

LEGISLATION WATCH CELL

Peaceful Assembly and Public Order Act 2024



Report 2024-03



Funded by the
European Union

Contents

01	Introduction	1
02	Obligations under domestic and international law	3
03	Scope of the law and analysis	5
04	Recommendations	14
Annex	Text of the Act	16

Introduction

Over the last two decades, the Islamabad Capital Territory (ICT) has become an epicentre for all manner of assemblies and protests. While a small number have involved pockets of violent protestors, the majority of assemblies have remained, by and large, peaceful—even in the face of harassment and intimidation by the authorities. In some cases, protests that have intentionally or otherwise become violent have resulted in logistical and political problems for both the government and residents—but these have been the exception rather than the norm.

The Peaceful Assembly and Public Order Act 2024 was passed by the National Assembly on 6 September 2024 after being tabled in the Senate on 2 September, approved by the standing committee concerned on 3 September and passed by the Senate on 5 September. The bill received presidential assent within hours of its passage amid an outcry among the political opposition and fierce criticism from both national and international human rights observers.

The Act aims to regulate the right to freedom of peaceful assembly within the territorial jurisdiction of Islamabad, the capital of Pakistan, which falls under the exclusive jurisdiction of the federal government. Ostensibly, the Act seeks to ‘strike a balance between allowing peaceful assembly and maintaining public safety and order’ (according to its Statement of Objects and Reasons) and thus represents a novel piece of legislation, as it marks the first instance where an Act of Parliament has been promulgated with the sole purpose of regulating the right to peaceful assembly. However, the Act does not qualify as an earnest attempt to balance the right to freedom of peaceful assembly with the need to maintain law and order—especially seeing as it was drafted without any meaningful consultation from civil society and bulldozed through Parliament in astonishing haste.

Prior to the promulgation of the Act, freedom of peaceful assembly within ICT was governed largely through a disparate set of laws,

namely (a) the Pakistan Penal Code (PPC) 1860, which criminalizes 'unlawful' assemblies; (b) the Criminal Procedure Code 1898, which not only gives public officials broad powers to regulate the conduct of assemblies and disperse them by force, but also allows blanket bans on all assemblies on the pretexts of 'emergency'; and (c) the Police Order 2002, which empowers police officials to direct organizers or participants of an assembly to apply for a 'licence'. These laws are supplemented by numerous others, such as the Maintenance of Public Order Ordinance 1960 and the Anti-Terrorism Act 1997, both of which contain provisions that can be used to arbitrarily interfere with other fundamental rights that are necessary to effectively exercise the right to peaceful assembly.

As such, the right to freedom of peaceful assembly within ICT, as is the case with the rest of the country,¹ is already over-legislated and over-regulated. A detailed and specialized law regulating assemblies in ICT should have pioneered a balanced approach in line with international standards. Instead, it has effectively neutralized this right and imposed criminal sanctions for participating in assemblies it characterizes as 'unlawful'. This will no doubt have a chilling effect on fundamental freedoms and their exercise.

¹ For a detailed discussion on the legislative framework governing the right to freedom of peaceful assembly in Pakistan, see: Human Rights Commission of Pakistan. (2022). *Freedom of peaceful assembly in Pakistan: A legislative review*.

Obligations under domestic and international law

Article 16 of the Constitution of Pakistan explicitly guarantees the right to freedom of peaceful assembly, and states that 'every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order'. Thus, legislative and procedural fetters may be imposed on the right to freedom of assembly, provided they are 'reasonable', determined 'by law' and demonstrate a clear nexus to 'public order'. However, any law inconsistent with fundamental rights is ultimately justiciable and may be declared void by the superior courts by virtue of Article 8 of the Constitution.

