# IPC Section 75

## Section 75 of the Indian Penal Code: Act done by a person justified, or by mistake of fact believing himself justified, by law  
  
Section 75 of the Indian Penal Code (IPC) addresses the legal implications of acts committed by individuals who are either justified by law or who mistakenly believe themselves to be justified by law due to a mistake of fact. This section, closely related to Section 74 and Section 79 of the IPC, delves into the realm of exceptions to criminal liability. It acknowledges that individuals may act in a manner that would typically constitute an offense but are exempted from punishment due to the presence of justifiable circumstances or a genuine, reasonable mistake regarding those circumstances. A thorough examination of Section 75 necessitates unpacking its components, exploring its relationship with other relevant sections, analyzing judicial interpretations, and illustrating its application through hypothetical scenarios.  
  
\*\*I. Dissecting the Elements of Section 75:\*\*  
  
Section 75 is structured around two primary scenarios:  
  
1. \*\*Act done by a person justified by law:\*\* This pertains to situations where the act committed, though prima facie appearing to be an offense, is legally permissible due to specific provisions within the law. This could include actions taken in self-defense, acts performed by public servants in the lawful discharge of their duties, or acts authorized by other legal provisions.  
  
2. \*\*Act done by a person by mistake of fact believing himself justified by law:\*\* This mirrors the core principle of Section 74. It applies when a person commits an act based on an erroneous understanding of facts, honestly believing that their action is legally justified. Crucially, this belief must stem from a mistake concerning a factual circumstance, not a misinterpretation of the law itself (which falls under Section 76). The mistake of fact must also be reasonable, meaning a prudent person in a similar situation would likely have formed the same mistaken belief.  
  
\*\*II. Delving into "Justified by Law":\*\*  
  
The phrase "justified by law" implies that the act, while potentially fitting the definition of an offense, is rendered lawful due to specific legal provisions. This could encompass a wide range of scenarios:  
  
\* \*\*Right of Private Defense (Sections 96-106 IPC):\*\* Acts committed in self-defense or the defense of others or property, within the permissible limits outlined in these sections, are justified by law. For instance, using force to repel an attacker is justifiable even if it causes harm to the attacker.  
  
\* \*\*Acts of Public Servants (Various Sections IPC & CrPC):\*\* Actions taken by police officers, magistrates, or other public servants in the lawful discharge of their duties are generally justified, even if they involve the use of force or restrictions on individual liberties. For instance, a police officer arresting a person based on a valid warrant is acting justifiably.  
  
\* \*\*Necessity (Section 81 IPC):\*\* Acts committed out of necessity, to avoid a greater evil, may be justified. For instance, damaging property to prevent the spread of a fire is justified by necessity.  
  
\* \*\*Other Legal Provisions:\*\* Various other legal provisions may justify specific actions. For example, a surgeon performing an operation with the patient's consent is justified in causing physical harm, as the act is legally authorized within the framework of medical practice.  
  
\*\*III. The Importance of "Mistake of Fact":\*\*  
  
The second part of Section 75 deals with situations where the actor is not actually justified by law, but genuinely and reasonably believes themselves to be. The critical element here is the "mistake of fact." This requires:  
  
\* \*\*Honest and Reasonable Belief:\*\* The individual must honestly and reasonably believe that the facts are such that their actions are legally justified. The reasonableness of the belief is assessed objectively, considering the context and the person's position. A purely subjective, idiosyncratic belief, even if honest, may not suffice.  
  
\* \*\*Mistake Regarding Fact, Not Law:\*\* The mistake must pertain to a factual circumstance, not a legal principle. Misunderstanding the law itself is a mistake of law, covered by Section 76.  
  
\*\*IV. Distinguishing Section 75 from Related Sections:\*\*  
  
Section 75 is closely related to Sections 74, 76, and 79 of the IPC, and understanding the distinctions is crucial.  
  
\* \*\*Section 74 (Act done by a person by reason of mistake of fact believing himself justified by law):\*\* Section 74 focuses solely on acts done under a mistake of fact. Section 75 encompasses both acts justified by law and acts done under a mistake of fact believing oneself to be justified.  
  
