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THE PUNJAB MAINTENANCE OF PUBLIC ORDER ORDINANCE, 1960

(XXXI of 1960)

CONTENTS

- 1. Short title and extent**
- 2. Definitions**
- 3. Power to arrest and detain suspected persons**
- 4. Powers of photographing, etc., of suspected persons**
- 5. Power to control suspected persons**
- 5A. Prohibition of entry of armed persons**
- 6. Power to control publications**
- 6-A. Prohibition of certain speeches, etc.**
- 7. Power to prohibit entry in the Punjab of newspapers etc.**
- 8. Power to secure reports of public meetings**
- 8-A. Recording of certain speeches**
- 9. Service of orders in writing**
- 10. Power to issue search warrants**
- 11. General power of search**
- 12. Power to give effect to orders, etc.**
- 13. Penalty**
- 14. Abetment of offences**
- 15. Offence committed by corporation or association**
- 16. Dissemination of rumours, etc.**
- 17. Possession or conveyance of prescribed or prohibited documents**

18. **Wearing or display of uniforms or emblems**
 - 18-A. **Uniforms of an agency**
19. **Tampering with public servants**
20. **Sabotage**
 - 20-A. **Representation against certain orders**
21. **Summary trial**
 - 21-A. **Compounding of offence**
22. **Offence under Ordinance to be cognizable and non-bailable**
23. **Jurisdiction barred**
24. **Effect of orders, etc., inconsistent with other enactments**
25. **Operation of other penal laws not barred**
26. **Delegation of Power to District Coordination Officers**
27. **Power to make rules**
28. **Repeal and savings**

TEXT

¹THE ²[PUNJAB] MAINTENANCE OF PUBLIC ORDER ORDINANCE, 1960

(XXXI of 1960)

[²nd December, 1960]

An Ordinance

to amend and consolidate the law relating to preventive detention and control of persons and publications connected with the maintenance of public order in ³[the Punjab].

Preamble.—⁴[**WHEREAS** it is expedient to amend and consolidate the law providing for preventive detention and control of persons and publications for reasons connected with public safety, public interest and the maintenance of public order in the Province of ⁵[the Punjab];]

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:-

1. Short title and extent.—(1) This Ordinance may be called the ⁶[Punjab] Maintenance of Public Order Ordinance, 1960.

⁷[(2) It extends to whole of the Punjab.]

¹This Ordinance was promulgated by the Governor of West Pakistan on 1st December, 1960; published in the West Pakistan Gazette (Extraordinary), dated 2nd Dec., 1960, pages 4531-4544; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

²Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A – 1425-PP, see Article 2 and Schedule, Part III, at entry No.40 (w.e.f. 14.8.1973).

³Substituted *ibid*.

⁴Substituted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 17.10.1964, pages 3297-3302, s.2.

⁵Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A – 1425-PP, see Article 2 and Schedule, Part III, at entry No.40 (w.e.f. 14.8.1973).

⁶Substituted *ibid*.

⁷Substituted subsection 2 of section for: "(2) It extends to the whole of the province of [the Punjab] except [***] [the Tribal Areas]" by the Punjab Maintenance of Public Order (Amendment) Act 2015 (XVI of 2015); and published in the Punjab Gazette (Extraordinary), dated 18.3.2015, pages 3429-3431, s.2.

- (a) the words "West Pakistan" in the principal legislation was substituted with "the Punjab" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A – 1425-PP, see Article 2 and Schedule, Part III, at entry No.40 (w.e.f. 14.8.1973).
- (b) the words "the Federal Capital and" in the principal legislation was deleted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1962 (XXX of 1962); and published in the Gazette of West Pakistan (Extraordinary), dated 5.6.1962, page 2233, s.2; and

⁸[2. **Definitions.**— In this Act—

- (a) “Board” means the Review Board appointed under section 3;
- (b) “Code” means the Code of Criminal Procedure 1898 (V of 1898);
- ⁹[(c) Deputy Commissioner” means the Deputy Commissioner of a district appointed under section 3 of the Punjab Civil Administration Act 2017 (*III of 2017*);]
- (d) “Government” means the Government of the Punjab ¹⁰[;and]
- ¹¹[(e) “Sensitive Public Place” means a public place where public generally gathers for any social, economic, religious, recreational or political activities and includes all Government offices and Government buildings, educational institutions, hospitals and other medical institutions, courts, worship places, recreational and amusement places or any other public place notified by the Government in the official Gazette as a sensitive public place.]

