

# **PENAL CODE**

## **(Chapter 2)**



## CHAPTER 2

### Public Tranquility and Public Order

Unlawful Assembly 46. An assembly of three or more persons is designated an “unlawful assembly” if the object of the persons composing that assembly is any of the following:

- 1- To overawe by criminal force or by showing that such criminal force is likely cause any form of inconvenience or threat to the Government, to the People’s Majlis or any public servant in the exercise of his lawful power or to the due discharge of his duties.
- 2- To obstruct, or resist the execution of any Law or legal process.
- 3- To cause any person or his property any form of damage, loss, mischief or hatred or commit assault, or criminal trespass or any similar offence against him.

In this subsection “person” shall mean life, body, and senses.

- 4- By means of criminal force or by showing that such criminal force is likely deprive one’s ownership in respect of a property, or obtain possession of any of his property, or deprive wholly or partly any person from the enjoyment of his civil rights or any similar rights enjoyed by him as a person.



- 5- By means of criminal force or by showing that such criminal force is likely compel any person to do what he is not legally bound to do or to prevent him from doing what he is legally entitled to do.
- 6- To create and practice fall-ins, learn how to use weapons or conduct any special training that is relevant only to persons engaged in national security without the permission of the Government.

Note: An assembly which was not unlawful when assembled may subsequently become an unlawful assembly.

Parties to an Unlawful Assembly

47. Where persons assemble with the intention to commit an offence or in a manner likely to commit an offence, and where a person has joined that assembly or participated in the commission of an offence and continues to participate in that assembly while the offence is carried on, and where that assembly remains an “unlawful assembly” such person shall be deemed to be a member of that unlawful assembly.

Penalty of a Party to an Unlawful Assembly

48. A person taking part in an unlawful assembly shall be punished with exile for a period not exceeding 1 year or imprisonment for a period not exceeding 6 months or house detention for a period not exceeding 1 year or a fine not in excess of Mrf. 100/- or both fine and house detention.

Participating in an Unlawful Assembly armed with a Deadly Weapon

49. Whoever takes part in an unlawful assembly, being armed with any deadly weapon or with anything which when used as a weapon is likely to cause death, shall be punished with imprisonment for a period between 6 months and 3 years or exile for a period between 1 year and 6 years or house



detention between 8 months and 18 months.

- Use of Force in an Unlawful Assembly 50. Where persons taking part in an unlawful assembly or a section of that assembly or a person of that assembly uses force or violence (in prosecution of the object of the assembly which made it unlawful), such person or persons shall be guilty of the offence of rioting and shall be subjected to imprisonment for a period between 1 year and 4 years or exile between 2 years and 8 years or fine not in excess of Mrf. 4,000/-.
- Show of Force in an Unlawful Assembly with a Deadly Weapon 51. Whoever is armed when committing an offence mentioned in section 50, with a deadly weapon or anything which when used as a weapon of offence is likely to cause death shall be punished with imprisonment for a period not exceeding 5 years or a fine not in excess of Mrf. 5,000/-.
- Parties to an Unlawful Assembly How Found Guilty 52. Where an offence is committed by any member of an unlawful assembly and that offence has a relationship with the basis that made the assembly unlawful, every person who at the time of commission of that offence is a member of that assembly shall be guilty of that offence.
- Further Action after an Unlawful Assembly is ordered to Disperse 53. Whoever continues or joins an unlawful assembly after it is commanded by a competent authority to disperse, shall be punished with imprisonment for a period not exceeding 4 years or exile not exceeding 8 years or a fine not exceeding Mrf. 1,000/-.
- Obstructing a Person Endeavoring to Disperse an Unlawful Assembly 54. Whoever threatens or obstructs any person authorized by law while attempting to prevent or resist persons from committing an act mentioned in section 50, shall be punished with imprisonment for a period between 1 year and 4 years

or exile between 2 years and 8 years. However, where criminal assault or hurt is caused to such person, the offender shall be subjected to imprisonment for a period between 3 years and 8 years.

- Persons Responsible for Places where Unlawful Assemblies are held 55. Whoever being a person responsible for a place where the unlawful assembly is taking place fails to do anything to prevent that assembly or ignores the occurrence of that assembly or fails to give due notice of it to competent authorities shall be liable for the offence of taking part in an unlawful assembly.
- Persons Assisting an Unlawful Assembly 56. Whoever hires people for an unlawful assembly, provides food and shelter, or provides protection or encouragement for it or assists in conspiring it, shall be deemed to be a member of such unlawful assembly. And whoever manufactures, purchases, or safe keeps any weapons for that assembly or for the purposes of that assembly shall be punished with imprisonment for a period between 1 year and 5 years.
- Unlawful Assembly for the Benefit of a Particular Person 57. Where an unlawful assembly takes place on behalf of a person or to the benefit of a person, or where there is a relationship between the cause of the unlawful assembly and himself and has thereby derived benefit from that assembly or has accepted any benefit from that assembly, he shall be guilty of an offence.

However he shall be guilty of that offence only if it was known to him that such unlawful assembly was likely to take place, or that an act may be committed as a result of that unlawful assembly and or has reason to believe that such unlawful assembly was likely to take place or such act was

likely to be committed and fails to do anything lawfully within his means to resist such assembly from taking place or to prevent the acts of that assembly from being committed. A person who is guilty of an offence as provided in this section shall be subjected to the same punishment given to the person who is considered to be most guilty in respect of that assembly.

Committing an Act in a Public Place that would Disturb the peace 58. Where two or more persons engage in a fight in a piece of land or a street, or in a house or a parcel of land designated for dwelling, or in a vessel or in a public place, they shall be deemed to have disturbed the public peace. Punishment in respect of that offence shall be imprisonment for a period not exceeding 6 months or exile for a period of 1 year or a fine not in excess of Mrf. 500/- or house detention for a period not exceeding 3 months and the fine.

Loss Caused by Unlawful Assembly to Public Property 59. Where loss is caused by an unlawful assembly to public property or building or anything belonging to the State, the punishment in respect of that act shall be compensation or compensation together with imprisonment for a period not exceeding 2 years or exile not exceeding 4 years.

Causing Nuisance To a Neighbor 60. Whoever causes nuisance to a a neighbor or neighbors, or causes nuisance to a person or persons nearby in a public place or thing shall be punished with a fine not exceeding Mrf. 200/- or house detention not exceeding 30 days or imprisonment not exceeding 10 days.

Note: "Nuisance" shall mean any inconvenience caused by the act of a person to another apart from bodily injury or hurt to his person or to his property.



Causing Mischief not mentioned in this Act

61. Whoever does an act not provided in this Act but of disobedience to the directive of the Government or a competent authority of the Government issued for the purposes of establishing or continuing public security shall be punished with imprisonment for a period not exceeding 8 months or a fine not in excess of Mrf. 100/- or house detention not exceeding 3 months.

This Act shall come into effect from the day it receives Royal Assent. The provisions of this Act shall come into effect in accordance with Article 69 of the Constitution from 21 April 1975.