While there is a noticeable dearth of cases in which superior courts have delineated the precise scope and ambit of Article 16, it has nonetheless held that the right can be 'circumscribed only to the extent that it infringes on the fundamental rights of others, including their right to free movement and to hold and enjoy property.'² Furthermore, in determining whether a restriction or limitation on a fundamental right is 'reasonable', the superior courts have routinely stated that while it cannot establish any 'standard of universal application' for this purpose, it shall consider factors such as 'the nature of the right infringed, duration and extent of restriction, the causes and circumstances prompting the restriction, and the manner as well as the purpose' for which it is imposed.³ This implies that any restriction imposed on a fundamental right will only satisfy the test of reasonability if it amounts to the least restrictive measure possible and is proportionate to the harm it intends to cure.

Pakistan has also endorsed the Universal Declaration of Human Rights and ratified the International Covenant on Civil and Political

² *Suo Motu Case No. 7 of 2017 (PLD 2019 Supreme Court 318)*, para 53.

³ *PLD 2016 Supreme Court 692*, para 17.

Rights (ICCPR). As such, it is under a consistent and continuing duty to ensure that the right to freedom of peaceful assembly enumerated within these international documents in Articles 20 and 21, respectively, are protected, respected and fulfilled by its state apparatus.

Scope of the law and analysis

Definition of assemblies

The Act defines an assembly in Section 2(a) as any gathering of 'more than fifteen persons' in or on any 'public road or any other public place or premises wholly or partly open to the air'. This is an unnecessarily restrictive definition, since it creates an arbitrary numerical threshold for what qualifies as an assembly. This may potentially exclude smaller gatherings from the ambit of the Act, leaving the legality of their status in ambiguous territory. This is likely to have a negative impact on the freedom of peaceful assembly, as smaller gatherings can be equally significant for public expression and are therefore equally necessary to protect and regulate.

The Human Rights Committee (HRC), which monitors the implementation of the ICCPR, highlights that 'while the notion of an assembly implies that there will be more than one participant in the gathering, a single protester enjoys comparable protections'.⁴ Similarly, the Organization for Security and Cooperation in Europe (OSCE) also recommends that where the physical presence of an individual is 'an integral part' of their 'right to freedom of expression', they should be 'afforded the same protection as those who gather together as part of an assembly'.⁵

Another issue is that the definition only encompasses peaceful assembly in public spaces or open-air spaces. This too creates needless ambiguity, as it does not address whether assemblies conducted in private spaces will fall under the purview of the Act. The HRC states that 'gatherings in private spaces fall within the

⁴ Human Rights Committee. (2020). *General comment no. 37 [2020] on the right of peaceful assembly* (CCPR/C/GC/37), para 13.

⁵ OSCE/ODHIR. (2010). *Guidelines on freedom of peaceful assembly* (3rd ed.), para 15.

scope of the right of peaceful assembly'.⁶ As such, not only should the term 'assembly' not be subjected to any numerical criteria, it should also explicitly define and clarify its relationship to private spaces.

Designation of spaces and Red Zones

The Act empowers the federal government to notify a 'designated area' where the right to freedom of peaceful assembly may then be lawfully exercised. Thus, any area that is not so designated is automatically rendered as a space where assemblies are banned per se, and where exercising the right will open up participants to potential criminal liability.

Section 2(f) defines the term 'designated area' in a very peculiar manner as any 'place within the limits of Moza Sangjani Islamabad or any other area specified' as such through a gazetted notification. The earmarking of Moza Sangjani—a specific area of Islamabad that is situated many kilometres from the city centre, and that too without any intelligible differentia or purpose—qualifies as an unreasonable restriction. Moreover, it imposes a severe burden on the people of a particular locality, who must then bear the sole responsibility of becoming the epicentre of every assembly that takes place within the city.

A comparable power is found in Section 4(8) of the Act, which allows the government to 'designate a specific area of the ICT as a Red Zone or High Security Zone', thereby prohibiting all types of assemblies in that area. Taken together, such powers amount to an extreme curtailment of peaceful assembly, as they may be used to effectively push assemblies out of the 'sight and sound' of their intended audience and thereby completely neutralize their effect.

