

Section of 144 of CRPC

Section 144 of the Code of Criminal Procedure (CRPC) empowers the Executive Magistrate of any state or territory to issue an order that prohibits the gathering of four or more persons in an area. Those who are part of the 'unlawful assembly' can be booked for rioting.

On September 21, 2021, it was announced that Section 144 was imposed in West Tripura ahead of a rally that was to be held by the Trinamool Congress Party. The state government reiterated that there would be no gatherings till the end of Diwali.

This article will further explain Section 144 of CRPC, its details will be useful in the polity segment of the IAS Exam.

Overview of Section 144 of CRPC

Section 144 is imposed in situations where a dangerous event is likely to happen. Although the scope is wide, it is mainly used to prohibit the assembly of one or more persons. In the event there is an unlawful assembly, the ones involved will be booked under rioting.

Section 144 empowers a sub-divisional magistrate, district magistrate or any executive magistrate on behalf of the State Government to issue an order towards the general public or an individual in a particular place.

According to Sections 141-149 of the IPC, the maximum punishment for engaging in rioting is rigorous imprisonment for 3 years and/or fine.

Every member of an unlawful assembly can be held responsible for a crime committed by the group. Anyone stopping an officer from carrying out his/her duty in dispersing an unlawful assembly will be subjected to further punishments.

Officer Raj-Ratna E.F. Deboo IPS is regarded as the principal architect of section 144. It resulted in the reduction of crime in the state of Baroda in 1861. For his efforts, he was rewarded by Maharaja Gaekwad of Baroda.

What is unlawful assembly under Indian law?

Under Indian law 'unlawful assembly' is defined by Section 141 of the Indian Penal Code. As per this section an assembly of more than five persons becomes unlawful under the following circumstances:

- To show criminal force to any Central, State government or Parliament And Legislature of any State. It also extends to public servants when they exercise their lawful power and are prevented in doing so.
- Resisting any execution of law or legal process
- Committing mischief or criminal trespass or other offence
- Through force or y show of force to any person in order to take or obtain any property to deprive any person of his/her supposed right
- By means of criminal force, or show of criminal force, to compel any person to do what he/she is not legally bound to do, or to omit to do what he/she is legally entitled to do.

It should be noted that rioting is defined under Section 146 as the offence every member of an unlawful assembly commits, when that assembly or any of its members uses violence in pursuit of their intent.

What is the difference between Curfew and Section 144?

At times, a curfew is thought to be the same as that of Section 144. Although the two are in sync with each other, there are certain fundamental differences between the two. A curfew takes place in addition to the imposition of section 144 where all important services are shut down except grocery stores, vegetables, hospitals, banks and ATMs.

Further, differences between the two are as follows:

Curfew takes place when the power is with the collector and police commissioner. In addition to section 144, all the important services are shut down except grocery stores, vegetables, hospitals, banks, ATMs and milk shops.

- Section 144 restricts people from public gathering but not gathering in general, while a curfew forces people to stay indoors for a certain period of time
- Schools, offices, markets and colleges remain closed under curfew while essential services remain open. The government also puts restrictions on traffic as well.

Criticism against Section 144

The main criticism against Section 144 is that it is too broad in its scope, and it gives absolute power to government authorities to exercise their powers unjustifiably.

In case of misuse, an aggrieved person can approach the High Court by filing a writ petition, but there is a fear that by the time the High Court passed a judgement, the rights would have been already violated upon.

Frequently Asked Question about Section 144

What is restricted in Section 144?

Section 144 IPC restricts movement, carrying arms, lathis, sharp - edged metallic objects or firearms in public places. The magistrate can direct any person to refrain from a certain act or take a certain order with respect to certain property under his management.

What is the punishment under Section 144?

Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

