

[AS PASSED BY THE SENATE]

**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), in the manner and 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, 2025.

(2) It shall come into force at once.

2. Insertion of new section 1A, Ordinance XXXV of 1961.- In the Pakistan Navy Ordinance, 1961 (Ordinance XXXV of 1961), hereinafter called as the said Ordinance, after section 1, the following new section shall be inserted, namely:-

“1A. Raising and maintaining the Navy.- (1) Subject to the provisions of the Constitution of the Islamic Republic of Pakistan, the President shall raise and maintain the Pakistan Navy and its reserves in accordance with the provisions of this Ordinance, the rules, regulations and instructions made and issued thereunder.

(2) Subject to the provisions of the Constitution of the Islamic Republic of Pakistan, the control and command of the Navy shall rest with the Federal Government and its administration shall vest in the Chief of the Naval Staff.

(3) Subject to the provisions of the Constitution of the Islamic Republic of Pakistan, the President shall grant commission in the Pakistan Navy in accordance with the provisions of this Ordinance, and the rules, regulations and instructions made and issued thereunder.

(4) Personnel of the Pakistan Navy shall in the prescribed manner consist of such officers, sailors and other staff members by whatever designation called for.

(5) The selection, recruitment, qualifications, salary, allowances, discipline, training, administration and other terms and conditions of service in respect of personnel of the Pakistan Navy under sub-section (4) shall be such as may be prescribed”.

3. Amendment of section 2, Ordinance XXXV of 1961.- In the said Ordinance, in section 2, in sub-section (2),-

(a) in clause (a), in sub clause (ii), after the word “ships” the words “or aircrafts” shall be inserted; and

(b) in clause (b), after the word “ships” the words “or aircrafts” shall be inserted.

4. **Amendment in section 4, Ordinance XXXV of 1961.-** In the said Ordinance, in section 4,-

(a) after clause (i), the following new clauses shall be inserted, namely:-

"(ia) **"affiliated entities"** mean entities affiliated with or controlled by the Pakistan Navy, including but not limited to statutory bodies, trusts, foundations, organizations, and other entities as approved by the **Secretary Defence or his nominee;**

(ib) **"aircraft"** includes aeroplanes, balloons, kite balloons, airships, gliders or other machines for flying;"

(ic) **"aircraft material"** includes any engines, fittings, guns, gear, instruments or apparatus for use in connection with aircraft, and any of its components and accessories and petrol, oil and any other substance used for providing motive power for aircraft and lubricating oil;"

(b) in clause (xxviii), after the word **"rules"**, the expression **"regulations and instructions"** shall be inserted.

5. **Insertion of new section 8A, Ordinance XXXV of 1961.-** In the said Ordinance, after section 8, the following new section shall be inserted, namely:-

"8A. Discipline of master of merchant vessel under convoy.- (1) Every master or other person for the time being in command of any merchant or other vessel comprised in a convoy under the command of an officer of the Pakistan Navy shall obey, in all matters relating to the navigation or security of the convoy, any directions which may be given by such officer, and shall take such precautions for avoiding the enemy as may be required by any such direction.

(2) If the directions under sub-section (1) are not obeyed, such officer or any person acting under his orders may compel obedience by force of arms without being liable for any injury or loss of life or any danger to or loss of property resulting therefrom".

6. **Substitution of section 10, Ordinance XXXV of 1961.-** In the said Ordinance, for section 10, the following shall be substituted, namely:-

"10. Ineligibility for commissioning or attestation.- A person who is not a citizen of Pakistan or a dual national or under the age of eighteen years shall not be granted commission or attestation in the Pakistan Navy".

7. **Amendment of section 17, Ordinance XXXV of 1961.-** In the said Ordinance, in section 17, in sub-section (1), after the word **"release"**, the words **"or retain"** shall be inserted.

8. **Insertion of new section 17A, Ordinance XXXV of 1961.-** In the said Ordinance, after section 17, amended as aforesaid, the following new section shall be inserted, namely:-

"17A. Retirement, resignation, release, discharge or retention.- The appropriate authorities may, as may be prescribed in this behalf, retire, release, accept or reject resignation of, or discharge from the service, any person subject to this Ordinance:

Provided that owing to exigencies, extraordinary circumstances, or if war is imminent or existing, the Federal Government may retain compulsorily in service upto sixty years of age any person with the recommendations of the Chief of the Naval Staff and as prescribed in this Ordinance or the rules, regulations or instructions made and issued thereunder."

