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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 16th January, 2020

No. F. 9(3)/2020-Legis.—Pursuant of sub-rule (4) of rule 194 of the Rules of Procedure and Conduct of Business in the Senate, 2012, the report of the Standing Committee presented to the Senate on 8th January, 2020, is published for information:—

REPORT OF THE SENATE STANDING COMMITTEE ON DEFENCE

I, the Chairman of Senate Standing Committee on Defence, have the honour to present this report on the Bill further to amend the Pakistan Navy Ordinance, 1961 (XXXV of 1961) [The Pakistan Navy (Amendment) Bill, 2020] as passed by the National Assembly, moved by Minister for Parliamentary Affairs on behalf of Minister for Defence, in the Senate in its sitting held on 7th January, 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:—

- | | |
|--------------------------------|-----------------|
| 1. Senator Walid Iqbal | Chairman |
| 2. Senator Sajjad Hussain Turi | Member |
| 3. Senator Anwaar-ul-Haq Kakar | Member |

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4. Senator Mushahid Hussain Syed	<i>Member</i>
5. Senator Dilawar Khan	<i>Member</i>
6. Senator Lt. Gen. Abdul Qayyum HI (M) Retd.	<i>Member</i>
7. Senator Muhammad Javed Abbasi	<i>Member</i>
8. Senator Abdul Rehman Malik	<i>Member</i>
9. Senator Sherry Rehman	<i>Member</i>
10. Senator Mir Kabeer Ahmed Muhammad Shahi	<i>Member</i>
11. Senator Muhammad Talha Mehmood	<i>Member</i>
12. Senator Mushtaq Ahmad Khan	<i>Member</i>
13. Senator Dr. Muhammad Farogh Naseem	<i>Member</i>
14. Mr. Pervez Khattak Minister for Defence	<i>Ex-Officio Member</i>

3. The matter was taken up for consideration in the Committee meeting held on 7th January, 2020. The following Members of the Committee attended the meeting:—

1. Senator Walid Iqbal	<i>Chairman</i>
2. Senator Sajjad Hussain Turi	<i>Member</i>
3. Senator Anwaar-ul-Haq Kakar	<i>Member</i>
4. Senator Mushahid Hussain Syed	<i>Member</i>
5. Senator Dilawar Khan	<i>Member</i>
6. Senator Lt. Gen. Abdul Qayyum HI (M) Retd.	<i>Member</i>
7. Senator Muhammad Javed Abbasi	<i>Member</i>
8. Senator Abdul Rehman Malik	<i>Member</i>
9. Senator Sherry Rehman	<i>Member</i>
10. Senator Dr. Muhammad Farogh Naseem	<i>Member</i>
11. Minister for Defence	<i>Ex-Officio Member</i>

4. The Committee considered and unanimously recommended that “The Pakistan Navy (Amendment) Bill, 2020” as passed by the National Assembly and introduced in the Senate may be passed. (Copy of the Bill is Annexed as “A”).

Sd/-
ASIM KHAN GORAYA,
Joint Secretary/Secretary Committee.

Sd/-
SENATOR WALID IQBAL,
Chairman.

Annex-A

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Pakistan Navy Ordinance, 1961

WHEREAS it is expedient further to amend the Pakistan Navy Ordinance, 1961 (XXXV of 1961) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act shall be called the Pakistan Navy (Amendment) Act, 2020.

(2) It shall come into force at once and shall be deemed to have taken effect on the 27th day of November, 2019.

2. **Amendment of section 4, Ordinance XXXV of 1961.**—In the Pakistan Navy Ordinance, 1961 (XXXV of 1961), hereinafter referred to as the said Ordinance, in section 4, after clause (iv), the following new clause, shall be inserted, namely:—

“(iva) “Chairman, Joint Chiefs of Staff Committee” means an officer who has been appointed as the Chairman, Joint Chiefs of Staff Committee, by the President, in accordance with Article 243 of the Constitution of Islamic Republic of Pakistan, read with section 14D;”.

3. **Insertion of new Chapter, Ordinance XXXV of 1961.**—In the said Ordinance, after Chapter-III, the following new Chapter shall be inserted, namely:—

**“CHAPTER-III
APPOINTMENT OF THE CHIEF OF THE NAVAL STAFF AND THE
CHAIRMAN, JOINT CHIEFS OF STAFF COMMITTEE**

14A. Appointment of the Chief of the Naval Staff.—(1) The President shall, on the advice of the Prime Minister, appoint an Admiral as the Chief of the Naval Staff, for a tenure of three (03) years.

(2) The terms and conditions of the Chief of the Naval Staff shall be determined by the President, on the advice of the Prime Minister.

14B. Re-appointment or extension of Chief of the Naval Staff.—

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, the President, on the advice of the Prime Minister, may re-appoint the Chief of the Naval Staff for additional tenure of three (03) years, or extend the tenure(s) of the Chief of the Naval Staff up to three (03) years, on such terms and conditions, as may be determined by the President on the advice of the Prime Minister, in the national security interest or exigencies, from time to time.

