



An unarmed, peaceful protest procession in the land of 'salt satyagraha', fast-unto-death and 'do or die' is no jural anathema. – Justice K.V Krishna Iyer



**The Right to Assemble- Article 19(1) (b),  
Constitution of India**

All citizens have the right to assemble peacefully and without arms. This right is subject to reasonable restrictions in the interest of the sovereignty and integrity of India and public order.

## **Unlawful Assembly- Section 141 Indian Penal Code**

An assemble of five or more persons whose common object is to:

- overawe the government, legislature or any public servant exercising lawful powers by criminal force, or through show of criminal force.
- Resist the execution of any law or legal process.
- Commit mischief, criminal trespass or any other offence
- Take possession of property or deprive anyone of the right of way, use of water or legal right s/he enjoys, by using criminal force or by a show of criminal force.
- Compel anyone to do what s/he is not legally bound to do by using criminal force, or through show of criminal force.
- Compel anyone not to do what s/he is legally bound to do using criminal force, or through show of criminal force

### **Model Rules on the Use of Force by the Police against Unlawful Crowds (Adopted by the Inspectors General of Police Conference, 1964)**

Minimum necessary force should be used to achieve the desired object. Force of such use of force is to disperse the assemble and no punitive or repressive considerations should be operative which such force is being used.

### Use of Force to disperse unlawful assemblies

- Minimum necessary force to achieve the desired objective should be used.
- Any OIC of a police station , or a police officer of a higher rank, has the power, independent of the magistrate , to call upon an unlawful assembly to disperse.
- The crowd should, before force is used, be persuaded to disperse
- The manner of force will depend upon the circumstances:
  - Tear smoke
  - Cane charge
  - Fire arms

### Powers and Duties of the Police and the Magistrates

1. Preventive Action
  - Section 149 CrPC
  - Section 151 CrPC
2. Punitive Action:
  - Section 149 to 190 IPC provide a vast array of punitive action against members of unlawful assemblies.
3. Collective action against an unlawful assembly:
  - Preventive action under section 144 Crpc
  - Punitive action for dispersal of mobs: 129-130 CrPC
4. Defensive action: Section 97 read with sections 98-106 IPC allows the magistrates and Police to intervene to prevent harm or injury to persons or property from members of an unlawful assembly.

## Collection of Intelligence

- Activities of political parties, religious groups, communal groups.
- agrarian, labour and student unrest,
- reaction to government policies,
- activities of extremist and radical parties,
- examining newspapers, books, printed matter and speeches or activities prejudicial to the communal harmony or the integrity of the country,

**Thank You**