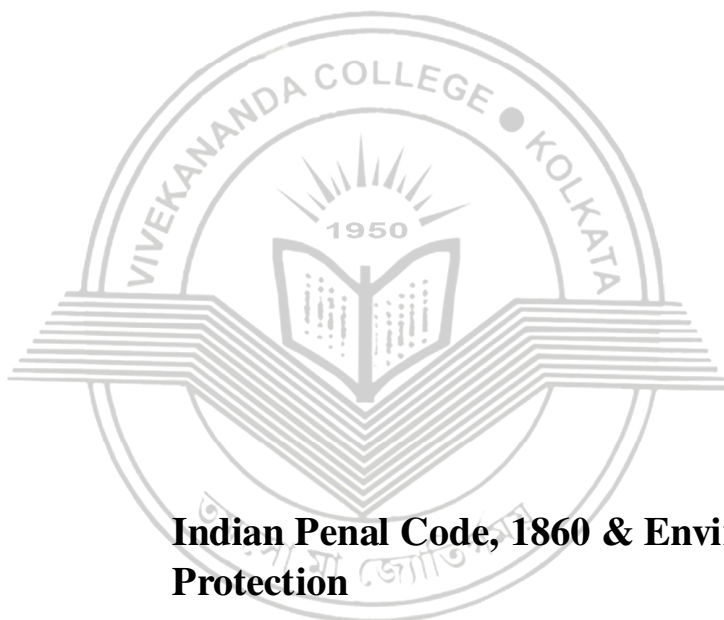


VIVEKANANDA COLLEGE
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NAAC ACCREDITED 'A' GRADE



Topic: **Indian Penal Code, 1860 & Environmental Protection**

Course Title: Environmental Science (Hons.)

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Indian Penal Code, 1860 & Environmental Protection

The Indian Penal Code is the official criminal code of India, which was drafted in 1860 and adopted in action in 1862 by the then British Government. However, after independence the same has been adopted by the sovereign State of India. Naturally, the IPC does not contain any section for environmental protection or improvement. But, some sections related to public nuisance, ignorance in duty leading to any kind of damage of life and property may sometimes be called upon for the purpose of environmental protection. Some of such instances are discussed below.

1. Prior to the availability of Wildlife (Protection) Act, 1972, Prevention of Cruelty to Animal Act, 1960 and Biodiversity Act, 2002 the IPC could be used to safe guard some of the living creatures as it contains the definition of ‘Animal’ and declares maiming, killing of animals as an offence that is punishable under various sections.
2. IPC has a chapter on ‘Offences affecting the public health, safety and convenience’. The section 268 defines ‘public nuisance’ as, a person is guilty of public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to public or to the people in general who dwell or occupy property in the vicinity or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. Hence, any act that interfere with health, safety, comfort or convenience of the public at large will be considered as a ‘Public nuisance’.
3. Some sections of IPC also protect the environment indirectly in a way that lead to the goals of sustainable development. See table below.

Sections	Activity
Section 269	Negligent act likely to spread infection of disease dangerous to life.
Section 270	Malignant act likely to spread infection of disease dangerous to life.
Section 277	Fouling water of public spring or reservoir
Section 278	Making atmosphere noxious to health
Section 284	Negligent conduct with respect to poisonous substance
Section 285	Negligent conduct with respect to fire or combustible matter
Section 286	Negligent conduct with respect to explosive substance
Sections 425 – 440	Various mischievous act including killing or maiming animals

4. The provisions under Criminal Procedure Codes (CrPC) empowers District Magistrate or Subdivisional Magistrates to stop nuisance on receiving information.
5. As per the scope of Section 268, the nuisance created by noise may also be prosecuted as it may cause harm or may become dangerous to human health.

Therefore, IPC may be used in connection with The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and Noise Pollution (Regulation and Control) Rules, 2000.

Books and Materials Consulted:

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Venkat Aruna. Environmental Law and Policy. *PHI*, 2011

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