# IPC Section 102: Commencement and continuance of the right of private defence of the body.

## Section 102 of the Indian Penal Code: Commencement and Continuance of the Right of Private Defence of the Body  
  
Section 102 of the Indian Penal Code (IPC) deals with the temporal aspects of the right of private defence of the body. It defines when this right begins and when it ends. This is crucial because the right to use force in self-defence is not perpetual. It exists only during the period when there is a reasonable apprehension of danger. Section 102 clarifies the timeframe within which the use of force is legally justified.  
  
\*\*The exact wording of Section 102 is:\*\*  
  
"The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues till the apprehension of danger to the body from the attempt or threat to commit the offence has ceased.  
  
Illustrations  
  
(a) Z attempts to murder A. A has the right of private defence against Z.  
  
(b) Z attempts to steal some jewels worn by A. A has the right of private defence against Z.  
  
(c) A is attacked by a mob who attempt to murder him. He has the right of private defence against the members of the mob."  
  
  
\*\*Breaking down the elements of Section 102:\*\*  
  
1. \*\*"The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises..."\*\*: This establishes the starting point of the right of private defence. It doesn’t require the actual commission of an offence. A reasonable apprehension of danger is sufficient to trigger the right.  
  
2. \*\*"...from an attempt or threat to commit the offence..."\*\*: This clarifies that the apprehension of danger must stem from an attempt or threat to commit an offence affecting the human body. Mere words or gestures without a clear indication of an impending attack are not enough.  
  
3. \*\*"...though the offence may not have been committed..."\*\*: This reinforces the point that the actual commission of the offence is not necessary. The right of private defence begins as soon as there is a reasonable apprehension of an attempt or threat.  
  
4. \*\*"...and it continues till the apprehension of danger to the body from the attempt or threat to commit the offence has ceased."\*\*: This defines the endpoint of the right of private defence. The right exists only as long as the reasonable apprehension of danger persists. Once the threat subsides, the right ceases.  
  
\*\*Key considerations in applying Section 102:\*\*  
  
\* \*\*Reasonableness of apprehension:\*\* The apprehension of danger must be objectively reasonable based on the circumstances. A subjective feeling of fear is not enough. The test is whether a reasonable person in the same situation would also apprehend danger.  
  
\* \*\*Imminence of danger:\*\* The threat must be immediate or imminent. A vague fear of future harm does not justify the use of force in private defence. The threat must be present and ongoing.  
  
\* \*\*Cessation of danger:\*\* The right of private defence ends when the threat ceases. This could be due to various factors, such as the assailant fleeing, being subdued, or abandoning their attack. Continuing to use force after the threat has ceased is unlawful.  
  
\* \*\*Preemptive strikes:\*\* While Section 102 allows for private defence based on an "attempt or threat," it does not justify preemptive strikes based on mere suspicion or anticipation of future harm. There must be a concrete and immediate threat to trigger the right.  
  
\* \*\*Defense of others:\*\* The principles of commencement and continuance of the right of private defence apply equally to defending oneself and defending others. The right arises as soon as there is a reasonable apprehension of danger to another person's body and continues until the threat to that person has ceased.  
  
\*\*The illustrations in Section 102:\*\*  
  
The illustrations provided in the section offer practical examples of how the principle is applied:  
  
\* \*\*Illustration (a):\*\* Demonstrates that an attempt to murder triggers the right of private defence.  
\* \*\*Illustration (b):\*\* Shows that an attempted theft involving a direct threat to the person (e.g., snatching jewellery worn by someone) also activates the right.  
\* \*\*Illustration (c):\*\* Clarifies that the right of private defence exists against multiple assailants acting together.  
  
  
\*\*Relationship with other sections:\*\*  
  
Section 102 works in conjunction with other sections related to private defence. It defines the timeframe within which the right exists, while other sections, like Section 97 and Section 100, define the scope and extent of the right. Section 99 outlines restrictions that apply throughout the duration of the right of private defence.  
  
\*\*Conclusion:\*\*  
  
Section 102 of the IPC provides crucial guidance on the temporal aspects of the right of private defence of the body. It clarifies when this right begins and ends, emphasizing the need for a reasonable and imminent apprehension of danger. Understanding these principles is essential for exercising the right of private defence lawfully and avoiding the use of excessive or unjustified force. It provides a framework for assessing the legality of self-defence actions based on the specific circumstances and the timeline of the threat faced.