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DISPERSAL OF UNLAWFUL ASSEMBLIES AND LIMITS ON THE USE OF FORCE UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023: A CRITICAL ANALYSIS OF PUBLIC ORDER AND CONSTITUTIONAL LIBERTIES

Abstract

The maintenance of public order is an essential responsibility of the State, particularly when a gathering threatens public peace, safety or the rights of other citizens. At the same time, the power to disperse an assembly by force raises important questions concerning personal liberty, freedom of speech and expression, the right to assemble peacefully, and the accountability of law-enforcement authorities. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), addresses these concerns through Sections 148–151, which regulate the dispersal of unlawful assemblies by civil force, the deployment of the armed forces, emergency action by specified armed-forces officers and legal protection for acts performed under these provisions.

This paper examines the statutory framework governing the dispersal of assemblies and critically analyses the legal and constitutional limits on the use of force. It considers the relationship between public-order powers and Articles 14, 19 and 21 of the Constitution of

India, with reference to judicial decisions concerning peaceful assembly, police action and the proportionality of State interference. Particular attention is given to the necessity of a lawful command to disperse, the circumstances permitting the use of force, the requirement to minimise injury, and safeguards against arbitrary or excessive action. The paper argues that the existence of statutory authority does not justify indiscriminate force. Effective crowd management requires necessity, proportionality, accountability and respect for fundamental rights. It concludes that public safety and constitutional liberty must be protected together through clear procedures, proper training, accurate records and meaningful judicial scrutiny.

Keywords: Bharatiya Nagarik Suraksha Sanhita, 2023; unlawful assembly; use of force; public order; right to peaceful assembly; constitutional safeguards.

Introduction

Public assemblies are an important feature of a democratic society. Citizens gather to express political opinions, raise grievances, participate in demonstrations, organise processions and demand governmental action. Such gatherings may provide an important means of communicating concerns that cannot easily be expressed through individual representations. At the same time, assemblies can create difficulties where violence occurs, public property is damaged, essential services are obstructed or the safety of persons in the surrounding area is threatened.

The State has a legitimate responsibility to prevent violence and maintain public order. However, the manner in which that responsibility is exercised is as important as the objective itself. The use of force to disperse an assembly may result in physical injuries, damage to property, arrests and restrictions on fundamental rights. Where force is used without adequate justification or continues after the relevant threat has diminished, the consequences may extend far beyond the immediate incident.

The Bharatiya Nagarik Suraksha Sanhita, 2023, which came into force on 1 July 2024, contains provisions concerning the maintenance of public order and tranquillity. Sections 148–151 form part of the statutory framework governing unlawful assemblies. Section 148 concerns dispersal by civil force; Section 149 concerns the use of armed forces to disperse an assembly; Section 150 deals with action by specified armed-forces officers when public security is manifestly endangered and communication with an Executive Magistrate is not

possible; and Section 151 addresses protection against prosecution for acts done under the preceding provisions. [1]

These provisions must be interpreted alongside the Constitution of India. Article 19(1)(a) protects freedom of speech and expression, while Article 19(1)(b) protects the right to assemble peaceably and without arms. These rights are subject to the constitutionally permitted restrictions, including restrictions in the interests of public order. Article 21 protects life and personal liberty, and Article 14 prohibits arbitrary State action.

The central legal question is therefore not whether authorities may ever disperse an assembly. The question is when such action becomes legally justified, what level of force may be used, and what safeguards must govern the conduct of the authorities involved.

This paper examines Sections 148–151 of the BNSS, the constitutional principles applicable to crowd-control operations and the judicial decisions that explain the relationship between public order and fundamental rights. It argues that lawful dispersal requires more than a general claim of administrative necessity. The statutory conditions must be satisfied, the response must be proportionate to the actual circumstances, and the conduct of public authorities must remain open to appropriate scrutiny.

Research Methodology

This paper adopts a doctrinal legal research methodology. It analyses the relevant provisions of the BNSS, constitutional provisions and judicial decisions concerning peaceful assembly, public order and the exercise of police powers.

