# IPC Section 100: When the right of private defence of the body extends to causing death .

## Section 100 of the Indian Penal Code: When the Right of Private Defence of the Body Extends to Causing Death  
  
Section 100 of the Indian Penal Code (IPC) deals with the most extreme form of private defence: the use of force that may result in the death of the assailant. This section recognizes that in certain life-threatening situations, individuals may be justified in using deadly force to protect themselves or others. It lays out specific circumstances where causing death in self-defence is not considered an offence, emphasizing the need for a reasonable apprehension of grave danger as a prerequisite for such extreme measures.  
  
\*\*The exact wording of Section 100 is:\*\*  
  
"The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:—  
  
First.—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;  
  
Secondly.—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;  
  
Thirdly.—An assault with the intention of committing rape;  
  
Fourthly.—An assault with the intention of gratifying unnatural lust;  
  
Fifthly.—An assault with the intention of kidnapping or abducting;  
  
Sixthly.—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."  
  
\*\*Breaking down the elements of Section 100:\*\*  
  
1. \*\*"The right of private defence of the body extends...to the voluntary causing of death...":\*\* This explicitly states that causing death in private defence can be justified under specific circumstances. The word "voluntary" indicates that the act must be intentional, but not necessarily pre-meditated.  
  
2. \*\*"...under the restrictions mentioned in the last preceding section..."\*\*: This refers to the restrictions outlined in Section 99, such as the unavailability of recourse to public authorities and the prohibition of excessive force.  
  
3. \*\*"...if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated..."\*\*: This clause introduces the specific offences that justify the use of deadly force in self-defence.  
  
4. \*\*The six enumerated descriptions of offences:\*\* These describe situations where the threat posed is so severe that the use of deadly force may be justified:  
 \* \*\*First:\*\* Assault causing reasonable apprehension of death.  
 \* \*\*Second:\*\* Assault causing reasonable apprehension of grievous hurt.  
 \* \*\*Third:\*\* Assault with the intention of committing rape.  
 \* \*\*Fourth:\*\* Assault with the intention of gratifying unnatural lust.  
 \* \*\*Fifth:\*\* Assault with the intention of kidnapping or abducting.  
 \* \*\*Sixth:\*\* Assault with the intention of wrongful confinement, with reasonable apprehension of inability to access public authorities for release.  
  
  
\*\*Key considerations in applying Section 100:\*\*  
  
\* \*\*Reasonable apprehension:\*\* The apprehension of death, grievous hurt, or the enumerated offences must be reasonable and based on the objective circumstances. Mere fear or suspicion is not sufficient.  
\* \*\*Imminence of danger:\*\* The threat must be immediate and present. The right of private defence does not extend to preemptive strikes based on anticipated future harm.  
\* \*\*Proportionality even in deadly force:\*\* While deadly force is permitted in these specific circumstances, it should still be proportionate to the threat. Using more force than reasonably necessary to avert the danger could negate the defence.  
\* \*\*No duty to retreat:\*\* There is no legal obligation to retreat before resorting to deadly force if the conditions of Section 100 are met. However, the possibility of retreat might be a factor considered in assessing the reasonableness of the defender's actions.  
\* \*\*Defense of others:\*\* The right to use deadly force in private defence extends to protecting not only oneself but also any other person facing these grave threats.  
  
  
\*\*Distinguishing between Section 99 and Section 100:\*\*  
  
Section 99 restricts the right of private defence generally, while Section 100 defines the specific circumstances where causing death in private defence is permissible. The interplay between these sections is crucial. Even if the conditions of Section 100 are met, the restrictions of Section 99 still apply. For instance, if there is sufficient time to seek assistance from public authorities, resorting to deadly force might be considered excessive.  
  
  
\*\*Conclusion:\*\*  
  
Section 100 of the IPC provides a carefully delineated framework for the use of deadly force in private defence. It recognizes the inherent right to self-preservation in the face of life-threatening danger and allows individuals to protect themselves and others from grave harm, including death, grievous hurt, rape, unnatural lust, kidnapping, and wrongful confinement. However, the right to use deadly force is subject to strict limitations, emphasizing the need for reasonable apprehension, imminence of danger, and proportionality even in extreme circumstances. Understanding these principles is critical for navigating life-threatening situations and ensuring that actions taken in self-defence are legally justifiable.