

Section of BNSS

152-163

**OFFICE OF THE DIRECTOR GENERAL OF POLICE
Andaman & Nicobar Islands**

Sri Vijaya Puram, dated the

**STANDARD OPERATING PROCEDURE FOR HANDLING PUBLIC
NUISANCE AND URGENT CASES OF NUISANCE**

Introduction: The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 Chapter-XI (Sections 152-163) deals with procedures for addressing public nuisances and urgent situations that may cause obstruction, annoyance, or harm to public health, safety, or tranquillity.

1. Public Nuisance means any unlawful obstruction or danger that impacts the public's use of public places, ways, rivers or channels, or causes harm to public health safety, or comfort.

2. As per Section 152-153 of the Bharatiya Nyaya Sanhita, 2023, a District Magistrate, Sub division Magistrate, or any specially empowered Executive Magistrate has the authority to take action against public nuisances or in urgent cases where immediate prevention or remedy is needed.

3. Urgent cases means where there is an immediate action is needed to prevent or remove obstruction or danger to the public.

4. **Procedure for Removal of Public Nuisance (Section 152):** Upon receiving a report or information from the police or other sources, the Magistrate may issue a conditional order to address nuisances such as:

- Obstruction in public places.
- Harmful trades or practices.
- Dangerous buildings, trees or animals.
- Unfenced wells or excavations.

5. The person responsible will be asked to remove or regulate the nuisance within a set time or show cause why order should not be enforced.

6. **Enforcement of Orders (Sections 153-160):**

- **Service of Order:** The order will be served personally or through electronic communication. If not possible, it will be made public through a proclamation.

- **Compliance or Objection:** The recipient must comply with the order or appear before the Magistrate to show cause.
 - **Failure to Comply:** If no compliance or appearance is made, penalties under Section 223 BNS, 2023 will apply, and the order will be made absolute.
7. **Appeals and Denial of Public Right:** If the person objects to the existence of public rights, the Magistrate will inquire into the matter. If no evidence supports the denial, the Magistrate will proceed with enforcing the order.
- **Execution of Order:** If the nuisance is not resolved within the stipulated time, the Magistrate can take necessary action and recover the costs from the responsible party.
8. **Handling Urgent Cases (Section 163 of BNSS):** In cases requiring immediate action (such as the risk of harm, riot, or disturbance to public tranquillity), the Magistrate may issue an urgent order directing a person to stop specific actions or manage property in a manner that prevents harm.
- The order can be issued without prior notice (ex-parte) and may apply to individuals, groups, or the public.
 - **Duration of order:** An urgent order remains in effect for two months but can be extended up to six months if required by the State Government/ UT Administration.
9. **Investigation and Expert Assistance (Sections 158-159):**
- The Magistrate can direct a local investigation or summon experts to gather evidence and assist in the decision-making process.
 - The expenses for such investigations will be borne by the parties as directed by the Magistrate.
10. **Final Compliance (Section 160):** After the order becomes absolute the responsible party will be given notice to comply within a specified time.
- If non-compliance persists, the Magistrate may perform the required actions and recover the cost by selling the person's property.
11. **Penalties and Injunctions (Sections 155, 161):**
- **Penalty:** Failure to comply with orders under Section 154 or urgent orders under Section 163 will result in penalties under Section 221.

- Injunction in cases where immediate harm is expected, the Magistrate may issue an injunction to prevent further danger or damage.

12. Prohibition of Repetition (Section 162): The Magistrate may prohibit the repetition or continuation of a public nuisance once action has been taken.

13. Review and Alteration of Orders (Section 163): Orders may be reviewed, altered, or rescinded by the Magistrate or the UT Administration, if deemed necessary. Any affected party has the right to appeal and present their case.

14. Duties of Police at PS Level:

(i) It shall be the duties & responsibilities of police to take appropriate legal action on reporting of any public nuisance mentioned U/s 270 to 297 BNS, 2023.

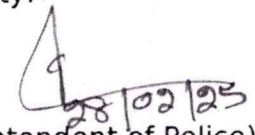
(ii) SHOs/OICs shall take proactive measures to remove nuisance by preparing Preventive Action's Challan U/s 169 or 170 BNSS against the person who is making nuisance as mentioned above.

(iii) SHOs/OICs shall promptly service all summons issued by the Court of Executive Magistrate.

(iv) SHOs/OICs shall ensure that the order of removal of nuisance issued by the Court of Executive Magistrate shall be implemented in true letter and spirit.

All concerned are hereby directed for strict & meticulous compliance of this SOP.

This is issued with the approval of Competent Authority.


(Superintendent of Police)
Police Headquarters,
Andaman & Nicobar Islands.

To

1. All District Superintendents of Police
2. The Superintendent of Police (CID), Port Blair
3. Principal, PTS, Port Blair

4. All SDPOs/Dy.SsP
5. All SHOs and In-Charges Out Posts

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8. R to All Dy.SP's
9. Home Inspector (PHQ)
10. In-charge, Computer Cell PHQ


28/02/25

(Superintendent of Police)
Police Headquarters,
Andaman & Nicobar Islands.