The research focuses on the statutory authority to order dispersal, the conditions under which force may be used, the special role of the armed forces, the limits of legal protection for officials, and the constitutional principles governing the treatment of persons participating in assemblies.

The paper also examines practical concerns relating to warnings, necessity, proportionality, medical assistance, documentation and accountability. It is based on legal and doctrinal analysis and does not claim to rely on independent field interviews, crowd-control statistics or empirical research.

3. Statutory Framework Under Sections 148–151 Bnss

3.1 Section 148: Dispersal Of Assembly By Use Of Civil Force

Section 148 empowers an Executive Magistrate, an officer in charge of a police station or, in the absence of such an officer, a police officer not below the rank of sub-inspector to command an unlawful assembly, or an assembly of five or more persons likely to cause a disturbance of public peace, to disperse. Members of the assembly are required to comply with a lawful command to disperse.

Where the assembly fails to disperse after such a command, or where its conduct demonstrates a determination not to disperse even without a command, the provision authorises the specified authority to proceed to disperse the assembly by force. It also permits the assistance of persons who are not officers or members of the armed forces acting as such, for the purposes identified in the provision, including dispersal and, where necessary, arrest and confinement. [1]

The provision establishes a statutory sequence. First, the authority must consider whether the assembly falls within the relevant category. Secondly, the statutory command to disperse must ordinarily be given. Thirdly, authority may use force for the statutory purpose only when the e the conditions specified in the section are satisfied. The wording concerning an assembly of five or more persons likely to disturb public peace is important. The mere fact that five or more persons have gathered does not automatically justify dispersal by force. The statutory condition concerning the likelihood of disturbance must be considered. Similarly, the right to peaceful assembly cannot be displaced merely because the gathering expresses criticism of the government or causes administrative inconvenience.

The power under Section 148 is intended to address circumstances that justify preventive intervention. It should not be used as an unrestricted authority to suppress lawful gatherings. The nature of the assembly, the conduct of its members, the existence of a genuine threat and the availability of less intrusive measures are relevant to determining whether the use of force is justified. The provision also requires attention to the persons against whom force is directed. Individuals within a gathering may have different levels of involvement. Some may be committing violence, while others may be observing, documenting events or attempting to

leave. A response that treats every person present as equally responsible may result in unnecessary injury and arbitrary action.

3.2 Section 149: Use of Armed Forces to Disperse an Assembly

Section 149 provides for the use of the armed forces where an assembly covered by Section 148 cannot otherwise be dispersed and it is necessary for public security that the assembly be dispersed. The power is exercised through the Magistrate specified in the section, subject to the statutory requirements.

The provision permits the Magistrate to require an officer commanding a group of armed-forces personnel to disperse the assembly and to arrest and confine persons where authorised or necessary for the purposes specified by law.

Most importantly, Section 149(3) expressly requires the officer commanding the armed forces to use as little force and cause as little injury to persons and property as may be consistent with dispersing the assembly and arresting and detaining the persons concerned. [1]

This requirement is central to the legal limits on the use of force. The statutory objective is the dispersal of the assembly and the lawful arrest or detention of persons where necessary. The provision does not authorise force for the purpose of revenge, humiliation, punishment without trial or the infliction of unnecessary injury.

The phrase “as little force” establishes a clear statutory emphasis on restraint. The force employed must be connected to the legitimate objective and must not exceed what is reasonably necessary in the circumstances. The associated requirement to minimise injury to persons and property demonstrates that the legislature has recognised the potentially serious consequences of deploying armed forces in crowd-control situations.

The use of armed forces is therefore not intended to be an ordinary substitute for civil policing. Section 149 applies where the assembly cannot otherwise be dispersed and public security makes dispersal necessary. Authorities must respect these conditions rather than treating the provision as a general response to every large or inconvenient gathering.

3.3 Section 150: Emergency Power of Certain Armed-Forces Officers

Section 150 addresses a situation in which public security is manifestly endangered by an assembly and no Executive Magistrate can be communicated with. In those circumstances, a commissioned or gazetted officer of the armed forces may disperse the assembly with the assistance of the armed forces under their command and may arrest and confine persons as permitted by the provision.

