Q # 01: What are essentials of unlawful assembly as well as define punishments for members of unlawful assembly.

1) Introduction

- Article 16 of the constitution of the Islamic Republic of Pakistan 1973, provides “Freedom of Assembly” as a fundamental right to each and every citizen of the Pakistan. But where people make assembly to commit unlawful act, then it would become unlawful assembly in the eye of the law, if the strength of this assembly is five or more persons, it would become unlawful assembly which is an offense. Unlawful assembly is a group of such people who have mutual intention and they start certain acts to attain property of others illegally or consents of others with illegal manner.

2) Meaning of unlawful assembly

- A meeting of three or more persons who have the mutual intention to commit a crime or commit to breach of peace.

3) Definition of unlawful assembly

- An assembly of five or more persons who have mutual intention to commit a crime or commit to breach of peace by use of force and common objects of the group is to attain something unlawfully from others.

4) Essentials of unlawful assembly

Following are the essentials of unlawful assembly. Details are as under

1. Number of persons

- According to section 141 of the Pakistan Penal Code, in order to call an assembly an unlawful assembly it is necessary that there must be at least 5 or more persons who have common intention as it has been mentioned in section 141 of the Pakistan Penal Code.

- But in this case, it is the responsibility of the injured person that he should prove that there was an unlawful assembly consisting of at least five persons.

2. Common object

- It is necessary that the object should be common of the persons who have assembled this unlawful group. If the object will be common at the time of occurrence of the crime then it will be called an unlawful assembly. Even if common object is not proved there can be no objection upon all of them by the court of law.

3. Common object must be unlawful

- Section 141 of the Pakistan Penal Code will apply only if the common object of an assembly will prove unlawful. If an assembly who is performing a lawful act, Even if
common object is not proved unlawful there can be no objection upon all of them by the court of law

4. Only presence does not make a person member
   - According to section 141 of the Pakistan Penal Code, only presence in the assembly does not make a person the member of an unlawful assembly, until he shows commits something wrong or omits someone to do something such commission and omission will make him a member of unlawful assembly

5) Methods of commission of unlawful assembly
   Following are the five objects of the unlawful assembly and any one of the five, lawyer will have to prove before the court of law

1. Overawe (Drana) govt authority
   - According to section 141 of the Pakistan Penal Code, when the purpose of a group of person is to overawe the federal government, provincial government, or public servant in the exercise of the lawful act by use of force, in this case, all person of this group will be considered as members of unlawful assembly

2. Resist the execution of law
   - According to section 141 of the Pakistan Penal Code, when the group of persons will resist in the execution of process of law by use of force, in this case, it will be considered as an unlawful assembly and every person will feel guilt being a member of this assembly

3. Commission of offense
   - According to section 141 of the Pakistan Penal code, When the group of persons will commit something wrong or omit someone to do something that he is entitled to do, in this case such kind of commission or omission will be considered as crime and all of those person will be considered as member of an unlawful assembly and will be punished by the court of law

4. To obtain property or deprive possession
   - According to section of 141 of the Pakistan Penal Code, when a group of persons obtain the property of other or deprives someone from his property by use of force, in this case all of those person will be considered as member of an unlawful assembly and will be punished by the court of law

5. Compel a person to do or not to do a certain act
   - According to section 141 of the Pakistan Penal Code, when a group of persons compel someone to do something which is not legal or compel no to do something which he is
entitled to do, in this case all of those persons will be considered as member of an unlawful assembly and will be punished by court of law

6) Who is member of unlawful assembly
   - Each of every person will be considered as a member of an unlawful assembly who is aware of the facts which are unlawful, and joins such assembly as a member of such assembly

7) Punishments for Members
   Following are the punishments for those people who are the members of unlawful assembly
   
   1) Imprisonment which can extend to six months
   2) Fine
   3) Both

8) Punishment for weaponed members
   Following are the punishments for those members who joined the assembly with deadly weapons
   
   1) Imprisonment which can be extend up to two years
   2) Fine
   3) Both

9) Vicarious liability
   - Under the Pakistan penal code, if one person commits a crime in order to achieve the common object of his unlawful assembly, in this case, all of the persons who are the members of this assembly will be considered as criminal and vicarious liability will be imposed upon all of them

10) Conclusion
    - The meaning of unlawful assembly is that where five or more than five persons get together in order to achieve unlawful targets will be considered the members of the an unlawful assembly. If one of member of the assembly will commit something wrong and attain a piece of land from someone without his legal consent or deprives someone from his land which is legally recognized, in this case, vicarious liability will be imposed upon all of them. There are certain types of punishments for unlawful assembly which are imprisonment, fine and both