3. Power to arrest and detain suspected persons.— (1) Government, if satisfied that with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order, it is necessary so to do, may, by an order in writing, direct the arrest and detention in such custody as may be prescribed under sub-section (7), of such person for such period as may, subject to the other provisions of this section, be specified in the order, and Government, if satisfied that for the aforesaid reasons it is necessary so to do, may, ¹²[* * *] extend from time to time the period of such detention ¹³[for a period not exceeding six months at a time.]

¹⁴[**Explanation I**]— For the purposes of this section—

- (i) ‘dealing in the black-market’ or ‘hoarding’ as defined in the Hoarding and Black market Act, 1948¹⁵; or

(c) the words “Special Areas” in the principal legislation was substituted with “the Tribal Areas” by the West Pakistan Laws (Adaptation) Order, 1964; and published in the Gazette of West Pakistan (Extraordinary), dated 3.6.1964, pages 1805-1849, s.2(1) and Schedule, Part VIII, at serial No.23 (w.e.f. 8.6.1962).

⁸Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.2.

⁹Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.2

¹⁰Substituted for the full stop by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.2.

¹¹Inserted by the Punjab Maintenance of Public Order (Amendment) Act 2016 (XLV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 October 2016, pp. 2447-2448, s.2.

¹²The comma and words, “subject to the other provisions of this section,” deleted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary) , dated 17.10.1964, pages 3297-3302, s.3.

¹³Added *ibid*.

¹⁴The original explanation renumbered as “I” by the West Pakistan Maintenance of Public Order (Amendment) Act, 1964 (V of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 16.3.1964, pages 819-820 , s.2.

¹⁵XXIX of 1948.

(ii) an act of smuggling punishable under the Sea Customs Act, 1878¹⁶, or the Land Customs Act, 1924¹⁷, or under any other law for the time being in force; ¹⁸[or]

¹⁹[(iii) an act which is an offence under the Drugs Act, 1976 (XXXI of 1976);]
shall be deemed to be an act prejudicial to the maintenance of public order.

²⁰**[Explanation II]**—Whoever is or was a member of an association or its Executive Committee, which association is or has been declared to be unlawful under any law for the time being in force in the Province, at any time during the period of seven days immediately before it was so declared to be unlawful, or remains or becomes a member of such an association or is on the Executive Committee thereof after it has been so declared to be unlawful shall be deemed to be acting in a manner prejudicial to be public safety and the maintenance of public order for the purposes of this section.]

²¹[(2) If a ²²[Deputy Commissioner] or a public servant authorized in this behalf by the Government has reasons to believe that a person, within his territorial jurisdiction has acted, is acting or is about to act in a manner which is prejudicial to public safety or maintenance of public order, he shall immediately refer the matter to the Government.]

(3)(a) An order of arrest under sub-section (1) may be addressed to a police officer or any other person and such officer or person shall have the power to arrest the person mentioned in the order and in doing so he may use such force as may be necessary. The police officer or the other person, as the case may be, shall commit the arrested person to such custody as may be prescribed under sub-section (7).

(b) A police officer not below the rank of Sub-Inspector, if satisfied on receipt of credible information that a person against whom an order of arrest or of arrest and detention has been made under this section is present within such officer's jurisdiction, may arrest him without a warrant in the same manner as he would have done if such order of arrest had been addressed to him ²³[,] ²⁴[and thereupon commit the arrested person to such

¹⁶VIII of 1878.

¹⁷XIX of 1924

¹⁸Added by the Punjab Maintenance of Public Order (Amendment) Act, 1998 (I of 1999); and published in the Punjab Gazette (Extraordinary), dated 4.2.1999, s.2.

¹⁹*Ibid.*

²⁰Inserted by the West Pakistan Maintenance of Public Order (Amendment) Act, 1964 (V of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 16.3.1964, pages 819-820, s.2.

²¹Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009 pages 3003-3006, s.3.

²²Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.3

²³Substituted, for the full-stop, by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary) , dated 17.10.1964, pages 3297-3302, s.3.

²⁴Added *ibid.*

custody as may be prescribed under sub-section (7), or if he receives any requisition in this behalf from the police officer or other person to whom the warrant of arrest for the person arrested is addressed, make over the custody of the arrested person to such police officer or other person.]

- (4) On receipt of a reference under sub-section (2), Government may,—
 - (a) reject the reference; or
 - (b) make an order of arrest and detention in terms of sub-section (1).

