



THE NATIONAL GUARDS ACT, 1973



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THE NATIONAL GUARDS ACT, 1973.

¹ACT NO. LXI OF 1973

[12th August, 1973]

An Act to provide for the constitution and discipline of the National Guards.

WHEREAS it is expedient to provide for the constitution and discipline of the National Guards and matters ancillary thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, application and commencement. —(1) This Act may be called the National Guards Act, 1973.

(2) It extends to the whole of Pakistan and applies to all persons subject to this Act, wherever they may be.

²[(3) It shall come into force at once:

Provided that nothing in this Act shall be deemed to authorize the punishment of any person for any act or omission which was not punishable before the 24th day of December, 1973.]

2. Persons subject to this Act.—(1) Every person enrolled in the Mujahid Force or the Janbaz Force and every person who was subject to the Mujahid Force Ordinance, 1965 (XXII of 1965.), immediately before the commencement of this Act, shall be subject to this Act wherever he may be and shall remain so subject until his discharge in accordance with this Act.

3* * * * *

3. Constituents of National Guards. The following four types of forces shall constitute the National Guards, namely:—

(a) the Mujahid Force; ³[and]

(b) the Janbaz Force [.]³

3* * * * *

¹ For Statement of Objects and Reasons, see Gaz. of P., 1973, Ext., Pt. III, p. 1388.

² Subs. and shall be deemed always to have been so subs. with effect from the 12th day of August, 1973 by the National Guards (Amdt.) Act, 1975 (57 of 1975), s. 2, for the original sub-section (3).

³ Omitted by Ord. 42 of 02, s. 2.

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

(1) "Board" means a Board of Intermediate and Secondary Education;

(2) "college" means an institution affiliated to a Board or University ;

(3) "commanding officer" means,—

(a) when used in relation to a person subject to this Act, the officer for the time being in command of the portion of the Force to which such person belongs or is attached; and

(b) when used with reference to any separate portion of the Force, the officer whose duty it is under the regulations of the Force, or, in the absence of such regulations, by its custom, to discharge with respect to that portion the functions of the commanding officer;

(4) "directorate of education" means any Provincial or regional directorate of education and includes a directorate of education in the Capital of the Federation ;

(5) "Director-General" means the Director-General, National Guards, appointed by the Federal Government;

(6) "district" means a revenue district of a Province;

(7) "division" means a revenue division of a Province;

(8) "employer" means any person who employs another person for hire or reward, either directly or through a contractor, whether the terms of employment be ex-pressed or implied, and includes, in the case of an establishment, the person responsible for the management, supervision and control of the establishment;

(9) "enrolled" means enrolled or re-enrolled in either of the Forces referred to in clauses (a) and (b) of section 3;

(10) "Force" means any of the ²[two] constituents of the National Guards referred to in section 3;

(11) "independent company" means every company which does not form part of a battalion;

(12) "junior commissioned officer" means a. person commissioned, gazetted or in pay as junior commissioned officer in the Force;

(13) "non-commissioned officer" means a person enrolled and holding a non-commissioned rank in the Force;

¹ Added Subs. and Omitted by Or d. 42 of 02, s. 3.

² Subs. by Ord. 42 of 02, s. 4.

(14) "officer" means a person commissioned, gazetted or in pay as an officer of the Force, but does not include a junior commissioned officer;

(15) "prescribed" means prescribed by rules;

(16) "regulations" means regulations made under this Act;

(17) "rules" means rules made under this Act"; and

(18) "unit" means a unit of the Force.

CHAPTER II

CONSTITUTION AND CONTROL OF THE MUJAHID FORCE

5. Constitution of Mujahid Force. There shall be raised and maintained, in accordance with the provisions of this Act, a force to be designated the Mujahid Force.

6. Constitution and disbandment of units. The Federal Government, or any officer or authority empowered by it in this behalf, may constitute one or more units of the Mujahid Force to be recruited from persons residing in Pakistan and may disband or reconstitute any unit so constituted.

7. Personnel of the Mujahid Force. —(1) There shall be the following classes of personnel in the Mujahid Force, namely:—

(a) officers holding commissions in the Force granted by the President;

(b) junior commissioned officers holding commissions in the Force granted by the Chief of the Army Staff.

(c) non-commissioned officers appointed as such by the respective commanding officers; and

(d) Mujahids.

(2) An officer or a junior commissioned officer shall be deemed to be enrolled in the Force for so long as he holds commission therein.

8. Enrolment. —(1) Every male citizen of Pakistan who is of such age as may be prescribed may offer himself for enrolment in the Mujahid Force for service in any unit and any such person who satisfies the conditions laid down in the regulations may be enrolled for such period and in such manner as may be prescribed.

(2) Every person enrolled shall, without unnecessary delay, be appointed to a unit in which he has applied for service.

9. Transfer and attachment. Notwithstanding anything contained in section 8, any person appointed to a unit may—