AILET

Solve the Quiz on Right to Private Defence

Harshita Gulati · 20 Nov 2020

Choose the correct option from the following given options

I. (A): nothing is an offence which is done in the exercise of right of private defence

(R): where the aid of the society cannot be obtained, individual may do everything necessary to protect himself.

a. Both (A) and (R) are true and (R) is the correct explanation of (A)

b. Both (A) and (R) are true and (R) is not the correct explanation of (A)

c. (A) is true but (R) is false

d. (A) is false but (R) is true

Ans. b

Rationale: The right of private defence is the right to protect one's own or another's person and property against the unlawful aggression of others.

II. The right of private defence is available:

a. Only to adults

b. Only to those who are capable of lawfully commit crime

c. Only to public servants

d. To all irrespective of age and capacity

Ans. d

Rationale: Right of private defence is available to all irrespective of age, health, capacity, status etc and it is available against all irrespective of other defences available to the other person like an unsound person, drunken person, child etc. Right of private defence can be exercised for the protection of oneself, family, friends or strangers.

III. Which one of the following statements is correct?

The right of private defence under the IPC is

a. Equitable remedy

b. Legal remedy

c. Judicial remedy

d. Extra judicial remedy

Ans. b

Rationale: IPC gives private defence as a general exception as a legal remedy.

IV. The watch of X had been stolen. One day he finds it tied on the wrist of Y. In this context which one of the following statement is correct?

a. X has a right of self defence

b. X has a right of private defence of property to recover the watch from Y even by use of force

c. X's right of private defence of property had come to an end

d. X's right of private defence of property revives as soon as he sees his watch in Y's possession

Ans. d

Rationale: a person had right of private defence against a person who has stolen his property in order to obtain his property back.

V. Every person has right to defend his own body:

a. Against any offence affecting the human body

b. And the body of his friends against any offence affecting the human body

c. And the body of any person against any offence affecting the human body

d. And the body of his blood relative against any offence affecting the human body

Ans. c

Rationale: Right of private defence is available to all irrespective of age, health, capacity, status etc and it is available against all irrespective of other defences available to the other person like an unsound person, drunken person, child etc. Right of private defence can be exercised for the

protection of oneself, family, friends or strangers.



VI. ‘Z’ threats ‘A’ to kill under the influence of madness. ‘A’ has:

a. The same right of private defence which he would have if ‘Z’ were sane

b. No right of private defence against ‘Z’ because ‘Z’ was under the influence of madness

c. No right of private defence because ‘A’ has time to have recourse to the protection of the public authority

d. No right of private defence because an act of insane is not an offence

Ans. a

Rationale: Right of private defence is available to all irrespective of age, health, capacity, status etc and it is available against all irrespective of other defences available to the other person like an unsound person, drunken person, child etc. Right of private defence can be exercised for the protection of oneself, family, friends or strangers.

VII. The right of private defence of body extends to:

a. Causing only a harm that prevents bodily injury

b. Causing harm extending to death of assailant

c. Harm that is proportionate to the threatened injury

d. Causing such harm that enables the victim to escape from the place of incident

Ans. c

Rationale: there must be no more harm inflicted than necessary for the purpose of defence as private defence is a preventive right which has been given to protect oneself from dangers

VIII. ‘A’ armed with sword is at a great distance from B. ‘A’ threatened to kill B. B shot A, and killed him

a. B could plead private defence as he has a reasonable apprehension of being attacked by A’s sword

b. B could not plead private defence as it cannot be said that he has a present and reasonable apprehension of being attacked by A

c. B could not plead private defence as such right is available only when one is being attacked by another

d. None of the above

Ans. b

Rationale: A was at a distance and B had recourse to public authorities and instead firing at A, B could have saved his life. Thus B cannot use private defence as it is a preventive and not a punitive right.

IX. Right of private defence is not available:

a. Against an insane

b. Against a child

c. When there is a time to recourse the public authorities

d. All of the above

Ans. c

Rationale: There is no right to private defence in cases in which there is time to recourse to protection of public authorities.

X. In which one of the following cases the right of private defence to the extent of causing death is available?

a. A was making an attempt to kill B when one of B's friends killed A

b. A was scolding B in most vulgar and filthy language on a public road in consequence of which B killed A

c. A was stealing brinjals from the orchard of B. When B approached him he tried to run away. B chased and shot A dead

d. B killed A when A was beating B's cow

Ans. a

Rationale: The right of private defence of the body or property extends to the voluntary causing of death or any other harm to the assailant wherein an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault

Visit our complete collection of legal reasoning questions and posts.

Read our legal reasoning post on void agreements and the practice questions here

Read CLATapult's post on offer and acceptance here. Also, try their mocks for more legal reasoning practice questions.

Visit CLATalogue for more legal reasoning practice questions for CLAT 2020