



**THE GAZETTE OF AZAD JAMMU & KASHMIR
EXTRA ORDINARY GAZETTE
PUBLISHED BY AUTHORITY**

VOL.LXX	Muzaffarabad	Dated 30 October, 2024	No. 199
---------	--------------	------------------------	---------

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

‘MUZAFFARABAD’
Dated: 30.10.2024

No. LD/Legis./Ord./208-22/2024. The following Ordinance made by the President on the 29th day of October, 2024, is hereby published for general information.

[Ordinance IX of 2024]

An

Ordinance

to regulate the holding of public assemblies at certain places and to provide for the matter ancillary thereto

WHEREAS, the Azad Jammu and Kashmir Interim Constitution, 1974 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.

And Whereas, the Azad Jammu and Kashmir Legislative Assembly is not in session and the President Azad Jammu and Kashmir is satisfied that circumstances exist which render it necessary to take immediate action;

Now, Therefore, in exercise of the powers conferred by sub-Article (1) of Article 41 of the Azad Jammu and Kashmir Interim Constitution, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. Short title, Extent and Commencement.- (1) This Ordinance may be called the Peaceful Assembly and Public Order Ordinance, 2024.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.- In this Ordinance, unless there is anything repugnant in the subject or context;

(i) **“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;

(ii) **“Authorized member”** means any officer not below the rank of grade 17 of Azad Jammu and Kashmir District Administration or Police;

(iii) **“Commissioner”** means Commissioner of any Division;

(iv) **“Code”** means the Code of Criminal Procedure, 1898;

(v) **“District Magistrate”** means the Deputy Commissioner of any District;

(vi) **“Designated area”** means any place or area specified by the Government, by a Notification in Official Gazette;

- (vii) **“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;
- (viii) **“Government”** means the Azad Government of State of Jammu and Kashmir;
- (ix) **“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;
- (x) **“Rules”** means rules made under this Ordinance.

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:

Provided further that no application for holding of Assembly shall be entertained if it has been filed by non-political organization for political purposes.

(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 or charter of the demand 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.

(2) On examining the law and order situation and upon receipt/ obtaining of required reports, the

District Magistrate, shall grant permission accordingly in Designated area.

(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 public 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 Azad Jammu and Kashmir as a sensitive/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 District 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 paragraph 8 of sub-Article (4) of Article 4 of the Azad Jammu and Kashmir Interim Constitution, 1974, which ensures the freedom of trade, business and profession; or
- d) another procession or assembly is already ongoing within the District, 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 and persons concerned.

(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 Commissioner of the Division 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 Commissioner within fifteen days.

(2) The 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 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 shall be deemed to be granted.

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

(4) The Home Secretary after hearing the revision petition and obtaining reports from the Commissioner and the law enforcement agencies may,-

- a) reject the revision and confirm the decision of the Commissioner;
- b) allow the revision in whole or in part or vary the decision of the Commissioner;
- c) set aside the order of the 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 Home Secretary, 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 or a sub-Inspector of police, 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 under this Ordinance, 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 competent court of an offence punishable under this Ordinance 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.**- (1) The first class magistrate shall have the jurisdiction to try an offence cognizable under this Ordinance.

(2) All offences under this Ordinance shall be cognizable.

- 10. Rules.**- The Government may, by Notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**-sd-
President
Azad Jammu and Kashmir**

**-sd-
(Muhammad Shujahat Shabbir)
Section Officer (Legislation)**

No. 19801-19900 /P&S/2024

Dated: 30.10.2024

Printed and Published by Controller Printing Press,
Azad Government of the State of Jammu & Kashmir,
Muzaffarabad.