²⁵[(5) No person shall be detained under this section for a period exceeding three months unless the Board, before the expiry of the period of three months, has reviewed his case and reported that there is, in its opinion, sufficient cause for such detention.

(5-a) If the detention of a person is required for more than three months, the Government shall, as early as possible but not later than two weeks before the expiry of such period, request the Chief Justice of the Lahore High Court to appoint a Board to be known as the Review Board.

(5-b) The Board shall consist of a chairman and two other persons, each of whom is or has been a judge of the Lahore High Court.

(5-c) If the Government is of the opinion that a person shall be detained for a period exceeding three months, the Government shall immediately after the appointment of the Board, refer the case of the person to the Board for review and report before the expiry of each period of three months.

(5-d) The Board shall, after considering the material placed before it, affording the detained person an opportunity of being heard in person, taking into account the representation or any other document submitted by the person and calling for such further information as it may require from the Government, submit its report, before the expiry of each period of three months, to the Government as to whether, in its opinion, there is sufficient cause for the further detention of the person.

(5-e) The opinion of the Board shall be expressed in terms of the views of the majority of its members.

(5-f) The proceedings and the report of the Board, except the part of the report in which the opinion of the Board is expressed, shall be confidential.]

²⁶[(5-g) If the Board reports that there is, in its opinion, no sufficient cause for the further detention of the detained person, the Government shall rescind the detention order and direct the release of the person on the expiry of the period of three months.

²⁵Sub-sections (5) (5-a), (5-b), (5-c), (5-d), (5-e) and (5-f) substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.3.

²⁶Sub-sections (5-g), (5-h) and (5-i) inserted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.2.

(5-h) If the Board reports that there is, in its opinion, sufficient cause for the further detention of the detained person, the Government may, subject to the provisions of this section, continue to detain the person for such period as it may deem fit.

(5-i) If the Board reports that there is sufficient cause for the further detention of the detained person, the Board shall determine the place of detention of the person and fix a reasonable subsistence allowance for his family which is to be paid by the Government.]

²⁷[(6) If a detention order of a person is made under this section, the authority making the order:

- (a) shall, within fifteen days of the detention of the person, communicate to the person the grounds on which the order has been made, and shall afford the person the earliest opportunity of making a representation to the Government against the detention order;
- (b) may refuse to disclose facts to the detained person which the authority considers to be against public interest to disclose; and
- (c) shall furnish to the Board all documents relevant to the case unless a certificate signed by the Secretary to the Government, Home Department, to the effect that it is not in the public interest to furnish any document to the Board, is produced.]

²⁸[(6-a) Where a representation is made to Government under sub-section (6), Government may, on consideration of the representation and giving the person detained an opportunity of being heard, modify, confirm or rescind the order.]

(7) So long as there is in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such custody and under such conditions as to maintenance, discipline and punishment for offences and breaches of discipline as Government may from time to time prescribe by general or special order.

(8) If Government or a ²⁹[Deputy Commissioner] has reason to believe that a person in respect of whom an order of arrest and detention has been passed under this section has absconded or is concealing himself so that such order cannot be executed, Government or the ³⁰[Deputy Commissioner], as the case may be, may—

²⁷Substituted *ibid*.

²⁸Inserted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 17.10.1964, pages 3297-3302, s.3.

²⁹Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.3 It was earlier substituted for the words "District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.3

³⁰Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.3. It was earlier substituted for the words "District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.3

- (a) forward a copy of the order, with a declaration that such person cannot be found, to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if the order directing that he be arrested and detained were a warrant issued by the Magistrate;
 - (b) by order notified in the Official Gazette direct the said person to appear before such officer at such place and within such period as may be specified in the order and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order, informed the officer concerned of the reasons which rendered compliance therewith impossible and of his whereabouts or taken all possible steps to give such information, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- (9) Government may at any time, subject to such conditions as it may think fit to impose, release a person detained under this section and may require him to enter into a bond, with or without sureties, for the due observance of the conditions.

³¹[(10) A ³²[Deputy Commissioner] or a public servant authorized under sub-section (2) may summon and interrogate or cause the summoning and interrogation of a person including a person arrested or detained under this section, if in his opinion such interrogation is likely to lead to the discovery of information which may enable the more effective exercise of powers under this Ordinance, whether in respect of the person interrogated or any other person, and the person being interrogated is bound to truthfully answer the questions pertaining to the subject of the inquiry.]

³³[(11) The limitation of duration of detention of a person and mandatory submission of the case of a detained person to the Board under this section shall not apply in case of a person who, for the time being, is an enemy alien.]

