauses of S.100 talk about assault and the seventh clause talks about an act. It cannot be said as an assault of throwing acid. There seemed no probable

³⁷ SECTION 100, INDIAN PENAL CODE 1860.

³⁸ SECTION 320, INDIAN PENAL CODE 1860.

³⁹ Law Commission of India, 246th report, 2013.

reason for the usage of the word 'act' instead of 'assault'. Also, under the six clauses, an aggravated assault is punishable and not an assault simpliciter. An assault causes reasonable apprehension in the mind of the accused which enables him to exercise his right of private defence. The word "act" used in the seventh clause includes every act towards the commission of the offence. It has to be an act of throwing or attempting to throw acid. This act or attempt is made punishable under this clause. And the attempt itself causes reasonable apprehension in the mind of the accused and that is sufficient to exercise the right of private defence.

It can also be seen that the secondly clause of S.100 covers grievous hurt and not any other hurt. So, according to the researcher, if the seventhly clause is to be given any meaning, then the word 'grievous' may be removed from the clause, so that the clause pertains to simple and deliberate hurt, that is not provided under any other clause. As the grievous hurt under S.320 only covers permanent disfigurement of the face or head and does not cover injury on any other body part, removing 'grievous' from the clause would actually serve some purpose.

CONCLUSION

Self preservation is a principle of Criminal law and therefore the state provides individuals the right to protect themselves. The right of Private Defence of body comes under the justifiable defence where the focus is more on the act of the individual. The benefit out of the conduct outweighs the evil of the offence. However, the Courts while providing the defence under S.100 have been very careful. The burden is on the accused to prove that he had exercised his right of private defence. He need not prove it beyond reasonable doubt but on the preponderance of probability. The circumstances that force the individuals to commit the offence are seen. State has given us some rights to protect ourselves and our property from impending danger when the state is not available to do the same. This right is also available to protect the body or property of any other person. It extends to causing of death of the assailant in certain circumstances. However, there has to be reasonable apprehension of real or imminent threat to avail this right.

Section 100 is a very crucial provision under the Indian Penal Code. It gives the right to kill an individual. However, it also puts down several thresholds that need to be followed to avail this right. The force used must not only be necessary for the purpose of avoiding the attack but also proportionate to the harm threatened. However, there can be no set test to measure the

appropriateness of the force used. It is subjectively seen on the basis of facts and circumstances of each case. There must be real and imminent threat and not illusory. Regarding the seventhly clause, though it is added to provide a specific heading to offences relating to acid attacks, still after analyzing the provisions, it seems to be a bit redundant in the sense that seventhly clause is already covered under the secondly clause under the context of grievous hurt. As no explanation has been given on the addition of this seventhly clause, there is a need for the legislature to reconsider its addition under S.100 and provide sufficient and reasonable reasons for such redundancy.

Thus, this right of Private defence is a wonderful weapon in the hands of the people that permits them to protect themselves and others against any threat under a legal justification. But, a cautious attitude must be there so that no person misuses this right for his own purpose. It is only to be seen as a self protecting right and not a right to retaliate.

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