

**OFFICE OF THE FEDERAL OMBUDSPERSON**  
**FOR PROTECTION AGAINST HARASSMENT OF WOMEN**  
**AT THE WORKPLACE, ISLAMABAD**

FORM OF ORDER SHEET

Complaint No. FOH-ONL/0000206/2022

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson			
		TITLE:	Ahmer Saeed Qazi	VS	Dr. Mohsin Javed Registrar/Professor
		DEPARTMENT: Virtual University of Pakistan			
1	2	3			
20	07-07-2023	<p>Complaint No. <u>FOH-ONL/0000206/2022</u></p> <p>An online complaint was filed by the Complainant Dilawar against Dr. Mohsin Javed, Virtual University Pakistan on 18.07.2022 and fixed for personal hearing on 02.08.2022. Complainant alleged that the accused Dr. Mohsin Javed was harassing females Lecturers at Virtual University Pakistan. The Complainant also appended with his complaint an anonymous complaint on behalf of female teachers and employees of Virtual University of Pakistan, wherein it was alleged that the Accused had been continuously sexually harassing the females of the organization. The complaint alleged:</p> <p>“Unstoppable harassment of female staff by Professor Dr. Mohsin Javed who is a Registrar and Professor in the Virtual University of Pakistan. He is wolf in the skin of a human. He is playing with females respect and exploiting them using all his unlimited power in the university. No girl is safe from him. He is a beast who loves sex only sex. His mind full with sex and dirty plantings. Our colleagues are very harassed by this beast all the time and are decided to resign. Some already resigned because he threat them of life also making famous about her sex with him. Madam please save</p>			

our carrier, we cannot live in respect. He will finish our contract if we show in front of him. Please please save us”.

Further alleged that the Accused passed derogatory remarks, used abusive language and threatened to terminate employment of female staff if they disobeyed him. All the accused appeared personally before this forum on 25.08.2022 wherein, the Rector of Virtual University was directed to constitute a harassment committee to probe the matter against accused Mohsin Javed. A proper inquiry was conducted by the Virtual University inquiry committee which declared the accused innocent, absolving him from all the allegations made by the Complainant, Dilawar who neither disclosed his correct number or details, nor appeared before the Committee.

Mr. Ahmer Saeed Qazi appeared before this forum and stated that in the complaint titled Dilawar. Vs. Mohsin Javed, the phone number used by the complainant belonged to him and without his knowledge. Subsequently the Complainant submitted another complaint/application dated 12-12-2022 requesting this forum to look into his complaint under Section 2(h)(ii) of the Rules relating to Protection against Harassment and Women’s Property Rights jointly with the above mentioned complaint. This forum replaced the complaint titled Dilawar. Vs. Mohsin Javed with that of Ahmer Saeed Qazi (**hereinafter called the Complainant**). Vs. Dr. MohsinJaved (**hereinafter called the Accused**) on 15.03.2023 and attached the previous complaint to the new file.

Complainant also attached with his complaint an application captioned “Report on violation of “Code of Conduct for Protection against Harassment of Women at the Workplace” in Virtual University of Pakistan” praying to allow all the university employees to come forward with their complaints against Rector, Registrar and Director ICT.

Accused Professor Dr. Mohsin Javed, Registrar in his written reply to the complaint against him refuted all the allegations leveled

against him and counter alleged that it was the Complainant who harassed him by entering in his office on September 14, 2022 afternoon along with his fellow Mr. Muhammad Farhan Sadiq. The matter was reported to the Rector Virtual University. Accused also totally denied the contents of the complaint titled “complaint filed by Dr. Dilawar S/o Mian Jan” dated August 11, 2022. He described the letter dated December 12, 2022 of the Complainant and the report dated 06-12-2022 as self-made and engineered documents to get personal benefits and to harm his (Accused) reputation. Accused assailed and questioned the applicability of the Act of 2010 in his case, on the ground that it was filed just to pressurize him and his colleagues who are the part of Virtual University Standing Committee. Accused prayed that Ahmer Saeed Qazi and Mr. Dilawar have approached this forum with unclean hands, therefore, both of the complaints and the report in hand are liable to be dismissed.

The proceedings in the case were going on when the issue with regard to maintainability of the complaint was raised from the Accused side with the request to decide the same first, and thereafter to proceed further if so required.

Both the sides advanced their respective arguments in this regard.

