

ORDINANCE NO. I OF 2016

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ORDINANCE

*Further to amend the National Command Authority Act, 2010
(Act V of 2010).*

WHEREAS, it is expedient further to amend the National Command Authority Act, 2010 (Act V of 2010) for the purposes hereinafter appearing;

WHEREAS, the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

Now, Therefore, in the exercise of the powers conferred by clause (1) of Article 89 of the Constitution of Islamic Republic of Pakistan, 1973, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the National Command Authority (Amendment) Ordinance, 2016.

(2) It shall come into force at once and the provisions of this Ordinance shall be deemed always to have been part of the National Command Authority Act, 2010 (Act V of 2010).

2. **Substitution of section 7 (d) of the Act V of 2010.**—In clause (d) of section 7 of the Act V of 2010, the words “prescribe specific” shall be repealed and substituted by the words “determine and provide for the” and after the word “matters”, the following words “as it may deem fit and proper in the interests of the Authority” shall be added.

3. **Amendment of section 15 of the Act V of 2010.**—In section 15 of the Act V of 2010, the following new proviso shall be added:

“Provided that notwithstanding anything contained in any judgment, decree, order, direction or declaration of any Court or in this Act or in any other law for the time being in force, the rules, instructions or orders already made, or which may be made, in respect of the employees and strategic organisations of the Authority shall be non-statutory unless approved by the Federal Government and published in the Official Gazette of Pakistan.”

4. **Substitution of section 17 of the Act V of 2010.**—Section 17 of the Act V of 2010 shall be repealed and substituted with the following:

“17. **Funds of the Authority.**— Federal Government shall ensure provision of funds and make contributions in local and foreign currencies to the Authority through Strategic Plans Division as may be necessary to the Authority.”

STATEMENT OF OBJECTS AND REASONS

It is necessary and expedient to promulgate an Ordinance amending the National Command Authority Act, 2010 (V of 2010) (hereinafter the Act) to provide more clearly that the Federal Government shall ensure provision of funds and to further reiterate the original intent of the NCA Ordinance 2007 and NCA Act 2010 that the employees in service of the Authority are not civil servants and that legal relationship of the Authority with its employees is governed under the doctrine of master and servant and further the proposed amendment shall also prevent the abuse of legal process in respect of affairs of state.

Khawaja Muhammad Asif
Minister for Defence