

- S, 1033
L.-7646

am

a

' ey yof Dahistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, JUNE 29, 1973

PART I
Acts, Ordinances, President's Orders and Regulations

iy.

ry

NATIONAL ASSEMBLY OF PAKISTAN
Islamabad, the 29th June, 1973

The following Acts of the National Assembly received' the assent of the President on the 27th June, 1973, and are hereby published for general information :— .

ACT No. XL of 1973

An Act to provide for the constitution and regulation of the Federal Security Force

WHEREAS it is expedient to provide for the constitution and regulation of the Federal Security Force to assist the civil administration and the Police Force for ensuring the maintenance of law and order in Pakistan, and for matters connected therewith ;

It is hereby enacted as follows :—

CHAPTER I

1. Short title, application and commencement.—(1) This Act may be called the Federal Security Force Act, 1973.

(2) It shall apply to all members and officers of the Federal Security Force wherever they may be serving.

(3) It shall come into force at once.

2. Definitions—(1) In this Act, unless there is anything repugnant in the subject or context—

~ (a) "active duty" means the duty to preserve or restore order in any local area in the event of any disturbance therein, and includes such

other duty as the Federal Government may, by notification in the official Gazette, specify to be an active duty;

(465)

- Price: Ps, 81

[4662 Ex. Gaz.] :

(b) "appropriate officer" means an officer of the Federal Government authorised by a general or special order to exercise all or any of the powers of an appropriate officer under this Act and the rules made thereussder ;

(c) " Assistant Directors", "Deputy Directors", " Directors", " Deputy Director-General' and " Director-General" means the persons appointed as such under section 5;

(d) "close arrest" means confinement within the Force or a detachment of the Force or a post, quarter-guard, buikding or tent under the charge of a guard;

(e) "Force" means the Federal Security Force constituted under section 3 or any of the individual forces comprising it, as the context may

(f) "member of the Force" means a person, other than an officer, who is appointed to the Force and has signed a recruiting role in the form set out in the First Schedule and an affirmation in the form set out in the Second Schedule ;

(g) "officer" means a person appointed under section 5;

(A) "open arrest" means confinement within the precincts of any barracks, line or camp for the time being occupied by the Force ;

(i) "prescribed" means prescribed by rules made under this Act;

(ij) "special court" means a court consisting of not less than two officers and presided over by the Director-General, the Deputy Director-General or a Director and assisted by an officer of the Ministry of Law, Government of Pakistan, to be nominated by the Federal Government ;

(k) 'special summary court" means a court consisting of a Director or an appropriate officer ;

(!) "subordinate officer" means a member of the Force who is of such rank as may be prescribed ;

. (m) "summary trial" means a trial to be conducted in the prescribed manner ;

(n) "superior officer", in relation to a member of the Force, means a higher appointment according to the usage of the Force ;

(0) "Tribunal" means a tribunal constituted for the purposes of section 12 or section 13 and consisting of one or more members to be appointed by the Federal Government; and

(p) "upper subordinate officer" means a member of the Force who is of such rank as may be prescribed.

(2) The expressions “assault”, “criminal force”, “ fraudulently ”, “reason to believe” and “ voluntarily causing hurt” shall have the meanings respectively assigned to them in the Pakistan Penal Code (Act XLV” of 1860).

CHAPTER It

3. Power to constitute and maintain the Federal Security Force and its functions.—The Federal Government may constitute and maintain a force to be called the Federal Security Force for performing the following functions, namely :—

(a) assisting the civil administration in maintaining law and order in cases of large-scale unlawful demonstrations or serious breaches of law and order; and

(b) assisting the Police—

(i) “in dealing with dangerous criminals and outlaws;

(ii) in carrying out high-way surprise road patrols for the prevention of road holdups and robberies ;

(if) in carrying out surprise traffic checks occasionally and periodical night patrols ; and

(iv) in carrying out surprise checking of illicit traffic in arms and food grains ;

(c) such other functions as the Federal Government ‘may, by notification in the official Gazette, require the Force to perform.

4. Constitution of Federal Security Force.—The- Force shall be constituted in such manner, and the members of the Force shall receive such pay, pension and other remuneration, and shall enjoy such leave and other privileges, as may be prescribed from time to time.

