

IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

Reserve Service Act of 1983

(Promulgated on December 28, 1982)

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FULL TEXT OF THE ACT

Chapter I: Preliminary Provisions

Section 1: Title of the Act

This Act may be cited as the "**Reserve Service Act of 1983**".

Section 2: Interpretation

In this Act, words and expressions shall have the meanings assigned to them in the People's Armed Forces Act of 1986 [1]:

- "**Minister**": means the Minister of Defense.
- "**Reserve Service**": means mandatory national military service required of every Sudanese citizen in accordance with the provisions of this Act.

Chapter II: Mandatory Reserve Service

Section 3: Mandatory Service

Reserve service shall be mandatory for all Sudanese citizens who have completed the national mandatory military training period in accordance with the provisions of this Act.

Section 4: Composition of Reserve Forces [2]

The Reserve Forces shall consist of the following categories:

1. Retired and resigned personnel from:
 - **(a)** The People's Armed Forces;
 - **(b)** The National Security Service;
 - **(c)** The Police Forces;
 - **(d)** The Popular Defense Forces;
 - **(e)** Military cadets/students.

2. Doctors, engineers, technicians, and employees of public and private institutions and companies, as well as other state agencies, excluding the People's Armed Forces and other regular forces.
3. Graduates of universities, higher institutes, vocational/technical institutes, and those who completed secondary education and have not been absorbed into civil service, private service, or mandatory national military service.
4. Any person whose inclusion in the reserve service lists is approved by the Minister based on the recommendation of the Chief of Staff.

Section 5: Period of Service for Reserve Officers

1. **(a)** [3] The period of reserve service for officers shall end upon completing ten years in reserve service, or upon reaching the following ages, whichever occurs first:

Rank	Pilots and Air Defense	Non-Pilots
First: Lieutenant / First Lieutenant	37	40
Second: Captain / Major	47	45
Third: Lieutenant Colonel / Colonel	52	52
Fourth: Brigadier General / Major General	52	52
Fifth: Lieutenant General and above	57	57

(b) If an officer is discharged or struck off from reserve service, they shall be subject to a fee of twenty (20) Dinars, non-refundable whether the application is accepted or rejected [3].

(c) If proven medically unfit during reserve service.

(d) If their services as a reserve officer are dispensed with.

(e) If convicted of an offense involving dishonor or restriction of liberty.

2. [3] Notwithstanding the provisions of subsection (1), in time of war or emergency, an officer holding the rank of Brigadier General or above may be recalled until the age of

sixty-three, provided they are medically fit, pursuant to a decree issued by the National Defense Council.

Section 6: Period of Service for Non-Commissioned Officers and Soldiers

1. **(a)** [1] The period of reserve service for non-commissioned officers and soldiers shall end upon completing nine years of reserve service or upon reaching the age of forty-five, whichever occurs first.

(b) If proven medically unfit during reserve service.

(c) Notwithstanding paragraph (a), non-commissioned officers and soldiers may be recalled in time of war or emergency up to the age of fifty, provided they are medically fit, by a decision of the Minister.

2. [4] A reserve officer may request to be struck off or exempted from the reserve officers' roll after completing 7 years in reserve service. The exemption or removal request shall be subject to a fee of five Dinars, non-refundable whether accepted or rejected. However, no request for removal or exemption shall be submitted during mandatory national military service, during war, or upon mobilization or emergency state.
3. The request for removal from the reserve officers' roll shall be submitted to the Reserve Forces Directorate for adjudication. The officer's service shall not terminate except from the date of notification of the competent authority's decision. The officer may withdraw the request prior to receiving such notification. The request shall be deemed rejected if the officer is not notified of its acceptance within 60 days from its submission date.

