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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 4th June, 1976

The following Acts of Parliament received the assent of the President on the 19th May, 1976, and are hereby published for general information:—

An Act to amend the Compulsory Service in the Armed Forces Ordinance, 1971

WHEREAS it is expedient to amend the Compulsory Service in the Armed Forces Ordinance, 1971 (XXXI of 1971), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Compulsory Service in the Armed Forces (Amendment) Act, 1976.

(2) It shall come into force at once.

2. **Amendment of section 1, Ordinance XXXI of 1971.**—In the Compulsory Service in the Armed Forces Ordinance, 1971 (XXXI of 1971), hereinafter referred to as the said Act, in section 1, in sub-section (2),—

- (a) in clause (a), after the semicolon at the end, the word “or” shall be added ;
- (b) in clause (b), for the semicolon and word “ ; or ” a full stop shall be substituted ; and
- (c) clause (c) shall be omitted.

3. **Amendment of section 2, Ordinance XXXI of 1971.**—In the said Act, in section 2,—

- (a) in clause (c), for the words and figure “ ‘ essential person ’ means a person registered under section 3 of ” the words “ ‘ essential persons ’ means essential personnel as defined in ” shall be substituted ;
- (b) after clause (d), the following new clause shall be inserted, namely :—

“(dd) “Inducting Authority” means the Authority nominated by the Service Headquarters for the purpose of selecting essential persons below commissioned rank ;” ; and
- (c) after clause (e), the following new clause shall be inserted, namely :—

“(ee) “Interview Board” means the Board constituted by the Service Headquarters for the purpose of selecting essential person for a commissioned rank ;”.

4. Amendment of section 3, Ordinance XXXI of 1971.—In the said Act, in section 3, in sub-section (2), for the full stop at the end a colon shall be substituted and thereafter the following proviso and explanation shall be added, namely :—

“Provided that, in the case of a medical practitioner, such liability shall cease after he has served with the Armed Forces for a period of two years.

Explanation.—In this sub-section, ‘medical practitioner’ means a person who possesses qualifications which are recognised medical qualifications, or, as the case may be, recognised dental qualifications, for the purposes of the Medical and Dental Council Ordinance, 1962 (XXXII of 1962).”

5. Amendment of section 4, Ordinance XXXI of 1971.—In the said Act, in section 4,—

(a) for sub-section (1) the following shall be substituted, namely :—

“(1) The Manpower Board, or such authority as may be empowered by it, shall on requisition from any of the service Headquarters, issue to such essential persons as are to be called up notices in writing requiring them, or direct such persons, to report in person to the Interview Board or, as the case may be, Inducting Authority at such time and place as may be specified in the notice or direction.”;

(b) in sub-section (2), after the word “notices”, the words “or directions” shall be inserted;

(c) in sub-section (3), after the word “notice”, the words “or direction” shall be inserted;

(d) for sub-section (4) the following shall be substituted, namely :—

“(4) Where such person is known to be serving in a department or office of Government or in an industrial undertaking, a copy of a notice, if any, under sub-section (1), shall at the same time be forwarded to the head of such department or office or, as the case may be, to the owner or manager of such undertaking requiring him to release such person so as to enable him to comply with such notice.”; and

(e) after sub-section (4) amended as aforesaid, the following new sub-section and explanation shall be added, namely :—

“(5) The owner or manager of an industrial undertaking referred to in sub-section (4) shall not—

(a) obstruct from joining service under this Act in pursuance of a direction under sub-section (1) or sub-section (2) an essential person or *ex-serviceman* who serves upon him a notice of his intention to leave his employment or requests him in person to be released from such employment, or

(b) take any action against an essential person or *ex-serviceman* who, without of formal release from such employment, leaves such employment for joining service under this Act in pursuance of such direction.

Explanation.—In this section and sections 5, 6, 8 and 10, “direct”, with all its grammatical variations, means to direct on the radio, through the press or by any other means.”

