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THE PAKISTAN NATIONAL SERVICE ORDINANCE, 1970

*ORDINANCE NO. XXII OF 1970

[7th November, 1970]

An Ordinance to introduce compulsory national service in Pakistan

WHEREAS it is expedient to introduce compulsory national service in Pakistan and to provide for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent, application and commencement.— (1) This Ordinance may be called the Pakistan National Service Ordinance, 1970.

(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan wherever they may be.

(3) It shall come into force on such 'day as the *[Federal Government] may, by notification in the official Gazette, appoint in this behalf.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “emoluments”, in relation to a person, includes the pay, allowances, gratuity, fees, commissions, perquisites and profits which such person is entitled to receive from his employer for his services;

(b) “employer” means any person or body of persons, whether incorporated or not, who or which employs another person for hire or reward, either directly or through a contractor, whether the terms of employment be express or implied and includes, in the case of an establishment, the person responsible for the management, supervision and control of the establishment;

(c) “essential service” means any service which the *[Federal Government] may, by notification in the official Gazette, declare to be essential for securing the defence or the security of Pakistan or of any part thereof or for the maintenance of supplies and services essential to the life of the community;

(d) “establishment” means any office, firm, industrial unit, undertaking, shop or premises in which persons are employed for the purpose of carrying on any manufacturing process, business, trade or service;

*The Ordinance has been declared to be validly made by the Competent Authority, see the Validation of I Tie. the 25th day of November, 1970, see Gaz. of P., 1970, Ext. (Islamabad), p. 4626.

*Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

(e) “matriculate” means a person who has passed the Matriculation Examination or Secondary School Leaving Certificate Examination, or any other equivalent examination, of a board or other authority set up by Government or by Government or by or under any law and includes a person who has passed such other examination as the '[Federal Government] may, by notification in the official Gazette, declare to be equivalent of such examination;

(f) “national service” means the service required to be rendered under sub-section (4) of section 5; and

(g) “prescribed” means prescribed by rules made under this Ordinance.

3. National service liability, etc. —(1) Subject to the provisions of this Ordinance, every male citizen of Pakistan who has attained the age of eighteen years and has not attained the age of twenty years and possesses educational qualifications not below that of a matriculate shall be liable to render national service.

(2) Every male citizen of Pakistan who, at the commencement of this Ordinance, has attained the age of eighteen years and has not attained the age of twenty years and possesses educational qualifications not below that of a matriculate shall, not later than one month from such commencement, offer himself for national service in such manner and to such authority as may be prescribed.

(3) Every male citizen of Pakistan who, at any time after the commencement of this Ordinance,—

- (a) being a matriculate, attains the age of eighteen years, or
- (b) having attained the age of eighteen years, becomes a matriculate,

Shall, not later than one month from the date on which he attains the age of eighteen years or, as the case may be, becomes a matriculate, offer himself for national service in such manner and to such authority as may be prescribed.

(4) Nothing in sub-section (1), sub-section (2) or sub-section (3) shall apply to persons—

(a) who are members of any of the Defence Services or civilian armed forces of, or any police force in, Pakistan or are employed in any of the ordinance factories in Pakistan; or

(b) who, being engaged in any essential service or being students of any medical, engineering or veterinary institution, are declared by the “[Federal Government], by notification in the official Gazette, to be exempt from the liability to render national service.

4. Deferment of liability to render national service—(1) The liability to render national service of any person who is a student of any institution may, on an application made in this behalf to the prescribed authority, be deferred for such period as the authority may deem fit having regard to the duration of the course of studies taken up by such person.

'Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

(2) Where the liability of any person to render national service has been deferred for any period under sub-section (1), the age up to which he is liable to be called up for such service shall be deemed to be extended by that period.

5. Selection and enrolment, etc.— (1) An officer or authority prescribed in this behalf may, by a notice in writing, require any person liable to render national service to report in person to such authority and at such time and place as may be specified in the notice and the person to whom a notice has been issued shall report accordingly.

(2) A person who has reported in pursuance of a notice under sub-section (1) shall be selected for national service unless—

(a) his liability to render national service has for the time being been deferred under section 4; or

(b) he is exempted after medical examination from the requirement of rendering national service; or

(c) he is exempted from the requirement of rendering national service in accordance with rules made under this Ordinance.