Learned counsel for the Accused made submissions in support of the stance that complaint was not maintainable because it did not fall within the ambit of Section 2(h) of the Harassment Act 2010. On the other hand learned counsel for the Complainant in his written arguments stated that this forum could not listen the arguments on the issue of maintainability because Section 10 of the Act of 2010 did not allow the Ombudsperson to listen to arguments or to pass any order on maintainability. Further submitted that in the Harassment Act, 2010 there is no hurdle to process with the complaint because Ombudsperson has not been given the power to decide the application with regard to maintainability. It is also submitted on behalf of the Complainant that any person could file a

complaint under Section 2, sub section (e) of the Act, 2010 and that this could be done by anonymous person.

On analysis and scrutiny of the case and in view of the contentions of the learned counsel for the parties, it transpires from the record that the Complainant alleged sexual harassment of the female staff of the organization by the Accused Dr. Mohsin Javed. The subject complaint, however, did not disclose the names or identity of those women who allegedly got harassed by the Accused. Subsequently, the Complainant introduced two names of Dr. Ayesha Parveen and Noreen Zahra. The said two ladies could not be brought forward to file independent complaints against the Accused. According to the Complainant, these two female employees had registered their complaints of harassment against Accused but no action was taken by the Rector. No tangible evidence exists on the record, firstly to show if the said ladies had filed the complaint against the Rector who is certainly not the present Accused and secondly what happened to those complaints, if any.

Now coming to the objections of the learned counsel for the Complainant with regard to maintainability issue. It may be said with convenience that in every case, at every Forum or Court, it is the duty of that Forum or Court to determine whether or not the case lies within the jurisdiction of that Forum or Court and whether it is maintainable, because proceedings in a case in which the forum or Court has no jurisdiction is nullity in the eyes of law and is a mere exercise in futility.

Section 10 referred to by the learned counsel for the Complainant pertains to the powers of Ombudsman as are vested in a Civil Court under the Code of Civil Procedure 1908, in respect to matters mentioned therein. That section does not preclude the Ombudsman from entertaining the application of maintainability of the complaint. It is thus unconvincing on the part of the Complainant to say that Federal Ombudsman has no power to touch or to take up the question of maintainability.

So far as the contentions of the Complainant with regard to anonymous complaint is concerned, it is to remind him that under the establishment of the office of Wafaqi Mohtasib (Ombudsman) Order 1983, Section 10 (2) "No anonymous or pseudonymous complaints shall be entertained". Stance of the Complainant that each and every complaint is hundred percent entertainable at this forum has no merits or value.

In view of the instant complaint one can conveniently refer to Section 5 of the Protection against Harassment of Women at the Workplace (filing & disposal of complaints) Rules 2013.

**5. Contents of the complaint;**\_\_\_\_ (1) The complaint may contain

(a) Comprehensive statement of all facts with all necessary details relating to an incident of harassment at the workplace;

(b) All documents, evidence or other supporting material, in whatever form it may be, such as audio, video or documentary or in any other form;

(c) Names of witnesses; and

(d) Any other material, detail, evidence or person which will be relied upon or have any relation with the incident.

(2) The complainant shall undertake that information contained in his or her complaint is true and correct to the best of his or her knowledge and belief.

(3) A party may amend his or her complaint or defense statement, as the case may be, at any stage of the inquiry before decision.

(4) The complaint shall be duly signed by the complainant or if he or she cannot sign, shall affix thumb impression.

If the instant complaint is put in juxta position with the above provisions of law it does not fulfil the required criteria. The complaint filed at this forum does not contain comprehensive statement of all the facts with all necessary details relating to the incident of harassment at the workplace. No specific incident of harassment at the workplace has been cited in the complaint, rather it is a general complaint by a male who has never been sexually harassed by the Accused. No woman has come forward to support the allegations of the Complainant. Even otherwise, those females should have come forward to file harassment complaint against the Accused, Dr. Muhammad Mohsin Javed if he actually harassed them. No document, evidence or other supporting material has been produced by the Complainant. He has also failed to give names of the witnesses in support of his allegations.

So much so that the Complainant has not given any undertaking, as required under Sub Section 2 of Section 5 ibid. It may be noted that Sub Section 2 mentioned above is mandatory.

In the given scenario, I am of the considered view that the instant complaint is not maintainable at this forum because it does not fall within the domain of the relevant provisions of the Protection against Harassment of Women at the Workplace (Amended Act 2022).

The complaint is, therefore, dismissed in the circumstances.

**FEDERAL OMBUDSPERSON**