

**THE COMPULSORY SERVICE (AZAD KASHMIR REGULAR FORCES) ORDINANCE, 1966  
(Ordinance I of 1966)**

*(Passed under Government Order No. 1-50/Ordinance/SL/66,  
Dated Muzaffarabad, the February 4, 1966)*

**AN ORDINANCE**

*to provide for compulsory service in the Azad Kashmir Regular Forces of essential persons and ex-servicemen.*

WHEREAS it is expedient to provide for compulsory service in the Azad Kashmir Regular Forces of essential persons and ex-servicemen ;

AND WHEREAS the President of the Azad Government of the State of Jammu and Kashmir is satisfied that immediate legislation is necessary to meet the emergency ;

Now, THEREFORE, in exercise of the Powers vested in him under Rule 3 of the Rules made under the Azad Jammu and Kashmir Government Act, 1964, 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 Compulsory Service (Azad Kashmir Regular Forces) Ordinance, 1966.
  - (2) It extends to the whole of Azad Jammu and Kashmir Territory and applies to all essential persons and ex-servicemen wherever they may be; but does not apply to:
    - (a) any person who is a member of or employed by, any of the Armed Forces;
    - (b) the sole surviving son or daughter, where one or more sons or daughters of a family have been killed in action or have died while serving in the Armed Forces ; or
    - (c) the only son or daughter whose parents are unable to earn their livelihood, or either of whom is above sixty years.
  - (3) It shall come into force at once and shall be deemed to have

taken effect on the 5th day of September, 1965.

2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context:-
- (a) 'Armed Forces' means the Azad Kashmir Regular Forces and the reserves thereof when formed ;
  - (b) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898) ;
  - (c) 'Essential Persons' means a person over the age of 18 years and under the age of 55 years residing in Azad Jammu and Kashmir Territory who is not an employee of the Azad Government of the State of Jammu and Kashmir or of the Government of Pakistan and who falls into any category of persons specified in the Schedule and includes such other person as the Government may, by notification in the official Gazette, declare to be an essential person for the purposes of this Ordinance ;
  - (d) 'Defence Council' means the Defence Council constituted by the Government;
  - (e) 'ex-serviceman' means a person not being an essential person whose service with Azad Kashmir Regular Forces has been terminated ;
  - (f) 'Prescribed' means prescribed by rules made under this Ordinance ;
  - (g) 'Service Headquarters' means the General Headquarters, Pakistan in the case of Commissioned Officers and Central Record Office Azad Kashmir Regular Forces in the case of junior Commissioned Officers and other ranks.
3. **Liability to be called up etc:-** (1) Every person to whom this Ordinance applies shall be liable to be called up for service under this Ordinance if he is not over the age of sixty years.
- (2) Persons so called up shall be liable to serve with any of the Armed Forces for so long as their services are required,
4. **Call up Notice:-** (1) The Services Headquarters shall issue in writing notices to such essential persons as are to be called up,

directing them to report in person to such authority at such time and place as may be specified in the notice.

(2) The Services Headquarters concerned or such authority as may be empowered by them, may likewise issue call up notices to ex-servicemen.

(3) The issue of a notice under this section shall not mean that the person called up has been accepted for service.

5. **Applicability of Service Law:-** (1) A person accepted for service under this Ordinance 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 Azad Kashmir Regular Forces and shall remain so subject until duly retired, released, discharged, removed or dismissed from the Service.

(2) Such person shall, during his service in the Armed Forces, be governed as regards attestation, pay and allowances, leave, and other terms of service, by the rules as applicable to serving personnel of equivalent rank, and shall on the termination of his service, be paid such pension or gratuity as may be prescribed.

6. **Obligation to comply with call up notice:-** (1) A person to whom a notice under section 4 has been issued shall report to the authority at the time and place notified therein.

(2) Where such person is known to be serving in an industrial undertaking, a copy of such notice shall at the same time be forwarded to the owner or manager of such undertaking requiring such owner or manager to release the person concerned within seven days of the receipt thereof.

7. **Grant of Commission:-** A person called up for service under this Ordinance may be granted commission in the Azad Kashmir Regular Forces subject to such condition as may be prescribed.