The HRC states that 'peaceful assemblies should not be relegated to remote areas where they cannot effectively capture attention of those who are being addressed, or the general public'.⁷ In addition, it highlights that 'as a general rule, there can be no blanket ban on all assemblies in the capital city, in all public places except one

⁶ Human Rights Committee. (2020). General comment no. 37 [2020] on the right of peaceful assembly (CCPR/C/GC/37), para 57.

⁷ Ibid., para 55.

specific location within a city or outside the city centre, or on all the streets in a city⁸ and that 'the designation of the perimeters of places such as courts, parliaments, sites of historical significance or other official buildings as areas where assemblies may not take place should generally be avoided, inter alia, because they are public spaces'.⁹

Prior permission system

The Act establishes a system whereby any assembly requires prior express permission from the government in order to legally take place. Section 3 imposes a duty on the organizers of any assembly to 'apply in writing' for permission to the 'District Magistrate', which, contrary to its apparent meaning, is not to be a judicial officer, but has instead been defined in Section 2(e) as the 'Deputy Commissioner of ICT' (an executive officer directly under the federal government).

Application process

Under Section 3, the application must furnish numerous details, including but not limited to (a) the personal information of the event coordinator, (b) the purpose, time, duration and date of the assembly, (c) the 'designated place' where the assembly is to be held, (d) the number of participants expected; and (e) in cases where the assembly is a procession, the manner in which such a procession shall take place, its exact route, intended method of assemblage and dispersal, and the number of vehicles expected, among other details.

Any such application must be filed 'no later than' seven days of the 'intended date of the assembly', failing which, the district magistrate may dismiss the application on account of the delay. In addition, the second proviso to Section 3(1) mandates that no application shall be entertained if it is filed less than 48 hours of its commencement.

Taken conjunctively, these requirements effectively impose a complete bar on the possibility of any spontaneous assembly being organized under the ambit of the law. Such a bar flatly contradicts

⁸ Ibid.

⁹ Ibid., para 56.

international standards, which repeatedly assert that ‘spontaneous assemblies, which are typically direct responses to current events, whether coordinated or not’ are entitled to the same protection as any pre-organized or planned assembly.¹⁰

Acceptance, refusal or recall of permission

The district magistrate may accept the application or refuse it, in which case it is mandated to do so through a reasoned written order. In coming to a decision, the district magistrate is required to examine the ‘prevailing law and order situation’ and ‘obtain security clearance reports’ from law enforcement agencies. The ambiguous framing of this condition is deeply concerning, as terms such as ‘law and order’ are often used to justify arbitrary curtailment of fundamental rights. Similarly, subjecting permission for an assembly to ‘security clearance’ from law enforcement agencies (which, in turn, remain undefined and may thus include a plethora of bodies) is equally problematic.

Where an application is accepted, the Act still mandates that the district magistrate ‘shall not permit any assembly in any other area other than the defined designated area’ [Section 4(3)]. This effectively nullifies the ability of an assembly to take place within sight and sound of its intended audience. Moreover, the authority may even obtain surety bonds from the event coordinator regarding the ‘peace and security’ of the assembly [Section 4(4)]. This is an exceptionally harsh and discriminatory provision, which is likely to disproportionately affect economically disadvantaged groups, further entrenching inequality in the exercise of the right of peaceful assembly.

Under Section 4(7), the district magistrate may ‘recall or amend’ any order passed, either on their own motion or at the behest of a concerned person, or by law enforcement agencies indicating ‘substantial risk of violence, public disorder or breach of any of the terms and conditions’ imposed on the assembly. The ability to withdraw permission after it had been granted—that too, based on vague criteria such as ‘risk of violence’ and ‘public disorder’—is

¹⁰ Ibid., paras 97 and 98.

likely to negatively impact peaceful assemblies, especially given the history of arbitrary interferences with assemblies on such pretexts.

