# IPC Section 95: Act causing slight harm.

## Section 95 of the Indian Penal Code: Act causing slight harm  
  
Section 95 of the Indian Penal Code (IPC) deals with acts that cause slight harm and are, therefore, deemed too trivial to be considered offences. It essentially embodies the legal maxim "de minimis non curat lex," which translates to "the law does not concern itself with trifles." The section acts as a filter, preventing the legal system from being burdened by insignificant disputes and focusing its resources on more serious offences. It acknowledges that in everyday life, certain minor inconveniences or harms are unavoidable and do not warrant the intervention of the law.  
  
\*\*The precise wording of Section 95 is as follows:\*\*  
  
"Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm."  
  
\*\*Breaking down the elements of Section 95:\*\*  
  
1. \*\*"Nothing is an offence..."\*\*: This sets the primary purpose of the section, declaring that certain acts, despite potentially causing harm, are not considered offences under the law.  
  
2. \*\*"...by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm..."\*\*: This part covers a broad spectrum of intentions. It includes acts that actually cause harm, acts intended to cause harm, and acts where the perpetrator is aware of the likelihood of harm resulting from their actions. It’s important to note that even if harm is intended, the section can still apply if the harm is slight. The focus is on the degree of harm, not the intent behind it.  
  
3. \*\*"...if that harm is so slight..."\*\*: This introduces the crucial element of the section: the degree of harm. The harm caused must be minor or trivial.  
  
4. \*\*"...that no person of ordinary sense and temper would complain of such harm."\*\*: This is the benchmark against which the slightness of the harm is judged. The standard employed is an objective one, based on the hypothetical reaction of a reasonable person. It avoids subjective assessments of harm and establishes a common standard applicable across different situations and individuals. This “reasonable person” is envisioned as someone who is neither overly sensitive nor unusually stoic, but rather possesses a balanced and practical perspective.  
  
\*\*Understanding the "reasonable person" test:\*\*  
  
The application of Section 95 hinges on the interpretation of the “reasonable person” standard. It’s crucial to understand that this is not a statistical average but rather a legal construct representing an idealized, objective standard of behaviour. The courts consider several factors when applying this test:  
  
\* \*\*Nature of the harm:\*\* Physical harm is generally viewed more seriously than emotional or psychological harm. However, even minor physical harm might be deemed negligible if it's fleeting and inconsequential.  
\* \*\*Context of the act:\*\* The circumstances surrounding the act play a vital role. A minor push in a crowded marketplace might be excused, while the same push in a less crowded setting could be considered more serious.  
\* \*\*Social and cultural norms:\*\* Prevailing social and cultural norms influence what is considered acceptable behaviour. Certain actions might be acceptable within a specific cultural context but unacceptable in another.  
\* \*\*The sensitivity of the individual harmed:\*\* While the primary focus is on the “reasonable person,” the sensitivity of the individual harmed can be a secondary consideration. However, undue sensitivity cannot be the sole basis for deeming an act an offence.  
  
\*\*Examples of application of Section 95:\*\*  
  
\* \*\*Accidental, very light physical contact:\*\* A slight, unintentional brush against someone in a crowded area would likely fall under Section 95.  
\* \*\*Trivial verbal disagreements:\*\* A minor argument that does not involve insults or threats would likely be considered too trivial.  
\* \*\*Unintentional, minor property damage:\*\* Accidentally stepping on someone's shoe and causing a minor scuff mark would likely be covered by this section.  
  
\*\*Situations where Section 95 may not apply:\*\*  
  
\* \*\*Even slight harm accompanied by malicious intent:\*\* While the harm itself might be minor, if the intent behind the act is malicious or intended to harass, Section 95 might not apply.  
\* \*\*Repeated acts causing slight harm:\*\* While a single instance of slight harm might be considered trivial, repeated acts, even if individually minor, could cumulatively constitute a more significant harm and, therefore, an offence.  
\* \*\*Harm exceeding the "reasonable person" threshold:\*\* Any harm that a reasonable person would consider significant and warrant complaint would not fall under the purview of Section 95.  
  
  
\*\*Section 95 and related sections:\*\*  
  
Section 95 works in conjunction with other sections of the IPC. For instance, even if an act technically fulfills the definition of an offence under another section, Section 95 can negate that offence if the harm caused is slight. It serves as a defense against trivial accusations.  
  
  
\*\*Conclusion:\*\*  
  
Section 95 of the IPC plays a crucial role in preventing the legal system from being overwhelmed by frivolous complaints. By establishing the principle of "de minimis non curat lex" and employing the "reasonable person" standard, it filters out trivial matters and allows the legal machinery to focus on addressing more substantial offences. Understanding this section is essential for navigating everyday interactions and recognizing when an action, despite potentially causing minor harm, does not constitute a criminal offence under Indian law.