

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS

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INTRODUCTION

Chapter XIV of the Indian Penal Code, 1860 deals with the offences relating to public health, safety, convenience, decency, and morals.

Nuisance means anything which causes trouble, inconvenience, irritation, disruption, annoyance, destruction, or damage that is harmful or offensive to certain people or the general public.

A Nuisance can be of two kinds:

- (1) Public Nuisance,
- (2) Private Nuisance.

PUBLIC NUISANCE

Section 268 of the Indian Penal Code, 1860 deals with Public Nuisance. Public Nuisance is defined as when a person does any act or is guilty of an illegal omission that causes any common injury, danger, or annoyance to the public or to the people in general disturbing their peace and comfort, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

Case Laws

In the case of **S. Venkataramaiah v. State**, the petitioner says certain words to his brother in the course of cross-examination before the Land Tribunal. There was not any kind of argument between them but being upset by certain things in the heat of the moment he said certain upsetting words and thus misbehaved. It was thus observed in the court that such utterance even though does not relates to the public nuisance as there was no quarrel between them.

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In the case of **Govind Singh v. Shanti Swarup**, there was the release of smoke from the bakery chimney and that was transferred by the strong wind that was spread over a distance causing a firestorm. It was held in the Supreme Court that it was a cause of public nuisance as it was injurious and harmful to the health of the people around that neighbourhood.

PRIVATE NUISANCE

A Private Nuisance is defined as any activity that obstructs the comfort, use, or enjoyment of the neighbours, without, composing an actual takeover or invasion of the property, like excessive noises, unpleasant odours, intolerable noises or nasty behaviour constitutes the private nuisance. It is interference with specific people.

OFFENCES RELATING TO PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS

The offences related to the Public Health, Safety, Convenience, Decency, And Morals are as follows:

Negligent Act Likely to Spread Infection of Diseases Dangerous to Life

Section 269 explains that whoever unlawfully, in a wrongful manner, or negligently does any kind of act which is, and which that he knows of or has likely to spread any infectious or dangerous disease in the society which is dangerous to life, shall be punished. The accused will be punished with the imprisonment of either description for a term which may be extended to six months, or with a fine, or with both.

Malignant Act Likely to Spread Infection of Disease Dangerous to Life

Section 270, this section is a recognition of the seriousness of an offence made in Section 269. It explains that whoever unlawfully, in a wrongful manner, or negligently does any kind of act which is, and which that he knows of or has likely to spread any infectious or dangerous disease in the society which is dangerous to life, shall be punished. The accused will be punished with imprisonment of up to two years, or with a fine, or with both. The word maliciously means an intentional or purposefully causing the infection of any disease. Thus, the punishment is more grievous under Section 270 as compared to Section 269.

Disobedience To Quarantine Rule

It is covered in **Section 271**.

What is a Quarantine Rule?

The quarantine rule refers to isolation and quarantine helps to protect the public by preventing exposure to people who have or may have a contagious disease and restricting its exposure. Isolation helps in separating sick people with contagious diseases from people who are not sick. Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick. Quarantines are generally used in conditions like epidemics or pandemics. Under this section disobedience to certain rules is punishable. Any person who knowingly with intention disobeys the rule of law made by the government shall be punished. The accused will be punished with imprisonment up to six months, or with a fine, or with both.

Adulteration of Food or Drink Intended for Sale or Sale of Noxious Food or Drink

Section 272 refers to the sale of noxious or must-be in a state unfit food or drink that was to be consumed by the living person, intending to sell such food or drink. The sale must have been made with the intention and knowledge that the food or drink is noxious. Noxious food means injurious to human health. The Parliament enacted the Prevention of Food Adulteration Act, of 1954, which is a comprehensive law on the subject. This Act came into force within effect from June 1, 1955. As per **Section 272** and **Section 273**, a person who does this unlawful act shall be punished with imprisonment of six months, or with a fine up to a thousand rupees, or with both.

Adulteration of Drugs or Sale of Adulterated Drugs

Section 274 which deals with the adulteration of drugs is punished. This section is to preserve the purity and sterility of drugs for medical purposes. If any person adulterates any drug for any other purpose that the drugs are altered or made noxious. **Section 275** deals with the selling of adulterated drugs. It prohibits the sale of an adulterated drug. As per **Section 274** and **Section 275**, a person held guilty under these be punished with imprisonment of six months, or with a fine which may extend to one thousand rupees, or with both.