(2) Notwithstanding anything contained in this Act or any other law, or any order or judgment of any Court, the appointment, re-appointment or extension of the Chief of the Naval Staff, or the exercise of discretion by the appointing authority in this regard, shall not be called into question before any Court on any ground whatsoever.

14C. Retirement age and service limits of the Chief of Naval Staff.—

The retirement age and service limits prescribed for an Admiral, under the Rules and Regulations made under this Ordinance, shall not be applicable to the Chief of the Naval Staff, during his tenure of appointment, re-appointment or extension, subject to a maximum age of sixty-four (64) years. Throughout such tenure, the Chief of the Naval Staff shall continue to serve as an Admiral in the Pakistan Navy.

14D. Appointment of the Chairman, Joint Chiefs of Staff Committee.—(1) The President may, on the advice of the Prime Minister, appoint a Chairman, Joint Chiefs of Staff Committee, from amongst Generals in the Pakistan Army, Admirals in the Pakistan Navy, or Air Chief Marshals in the Pakistan Air Force, for a tenure of three (03) years.

(2) The terms and conditions of the Chairman, Joint Chiefs of Staff Committee shall be determined by the President on the advice of the Prime Minister.

(3) If the Chairman, Joint Chiefs of Staff Committee is appointed from amongst Admirals in the Pakistan Navy, the provisions of this Ordinance shall be applicable to the such Chairman, Joint Chiefs of Staff Committee.

14E. Re-appointment or extension of the Chairman, Joint Chiefs of Staff Committee.—(1) Notwithstanding anything contained in this Act or any other law for the time being in force, the President, on the advice of the Prime Minister, may re-appoint the Chairman, Joint Chiefs of Staff Committee for additional tenure of three (03) years, or extend the tenure(s) of the Chairman, Joint Chiefs of Staff Committee up to three (03) years, on such terms and conditions, as may be determined by the President on the advice of the Prime Minister, in the national security interest or exigencies, from time to time.

(2) Notwithstanding anything contained in this Act or any other law, or any order or judgment of any Court, the appointment, re-appointment or extension of the Chairman, Joint Chiefs of Staff Committee, or the exercise of discretion by the appointing authority in this regard, shall not be called into question before any Court on any ground whatsoever.

14F. Retirement age and service limits of the Chairman, Joint Chiefs of Staff Committee.—In case an Admiral of the Pakistan Navy is appointed as the Chairman, Joint Chiefs of Staff Committee, the retirement age and service limits, prescribed under the Rules and Regulations made under this Ordinance, shall not be applicable to the said Admiral during his tenure of appointment, re-appointment or extension, subject to a maximum age of sixty-four (64) years. Throughout such tenure, the Chairman, Joint Chiefs of Staff Committee, appointed under this Ordinance, shall continue to serve as an Admiral in the Pakistan Navy.”

4. **Amendment of section 15, Ordinance XXXV of 1961.**—In the said Ordinance, in section 15, for the word “Every” the expression, “Subject to Chapter-III A, every” shall be substituted and for the full stop at the end, a colon shall be substituted and thereafter the following provisos shall be inserted, namely:—

“Provided that the appointment, re-appointment, extension, and tenure of the Chief of the Naval Staff shall be determined in accordance with sections 14A, 14B and 14C:

Provided further that the appointment, re-appointment, extension, and tenure of the Chairman, Joint Chiefs of Staff Committee shall be determined in accordance with sections 14D, 14E and 14F.”

5. **Amendment of section 177, Ordinance XXXV of 1961.**—In the said Ordinance, in section 177, in sub-section (2), sub-clause (a), after the word “the”, occurring for the first time, the words and commas “appointment, re-appointment, extension,” and after the word “Ordinance”, the words and commas “including the Chief of the Naval Staff and the Chairman, Joint Chiefs of Staff Committee” shall be added.

6. **Amendment of section 178, Ordinance XXXV of 1961.**—In the said Ordinance, in section 178, in sub-section (1), after the word “forces”, the words and commas “including the Chief of the Naval Staff and the Chairman, Joint Chiefs of the Staff Committee”, shall be added.

7. **Overriding effect.**—(1) The provisions of this Act shall have effect notwithstanding anything contained in the said Ordinance, any other law, rules, regulations or bye-laws, notifications and other legal instruments for the time being in force.

(2) In case there is any conflict between the provisions of this Act and any other law for the time being in force, the provisions of this Act shall prevail to the extent of inconsistency.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the provisions of the Pakistan Navy Ordinance, 1961 so as to empower the President, on the advice of the Prime Minister, to specify the tenure and the terms and conditions of service of the Chief of the Naval Staff or the Chairman, Joint Chiefs of Staff Committee, including the grant of extension to, and re-appointment of, the Chief of the Naval Staff or the Chairman, Joint Chiefs of Staff Committee, and to provide for other related matters, in light of the Honourable Supreme Court's judgment dated 28th November, 2019, passed in Constitution Petition No. 39 of 2019.

The Bill is designed to achieve the aforesaid objects.

Sd/-
MINISTER-IN-CHARGE,

DR. AKHTAR NAZIR,
Secretary