

Section of BNSS

172



**ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH**

CRIME BRANCH CIRCULAR NO. 03/2024

**Sub: Standard Operating Procedure for
Preventive Action of Police**

Chapter-XII of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 deals with Preventive Action of Police. In this regard, special provisions under Sec. 172 has been incorporated in BNSS which provides that all persons shall be bound to conform to the lawful directions of a Police officer given in fulfilment of any of his duty under this Chapter and a Police Officer may detain or remove any person not conforming to his lawful direction.

1. Objectives

The chapter XII of BNSS has been incorporated

- To strengthen the police in maintaining public order
- To prevent breach of peace
- To prevent commission of a cognizable offence
- To prevent damage to public property

2. Relevant Provisions

- Conformance to Lawful Directions: All persons are bound to follow the lawful directions of a police officer given in fulfilment of their duty (Sec. 172 BNSS). A police officer may detain or remove anyone resisting or disregarding such directions and may take them before a Magistrate or release them within 24 hours in petty cases.

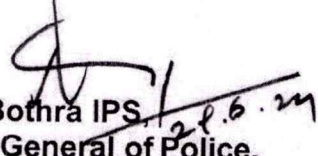
- **Prevent Cognizable Offences:** Every police officer shall interpose and prevent the commission of any cognizable offence to the best of their ability (Sec. 168 BNSS).
- **Information of Design to Commit Cognizable Offences:** Any police officer receiving information about a design to commit a cognizable offence must communicate this information to their superior officer and any other relevant officer (Sec. 169 BNSS).
- **Arrest to Prevent Commission of Cognizable Offences:** A police officer aware of a design to commit a cognizable offence may arrest the person involved without a warrant if it appears that the offence cannot be otherwise prevented (Sec. 170 BNSS).
- **No person arrested under section 172 BNSS,** shall be detained for more than 24 hours if he complies with the lawful direction of the police during the detention.
- **Prevention of Injury to Public Property:** A police officer may prevent any injury to public property (Sec. 171 BNSS).

3. Process

- Maintain a Detention Register separate from the Arrest Register.
- Prepare arrest memos and comply with all statutory formalities.
- Conduct medical examinations for detained persons.
- Release detained persons with a PR bond within 24 hours if they conform to lawful directions.
- Forward detainees to court within 24 hours if they do not conform to lawful directions and commit a non-petty offence.

Note:

This Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of the new criminal laws.

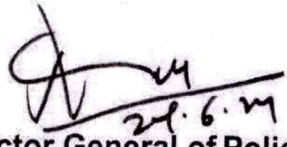

Arun Bothra IPS, 28.6.24
Addl. Director General of Police,
CID Crime Branch, Odisha.

Memo No. 7342 /CID-Law
Copy forwarded to:

Date: 29 .06.2024.

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- Spl. D.G of Police, HRPC, Commissioner of Police, Bhubaneswar- Cuttack, ADGP Railways & Coastal Security
- IGP Training, IGP CAW & CW, IGP EOW, IGP STF
- All Range IsGP / DisGP

for information and necessary action.


Addl. Director General of Police,
CID Crime Branch, Odisha.