

**A
BILL**

*further to amend the Protection against Harassment
of Women at the Workplace Act, 2010*

WHEREAS, it is expedient further to amend the Protection against Harassment of Women at the Workplace Act, 2010 (Act No. IV of 2010), for the purposes hereinafter appearing:

It is hereby enacted by the Provincial Assembly of the Khyber Pakhtunkhwa as follows:

1. Short title and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Protection against Harassment of Women at the Workplace (Amendment) Act, 2019.

(2) It shall come into force at once except section 2 of this Amendment Act, which shall come into force w.e.f 2nd day of March, 2018.

2. Amendment of section 7 of Act No. IV of 2010.--- In the Protection against Harassment of Women at the Workplace Act, 2010 (Act No. IV of 2010), hereinafter referred to as the said Act, in section 7,-

(a) for sub-section (1), the following shall be substituted, namely:

“(1) For the purposes of this Act, Government shall appoint an Ombudsperson, who shall not be more than sixty five (65) years and not less than forty five (45) years of age and who shall be-

(a) a person, who is, or has been, or is qualified to be a judge of the High Court; or

(b) a retired civil servant of known integrity having law background with at least fifteen (15) years service; or

(c) a person, who is or has been working with a well reputed civil society organization or a social welfare organization having at least Bachelor’s or equivalent degree in law from a recognized national or international university with at least fifteen (15) years post qualification experience.”.

(b) after sub-section(1), as so substituted, the following new sub-section shall be inserted, namely:

“(1A) Notwithstanding anything contained contrary in any judgement, decree or order of any Court or judicial proceedings, the existing Ombudsperson already appointed before the commencement of the Khyber Pakhtunkhwa Protection against Harassment of Women at the Workplace (Amendment) Act, 2019, shall deemed to be validly appointed.”.

3. **Insertion of new sections in Act No. IV of 2010.**--- In the said Act, after section 7, as so amended, the following new sections shall be inserted, namely:

“7A. Acting Ombudsperson.--- If at any time the office of the Ombudsperson is vacant or he is unable to perform duties due to any cause, the Governor of the Province of the Khyber Pakhtunkhwa shall appoint an acting Ombudsperson who shall perform functions and exercise powers as are vested in the Ombudsperson and shall be entitled to all privilege as are admissible to Ombudsperson.

7B. Oath of office.--- An Ombudsperson shall take oath before the Governor of the Province of the Khyber Pakhtunkhwa before he enters upon his office as prescribed in the SCHEDULE-II.”.

4. **Addition of new SCHEDULE to Act No. IV of 2010.**--- In the said Act, the existing SCHEDULE shall be renumbered as SCHEDULE-I and thereafter the following new SCHEDULE shall be added, namely:

**“SCHEDULE-II
(see section 7B)**

I..... do solemnly swear that I will bear true faith and allegiance to Pakistan,

That as..... Ombudsperson, I will discharge my duties and perform my functions honestly, to the best my ability, faithfully in accordance with the laws of the Islamic Republic Pakistan, and without fear or favour, affection or ill will;

That I will not allow my personal interest to influence my official conduct or my official decisions;

And that I will directly or indirectly communicate, or removal to any person any matter which shall be brought under my consideration, or shall become known to me, as Ombudsperson, except as may be required for the due discharge of my duties as Ombudsperson.

May Allah Almighty help and guide me (Ameen).”.

STATEMENT OF OBJECTS AND REASONS.

It is desirable to amend the Protection against Harassment of Women at the Workplace Act, 2010 (Act No. IV of 2010). Hence this Bill.

Peshawar,
dated the

22 / 11 / 2019


MINISTER-IN-CHARGE