Sale of Drugs as a Different Drug or Preparation

Under **Section 276**, a person who sells a different drug from what it purports to be shall be punished. The adulteration of drugs is not necessary, only substituted medicine is required. However, there is a comprehensive law, namely, Drugs and cosmetics, 1940, which controls the import, manufacture, distribution, and sale of adulterated drugs. A person held guilty under this section shall be punished with imprisonment of six months, or with a fine which may extend to one thousand rupees, or with both.

Fouling Water of Public or Reservoir

Under **Section 277**, If a person voluntarily or on purpose fouls, the water of any public spring or reservoir, shall be punished with imprisonment. The water of public springs or reservoirs belongs to the general public and any person who fouls it commits a public nuisance. The act must be done voluntarily and must be done in order to render it less fit to be utilised for the purpose for which it is generally used. Therefore, a person under this section shall be punished with either simple or rigorous imprisonment which may extend up to three months, or with a fine maximum of five hundred rupees, or both.

Making Atmosphere Noxious to Health

Section 278, this section provides punishment for making the atmosphere noxious to health. These noxious atmospheres must affect the health of the general public. Polluting the atmosphere by smoking affects public health, and noise pollution is a worse kind of public nuisance. A person held guilty under this section shall be punished with a fine which may extend to five hundred rupees.

Case Law

In the case of **Vijayanand Patra v. State**, it was observed that noise pollution is dangerous to health and leads to diseases related to the heart and brain therefore, control and prevention of noise pollution are necessary for public health.

Rash Driving or Riding on a Public Way

Section 279 explains that if any person driving or riding any vehicle in any public way in a negligent or rash way as to endanger or hurt any human life, or is likely to which it can cause hurt or injury to anyone.

Therefore, a person under this section shall be punished with imprisonment which may extend up to six months, or with a fine which may extend to one thousand rupees, or both.

Case Law

In the case of **Dulichand v. Delhi Administration**, the accused was the bus driver who was driving at an average speed but failed to look to his right before taking a turn and inevitably ran over a cyclist. Hence, he was held guilty under this section.

Rash Navigation of Vessel

Section 280 deals with the rash navigation of the vessel. It states that if any person by any vessel should be navigated rashly or negligently, and that must be endangering any human life, or cause hurt or injury to another person shall be liable for the punishment. A person causing such an act shall be punished with imprisonment for a term up to six months, or with a fine which may extend to one thousand rupees or with both.

Exhibition of False Light, Mark, or Buoy

According to **Section 281**, if any person exhibits intentionally or knowingly any kind of false, mark, or buoy that will mislead any navigator shall be liable for the punishment under this section. The offence made by the accused shall be punished with imprisonment either for a term up to seven years, or with a fine, or with both.

Conveying Person by Water for Hire in Unsafe or Overloaded Vessel

Under this **Section 282**, if the accused negligently or knowingly injures or harms the life of any person by conveying by water in any vessel. It will be held that the accused is guilty under this section. A person causing such an act shall be punished with imprisonment for a term up to six months, or with a fine which may extend to one thousand rupees or with both.

Danger or Obstruction in Public Way or Line of Navigation

Section 283 explains danger or obstruction in a public way or line of navigation. This Section deals with such an act to take order with any property in their possession which causes any danger, obstruction, or injury to any person in a public line of navigation shall be liable. The offence made by the accused shall be punished with a fine extending up to two hundred rupees.

Negligent Conduct with Respect to Poisonous Substance

It is covered in **Section 284**.

Under this section, if a person does a rash or negligent act either knowingly or negligently with respect to a poisonous substance as to endanger human life, or to be likely to cause injury or hurt shall be held liable for the punishment. A person causing such an act shall be punished with imprisonment for a term up to six months, or with a fine which may extend to one thousand rupees or with both.

Negligent Conduct with Respect to Fire or Combustible Matter

It is covered in **Section 285**.

This section deals with the negligence act with respect to fire or combustible matter either knowingly or negligently as to endanger human life, or to be likely to cause injury or harm any person shall be held liable for punishment. A person causing such an act shall be punished with imprisonment either for a term up to six months or with a fine which may extend to one thousand rupees or with both.

Negligent Conduct with Respect to Explosive Substance

Section 286 deals with an act related to explosive substances.

Under this section, if an accused does any act knowingly or negligently as to cause harm or injury to any person as to put at risk or injure human life with any explosive substance shall be held liable for punishment. Therefore, a person under this section shall be punished with imprisonment which may extend up to six months, or with a fine which may extend to one thousand rupees, or both. The provisions of Section 285 and Section 286 are alike.

