

**Bill No. 8 of 2021**

**THE WOMEN'S (RESERVATION IN WORKPLACE) BILL, 2021**

By

SHRIMATI RAMA DEVI, M.P.

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**BILL**

*to provide for reservation of posts for women in establishments and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Women's (Reservation in Workplace) Act, 2021.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

(4) It applies to establishments owned, established, controlled, managed or financed by the Central or State Governments and includes—

10 (i) a Ministry or Department or subordinate office or attached office of the Government;

Short title,  
extent,  
commencement  
and application.

(ii) a public sector undertaking or statutory authority constituted under any Central act;

(iii) a corporation in which not less than fifty-one per cent. of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions; 5

(v) a primary or secondary school or any other educational institutions;

(vi) an industry, trade or business;

(vii) a Government company as defined under sub-section (45) of section 2 of the Companies Act, 2013; 10

(viii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India; and

(5) It may also apply to the private establishments to such extent and in such manner as they may voluntarily decide to apply to their establishments.

Definitions. 2. In this Act, unless the context otherwise requires,— 15

(a) "appointing authority" in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) "Chairperson" means the Chairperson of the Council or Women's Welfare at Workplace, appointed under sub-clause (a) of clause (2) of section 14; 20

(c) "Council" means the Council for Women's Welfare at Workplace, constituted under section 14 of the Act;

(d) "Government" means the Central Government;

(e) "Group 'A' post" means a post which is classified as such by the President in exercise of the powers conferred by the proviso to article 309 of the Constitution or by or under any Act of Parliament and includes an equivalent post in any establishment; 25

(f) "prescribed" means prescribed by rules made under this Act;

(g) "promotion by non-selection" means promotion made on the basis of seniority-cum-fitness; 30

(h) "promotion by selection" means promotion made on the basis of merit-cum-seniority;

(i) "recruitment year" means the calendar year for which the recruitment is made; and 35

(j) "scientific or technical post" means posts for which qualifications in natural sciences or exact sciences or applied sciences or technology are essential and the incumbent of such post shall have to use his or her knowledge in such sciences for discharge of duties.

Reservation for women in appointments by direct, recruitment and promotion. 3. (1) The Government shall reserve not less than thirty per cent. of posts for women for appointments in establishments by direct recruitment and promotion, in such manner, as may be prescribed. 40

(2) The vacancy reserved for women under sub-section (1) shall be filled in such manner, as may be prescribed.

<p>4. (1) Notwithstanding anything contained in section 3, there shall be no reservation where appointments are made—</p> <p style="padding-left: 40px;">(i) for a period of less than forty-five days;</p> <p style="padding-left: 40px;">(ii) where work is required for any emergency relief work;</p> <p>5            (iii) to posts higher than the lowest grade of Group 'A' posts and to those classified as scientific or technical post; and</p> <p style="padding-left: 40px;">(iv) to posts in which employment of women is prohibited or restricted by or under any law for the time being in force.</p> <p>(2) The Government may, by notification in the Official Gazette, exempt any</p> <p>10 institution of national importance and Indian Institutes of Management from the application of this Act.</p> <p>(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.</p> <p>5. In the case of promotion by selection from the one Group 'A' post to another</p> <p>15 Group 'A' post which carries the scale of pay, the maximum of which is equal to or less than the maximum of the scale of pay of a Director in the Central Secretariat Service or equivalent posts in other establishments, women officers, who are fit to hold the post and are relatively senior so as to be within the number of vacancies for which the select list is to be drawn, shall be included in such select list and considered for</p> <p>20 appointment.</p> <p>6. (1), The appointment to the unreserved vacancy shall be open to all eligible persons, including women.</p> <p>(2) Where such unreserved vacancy is filled by direct recruitment or promotion</p> <p>25 by a women and the basis of merit, then, such person shall be appointed against the unreserved vacancy.</p> <p>7. The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, shall be exempted or be reduced to such extent for women as may be prescribed.</p> <p>8. (1) Any standard of suitability, excluding the essential and desirable</p> <p>30 qualifications, required for appointment by direct recruitment to a post may be relaxed for women, if sufficient number of such candidates possessing requisite standards are not available to fill the vacancies reserved for them:</p> <p style="padding-left: 40px;">Provided that no such appointment shall be made where the candidate is found unfit to hold the post.</p> <p>35 (2) The experience required for appointment by direct recruitment to a post may be relaxed for women, if at any stage of selection, sufficient number of such candidates possessing the requisite experience are not available to fill the vacancies reserved for them.</p> <p>9. (1) Where a qualifying examination is held to determine fitness of eligible</p> <p>40 persons for promotion by non-selection and sufficient number of women fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of fitness required for appointment to the post, in the case of women.</p> <p>(2) Where qualifying examination is held to determine merit of eligible persons</p> <p>45 for promotion by selection and sufficient number of women fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of merit required for appointment to the posts, in the case of women.</p>	<p>No reservation in certain cases.</p> <p>Inclusion of women officers in select list in case of promotion within Group 'A'.</p> <p>Unreserved vacancies to be open to women.</p> <p>Fee concession</p> <p>Relaxation in qualifications and experience.</p> <p>Reservation in case of promotion.</p>
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Reserved  
Vacancies to  
filled by  
Women.

**10.** The vacancies reserved for women shall be filled by women only.

Abolition of  
posts not to  
affect the  
representation  
of women

**11.** Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of women, if it results in lowering their representation in relation to the percentage of reservation fixed for them. 5

Appointment  
and duties of  
Liaison officer.

