

BILL

to provide for absorption of employees working under the administrative control of the Federal Directorate of Education whose spouses are working, posted or residing in the Islamabad Capital Territory to ensure protection of family as provided in Article 35 and full participation of women in national life as provided in Article 34 and guaranteed in Article 25 of the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient to provide for absorption of employees working under the administrative control of the Federal Directorate of Education whose parents/ spouses are working, posted or residing in the Islamabad Capital Territory to ensure protection of family and wedlock as provided in Article 35 and full participation of women in national life as provided in Article 34 and guaranteed in clause (3) of Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973 and for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called “*The Protection of Family Life and Wedlock Bill, 2023*”.

(2) It shall come into force at once.

2. Absorption of employees to protect family life.— (1) Notwithstanding anything herein before, instruction, order or notification issued by any authority or decision of a High Court or the Supreme Court regarding repatriation to parent departments, the persons working or worked under the administrative control of the Federal Directorate of Education, Islamabad, belonging to any service of any provincial government or otherwise, whose family/parents/ spouses are working or posted in any Ministry, Division or organization, autonomous bodies etc. of the Federal Government or working in any association/body etc. having business office at Islamabad Capital territory or residing in the Islamabad Capital Territory in connection with his/her family livelihood, shall stand absorbed on one-time basis, subject to their consent, on the commencement of this Act.

(2) The seniority of the persons, for the purpose of promotion, under the rules, absorbed by virtue of sub-section (1) shall be reckoned from their date of absorption in Federal Directorate of Education, Islamabad

3. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Minister-in-Charge may make such order as it may deem necessary and equitable, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

4. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything contrary contained in Civil Servants Act, 1973 (Act No. LXXI of 1973), and the rules made thereunder and in any other law or in any order or decree/judgment of a court or tribunal or any other authority for time being in force.

STATEMENT OF OBJECTS AND REASONS

The Preamble read with clause (3) of Article 25 of the Constitution of the Islamic Republic of Pakistan guarantees for social and economic rights and social justice for protection of women, family life and children while Article 34 emphasized full participation of women in national life and Article 35 about protection of family which is not possible unless a conducive working environment is provided to spouses during their economic struggle and better of social life by their participation in national life. However, the spouses are facing hardships when, due to their employment or residential problems, they are coerced to reside separately in different cities which is not only economically feasible but also creating hardships in growth of children and their educational opportunities. There is a Wedlock Policy of the Federal Government ensuring transfer and posting of spouses at the same station during their postings in employments but the same is depriving them from their professional and career progression and growth under the threat of repatriation to the parent departments due to constraints of posting or transfer on deputation basis although it is a distinct situation when the other spouse is employed in or resident of the Islamabad Capital Territory. Therefore, it is necessary to provide an opportunity to spouses who are serving under the administrative control of the Federal Directorate of Education for their absorption, if so interested, after their long posting or service in the Islamabad Capital Territory, on one-time basis.

2. Clause (3) of Article 25 of the Constitution of the Islamic Republic of Pakistan provides for an exceptional treatment in such circumstances.

3. The Bill seeks to achieve the above-said objectives.

SD/-

MS. JAVAIRIA ZAFAR AHEER
Member, National Assembly

بیان اغراض و وجوہ

اسلامی جمہوریہ پاکستان کے دستور کے آرٹیکل ۲۵ کی شق جسے دستور کے دیباچہ کے ساتھ پڑھا جائے، خواتین، خاندانی زندگی اور بچوں کے تحفظ کے ضمن میں سماجی، اقتصادی حقوق اور سماجی انصاف کی ضمانت دیتا ہے جب کہ آرٹیکل ۳۴ قومی زندگی میں خواتین کی بھرپور شرکت پر زور دیتا ہے۔ آرٹیکل ۳۵ خاندان کے تحفظ سے متعلق ہے جو اس وقت تک ممکن نہیں جب تک میاں بیوی کو ان کی معاشی جدوجہد کے دوران کام کرنے کا سازگار ماحول فراہم نہ کیا جائے اور قومی زندگی میں ان کی شرکت سے سماجی زندگی کو بہتر بنایا جائے۔ تاہم میاں بیوی کو اس وقت مشکلات کا سامنا کرنا پڑتا ہے جب ملازمت یا رہائشی مسائل کی وجہ سے یہ مختلف شہروں میں الگ الگ رہائش اختیار کرنے پر مجبور ہوں لہذا ایسی صورت حال ان کے لئے معاشی طور پر مشکلات کا سبب بنتی ہے بلکہ اس سے ان کے بچوں کی نشوونما اور تعلیمی مواقع بھی اثر انداز ہوتے ہیں۔ وفاقی حکومت کی ایک ویڈیو لاک پالیسی ہے جو ملازمتوں میں تعیناتی کے دوران میاں بیوی کی ایک ہی اسٹیشن پر ٹرانسفر اور تعیناتی کو یقینی بناتی ہے لیکن یہ مستعار الحزمی بنیاد پر تعیناتی یا ٹرانسفر اگرچہ یہ ایک الگ صورت حال ہے جب دوسرا شہر یک حیات وفاقی علاقہ دارا حکومت اسلام آباد میں ملازم یا رہائشی ہو کی رکاوٹ کی وجہ سے اصل محکمہ میں واپسی کے خطرے کے تحت ان کو پیشہ وارانہ اور کیریئر میں ترقی سے محروم کر رہی ہے چنانچہ یہ ضروری ہے کہ میاں بیوی کو جو وفاقی نظامت تعلیم کے انتظامی کنٹرول میں خدمات انجام دے رہے ہوں، اگر دلچسپی رکھتے ہیں وفاقی علاقہ دارا حکومت اسلام آباد میں طویل تعیناتی یا سروس کے بعد یک وقتی بنیاد پر ایک موقع فراہم کیا جائے۔

۲۔ اسلامی جمہوریہ پاکستان کے دستور کے آرٹیکل ۲۵ کی شق (۳) ایسے حالات میں ایک غیر معمولی سلوک فراہم کرتی ہے۔

۳۔ بل کا مقصد مذکورہ بالا مقاصد کا حصول ہے۔

دستخط :-

جویریہ ظفر آہیر

رکن، قومی اسمبلی