# IPC Section 287

## Section 287 of the Indian Penal Code: Negligent Conduct with Respect to Machinery  
  
Section 287 of the Indian Penal Code (IPC) addresses the crucial aspect of public safety concerning the negligent handling of machinery. It criminalizes the act of lawfully or unlawfully omitting to take order with machinery in possession or under care, such that it endangers human life or is likely to cause hurt or injury to any person. This provision acknowledges the inherent potential for harm posed by machinery if not handled with due care and caution and seeks to enforce responsibility on those entrusted with its operation and maintenance.  
  
\*\*Detailed Breakdown of Section 287:\*\*  
  
This section focuses specifically on \*negligence\* related to machinery. It doesn't differentiate between lawful or unlawful possession of the machinery. The key element is the omission to take necessary precautions to prevent harm.  
  
\* \*\*"Lawfully or unlawfully"\*\*: This phrase emphasizes that the legality of possessing the machinery is irrelevant to this offense. Whether the person owns the machinery, borrows it, or even steals it, they are obligated to handle it responsibly to avoid endangering others.  
  
\* \*\*"Omitting to take order"\*\*: This phrase denotes a failure to exercise due diligence and caution in handling the machinery. It implies a lack of necessary precautions and safeguards to prevent foreseeable accidents. This omission can manifest in various forms, such as inadequate maintenance, improper installation, lack of safety training, or failure to enforce safety protocols.  
  
\* \*\*"Machinery in possession or under care"\*\*: This refers to any machinery that the accused possesses or is responsible for. "Possession" doesn't necessarily require ownership; it can also mean having control or custody of the machinery. "Under care" implies a duty to ensure the safe operation and maintenance of the machinery, even if the person doesn't physically possess it.  
  
\* \*\*"Endangering human life or being likely to cause hurt"\*\*: This phrase establishes the threshold for criminal liability. The omission to take order with the machinery must create a real and substantial risk to human life or be likely to cause injury. A mere possibility of harm is not sufficient. The likelihood of harm must be assessed objectively, considering the nature of the machinery, the surrounding circumstances, and the potential consequences of an accident.  
  
  
\*\*Examples of Negligent Conduct with Machinery:\*\*  
  
\* Leaving a power saw running unattended in a workshop where others might access it.  
\* Failing to properly secure a crane, leading to its collapse and potential injury to workers or bystanders.  
\* Operating heavy machinery without proper training or certification.  
\* Neglecting routine maintenance of a factory machine, resulting in a malfunction that causes injury.  
\* Storing hazardous chemicals near operating machinery without adequate safety measures.  
\* Leaving a construction site unattended with exposed and unguarded machinery.  
\* Operating a vehicle with faulty brakes, endangering the lives of passengers and other road users (although this would also fall under specific traffic laws).  
\* Failing to install safety guards on moving parts of machinery.  
  
  
\*\*Punishment:\*\*  
  
Section 287 prescribes imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. This indicates that the offense is cognizable, meaning that the police can arrest the offender without a warrant. While the punishment may seem relatively lenient, the potential consequences of negligent conduct with machinery can be severe, including serious injury or death.  
  
\*\*Distinction from other related sections:\*\*  
  
It is essential to distinguish Section 287 from other sections of the IPC that deal with offenses related to negligence:  
  
\* \*\*Section 286 (Negligent conduct with respect to explosive substance):\*\* While both sections address negligence, Section 286 specifically focuses on explosive substances, fire, and combustible matter, whereas Section 287 deals with all other types of machinery.  
  
\* \*\*Sections 282, 283, 284, 285, 288, 289, 290:\*\* These sections cover other forms of negligent conduct that endanger human life or personal safety, such as negligent conduct with respect to poisonous substance, obstruction in public way or line of navigation, negligent conduct with respect to fire, etc. They address different specific contexts, while Section 287 focuses specifically on machinery.  
  
\* \*\*Section 304A (Causing death by negligence):\*\* If the negligent conduct with respect to machinery results in the death of a person, the offender may be charged under Section 304A, which carries a more severe punishment.  
  
  
\*\*Key Considerations for Interpretation and Application:\*\*  
  
\* \*\*Mens Rea:\*\* The essential ingredient of the offense under Section 287 is negligence. The prosecution must prove beyond a reasonable doubt that the accused omitted to take the necessary order with the machinery due to negligence. Intention to cause harm is not required.  
  
\* \*\*Causation:\*\* There must be a direct link between the negligent omission and the endangerment of human life or the likelihood of hurt. The prosecution must establish that the omission was the proximate cause of the danger.  
  
\* \*\*Standard of Care:\*\* The standard of care expected varies depending on the nature of the machinery and the surrounding circumstances. A higher standard of care is expected for inherently dangerous machinery.  
  
\* \*\*Foreseeability:\*\* The risk of harm must be reasonably foreseeable. The accused should have been aware, or a reasonable person in their position should have been aware, that their omission to take order with the machinery could endanger human life or cause hurt.  
  
\* \*\*Expert Evidence:\*\* In cases involving complex machinery or technical aspects of its operation, expert evidence may be crucial in determining whether the accused's conduct was negligent.  
  
  
\*\*Conclusion:\*\*  
  
Section 287 of the IPC plays a vital role in ensuring public safety by enforcing responsible handling of machinery. It emphasizes the duty of care owed to others by those who possess or control machinery and underscores the potential legal consequences of negligence. This section serves as a deterrent against careless and reckless behavior and promotes a culture of safety in various industries and settings where machinery is used. Understanding the provisions of this section is crucial for individuals operating machinery, employers, regulatory bodies, and the judiciary.