

# MAINTENANCE OF PUBLIC PEACE AND ORDER

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# CHAPTER X

Maintenance of  
Public Order

Unlawful Assembly

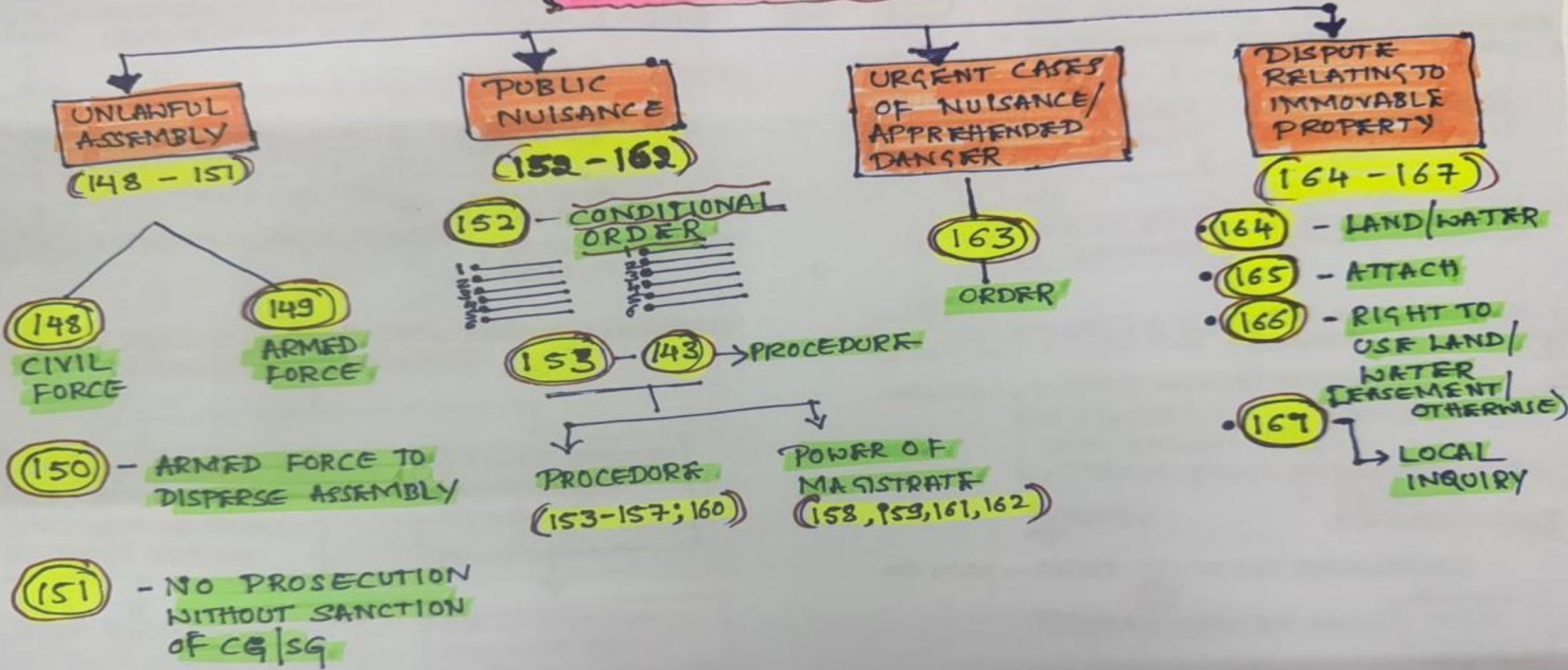
Public Nuisance

Urgent cases

Immovable Property  
Dispute

# SUMMARY SHEET

## CHAPTER - 10 (SEC 148 - 167) BNSS



# PART - A

**UNLAWFUL ASSEMBLY**  
**SEC 148-151 BNSS**  
**(SEC 129-132CRPC)**

# [S 148 BNSS (129 CRPC) DISPERSAL OF ASSEMBLY BY USE OF CIVIL FORCE.—

- 1) Any **Executive Magistrate** or **officer incharge of a police station** or, in the absence of such officer incharge, any police officer, **not below the rank of a sub-inspector,**

may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse;

and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

(2) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse,

any Executive Magistrate or police officer referred to in sub-section (1),

**may proceed to disperse such assembly by force,**

and may require the assistance of any person, not being an officer or member of the armed forces

and acting as such, for the purpose of dispersing such assembly,

and, **if necessary, arresting and confining** the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

**UNLAWFUL ASSEMBLY  
DISPERSAL OF ASSEMBLY BY USE OF CIVIL FORCE –  
148B N.S.S (129 CRPC)**

**Who can do it**

- **Any Executive Magistrate**
- **or Officer in charge of a police station**
- **or, in the absence of such officer in charge, any police officer, not below the rank of a sub-inspector**

An authorized officer

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graph TD; A[An authorized officer] --> B[Commands dispersal]; B --> C[If does not disperse]; C --> D["or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse"]
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Commands dispersal

