# IPC Section 99: Acts against which there is no right of private defence. Extent to which the right may be exercised.

## Section 99 of the Indian Penal Code: Acts Against Which There Is No Right of Private Defence. Extent to Which the Right May Be Exercised  
  
Section 99 of the Indian Penal Code (IPC) outlines crucial limitations and restrictions on the right of private defence. While Sections 96 and 97 establish the right to defend oneself and others, Section 99 clarifies the boundaries of this right, ensuring it is not misused or exercised excessively. It defines specific situations where the right of private defence does not exist or is significantly curtailed, emphasizing the importance of proportionality and the avoidance of unnecessary harm.  
  
\*\*The exact wording of Section 99 is:\*\*  
  
"There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.  
  
There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.  
  
There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.  
  
The right of private defence of the body does not extend to the inflicting of more harm than it is necessary to inflict for the purpose of defence.  
  
Except in the cases in which the right of private defence of the body extends to causing death, the right of private defence of property does not extend to causing death; and such right, subject to the same exception, does not extend to causing grievous hurt, unless in the exercise of the right by a person in lawful possession of the property, it be necessary to cause grievous hurt in order to prevent the forcible dispossession of the property or the forcible carrying off of the property."  
  
\*\*Breaking down the elements of Section 99:\*\*  
  
1. \*\*No right of private defence against acts of public servants acting in good faith:\*\* The first two clauses restrict the right of private defence against acts done or directed by public servants acting in good faith under colour of their office, even if those acts are not strictly justifiable by law. However, this restriction applies only if the act does not reasonably cause apprehension of death or grievous hurt. This safeguards public servants performing their duties from undue interference.  
  
2. \*\*No right of private defence when there is time to recourse to public authorities:\*\* This clause emphasizes that private defence is a last resort. If there is sufficient time to seek assistance from law enforcement or other public authorities, individuals should do so instead of resorting to self-help.  
  
3. \*\*Limitation on harm inflicted in defence of the body:\*\* This clause addresses the crucial principle of proportionality. The force used in self-defence must be commensurate with the threat faced. Inflicting more harm than necessary is not permissible.  
  
4. \*\*Limitation on harm inflicted in defence of property:\*\* This clause further restricts the use of force in defence of property. It states that deadly force cannot be used to protect property unless the situation also justifies the right of private defence of the body extending to causing death. Similarly, grievous hurt cannot be inflicted in defence of property unless it is necessary to prevent forcible dispossession or carrying away of the property. This reflects the principle that human life holds greater value than property.  
  
  
\*\*Key considerations in applying Section 99:\*\*  
  
\* \*\*"Reasonably cause apprehension of death or grievous hurt":\*\* The threshold for invoking private defence against a public servant’s act is high. The act must pose a credible threat of death or grievous hurt. Minor inconveniences or technically unlawful acts without such a threat do not justify private defence.  
\* \*\*"Public servant acting in good faith under colour of his office":\*\* This requires a genuine belief on the part of the public servant that they are acting within their lawful authority. Malicious or corrupt acts are not protected.  
\* \*\*"Time to have recourse to the protection of the public authorities":\*\* This involves a factual assessment of the specific circumstances. Factors like the proximity of law enforcement, the urgency of the situation, and the availability of communication channels are relevant.  
\* \*\*"Necessary to inflict for the purpose of defence":\*\* This emphasizes proportionality in self-defence. The force used must be the minimum necessary to repel the threat. Unnecessary or excessive force negates the defence.  
\* \*\*"Forcible dispossession or forcible carrying off of property":\*\* This clarifies the limited circumstances where grievous hurt can be inflicted in defence of property. The dispossession or carrying away must be forceful and immediate.  
  
  
\*\*Relationship with other sections:\*\*  
  
Section 99 complements and restricts the provisions of Sections 96, 97, and 98. It refines the scope of the right of private defence by introducing limitations and exceptions, ensuring that the right is exercised responsibly and within reasonable bounds.  
  
  
\*\*Conclusion:\*\*  
  
Section 99 of the IPC plays a critical role in shaping the right of private defence. It provides essential safeguards against the misuse of this right, emphasizing the principles of proportionality, restraint, and the importance of seeking assistance from public authorities when possible. Understanding these limitations is crucial for exercising the right of private defence lawfully and avoiding unintended legal consequences. It balances the individual's right to self-preservation and the protection of property with the need to maintain order and respect the authority of public servants acting in good faith.