(3) A person selected under sub-section (2) shall report to such authority and at such time and place as may be specified by the authority by whom he is so selected for the purpose of being enrolled in the Pakistan Army, the Pakistan Navy or, as the case may be, the Pakistan Air Force.

(4) A person who has reported under sub-section (3) shall, subject to the provisions of this Ordinance and the rules made thereunder, render national service for a period of one year in the Pakistan Army, the Pakistan Navy or, as the case may be, the Pakistan Air Force in which he shall be enrolled for that period.

(5) Save as otherwise provided in the rules made under this Ordinance, a person, while he is rendering national service, shall—

(a) be subject to the service law of the Defence Service in which he is enrolled for such service; and

(b) receive such honorarium per month as may be prescribed and be entitled to such other facilities and privileges, other than salary, as are admissible to a person enrolled in the Pakistan Army, the Pakistan Navy or, as the case may be, the Pakistan Air Force.

6. National Service Reserve. A person who has completed national service shall be placed on the National Service Reserve created for the purposes of this Ordinance and shall, until he has attained the age of thirty-five years, be liable to be called up—

(a) for refresher training every year; and

(b) for service from time to time in the Defence Service in which he rendered national service.

7. Refresher training.—(1) A person in the National Service Reserve shall, when called up for training under clause (a) of section 6 by a notice in writing by the officer or authority prescribed

in this behalf, report in person to such authority and at such time and place as may be specified in the notice and shall receive in the Defence Service in which he rendered national service the prescribed training for the prescribed period which shall not be less than fifteen days or more than thirty days.

(2) Save as otherwise provided in this Ordinance or the rules made thereunder, a person, while he is undergoing training in a Defence Service under sub-section (1), shall—

(a) be subject to the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Navy Ordinance, 1961 (XXXV of 1961), or, as the case may be, the Pakistan Air Force Act, 1953 (VI of 1953); and

(b) receive such honorarium as may be prescribed and be entitled to such other facilities and privileges, other than salary, as are admissible to a person enrolled in the Defence Service in which he is undergoing training.

8. Service in Defence Services.—(1) A person in the National Service Reserve shall, when called up for service in a Defence Service under clause (b) of section 6 by a notice in writing by the officer or authority prescribed in this behalf, report in person to such authority and at such time and place as may be specified in the notice.

(2) A person who has reported in pursuance of a notice under sub-section (1) shall be enrolled in the Pakistan Army, the Pakistan Navy or, as the case may be, the Pakistan Air Force unless he is, after medical examination, declared unfit for such enrolment.

(3) A person enrolled in a Defence Service under sub-section (2) shall, unless he is earlier discharged or released, serve in that Service until he has attained the age of thirty-five years:

Provided that nothing in this sub-section shall be deemed—

(a) to prevent the retention in the Defence Service with his consent of any such person after he has attained the age of thirty-five years; or

(b) to terminate the liability under section 6 of any such person who is discharged or released before he has attained the age of thirty-five years to be called up for refresher training every year or for service in a Defence Service.

'18A. Service of notice.—(1) A notice under sub-section (1) of section 5, or sub-section (1) of section 7, or sub-section (1) of section 8, shall be served on the person to whom it relates in such manner as the officer by whom it is issued may deem fit.

(2) Where a person to whom a notice referred to in sub-section (1) relates does not report in person as required by such notice, the officer issuing the notice may cause the notice to be published for the information of such person in such manner as that officer deems to be sufficient; and such publication shall be deemed to be valid service.]

9. Certificate to granted. Every person—

(i) who has offered himself for national service in pursuance of sub-section (2) or sub-section (3) of section 3 but has not been selected for national service; or

(ii) whose liability to render national service has been deferred under section 4; or

'Ins. by the Pakistan National Services (Amdt.) Ordinance, 1971 (37 of 1971), s. 2.

(iii) | who has been exempted from rendering national service under clause (b) or clause (c) of sub-section (2) of section 5; or

(iv) | who has completed national service,

Shall be granted by the officer or authority prescribed in this behalf a certificate to the effect that such person has so offered himself for national service but has not been selected for such service or has been so exempted, or that his liability to render such service has been deferred for the period specified in the certificate or, as the case may be, that he has completed national service.

