# IPC Section 43

## Section 43 of the Indian Penal Code: "Illegal," "legally bound to do," "justified by law," and "legally justifiable" defined  
  
Section 43 of the Indian Penal Code (IPC) does not describe a specific offense. Instead, it provides crucial definitions for terms used throughout the IPC, specifically "illegal," "legally bound to do," "justified by law," and "legally justifiable." These definitions are fundamental to understanding and interpreting various provisions related to general exceptions, defenses, and the scope of criminal liability under the IPC. A clear grasp of these terms is essential for applying the law correctly and ensuring fair and just outcomes in criminal cases.  
  
\*\*Detailed Explanation:\*\*  
  
The full text of Section 43 is as follows:  
  
“The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be “legally bound to do” whatever it is illegal in him to omit. The word “illegal” or “unlawful” is applicable to everything which is an offence, or which is prohibited by law, or which furnishes ground for a civil action. The expression “justified by law” denotes that the act charged is authorized or justified by some provision or principle of law, either substantive or procedural. The word “legally justifiable” in relation to an act denotes that the act, is justified under any provision or principle of law.”  
  
Let's break down each definition:  
  
\*\*1. "Illegal":\*\*  
  
The section defines "illegal" as encompassing three categories:  
  
\* \*\*"Everything which is an offence..."\*\*: This refers to any act or omission explicitly defined as a crime under the IPC or any other criminal statute. For instance, theft, murder, or assault are offenses and therefore illegal.  
  
\* \*\*"...or which is prohibited by law..."\*\*: This category extends the scope of "illegal" beyond explicitly defined offenses to include acts prohibited by any law, even if they don't constitute a criminal offense. This could include violations of administrative regulations, municipal bylaws, or other statutory prohibitions. For instance, driving without a license, violating building codes, or exceeding speed limits are prohibited by law and therefore illegal, even if they don't always lead to criminal charges.  
  
\* \*\*"...or which furnishes ground for a civil action..."\*\*: This further broadens the definition to encompass acts that give rise to civil liability, even if they aren't criminal offenses or prohibited by specific laws. This category includes breaches of contract, torts like negligence or defamation, or infringements of intellectual property rights. These actions, while not criminal, are considered "illegal" as they provide grounds for a lawsuit seeking civil remedies.  
  
\*\*2. "Legally Bound to Do":\*\*  
  
The section connects "illegal" with the concept of legal obligation by stating that a person is "legally bound to do" anything that it is "illegal in him to omit." This essentially defines legal obligation in terms of the negative consequences of inaction. If failing to perform an act makes that omission illegal, then the person is legally bound to perform the act. This encompasses:  
  
\* \*\*Statutory Duties:\*\* Failing to file taxes, failing to provide necessary care to a dependent, or failing to comply with a court order are all illegal omissions that create a corresponding legal duty to act.  
  
\* \*\*Duties arising from Special Relationships:\*\* A parent is legally bound to provide for their minor child. A doctor is legally bound to provide reasonable care to their patients. These duties arise from the specific nature of the relationship and the potential harm arising from their omission.  
  
\* \*\*Contractual Obligations:\*\* Failing to fulfill a contractual obligation can furnish grounds for a civil action and therefore constitutes an illegal omission. This creates a legal duty to perform the actions stipulated in the contract.  
  
  
\*\*3. "Justified by Law":\*\*  
  
This phrase indicates that an act, even if it might otherwise be considered illegal, is authorized or excused by a legal provision or principle. This justification can arise from:  
  
\* \*\*Substantive Law:\*\* Specific legal provisions might explicitly permit an act. For instance, the right to self-defense justifies the use of force in certain circumstances, even though using force is generally illegal.  
  
\* \*\*Procedural Law:\*\* Legal procedures might authorize an act. For instance, a police officer is justified in arresting a person based on a valid warrant, even though detaining someone against their will is generally illegal.  
  
\* \*\*Principles of Law:\*\* General legal principles, like necessity or the prevention of greater harm, can justify actions that might otherwise be considered illegal. For instance, damaging property to prevent the spread of a fire is justified by the principle of necessity.  
  
\*\*4. "Legally Justifiable":\*\*  
  
This term is similar to "justified by law" but is worded slightly differently. It signifies that an act is permissible or excused under a provision or principle of law. It reinforces the concept that an act, which might prima facie appear illegal, can be rendered lawful if it aligns with a legal justification. The slight difference in wording is generally considered insignificant, and the terms are often used interchangeably.  
  
\*\*Interplay between the Defined Terms:\*\*  
  
These four definitions are interlinked and crucial for understanding the legal consequences of various actions. An act can be "illegal" but "justified by law." For instance, using force against an attacker is technically illegal (assault) but justified by the law of self-defense. Similarly, an act may be "illegal" to omit, making a person "legally bound to do" it. For example, a lifeguard is legally bound to attempt a rescue because failing to do so (omission) would be illegal.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*A police officer arresting a suspect:\*\* The act of arresting restricts the suspect's liberty and would typically be considered illegal (false imprisonment). However, if the officer has a valid warrant or probable cause, the arrest is "justified by law."  
  
\* \*\*A doctor performing surgery:\*\* Cutting into a person's body is typically illegal (grievous hurt). However, if the surgery is performed with the patient's informed consent and for a legitimate medical purpose, it is "justified by law."  
  
\* \*\*A citizen using force in self-defense:\*\* Using force against another person is generally illegal (assault). However, if the force is used in self-defense against an imminent threat, it is "justified by law."  
  
\* \*\*A parent providing food and shelter to their child:\*\* A parent is "legally bound to do" this because failing to provide basic necessities is "illegal" (child neglect).  
  
\* \*\*A witness testifying in court:\*\* A witness is "legally bound to do" this because failing to appear when summoned is "illegal" (contempt of court).  
  
\*\*Importance of Section 43:\*\*  
  
Section 43 plays a crucial role in clarifying the meaning of key legal terms used throughout the IPC. It establishes the relationship between illegality, legal obligation, and justification, providing a framework for analyzing the legality of various actions. Understanding these definitions is essential for correctly applying the law, especially in cases involving defenses like self-defense, necessity, or actions performed under a legal obligation.  
  
\*\*Conclusion:\*\*  
  
Section 43 of the IPC, while not describing a specific offense, provides essential definitions that are foundational to interpreting and applying various provisions of criminal law. The terms "illegal," "legally bound to do," "justified by law," and "legally justifiable" are carefully defined to clarify the scope of criminal liability and the circumstances under which actions, even if prima facie illegal, can be deemed lawful. These definitions are instrumental in ensuring the fair and just application of the law and in safeguarding the rights and liberties of individuals within the framework of the criminal justice system. A thorough understanding of these definitions is crucial for anyone involved in the legal profession, law enforcement, or simply seeking a deeper understanding of the Indian Penal Code.