5. Appointment of officers of the Force.-- For ths purposes of thie Act, the Federal Government may, by notification in the official Gazette, appoint any person who is, or has been, a member of the Armed Forces, the Civil Armed Forces or the Police Service to be—

(a) Director-General,

(b) Deputy Director-General,

(c) Director,

(d) Deputy Director,

(e) Assistant Director, and

(f} an officer with any other designation.

6. Appointment of subordinate and ministerial staff.—(1) The Directot-

General or a Director or an appropriate officer may appoint subordinate and

ministerial staff and determine the duties to be performed by each member of the Force.

(2) Appointments under sub-section (1) shall be made. by direct recruftment oF promotion or from personnel on deputation from the Armed Forces, the Civil

Armed Forces, the Police Service or any other Department of Government in such manner as may be prescribed.

(3) Before a person is appointed under subsection (1), the statement contained in the recruiting roll and affirmation set out respectively in the First and Second Schedules shall at any convenient place be read out and, if necessary, explained to him in the presence of a Director, Deputy Director, or other officer, and shall thereafter be signed by such person in acknowledgement of its having been so read out to him.

(4) When the affirmation set out in the Second Schedule is read out, it shall be repeated by the person making affirmation before he signs it.

7. Powers and duties of officers of the Federal Security Force—(1) The Director-General shall, in respect of the officers of the Force, have all the powers conferred by or under this Act.

(2) Subject to the general control of the Director-General, the Deputy Director-General, the Directors, the Deputy Directors, the Assistant Directors and every other officer shall possess, and may exercise, such powers and authority over the subordinate officers and the members of the Force under his command as may be prescribed.

(3) In addition to the powers conferred under sub-section (1), an officer or member of the Federal Security Force—

(a) shall exercise all the powers conferred on an officer in charge of a police station under the Police Act, 1861 (V of 1861), and under the Code of Criminal Procedure, 1898 (Act V of 1898). and

(b) perform such functions of an officer of customs as may be entrusted to him and exercise such powers under the Customs Act, 1969 (IV of 1969), as may be delegated to him under section 6 of that Act for the purposes of prevention of the smuggling of arms and food grains.

CHAPTER II

dence, command, control and administration of the Force.—(1) The superintendence of and command and control over the Force shall vest in the Federal Government, and the Force shall be administered, commanded and controlled by the Director-General, the Deputy Director-General, the Directors and other officers in accordance with the provisions of this Act and any rules made thereunder and such orders and instructions as may be made or issued by the Federal Government from time to time.

(2) The headquarters of the Force shall be located at such place as may be notified by the Federal Government. ~

(3) While on active duty outside the headquarters, the Force shall be subject to the general control and direction of such authority or officer as may be prescribed or as may be specially appointed by the Federal Government in this behalf.

(4) The Director-General may, by notification in the official Gazette, declare a place to be a post of the Force.

' 9. General duties of officers and members of the Force.—(1) It shall be the duty of every officer or member of the Force promptly to obey and to execute all orders and warrants lawfully issued to him by any competent

authority, to detect and bring offenders to justice and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

(2) Every officer or member of the Force shall be liable to serve without and beyond, as well as within, the territory of Pakistan.

10. Privileges of the officers and members of the Force.—The officers and members of the Force shall be entitled to all the privileges which a member of the police force constituted under the Police Act, 1861 (V of 1861), has under sections 42 and 43 of that Act, section 125 of the Evidence Act, 1872 (7 of 1872), and any other enactment for the time being in force.

11. Resignation of the officers and members.—No officer or member of the Force shall—

(a) resign his appointment or request for his reversion to his parent department during the time he is on active duty; or

(b) withdraw himself wilfully from all or any of the duties of his appointment, without the previous permission in writing of the Director-General or any other officer authorised by him in this behalf or, in the case of the Director-General, of the Federal Government.