The section further provides that, when communication with an Executive Magistrate becomes practicable, the officer must communicate with the Magistrate and thereafter comply with the Magistrate's instructions concerning whether the action should continue. [1]

The provision recognises that an emergency may develop so rapidly that prior communication with a Magistrate is not practicable. Nevertheless, the statutory conditions are specific. Public security must be manifestly endangered, and communication with an Executive Magistrate must not be possible at the relevant time.

The emergency character of the power does not eliminate the duty to act lawfully. The officer must remain within the purpose of the provision and must not use the emergency as a justification for indiscriminate or retaliatory violence. Once communication becomes practicable, the statutory requirement to seek and follow the Magistrate's instructions becomes important for restoring civilian oversight.

3.4 Section 151: Protection Against Prosecution

Section 151 regulates protection against prosecution for acts purportedly done under Sections 148, 149 and 150. It specifies the requirement of governmental sanction for instituting prosecution in the circumstances covered by the provision. It also identifies categories of persons whose acts, when performed in good faith under the statutory framework, receive the protection described in the section. [1]

The provision recognises that officers performing lawful public duties may require legal protection against proceedings arising from bona fide actions. However, it must be interpreted according to its precise wording and statutory purpose.

A protection provision should not be treated as an unlimited licence to use force. The statutory references to good faith and the conditions governing the preceding sections remain

important. Whether an act falls within the protection of Section 151 depends on the relevant facts, the applicable legal requirements and the scope of the provision.

The distinction between lawful force and excessive force is essential. A power to disperse an assembly does not automatically authorise every action taken during the operation. Conduct outside statutory authority, or conduct that fails to satisfy the relevant legal conditions, raises separate questions concerning accountability and available remedies.

Section 151 must therefore be read alongside the constitutional obligations of public authorities. Legal protection for bona fide performance of duty and accountability for unlawful conduct are not necessarily contradictory. Both are important to the legitimacy of law enforcement.

4. Constitutional Protection Of Peaceful Assembly

4.1 Article 19(1)(a): Freedom of Speech and Expression

Freedom of speech and expression is a fundamental feature of democratic participation. Public demonstrations often involve criticism of government policy, demands for legal reform, opposition to administrative decisions or the expression of collective grievances.

A demonstration does not become unlawful merely because its message is unpopular, politically inconvenient or strongly critical of public authorities. The State must identify a legally relevant ground for restriction rather than treating disagreement as a threat to public order.Article 19(2) permits reasonable restrictions on freedom of speech and expression on specified grounds, including public order. In the context of dispersal, the authority should distinguish between speech that remains protected and conduct that creates a genuine legal basis for intervention. Where a gathering is peaceful, the use of force merely to prevent criticism or silence an unpopular viewpoint would undermine the constitutional protection of expression.

4.2 Article 19(1)(b): Right to Assemble Peaceably and Without Arms

Article 19(1)(b) protects the right of citizens to assemble peaceably and without arms. The right is not absolute and may be subject to reasonable restrictions in the interests of public order and sovereignty and integrity of India under Article 19(3).

The constitutional framework requires a distinction between regulating an assembly and suppressing it without sufficient legal justification. Authorities may regulate the time, place and manner of gatherings where legally authorised, but the existence of regulatory powers does not automatically permit a complete prohibition on peaceful expression.

In *Himat Lal K. Shah v. Commissioner of Police, Ahmedabad*, the Supreme Court considered the relationship between public meetings and the right to assemble. The Court recognised the importance of regulation while emphasising that administrative discretion must not be exercised in an arbitrary manner. The judgment is relevant to the principle that public-order regulation must operate within a framework of lawful authority and safeguards against misuse. [2] The decision did not establish an unconditional right to hold a meeting at every public place. Rather, it demonstrates the need to distinguish the right to assemble from the unrestricted use of every location for that purpose. Regulation may be necessary to protect the rights of other citizens, but it must not become a means of arbitrary discrimination or suppression.