Overall assessment of the permission system

The establishment of prior permission qualifies as a serious infringement on the right to freedom of peaceful assembly, as it 'undercuts the idea that peaceful assembly as a basic right' and effectively bans assemblies unless they receive permission to proceed.¹¹ International standards propose replacing prior permission systems with notification regimes, and even then, state that 'failure to notify' does not 'render the act of participation' unlawful and 'must not in itself be used as a basis' for dispersal, arrests or imposing undue sanctions.¹² The system established under Sections 3 and 4, therefore, contravenes international standards and ultimately renders the right to peaceful assembly illusory.

Appeal system

The Act creates a multi-level appeal process under Section 6(1), which allows any person aggrieved by an order passed by the district magistrate to file a written appeal before the ICT chief commissioner. This must be done within 15 days. After hearing the appeal, the concerned body may (a) reject the appeal, (b) allow the appeal in whole or in part, or (c) set aside the original order and pass a fresh one. An order passed by the chief commissioner is itself subject to challenge before the interior secretary (in the form of a revision), who has similar powers to reject or allow the revision or pass a new order to displace the one under revision [Sections 6(3) and (4)].

While an appeal system is undoubtedly necessary, it is noteworthy that the system under the Act essentially qualifies as a departmental or internal appeal. An order passed by the district magistrate (deputy commissioner) may be challenged before their direct superior (chief commissioner), whose order, in turn, can be made assailable before another high-ranking bureaucrat (interior

¹¹ Ibid., paras 91–96.

¹² Ibid.

secretary). This forces the organizers of an assembly to pass through a three-tiered bureaucratic system for the simple act of arranging a peaceful assembly.

Moreover, the fact that different avenues of appeal and revision are available under the Act may render it impracticable or impossible for organizers to seek remedies of judicial review, as any such challenge may be deemed to be barred unless all adequate and efficacious remedies have been exhausted beforehand.¹³ Any appeal process, in order to be effective and fair, must be routed to an independent court or tribunal¹⁴ so as to create a system of checks and balances that ensures that the right to peaceful assembly is not stifled.

Powers to impose blanket bans on assemblies

Section 5(1) of the Act empowers the district magistrate to impose blanket bans on any and all assemblies within ICT on any one of the following pretexts: (a) risk of national security or public safety; (b) substantial risk of violence or disorder; (c) disruption of daily activities such as movement and freedom of business and trade; and (d) exercise of prior assemblies and consequent additional security risk. Under the Act, all the district magistrate is required to do is pass a written order to this effect, in which case the ban shall be immediately effective and may be kept in force for an indefinite period [Sections 5(2) and (3)].

In effect, Section 5 allows the government to practically 'suspend' the right to peaceful assembly, be it on vague and ill-defined terms like 'national security', 'public safety' and 'disorder' or on pretexts such as 'disruption to daily activities' and 'exercise of prior assemblies' (the latter two, in any case, do not constitute reasonable grounds to curtail assemblies, since all assemblies are calculated to disrupt daily life to some extent or another, and because simultaneous assemblies and even counter-demonstrations should be accorded due protection).

¹³ See Article 199 of the Constitution of Pakistan, which allows judicial review of public actions where there is no adequate alternative remedy.

¹⁴ OSCE/ODHIR. (2010). *Guidelines on freedom of peaceful assembly* (3rd ed.), para 110.

As earlier noted, outright bans are in complete contradiction to international standards and potentially even on the touchstone of Article 16 of the Constitution. The HRC states that ‘blanket prohibitions ... are presumptively disproportionate’.¹⁵ Similarly, the OSCE Guidelines note that ‘banning all demonstrations during certain times or in any public place that is suitable for holding assemblies—tend to be overly inclusive and will thus fail the proportionality test’.¹⁶

Furthermore, the powers under Section 5 of the Act are analogous to Section 144 of the Criminal Procedure Code 1898, which already empowers government authorities to impose blanket bans on the pretexts of ‘emergency’ and has been systematically abused in order to stifle assemblies and control protests.¹⁷ Providing an additional such power under the Act therefore constitutes a grave encroachment on Article 16 and will only add to over-regulation and unnecessary ambiguity.

