



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA

Home (S) Department

NOTIFICATION

G. O. (P) No. 1/2026/Home.

Dated, Thiruvananthapuram,

4th January, 2026

20th Dhanu, 1201

14th Pousha, 1947.

The Government of Kerala is pleased to notify the Standard Operating Procedure (SOP) to be followed while addressing Public Nuisances and urgent situations under Sections 152 – 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The Standard Operating Procedure under Sections 152 – 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023,



is attached herewith.

By order of the Governor,

BISHWANATH SINHA,
Additional Chief Secretary to Government.



STANDARD OPERATING PROCEDURE (SOP) FOR HANDLING PUBLIC NUISANCE AND URGENT CASES OF NUISANCE

[Under Sections 152–163 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023]

1. Introduction

Chapter XI (Sections 152–163) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides procedures for preventing, removing, and regulating public nuisances and for addressing urgent cases of nuisance or apprehended danger.

This SOP is issued to ensure uniform, timely, and effective action by District Magistrates, Sub-Divisional Magistrates, Executive Magistrates, and Police Officers across the State.

2. Definition of Public Nuisance

A Public Nuisance means any act or illegal omission that causes common injury, danger, obstruction, or annoyance to the public or to persons who may have occasion to use any public right.

A Public Place includes property belonging to the State, camping grounds, and grounds unoccupied for sanitary or recreational purposes.

3. Competent Authorities

Under Sections 152–163 of BNSS, the following authorities may act:

District Magistrate (DM)

Sub-Divisional Magistrate (SDM)

Executive Magistrate specially empowered by the State Government

They may exercise power:

On a police report, or based on other information, including citizen complaints.

4. Categories of Public Nuisance under Section 152

The following categories of nuisances may be dealt with under Section 152 BNSS:

- (i) Unlawful obstruction or nuisance in any public place, road, river, channel, or way used by the public.
- (ii) Trades, occupations, or keeping of goods harmful to public health or physical comfort.
- (iii) Construction or disposal of substances likely to cause fire or explosion.



(iv) Buildings, tents, structures, or trees likely to fall and injure persons.

(v) Tanks, wells, excavations, or steep landforms adjacent to public places without adequate safety measures.

(vi) Dangerous animals requiring confinement or disposal.

5. Conditional Order for Removal or Regulation of Nuisance

Upon receiving information or a police report, and after taking such evidence as may be necessary, the Executive Magistrate may issue a conditional order directing the person responsible, within a specified time, to:

- Remove obstruction or nuisance in public places
- Regulate or stop harmful trades
- Modify or secure dangerous buildings, trees, or structures
- Fence or cover hazardous wells, tanks, excavations
- Manage or confine dangerous animals
- Service of Conditional Order

The order shall be served like a summons, including through electronic means. If service is not practicable, the order shall be publicly proclaimed and a copy affixed in a conspicuous place (Section 153(2) BNSS).

6. Objections, Inquiry, and Final Order

6.1 Compliance

If the order is complied with, proceedings are closed.

6.2 Failure to Appear or Comply

If the person fails to appear or comply, the order becomes absolute, and penalty under Section 223 of the Bharatiya Nyaya Sanhita (BNS), 2023 applies.

6.3 Denial of Public Right

If the person appears and denies the existence of a public right, the Magistrate shall:

conduct an inquiry

If reliable evidence exists, then stay proceedings and refer the matter to a competent court.



If no such evidence exists, then proceed under Section 156 BNSS.

6.4 Inquiry when Cause is Shown

If the person shows cause against the order, the Magistrate shall:

- Take evidence
- Conduct inquiry as in a summons case
- Pass a final order under Section 156 BNSS

7. Local Investigation and Expert Assistance (Sections 158–159)

The Executive Magistrate may order local investigation, or summon experts for technical examination (e.g., structural stability, fire hazard, environmental risk). Expenses shall be borne by parties as directed.

8. Execution of Final Orders (Section 160)

Once a conditional order becomes absolute the person shall be given time to comply. If non-compliance continues, the Magistrate may execute the required action through authorised officers. Recovery of expenses shall be through attachment or sale of property.

9. Urgent Cases of Nuisance or Apprehended Danger (Section 163)

In urgent situations requiring immediate action, such as imminent danger to human life, health, or safety, risk of public disorder or disturbance of tranquillity, need for immediate prevention of obstruction or annoyance, the Executive Magistrate may issue a written urgent order directing a person to abstain from certain acts or to manage property differently.

Ex parte order may be issued in emergency situations and the order should be applied to individuals, groups, or the general public.

Duration: Valid for 2 months. State Government may extend the same, for reasons recorded, for up to 6 months.

Review, Alteration, and Rescission: Executive Magistrate may rescind or alter an order passed by self or subordinate. State Government may cancel or modify an order. The aggrieved persons shall be given a hearing.

10. Time Limit for Proceedings

Proceedings must be completed within 90 days. It may be extended to a maximum of 120 days, for reasons recorded.

11. Prohibition of Repetition of Nuisance (Section 162)

The Magistrate may prohibit repetition, continuation and re-occurrence of a public nuisance once action has been taken.



12. Bar of Civil Court Jurisdiction

The orders issued under Section 152 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, cannot be questioned in Civil Courts.

13. Duties of Police (PS-Level Responsibilities)

(i) Reporting:

Police must promptly report all public nuisance cases falling under Sections 270–297 of the BNS, 2023.

(ii) Preventive Action:

SHOs/OICs shall prepare Preventive Action Challans under Sections 169 or 170 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(iii) Service of Orders:

Police must ensure prompt service of all summons, notices, and orders issued by Executive Magistrates.

(iv) Submission of Reports:

Any inquiry or investigation report sought by the Magistrate shall be submitted without delay.

(v) Assistance in Execution:

Police must assist in implementing absolute orders, maintaining public order during enforcement.

(vi) Ensuring Compliance:

SHOs/OICs shall ensure that nuisance-removal orders are enforced in true letter and spirit.

14. General Instructions

All authorities shall maintain proper records of reports, orders, inquiries, and compliance. All cases involving structural, environmental, or fire-related risks must be treated as urgent. All orders must be reasoned, proportionate, and legally sound. Uniform enforcement shall be ensured across all districts.

15. Compliance

All District Magistrates, Sub-Divisional Magistrates, Executive Magistrates, and Police Officers are directed to ensure strict and meticulous compliance with this SOP.

