

SIND ORDINANCE NO.XIV OF 1971

THE WEST PAKISTAN QAUMI RAZAKARS (SIND AMENDMENT) ORDINANCE, 1971

[23rd December, 1971]

An Ordinance to amend the West Pakistan Qaumi Razakars Ordinance, 1965, in its application to the Province of Sind.

WHEREAS it is expedient to amend the West Pakistan Qaumi Razakars Ordinance, 1965, in its application to the Province of Sind, in the manner hereinafter appearing;

Preamble.

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of Sind and Martial Law Administrator, Zone 'D', is pleased to make and promulgate the following Ordinance: -

1. This Ordinance may be called the West Pakistan Qaumi Razakars (Sind Amendment) Ordinance, 1971.

Short title.

2. In the West Pakistan Qaumi Razakars Ordinance, 1965, in its application to the Province of Sind, after section 5, the following new section shall be inserted, namely: -

Insertion of section 5-A in West Pakistan Ordinance XXVIII of 1965.

"5-A. (1) Notwithstanding anything contained in any other law for the time being in force or any contract or agreement, a Qaumi Razakar who has been called up for service or training on or after the first day of November, 1971, shall, upon the termination of such service or training, be entitled to reinstatement in the employment from which he was released at the time he was called up and the employer shall reinstate such Qaumi Razakar in such employment or, if such reinstatement is less favourable to the Qaumi Razakar than that to which he would, in the ordinary course, have been entitled, give him such employment as is not so less favourable;

Reinstatement of Qaumi Razakars called up for service or training.

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Provided that the employer shall not be required to reinstate or employ any Qaumi Razakar if he does not apply or report to the employer for the purpose within one month of his release from service or training.

(2) Where, for any reason, reinstatement or employment of Qaumi Razakar under sub-section (1) is not practicable, the employer shall, within ten days from the date on which the Qaumi Razakar applies or reports himself for reinstatement or employment, make an application to the Deputy Commissioner for exemption from the provisions of sub-section (1) and send a copy thereof to such Qaumi Razakar.

(3) Upon an application under sub-section (2), the Deputy Commissioner shall after such enquiry and hearing as he considers necessary, make an order—

- (a) exempting the employer from the provisions of sub-section (1); or
- (b) requiring the employer to reinstate or give employment to the Qaumi Razakar on such terms and conditions as he may specify in the order.

(4) If any employer contravenes the provisions of sub-section (1) or fails or neglects to carry out an order under sub-section (3), he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to ten thousand rupees, or with both and the Court convicting him shall direct that the employer shall also pay as compensation to the Qaumi Razakar concerned an amount equal to six months' remuneration of the Qaumi Razakar at the rate to which he was entitled when he was released.

(5) 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 section.

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(6) No order made or proceedings taken under this section shall be called in question in any Court.

Explanation.— In this section “employer” has the same meaning as in the Reservists (Reinstatement in Civil Employment) Ordinance, 1965 (Ordinance XXI of 1965).”