12. More heinous offences.—(1) Any officer or member of the Force who—

(a) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny does not use his utmost endeavours to suppress it, or knowing, or having reason to believe in, the existence of any mutiny or of any intention or conspiracy to mutiny, or of any conspiracy against the authority of the Government does not, without delay, give information thereof to any one of his superior officers ; or

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer whether on or off duty and whether or not knowing or having reason to believe him to be such; or

(c) shamefully or cowardly abandons or delivers up any garrison, fortress, post or guard which is committed to his charge, or which it is his duty to defend ; or

(d) commits theft of or mis-appropriates any arms or stores belonging to Government or any property of any kind; or

(e) directly or indirectly holds correspondence with, or assists or relieves, any person in arms against the authority of the Government or omits to disclose immediately to any one of his superior officers any such correspondence coming to his knowledge ; or

(f) communicates to any person, other than a person to whom he is authorised to communicate, information which is calculated to be or is intended to be directly or indirectly useful to an enemy or a foreign power or which is prejudicial to the security of Pakistan or

to the good order and efficient working of the Force; or

==

(9) who, while on active duty,— -

(i) disobeys the lawful command of any of his superior officers; or

(li) deserts the service; or

(iii) being a sentry, sleeps at his post, or quits it without being
Regularly relieved or without leave; or

(iy) displays cowardice in the execution of his duty: or

(v) quits his guard, picquet, party or patrol, without being regularly
relieved or without leave; or

{vi) aids or abets smuggling, *

shall, on conviction by a special court, be punishable with rigorous imprison-
Ment for a term which may extend to six years, with or without fine, and, if
convicted for aiding or abetting amuggling, also with confiscation of movable
and immovable property.

(2) A special court shall take cognizance of an offence punishable under
sub-section (1) either on its own motion or on complaint made by any officer
and shall follow such procedure as may be prescribed.

(3) Where the officer accused of an offence punishable under sub-section
(1) is the Director-General or the Deputy Director-General, reference in that sub-
section and in sub-section (2) to a special court shall be construed as reference
to a Tribunal and sub-section (2) shall have effect as if the reference therein
to the special court taking cognizance of an offence on its own motion were
omitted.

(4) Any officer or a member of the Force shalt have the right to be defended
by a legal practitioner or by any officer of his own choice.

13. Less heinous offences.—(1) Any officer or member of the Force who—

(a) is in a state of intoxication when on, or after having been detailed
for, any duty, or on parade, or on the line of march ; or

(b) strikes or forces, or attempts to force, any sentry; or

{c) being in command of a guard, picquet or patrol, refuses to receive
any prisoner duly committed to his charge, or, whether in such com-
mand or not, releases any prisoners without proper authority or
negligently suffers any prisoner to escape; or

(d) being deputed to any guard, picquet or patrol, quits it without being
regularly relieved or without leave; or

(e) being in command of a guard, picquet or patrol, permits gambling or

other behaviour prejudicial to good order and discipline; or

(being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(9) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or

(Bh) refuses to superintend or assist in the making of field work or other work of any description orders to be made either in quarters or in
ø field; or

(strikes or otherwise ill-treats a member of the Force subordinate to him in rank or position ;

Pant I] THE GAZETTE OF PAKISTAN, EXTRA., JUNE 29, 1973 4

(i) designedly or through neglect injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements, any means of transport or other Force necessities, or any such articles entrusted to him or belonging to any other person ; or

(kK) malingers or feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(J) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

(m) commits extortion or without proper authority exacts from any person carriage, portorage or provisions; or

(n) designedly or through neglect, kills, injures, makes away with, ill-treats or loses his horse or any other animal used in the public service ; oT

(0) who, while not on active duty,—

(i) disobeys the lawful command of his superior officer ; or
 (ii) plunders, destroys or damages any property of any kind; or
 (iii) being a sentry, sleeps at his post or quits it without being regularly relieved or without leave; or
 (iv) deserts or attempts to desert the service or absents himself without leave; or
 (v) accepts illegal gratification from any person; or
 (vi) designedly or through neglect fails to apprehend an offender; or
 (vii) designedly or through neglect fails to perform his duties; or
 (viii) neglects to obey Force Orders or any orders, rules regulations made under this Act or commits any act or omission prejudicial to good order and discipline such act or omission not constituting any offence under the Pakistan Penal Code (Act XLV of 1860), or any other law for the time being in force,

shall, on conviction by a special summary court, be punishable with rigorous imprisonment for a term which may extend to one year and with fine which may extend to two hundred rupees.

(2) The special summary court shall take cognizance of an offence punishable under sub-section (1) either on its own motion or on complaint made by any person and shall follow such procedure as may be prescribed.

