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## What are the Practical Implications of Self-Defence Laws in India?

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### ABSTRACT

*This paper explores the practical implications of self-defence laws in India, with a particular focus on their application to women's safety. It begins by outlining the legal definition and categories of self-defence—physical, verbal, psychological, and cyber—and examines key provisions of the Indian Penal Code (Sections 96–106) that govern the right to private defence. Through a comparative analysis of landmark legal cases, the paper highlights the nuanced boundaries between justified and excessive force, especially in gendered contexts. It then shifts to a real-world application by examining the current landscape of personal safety devices for women in India, identifying gaps in accessibility and effectiveness. Based on this analysis, the paper proposes a multifunctional, low-cost wearable safety bracelet designed for Indian women across socio-economic backgrounds. Ultimately, the study underscores the limitations of legal protection in the absence of awareness and immediate aid, and argues for innovative, preventive approaches to complement existing legal rights.*

**Keywords:** Self-Defence Laws, Indian Penal Code, Women's Safety, Legal Boundaries, Private Defence, Gender And Law, Section 96 IPC, Wearable Safety Devices, Case Law Analysis, Personal Security Technology, Violence Against Women, Legal Empowerment, Public Safety, Disproportionate Force, Preventive Safety Tools

### INTRODUCTION

According to the Cambridge dictionary, self defence literally means “the skill of fighting without weapons to protect yourself.” (Cambridge Dictionary | English Dictionary, Translations & Thesaurus, 2025) Its relevance goes much beyond this simple definition and in actuality it is very multifaceted. Socially, self-defence represents empowerment, resilience, and community safety—it allows individuals, particularly vulnerable groups such as women and children, to traverse the world with greater confidence and security. It not only prevents acts of aggression like harassment, assault, and bullying, but it also builds psychological strength, lowering fear and restoring a sense of control.

Now, in a varied and heavily populated country like India, where law enforcement is routinely overburdened and justice is often delayed, the right to self-defence is especially important. Despite this, the interpretation and application of self-defence legislation in real-life situations frequently differ, impacted by factors such as gender, socioeconomic status, geographical inequalities, and public opinion. Furthermore, the fine line between justified self-defence and excessive force continues to be debated in legal and judicial circles. (Common Cause & Lokniti – Centre for the Study Developing Societies (CSDS) et al., 2025)

Legally, self defence means “the use of reasonable force to protect oneself or members of the family from bodily harm from the attack of an aggressor, if the defender has reason to believe he/she/they is/are in danger” (Legal Dictionary - Law.com, n.d.) It focuses on three main aspects- imminent threat, reasonable fear of harm and proportionate response. Imminent threat refers to the fact that the threat of danger has to be immediately present. The second aspect talks about how the defendant must have a reasonable fear of harm or death from the aggressor. Aspect three covers how the defense response that is shown should be proportionate to that of the aggression. ("Self-Defense Laws") Self defense is judged according to the circumstances, however it cannot involve killing or great harm to defend property unless personal danger is also involved which is there in most burglaries muggings or vandalism. I want to focus on the legal meaning of self defence.

This report aims to explore the practical implications of self defence in india, types of self defence, what comes under legal boundaries and what device can be created for women to feel safer.

## TYPES OF SELF DEFENCE

Self defence can be broadly categorised into a few types. Physical self defence entails using bodily power or techniques to repel an attacker or protect oneself from injury. It covers many types like Mixed Martial Arts, Krav Maga, Jiu- Jitsu, Wrestling, Boxing and Muay Thai. Each one focuses on different techniques to defend and overpower an opponent quickly. They help in creating opportunities to escape dangerous situations quickly and effectively. (Range, 2023) Verbal or psychological self defence which includes assertive communication, boundary setting and de-escalation tactics are designed to diffuse threats before they become violent. Basically, it refers to knowing how to stand your ground and say no, while remaining calm and using words and body language to show confidence. Cyber self-defence, which includes actions like safeguarding private data, identifying online threats, and reporting harassment, is especially crucial in today's digital world. Overall, self defence is more than just physical activities, its a strategy to personal and social safety. (*Empowerment Self-Defense — Peace Over Violence*, n.d.)