Chapter III: Recall to Reserve Service

Section 7: Cases of Recall

1. Reserves shall be recalled to active service in the People's Armed Forces in any of the following cases:
 - **(a)** Annual training for a period of not less than one month.
 - **(b)** Attending qualifying courses at various military institutes for the prescribed duration.
 - **(c)** Filling shortages in active forces for a period not exceeding one year, renewable for another year.
 - **(d)** Testing mobilization measures taken for general mobilization (*nafeer*) in a specific area or throughout the Republic.

2. In times of war or state of emergency, reserves shall report to the reserve centers where they are registered.

Section 8: Procedure for Recall

1. **(a)** Reserves shall be recalled in the cases provided for in Section 7(1)(a), (b), and (c) by order of the Commander-in-Chief.
- (b)** Reserves shall be recalled in the cases provided for in Section 7(1)(d) by decision of the National Defense Council, based on the recommendation of the Commander-in-Chief.
- (c)** Reserves shall be recalled in the cases provided for in Section 5(3) by a Republican Decree.
2. Deferral of reserve recall or extension of service shall be issued by the same authority that ordered the recall.

Section 9: Purposes and Conditions of Recall

1. Without prejudice to the foregoing, the Commander-in-Chief may recall any members of the Reserve Forces for service under the following conditions and purposes:
 - **(a)** Supplementing active units of the People's Armed Forces. The recall shall be for a maximum period of one year on each occasion, which may be extended for another year with the approval of the Chief of Staff, provided the total recall period does not exceed three years. Reserve officers shall not be recalled for active service in the People's Armed Forces except after spending at least one year outside active service.
 - **(b)** Reserve members shall be subject to military laws and regulations from the date of their recall by the Reserve Service Directorate.
 - **(c)** Reserve members may not fail to report for recall or training except for a legitimate excuse accepted by the competent authority.
 - **(d)** All officials in ministries, government departments, companies, and institutions must execute the recall order for reserve members at the specified time.
 - **(e)** Reserve members shall wear military uniforms bearing the ranks and badges prescribed for officers, non-commissioned officers, and soldiers of the People's Armed Forces.
2. Every member of the Reserve Forces must notify the competent authority or designated entity of their residence or workplace in the prescribed manner at the end of each recall period or within fifteen days of any change.

3. Reserve officers may not leave Sudan, whether during recall or otherwise, except after obtaining permission from the competent authority. Non-recalled reserve pilots and mariners are exempt from this provision and shall be subject to approved movement schedules.
4. If a reserve officer dies during recall, a military funeral shall be held in accordance with procedures followed in the People's Armed Forces.
5. The Reserve Service Directorate (competent authority) shall maintain two files for each reserve officer upon registration: a service file and a confidential file. A copy of the confidential file shall be kept at the competent Reserve Directorate.
6. Commanders of reserve officers who are government employees recalled to service in the People's Armed Forces shall write necessary confidential reports regarding them according to established systems. These reports shall be sent to civil ministries via Reserve Service Headquarters.
7. Reserve officers shall be transported at the expense of the People's Armed Forces from the assembly place designated by the Reserve Service Board to the location of active service.

Chapter IV: Reserve Service Centers, Assembly Places, and Registration Procedures

Section 10: Registration of Reserve Members

Every reserve member must personally register their name with the Reserve Service Board within whose jurisdiction they reside. Reserve boards shall maintain records containing all details related to reserve enlistment.

Section 11: Examination of Records

Reserve boards shall examine the records of registered reserve members who were not present during verification to ascertain their relocation destinations and update their records accordingly.

Section 12: Registration of Reserve Non-Commissioned Officers and Soldiers

All unit commanders must prepare lists containing the names and ranks of non-commissioned officers and soldiers discharged from the People's Armed Forces and other regular forces, including their residential addresses and discharge dates, and send them to the reserve boards in their respective regions.

Section 13: Registration of Volunteers

Reserve service boards shall register volunteers, non-commissioned officers, and soldiers discharged from the People's Armed Forces and other regular forces prior to the enactment of this Act in special registers showing their residence, type of previous service, and medical fitness status.

