



THE ARMED FORCES CIVIL GENERAL TRANSPORT COMPANIES AND REQUISITION OF CIVIL TRANSPORT ORDINANCE, 2002

ORDINANCE CXXII OF 2002

[14th November, 2002]

An Ordinance to provide for raising of civil general transport

companies and for requisition of civil transport for the Armed Forces

WHEREAS it is expedient to provide for raising of civil general transport companies and for requisition of civil transport for the Armed Forces at a short notice to meet their transport requirements for mobilizing the logistics resources before the declaration of emergency in view of unpredictable operation activity of any adversary of Pakistan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE in pursuance of the Proclamation of Emergency of the Fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Armed Forces Civil General Transport Companies and Requisition of Civil Transport Ordinance, 2002.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the twenty-third day of December, 2001.

2. Definitions.—In this Ordinance unless there is anything repugnant in the subject or context—

(a) "Armed Forces" means the Army, Navy or Air Force of Pakistan or any Armed Forces raised or maintained by the Federal Government including Civil Armed Forces, or any other Armed Forces attached to, or operating with, any such force or forces;

(b) "civil transport" means any vehicle or transport owned by a department of the Federal Government, a Provincial Government or a local body or any private

transport or vehicle owned by any person residing within territorial limits of Pakistan and includes all types of locomotives, general purpose mechanical transport and specialized transport vehicles and related equipment or plant; and

- (c) "Prescribed Authority" means the Secretary to the Government of Pakistan, Ministry of Defence, or any other officer designated by him for the purpose.

3. Raising of general transport companies and requisition of civil transport.—(1) The Prescribed Authority may, on, behalf of the Federal Government, raise civil general transport companies and requisition civil transport whenever such raising, and requisitioning is considered necessary or expedient, even prior to the declaration of emergency in Pakistan:---

Provided that in the case of requisition of civil transport compensation shall be paid as may be prescribed by rules.

(2) The control over civil general transport companies and civil transport referred to in subsection (1), may be exercised by members of the Armed Forces.

4. Provision of this Ordinance to be in addition to, and not in derogation of other laws.—The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of any other law, rules or regulations for the time being in force authorizing the Federal Government to requisition civil transport for such purpose as specified in any such law rules or regulations.

5. Power to make rules.—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:---

- (a) the procedure for raising of civil general transport companies and requisition of civil transport;
- (b) the management, control and dissolution of civil general transport companies;
- (c) fixation of pay and allowances to be paid to a driver and a conductor of the requisitioned civil transport;
- (d) fixation of daily charges payable to an owner of the requisitioned civil transport' and
- (e) extent of compensation payable to an owner of the requisitioned civil transport on account of any damage due to enemy action.