8. **Procedure for seeking exemption:-** (1) If a person, to whom a notice under sub-section (1) of section 4 has been issued, seeks exemption from a service under this Ordinance, he shall, within seven days of the receipt of the notice, submit a written representation to the Services Headquarters which shall reconsider the case and pass such orders it may deem fit.

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

9. **Reinstatement of persons released under the Orders of the Services Headquarters:-** (1) Subject to the other provisions of this section, every employer by whom a person was released for service under this Ordinance in pursuance of a notice served under section 5, shall, on the termination of such service, reinstate such person in the employment from which he was released, 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 as is not so 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 Ordinance.

(2) Where, for any reason, reinstatement or employment under subsection (1) is not practicable, the employer shall, within seven days from the, date on which the person to be reinstated or employed applies or reports himself for reinstatement or employment, make an application to Defence Council for exemption from the provisions of sub-section (1) and send a copy thereof to such person.

(3) Upon an application from the employer under sub-section (2) the Defence Council shall, after such enquiry and hearing as it considers necessary, make an order:

- (a) exempting the employer from the provisions of sub-section (1) in which case the employer shall be required to pay to such person a compensation of a sum not less than six months' remuneration calculated at the rate he was entitled to when he was released by the employer ; or
- (b) requiring the employer to reinstate or give employment to such person in terms of sub-section (1), or on such terms and conditions as it may specify in the order.

(4) If any employer contravenes the provisions of sub-section (1), or fails or neglects to carry out the order of the Defence Council under sub-section (3), he shall, without prejudice to any

penalty to which he may be liable under section 10, be also liable, if the Court converting him so directs to pay as compensation such sum not exceeding six months' remuneration of the person concerned in addition to the compensation as provided under clause (a) of sub-section (3).

(5) Any sum which the employer is required to pay under any order of the Defence Council under sub-section (3) or an order of the Court under subsection (4) shall be recoverable as if it were a fine imposed by a Court.

10. **Penalty and procedure:-** (1) Any person who commits any of the following offences, that is to say:

(a) fails to deliver, or causes delay in, or obstructs delivery of, or refuses to receive, a notice issued under this Ordinance ;

(b) fails to report as directed in a notice issued under section 4 ;

(c) persuades a person called up under this Ordinance to evade such service or abets him in any manner prejudicial to any of the provisions of this Ordinance ;

(d) make a false statement with a view to avoiding service under this Ordinance or abets another person in avoiding service ;

(e) with intent to render himself or any other person unfit for service under this Ordinance, voluntarily causes hurt or disease to himself or that person ; or

(f) contravenes the provisions of section 9 or fails or neglects to carry out orders of the Defence Council, shall, on conviction by a court, be punishable with rigorous imprisonment for a term which may extend to seven years, or with fine which may extend to ten thousand rupees, or with both.

(2) No Court inferior to that of a Magistrate of the first class invested with powers under section 30 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall try an offence under this Ordinance,

11. **Indemnity:-** Except as provided in this Ordinance, no order made, direction issued, or proceedings taken under this Ordinance, shall be called in question in any Court, and no suit, prosecution or other legal proceedings shall lie against any

person for anything in good faith done or intended to be done under this Ordinance.

12. **Power to make Rules:-** (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:

- (a) the form, procedure and mode of issue of call up notices ;
- (b) the travelling and other allowances payable to persons called up for service under this Ordinance up to the date of their acceptance for such service;
- (c) the standards and conduct of tests and medical examination of persons called up for service under this Ordinance to determine their suitability for such service and the grant of rank thereupon ;
- (d) the gratuity or compensation to be paid on the termination of their service to persons accepted for service under this Ordinance or to the dependents of such persons; and
- (e) any other matter which under this Ordinance is to be or may be prescribed.

#### **SCHEDULE OF ESSENTIAL PERSONS**

1. Engineer (Civil).
2. Engineer (Electrical).
3. Engineer (Mechanical).
4. Engineer (Aeronautical).
5. Engineer (Wireless).
6. Engineer (Sound).
7. Engineer (Marine).
8. Chemist.
9. Metallurgist.
10. Geologist.
11. Mineralogist.
12. Meteorologist.
13. Workshop Foreman.
14. Surgeon.
15. Physician.

16. Radiologist.
  17. Pathologist.
  18. Bacteriologist.
  19. Dentist.
  20. Public Health Officer.
  21. Nurse.
  22. Veterinary Surgeon.
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