

CHAPTER IX

UNLAWFUL ASSEMBLIES

Assembly to disperse on command of Magistrate or police-officer

127.(1) Any Magistrate or officer in charge 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 the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

Use of civil force to disperse

128. 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 magistrate or officer in charge 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 Bangladesh ¹[***] 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.

Use of military force

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present ²[or the Police Commissioner in ³[a Metropolitan Area]] may cause it to be dispersed by military force.

¹ The words, letter commas and figure "or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "or the Police Commissioner in the Dacca Metropolitan Area" were inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976).

³ The letter and words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978).

130.(1) When a Magistrate ¹[or the Police Commissioner] determines to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Bangladesh Army ²[* * *] to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate ³[or the Police Commissioner] 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.

Duty of officer commanding troops required by Magistrate to disperse assembly

(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.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of the Bangladesh 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, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Power of commissioned military officers to disperse assembly

132. 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 Government; and—

Protection against prosecution for acts done under this Chapter

(a) no Magistrate or police-officer acting under this Chapter in good faith,

¹ The words "or the Police Commissioner" were inserted by the Schedule of the Dhaka Metropolitan Police (Amendment) Ordinance, 1976" (Ordinance No. LXIX of 1976).

² The words, commas and figure "or of any Volunteers enrolled under the Indian Volunteers Act, 1869," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "or the Police Commissioner" were inserted by the Schedule of the Dhaka Metropolitan Police (Amendment) Ordinance, 1976" (Ordinance No. LXIX of 1976).

- (b) no officer acting under section 131 in good faith,
- (c) no person doing any act in good faith, in compliance with a requisition under section 128 or section 130, and
- (d) no inferior officer, or soldier, or volunteer, 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 soldier in the Bangladesh Army except with the sanction of the Government.

CHAPTER X

PUBLIC NUISANCES

Application ¹[132A. The provisions of this Chapter shall not apply to ²[a Metropolitan Area.]]

Conditional order for removal of nuisance **133.**(1) Whenever a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

¹ Section 132A was inserted by the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976).

² The letter and words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by the Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978).