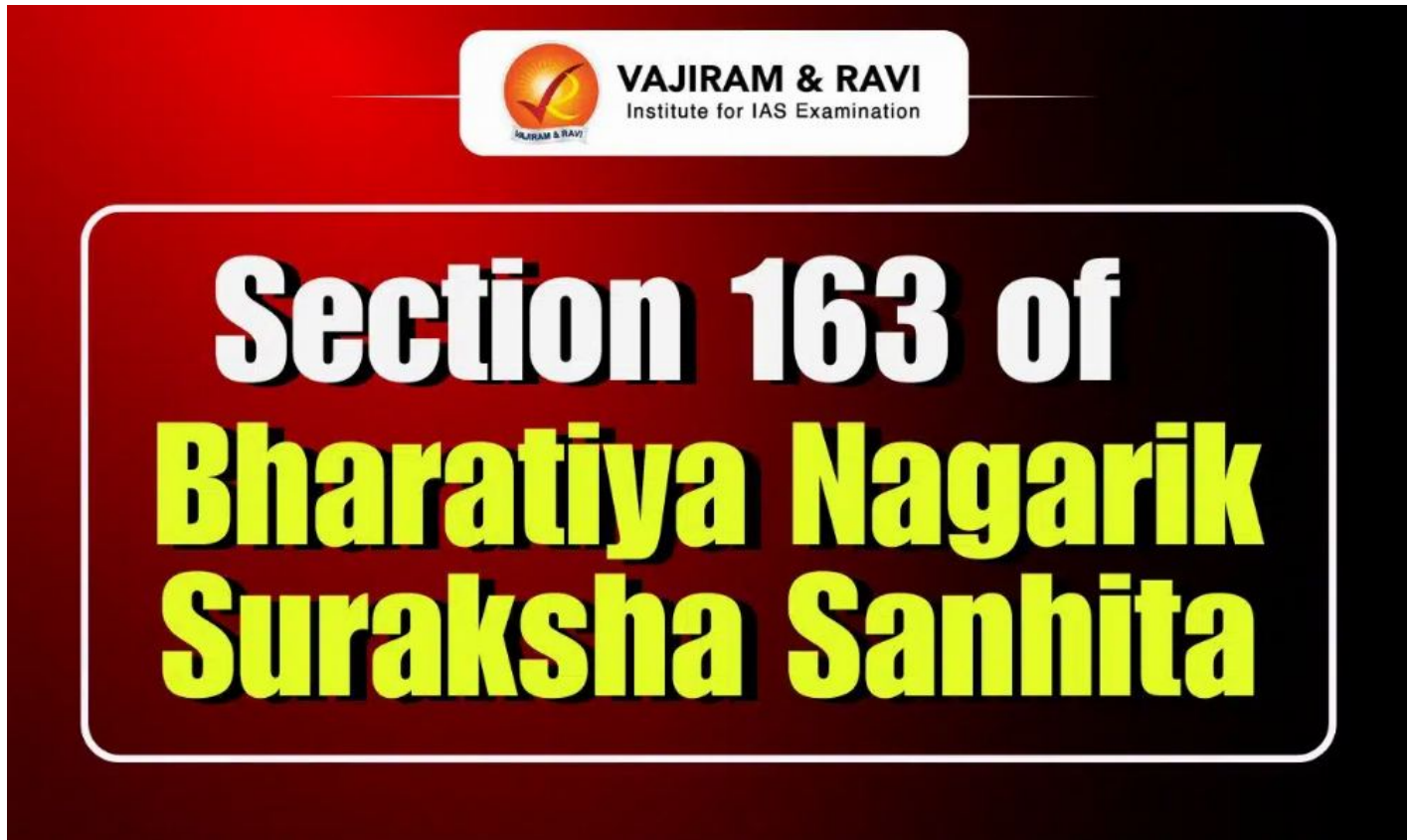


Section 163 of Bharatiya Nagarik Suraksha Sanhita (BNSS), Latest News

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Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) empowers an Executive Magistrate to issue immediate preventive orders in situations where there is a threat to public peace, safety, health, or tranquility. It is one of the most important preventive provisions in India's criminal procedure framework and has replaced **Section 144 of the Code of Criminal Procedure (CrPC), 1973**. The provision enables authorities to impose temporary restrictions to prevent violence, riots, unlawful assemblies, and other situations that may disturb public order.

Why in News?

Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) came into focus after the **Delhi Police invoked the provision** ahead of the Monsoon Session of Parliament to maintain law and order in the national capital. The restrictions were imposed in view of the **Cockroach Janata Party (CJP)'s "Chalo Sansad" protest**, prohibiting unauthorized gatherings and demonstrations in sensitive areas to prevent any disruption to public peace.

Also Read:- Monsoon Session of Parliament 2026

What is Section 163 of the Bharatiya Nagarik Suraksha Sanhita?

Section 163 of the **Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023** is a preventive legal provision that empowers Executive Magistrates to issue temporary orders to maintain public order and prevent imminent threats to life, safety, health, and public tranquillity.

