



THE CRIMINAL LAW AMENDMENT ACT, 1938



CONTENTS

- 1 Short title, extent and commencement.
- 2 Dissuasion from enlistment and instigation to mutiny or insubordination after enlistment.

THE CRIMINAL LAW AMENDMENT ACT, 1938.

¹ACT NO. XX OF 1938

[14th September, 1938]

An Act to amend the criminal law

WHEREAS it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, ²[the Armed Forces of Pakistan] ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Criminal Law Amendment Act, 1938.

³[(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf, for the territories under its administration.]

2. Dissuasion from enlistment and instigation to mutiny or in subordination after enlistment.
Whoever—

(a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of ⁴[Pakistan] wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or

¹For Statement of Objects and Reasons, see Gazette of India, 1938, Pt. V, page 276.

The Act has been applied to Baluchistan, see Notification No. 309-F., dated the 15th December, 1938, Gazette of India, 1938, Pt. I, p. 2041, and applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and also extended to the Excluded Area of Upper Tanawal (N.W.F.P) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

²Subs. by A. O., 1961, Art. 2 and Sch., for "His Majesty's Forces" (with effect from the 23rd March, 1956).

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (with effect from the 14th October, 1955), for the original sub-section (2) and sub-section (3), as amended by A. O., 1949.

⁴Subs. by the Federal Law (Revision and Declaration) Ordinance, 1981 (27 of 1981), S. 3 and Sch., II for "His Majesty."

(b) without dissuading or attempting to dissuade any person from entering such Forces, instigates the public or any person to do, after entering any such Force, anything which is an offence punishable as mutiny or insubordination under section ¹[31 of the Pakistan Army Act, 1952 ([XXXIX of 1952](#))] ²[or section 36 and sections 39 to 44 of the Pakistan Navy Ordinance, 1961 ([XXXV of 1961](#)) or sections ³[37 and 42 of the Pakistan Air Force Act, 1953 ([VI of 1953](#))] as the case may be,

shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government.

Exception 1.—The provisions of clause (a) of this section do not extend to comments on or criticism of the policy of Government in connection with the Military, Naval or Air Forces, made in good faith without any intention of dissuading from enlistment.

Exception 2.—The provisions of clause (a) of this section do not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given, or for the benefit of any member of his family or of any of his dependants.

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., for "27 of the Indian Army Act, 1911" (with effect from the 14th October, 1955).

²Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch., II, for certain Words.

³Subs. by Ordinance 21 of 1960, s. 3 and 2nd Sch., for "35 to 37 inclusive of the Indian Air Force Act, 1932" (with effect from the 14th October, 1955).