9. Insertion of new section 38A, Ordinance XXXV of 1961.- In the said Ordinance, after section 38, the following new section shall be inserted, namely:-

"38A. Ill-treating a subordinate.- Any officer, chief petty officer or petty officer, who uses criminal force to or otherwise ill-treats any person subject to this Ordinance, being his subordinate in rank or seniority, shall be liable in the prescribed manner to suffer short imprisonment."

10. Insertion of new section 55A, Ordinance XXXV of 1961.- In the said Ordinance, after section 55, the following new section shall be inserted, namely:-

"55A. Offences by officers in charge of convoy.- (1) All officers appointed for the convoy and protection of any ships or vessels shall diligently perform their duty without delay according to their instructions in that behalf.

(2) Every such officer, subject to this Ordinance, who -

- (a) does not defend the ships and goods under his convoy without deviation to any other objects; or
- (b) refuses to fight in their defence if they are assailed; or
- (c) cowardly abandons and exposes the ship in his convoy to hazard; or
- (d) demands or extracts any money or other reward from any merchant or master for conveying any ships or vessels entrusted to his care; or
- (e) misuses the masters and mariners thereof,

shall be punished with death or long imprisonment, and shall also make such reparation in damages to the merchants, owners and others as a civil court of competent jurisdiction may adjudge."

11. Insertion of new section 63A, Ordinance XXXV of 1961.- In the said Ordinance, after section 63, the following new section shall be inserted, namely:-

"63A. Extortion and corruption.- Any person subject to this Ordinance who directly or indirectly accepts or obtains, or agrees to accept, or attempts to obtain, from any person for himself or any other person, any gratification whatsoever other than a legal remuneration, as a motive or reward for doing or forbearing to do any act, or for showing favour or disfavour to any person, in

relation to any of the affairs of the state or of any service affairs, shall be liable to suffer long imprisonment."

12. Insertion of new sections 66A and 66B, Ordinance XXXV of 1961.- In the said Ordinance, after section 66, the following new sections, shall be inserted, namely:-

"66A. Unauthorized disclosure.- (1) If any person, who is or has been subject to this Ordinance, discloses or causes to be disclosed any information, acquired in official capacity, which is or may be prejudicial to the security and interest of Pakistan or the armed forces of Pakistan, shall be guilty of an offence, and on conviction by the court constituted under this Ordinance, be punished with rigorous imprisonment for a term which may extend to **fourteen** years.

(2) Any disclosure made after seeking prior approval from the Chief of the Naval Staff, or any officer duly empowered by him, in the manner prescribed, shall not be deemed as unauthorized disclosure under sub-section (1).

(3) The information disclosed in contravention of sub-section (1), if prejudicial to the security and interest of Pakistan or the armed forces of Pakistan, shall be dealt with under section 78 of this Ordinance, read with the Official Secrets Act, 1923 (XIX of 1923).

"66B. Political activity.- (1) Any person, who is or has been subject to this Ordinance, shall not engage in political activity of any kind within a period of two years from the date of his retirement, release, resignation, discharge, removal or dismissal from the service.

(2) Whoever violates sub-section (1) of this section shall, on conviction by the court constituted under this Ordinance, be punished with rigorous imprisonment for a term, which may extend to two years".

13. Insertion of new section 69A, Ordinance XXXV of 1961.- In the said Ordinance, after section 69, the following new section shall be inserted, namely:-

"69A. Fraudulent enrolment.- Any person subject to this Ordinance who commits any of the following offences, that is to say,-

(a) without having obtained a regular discharge from the navy or otherwise fulfilled the conditions enabling him to enroll or enter, enrolls himself in, or enters the said force or any part of the military or air forces of Pakistan; or

(b) is concerned in the enrolment in any part of the forces of any person, when he knows or has reason to believe such person to be so circumstanced that by enrolling,

he commits an offence against this Ordinance and shall be liable to suffer imprisonment **up to one year**".