(3) Where the officer accused of an offence punishable under sub-section (1) is the Director-General or the Deputy Director-General, reference in that sub-section and in sub-section (2) to a special summary court shall be construed as reference to a Tribunal and sub-section (2) shall have effect as if the reference therein to the special summary court taking cognizance of an offence of its

own motion were omitted.

14. Departmental punishments.—(i) The Director-General, the Deputy Director-General or a Director may award to any officer or member of the Force serving under him any of the following punishments for the commission of any

offence against discipline and good order, neglect of duty, disobedience, or misconduct, or for any offence which, although it is one of the offences specified in section 12 or section 13 is not, in his opinion, of a sufficiently serious nature to warrant trial by a special court or special summary court, namely :—

- (a) dismissal from service ;
- (b) removal from service ;
- (c) compulsory retirement ;
- (d) reduction in rank or grade in case of tradesmen, or in both;
- (e) rigorous imprisonment for a term not exceeding twenty-eight days;
- (f) stoppage of promotion ;
- (g) forfeiture of seniority for not more than one year;
- (h) forfeiture of pay and allowances not exceeding twenty-eight days ;
- (i) fine not exceeding five hundred rupees ;
- (j) severe reprimand ;
- (k) reprimand ;
- (l) extra-guards, picquets, patrol or fatigue;
- (m) confinement to lines for any period not exceeding thirty days, with :
or without punishment drill.

(2) Where the officer accused of an offence of the nature referred to in sub-section (1) is the Director-General or the Deputy Director-General and the offence is not, in the opinion of the Federal Government, of a sufficiently serious nature to warrant trial by a Tribunal, the Federal Government may appoint an inquiry officer for inquiring into the allegations against the accused officer in the prescribed manner and, on the basis of the report of the inquiry Officer, award to the accused officer any of the punishments specified in sub-section (1).

(3) Any of the punishments mentioned in sub-section (1) may be awarded separately or in combination with any one or more of the others and in awarding any of the punishments such procedure shall be followed as may be prescribed.

15. Consequence of sentence of imprisonment.—An officer or member of the Force who is sentenced to a term of imprisonment for a term which is not less than ninety days shall be deemed to have been dismissed from the Force.

16. Suspension.—Any officer or upper subordinate officer shall be competent to suspend in the prescribed manner a member of the Force working under him for any misconduct, remissness or negligence in the discharge of his duties.

17. Place of imprisonment.—If an officer or member of the Force sentenced by a special court, a special summary court or a Tribunal to imprisonment

for a term not exceeding one month is also dismissed from service, he shall be imprisoned in the nearest prison or such other prison as the Federal Government may, by general or special order, direct, but if he is not so dismissed, he may be confined in a quarter-guard or such other place as the court or the

Director-General or, in the case of Director-General, the Federal Government may consider suitable.

18. Arrest.—(1) Any member of the Force who commits any offence specified in section 12 or section 13 may be placed on open or close arrest by any officer, upper subordinate officer or subordinate officer and any officer who commits any such offence may be placed on such arrest by any officer superior in rank to him. ‘

“ Explanation —in relation to the Director-General, “officer superior in rank” means the Federal Government.

(2) An upper subordinate officer or subordinate officer who orders an arrest

as, under subsection (1) shall, at the earliest opportunity, report the arrest to his

Assistant Director or Deputy Director who may, after investigating the case, order the release of the concerned arrested member of the force arrested.

(3) If the officer who orders the arrest of an officer under sub-section (1) is subordinate to the Deputy Director-General or the Director-General, he shall report the arrest to the Deputy Director-General or, as the case may be, the Director-General who may, after investigating the case, order the release or the continued arrest of the officer arrested,

19. Apprehension.— (1) Whenever any person subject to this Act deserts, his Director or Deputy Director shall give all the assistance in his power towards the apprehension of the deserter and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, into the custody of the Force.

“(2) Any police officer may arrest without warrant any person whom he

reasonably believes to be subject to this Act and a deserter or absentee without leave and bring him without delay before the nearest Magistrate, to be dealt with according to law,

20. Confirmation of sentences.—(1) No sentence of a Special court, a summary special court or a Tribunal shall be valid until it is confirmed as provided in this section.

(2) The sentence of a special court or a Tribunal may be confirmed by the Federal Government or by an officer of the Federal Government authorised by it in this behalf.

