

# Review on the Right to Private Defense as a Preventive or Punitive Right in India

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**Abstract:** *Nothing is an offense which is done in the exercise of the right of private defense. Whether a person has legitimately acted in a right of private defense is a question of fact. No test in abstract in determining such can be laid down. The court is duty bound to consider whether the accused has acted in self-defense, even if such plea is not put forward by the accused himself. The right to private defense is enshrined in legal frameworks worldwide, offering individuals the autonomy to respond to threats or attacks when law enforcement is unable to intervene promptly. However, the exercise of private defense is subject to certain limitations, including the principles of proportionality, necessity, and reasonableness. Understanding these limitations is essential to ensure that individuals do not exceed the bounds of lawful self-defense and inadvertently commit acts of vigilantism or retaliation.*

*The exercise of private defense often entails swift decision-making under duress, with individuals compelled to assess threats and respond accordingly. Training in self-defense techniques, conflict de-escalation strategies, and legal rights awareness can empower individuals to make informed decisions and navigate potentially dangerous situations with confidence and composure.*

*Furthermore, the right to private defense raises complex ethical and moral considerations, particularly concerning the use of force and the potential for escalation in confrontational situations. Balancing the inherent right to self-preservation with the need to uphold the rule of law requires careful deliberation and adherence to legal principles that prioritize the preservation of life and the minimization of harm.*

**Keywords:** Private Defense: Indian legal system: Criminal Law: Defense

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