14. Insertion of new sections 75A and 75B, Ordinance XXXV of 1961.- In the said Ordinance, after section 75, the following new sections shall be inserted, namely:-

"75A. Electronic crimes.- A person who is or has been subject to this Ordinance commits an offence under the Prevention of Electronic Crimes Act, 2016 (Act XL of 2016) or relevant electronic, digital, social media laws, with the malafide intention to undermine, ridicule or scandalize the armed forces of Pakistan, may be proceeded under this Ordinance and on conviction by a court constituted under this Ordinance, shall be punished in prescribed manner with the same punishments as provided for in the said Act XL of 2016 or such other laws, as the case may be."

"75B. Defamation.- A person who is or has been subject to this Ordinance intentionally ridicules, scandalizes, brings into hatred or otherwise attempts to lower the armed forces of Pakistan or any part thereof in the estimation of others shall, on conviction by a court constituted under this Ordinance, in the prescribed manner, be punished with imprisonment which may extend to two years or fine or with both."

14A. Amendment of section 80, Ordinance XXXV of 1961.- In the said Ordinance, in section 80, in sub-section 1, in clause (I), after the word "Lieutenant", the word "Commander" shall be inserted.

15. Amendment of section 82, Ordinance XXXV of 1961.- In the said Ordinance, in section 82, in clause (f), for the words "criminal court", the words "court of competent jurisdiction", shall be substituted.

16. Insertion of new section 94A, Ordinance XXXV of 1961.- In the said Ordinance, after section 94, the following new section shall be inserted, namely:-

"94A. Inquiry into illegal absence or any other matter.- A board of inquiry may be assembled in prescribed manner to inquire into illegal absence or any matter which may be referred to it".

17. Insertion of New Section 95A, Ordinance XXXV of 1961.- In the said Ordinance, after Section 95, the following new Section shall be inserted, namely:-

"95A. General Amendment, Ordinance XXXV of 1961.- In the said Ordinance, for the expression "summary general court-martial", the expression "field general court martial", wherever occurring, shall be substituted and shall be continued to have been so substituted in the rules, regulations and instructions made under the said Ordinance."

18. Amendment of section 101, Ordinance XXXV of 1961.- In the said Ordinance, in section 101,-

- (a) in sub-section (1), the word "not" after the word "shall" be added,
- (b) in sub-section (2), the words "other than the president," shall be omitted.

19. Amendment of section 103, Ordinance XXXV of 1961.- In the said Ordinance, in section 103, in sub-section (1), after the word "lieutenant", the word "commander" shall be inserted.

20. Amendment of section 105, Ordinance XXXV of 1961.- In the said Ordinance, in section 105,-

- (a) in sub-section (2), after the expression "section 63", the expression "or section 78" shall be inserted; and
- (b) after sub-section (4), the following new sub-section shall be added, namely:-

"(5) Notwithstanding anything contained in sub-section (3), in computing the said period of three years, any time shall be excluded during which

(a) the commission of offence was not known to the person aggrieved by the offence or to the authority competent to initiate action,

(b) it was not known by whom the offence was committed:

Provided that where the institution of the prosecution in respect of an offence has been stayed by an injunction or order of any court, the period of continuance of the injunction or order shall be excluded.

21. Amendment of section 108, Ordinance XXXV of 1961.- In the said Ordinance, in section 108, in sub-section (1), for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that, where the finding and sentence of court martial has not been confirmed, the confirming authority may order a retrial of such person."

22. Insertion of new section 153A, Ordinance XXXV of 1961.- In the said Ordinance, after section 153, the following new section shall be inserted, namely:-

"153A. Period of detention to be considered while awarding sentence of imprisonment.- Where a naval tribunal decides to pass a sentence of imprisonment on an accused for an offence, it shall take into consideration the period, if any, during which such accused was detained in custody for such offence".

23. Insertion of sections 176A, 176B and 176C, Ordinance XXXV of 1961.- In the said Ordinance, after section 176, the following new sections shall be inserted, namely:-

176A. Military, civil awards and decorations.- The Federal Government may confer combat, non-combat, meritorious service awards, or any other awards or decorations, on serving personnel, war wounded personnel or families of Shuhada, for outstanding contributions and performance, participation or specific achievements.

