

# OFFICE OF THE FEDERAL OMBUDSMAN

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE, ISLAMABAD

### FORM OF ORDER SHEET

Complaint No. FOH-HQR/00000220/2021

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman
		<b>TITLE: NASIRA JILLANI VS ASRAR HUSSAIN</b> <b>B1 AFT Zone/Economy Senior Purser</b> <b>class incharge</b>
		<b>Department: Pakistan International Airline (PIA)</b>
1	2	3
	19-08-2022	<p>Complaint No. <u>FOH-HQR/00000220/2021</u></p> <p>Ms. Nasira Jillani (<b>hereinafter called the Complainant</b>) was working as B1, aft zone/economy class incharge on 28-08-2021, PK-9713/9716 (ISB-MED-MUX-ISB). During the course of duty when she was picking food from microwave, she felt the presence of someone standing very close behind her. When she looked back, Asrar Hussain (<b>hereinafter called the Accused</b>) P-55951 Senior Purser, ISB Base was standing quite close to her. She screamed at him and told him to get step back and when she got out of there, Mr. Ashraf steward (61288) asked her why she screamed so loudly. She told him all the story and after that she also told the story to Ms. Rukhsana Qamar (64082) and Farah Kanwal (66652) regarding the harassment. On the spot she told the Accused to be ready to face the consequences of his act of harassment.</p> <p>After entertaining and registering the complaint at this forum, Accused was summoned to file his written defense. He came and filed his written defense, wherein he denied the harassment</p>

	<p>allegations of the Complainant against him. He submitted that working as a senior purser in PIA he had unblemished record throughout the service. He further submitted that on 28-08-2021 he operated flight PK-9713/9716(ISB-MED-MUX) along with Complainant and observed serious violation of SOPs as well as misconduct and as such he filed detail report to flight service department PIA against Complainant who instead of submitting reply to that report, filed the harassment complaint against him based on immoral allegations. Accused described the harassment complaint against him as totally false and baseless and prayed to dismiss the same.</p> <p>It may be relevant to mention here that Accused had filed a report/complaint on 08-09-2021 to allege the violation of SOPs etc on the flight dated 28-08-2021 as against the Complainant. In view of this report, inquiry was conducted at the departmental level and report Mark-X was formulated by the concerned quarter.</p> <p>During the said inquiry or investigation Mr. Muhammad Ashraf, Flight Steward deposed that he saw the Accused standing beside Complainant and both were pulling out the food from the same oven. He further stated that Complainant said in a louder voice "she will do it herself". Mr. Adeel Rasheed, Flight Steward also accepted the incident in his statement before the departmental inquiry committee. Similarly Mr. Aslam, ALS driver stated that he remembered that a lady was speaking something but he did not recall what exactly was she uttering. The investigation and inquiry conducted at the departmental level came to the conclusion that although there was no eye witness of the incident but it had been proved that something happened between both the cabin crews and both the parties late reported the incident to reflect their personal grudges. The inquiry report came with the recommendations not to depute both the</p>
--	--

	<p>pursers on the same flight in future, to put them both under observation for next 6 months and to issue a letter of warning to senior purser Asrar Hussain because of his rude and harsh attitude towards his team and below the belt remarks.</p> <p>Now coming to the complaint filed at this forum, the Accused denied the harassment allegations against him. Complainant recorded evidence as PW-1. She furnished affidavit in evidence ex-PW-1/1. She was put to lengthy cross examination by learned counsel for the Accused. In her evidence the Complainant remained firm and consistent that the Accused stood very close behind her in the cabin thereby causing her sexual harassment. The other witness produced by Complainant was Ms. Farah Kanwal who came as PW-2 and confirmed the authenticity of her affidavit Ex PW-2/1 on the file. She substantiated her stance that the incident was revealed to her by the Complainant soon after the occurrence and that at the relevant time the Complainant was quite disturbed. To the question put to the witness during cross examination she replied that she saw the Complainant very upset and nervous. She made her sit and served with water when she narrated the incident of harassment telling that the Accused stood quite close behind her and started taking meal from the same oven and he also touched her. This lady had also appeared as witness in the inquiry proceedings conducted by the department where she reiterated the stance that the Complainant got quite emotional after the incident but they made her silent lest her voice reached to the passengers. Statement of Rukhsana Qamar recorded during the departmental inquiry also supported the above version of Farah Kanwal. The two statements of the above ladies recorded before the departmental inquiry committee were requisitioned on the mutual consensus of both the sides as both relied upon the same.</p>
--	---

