

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS ON THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE (AMENDMENT) BILL, 2019.

I, Acting Chairperson of the Standing Committee on Human Rights have the honour to present this report on the Bill further to amend the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010) [The Protection against Harassment of Women at the work place (Amendment) Bill, 2021] (Private Member's Bill), referred to the Committee on 01-10-2019.

2. The Committee comprises the following:-

1.	Mr. Bilawal Bhutto Zardari	Chairman
2.	Ms. Ghulam Bibi	Member
3.	Mr. Saif-ur-Rehman	Member
4.	Mr. Attaullah	Member
5.	Ms. Ghazala Saifi	Member
6.	Ms. Rukhsana Naveed	Member
7.	Ms. Zille Huma	Member
8.	Ms. Fouzia Behram	Member
9.	Ms. Tashfeen Safdar	Member
10.	Ms. Shunila Ruth	Member
11.	Agha Hassan Baloch	Member
12.	Ms. Shaista Pervaiz	Member
13.	Mr. Mohsin Dawar	Member
14.	Mr. Abdul Rehman Khan Kanju	Member
15.	Ms. Zaib Jaffar	Member
16.	Ms. Shaza Fatima Khawaja	Member
17.	Shazia Marri	Member
18.	Dr. Mahreen Razzaq Bhutto	Member
19.	Mr. James Iqbal,	Member
20.	Dr. Shireen M. Mazari	Ex-Officio Member
	Minister for Human Rights	

3. The Committee considered the Bill as introduced in the National Assembly placed, at "Annex-A", in its meetings held on 20-12-2019, 27-2-2020, 18-8-2020 and 24-02-2021. The Committee recommends that the Bill as introduced may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)

Secretary
Islamabad, the 6th April, 2021

Sd/-
(SHAZIA MARRI)
Acting Chairperson

AS REPORTED BY THE STANDING COMMITTEE

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 (IV of 2010), for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. Short title and commencement.-(1) This Act may be called the Protection against Harassment of women at the Workplace (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Substitution of section 13, Act IV of 2010.- In the Protection against Harassment of women at the Workplace Act, 2010 (IV of 2010), for section 13, the following shall be substituted, namely:-

“13. Power to make rules.- (1) Subject to sub-sections (2) and (3), the Minister-in-charge may, by notification in the official Gazette, within six months, make rules to carry out the purposes of this Act.

(2) Except the rules made prior to commencement of the Protection against Harassment of women at the Workplace (Amendment) Act, 2019,-

- (a) the draft of the rules proposed to be made under sub-section (1) shall be published for the information of persons likely to be affected thereby;
- (b) the publication of the draft rules shall be made in print and electronic media including websites in such manner as may be prescribed;
- (c) a notice specifying a date, on or after which the draft rules will be taken into consideration, shall be published with the draft;
- (d) objections or suggestions, if any, which may be received from any person with respect to the draft rules before the date so specified, shall be considered and decided before finalizing the rules; and
- (e) finally approved, in the prescribed manner, rules shall be published in the official Gazette.

(3) Rules, made after the prorogation of the last session, including rules previously published, shall be laid before the National Assembly and the Senate as soon as may be after the commencement of next session, respectively, and thereby shall stand referred to the Standing Committees concerned with the subject matter of the rules for examination, recommendations and report to the National Assembly and the Senate to the effect whether the rules.-

- (a) have duly been published for considering the objections or suggestions, if any, and timely been made;
- (b) have been made within the scope of the enactment;
- (c) are explicit and covered all the enacted matters;
- (d) relate to any taxation;
- (e) bar the jurisdiction of any Court;
- (f) give retrospective effect to any provision thereof;
- (g) impose any punishment; and
- (h) made provision for exercise of any unusual power.”.

STATEMENT OF OBJECTS AND REASONS

Subject to the Constitution, primarily *Majlis-e-Shoora* (Parliament) has exclusive power to make laws with respect to any matter in the Federal Legislative List. Frequently enactments empower the Government, or specified bodies or office-holders to make rules to carry out the purposes thereof popularly known as delegated, secondary, or subordinate legislation.

Rules of both the National Assembly and the Senate provide that delegated legislation may be examined by the Committees concerned. But practically no effective parliamentary oversight has been made. Further, in the prevalent legal system it is also a departure from the principle of separation of powers that laws should be made by the elected representatives of the people in Parliament and not by the executive Government. In parliamentary democracies, the principle has been largely preserved through an effective system of parliamentary control of executive law-making, by making provision that copies of all subordinate legislations be laid before each House of the Parliament within prescribed sitting days thereof otherwise they cease to have effect.