4. Powers of photographing, etc., of suspected persons.— (1) Government or other authority making an arrest or directing the arrest of a person under section 3 may by order direct that the arrested person shall—

- (a) let himself be photographed;
- (b) allow his finger and thumb-impresions to be taken; and
- (c) furnish specimens of his handwriting and signature.

³¹Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.3.

³²Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.3

³³Inserted *ibid*.

(2) If any person contravenes any order made under this section, he shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

5. Power to control suspected persons.— (1) Government or the ³⁴[Deputy Commissioner], if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to public safety ³⁵[or public interest] or the maintenance of public order, it is necessary so to do, may by order in writing, give any one or more of the following directions, namely, that such person—

- (a) shall not enter, reside or remain in any area that may be specified in the order;
- (b) shall reside or remain in any area that may be specified in the order;
- (c) shall remove himself from, and shall not return to, any area that may be specified in the order;
- ³⁶[(d) shall conduct himself in such manner or abstain from such acts, as may be specified in the order; and]
- (e) shall enter into a bond, with or without sureties for the due observance of the directions specified in the order.

(2) An order under sub-section (1) made by the ³⁷[Deputy Commissioner] shall not, unless Government by special order otherwise directs, remain in force for more than three months from the making thereof.

(3) Government may at any time cancel or vary any order made by the ³⁸[Deputy Commissioner] under sub-section (1).

(4) An order under clause (a) of sub-section (1) made by Government may specify as the area to which the order relates, the whole Province or any part thereof, and an order made by the ³⁹[Deputy Commissioner] may specify as such area the whole district or any part thereof:

³⁴Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.4. It was earlier substituted for the words "District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.4

³⁵Inserted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 17.10.1964, pages 3297-3302, s.4.

³⁶Substituted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 17.10.1964, pages 3297-3302, s.2.

³⁷Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.3. It was earlier substituted for the words "District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.4.

³⁸Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.4.

³⁹Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.4. It was earlier substituted

Provided that no such order made by Government shall direct the exclusion or removal from the Province of any person ordinarily resident in the Province and no such order made by the ⁴⁰[Deputy Commissioner] shall direct the exclusion or removal from the district of any person ordinarily resident in that district.

⁴¹[(5) If an order has been made under sub-section (1), the authority making the order shall, within fifteen days, communicate to the person to whom a direction has been issued, the grounds on which the order has been made and shall afford the person the earliest opportunity of making a representation against the order.]

⁴²[5-a) Where a representation is made to Government against an order passed under sub-section (1), Government may, on consideration of the representation and after giving the person affected an opportunity of being heard, modify, confirm or rescind the order.

⁴³[(5-b) No order under clause (b) of sub-section (1) shall have effect for a period exceeding three months unless the Board has reported, before the expiry of the said period, that there is, in its opinion, sufficient cause for making of such order and all the ancillary provisions of section 3 shall, mutatis mutandis, apply to the reference made to the Board.]

(6) An order made under sub-section (1) shall remain in force for such period not exceeding two years as may be specified in the order.

⁴⁴**[5A. Prohibition of entry of armed persons.–** (1) Subject to subsection (2), a person, armed with a firearm weapon, shall not enter a sensitive public place.

(2) Where a security guard has been deployed or hired for the security of a sensitive public place, such security guard may enter the sensitive public place with prior permission of, and in the manner specified by, the authority appointing him as a security guard.

(3) If a person contravenes subsection (1), he shall be liable to punishment of imprisonment which shall not be less than seven days but may extend up to one year and fine which shall not be less than twenty five thousand rupees but shall not exceed two hundred thousand rupees.]

for the words "District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.4..

⁴⁰Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Ordinance 2017 (XII of 2017), published in the Punjab Gazette (Extraordinary), dated: 17 July 2017, pp. 155-156, s.4. It was earlier substituted for the words "District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.4.

⁴¹Substituted *ibid*.

⁴²Inserted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary) , dated 17.10.1964, pages 3297-3302, s.4.

⁴³Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.4.

⁴⁴Inserted by the Punjab Maintenance of Public Order (Amendment) Act 2016 (XLV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 October 2016, pp. 2447-2448, s.3.

