

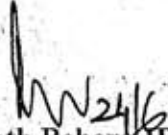
Circular No. 09/2016

- Sub: **Interim Order of the Hon'ble High Court banning burning of plastic and rubber in the open space and directing preventive action by the Police – directions to comply the court order and to initiate preventive action – reg.**
- Ref: (1) Interim Order of the Hon'ble High Court of Kerala dated 10/06/2016 in WP(C) No.5636/2016 filed by All Kerala River Protection Council (Copy Attached).
(2) Fax message dated 10/06/2016 from Smt. Girija Gopal, Special Government Pleader to Advocate General.

The Hon'ble High Court of Kerala, vide reference 1st cited, has banned burning of plastic and rubber in the open space. The court observed that the situation has an alarming negative impact on public health and is also a matter of nuisance and needs to be controlled to protect the health of the citizens by protecting and improving the environment and preventing hazards to human beings and other living creatures, plants and properties. The court has also directed that preventive initiatives by the Police shall be the first mode and requisite prosecutions will have to follow as the next step.

(2) As the offence relates to public health and also causes serious damage to environment, sections 268, 269 and 278 of the Indian Penal Code, 1860 and section 120(e) of the Kerala Police Act, 2011 can be invoked together for dealing with such cases. As the offence under section 269 IPC is cognizable, the powers of Police under sections 149 and 151 in Chapter XI of the Code of Criminal Procedure, 1973 with regard to Preventive Action of the Police may also be used for implementing the court order in unavoidable situations.

(3) All officers are directed to ensure that the needful is done for the prevention of the nuisance and allied matters with regard to burning of plastic and rubber under the above quoted legal provisions. Compliance shall be reported immediately.


Loknath Behera IPS
State Police Chief, Kerala

To
All Officers in List 'D'
for information and urgent necessary action.

Copy to: Circular Register, Kerala Police Website.