If does not disperse

or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse

May proceed to disperse  
such assembly by force,



if necessary,  
arresting and confining  
the persons

# **Unlawful Assemblies : (Sections Sec 148-151 BNS (129 to 132 Cr.PC) and Sections 30 and 30-A Police Act)**

- Section 189 BNS (141 IPC) defines unlawful assembly as an assembly of five or more persons with common object.
- Chapter XI BNS (VIII IPC) Sec. 189 to 194 BNS (141 to 160 IPC) – Offences against the public tranquility.
- **The Sections from 148 to 151 (129 to 132) deal with the dispersal of such assemblies by Magistrate, Police and Army and the legal protections available to such officials.**

# Constitutional Validity

Article 19(1)(c) of the Constitution gives **a right to every citizen to assemble peacefully without arms.**

As such the line of demarcation between a lawful assembly and unlawful assembly is very thin, and it is still more difficult to determine when a lawful assembly turned unlawful - - **The Police has a duty to prevent them from turning violent, either by words of command or by use of force.**

Article 19(2) **permits reasonable restriction** on the Fundamental Right in the interest of sovereignty and integrity of India and public order. Section 148 BNSS (129 Cr.PC) in its scope is intra vires.

## [S 149 BNSS (130 CRPC)] USE OF ARMED FORCES TO DISPERSE ASSEMBLY.—

- (1) If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the **District Magistrate or any other Executive Magistrate authorized by him**, who is present, may cause it to be dispersed **by the armed forces**.
- (2) Such Magistrate may require any **officer in command** of any group of persons belonging to the armed forces to disperse the assembly with the help of the armed forces under his command, and to **arrest and confine** such persons forming part of it as the Executive Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.
- (3) Every such officer of the armed forces **shall obey** such requisition in such manner as he thinks fit, but in so doing he shall use as **little force**, and do as **little injury** to person and property, **as may be consistent with dispersing the assembly and arresting and detaining such persons**.

# FORMAT OF THE MAGISTRATE'S ORDER:

- I,..... Magistrate of the ..... Class, acting under Section 149 BNSS (130 Cr.P.C.) require No. .... Rank .....Name of the unit.....to disperse an unlawful assembly at..... O'clock (approximately) on the ..... day of..... 19.....at.....
- Countersigned.....Signed..... Military officer.

# [S 150 BNSS (131 CRPC)] POWER OF CERTAIN ARMED FORCE OFFICERS TO DISPERSE ASSEMBLY.—

When the public security is manifestly endangered by any such assembly and **no Executive Magistrate can be communicated with,** **any commissioned or gazetted officer of the armed forces** may disperse such assembly with the help of the armed forces under his command,  
and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law;

# [S 150 BNSS (131 CRPC)] POWER OF CERTAIN ARMED FORCE OFFICERS TO DISPERSE ASSEMBLY.—

but if, while he is acting under this section, **it becomes practicable for him to communicate with an Executive Magistrate**, he shall do so, and shall thenceforward **obey the instructions of the Magistrate, as to whether he shall or shall not continue such action.**

# PROTECTION AGAINST PROSECUTION FOR ACTS DONE UNDER SEC 148, 149, 150 BNSS (129, 130, 131 CRPC)



Sec 151 BNSS (132  
CrPC)



Protection against prosecution for  
acts done under preceding sections

# [S 151 BNSS (132 CRPC)] PROTECTION AGAINST PROSECUTION FOR ACTS DONE UNDER PRECEDING SECTIONS.—

- 1) No prosecution against any person for any act purporting to be done under section 148 BNSS (129 CrPC), section 149 BNSS (130 CrPC) or section 150 BNSS (131 CrPC) shall be instituted in any Criminal Court except—
  - (a) **with the sanction of the Central Government** where such person is an officer or member of the **armed forces**;
  - (b) **with the sanction of the State Government** in any **other case.**

**[S 151 BNSS (132 CRPC)] PROTECTION AGAINST  
PROSECUTION FOR ACTS DONE UNDER  
PRECEDING SECTION.-**

- (2)(a) **no Executive Magistrate or police officer** acting under any of the said sections in **good faith**;
- (b) **no person** doing any act in good faith **in compliance with a requisition** under section 148 BNSS (129 CrPC) or section 149 BNSS (130 CrPC);
- (c) **no officer of the armed forces** acting **under section 150** in good faith;
- (d) **no member of the armed forces** doing any act in obedience to any order **which he was bound to obey**, shall be **deemed to have thereby committed an offence.**

# [S 151 BNSS (132 CRPCO] PROTECTION AGAINST PROSECUTION FOR ACTS DONE UNDER PRECEDING SECTION.-

3. In this section and in the preceding sections of this Chapter,—
- (a) the expression “**armed forces**” means the **military, naval and air forces**, operating as land forces and includes any other Armed Forces of the Union so operating;
  - (b) “**officer**”, in relation to the **armed forces**, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a **junior commissioned officer, a warrant officer, a petty officer, a non-commissioned officer** and a **non-gazetted officer**;
  - (c) “**member**”, in relation to the **armed forces**, means **a person in the armed forces other than an officer**.

**THANK YOU**