6. Power to control publications.— (1) Government or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of public order, may, by order in writing addressed to a printer, publisher or editor—

- (a) prohibit the printing or publication in any document or class of documents of any matter relating to a particular subject or class of subjects for a specified period, or in a particular issue or issues of a newspaper or periodical;
- (b) require that any matter be published in any particular issue or issues of a newspaper or periodical, and may while doing so specify the period during which and the manner in which such publication shall take place;
- (c) require that any matter relating to a particular subject or class of subjects shall before publication be submitted for scrutiny;
- (d) prohibit for a specified period the publication of any newspaper, periodical, leaflet, or other publication, or the use of any press;
- (e) require that the name and address of any person concerned in the supply or communication of any news, report or information be furnished to such authority as may be specified in the order;
- (f) require that any document connected with the news, report or information referred to in clause (e) be delivered to such authority as may be specified in the order:

Provided that when an order is made under clause (a), (c) or (d)—

(i) no such order shall remain in force for more than two months from the making thereof;

(ii) ⁴⁵[* * * * *]

(2) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation against the order to Government and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

⁴⁶[(2-a) Where a representation is made to Government against an order passed under sub-section (1), Government may on consideration of the representation and giving the person affected an opportunity of being heard, modify, confirm or rescind the order.]

⁴⁵Deleted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary) , dated 17.10.1964, pages 3297-3302, s.5.

⁴⁶Inserted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 17.10.1964, pages 3297-3302, s.5.

(3) In the event of disobedience of an order under this section Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of any publication concerned and of any printing press or other instrument or apparatus used in the production of the publication⁴⁷[:]

⁴⁸[Provided that no such order of seizure shall be passed without giving the printer, publisher or editor affected an opportunity of showing cause against the proposed order.]

⁴⁹**[6-A. Prohibition of certain speeches, etc.–** (1) A person shall not, by words spoken or written, or through visible representation, directly or by implication:

- (a) support, propagate or promote any terrorist, act of terrorism, terrorist organization or proscribed organization;
- (b) evoke or attempt to evoke sympathy or compassion for any terrorist, act of terrorism, terrorist organization or proscribed organization;
- (c) project, commend or glorify any terrorist, act of terrorism, terrorist organization or proscribed organization;
- (d) challenge, thwart, undermine or oppose any action of any law enforcement agency against any terrorist, act of terrorism, terrorist organization or proscribed organization; and
- (e) jeopardize any ongoing security operation against any terrorist, act of terrorism, terrorist organization, or proscribed organization.

(2) If a person contravenes any provision of subsection (1), he shall be liable to punishment of imprisonment which may extend to three years and fine which shall not be less than fifty thousand rupees but shall not exceed two hundred thousand rupees.

(3) In this section:

- (a) 'terrorist and terrorism' shall have the same meaning as assigned to these expressions under the Anti-Terrorism Act, 1997 (XXVII of 1997); and
- (b) 'proscribed organization' means an organization proscribed under section 11B of the Anti-Terrorism Act, 1997 (XXVII of 1997) or any other law for the time being in force.]

⁵⁰**[7. Power to prohibit entry in the Punjab of newspapers etc.–** (1) If the Government, a⁵¹ [Deputy Commissioner] or a public servant authorized in this behalf by

⁴⁷The full-stop replaced by colon, *ibid*.

⁴⁸Added *ibid*.

⁴⁹Inserted by the Punjab Maintenance of Public Order (Amendment) Act 2015 (XVI of 2015); and published in the Punjab Gazette (Extraordinary), dated 18.3.2015, pages 3429-3431, s.3.

⁵⁰Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.5.

the Government is satisfied that the action is necessary for the purpose of preventing or combating an activity which is prejudicial to the maintenance of public order, it or he may, by notification, prohibit for a specified period the entry in the Punjab or in any part of the Punjab of a newspaper, periodical, leaflet or any other publication.

(2) No order under sub-section (1) shall remain in force for a period exceeding two months.

(3) The person, against whom an order has been made under sub-section (1), may make a representation to the Government or the authority making the order and the Government or the authority may modify, confirm or rescind the order on such representation.

(4) In the event of disobedience of an order under this section, the Government or the authority making the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of the newspaper, periodical, leaflet or other prohibited publication.

(5) No order of seizure under sub-section (4) shall be passed without giving a person affected an opportunity to show cause against the order.]

8. Power to secure reports of public meetings.— (1) A ⁵²[Deputy Commissioner] may, by order in writing depute one or more police officers not below the rank of head constable, or other persons to attend any public meeting for the purpose of causing a report to be made of the proceedings.

(2) Any such order shall operate as a direction to the persons responsible for the convening or the conduct of the meeting to admit free of charge the persons so deputed.