4.3 Article 21: Life and Personal Liberty

Article 21 protects life and personal liberty except according to procedure established by law. The use of force during crowd-control operations may directly affect these interests, particularly where persons are injured, detained or exposed to life-threatening conditions.

The statutory authority to disperse an assembly must therefore be exercised consistently with the applicable legal and constitutional requirements. A claim that an operation was undertaken for public order cannot, by itself, answer every question concerning the legality of the methods used.

The degree of force, the circumstances in which it was employed, the possibility of less harmful measures and the treatment of injured persons are all relevant to a proper assessment. The constitutional concern is not confined to whether the initial decision to disperse was lawful. The manner in which the decision was implemented must also remain within the law.

4.4 Article 14: Protection Against Arbitrary State Action

Article 14 requires the State to act in a non-arbitrary manner. In crowd-control situations, this principle is relevant to the selection of assemblies for dispersal, the treatment of participants, the reasons for imposing restrictions and the manner in which force is used.

Where comparable situations are treated differently without a legally relevant justification, or where force is directed against persons merely because of their identity or viewpoint, questions of arbitrariness may arise.

Article 14 reinforces the importance of recording reasons and maintaining reliable operational records. Clear documentation can assist in determining whether the authority acted on relevant grounds or relied on considerations unrelated to public safety.

5. Limits On The Use Of Force

5.1 Necessity

Necessity requires that the use of force be justified by the circumstances and directed towards a legitimate statutory purpose. The mere presence of a crowd does not necessarily establish that force is required. Authorities should assess the conduct of the assembly, the nature of the threat, the risk to persons and property, and whether lawful alternatives remain available. The statutory conditions under Sections 148 and 149 are important in this regard. Section 148 upholds that farce may be used by the authority to command dispersal only which required by the circumstances . Section 149 requires that the assembly cannot otherwise be dispersed and that dispersal by armed forces is necessary for public security. These requirements indicate that the decision to use force should not be automatic. It should be based on the actual circumstances and the legal conditions governing the particular power.

5.2 Proportionality

Proportionality requires a reasonable relationship between the threat faced and the force employed. Even where dispersal is lawful, the authorities must consider whether the means used are excessive in relation to the objective.

For example, a gathering involving obstruction without violence may require a different response from an assembly in which persons are engaging in serious violence and creating an

immediate threat to life. The response must be adapted to the circumstances rather than determined by a single approach applicable to every gathering.

Section 149(3) expressly supports this principle by requiring the use of as little force and the causing of as little injury to persons and property as may be consistent with the statutory objective. [1]

Proportionality is not merely a matter of operational convenience. It is a safeguard against unnecessary injury and an important measure of whether public power has been exercised responsibly.

5.3 Warning and Opportunity to Disperse

The command to disperse under Section 148 is an important procedural safeguard. It informs members of the assembly that the authority considers dispersal legally necessary and provides an opportunity to comply before force is used.

The statute also recognises circumstances in which an assembly's conduct demonstrates a determination not to disperse, even without a prior command. This qualification should be applied according to its wording and the actual circumstances, not as a routine reason for omitting warnings.

Where practicable, communication should be clear and sufficiently audible, and the assembly should be given a reasonable opportunity to comply. The adequacy of the warning may depend on the size of the gathering, the surrounding conditions and the urgency of the threat.

A warning cannot be treated as a meaningless formality. Its purpose is to reduce the likelihood that force will become necessary. Where immediate danger makes a warning impracticable, the authority should be able to explain the circumstances that required urgent action.

5.4 Differentiation Between Violent and Peaceful Participants

A gathering may contain individuals engaged in violence alongside persons who remain peaceful. The presence of violent participants does not automatically establish that every individual in the area is equally responsible for the conduct in question.

Authorities should, where practicable, distinguish between persons presenting an immediate threat and those who are complying with directions or attempting to leave. The objective should be to address the actual threat rather than to impose indiscriminate punishment upon the entire gathering.

This distinction is particularly important where the assembly includes vulnerable persons, journalists, bystanders or individuals who have become separated from the main group. The operational response should account for the possibility that persons present may have different roles and levels of involvement.

