

[AS PASSED THE SENATE]

A

BILL

*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.

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;

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- (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;
 - (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.

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(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;

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- (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.

STATEMENT OF OBJECTS AND REASONS

The right to assemble peacefully is a fundamental right, but it is subject to reasonable restrictions in the interest of public order, morality, and the security of the state. These restrictions are necessary to ensure that the exercise of this right does not infringe upon the rights of others or threaten the stability of society. It is important to strike a balance between allowing peaceful assembly and maintaining public safety and order.

2. In many legal systems, including those in democratic countries, the right to assemble is considered a fundamental human right. However, this right is often regulated to ensure that it does not infringe on the rights of others or disturb public order. The regulation of assemblies is necessary to balance the right to protest with the rights of other citizens to go about their daily lives without undue disruption. This might involve requiring permits, setting time and place restrictions, or limiting the size of gatherings. Such regulations are often enshrined in legal frameworks, ensuring that assemblies can be conducted peacefully while minimizing the risk of conflict or disturbance.
3. The proposed Bill is designed to protect the fundamental rights of all citizens, not just those who are assembling. This includes the rights to safety, security, and free movement. Furthermore, this balance is crucial for ensuring that peaceful assemblies can occur without compromising public safety or infringing on the rights of others.
4. The Bill is designed to achieve the above said objects.

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