Explanation— For the purpose of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

⁵³**[8-A. Recording of certain speeches.**— (1) The incharge of a local area police station with the permission of Sub Divisional Police Officer may direct, in writing, the organizer of a public meeting to make audio or video record of all the speeches made in a public meeting and submit, within twenty four hours from the time of conclusion of the last speech, or before noon on the next day, whichever is earlier, an unedited copy of such recording to such officer who shall immediately acknowledge receipt of the recording.

⁵¹Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.5

⁵²Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.6. It was earlier substituted for the words "The District Magistrate", by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.6.

⁵³Inserted by the Punjab Maintenance of Public Order (Amendment) Act 2015 (XVI of 2015); and published in the Punjab Gazette (Extraordinary), dated 18.3.2015, pages 3429-3431, s.4.

(2) The officer receiving the recording under subsection (1) shall transmit the recording to such officer or authority as may be prescribed or nominated by the Government.

(3) If a person contravenes any provision of subsection (1), he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees.

(4) In this section:

- (a) "organizer" means the person or persons who has or have organized the public meeting or invited people to attend the same and includes owner, manager or incharge of the place where public meeting is held; and
- (b) "public meeting" shall have the same meanings as assigned to the expression in section 8.]

9. Service of orders in writing.— (1) Where under the provisions of this Ordinance any power is to be exercised or any order or direction given by order in writing, then that order in writing—

- (a) if it is an order addressed to any servant of Government or authorising any servant of Government to take any action, shall be given in original or by a copy to the servant of Government concerned and shall be his authority for the doing of all things which he is required or enabled to do under the order;
- (b) if it is an order made in respect of or addressed to any person not being a servant of Pakistan, may be served in original or by a copy of the order on the person in respect of whom it is made or to whom it is addressed in the manner provided in the Code for the service of a summons;
- (c) if it is an order addressed to the public generally, may be served by publication in such manner as the authority making the order considers best adapted for informing the persons concerned.

(2) Any person on whom an order is served as provided in clause (b) or clause (c) of sub-section (1) shall be deemed to have had notice of such order, and where the person to be served is a corporation, company, bank or association of persons the order may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it at, or sending it addressed to the corporation, company, bank or association by post to, its registered office, or where there is no registered office, at or to the place where it carries on business.

(3) Where a provision of this Ordinance empowers an authority, officer or person to take action by notified order, the provisions of sub-sections (1) and (2) shall not apply in relation to such order, and all persons whom the order concerns shall, upon its notification, be deemed to have been duly informed of it.

10. Power to issue search warrants.—The power to issue search warrants conferred by section 98 of the Code shall be deemed to include the power to issue warrants for—

- (a) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to public safety or the maintenance of public order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;
- (b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches, made under the authority of any warrant issued and to the disposal of any property seized under this section.

11. General power of search.— Any authority on which any power is conferred by or under this Ordinance may by general or special order authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

- (a) ascertaining whether it is necessary or expedient to exercise such power; or
- (b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or
- (c) generally giving effect to such power or securing compliance with or giving effect to any order given, direction made or conditions prescribed in the exercise of such power.

12. Power to give effect to orders, etc.— (1) Any authority, officer or person who is empowered by or in pursuance of this Ordinance to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Ordinance there is no authority, officer or person empowered, to take action prescribed by or under this Ordinance, Government may take or cause to be taken such steps and use, or cause to be used, such force as may in the opinion of Government be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) The power to take steps under sub-section (1) or sub-section (2) includes the power to enter upon any land or other property whatsoever.

13. Penalty.— Whoever contravenes any provision of this Ordinance or disobeys or neglects to comply with any order made or direction given in accordance with its provisions shall, where no express provision is made by this Ordinance for the punishment of such contravention, disobedience, or negligence, be punished with imprisonment which may extend to three years, or with fine, or with both.

14. Abetment of offences.— Whoever abets the commission of an offence punishable under this ordinance shall, whether the act abetted is or is not committed in consequence of the abetment, be punished with the punishment provided for the offence.

15. Offence committed by corporation or association.— Where the person committing an offence punishable under this ordinance is a corporation, company, bank or association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punished with the punishment provided for the offence unless he proves that the offence was committed without his knowledge or consent.

16. Dissemination of rumours, etc.— Whoever—

- (a) makes any speech, or
- (b) by words whether spoken or written or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report,

shall be punished with imprisonment which may extend to three years, or with fine, or with both if such speech, statement, rumour, or report—

- (i) causes or is likely to cause fear or alarm to the public or to any section of the public;
- (ii) furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order.

