

Bill

further to amend the Emigration Ordinance, 1979

WHEREAS it is expedient further to amend the Emigration Ordinance, 1979 (XVIII of 1979), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Emigration (Amendment) Act, 2010.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XVIII of 1979.- In the Emigration Ordinance, 1979 (XVIII of 1979), hereinafter referred to as the said Ordinance, in section 2, in sub-section (2), for the words "Federal Government", the words "Secretary of the Division concerned" shall be substituted.

3. Amendment of section 3, Ordinance XVIII of 1979.- In the said Ordinance, in section 3, in sub-section (1), for the words "Federal Government", the words "Prime Minister or a person authorized by him" shall be substituted.

4. Amendment of section 4A, Ordinance XVIII of 1979.- In the said Ordinance, in section 4A, for the words "Federal Government", the words "Secretary of the Division concerned" shall be substituted.

5. Amendment of section 5, Ordinance XVIII of 1979.- In the said Ordinance, in section 5, for the words "Federal Government", the words "Secretary of the Division concerned" shall be substituted.

6. **Amendment of section 6, Ordinance XVIII of 1979.**- In the said Ordinance, in section 6, for the words "Federal Government", the words "Secretary of Division concerned" shall be substituted.

7. **Amendment of section 7, Ordinance XVIII of 1979.**- In the said Ordinance, in section 7, for the words "Federal Government", the words "Prime Minister or a person authorized by him" shall be substituted.

8. **Amendment of section 10, Ordinance XVIII of 1979.**- In the said Ordinance, in section 10, for the words "Federal Government", the words "Prime Minister" shall be substituted.

9. **Amendment of section 11, Ordinance XVIII of 1979.**- In the said Ordinance, in section 11, for the words "Federal Government", the words "Secretary of the Division concerned" shall be substituted.

10. **Amendment of section 12, Ordinance XVIII of 1979.**- In the said Ordinance, in section 12,-

- (a) in sub-section (1), for the words "Federal Government", the words "Secretary of the Division concerned" shall be substituted;
- (b) in sub-section (2), for the words "Federal Government", occurring twice, the words "Secretary of the Division concerned" shall be substituted;
- (c) in sub-section (3), for the words "Federal Government", wherever occurring, the words "Secretary of the Division concerned" shall be substituted and for the word "it" occurring first, the word "he" shall be substituted; and
- (d) in sub-section (4), for the words "Federal Government", the words "Secretary of the Division concerned" shall be substituted.

11. Amendment of section 14, Ordinance XVIII of 1979.- In the said Ordinance, in section 14,-

- (a) in sub-sections (1), for the words "Federal Government", wherever occurring, the words "Secretary of the Division concerned" shall be substituted; and
- (b) in sub-sections (2), for the words "Federal Government", occurring twice, the words "Secretary of the Division concerned" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Ministry of Overseas Pakistanis and Human Resource Development (OP&HRD) regulates the export of manpower abroad through Emigration Ordinance, 1979. The Bill seeks to amend the Emigration Ordinance, 1979 (XVIII of 1979). The *ibid* Ordinance confers powers to the Federal Government to carry out official business which are meant to be disposed of at Ministry's level. In terms of the Judgment of the Honorable Supreme Court, in Mustafa Impex VS Government of Pakistan (Civil Appeal No.1428-1436 of 2016), the term Federal Government has been defined as Federal Cabinet. Hence, disposal of routine matters of the M/o OP&HRD take lengthy procedure and time for day to day business of the Ministry by presenting the cases before the Federal Cabinet. The word Federal Government requires to be substituted with appropriate authority in terms of the decision of the Federal Cabinet dated 24-11-2017, which have been specified in the proposed Emigration Ordinance (Amendment) Bill, 2019.

2. The Bill seeks to achieve the aforesaid objects.

MINISTER-IN-CHARGE
Ministry of Overseas Pakistanis and
Human Resource Development