5.5 Protection of Life and Property

Sections 148 and 149 permit action for the purpose of dispersing assemblies and, where authorised, arresting and confining persons. However, Section 149(3) specifically requires the armed forces to minimise injury to persons and property consistently with the statutory objective. [1]

This provision demonstrates that the law does not treat damage and injury as irrelevant consequences of dispersal. The objective must be achieved with the least force reasonably consistent with the lawful task.

Authorities should also consider the safety of persons who are not participating in the assembly but may be present in the surrounding area. The protection of public order should not unnecessarily endanger residents, passers-by or persons attempting to reach safety.

5.6 Medical Assistance and Documentation

Where a person is injured during a dispersal operation, prompt medical assistance is an important part of responsible law enforcement. Medical care should not be withheld as a form of punishment or used to pressure a person into compliance.

Operational documentation is equally important. Records concerning the decision to disperse, warnings issued, the nature of the threat, the force employed, injuries reported and arrests made can assist in reviewing the legality of the operation.

Accurate records protect both the public and officers acting lawfully. They can help establish whether the operation remained within the statutory authority and whether any allegations of excessive force require further examination.

6. Judicial Approach To Public Order And The Use Of Force

6.1 Himat Lal K. Shah v. Commissioner of Police, Ahmedabad

In *Himat Lal K. Shah v. Commissioner of Police, Ahmedabad*, the Supreme Court considered the regulation of public meetings and the constitutional right to assemble. The judgment recognised the authority of the State to regulate assemblies in the interests of public order while addressing the danger of arbitrary administrative discretion. [2]

The case is relevant to the present subject because dispersal powers must be exercised within a legal framework that respects the constitutional position of peaceful assembly. The ability to regulate a gathering does not mean that public authorities may act without adequate legal grounds or use their powers selectively to suppress particular viewpoints.

The decision also illustrates the importance of safeguards surrounding administrative discretion. A lawful restriction must be grounded in the relevant legal framework rather than personal preference or an arbitrary assessment of the views being expressed.

6.2 In Re: Ramlila Maidan Incident

In *In Re: Ramlila Maidan Incident Dt. 4/5 June, 2011 v. Home Secretary, Union of India*, the Supreme Court examined police action taken during a gathering at Ramlila Maidan. The judgment addressed the relationship between State power, peaceful assembly, personal liberty and the use of force. [3]

The case is significant because it demonstrates that the existence of a public-order objective does not remove the need to examine the legality and manner of the action taken. The conduct of public authorities must be assessed in light of the constitutional rights affected and the circumstances in which the operation occurred.

The broader lesson is that crowd-control action must remain connected to a legitimate objective and must respect constitutional protections. Authorities should not assume that the

power to regulate or disperse a gathering automatically validates every operational decision made during the process.

The judgment should be read in the context of its facts and findings. It does not eliminate the State's power to act where a genuine threat exists. Instead, it reinforces the need to examine whether the action taken was lawful and consistent with the rights of the persons affected.

6.3 In Re: Destruction of Public and Private Properties v. State of Andhra Pradesh

In *In Re: Destruction of Public and Private Properties v. State of Andhra Pradesh*, the Supreme Court considered issues relating to the destruction of public and private property during protests and demonstrations. The Court discussed the need for accountability and the legal consequences associated with damage caused during public disturbances. [4]

The decision is relevant because the maintenance of public order involves protecting both the right to peaceful assembly and the rights of other persons whose property and safety may be affected. A lawful response must address violence and damage through the mechanisms authorised by law.

However, responsibility for damage must not be attributed indiscriminately to every person who happens to be present at a demonstration. Legal consequences must be based on the applicable law and the evidence relating to the individuals concerned.

The case supports the broader proposition that public authorities must protect public and private property while respecting the constitutional rights of peaceful participants. Neither the existence of a protest nor the occurrence of damage justifies abandoning the requirements of legality and individualised assessment.