176B. Service awards.- The Pakistan Navy may, in the prescribed manner, confer service awards on serving personnel, war wounded personnel, families of Shuhada on the basis of performance, participation, rank specific achievements or otherwise:

Provided that all such activities already undertaken shall always be deemed to have been validly done under this Ordinance.

176C. National development.- The Pakistan Navy may, upon direction or with the concurrence of relevant authorities of the appropriate government in the prescribed manner, directly or indirectly, carry out activities related to, inter alia, national development and advancement of national or strategic interest:

Provided that all such activities already undertaken shall be deemed to be and always to have been validly done under this Ordinance.

Explanation.- "appropriate government" means the Federal Government or Provincial Government as the case may be".

24. Amendment of section 177, Ordinance XXXV of 1961.- In the said Ordinance, in section 177, in sub-section (2),-

- (a) in clause (a), after the word "extension," the expression ", retention," shall be inserted and after the expression "release," the expression "resignation," shall be inserted;
- (b) in clause (l), the word "and", at the end shall be omitted; and
- (c) for clause (m), the following shall be substituted namely:-

"(m) the activities related to welfare and rehabilitation of retired and serving Naval personnel, wounded personnel and families of Shuhada;

(n) the activities connected with or resulting in public utility, national development, disaster relief, advancement of national or strategic interests; and

(o) any other matter directed by this Ordinance to be prescribed."

25. Insertion of new sections 178A, 178B and 178C, Ordinance XXXV of 1961.-In the said Ordinance, after section 178, the following new sections shall be inserted, namely:-

178A. Power to issue instructions.- The Chief of the Naval Staff may, from time to time, make and issue instructions for carrying into effect the provisions of this Ordinance and the rules and regulations made thereunder:

Provided that all such instructions already made and issued shall always be deemed to have been validly made and issued under this Ordinance.

178B. Validation.- On commencement of the Pakistan Navy (Amendment) Act, 2024 and notwithstanding anything contained in any other law for the time being in force all rules, regulations, instructions and orders issued and actions taken in purported exercise thereof, from time to time, shall always be deemed to have been validly issued, made, taken or done under this Ordinance and shall not be called in question in any court or tribunal on any ground whatsoever.

178C. Overriding effect.-The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law, rules or regulations for the time being in force and such law, rules or regulations shall, to the extent of any inconsistency, cease to have effect".

26. Insertion of new chapter XIX, Ordinance XXXV of 1961.- In the said Ordinance, after Chapter XVIII, the following new chapter XIX with sections 187 and 188 shall be inserted, namely:-

"CHAPTER XIX

WELFARE AND REHABILITATION

"187. Welfare and rehabilitation.-The Pakistan Navy may, in the manner as may be prescribed, carry out activities for the purpose of welfare and rehabilitation of serving, retired or wounded personnel or such others as well as families of Shuhada:

Provided that all such activities already undertaken shall always be deemed to have been validly done under this Ordinance.

188. Welfare through affiliated entities.- The Pakistan Navy may, in the manner as may be prescribed, through its affiliated entities, carry out activities that relate to or generate proceeds for, inter alia, welfare and rehabilitation of serving and retired personnel of Pakistan Navy, wounded personnel, as well as families of Shuhada:

Provided that all such activities already undertaken shall always be deemed to have been validly undertaken under this Ordinance".

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend provisions of the Pakistan Navy Ordinance, 1961 so as to provide the structural underpinnings of raising and maintaining the Navy, including inter alia, the power to grant commission, determine terms and conditions of service, carryout welfare activities, national development tasks and other operational and institutional matters. Maintaining discipline and guarding information of sensitive nature by serving and retired naval personnel. Introducing amendments in substantive and procedure for smooth working of the PN Ordinance. The welfare and rehabilitation of serving and retired naval officials, wounded personnel as well as families of Shuhada is an important element for morale boosting of soldiers and their families. Welfare and rehabilitation aspects of soldiers, their families and Shuhada have a mention in Navy Regulations. It is meant to comply the observations of the superior courts in their various judgments that any function or policy is to flow from parent law of the Armed forces i.e. PN Ordinance, 1961 in this case.

This Bill is drafted to achieve the aforesaid objects.

Sd/-
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Federal Minister of Defence