## LEGAL PROVISIONS RELEVANT TO SELF DEFENSE FOR WOMEN IN INDIA

Indian law recognises women's right to protect their lives and property and gives numerous legal protections for them when they defend themselves during home invasions. Self-defence laws in particular allow these persons to take reasonable precautions to avoid harm when confronted with an immediate threat. (Law4u, 2024) In the Indian Penal Code, sections 96-106 cover the right to private defense. This right allows a woman to protect her body, life and property from threats. It is valid till there is an immediate need to protect oneself and there is not enough time to contact public authorities, the force that is used in terms of defense should be proportional to the threat and there should be no safe way to escape other than using force. (“Understanding IPC Section 96 the Legal Shield of Private Defense in India - Vanta Legal - Advocate,” 2024) For example, Section 96 provides exemption from individuals for criminal prosecution for actions done in self defense if the force is reasonable to the threat. Section 97 refers to the extension of the right to body and immovable or movable property. Section 99 talks about the limitations of self defence: against conduct performed by a public servant, when there is an option to get help from authorities, if the force applied is unreasonable. Section 100 allows the use of lethal force in instances where the purpose is to cause murder or serious harm. “An attack with intent to commit rape, kidnapping, or robbery”. Lastly, section 103 refers to lethal force used in protection of property “to prevent crimes such as robbery, housebreaking, or arson” (Bajaj, 2024)

It would be beneficial to discuss some case studies that discuss section 99 and its implications.

### **Sikander singh & ors. Vs state of bihar (2010)**

This case talks about how Sikander singh and his friends were accused of murder. The defense argued that they acted in self defense and hence should not be charged. The court had to examine if their force was greater than the threat that was posed, and since it exceeded what was reasonable, they were declared guilty of murder. This case reinforces the fact that self defense is not unlimited and it cant be used to justify aggression. (“Understanding IPC Section 96 the Legal Shield of Private Defense in India - Vanta Legal - Advocate,” 2024b)

### **D. P. Sharma vs state of maharashtra (2011)**

In this case, the defendant shot a burglar that broke into his home at night. The court acquitted the defender, holding that the crime was justified under section 96. This is because the burglar posed an "imminent threat" to the accused's life and property. This is why the force was proportionate to the situation. This judgement shows us that the right to self defense extends to property as well. (“Understanding IPC Section 96 the Legal Shield of Private Defense in India - Vanta Legal - Advocate,” 2024b)

### **Darshan Singh Vs State Of Punjab (2010)**

The supreme court laid down guidelines regarding the right to prevent defense. It said that “an individual is not required to measure the exact amount of force needed when responding to an attack” The only thing the court said was that the response has to be valid. This case helps us realise the flexibility of private defense under section 96. (“Understanding IPC Section 96 the Legal Shield of Private Defense in India - Vanta Legal - Advocate,” 2024b)

To protect women in particular, a law called “protection of women from domestic violence act, 2005 was formed. This safeguards women against domestic violence and gives them self defense rights. **Here are some cases where women won their self defense claims:**

### **State of maharashtra v. Sindhubai (2018)**

In the matter of State of Maharashtra v. Sindhubai (2018), a woman bravely defended herself during a rape attempt, hitting her assailant in a critical effort to preserve her life and dignity. The court upheld her right to employ necessary force, even if it led to death, under Section 100 IPC, emphasizing that no individual should endure violence without the ability to safeguard themselves.

### **Kirti singh v. State of bihar (2004)**

In the case of Kirti Singh v. State of Bihar (2004), a woman who faced years of domestic violence took a stand against her husband, accidentally hurting him. The court recognised that she was suffering, confirming that long term domestic abuse can justify self defense actions under the law. This caused them to rule in her favour.

## CASES WHERE WOMEN LOST THEIR SELF DEFENSE CLAIMS

### Priya sharma v. State of rajasthan (2017)

In 2017, Priya Sharma was attacked by a group of men, in the midst of the moment she stabbed one of the men. This stabbing proved to be deathly and what initially seemed as a case of self defense was further explored and it was revealed that the man was unarmed. Hence, the man was not life threatening to her and the court convicted Priya. Citing Section 99 of the Indian Penal Code (IPC), which places limits on the right to private defense, the court ruled that she had exceeded her right. Thus, rather than being protected under the law, Priya was declared guilty.

