# IPC Section 158: Being hired to take part in an unlawful assembly or riot; or to go armed.

## IPC Section 158: Being Hired to Take Part in an Unlawful Assembly or Riot; or to Go Armed  
  
Section 158 of the Indian Penal Code deals with the aggravated offence of being hired or engaged for the purpose of participating in an unlawful assembly or a riot, or for going armed in such circumstances. It criminalizes the act of being employed, whether explicitly or implicitly, to contribute to or exacerbate situations of potential or actual public disturbance. This section goes beyond merely participating in an unlawful assembly or riot (covered under Sections 143 and 146 respectively) and targets the insidious practice of hiring individuals to increase the scale and intensity of such unlawful gatherings.  
  
The section reads as follows:  
  
"Whoever is hired, or engages or offers to hire or engage any person to join or become a member of any unlawful assembly, or to go armed, or to assemble for the purpose of being hired, or knowing it to be likely that he will be hired, goes armed, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."  
  
\*\*Breaking down the components of Section 158:\*\*  
  
1. \*\*Hiring or Engaging:\*\* The core element is the act of hiring or engaging someone, which implies a transaction or agreement, whether formal or informal, where one party employs another for a specific purpose. This includes offering to hire or engage, even if the offer isn't accepted. The hiring can be for monetary compensation or any other form of inducement.  
  
2. \*\*Joining an unlawful assembly:\*\* The section penalizes hiring someone specifically to join an unlawful assembly. An "unlawful assembly" is defined under Section 141 of the IPC, requiring a minimum of five persons with a common object that promotes one of the five specifically mentioned unlawful objectives. These objectives involve the use of criminal force, or the show of criminal force, against a public servant or against any person, resisting the execution of any law, or to commit any mischief or criminal trespass, or by means of criminal force or show of criminal force, compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. The person hired doesn't necessarily have to actively participate in the unlawful activities; merely joining the assembly with the shared unlawful common object is sufficient for the offence to be established.  
  
3. \*\*Going Armed:\*\* This component addresses the dangerous practice of hiring individuals to go armed in situations where an unlawful assembly or riot is likely to occur. "Armed" refers to carrying any weapon or instrument capable of causing harm, regardless of whether it's used. This includes firearms, knives, sticks, stones, or any other object that can be employed offensively. This clause recognizes the increased potential for violence and injury when individuals are hired specifically to be armed during such gatherings.  
  
4. \*\*Assembling for the purpose of being hired:\*\* The section also covers situations where individuals gather with the knowledge or intention of being hired for the purposes mentioned above. This addresses the proactive element of individuals making themselves available for such unlawful employment, even before an explicit hiring agreement is established.  
  
5. \*\*Going Armed with knowledge of likely hiring:\*\* The final part criminalizes the act of going armed to a place where an unlawful assembly or riot is likely to occur, knowing that there is a likelihood of being hired for participation. This targets individuals who equip themselves with weapons in anticipation of being recruited for unlawful activities, even in the absence of a prior hiring agreement.  
  
\*\*Essential Ingredients for establishing an offence under Section 158:\*\*  
  
\* \*\*Mens rea (Guilty mind):\*\* The prosecution must prove the intention or knowledge of the accused regarding the unlawful purpose for which the hiring takes place. For instance, the person hiring must be aware that they are hiring individuals to join an unlawful assembly or to go armed in a situation likely to lead to a riot. Similarly, the person being hired must be aware of the unlawful purpose for which they are being employed.  
\* \*\*Actus reus (Guilty act):\*\* The actual act of hiring or being hired, or going armed with the relevant knowledge, constitutes the actus reus. The prosecution must prove the existence of an agreement or understanding between the parties involved.  
  
\*\*Punishment:\*\*  
  
The offence under Section 158 is punishable with imprisonment of either description for a term which may extend to six months, or with fine, or with both. This indicates that the offence is cognizable, meaning that the police can arrest without a warrant. It's also bailable and triable by any Magistrate.  
  
\*\*Difference from other related sections:\*\*  
  
Section 158 differs from Sections 143 (Punishment for unlawful assembly) and 146 (Punishment for rioting) as it specifically targets the act of hiring for participation, rather than mere participation itself. It adds an additional layer of criminality by addressing the organized and pre-meditated nature of such gatherings. Section 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object) deals with the liability of members for offences committed during the unlawful assembly, while Section 158 deals with the prior act of being hired for participation.  
  
\*\*Significance of Section 158:\*\*  
  
This section is crucial in preventing and controlling organized violence and public disorder. By criminalizing the act of hiring for participation in unlawful assemblies or riots, it aims to deter individuals from engaging in such activities and prevent the escalation of potentially violent situations. It acknowledges the gravity of hiring armed individuals to participate in such gatherings and imposes penalties accordingly. The section serves as a deterrent against those who seek to exploit vulnerable individuals for their own unlawful purposes, potentially jeopardizing public safety and peace.  
  
  
In conclusion, Section 158 of the IPC is a crucial legal provision that aims to curb the organized and potentially violent nature of unlawful assemblies and riots by criminalizing the act of hiring individuals for participation or to go armed. It is a significant tool in maintaining public order and preventing situations that could escalate into large-scale disturbances. By targeting the act of hiring, it addresses the root of the problem and discourages the exploitation of individuals for furthering unlawful objectives.