# IPC Section 97: Right of private defence of the body and of property.

## Section 97 of the Indian Penal Code: Right of Private Defence of the Body and of Property  
  
Section 97 of the Indian Penal Code (IPC) elaborates on the right of private defence introduced in Section 96. It specifically addresses the right to defend one's own body and property, as well as the body and property of others, against various forms of harm. This section lays the groundwork for understanding the permissible extent of force in different scenarios involving self-defence and the defence of others.  
  
\*\*The exact wording of Section 97 is:\*\*  
  
"Every person has a right, subject to the restrictions contained in section 99, to defend—  
  
First.—His own body, and the body of any other person, against any offence affecting the human body.  
  
Secondly.—The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass."  
  
  
\*\*Breaking down the elements of Section 97:\*\*  
  
1. \*\*"Every person has a right..."\*\*: This emphasizes the universality of the right of private defence. It applies to everyone regardless of their social standing, gender, or any other characteristic.  
  
2. \*\*"...subject to the restrictions contained in section 99..."\*\*: This is a crucial caveat. While everyone has a right to private defence, it is not absolute. Section 99 outlines specific restrictions on this right, ensuring it is not misused or exercised excessively. These restrictions will be discussed later.  
  
3. \*\*"First.—His own body, and the body of any other person, against any offence affecting the human body."\*\*: This clause establishes the right to defend oneself and others against offences affecting the human body. This includes offences like assault, battery, grievous hurt, and even murder. It’s important to note that the defence can be used against \*any\* offence affecting the human body, regardless of its severity.  
  
4. \*\*"Secondly.—The property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass."\*\*: This clause addresses the right to defend property, both movable (e.g., jewellery, vehicles) and immovable (e.g., land, buildings). It specifies the types of offences against which this right can be exercised: theft, robbery, mischief, and criminal trespass, including attempts to commit these offences.  
  
  
\*\*Scope of the right of private defence of the body:\*\*  
  
\* \*\*Defence against any offence affecting the human body:\*\* This encompasses a wide range of offences, from minor assaults to life-threatening attacks.  
\* \*\*Defence of oneself and others:\*\* The right extends to defending not only one's own body but also the body of any other person. This means you can legally use force to defend a stranger from an attack.  
\* \*\*No requirement of special relationship:\*\* There is no requirement of a special relationship between the defender and the person being defended.  
  
\*\*Scope of the right of private defence of property:\*\*  
  
\* \*\*Defence of movable and immovable property:\*\* The right extends to both types of property, whether owned by oneself or another person.  
\* \*\*Specific offences:\*\* The right can be exercised against theft, robbery, mischief, and criminal trespass, including attempts to commit these offences. This means the right can be invoked even if the offence is not successfully completed.  
\* \*\*Restriction to specific offences:\*\* Unlike the right to defend the body, which applies to any offence affecting the human body, the right to defend property is limited to the specific offences mentioned in the section. It cannot be invoked against other offences, such as defamation or insult.  
  
  
\*\*The interplay between Section 97 and Section 99:\*\*  
  
Section 99 lays out crucial restrictions on the right of private defence, which must be considered in conjunction with Section 97. These restrictions include:  
  
\* \*\*No right of private defence against acts of public servants acting in good faith under colour of their duty:\*\* This prevents individuals from interfering with lawful actions of public servants, even if those actions might technically fall under the definition of offences like trespass.  
\* \*\*Restrictions on the right of private defence against a person of unsound mind or a child:\*\* The use of force against such individuals must be proportionate and exercised with caution.  
\* \*\*Requirement of reasonable apprehension of danger:\*\* The right of private defence can only be invoked if there is a reasonable apprehension of danger to the body or property.  
\* \*\*Prohibition of excessive force:\*\* The force used in private defence must be proportionate to the threat faced. Using excessive force exceeding what is reasonably necessary to repel the threat can negate the defence.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 97 of the IPC provides a detailed framework for the right of private defence of the body and property. It clarifies who can exercise this right, against what offences it can be exercised, and the types of property it covers. However, it is crucial to remember that this right is not absolute and is subject to the restrictions outlined in Section 99. Understanding both sections in conjunction is essential for correctly applying the principles of private defence and ensuring that actions taken in self-defence or defence of others are legally justifiable.