6.4 Relevance of Judicial Review

Judicial review plays an important role in examining whether the powers under Sections 148–151 have been exercised within their statutory limits. Courts may be called upon to consider whether the relevant authority possessed the required power, whether the statutory conditions were satisfied and whether the conduct complained of was lawful.

The availability of judicial review is especially important where allegations concern unnecessary force, unlawful detention, discriminatory treatment or failure to comply with mandatory statutory requirements. Public authorities must be able to respond to genuine emergencies. Nevertheless, emergency powers remain subject to law, and the factual basis for their exercise may be examined through the remedies available under the Constitution and other applicable laws.

7. Potential Misuse And Practical Challenges

7.1 Treating Every Protest as a Threat to Public Order

One risk is the assumption that a large gathering is inherently unlawful or dangerous. Public demonstrations may be inconvenient, noisy or politically controversial without necessarily creating the statutory conditions for dispersal by force.

The authority must distinguish between the lawful regulation of an assembly and the suppression of a gathering without sufficient legal justification. An assessment based only on the number of participants or the nature of their political demands may fail to address the actual statutory requirements.

7.2 Excessive Force and Indiscriminate Action

Another concern arises when force is used against an entire assembly without adequate attention to the conduct of individuals or the nature of the threat. Indiscriminate action may result in injuries to persons who are not involved in violence or who are attempting to comply with directions.

The statutory emphasis on minimising force and injury, particularly under Section 149(3), must guide operational decisions. Authorities should assess whether the chosen response remains necessary and proportionate throughout the operation.

7.3 Inadequate Communication

Poor communication may increase the likelihood of confrontation. If persons do not understand the command to disperse, the available routes for leaving or the consequences of refusing to comply, a situation that might otherwise be resolved peacefully may escalate.

Where practicable, authorities should provide clear directions and adequate opportunities for compliance. Communication should be treated as a preventive measure rather than a mere formality.

7.4 Lack of Accountability and Records

When operational records are incomplete, it becomes more difficult to establish why force was used, whether the statutory conditions were met and whether the level of force was justified. Accurate documentation is therefore important for investigating complaints and reviewing the legality of action. It can also assist authorities in identifying shortcomings in training, planning or operational communication.

7.5 Difficulties in Balancing Public Order and Fundamental Rights

The most difficult cases arise where an assembly begins peacefully but later becomes dangerous, or where only part of a gathering engages in unlawful conduct. The authorities must respond to changing circumstances without treating constitutional rights as irrelevant.

This requires situational assessment and continuing judgment. A decision that was justified at one point may need to be reconsidered as the circumstances change. Lawful crowd management should therefore be responsive to the actual threat rather than based on an inflexible approach.

8. Recommendations For A Rights-Based Approach

8.1 Clear Assessment Before Dispersal

Before ordering dispersal, authorities should identify the statutory basis for action and assess the circumstances supporting the decision. The assessment should distinguish between a peaceful gathering and conduct that creates a legally sufficient threat to public order.

Where practicable, the reasons for the decision should be documented. This can improve accountability and assist in subsequent review.

8.2 Priority to Communication and De-escalation

Where circumstances permit, authorities should communicate the reasons for dispersal, issue clear warnings and provide a reasonable opportunity for compliance. De-escalation can reduce the likelihood of confrontation and may make the use of force unnecessary.

Communication should not be regarded as a substitute for lawful authority. It is a practical safeguard that supports the proper exercise of statutory powers.

8.3 Proportionate and Graduated Responses

The level of force should correspond to the nature and seriousness of the threat, subject to the applicable law. Authorities should avoid unnecessary escalation and should consider whether less harmful measures can achieve the lawful objective.

Section 149(3) expressly requires minimisation of force and injury when the armed forces disperse an assembly. Training and operational procedures should reinforce this statutory obligation.

8.4 Training in Constitutional Standards

Police officers, Executive Magistrates and other personnel involved in crowd management should receive training on Sections 148–151, the constitutional protection of peaceful assembly and the legal limits on force.

Training should address the distinction between peaceful participation and violent conduct, the importance of warnings where practicable, the protection of vulnerable persons and the duty to provide appropriate assistance to injured persons.