Although under the Constitution, the Cabinet is collectively responsible to the Senate and the National Assembly, yet, under the Rules of Business, 1973, the Minister-in-Charge is responsible for policy concerning his Division and the business of the Division is ordinarily disposed of by, or under his authority, as he assumes primary responsibility for the disposal of business pertaining to his portfolio. Therefore it is necessary that all rules, including previously published, made after the prorogation of the last session shall be laid before both Houses as soon as may be after the commencement of a session and thereby shall stand referred to the Standing Committee concerned with the subject matter of the rules.

The proposed amendment would achieve objective of valuable participation of the people in rules making process, meaningful exercise of authority by the Minister-in-Charge to assume primary responsibility for the disposal of business pertaining to his portfolio including rule making and efficient and effective parliamentary oversight relating to delegated legislation.

Sd/-
AMJID ALI KHAN
 Member, National Assembly

قومی اسمبلی سیکرٹریٹ

مقام کار پر خواتین کو ہر اس سال کرنے سے تحفظ فراہم کرنے کے (ترمیمی) بل، ۲۰۱۹ء پر قائمہ کمیٹی برائے انسانی حقوق کی رپورٹ۔

میں، قائم مقام چیئر پرسن قائمہ کمیٹی برائے انسانی حقوق یکم اکتوبر، ۲۰۱۹ء کو کمیٹی کے سپرد کردہ مقام کار پر خواتین کو ہر اس سال کرنے سے تحفظ فراہم کرنے کے ایکٹ، ۲۰۱۰ء (نمبر ۳۲ بابت ۲۰۱۰ء) میں مزید ترمیم کرنے کے بل [مقام کار پر خواتین کو ہر اس سال کرنے سے تحفظ فراہم کرنے کے (ترمیمی) بل، ۲۰۲۱ء] (انجی رکن کا بل) پر رپورٹ بڑا پیش کرنے کا شرف حاصل کرتی ہوں۔

۲۔ کمیٹی حسب ذیل اراکین پر مشتمل ہے:-

چیئر مین	۱۔ جناب بلاول بھٹو زرداری
رکن	۲۔ محترمہ غلام بی بی
رکن	۳۔ جناب سیف الرحمن
رکن	۴۔ جناب عطاء اللہ
رکن	۵۔ محترمہ غزالہ سیفی
رکن	۶۔ محترمہ رخسانہ نوید
رکن	۷۔ محترمہ گل ہما
رکن	۸۔ محترمہ فوزیہ بہرام
رکن	۹۔ محترمہ تاشقین صفدر
رکن	۱۰۔ محترمہ شنیلا روت
رکن	۱۱۔ آغا حسن بلوچ
رکن	۱۲۔ محترمہ شائستہ پرویز
رکن	۱۳۔ جناب محسن داوڑ
رکن	۱۴۔ جناب عبدالرحمان خان کانبجو
رکن	۱۵۔ محترمہ زیب جعفر
رکن	۱۶۔ محترمہ شیریٰ فاطمہ خواجہ
رکن	۱۷۔ شازیہ مری
رکن	۱۸۔ ڈاکٹر مہرین رزاق بھٹو
رکن	۱۹۔ جناب جمیز اقبال
رکن	۲۰۔ ڈاکٹر شیریں مہر النساء حزاری
رکن بلحاظ عہدہ	وزیر برائے انسانی حقوق

۳۔ کمیٹی نے ۲۰ دسمبر، ۲۰۱۹ء، ۲۷ فروری، ۲۰۲۰ء، ۱۸ اگست، ۲۰۲۰ء اور ۲۳ فروری، ۲۰۲۱ء کو منعقدہ اپنے اجلاسوں میں مسئلہ۔ الف پر موجود قومی اسمبلی میں پیش کردہ بل پر غور کیا۔ کمیٹی سفارش کرتی ہے کہ پیش کردہ بل کی قومی اسمبلی منظوری دے۔

دستخط۔

(شازیہ مری)

قائم مقام چیئر پرسن

دستخط۔

(طاہر حسین)

سیکرٹری

اسلام آباد، ۶ اپریل، ۲۰۲۱ء