10. Permission to leave Pakistan necessary. A person for the time being in Pakistan who is liable to render national service and does not hold a certificate granted under section 9 shall not leave Pakistan without the permission in writing of such officer or authority as the '[Federal Government] may, by notification in the official Gazette, authorise in this behalf.

2[11. Extension of age limit. Where any maximum qualifying age has been fixed for regulating the eligibility of persons for admission to a competitive examination held for appointment to any service or post or any academic or professional institution or for appointment to any service or post, a person who has rendered national service shall, for the purpose of such eligibility be entitled, notwithstanding anything contained in any other law for the time being in force or in any rule, order or other instrument, to the period actually spent by him in national service being deducted from his age.]

12. Employers not to employ certain persons. No employer shall employ a person who is liable to render national service unless such person holds a certificate granted under section 9.

13. Obligations of employers of persons in the Reserve. The employer of any person for the time being on the National Service Reserve who is called up for refresher training under section 7 shall, for all purpose, treat the period spent by such person in such training as period spent in the performance of duties in the service of the employer and shall not—

(i) terminate the services of such person while he is under going such training or on the ground that he is liable to be or has been called up for such training; or

(ii) make any deduction from the emoluments to which such person is entitled while on duty.

14. Penalty. —(1) A person shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both, if he—

(a) contravenes the provisions of sub-section (2) or sub-section (3) of section 3; or

(b) fails to render national service when required to do so; or

(c) fails to comply with notice under sub-section (1) of section 5; or

(d) fails to comply with notice, or to receive training, under sub-section (1) of section 7; or

'Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

Subs. by Ord. 37 of 1971, s. 3, for Section 11.

- (e)
- 7)
- (9)
- (h)

fails to comply with notice under sub-section (1) of section 8; or
 contravenes the provisions of section 10; or
 contravenes the provisions of section 12; or

contravenes the provisions of section 13.

(2) A person who is convicted of an offence under sub-section (1) shall not be eligible to hold any office in the service of Pakistan or any appointment in any establishment.

1T(3) No prosecution for an offence under sub-section (1) shall be instituted except upon a report in writing of the facts constituting such offence made by an officer prescribed in this behalf.

(4) A court trying an offence under sub-section (1) shall presume that a report, or a copy thereof certified to be true copy by the officer by whom it was made, under sub-section (3) purporting to have been made by an officer competent to make it was made by such officer.]

15. Power to make rules.—(1) The *[Federal Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and with out prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a)
- (b)
- ()
- (d)
- (2)
- (g)

the manner in which and the authority to which a person liable to render national service shall offer himself for such service;

the officers and authorities by whom notices may be issued under sub-section (1) of section 5, or sub-section (1) of section 7, or sub-section (1) of section 8;

the circumstances in which and the grounds on which a person may be exempted from the requirement of rendering national service;

the honorarium payable to a person while rendering the national service;

the manner in which person may be enrolled for rendering national service in any of the Defence Services;

the manner in which persons who have completed national service may be placed on the National Service may be placed on the National Service Reserve;

the nature of the training which persons on the National Service Reserve shall undergo, the period of such training, and the honorarium payable to such persons;

‘Added by the Pakistan National Services (Amdt.) Ordinance, 1971, (37 of 1971), s. 4.

*Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

>For such Rules, see S.R.O., 288 (1)/70, dated 25th November, 1970, see Gaz. of P., 1970 Ext. (Islamabad), P. 4626.

(h) the officers and authorities by whom certificates under section 9 may be granted;

(i) the extent to which and the manner in which persons enrolled for rendering national service in any of the Defence Services or called up for training under sub-section (1) of section 7 shall be subject to the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Navy Ordinance, 1961 (XXXV of 1961), or, as the case may be, the Pakistan Air Force Act, 1953 (VI of 1953); and

@ any other matter which may be necessary for carrying out the purposes of this Ordinance.

16. Jurisdiction of courts barred. No order made or proceedings taken under this Ordinance shall be called in question in any court including a High Court and the Supreme Court.