

**APPENDIX IV**  
**(Regulation 158)**

**Requisitions for military aid in dispersing unlawful assemblies.**

(1) Where an unlawful assembly is actually in existence and cannot otherwise be dispersed, a Magistrate is empowered, under sections 129 and 130 of the Code of Criminal Procedure, or section 130 of the said Code, read with section 32 of the Auxiliary Force Act (XLIX of 1920) and section 15 of the Indian Territorial Force Act, 1920 (XLVIII of 1920), to require any officer or non-commissioned officer who is in command of regular troops, or any officer or non-commissioned officer, who has been appointed, and is in command of soldiers appointed, to a corps or unit of the Auxiliary Force (India) or the Indian Territorial Force, to disperse such assembly by military force and to arrest and confine such persons forming part of it as such Magistrate may direct. Every person under the command of the officer or non-commissioned officer to whom such a requisition has been made is bound to obey order issued in pursuance of that requisition.

**(Government of Bengal Order No. 4598Pl. dated the 30<sup>th</sup> October 1937.)**

(2) Requisitions for military assistance ought not to be made except in cases of great emergency, when the maintenance of the public peace or the execution of the law cannot be affected with the help of the police or the Eastern Frontier Rifles, When making the requisition the Magistrate should give the military authorities all the information immediately at his disposal which is likely to be of use in enabling them to decide on the strength and equipment of the force, e.g., the character and strength of the opposition likely to be encountered, and the distance and difficulties of the routes to be traversed. He should further state when and where the military force may expect to be relieved, and should send similar intimation direct to the General Officer Commanding, Presidency and Assam District.

**(Government of Bengal-Police Circular No. 11112P., dated the 23<sup>rd</sup> November 1914)**

(3) If a Magistrate requisitions the Military, the Auxiliary Force or the Indian Territorial Force, the decision as to the strength and composition of the force required to deal with any particular occasion will, under the Army Regulations, India, rest with the military authorities, though the civil authorities will be consulted as far as practicable and necessary.

**(Government of Bengal Order No.4598PL., dated the 30<sup>th</sup> October 1937.)**

(4) When a military force is supplied in compliance with such requisition, the senior magistrate present should explain to the officer in command of the military force what official position he holds and for what purpose the military force has been requisitioned. If there is any possibility that he may not remain in touch with the force, and if there are other civil officers present who are qualified to give orders, he should explain to the Commanding Officer their order of succession.

**(Government of Bengal-Police Circular No. 11112P., dated the 23<sup>rd</sup> November 1914.)**

(5) When in accordance with the provisions of section 130 of the Code of Criminal Procedure, a Magistrate requires a military officer to disperse an unlawful assembly by military force and the military officer takes action to disperse the assembly, the Magistrate remains vested with authority to stop the action of the military officer when he considers that the object of the requisition has been achieved. Whenever possible the decision of the Magistrate to terminate military action should be reached after discussion of the position with such military officer.

**(Government of Bengal Order No. 669 -96 P. S., dated the 14<sup>th</sup> November 1928.)**

(6) The principles regulating the relative responsibility and power of control of the civil and military authorities when troops are called out in aid of the civil power are laid down in the Government of Bengal, Political Department, Order No.17959-86P., dated the 7th December 1912, as amended in Government Order No.2204-209 P.S. dated the 6th July 1931. See also Government Order No. 1963 P.S., dated the 6th Jun, 1931.