### UNLAWFUL ASSEMBLIES AND MAINTENANCE OF PUBLIC PEACE AND SECURITY

1. **Assembly to disperse on command of Magistrate or police officer:** (1) Any officer incharge of a police station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

(2) [Omitted by A.O., 1949, Sch.]

1. **Use of civil force to disperse:** If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any officer incharge of a police-station, may proceed to disperse such assembly by force and may require the assistance of any male person, not being an officer, soldier, sailor or airman in the Armed Forces of Pakistan and, acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to, disperse such assembly or that they may be punished according to law:

*[provided that for diapering any assembly, firing shall not be resorted to except under the specific directions of an officer of the police not below the rank of an Assistant Superintendent or Deputy Superintendent of Police.]*

Proviso added by the Ordinance. XXXVII of 2001. dt. 13-8-2001.

1. **Use of military force:** If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the (the police officer of the highest rank not below an Assistant Superintendent, or Deputy Superintendent, of Police] who is present may cause it to be dispersed by the armed forces.
2. **Duty of officer commanding troops required by Magistrate to disperse assembly*:*** *[(1) When 2o[a police officer of the highest rank not below an Assistant Superintendent, or Deputy Superintendent, of Police] determines to disperse any such assembly by the armed forces; he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command and to arrest and-confine such persons forming part of it as the Magistrate [or such Police officer] may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law].*

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Sub-sec: (1) substituted by Code of Criminal Procedure (Amendment) Act, XLIX of 1975. Subs. & ins. by Ordinance, XXXVII) of 2001, dt. 13-8-2001.

1. **Power of commissioned military officers to disperse assembly:** When the public security is manifestly endangered by any such assembly, and when [no police officer of the highest rank not below an Assistant Superintendent, or Deputy Superintendent, of Police] can be communicated with, any commissioned officer of the Pakistan Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, white, he is acting under this section, it becomes practicable for him to communicate with *[a Police officer not below the rank of Assistant Superintendent or Deputy Superintendent of Police.]* he shall do so, and shall thenceforward obey the instructions of the *[such Police officer]* as to whether he shall or shall not continue such action.

***[131-A. Power to use military force for public security and maintenance of law and order:*** *(1) If the Provincial Government is satisfied that, for the public security, protection of life and property, public peace and the maintenance of law and order, it is necessary to secure the assistance of the armed forces; the Provincial Government may require, with the prior approval of the Federal Government, or the Federal Government may, on the request of the Provincial Government, direct, any officer of the armed forces or civil armed forces to render such assistance with the help of the forces under his command, and such assistance shall include the exercise of powers specified in Sections 46 to 49, 53,54, 55 (a) and (c). 58, 63 to 67, 100.102,103 and 156:*

*Provided that such powers shall not include the powers of a Magistrate.*

1. *Every such officer shall obey such requisition or direction, as the case may be, and in doing so may use such force as the circumstances may require.*
2. *In rendering assistance relating to exercise of powers specified in sub-section (1), every officer shall, as far as may be, follow the restrictions and conditions laid down in the Code.]*

Section 131-A inserted by Code of Criminal Procedure (Second Amendment) Ordinance, LXI of 1996, Section 3. Subs. & ins. by Ordinance, XXXVII) of 2001, dt. 13-8-2001.

1. **Protection against prosecution for acts done under this Chapter:** No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Provincial Government; and
2. no police officer acting under this Chapter in God faith,
3. no officer acting under Section 131 in good faith,
4. no person doing any act in good faith, in compliance with a requisition under Section 128 or Section 130 *[or Section 131-A];* and
5. no inferior officer, or soldier, *[sailor or airman in the armed forces]* doing any act in obedience to any order which he was bound to obey, shall be deemed to have thereby committed an offence:

Provided that no such prosecution shall be instituted in any Criminal Court against any officer or *[sailor or airman in the armed forces]* except with the sanction of the Federal Government.

Words inserted by Code of Criminal Procedure (Second Amendment) Order, LXt of 1996, Section 5.

*[****l32-A. Definitions:*** *In this Chapter--*

1. *the expression "armed forces" means the military, naval and air forces, operating as land forces and includes any other armed forces of Pakistan so operating;*
2. *"officer", in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer; and*

*"soldier" includes a member of the force constituted under the Act referred to in clause*