**12.** (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder or any direction or instruction issued by the Government regarding reservation are not contravened. 10

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of women made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that any establishment has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall submit a report of such contravention to the head of the establishment. 15

(4) On receipt of the report of contravention under sub-section (3), the head of establishment shall initiate an enquiry into the matter and take suitable disciplinary action against the person responsible for such contravention.

Maintenance of  
documents and  
records and  
furnishing of  
reports by  
appointing  
authority.

**13.** (1) Every appointing authority, or an officer authorised by him in this behalf, shall maintain such documents and records, and furnish every year a report on the appointments of women made by direct recruitment and promotion, in such manner and at such time, as may be prescribed. 20

(2) The appointing authority or any other officer authorised by him shall make available such documents and records for inspection, furnish such information, and render such assistance, to the liaison officer, as may be necessary, to enable him to carry out his functions under this Act. 25

Council on  
Women's  
Welfare at  
Workplace.

**14.** (1) **The Government shall, by notification in the official gazette, constitute a Council to be called the Council for Women's Welfare at Workplace for carrying out the purposes of this Act.** 30

(2) **The Council shall consist of the following members, namely—**

(a) the Union Minister for Women and Child Development Chairperson, ex-officio;

(b) Secretary, Ministry of Women and Child Development-member, ex-officio; 35

(c) The Chairperson of the National Commission for Women-member, ex-officio;

**(d) two prominent lawyers in the field of Women's Rights-member to be nominated by the Government in such manner as may be prescribed;**

**(e) two social workers working in the field of Women's Rights- member to be nominated by the Government in such manner as may be prescribed.** 40

(3) **The members of the Council, referred to in sub-clauses (c), (d) and (e) of clause (2) shall, as soon as may be, choose one member amongst themselves to be Vice-Chairperson of the Council for such period as may be prescribed.**

(4) The Council shall make recommendations to the Government on—

(a) developing and organizing training programmes to advance the competence of women for appointment to services and posts;

5 (b) providing necessary social services to enable parents to combine family obligations with work responsibilities, in particular through the promotion of establishments and development of a network of child-care facilities;

(c) formulating policies regarding flexible work schedules and other such welfare policies that may attract and retain women in workplaces; and

10 (d) any other matter relating to women's welfare at workplace, as the Council may decide.

(5) More than one half of the total number of members of the Council shall constitute the quorum at its meetings.

(6) The Council shall determine its own procedure in the performance of its functions.

15 (7) Every decision of the Council shall be taken at a meeting, by a majority of the members present and voting.

(8) No act or proceedings of the Council shall be invalid merely by reason of—

(a) any vacancy in, or any defect in, the constitution of the Council; or

20 (b) any defect in the appointment of a person as a member of the Council; or

(c) any procedural irregularity of the Council not affecting the merits of the case.

(9) The Council may decide about the modalities to resolve disputes arising out of its recommendations.

25 (10) The term of office of the Members of the Council shall be such as may be prescribed.

(11) The Council shall, subject to such regulations as made in this behalf, appoint officers and other employees, as it may deem necessary.

30 **(12) The Salary and allowances payable to and other terms and conditions of service of members, officers and staff appointed of the Council, shall be such as may be prescribed.**

**15.** The Government shall take steps to incentivise private establishments to provide equal employment opportunities to women.

Central Government to incentivise the private establishment

35 **16.** Where any person responsible for implementing the provisions of this Act or the rules made thereunder, intentionally contravenes any of the provisions thereof, he shall be liable for disciplinary action under the service rules applicable to such person.

Disciplinary action for contravention of provisions of Act.

**17.** The Government may, for giving effect to the provisions of this Act or the rules thereunder, issue such directions to establishments, as it deems fit.

Power to issue directions.

40 **18.** (1) The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the exemption, or the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 12; 5

(e) the document of records to be maintained and the time and manner of furnishing report under sub-section (1) of section 13.

(3) Every rule made by the Government under this section shall be laid, as soon as may be, after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 10 15

## STATEMENT OF OBJECTS AND REASONS

The promise of equal opportunity for women has remained as a mere promise in our country since independence. Though our Constitution has guaranteed these promises in terms of the fundamental right of equality, women are deprived of employment opportunities however they are qualified and deserving. It is high time that the women community is unshackled from their discriminatory status in the society.

Article 15 of the Constitution prohibits discrimination on the basis of sex and empowers the State to make special provisions for women. This is in line with the provisions on international conventions like the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) [CEDAW]. Article 4(2) of CEDAW allows for special measures to be taken in the case of accelerating equality of men and women. This principle has been reiterated in article 5 of Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

India has been a signatory to the United Nations and the International Labour Organisation Conventions recognising the gender equality. Further it has adopted legislations that uphold Remuneration, Maternity Benefits, etc. However, women in many parts of the country are kept away from active participation in the workplace.

This Bill aims to ensure that women find a respectful position in the society by bringing an end to the discrimination meted out to them. The State shall endeavour to take a progressive step towards providing women thirty per cent. reservation in all workplaces across the country.

Hence this Bill.

NEW DELHI;  
*October 31, 2019.*

RAMA DEVI

#### FINANCIAL MEMORANDUM

Clause 14 of the Bill provides for constitution of a Council for Women's Welfare at Workplace. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.



MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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*(Shrimati Rama Devi, M.P.)*