\* \*\*Section 76 (Act done by a person bound, or by mistake of fact believing himself bound, by law):\*\* Section 76 deals with situations where a person acts under a legal obligation or mistakenly believes themselves to be under such an obligation. The key difference is the nature of the belief. In Section 75, the belief is about justification; in Section 76, it is about obligation.  
  
\* \*\*Section 79 (Act done by a person justified, or by mistake of fact believing himself justified, by law):\*\* Sections 75 and 79 are virtually identical in their wording. However, Section 79 is generally interpreted as encompassing a broader range of justifiable acts, including those justified by customary law or personal law, while Section 75 focuses on justification under codified law.  
  
\*\*V. Burden of Proof and Standard of Proof:\*\*  
  
When invoking Section 75 as a defense, the burden of proof lies on the accused. They must demonstrate, on a balance of probabilities (preponderance of evidence), that their action was either justified by law or that they acted under a genuine and reasonable mistake of fact believing themselves to be justified. The prosecution can rebut this defense by showing that the act was not justified or that the belief was not honest or reasonable.  
  
\*\*VI. Judicial Interpretation and Case Laws:\*\*  
  
Judicial pronouncements have played a vital role in shaping the understanding and application of Section 75.  
  
\* \*\*Waryam Singh v. Emperor (AIR 1926 Lah 554):\*\* This case underscored the importance of a reasonable belief in the context of a mistake of fact. The accused, a police officer, shot a person he mistakenly believed to be a dangerous criminal. The court held that the belief must be both honest and reasonable to provide protection under Section 75.  
  
\* \*\*Chirangi v. State of Nagpur (AIR 1952 Nag 343):\*\* This case highlighted the distinction between mistake of fact and mistake of law. The court held that killing one's son under the mistaken belief that he was a tiger constituted a mistake of fact, and the accused could be protected under Section 79 (which is similar to Section 75).  
  
  
\*\*VII. Illustrative Examples:\*\*  
  
The following scenarios demonstrate the application of Section 75:  
  
  
\* \*\*Scenario 1:\*\* A police officer uses force to arrest a person resisting arrest. This is justified by law under the CrPC.  
  
  
\* \*\*Scenario 2:\*\* A person defends themselves against an attacker using reasonable force, causing injury to the attacker. This is justified by the right of private defense.  
  
  
\* \*\*Scenario 3:\*\* A person mistakenly believes their neighbor is attempting to burglarize their house and uses force to detain them. If the belief was honest and reasonable, they may be protected under Section 75, even if their neighbor was simply trying to retrieve a stray ball.  
  
  
\* \*\*Scenario 4:\*\* A doctor performs an emergency surgery without explicit consent, believing that obtaining consent is impractical due to the urgency of the situation and the patient's unconscious state. This might be justifiable under the doctrine of necessity.  
  
  
\* \*\*Scenario 5:\*\* A person breaks into a cabin during a blizzard believing it's abandoned and they are about to freeze to death. If the belief is reasonable and they leave compensation for any damages, this might be considered justified by necessity.  
  
  
\*\*VIII. Limitations of Section 75:\*\*  
  
While Section 75 offers protection in specific circumstances, it's crucial to acknowledge its limitations.  
  
\* It doesn't excuse acts committed under a mistake of law.  
\* The mistake of fact must be both honest and reasonable.  
\* The burden of proof lies with the accused.  
\* The justification must be derived from a recognized legal source. A purely moral or ethical justification will not suffice.  
  
  
\*\*IX. Conclusion:\*\*  
  
Section 75 of the IPC exemplifies the principle that criminal liability should be commensurate with the actor's mental state. It acknowledges that individuals might act in ways that prima facie appear unlawful but are, in fact, justified or are committed under a genuine and reasonable misunderstanding of facts. Understanding the elements of this section, its distinction from related sections, and its judicial interpretations is essential for its effective application within the criminal justice system. The section's application must be considered in the context of each specific case, and it serves to ensure that the law balances the need to uphold social order with the principle of fairness and proportionality in ascribing criminal responsibility.