

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-CHI-H/016/2025

Date of Institution: 18-03-2025

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Mr. Faisal Saeed Syed	VS	Mr. Saif Ullah
1	2	3			
16	29-07-2025	<p>Subject: Final order</p> <ol style="list-style-type: none">1. The Complainant, Mr. Faisal Saeed Syed (hereinafter “the Complainant”), engaged the services of Mr. Saif Ullah (hereinafter “the Accused”) a PhD scholar and Assistant Professor at Capital University of Science and Technology (CUST), as a home tutor for additional academic support for his 17 year-old minor daughter for her A levels in Information Technology. The tuition arrangement began in November 2024 at a monthly remuneration of Rs. 60,000/-.2. In February and March 2025, both parents were abroad for professional assignments. During this time, the minor contacted her mother and disclosed that the tutor, Mr. Saif Ullah, had engaged in inappropriate conduct. She reported that he attempted to hold her hand, made unwelcome personal overtures, and persisted on having a secret friendship. Upon further probe, she shared screenshots of WhatsApp messages from the Accused that reflected similar persistent and inappropriate behavior.3. Upon receiving this information, Mrs. Saira Faisal confronted the Accused. Instead of providing an explanation, he refunded the tuition fee for March 2025 and sent a message stating, “OK, I will send back. Sorry for this. I should not say like this.” In the above backdrop, Mr. Faisal Saeed Syed, in the capacity of the father and			

guardian of the minor, filed the instant complaint under Section 8 of the Protection Against Harassment of Women at the Workplace Act, 2010, seeking legal action against the Accused.

4. In his written defense, the Accused denied the allegations and described the complaint as baseless and fabricated. He stated that complaint was based on malice as he refused to tutor the minor every day of the week and also refused to lower his fees. While he acknowledged the messages sent to the minor, he claimed they were intended to motivate and encourage her in the context of her academic stress due to the sudden scheduling of her IT practical. He asserted his standing as a respected teacher in the twin cities with no prior complaints against him.
5. The Complainant (guardian ad litem) appeared as PW-1 and submitted an affidavit (Ex PW 1/1), his wife's bank statement (Ex PW 1/2), a Family Registration Certificate (Ex PW 1/3), the minor's mobile phone for verification of the screenshots of WhatsApp messages (Ex PW 1/4 (5 pages)). He was subjected to cross-examination. The Accused, appearing as DW-1, submitted his own affidavit (Ex DW 1/1) and messages exchanged with a third party intended to be forwarded to the minor's mother (Ex DW 1/2). He was also cross-examined. Final arguments were heard from both parties and written arguments were also submitted by the Accused after which the record was perused.
6. It is an admitted position that the parties did not have a prior personal relationship before November 2024 and were introduced through a third party. The Accused was allowed access to the Complainant's home to provide academic tuition. There was no previous animosity between the parties; rather they were on cordial terms so it can not be believed or expected that the Complainant party would baselessly charge the Accused for such a heinous offence without any cause. The Lahore High

Court in *PLD 2019 Lahore 407* observed that “*It is a matter of common sense that a lady would not ruin her modesty/dignity/respect by making a false complaint of sexual harassment just to defame a person/colleague.*”

No evidence suggests any prior hostility or motive for the complainant to fabricate a complaint of this nature.

7. The messages placed on record (Ex PW 1/4) (5 pages) include phrases such as “.. As you have become special for me,” “read, reply and delete message ok,” “how did u feel about our friendship after I left your home on Tuesday?”, “Don’t say thank you.. I should say thanx to you for being my cute friend.”, and “How did u feel about our friendship..did u think after I left ur home?..” These communications cannot reasonably be construed as professional or academic. The content indicates a personal and suggestive tone inconsistent with the role of a tutor toward a minor student. It is quite unconvincing on the part of the Accused to say that he sent these messages to encourage the minor to enhance her performance in the coming IT exam.
8. The Accused argued that “no written message was sent by the alleged victim to show her annoyance and displeasure”. The existence of a start power imbalance between the Minor and the Accused due to their teacher-student dynamic cannot be ignored when dealing with this assertion. As emphasized in *Muhammad Din v. Dr. Sidra Zafar*, sexual harassment is a manifestation of power dynamics rather than merely a sexual act. This reframes sexual harassment as a tool of dominance rooted in systemic inequality, not a misunderstood or misplaced expression of affection. The Delhi High Court in *Ajay Tiwari v. University of Delhi* sets a clear principle in this regard stating that “*The relationship between a teacher and a student is not one between equals, and involves the power dynamics of the hierarchical difference between the two. At every point in the relationship, it would be difficult for a student to refuse the*

advances of the teacher." The same judgement also clearly states that "*The relationship between student and teacher is a most sacred one. Therefore, no defence of complainant being a consenting party could be taken.*"

9. The complainant's affidavit and testimony remained consistent and withstood extensive cross-examination. In contrast, the Accused failed to provide a plausible justification or rebuttal to the core allegations. Although the complainant's daughter was not produced as a witness, her statements to her mother and the corroborating documentary evidence, including the WhatsApp messages, are admissible and carry substantial evidentiary value. This is sufficient to fulfil the evidentiary criteria of balance of probabilities. The nature of harassment, typically occurring in private, makes direct third-party corroboration rare and often unavailable, which is why the account of the minor herself is enough for a conviction.
10. The minor, by virtue of being a student falls within the definition of "*employee*" under Section 2(f) of the Act 2010. The Accused, being in a position of authority, misused that position to make demands of a sexual nature, thereby committing harassment within the meaning of Section 2(h)(i) of the Act.
11. The **complaint is therefore found to be proven** under the Protection Against Harassment of Women at the Workplace Act, 2010. Accordingly, the minor penalty of recovery of compensation is imposed on the Accused under Section 4(4)(ii)(d) of the Act. An amount of **Rs. 1,000,000** is to be paid as compensation to the Complainant for litigation costs, and for the trauma experienced by her and her family.
12. A copy of this order shall be forwarded to the administration of Capital University of Science and Technology (CUST), Islamabad, with instructions to ensure a safe work environment at the institution. A zero-tolerance policy against harassment is to be adopted by the institution in

line with which they are directed to follow the statutory obligations of institutions under the Protection Against Harassment of Women at Workplace Act, 2010. This entails:

Formulation of an Inquiry Committee: CUST must constitute a standing inquiry committee under Section 3 of the Act, which must be known to all the students, faculty and staff.

Display of Code of Conduct: The statutory Code must be displayed prominently across the premises.

Awareness Initiatives: Regular seminars and workshops must be held to sensitize staff and students.

13. CUST is required to implement this order and **submit a compliance report** to the Registrar, FOSPAH, Islamabad, **within ten (10) days**.

FEDERAL OMBUDSPERSON