

[AS PASSED BY THE SENATE]

A

Bill

further to amend the National Command Authority Act, 2010

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

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the National Command Authority (Amendment) Act, 2016.

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

2. Amendment of section 7, Act V of 2010.- In the National Command Authority Act, 2010 (V of 2010), hereinafter referred to as the said Act, in section 7, in clause (d),-

(a) for the words "prescribe specific", the words "determine and provide for the" shall be substituted; and

(b) after the word "matters", the words "as it may deem fit and proper in the interests of the Authority" shall be added.

3. Amendment of section 15, Act V of 2010.- In the said Act, in section 15, for the full stop occurring at the end, a colon shall be substituted and thereafter, the following new proviso shall be added, namely:-

"Provided that notwithstanding anything contained in any judgment decree, order, direction or declaration of any Court including the Supreme Court of Pakistan 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 organizations 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, Act V of 2010.- In the said Act, for section 17, the following shall be substituted, namely:-

“17. Funds of the Authority.- The 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 amend 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