(3) The sentence of a special summary court may be confirmed by the Director-General or, if so authorized by him, by the Deputy Director-General.

(4) When confirming a sentence, the Federal Government or the officer authorised under sub-section (2) or, as the case may be, the Director-General or Deputy Director-General may mitigate or remit the punishment thereby awarded or commute that punishment for any less punishment or punishments to which the offender might have been sentenced by the special court, special

_ = Summary court or, as the case may be, the Tribunal.

- 21. Appeal.—(1) In all cases decided by the Deputy Director-General or a Director under section 14, a person aggrieved may, within thirty days of the order, appeal to the officer higher than the one awarding the punishment.

(2) A person aggrieved by an order of the Director- General awarding any punishment under section 14, may, within thirty days of the order, appeal to the Federal Government.

22. Indemnity.—No suit, prosecution or other legal proceeding: shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

23. Powers to make rules and regulations.—(1) The Federal Government may, by notification in the official Gazette, make rules—

- (a) regulating the functions and powers of the officers ;
- (b) regulating the classes and grades of, and the remuneration to be paid to, members of the Force and their conditions of service ;
- (c) regulating the award of departmental punishments under section 14 ;
- (d) laying down the procedure to be followed by a special court, a special summary court or a Tribunal; and
- (e) generally for the purpose of carrying into effect the provisions of this Act.

(2) The Director-General may, by notification in the official Gazette published with the prior approval in writing of the Federal Government, make regulations consistent with this Act and the rules for carrying out the purposes of this Act.

24, Repeal.--The Federal Security Force Ordinance, 1973 (X of 1973), is hereby repealed.

FIRST SCHEDULE

[See section 2(f)] \

(RECRUITING ROLL)

After you have served in the Federal Security Force for such period as has been fixed under the Federal Security Force Act, 1973, you may at any time when not on active duty, apply for your discharge, through the officer to whom you may be subordinate, to the Director and you will be granted your discharge after three months from the date of your application, unless your discharge would cause the vacancies in that unit of the Federal Security Force to exceed one-tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived or removed. But, when on active duty, you shall have no claim to discharge, and you shall be bound, to remain to do your duty until the necessity for retaining you in the Federal Security Force ceases, when you make your application in the manner mentioned above.

Signed in acknowledgement of the above having been read out to me. |
have understood the purport of what has been read out.

Person Enrolled

Signed in my presence after I had ascertained that the recruit understood
(the purport of what he signed).

Director or other Enrolling Officer.

SECOND SCHEDULE

{See section 2(f)}

(FORM OF AFFIRMATION)

ds encenonscceseeeeeeeeecsausscasseucasereeeeeees ...Solemaly affirm in the presence of
Atmignty God that I will bear true faith and allegiance to Pakistan and that I
will, as in duty bound, honestly and faithfully serve in the Federal Security

Force and go wherever I may be ordered by air, land or sea, and that I will
observe and obey all commands of any officer set over me even to the peril of

my life.

Signed in acknowledgement of the above having been read out to me.

Person Enrolled

Signed in my presence after I had ascertained that the person understood
the purport of what he signed

Director

or

other Enrolling Officer.

ROMAN URDU TRANSLATION OF AFFIRMATION

Main... eee Khuda-e-Taala Ko Hazir-oNazir janker iman se
iqrar karta hua key main Pakistan ki Hukumat ka sache dil se wafadar rahunga
aur Federal Security Force men imandari aur wafadari se khidmat ka farz baja
launga. Bharti hone ki sharait ke mutabiq hawa, khushk' ya tari ke raste jahan
bhi jane ka hukam melega jaonga aur jise mera afsar muqarrar kia jaega uskey
har hukam ki tamil aur pairvi karunga, khah us men jan ka khatra ho.

ACT No. XLI OF 1973

An Act to provide for the levy and collection of a development surcharge on
chemical fertilizers and for matters connected therewith.

'WHEREAS it is expedient to provide for the levy and collection. of a develop-
ment surcharge on chemical fertilizers and for matters connected therewith ;

Tt is hereby enacted as follows :—

1. Short title, extent and commencement.—(i) This Act mav be called
the Chemical Fertilizers (Development Surcharge) Act, 1973.

(2) It-exterids to the whole of Pakistan.

(3) It. shall come into force at once.