		<p>From the defense side Accused recorded his statement as DW-1 and produced Adil Rasheed as DW-2. Under cross examination DW-1 deposed that he lodged the complaint against the Complainant to the PIA management after three days of the alleged incident. He admitted that during flight he made no complaint against Complainant. Accused further admitted that Ms. Farah Kanwal appeared and recorded statement in the inquiry conducted by PIA and that the statements of the said ladies recorded during inquiry were requisitioned by this forum and copies provided to both the sides. He also admitted that as per recommendation of the departmental inquiry, a letter of warning was issued to him on account of his rude and harsh attitude with his team and below the belt remarks. Mr. Adeel Rasheed DW-2 admitted that he was not present on the place of incident.</p> <p>This is the gist of evidence adduced by the parties.</p> <p>I have heard the arguments of learned counsel for both the sides and gone through the relevant record with their assistance.</p> <p>It transpires from the record i.e. complaint and evidence of the Complainant that she charged the Accused for causing sexual harassment in the shape of getting very close to her from behind when she was picking food from microwave oven during the flight from Madina to Multan. According to the Complainant she got quite nervous on the incident, screamed and told the Accused to be ready to face the consequences. She came out screaming at the Accused and told the incident to crew members namely Mr. Ashraf, steward, Rukhsana Qamar and Farah Kanwal, stewardesses. This allegation of the Complainant has been confirmed and supported by Farah Kanwal in her statement before this forum when she appeared as PW-2. Not only at this forum, Farah Kanwal also supported the</p>
--	--	---

		<p>above version in her statement during the inquiry conducted by the department. Rukhsana Qamar also substantiated the said stance before the inquiry committee at departmental level.</p> <p>The evidence produced by the Complainant, in the given scenario, is sufficient and credible to lend support her claim of harassment at the hands of the Accused. Admittedly the Complainant is an elderly woman having blessed with grandchildren. Hence in this age it is not expected of her to put false blame upon her colleague because many risks are involved in such like things. There is no history of any grudge, ill will or previous enmity between the two employees to prompt the lady Complainant file a false case.</p> <p>It is a matter of common sense that a lady would not ruin her modesty, dignity and respect by making a false complaint of sexual harassment just to defame her colleague.</p> <p>A similar preposition has been discussed in the judgments of Indian jurisdiction reported in AIR 2003 SC 4684 and PLD 1984 SC 218 (SAB) observing as under:-</p> <p><i>When Indian woman in tradition bound society make a complaint of rape there is in-built insurance that the charge is genuine. To insist on corroboration is to add insult to injury.</i></p> <p>In view of above it is immaterial on the part of the Accused side to say that act of harassment has gone unwitnessed. Even a solitary statement of a victim is sufficient to be used against the Accused. Normally harassment usually occurs between the colleagues when they are alone, therefore, usually it is difficult to produce evidence. This is what the sub clause (XII) of the Code of Conduct for Protection against Harassment of Women at the Workplace describes. The inquiry conducted by the department does not</p>
--	--	--

		<p>exonerate the Accused of the charge of harassment. The statements of the witnesses recorded during that inquiry if put in juxta position with the evidence recorded during the trial at this forum its accumulative effect tilts in favor of the Complainant. Accused cannot take benefit of the inquiry report of the department where in para 6 it has been concluded that although there is not eye witness of the incident but it has been proved that something happened between both the cabin crews. This conclusion goes in favor of the Complainant rather than the Accused. The acts of harassment have to be condemned and discouraged to punish the transgressors for the same. Under article 24 and 25 of the Constitution of Pakistan it is everyone's constitutional duty to protect women to ensure their full participation in all spheres of national life. Protection of women particularly in workplaces is of extreme importance to a civilized and cultured society.</p> <p>In the instant case I have been unable to see any malice on the part of the lady Complainant to falsely implicate the Accused in the case. Such incidents should not be ignored or overlooked on mere technicalities. On the other hand they need to be curbed with iron hand to make the life and honor of the women safe and protected.</p> <p>In my view Complainant has proved her case against the Accused beyond any doubt whereas the Accused has failed to put any plausible defense.</p> <p>Consequently the <b>Accused is proved guilty of the sexual harassment</b> of the Complainant and for that matter he is held liable to be proceed against under section 4(i)(b) of the Act 2010 which entails <b>withholding, for a specific period, promotion or increment.</b></p>
--	--	---

		<p>Copy of the order be sent to the competent authority for its implementation within seven days of receipt of it and to furnish the compliance report to Registrar FOSPAH, Islamabad.</p> <p><b>FEDERAL OMBUDSMAN</b></p>
--	--	--