6. **Substitution of section 5, Ordinance XXXI of 1971.**—In the said Act, for section 5 the following shall be substituted, namely :—

“5. *Obligation to comply with call up notice or direction.*—A person to whom a notice or direction under section 4 has been issued shall report to the authority at the time, date and place specified in the notice or, as the case may be, direction.”

7. **Amendment of section 6, Ordinance XXXI of 1971.**—In the said Act, in section 6, for sub-section (1) the following shall be substituted, namely :—

“(1) A person—

- (a) accepted for service under this Act shall be deemed to have been commissioned, appointed or enrolled, as the case may be, and shall, as from the date he is so accepted, become subject to the law of the Armed Forces concerned, or
- (b) provisionally accepted by the Interview Board for a commissioned rank and directed by that Board to wait for receipt of his commissioning orders at his place of present employment or residence shall be granted commission from the date he is finally accepted and shall, as from that date, become subject to the law of the Armed Forces concerned, and shall remain so subject until duly retired, released, discharged, removed or dismissed from service.”

8. **Substitution of section 8, Ordinance XXXI of 1971.**—In the said Act, for section 8 the following shall be substituted, namely :—

“8. *Procedure for seeking exemption.*—(1) If a person to whom a notice or direction under sub-section (1) of section 4 has been issued seeks exemption from service under this Act, he shall first report to the Interview Board or, as the case may be, Inducting Authority, at the time, date and place specified in the call up notice or direction and then submit a written representation to the Chairman, Interview Board, or, as the case may be, Inducting Authority, whose decision shall be final.

(2) An *ex-serviceman* desirous of seeking exemption from service under this Act may make a representation to the Service Headquarters concerned, whose decision shall be final.”

9. **Amendment of section 9, Ordinance XXXI of 1971.**—In the said Act, in section 9—

(a) for sub-section (1) the following shall be substituted, namely :—

“(1) Subject to the other provisions of this section, every employer—

- (a) by whom a person was released in pursuance of a notice served on such employer under sub-section (4) of section 4 for joining service under this Act, or

- (b) whose employment was left by a person in pursuance of a direction under the said section for joining such service, whether upon a formal release from such employment or otherwise, shall, on the termination of such service, reinstate such person in the employment or the assignment from which he was released or which he left and, if such reinstatement is less favourable to such person than that to which he would, in the ordinary course, have been entitled, give him such employment or assignment as is not less favourable :

Provided that the employer shall not be required to so reinstate or employ any person if such person does not apply or report to him for the purpose within three months of his release from service under this Act. ” ;

- (b) in sub-section (2), after the word “concerned”, the words “or an authority empowered by the Federal Government” shall be inserted ;
- (c) in sub-section (3), after the word “Tribunal”, the words and commas “or, as the case may be, the authority empowered under the said sub-section” shall be inserted ; and
- (d) in sub-section (5), after the word “Tribunal”, the words “or authority” shall be inserted.

10. **Amendment of section 10, Ordinance XXXI of 1971.**—In the said Act, in section 10, in sub-section (1), for clause (b) the following shall be substituted, namely :—

- “(b) fails to report in response to a call up notice or direction issued under section 4 ;
- (bb) does not release an essential person or *ex-serviceman* in accordance with a notice under sub-section (4) of section 4 ;
- (bbb) obstructs from joining service under this Act in pursuance of a direction an essential person or *ex-serviceman* who serves upon him a notice of his intention to leave his employment or requests him in person to be released from such employment ;
- (bbbb) takes any action against an essential person or *ex-serviceman* who, without a formal release from such employment, leaves such employment for joining service under this Act in pursuance of a direction ;
- (bbbbb) fails to report for service on receipt of commissioning orders after having been provisionally accepted by the Interview Board but directed by it to wait for receipt of his commissioning orders at his place of present employment or residence ;”.

11. **Repeal.**—The Compulsory Service in the Armed Forces (Amendment) Ordinance, 1976 (VII of 1976), is hereby repealed.