Dispersal of assemblies and arrest of participants

Section 7(1) provides that a district magistrate may order an officer-in-charge of a police station to command an assembly to disperse if it is perceived to ‘disturb the public peace’. Failure to disperse as commanded or conducting the assembly in a manner that may indicate a ‘determination not to disperse at the scheduled time’ will automatically render the assembly unlawful, in which case its participants may be arrested and detained.

While allowing public officials to command dispersal in the interests of public order and safety is a legitimate aim, the lack of any clear criteria—such as an imminent or demonstrable threat of serious violence—leaves considerable potential for misuse of this power, especially with regard to assemblies that challenge state interests. The HRC recommends that such dispersal may only be allowed

¹⁵ Human Rights Committee. (2020). *General comment no. 37 [2020] on the right of peaceful assembly* (CCPR/C/GC/37), para 38.

¹⁶ OSCE/ODHIR. (2010). *Guidelines on freedom of peaceful assembly* (3rd ed.), para 38.

¹⁷ Human Rights Commission of Pakistan. (2022). *Freedom of peaceful assembly in Pakistan: A legislative review*.

where the targeted arrests of offenders is not possible, or where there is serious or sustained disruption.¹⁸

Moreover, dispersals based merely on subjective assessments of 'disturbance' may lead to excessive use of force. The UN Basic Principles on the Use of Force and Firearms stipulate that dispersals should only occur where there is an imminent threat and where all other means of de-escalation have been exhausted first.¹⁹ The dispersal method provided under Section 7 lacks any thresholds and also fails to establish clear protocols for prior warning, all of which are essential to uphold the right to freedom of peaceful assembly from arbitrary executive actions.

Offences and punishment

Section 8(1) of the Act criminalises participating in an 'unlawful assembly'—a term that is not defined by the Act per se, but which may be taken to mean any assembly that is convened without permission or in any non-designated space or which has been commanded to disperse under the Act. It states that anyone who takes part in an unlawful assembly shall be punished with imprisonment for three years or with a fine or both. Similarly, Section 8(2) goes on to create an even harsher penalty for repeat offenders, so that any person who has already been convicted under Section 8(1) can be punished with up to 10 years' imprisonment for every subsequent offence.

This is an exceptionally alarming provision, especially given its harsh punitive consequences. The concept of an 'unlawful assembly' is already found within the PPC, which imposes serious penalties for a range of offences associated thereto (Table 1).

As such, the PPC already imposes heavy criminal penalties for participation in an unlawful assembly, even ones that impose 'collective punishment' on all members. Through the Act in question, these broad and arbitrary offences only stand reinforced,

¹⁸ Human Rights Committee. (2020). *General comment no. 37 [2020] on the right of peaceful assembly* (CCPR/C/GC/37).

¹⁹ United Nations Congress on the Prevention of Crime and the Treatment of Offenders. (1990). *Basic principles on the use of force and firearms by law enforcement officials*, principles 12–13.

that too with the addition of extreme and disproportionate penalties for repeat offenders. No distinction is made between people who are merely physically present at an assembly as opposed to people who may be actively engaged in acts of violence. The OSCE specifically highlights that ‘individual participants who do not themselves commit any violent act cannot be prosecuted solely on the ground of participating in a non-peaceful gathering’.²⁰

Table 1: Penalties for ‘unlawful’ assemblies under PPC

<i>Provision of PPC</i>	<i>Description of offence</i>	<i>Penalty</i>
Section 143	Participating in an unlawful assembly	6 months’ imprisonment or fine or both
Section 14	Participating in an unlawful assembly after it has been commanded to disperse	2 years’ imprisonment or fine or both
Section 146	Participating in an unlawful assembly where force is used by any member of that assembly	2 years’ imprisonment or fine or both

Rule-making powers

Section 10 allows the government to make rules under the Act. While this is both necessary and legitimate, rule-making powers should ideally structure the discretion they seek to endow on government authorities and spell out the exact scope of the subject areas in which such delegated legislation may be exercised. Otherwise, there is a serious risk that this rule-making power may be used to further curtail and restrict the right to freedom of peacefully assembly without adequate public consultation and oversight.