Section 14: Notification of Enlistment Boards

Reserve non-commissioned officers and soldiers who relocate must notify their original enlistment boards of their new addresses and residences within a period not exceeding thirty days.

Section 15: Transportation Expenses

A reserve member shall be transported at the expense of the People's Armed Forces from the assembly place announced by the competent Reserve Service Board to the location of active service, and shall be entitled to the emoluments received by peers of equivalent rank.

Section 16: Census, Verification, and Examination Procedures

General Headquarters shall determine the number of reserves recalled each year, and they may be called in batches according to guidelines approved by General Headquarters.

Chapter V: Training

Section 17: Training of Reserve Service Personnel

1. Reserve personnel from regular forces shall undergo initial training pursuant to Section 7(1)(a) and subsequently be registered as officers in reserve service.
2. Reserve members who are pilots, navigators, doctors, pharmacists, engineers, and legal professionals shall be trained under a specialized system.
3. Air defense, aviation, signals, maintenance, and medical corps technicians shall be trained pursuant to regulations and orders issued by the Minister under Section 18.

Section 18: Training and Educational Regulations

The Minister may issue regulations, orders, and instructions regarding the training of reserve personnel, commencement of military courses, examination procedures, pass criteria, and instruction methods.

Section 19: Performance of Service for Persons Who Have Not Served in the People's Armed Forces

The Minister may call up any reserve member who has not previously served in the People's Armed Forces or other regular forces to perform reserve service for a period not exceeding two years.

Chapter VI: Emoluments and Salaries of Reserve Service Personnel During Service

Section 20: Details of Emoluments

Reserve members employed in ministries, government departments, public and private institutions, and companies shall receive their salaries from their respective employers if the recall for training or mobilization does not exceed two months. For periods exceeding two months, the Ministry of Defense shall pay them salaries equal to those prescribed for their counterparts of the same rank serving in the People's Armed Forces.

Section 21: Payment of Compensation to Government Employees

The Ministry of Defense shall pay reserve members who are government or private sector/company employees compensation in the amount of five (5) Sudanese Dinars per month during recall, in addition to their regular workplace pay, provided the recall does not exceed two months per year and total emoluments do not exceed the basic salary of the rank [5].

Section 22: Payment of Compensation to Non-Government Employees

The Ministry of Defense shall pay reserve members who are not government or corporate employees monthly compensation equal to the starting salary of the recalled rank, plus the reserve allowance specified in Section 21 [6].

Section 23: Treatment of Reserve Personnel

During recall, reserve personnel shall be treated on par with their counterparts in the People's Armed Forces regarding readiness allowances, special allowances, bonuses, and other entitlements.

Section 24: Budget Allocation

The Ministry of Finance and National Economy, in coordination with the Minister, shall allocate an annual budget to cover reserve service expenses as decided by the Minister with the approval of the President of the Republic [7].

Chapter VII: Privileges and Guarantees for Reserve Service Personnel

Section 25: Ranks

Ranks of reserve personnel shall correspond to ranks in the People's Armed Forces, with the word "**Reserve**" appended directly after the rank title.

Section 26: Treatment

During recall, reserve personnel shall receive the same treatment as active personnel in the People's Armed Forces regarding medical recommendations, treatment, and sick leave. Such treatment shall end upon expiration of the recall period. Reserve members suffering from permanent disability or war/training injuries shall receive free treatment at military or government hospitals for life.

Section 27: Pensions

Pension and gratuity provisions under military laws shall apply to deceased personnel and martyrs among reserve members during their recall period.

Section 28: Treatment of the Injured/Disabled

Reserve members who die or suffer injury, disability, or disease (not service-incurred) during recall shall be treated as follows [8]:

- **(a)** If a government employee and the injury/disease renders them unfit to remain in service, they shall be treated under the Public Service Act of 1995.
- **(b)** If an active member of the People's Armed Forces and the injury/disease renders them unfit to remain in service, they or their beneficiaries shall receive gratuities equivalent to what they would have been entitled to upon termination of service at the date of injury.