8.5 Reliable Documentation and Independent Review

Authorities should maintain accurate records of the grounds for dispersal, warnings issued, relevant instructions, force employed, injuries reported and arrests made. Such records should be preserved in accordance with applicable law and procedures.

Where serious allegations of excessive force arise, the matter should be examined through the appropriate lawful mechanisms. Independent scrutiny can help establish facts, identify misconduct and improve future operational practices.

8.6 Responsible Application of Section 151

The protection available under Section 151 should be applied according to the statutory conditions and should not be treated as automatic immunity for every act occurring during a dispersal operation.

At the same time, the law should protect officers who act in good faith and within the authority conferred upon them. A balanced approach protects lawful public service while preserving accountability for conduct that falls outside the statutory framework.

Critical Analysis

Sections 148–151 of the BNSS establish a statutory framework through which authorities may respond to assemblies that threaten public peace and security. The provisions recognise that ordinary civil force may be used in specified circumstances, that the armed forces may be called upon where the statutory conditions are met, and that certain emergency powers may be exercised where immediate danger makes communication with a Magistrate impossible.

At the same time, the statutory framework contains important limitations. Section 148 identifies the authorities empowered to order dispersal and the conditions under which force may be used. Section 149 requires that an assembly cannot otherwise be dispersed and that dispersal by armed forces is necessary for public security. Section 149(3) specifically requires minimisation of force and injury. Section 150 limits emergency action to the circumstances described in the provision and requires communication with an Executive Magistrate once practicable. Section 151 governs the relevant protections against prosecution. [1]

These provisions should not be interpreted as an unrestricted power to suppress public gatherings. Their legitimacy depends on the satisfaction of statutory conditions and respect for constitutional rights. A peaceful assembly may be regulated in accordance with law, but disagreement with the message being expressed cannot itself replace the legal grounds required for dispersal. The distinction between a lawful order to disperse and the manner in which it is implemented is equally important. Even where the initial decision is justified, the use of excessive force may raise separate legal concerns. The legality of an operation must therefore be assessed by considering both the authority to act and the methods employed.

Judicial decisions concerning public meetings and police action reinforce the importance of safeguards against arbitrary discretion. They also demonstrate that the State has legitimate responsibilities to maintain public order and protect the rights of persons affected by unlawful conduct. The challenge is to fulfil those responsibilities without treating fundamental rights as obstacles to administration.

Conclusion

The dispersal of unlawful assemblies is a necessary aspect of maintaining public order, but it is also an area in which the exercise of State power can directly affect fundamental rights. Sections 148–151 of the Bharatiya Nagarik Suraksha Sanhita, 2023 provide the statutory framework for dispersal by civil force, deployment of the armed forces, emergency action by specified armed-forces officers and protection relating to acts performed under these provisions.

The statutory powers must be exercised within their defined limits. A lawful decision to disperse an assembly requires attention to the relevant statutory conditions, while the use of force must remain connected to the legitimate objective. The express requirement under Section 149(3) to use as little force and cause as little injury as possible is particularly significant. It demonstrates that the law recognises the need to protect persons and property even during operations intended to restore public order.

The constitutional protections under Articles 14, 19 and 21 reinforce these limits. Peaceful assembly and expression may be regulated within the constitutional framework, but they cannot be suppressed arbitrarily. Similarly, the legitimate need to protect public safety does not justify unnecessary injury, indiscriminate treatment or action outside statutory authority.

Judicial decisions such as *Himat Lal K. Shah v. Commissioner of Police, Ahmedabad* and *In Re: Ramlila Maidan Incident* provide important guidance on the relationship between public order, fundamental rights and State action. Their principles must be applied with attention to the facts of each case and the current statutory provisions.

Ultimately, an effective crowd-control system is not measured merely by how quickly an assembly is dispersed. Its success must also be assessed by whether the action was lawful, whether unnecessary force was avoided, whether persons were treated with dignity and

whether the authorities remained accountable. Public order and constitutional liberty are not mutually exclusive objectives. A lawful and democratic system must protect both.

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