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accomplice of all bad



**ASSIGN
BUSTER**

“ It may be thought that we have allowed too great a latitude to the exercise of this right; and we are ourselves of opinion that if we had been framing laws for a bold and high-spirited people, accustomed to take the law into their own hands to go beyond the line of moderation in repelling injury, it would have been fit to provide additional restrictions. In this country the danger is on the other side; the people are too little disposed to help themselves; the patience with which they submit to the cruel depredations of gang robbers and to trespass and mischief committed in the most outrageous manner by bands of ruffians, is one of the most remarkable, and at the same time one of the most discouraging symptoms which the State or society in India present to us. Under these circumstances, we are desirous rather to rouse and encourage a manly spirit among the people than to multiply restrictions on the exercise of the right of self-defence.” The Code excepts from the operation of its penal clauses large classes of acts done in good faith for the purpose of repelling unlawful aggression. The right of defence is absolutely necessary. The Vigilance of Magistrates can never make up for the vigilance of each individual in his own behalf.

The fear of the law can never restrain bad man so effectually as the fear of the sum total of individual resistance. Take away this right and you become in so doing the accomplice of all bad men. — (Bentham)., The law does not require a citizen, however, law abiding he may be, to behave like a rank coward on any occasion. The right of self-defence as defined by law, must be fostered in the citizens of every free country, and it is perfectly clear that if a man is attacked, he need not run away, and he would be perfectly justified in the eye of law if he holds his ground and delivers a counter-attack to his

assailants provided always, that the injury which he inflicts in self-defence is not out of proportion to the injury with which he was threatened. The relationship between the people of village A and that of village B were severely strained. They had to go for prayer to village C on the day of Id.

For the people of village A the only route for going to village C was the one which passed through village B. The people of village B returned from the prayers early and came to the route after equipping themselves with arms in order to wait for confronting the people of village A on their way back home from their Id prayers. It was held that merely because the only route passed through village B it could not deprive the people of village A of that right to use that route for going to village C. When in the lawful and bona fide exercise of the right to go back to their village in their carts by that route they were confronted by people of village B who were armed with dangerous weapons and were waiting for them. They were fully justified in using force to defend themselves against unlawful aggression.

The law did not require a law-abiding citizen to behave like a coward when confronted with an unlawful aggression.