²⁰ OSCE/ODHIR. (2010). *Guidelines on freedom of peaceful assembly* (3rd ed.), para 88.

Recommendations

As it stands, the Peaceful Assembly and Public Order Act 2024 comes across as a draconian law that stifles the right to freedom of peaceful assembly in Pakistan. It contains several provisions that significantly undermine the right as protected under international law and internationally accepted guidelines. To align its contents with international standards and best practices, substantial amendments are necessary to ensure that the Act facilitates, rather than hinders, the exercise of fundamental rights.

As such, this review recommends that:


- The definition of ‘assembly’ under Section 2 must be amended so as not to impose any numerical threshold for a gathering to count as an ‘assembly’. Moreover, the scope of assemblies being organized in private spaces should be clearly delineated so as to clarify whether they are subject to regulation under the Act.
- The ability of the government to specify ‘designated spaces’ where assemblies may be legitimately organized must be revoked. Assemblies should be permitted within sight and sound of the intended audience of the organizers, subject to reasonable restrictions placed upon time, duration and any relevant health and safety laws.
- The prior permission system (or authorization regime) established under Sections 3 and 4 should be replaced by a simple notification regime whereby organizers should be required to notify the government in advance of their assembly so that it may be properly facilitated, monitored and policed. Moreover, the law should carve out a special exception for spontaneous assemblies where notification requirements may be dispensed in cases if they are impracticable.
- The power to create or earmark ‘Red Zones’ where assemblies are prohibited per se should be revoked. People should have the ability to assemble in or around public buildings, landmarks and other such spaces of symbolic importance.

- Any appeal process must be directed towards an impartial tribunal or court of law. Under no circumstances should any appellate remedy against a bureaucratic order be routed through multiple departmental stages.
- The power of the district magistrate (deputy commissioner) to impose outright or blanket prohibitions on any and all assemblies must be repealed.
- The ability to command dispersal of an ongoing assembly must be subjected to clear and stringent criteria that involves a 'demonstrable and imminent threat of serious violence', which too should only be invoked in circumstances where individual arrests of lawbreaking participants is made impossible and all other methods of de-escalation have failed. Moreover, any law allowing for dispersal must incorporate directions regarding the manner in which such a dispersal is to be executed and establish protocols regarding minimum use of force.
- The extraordinarily harsh penalties imposed under Section 8 should be repealed outright as they criminalize participation per se, even where a participant may be completely innocent of any actual wrongdoing. Archaic concepts such as 'unlawful assemblies' should be abandoned, and participants should only be held liable for any actual crimes they might have committed.
- Rule-making powers under Section 10 should clearly define the subject areas regarding which rules may be enacted so as to ensure that they cannot be used to impose additional restrictions.

Annex

REGISTERED No. M - 302
L. - 7646

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, SEPTEMBER 6, 2024

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 6th September, 2024

No. F. 23(59)/2024-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 6th September, 2024, is hereby published for general information:—

ACT NO. XIX OF 2024

AN

ACT

to regulate the holding of public assemblies at certain places in Islamabad Capital Territory and to provide for matters ancillary thereto

WHEREAS the Constitution of Pakistan guarantees every citizen the fundamental right to assemble peacefully and without arms, and freedom of speech and expression subject to reasonable restrictions imposed in the interest of public order.

(467)

Price : Rs. 10.00

[8511(2024)/Ex. Gaz.]

