# IPC Section 22: “Moveable property”.

## Section 22 of the Indian Penal Code: "Movable Property" – A Detailed Analysis  
  
Section 22 of the Indian Penal Code (IPC) defines "movable property." This definition plays a crucial role in various offences related to property, such as theft, extortion, robbery, criminal breach of trust, and receiving stolen property. A clear understanding of what constitutes "movable property" is therefore essential for the proper application of these provisions.  
  
The section states:  
  
> “Movable property” shall include corporeal property of every description, except land and things attached to earth permanently fastened to anything which is attached to earth permanently.  
  
This definition, while seemingly simple, has been subject to extensive judicial interpretation to clarify its scope and application in diverse situations. Let's break down the elements of this definition:  
  
\*\*1. Corporeal Property:\*\*  
  
The term "corporeal" refers to something tangible, something that has a physical existence and can be perceived by the senses. This immediately excludes intangible properties like intellectual property rights, copyrights, patents, trademarks, and goodwill, which, though valuable, lack a physical form. The focus is on physical objects that can be moved or displaced.  
  
\*\*2. Every Description:\*\*  
  
The phrase "every description" indicates a broad and inclusive scope. It encompasses a vast range of tangible objects, including but not limited to:  
  
\* \*\*Physical objects:\*\* This includes everyday items like furniture, clothing, jewelry, vehicles, electronics, books, and tools.  
\* \*\*Living things:\*\* While seemingly unusual, certain living things can be considered movable property under specific circumstances. For instance, domesticated animals like cattle, sheep, and poultry are generally considered movable property. Wild animals, while not typically owned, can become movable property upon capture or confinement.  
\* \*\*Harvested crops:\*\* Crops that have been severed from the land are considered movable property. Standing crops, however, are considered attached to the earth and thus not movable property.  
\* \*\*Currency and valuable documents:\*\* Currency notes, coins, cheques, promissory notes, and other financial instruments, despite their representative value, are physical objects and thus qualify as movable property.  
  
  
\*\*3. Exceptions: Land and Things Attached to Earth:\*\*  
  
The definition explicitly excludes "land and things attached to earth permanently fastened to anything which is attached to earth permanently." This clarifies that immovable property, primarily land and structures permanently affixed to it, falls outside the scope of "movable property." This distinction is crucial because offences related to property often differentiate based on whether the property is movable or immovable.  
  
\*\*4. Permanently Fastened:\*\*  
  
The phrase "permanently fastened" requires careful consideration. The determination of whether something is permanently fastened to the earth depends on the intention behind its attachment and the degree of permanence intended. A building firmly attached to a foundation is clearly permanently fastened. However, objects that can be relatively easily removed, even if they are attached, might not be considered permanently fastened. For example:  
  
\* \*\*Machinery:\*\* Heavy machinery bolted to a factory floor might be considered permanently fastened if the intention is for it to remain a fixture of the factory. However, if the machinery is regularly moved or intended for eventual removal, it might be considered movable property despite the attachment.  
\* \*\*Temporary structures:\*\* Structures like tents or temporary sheds, even if anchored to the ground, are not considered permanently fastened due to their temporary nature and the intention for eventual removal.  
\* \*\*Trees and plants:\*\* Growing trees and plants are considered attached to the earth and thus not movable property. However, once cut down or harvested, they become movable property.  
  
\*\*Judicial Interpretations:\*\*  
  
Several judicial pronouncements have shaped the understanding of "movable property" under Section 22. Courts have emphasized the importance of the intention behind the attachment and the degree of permanence intended. They have also clarified that the definition is not exhaustive and can be interpreted contextually.  
  
\* \*\*Electricity:\*\* Courts have held that electricity, although intangible in its pure form, can be considered movable property when it is stored or transmitted, as it becomes a form of energy capable of being measured and controlled.  
\* \*\*Water:\*\* Similar to electricity, water stored in a tank or container can be considered movable property. However, water flowing in a river or stream is generally not considered movable property.  
\* \*\*Gas:\*\* Stored gas, like LPG in a cylinder, is considered movable property.  
  
  
\*\*Significance of the Definition:\*\*  
  
The definition of "movable property" under Section 22 is crucial for determining the applicability of various offences under the IPC. Offences like theft, extortion, and robbery are typically defined in terms of movable property. The definition helps distinguish these offences from offences related to immovable property, such as land grabbing or trespass.  
  
\*\*Conclusion:\*\*  
  
Section 22 of the IPC provides a broad definition of "movable property," encompassing a wide range of tangible objects. While the definition excludes land and things permanently attached to the earth, the concept of "permanently fastened" requires careful consideration based on the intention and degree of permanence. Judicial interpretations have further clarified the scope of the definition, extending it to include things like stored electricity, water, and gas. This comprehensive understanding of "movable property" is essential for the correct application of various provisions within the IPC related to property offences.