17. Possession or conveyance of prescribed or prohibited documents.— (1) Whoever, without lawful authority—

- (a) has in his possession, or on premises in his occupation or under his control, or
- (b) carries for delivery to another person otherwise than through the post,

any document in respect of which a notification under section 7 is in force, or of which the importation has been prohibited under the Sea Customs Act, 1878⁵⁴, or in respect of which an order of forfeiture has been made under any law for the time being in force or any document prejudicial to public safety or the maintenance of public order shall, unless he proves that he was unaware of the nature of the document, be punished with imprisonment which may extend to one year, or with fine, or with both.

⁵⁴VIII of 1878.

(2) Whoever allows his name or address to be used to facilitate transmission through the post or otherwise to any person other than the person for whom it purports to be intended of any document of the nature referred to in sub-section (1) shall be punished with imprisonment which may extend to one year, or with fine, or with both.

18. Wearing or display of uniforms or emblems.— Whoever makes or has in his possession or wears, carries or displays any uniform, flag, banner or emblem signifying, or which has been declared by Government by notification to signify association with a movement prejudicial to public safety or the maintenance of public order or with the promotion of any activity prejudicial to public safety or the maintenance of public order shall be punished with imprisonment which may extend to one year, or with fine, or with both, and any such uniform, flag, banner or emblem wherever found shall be forfeited to Government.

⁵⁵**[18-A. Uniforms of an agency.**— (1) A person shall not manufacture, possess, buy or sell uniform of police or of any other organization notified by the Government except under a licence from the police or, as the case may be, such other notified organization.

(2) The manner, duration, terms and conditions, revocation of a licence and other related matters may be prescribed by rules and until so prescribed, may be determined by the police or, as the case may be, such other notified organization.

(3) If a person contravenes any provision of subsection (1) or violates any conditions of the licence, he shall be liable to punishment of imprisonment which may extend to six months and fine which shall not be less than twenty five thousand rupees but shall not exceed one hundred thousand rupees, and any such uniforms shall be seized and forfeited to the Government.

(4) Nothing in this section shall apply to a person who is in the service of police or of other notified organization and is authorized by the police or, as the case may be such other organization to manufacture, possess or sell the uniform of police or the organization.]

19. Tampering with public servants.— Whoever induces or attempts to induce any public servant or any servant of local authority to disregard or fail in his duties as such servant shall be punished with imprisonment which may extend to one year, or with fine, or with both.

20. Sabotage.— (1) No person shall do any act with intent to impair the efficiency or impede the working of or to cause damage to—

- (a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government or any local authority;

⁵⁵Inserted by the Punjab Maintenance of Public Order (Amendment) Act 2015 (XVI of 2015); and published in the Punjab Gazette (Extraordinary), dated 18.3.2015, pages 3429-3431, s.5.

- (b) any railway (as defined in the Railways Act, 1890⁵⁶), tramway, road, canal, bridge, culvert, causeway, aerodrome or any telegraph, telegraph line or post (as defined in the Telegraph Act, 1885⁵⁷);
- (c) any rolling-stock of a railway or tramway, or any aircraft;
- (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

⁵⁸**[20-A. Representation against certain orders.–**(1) Where a representation is received under sub-section (5) of section 5 against an order under clause (a), clause (c), clause (d), or clause (e) of sub-section (1) of section 5, Government shall, if the order represented against is not rescinded or cancelled and the order is to have effect for a period exceeding three months, forward the case, including the representation, to the Board constituted under sub-section (5) of section 3.

(2) Where a representation is made to Government under the provisions of sub-section (3) of section 6 or sub-section (2) of section 7, Government shall, as soon as may be, forward the case, including the representation, to the Board constituted under sub-section (5) of section 3.

(3) The Board shall, after considering the representation and such further information or material as may be placed before it by Government or the person making the representation, and giving such person an opportunity of being heard, submit its report together with its recommendations to Government.

(4) If the Board reports that the order against which the representation is made is unjustified, the Government shall vacate the order.]

⁵⁶Act X of 1890

⁵⁷XIII of 1885

⁵⁸Inserted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1964 (XVIII of 1964); and published in the West Pakistan Gazette (Extraordinary), dated 17.10.1964, pages 3297-3302, s.7.

⁵⁹**[21. Summary trial.**– (1) A Magistrate of the first class shall conduct the trial of an offence under this Ordinance punishable to imprisonment which may extend to one year or fine or both in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

(2) Notwithstanding anything contained in any other law, the Government may, by notification, direct that a Magistrate of the first class shall conduct the trial of any offence under this Ordinance in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.]