Negligent Conduct with Respect to Machinery

Section 287 deals with acts in regard to machinery. It renders any rash or negligent conduct in respect of machinery punishable. If a person owning machinery compels any person so as in an unsafe condition in a way likely to create a danger to human life, shall be punished under this section. The accused will be punished with imprisonment for a term up to six months, or with a fine which may extend to one thousand rupees, or with both.

Negligent Conduct with Respect to Pulling Down or Repairing Building

It is covered in **Section 288**. Any act is done knowingly or negligently so as to endanger human life to cause hurt or injury to any person, in respect of pulling down or repairing a building. However, any injury must have been complained as a direct result of negligent behaviour. It has been provided with the person punished with imprisonment for a term that may extend to six months, or a fine that may extend to six months, or both.

Case Law

In the case of **Abdul Kalam v. State (NCT) Delhi**, the petitioner was an owner of a building and he assigned a building contractor for the construction of his house. While the construction was going on, one worker fell down from the boards which were put up by the contractor which caused him serious injuries. It was held in the court that the petitioner cannot be held guilty as he did not do any act which could be said to be negligent so as to put at risk of anyone's life.

Negligent Conduct with Respect to Animal

Under **Section 289**, a person who negligently or knowingly does not take adequate care of any animal in their possession which may create a danger to human life which generates grievous hurt from such animal shall be punished. An animal can be both domestic or wild. An accused under this section shall be punished with imprisonment either for a term up to six months or with a fine which may extend to one thousand rupees or with both.

Punishment for Public Nuisance in Cases not Otherwise Provided for

It is covered in **Section 290**. This section deals with punishment for public nuisance which is defined under Section 268. A person committing a public nuisance shall be punishable under this section. A person causing such an act shall be punished with a fine which may extend to two hundred rupees.

Continuance of Nuisance After Injunction to Discontinue

According to **Section 291**, whoever does a public nuisance in a continuous manner even after they have been warned to not repeat it by a public servant, will be liable for punishment. An

accused under this section shall be punished with simple imprisonment for a term up to six months or with a fine, or with both.

Sale Etc. of Obscene Books, etc. or Sale, etc. of Obscene Objects to Young Person

Section 292 and **Section 293** were amended by Act XXXVI of 1968, after which the changes were brought to these sections.

Under **Section 292**, a person who sells distributes, or publicly exhibits, circulates any books, etc., any obscene books or object which is considered to be obscene is an offence for the purposes of sale, etc., or having it under one's possession is also an offence, shall be liable for punishment. A person causing such an act shall be punished on being convicted for the first time with imprisonment for a term up to two years, and with a fine which may extend to two thousand rupees, and on being convicted for second time imprisonment for a term up to five years, and with a fine which may extend to five thousand rupees.

Under **Section 293**, a person who sells, distributes, or publicly exhibits, circulates any books, etc., any obscene books or object which is considered to be obscene is an offence for the purposes of sale, etc. to any person below the age of twenty years, shall be liable for punishment. A person causing such an act shall be punished on being convicted for the first time with imprisonment for a term up to three years, and with a fine which may extend to two thousand rupees, and on being convicted for second time imprisonment for a term up to seven years, and with a fine which may extend to five thousand rupees.

Obscene Acts and Songs

It is covered in **Section 294**. If any person does any obscene act or sings, or recites any obscene song or words in a public place, which creates annoyance either to one person or the general public, shall be punished. An accused under this section shall be punished with imprisonment either for a term up to three months or with a fine, or with both.

Case Law

In the case of **K.P. Mohammad v. State of Kerala**, there was a necessary question was raised. It was whether the cabaret dance is covered by the expression "obscene" and if it is so, can its exposition in restaurants and hotels must be stopped? It was held by the High Court of Kerala

that while dashing on the history of cabaret dance, it is observed that if the exposition of cabaret dance in public places such as hotels and restaurants, is in the accordance with the standards of our nation its exhibition may be authorised and no limitation can be imposed.

Keeping Lottery Office

It is covered in **Section 294-A**. According to this section, any person who keeps any kind of lottery office or place which is not authorised by the government shall be punished. A person causing such an act shall be punished with imprisonment up to six months, or with a fine, or with both. And if any person publishes any proposal to pay or deliver a certain sum or goods for the sake of any person in any such lottery shall also be punished. A person causing such an act shall be punished with a fine which may extend to one thousand rupees.

CONCLUSION

The offences affecting public health, safety, convenience, decency, and morals discuss the various offences related to public nuisance and their punishment associated with it that are explained under the Indian Penal Code, 1860.