AND WHEREAS to maintain and preserve public peace and public order it is necessary to regulate holding of peaceful assembly in order to protect the fundamental rights of other citizens and to preserve public and private property and to ensure daily lives of the citizens are not hindered and public functionaries are able to perform their duties smoothly.

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Peaceful Assembly and Public Order Act, 2024.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “**Assembly**” means any public, religious or political gathering, rally, sit in or concourse of more than fifteen persons in or on any public road or any other public place or premises wholly or partly open to the air;
- (b) “**Authorized member**” means any officer not below the rank of grade 17 of Islamabad District Administration or ICT Police;
- (c) “**Chief Commissioner**” means Chief Commissioner of ICT;
- (d) “**Code**” means the Code of Criminal Procedure, 1898;
- (e) “**District Magistrate**” means the Deputy Commissioner of ICT;
- (f) “**Designated area**” means place within limits of Moza Sangjani Islamabad or any other area specified by the Government, by a Notification in Official Gazette;
- (g) “**Event Coordinator**” means any person who, of his own accord, convenes an assembly, or is the head of rallies, or in relation to any organization or branch of an organization, any person appointed by such organization or branch to oversee or coordinate events;
- (h) “**Government**” means the Federal Government;
- (i) “**Organization**” means any association, unions, group or body of persons, whether or not such association, unions, group or body has

been incorporated, established or registered in accordance with any law;

- (j) "Prescribed" means prescribed by rules made under this Act;
- (k) "Regulation" means regulations made under this Act; and
- (l) "Rules" means rules made under this Act.

3. **Application of the Assembly.**—(1) The Event Coordinator of the assembly shall apply in writing under his signature to the District Magistrate not later than seven days of the intended date of the assembly:

Provided that if the application is not filed earlier than seven days of the intended date of the assembly, the District Magistrate may decline the permission if Event Coordinator fails to provide justifiable and reasonable grounds for late filing of the application:

Provided further that no application for holding of assembly shall be entertained if file less than forty-eight hours of the commencement of the assembly.

(2) The application referred to in sub-section (1) shall provide the following information:—

- (a) The name, address, copy of CNIC, programme details, telephone and facsimile numbers, if any, of the Event Coordinator;
- (b) The name of the organization on whose behalf the assembly is maintained or, if it is not so maintained a statement that it is maintained by the party head;
- (c) The purpose of the assembly;
- (d) The time, duration and date of the assembly;
- (e) One of the designated places where the assembly is to be held;
- (f) The anticipated number of participants; and
- (g) In case of the assembly in the form of a procession—
 - (i) The exact and complete route of the procession;

470 THE GAZETTE OF PAKISTAN, EXTRA., SEPTEMBER 6, 2024 [PART I

- (ii) The time and the place at which participants in the procession are to be assembled, and the time when and the place from which the procession is to be commenced;
- (iii) The time when and the place where the procession is to end and the participants are to disperse;
- (iv) The manner in which the participants will be transported to the place of assembly and from the point of dispersal; and
- (v) The number and types of vehicles, if any, which are to form part of the procession.

4. Permission for Assembly.—(1) Upon receipt of Application, the District Magistrate, before granting permission shall examine the prevailing law and order situation and obtain security clearance reports from law enforcement agencies.

(2) On examining the law and order situation and upon receipt/obtaining of required reports, the District Magistrate, shall grant permission accordingly.

(3) The District Magistrate shall not permit any assembly in any other area other than the defined designated area.

(4) The assembly shall proceed and take place at the specified locality or route, in the manner and during the date, time and defined designated area mentioned in the order and the District Magistrate may obtain any surety bond in this regard from the event coordinator regarding peace and security of the assembly.

(5) The District Magistrate may refuse the issuance of the permission with reasons to be recorded in writing.

(6) No assembly shall take place without prior permission of the District Magistrate.