⁶⁰**[21-A. Compounding of offence.**– (1) Subject to subsection (2), the Government or an officer of the Government specifically authorized in this behalf may, at any stage and under specified conditions, compound an offence under section 8-A or section 18-A of this Ordinance subject to the deposit of administrative penalty which shall not be less than twenty five thousand rupees.

(2) The offence under this Ordinance shall not be compoundable if the accused had been previously convicted under the Ordinance or his previous offence had been compounded by the Government or an officer authorized by the Government.]

22. Offence under Ordinance to be cognizable and non-bailable.– Notwithstanding anything contained in the Code every offence punishable under this Ordinance shall be cognizable and non-bailable.

23. ⁶¹[Jurisdiction] barred.– Except as provided in this Ordinance no proceeding or order taken or made under this Ordinance shall be called in question in any court and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under this Ordinance.

24. Effect of orders, etc., inconsistent with other enactments.– Any order made, and any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance.

25. Operation of other penal laws not barred.– Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

⁶²**[26. Delegation of Power to District Coordination Officers.**– The Government may, by order in writing, direct that a ⁶³[Deputy Commissioner] may, subject to such

⁵⁹Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2015 (XVI of 2015); and published in the Punjab Gazette (Extraordinary), dated 18.3.2015, pages 3429-3431, s.6.

⁶⁰Inserted by the Punjab Maintenance of Public Order (Amendment) Act 2015 (XVI of 2015); and published in the Punjab Gazette (Extraordinary), dated 18.3.2015, pages 3429-3431, s.7.

⁶¹Misprinted in the Gazette as “Jurisdiction”

⁶²Substituted by the Punjab Maintenance of Public Order (Amendment) Act 2009 (II of 2009); and published in the Punjab Gazette (Extraordinary), dated 24.4.2009, pages 3003-3006, s.7.

restrictions as the Government may specify, exercise the power of the Government under sub-section (1) of section 3 within the territorial limits of the district.]

27. Power to make rules.— Government may make rules⁶⁴ not inconsistent with the provisions of this Ordinance, to carry into effect the purpose thereof.

28. Repeal and saving.— (1) (a) Sections 3, 4, 6, 7, 12, 17, 21, 22, 28, 29, and 30 of the Baluchistan Public Safety Regulation, 1947, and sections 3, 4, 6, 7, 12, 17, 21, 22, 28, 29 and 30 of the Baluchistan States Union Public Safety Regulation are hereby repealed.

(b) The following Acts are hereby⁶⁵[repealed]:-

(i) the Bahawalpur State Public Security Act, 1944,

(ii) the North-West Frontier Province Public Safety Act, 1948⁶⁶,

(iii) the Punjab Public Safety Act, 1949⁶⁷, ⁶⁸[* * *]

(iv) the Khairpur Public Order and Detention Khairpur Act, 1954⁶⁹ ⁷⁰[,and]

⁷¹[(v) the Sind State Prisoners Regulation, 1827⁷².]

(2) All such orders (whether notified or not) made and directions issued under the enactments repealed under sub-section (1) as were in force immediately before the commencement of this Ordinance shall, so far as they are not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed to have been made and issued under this Ordinance.

⁶³Substituted for the words "District Coordination Officer" by the Punjab Maintenance of Public Order (Amendment) Act 2017 (XXI of 2017), published in the Punjab Gazette (Extraordinary), dated: 08 November 2017, pp. 3143 - 3144, s.7

⁶⁴For the West Pakistan Public Order Detinue Rules, 1962, see Gazette of West Pakistan, 1962, Pt. I, pp.389-391; and *ibid.* Extraordinary, p.3527.

⁶⁵Misprinted in the Gazette as "Repeated"

⁶⁶N.W.F.P. III of 1948.

⁶⁷Pb. XVIII of 1949.

⁶⁸The word "and" omitted by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1963 (IX of 1963); and published in the Gazette of West Pakistan (Extraordinary), dated 13.5.1963, pages 2125-2126, s.2.

⁶⁹Khairpur XI of 1954.

⁷⁰Added by the West Pakistan Maintenance of Public Order (Amendment) Ordinance, 1963 (IX of 1963); and published in the Gazette of West Pakistan (Extraordinary), dated 13.5.1963, pages 2125-2126, s.2.

⁷¹*Ibid.*

⁷²Sind Regulation XXV of 1827.