### Seema gupta v. State of haryana (2015)

Seema Guptas case came to be because of a traumatic background of domestic violence and domination by her husband. She faced not only physical but also emotional abuse and eventually reached a point where she couldn't handle it. She killed her husband due to this mental trauma. However, when this case was being explored the court ruled it to be a premeditated killing and not something she did immediately when there was a threat. This meant that it didn't meet the requirements of self defense which calls for an instant reaction to a threat. This resulted in Seema being convicted for murder under section 302 IPC. This case tells us the importance that self defense laws can only go such a long way, it cannot justify a pre-planned action.

We can clearly see that there are many inspiring cases here where women have defended themselves and come out victorious but also a lot of womens claims have been rejected. It is very important to recognise that self defense comes with its boundaries. The law protects life and dignity but only within limits. As seen in cases like Priya sharma, when legal conditions are not met, womens claims lead to convictions instead of acquittals. Standing up for oneself is important and more often than not we don't remember legal implications when we are protecting ourselves, which can result in the use of more lethal force by us because it might be the only option. This is why it's important to take preventative measures to ensure our security like using women's safety devices. It can also help in putting a stop to a case that may go against our favour.

In today's world, women have access to a wide range of self defense tools and security devices that are made to help them in times of danger. Having a tool that can help in uncertain circumstances brings peace of mind. These tools start from being just simple personal safety devices like pepper spray and safety alarms, to then more advanced technological devices like smart rings, GPS trackers and panic-button enabled phones which can also inform others in case of danger. (*Female Self-Defense Tools: Top Safety Devices Woman*, n.d.)

## SAFETY DEVICES FOR WOMEN THAT CURRENTLY EXIST

Personal alarm keychains are devices that make high pitched noises that dissuade predators, discourage active assailants, and alert witnesses to call the police or physically interfere. The advantageous characteristics are that they are small and lightweight which means they can be attached to keys or a purse. However, they can't help us physically fight off an attacker and women feel the likelihood of needing it is low. (Ring, 2024) Open point rings that can be worn as a part of our everyday jewellery give the person the ability to "cut skin, draw blood, and collect the DNA of an attacker." due to its subtle nature. There are many other devices like kubatons, stun guns, cat ear keychains. The market is full of such options for women to use but there is still a gap in the market. A lot of women are not aware that they exist and most of these are not practical for women to use daily.

This made me reflect on the uncomfortable feeling of going out late at night as a seventeen year old female. I sat down with the COO/ head of Research and development, Lovejoy Pinto of "The Women's Company" to potentially create a safety device for women. It gave me a chance to work with a company that empowers women to protect themselves not just in terms of tools but with confidence, knowledge and control over their lives. They make Biodegradable and Organic Feminine Hygiene Care like Pads, Tampons, Menstrual Cups, Pee Sticks and are looking to expand into security and safety tools for the Indian woman which is affordable, easy to access and easy to use.

Most of the devices and tools that currently exist are too expensive, not effective and unreliable. The goal of "The Women's company's" device is to bridge this gap and create an affordable, multi-functional tool built specifically for Indian conditions. Ideally, they are looking into creating a bracelet that feels natural to wear everyday.

## WHY IT WOULD WORK?

The bracelet would consist of a pepper gel sprayer capsule that was replaceable, a high decibel alarm, silent sms alert button and a UV marking spray. The battery would be a simple one that only needs to be recharged monthly and the sms alert button would work on 2g data, which meant that smartphones were not needed. This was practical even for rural areas. The alert button would send a live location and help message without needing to open the phone at all and the UV marking spray would mark the attacker so that it would only be visible by the police under UV lights.

The price would range from 899-1199 and could potentially help college students travelling alone, women working late trying to earn a livelihood, housewives in rural areas and any women in general that are faced with threats.

This would be built as a normal piece of jewellery, made of metal and not a device where people would have to be trained to use it. Every attribute would be easy to identify on the bracelet and could be easily understood even by the illiterate.

## CONCLUSION

As demonstrated by the evidence presented above, this paper examines the different types of self defense, the legal provisions relevant to it and different case studies. It also mentions the different ways women have won or lost their self defense claims and

devices that could potentially help them. It is clear that there is still a very big gap in the implementation of these self defense laws, possibly due to lack of awareness and education. What I have learnt from reading all these different sources is that self defense can only be justified to a certain extent and at the end of day each person has to fend for themselves. This is why I was concerned with creating a device that could benefit women of all ages in a world where violence against women is rampantly increasing.

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