Section 29: Treatment of Government Employees Equal to Their Peers

Reserve members who are government employees shall have their recall periods during war included in their pensionable public service calculations. General Headquarters (Administration Directorate) shall notify civil authorities annually of recall periods served by these employees.

Section 30: Gratuities for Non-Government Employees

Reserve members who are not government employees shall receive a gratuity upon completion of service calculated as follows [9]:

- **(a)** 7% of the starting monthly salary of an equivalent rank for each month of active military service during peacetime.
- **(b)** 15% of the amount specified in paragraph (a) for each month of active mandatory military service during wartime. Months are calculated on a 30-day basis, and fractional months are counted. Service during wartime shall not be double-counted under this formula.

Section 31: Service Periods

Periods served in mandatory national military service by non-government reserve members shall be added to their service records upon appointment to public posts, affecting seniority and salary calculations [10].

Section 32: Retention of Posts and Increments

Ministries, departments, companies, and private employers shall preserve the posts, periodic increments, and promotions of reserve members during recall in accordance with this Act.

Section 33: Duty to Notify Command

All government units, companies, and institutions must notify command of reserve members in their employ. Personnel managers shall be held directly responsible for this notification.

Section 34: Status of Person Performing Service as a Seconded

Employers shall treat employees recalled for reserve service as secondees, holding their positions throughout their service period. Temporary replacements may be appointed until the reserve service is completed.

Section 35: Reinstatement to Service

An employee shall be reinstated to their post if requested in writing within thirty days of discharge, and reinstatement must occur within fifteen days of the request. If the employee becomes unfit for military duties due to operational or war injuries but remains capable of other work, they shall be offered suitable alternative employment matching their original status and salary.

Section 36: Penalty for Refusal of Reinstatement

1. Refusal by an employer to reinstate a reserve member after discharge shall be deemed arbitrary dismissal. The employer shall be punished by imprisonment for a term not exceeding six months, or a fine, or both, in addition to statutory severance/compensation owed under labor laws.
2. If an employee fails to request reinstatement within the 30-day period under Section 35, or fails to report within fifteen days of reinstatement approval, the employer may reject reinstatement unless the delay was due to a legitimate excuse.

Chapter VIII: Penalties and Disciplinary Sanctions

Section 37: Failure to Appear Before Examination Boards

Any reserve member who fails without legitimate excuse to appear before a census, verification, or examination board shall be punished upon return by imprisonment for a term not exceeding six months, or a fine, or both.

Section 38: Failure to Perform Service

Any reserve member who fails without legitimate excuse to report for reserve service under Section 7(1)(a) and (b) shall be punished by imprisonment for a term not exceeding one year, or a fine, or both.

Section 39: Failure to Perform Service in Breach of Section 7(1)(c), (d) and (2)

Any reserve member who fails without legitimate excuse to report for service under Section 7(1)(c), (d) or (2) shall be punished by imprisonment for a term not exceeding two years, or a fine, or both.

Section 40: Other Offenses

Any reserve member who commits any other violation of this Act, its regulations, or issued orders shall be punished by imprisonment for a term not exceeding three months, or a fine determined by the court, or both.

Section 41: Military Courts

1. Reserve members shall be subject to military law throughout their recall period.
2. Trials for offenses specified under Sections 37 to 40 shall be conducted before a military court martial.

Chapter IX: Regulations

Section 42: Regulations

The President of the Republic may, upon the recommendation of the Minister, issue regulations necessary for the implementation of the provisions of this Act.

FOOTNOTES

1. Act No. 40 of 1974.
2. Act No. 40 of 1974.
3. Act No. 40 of 1974.
4. Act No. 40 of 1974.
5. Act No. 40 of 1974.

6. Act No. 40 of 1974.
7. Act No. 40 of 1974.
8. Act No. 40 of 1974.
9. Act No. 40 of 1974.
10. Act No. 40 of 1974.