- Replaces **Section 144 of the Code of Criminal Procedure (CrPC), 1973**.
- Empowers the **District Magistrate (DM), Sub-Divisional Magistrate (SDM), and other Executive Magistrates** authorized by the State Government.
- Authorizes issuance of **written orders** in urgent cases requiring immediate preventive action.
- Aims to prevent **nuisance, obstruction, riots, unlawful assemblies, and disturbances to public peace**.
- Permits restrictions on **individuals, groups, organizations, or the general public**, depending on the situation.
- Allows **ex parte orders** (without prior notice) in emergencies where immediate action is necessary.
- Enables authorities to regulate certain acts or the use of property to prevent danger.
- Generally remains in force for **up to 60 days**, with the State Government empowered to extend the order for a further period not exceeding **six months** when required.

Objective of Section 163 BNSS

The primary objective of Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) is to empower authorities to take timely preventive action to maintain public order and protect people from imminent threats.

- To maintain public peace and tranquillity.
- To prevent riots, violence, and communal disturbances.
- To protect human life, health, and public safety.
- To prevent obstruction, nuisance, and unlawful assemblies.
- To enable immediate administrative action during emergencies.
- To safeguard public and private property from damage.
- To ensure smooth conduct of public events, elections, and sensitive occasions.
- To prevent situations that may lead to breaches of law and order.
- To balance individual rights with the larger interest of society.
- To promote effective law enforcement through preventive measures rather than punitive action.

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Powers of the Executive Magistrate Under Section 163

Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) empowers the Executive Magistrate to take immediate preventive measures when there is a likelihood of danger to public peace, safety, or tranquillity. These powers enable the Magistrate to issue temporary written orders to prevent situations from escalating into violence or disorder while ensuring public safety. Orders must be based on sufficient grounds and recorded reasons.

When Can Section 163 Be Imposed?

Section 163 can be imposed when an Executive Magistrate is satisfied that immediate preventive action is necessary to avert danger, maintain public order, or protect public safety. It is invoked in situations where delaying action could lead to violence, unrest, or harm to people or property.

- During communal tension or the possibility of riots.
- Before or during large public gatherings that may disturb public order.
- During protests, demonstrations, or strikes with a risk of violence.
- In response to intelligence inputs indicating a threat to law and order.
- During election periods to maintain peace and security.
- In cases of terrorist threats or serious security concerns.
- During religious processions or festivals where clashes are anticipated.
- During natural disasters or emergencies requiring movement restrictions.
- During public health emergencies, gatherings are regulated.
- Whenever there is an imminent threat to human life, safety, health, or public tranquillity.

Legal Consequences of Violating Section 163

Violation of an order issued under Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) may attract legal action, as disobedience of a lawful order issued by a public servant is a punishable offence. Individuals who fail to comply with such orders can face criminal proceedings in accordance with the applicable provisions of law.

- **Registration of a criminal case** for disobeying a lawful order.
- **Arrest by law enforcement authorities** where permitted by law.
- **Criminal prosecution** before the competent court.
- **Imprisonment, fine, or both** upon conviction, as prescribed under the relevant penal provisions.
- **Preventive detention or removal** from the prohibited area, where legally authorized.
- **Enhanced legal liability** if the violation results in violence, injury, or damage to **public or private property**.
- **Seizure of prohibited items**, such as weapons, if carried in violation of the order.
- **Additional criminal charges** may be invoked if other offences are committed while violating the order.

Significance of Section 163 in Maintaining Public Order

Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) serves as an important preventive legal mechanism for maintaining public order, ensuring public safety, and preventing situations that may lead to violence or unrest. It enables authorities to take timely action while balancing the interests of society and individual rights.

- Helps prevent **riots, violence, and communal disturbances** before they escalate.
- Ensures **public peace and tranquillity** during sensitive situations.
- Protects **human life, public safety, and property** from imminent threats.
- Enables **swift preventive action** by the Executive Magistrate in emergencies.
- Supports the **peaceful conduct of elections, festivals, and public events**.

- Assists law enforcement agencies in maintaining **law and order**.
- Reduces the risk of **unlawful assemblies and public disorder**.
- Strengthens the **preventive justice framework** under the BNSS.
- Promotes **effective crisis management** during emergencies and security threats.
- Balances **fundamental rights** with the need to safeguard the **larger public interest**.

Criticism and Concerns Regarding Section 163

While Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) is intended to preserve public order, its broad preventive powers have raised concerns regarding the protection of fundamental rights and the possibility of misuse.

- Possibility of **misuse of discretionary powers** by authorities.
- May restrict the **fundamental right to freedom of speech and peaceful assembly**.
- Risk of imposing **blanket prohibitory orders** without sufficient justification.
- Can affect **peaceful protests and democratic dissent**.
- Broad and subjective interpretation of **“apprehended danger”** may lead to arbitrary action.
- Prolonged restrictions may impact **business activities, education, and daily life**.
- Concerns over **lack of adequate judicial oversight** during implementation.
- Necessitates adherence to the principles of **necessity, proportionality, and reasonableness** while issuing orders.
- Requires authorities to **record clear reasons** and ensure restrictions are limited to the extent necessary.
- Emphasizes the need to balance **public order** with **constitutional freedoms and civil liberties**.

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