



KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th January, 2020.

No. PA/Khyber Pakhtunkhwa/Bills-85/2020/1305— The Khyber Pakhtunkhwa Protection against Harassment of Women at Workplace (Amendment) Bill, 2020 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 14th January, 2020 and assented to by the Governor of the Khyber Pakhtunkhwa on 20th January, 2020 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA PROTECTION AGAINST HARASSMENT OF WOMEN AT WORKPLACE (AMENDMENT) ACT, 2020. (KHYBER PAKHTUNKHWA ACT NO. VII OF 2020)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 20th January, 2020).*

AN ACT

*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, 2020.

(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, 2020, 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, having the same qualification as provided in sub-section (1) of section 7, 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)
PART-A
(FOR NON MUSLIM)**

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 of my ability, faithfully in accordance with the laws of the Islamic Republic of 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 reveal 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)

**PART-B
(FOR MUSLIM)**

(In the name of Allah, the most Beneficent, the most Merciful)

I do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the prophets and there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah.

That I will bear true faith and allegiance to Pakistan:

That, as an Ombudsperson, I will discharge my duties and perform my functions honestly, trustworthily and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the Law:

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-well:

That, I will never allow my personal interests to influence my official conduct or official decisions:

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me, as an Ombudsperson, except as may be required for the due discharge of my duties as an Ombudsperson.

May Allah Almighty help and guide me. (A`meen)“

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa