



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB
174-Shadman-II, Lahore

BEFORE THE OMBUDSPERSON, PUNJAB

Complaint No. WOP/11-57/2015

Lahore, the 13th of July, 2015

Ms. NK, Prisons Department.....Complainant

Vs.

Mr. JAQ, Prisons Department.....Accused

DECISION

The subject complaint was lodged in this office on 04.02.2015 by Ms. NB R/O Christian Colony Toba Tek Singh, against JAQ, of District Jail, Toba Tek Singh.

The complainant stated that she was working as a Sanitary Worker in the District Jail, where her duty was in the female barrack, but the Superintendent Jail, JAQ, assigned her to work at his residence in the jail where she was made to work from 7:00 a.m. to 11:00 p.m. without any break for lunch. She further stated that on his return from office, the Superintendent, briefly clad, would bolt the room door and would ask her to massage him and on her refusal, abuses were hurled at her and her duty would be changed to the male barrack where men harassed her mentally and physically. According to her, she was not given leave even for Sunday prayers and was ridiculed for her religious belief/ rites while other



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Christian employees were granted leave. She added that her salary was stopped deliberately by showing her to be absent when she refused to comply with the wrong demands of the Superintendent but the same was converted into medical leave when she obeyed him in the way which she could not narrate. Further, that one day she was called by the Superintendent in his room, was thrown on the bed and on her making a noise, was turned out of the room. She was threatened not to mention these things to anyone. According to her, she wanted to appear before the Inspector General (Prisons) on 29.11.2014 during his visit to the Jail but the administration did not let her do so accusing her of propagating against the officers. She was issued a show-cause notice by the Superintendent and her services were terminated.

The accused JAQ upon his written defense alongwith annexures: Marks "D/1" to "D/26", written narration of his version: Exhibit "D/B" alongwith annexures: Marks "D/27", "D/28", an application: Exhibit "D/C/1-2" submitted by his witness alongwith annexures: Marks "D/29" to "D/35", his statement and those of his witnesses, Abdul Ghafoor Anjum, Ejaz Akhtar, Asif Iqbal, Asif Ali Shah, Imdad Hussain Shah, Umar Daraz, Azmat Sher, Muhammad Haneef and Muhammad Atif.

I have perused the record of the case the written defense of the accused, the statements of the complainant and the accused as well as their witnesses. The complainant Ms. NK, ex-sanitary worker, District Jail Toba Tek Singh, leveled serious allegations of sexual harassment against the accused JAQ, District Jail,. Briefly, she had alleged that she was made to work at the Superintendent's residence in the jail from 7:00 am to 11:00 pm though her duty



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was at the female barracks; that she was asked to massage the accused who was scantily dressed, behind closed doors; that she would be turned out of the room on her making a noise; that on her refusal to comply with the Superintendent's indecent and immoral demands, her duty would be changed to male barracks where she would be harassed mentally and physically or her salary would be stopped, that then she would be granted medical leave with pay, when she would obey the Superintendent in the way she could not narrate; that her religious beliefs and rites were ridiculed and she was not allowed to attend Sunday prayers.

The complainant reiterated the above allegations in her statement, recorded on oath and further deposed that on 24.11.2014, she was called by the accused in his room where he played an indecent movie and pushed her to the bed; that she was rescued from the room by the Superintendent's wife. She stated that the next date i.e. 25.11.2014 a show-cause notice was issued to her by the Superintendent and her services were terminated on 1-12-2014 before the expiry of the stipulated seven days. She also stated that after lodging of this complaint, she was being followed and harassed by the Superintendent's official driver and others and pressure was being mounted on her to take the complaint back in exchange of financial offer.

In his written defense and the statement on oath, the accused emphasized that the complainant was negligent, indiscipline and was a habitual absentee; that she was issued warnings many times and finally, due to her non-professional attitude, was removed from service on 1.12.2014 after serving her show cause notice and that she had leveled these unrealistic and filthy allegation after her removal from service to defame him. In cross-examination by the



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complainant, he stated that he was on leave on 24.11.2014 and came back in the morning of 25-11-2014 while the complainant emphasized that he came back on 24.11.2014 at 6:00 pm and called her to his residence at 6:30 pm.

It is noteworthy that in his defense, the accused did not specifically address or refute the complainant's allegation of making her work at the residence instead of her place of duty in the female section of the jail nor did he categorically deny her allegations of making indecent advances upon her or about complainant's statement that at times she was rescued from the room by the Superintendent's wife.

As per the statements of JAQ witnesses referred to in the preceding paras, they mainly emphasized that NK's duty was at the female section and not at the Superintendent's residence where she was brought to work only 2 or 3 times by Kot Incharge to clean the outside of the residence when the person on duty was on leave.

Another point to be noted is that while the accused did not specifically contest that Ms. NK was performing duty at his residence, all his witnesses (subordinate officials of the jail) mainly emphasized that complainant did not perform duty at the residence which appears to be quite orchestrated. The accused gave a list of 14 witnesses from his side, all officials, and presented nine of them, giving up the rest and closed his version. He did not include his wife as a witness though the complainant had repeatedly alleged that his wife was many times present in the house and would get the room door opened on her making a noise. However, on the last date of the hearing on 24-6-2015, the accused presented an application to allow appearance of his wife for investigation, but not in the



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presence of the parties, which apparently was an afterthought and a delaying tactic and was not acceptable also on account of his condition that the parties would not be present and thus the complainant would not be able to cross-examine her.

For what has been discussed above, I am of the considered view JAQ has committed harassment as defined in Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010, by his "unwelcome sexual advances" and "physical conduct of a sexual nature" towards the complainant which created "an intimidating, hostile and offensive work environment" for her. I therefore hold JAQ, Superintendent Distt. Jail, guilty of causing sexual harassment to the complainant, Ms. NB, and award the following penalties upon him under Section 4 of the Act:-

- (i) Minor penalty: Withholding of promotion for five years to be counted from the date when a person junior to him is considered for promotion and is promoted on regular basis for the first time;
- (ii) Major penalty: Reduction to the minimum stage in time scale. Parties be informed.