(7) The District Magistrate may, by order in writing, recall or amend any order passed by him on his own motion or his notice by any aggrieved person or by law enforcement agencies indicating risk to national security, substantial risk of violence, public disorder or breach of any terms and conditions mentioned in order of the District Magistrate.

(8) The Government may, by notification in the official Gazette, designate a specific area of the ICT as a Red Zone or High Security Zone, thereby prohibiting all types of assemblies in that area.

5. Power to Impose Ban on Assemblies.—(1) The District Magistrate shall have the authority to impose a ban on any assembly within the ICT if,—

- (a) the assembly poses a risk to national security or public safety;
- (b) there are credible reports from law enforcement agencies indicating a substantial risk of violence or public disorder;
- (c) the assembly disrupt the daily activities of the community, impede the movement of people and goods, or infringe upon Article 18, which ensures the freedom of business and profession; or
- (d) another procession or assembly is already ongoing within the ICT, and the additional assembly would increase disruptions or pose additional security risks.

(2) The order for a ban shall be issued in writing, stating the specific reasons for the ban, and shall be communicated to all relevant authorities.

(3) The ban shall remain in force for the duration specified by the District Magistrate, which may be extended if the conditions necessitating the ban persist.

(4) Any person or organization affected by the ban may file a revision before the Chief Commissioner within fifteen days of the issuance of the order.

6. Appeal and Revision.—(1) The Event Coordinator or any person concerned aggrieved by an order passed by the District Magistrate, may prefer an appeal in writing before the Chief Commissioner within fifteen days.

(2) The Chief Commissioner after hearing the appeal and obtaining reports from the District Magistrate and the law enforcement agencies may,—

- (a) reject the appeal and confirm the decision of the District Magistrate;
- (b) allow the appeal in whole or in part or vary the decision of the District Magistrate;

- (c) set aside the order of the District Magistrate and pass a fresh order:

Provided that such order shall be passed not later than fifteen days from the date of filling of Appeal or within such extended period as the Chief Commissioner, for reasons to be recorded in writing, fix provided that such extended period shall not in any case exceed fifteen days failing which the Appeal would be deemed to be granted.

- (3) The Event Coordinator or any person concerned aggrieved by an order passed by the Chief Commissioner, may prefer a Revision in writing before the Secretary Ministry of Interior within fifteen days of the order.

(4) The Secretary Ministry of Interior after hearing the revision petition and obtaining reports from the Chief Commissioner and the law enforcement agencies may,—

- (a) reject the revision and confirm the decision of the Chief Commissioner;
- (b) allow the revision in whole or in part or vary the decision of the Chief Commissioner;
- (c) set aside the order of the Chief Commissioner and pass a fresh order.

Provided that such order shall be passed not later than fifteen days from the date of filling of Revision or within such extended period as the Secretary Ministry of Interior, for reasons to be recorded in writing, fix:

Provided further that such extended period shall not in any case exceed fifteen days failing which the Revision would be deemed to be granted.

7. Assembly to disperse on command of the District Magistrate or an Authorized member.—(1) An officer-in-charge of a police station, on the instruction of the District Magistrate, may command any assembly likely to disturb the public peace to disperse. It shall then be the duty of the members of such an assembly to comply and disperse accordingly.

(2) 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 at the scheduled time, any officer-in-charge of a police station may proceed to disperse such unlawful

assembly by force and, if necessary, arrest and detain the members of such unlawful assembly.

8. Punishment.—(1) Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(2) Whoever, having been convicted by a court in Pakistan of an offence punishable under this Act with imprisonment for a term of three years or more, shall, for every subsequent offence, be subject to imprisonment for a term that may extend to ten years.

9. Jurisdiction to try offences.—The first class magistrate shall have the jurisdiction to try an offence cognizable under this Act.

10. Rules.—The government may, by Notification in the official Gazette, make rules for carrying out the purposes of this Act.

TAHIR HUSSAIN,
Secretary General.