

# OFFICE OF THE FEDERAL OMBUDSMAN

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN

### AT THE WORKPLACE, ISLAMABAD

#### FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000215/2022

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman			
		TITLE:	Muhammad Auqab SP/Security	VS	Shaista Noreen & others i. Lady Constable ii. IGP iii. DIG iv. SSP v. SSP vi. AIG
		Department: ICT POLICE, ISLAMABAD			
1	2	3			
	23-06-2022	<p>Complaint No. <u>FOH-HQR/0000215/2022</u></p> <p>The instant appeal has arisen in the following circumstances: Vide statement of allegations dated 03-03-2022 Mr. Muhammad Auqab SP (BS-18) presently posted as SP Security Supreme Court of Pakistan, Islamabad was made accused of misconduct arising out of the acts of omission and commission on the grounds interalia:-</p> <ol style="list-style-type: none"><li>1) That a Lady Constable Shaista Noreen No. 1977 of ICT Police lodged a complaint against you stating therein that she is performing security duties at Supreme Court of Pakistan under your command &amp; control. She alleged that you are causing interference with her work performance and creating an intimidating and offensive work environment for her besides your attempts to punish her for refusal to comply to your demands.</li><li>2) The Complainant further alleged that prior to this, she performed security duties at National Assembly under</li></ol>			

your command and due to your attitude/behavior, she got herself transferred to PM Office. But now, when she has been transferred from PM Office to Supreme Court, she has again become your subordinate and complained about harassment and threats from your side.

On the same date a charge sheet was also issued to the accused and the inquiry committee was constituted of four police officers in the sequence as under:

1. DIG/Headquarters, Islamabad (Mr. Sadiq Ali PSP/BS-20) Chairperson.
2. DIG/Operations, Islamabad (Mr. Awais Ahmed, PSP/BS-20), Member
3. SSP/Security, Islamabad (Dr. Khuram Rashid, PSP/BS-19) Member
4. SP/Headquarters, Islamabad (Ms. Amna baig, PSP/BS-18) Secretary

Accused was charged for misconduct within the meaning of Section 2(a) and (h) of the Act 2010. Inquiry was conducted in the matter and it was recommended to the authority to place the accused under suspension and to hold against him a regular inquiry through a notified inquiry officer and to award him exemplary punishment. This inquiry report was signed by five police officers namely Mr. Awais Ahmed DIG Operations/Member, Dr. Khuram Rasheed, SSP Security/Member, Ms. Amna Baig, SP Headquarter/Secretary Hassan Raza, DSP Legal/Member and Sadiq Ali, DIG headquarter/Chairperson.

In the above backdrop the present appeal was filed by Mr. Muhammad Auqab praying to quash the complaint of lady constable Shaista Noreen declaring the findings of inquiry committee null and void.

The matter being quite sensitive in nature, the senior officers of the Police department were summoned including the members of the inquiry committee. They were heard. Similarly IGP Islamabad was also summoned to discuss this matter with him.

The perusal of the record with reference to the process followed in this case against the appellant and placing him under suspension, reveals the shocking element of lack of knowledge of the police force in the matter pertaining to the Harassment of Women at the Workplace Act 2010. I am quite surprised to learn that none of the provisions of the Act 2010 has been adopted by the inquiry committee concerned. Section 3 of the Act *ibid* requires three members committee, whereas the committee constituted *vide* order dated 03-03-2022 consisted of four members. Subsequently this number enhanced to five at the time of submitting the inquiry report.

It is a well settled preposition of law that an act required to be done under law in a particular manner should be done in that prescribed manner or otherwise it should not be done at all. Under the relevant Act, procedure of inquiry has been given in Section 4(1)(2)(3) while penalties are provided under section 4(4) of the Act the penalties are minor penalties or major penalties. So penalties to be given to a guilty person are to be confined to the minor or major penalties under Section 4 of the Act *ibid*. It is strange, however, that none of the penalties provided in Section 4 has been imposed upon the Appellant and instead he has been put under suspension taking the shelter of provisions of the Act 2010. It is quite surprising that the punishment has been imposed upon the Appellant which is quite alien to the Act 2010. Such an act or order on behalf of law enforcing agency is quite disturbing. How can a law enforcing agency implement law if they themselves are unaware of laws and their implementation in letter and spirit.

It is surprising for me that such an important law enforcing agency has shown its complete unawareness of the recent important legislation with regard to protection of women from harassment at the workplace. I have attended many seminars and workshops organized by the police department on the issue of women's harassment but unfortunately it has been proved through the instant case that the organizers

themselves are quite ignorant of the relevant law. The lady police officer who has been quite active in such activities and who has also been given award by UN for her services in this matter, has surprisingly been found having negligible contribution in proper implementation of the Act 2020.

The deficiencies and lacunas pointed out above on the part of ICT police require immediate attention by those in the helm of affairs so that in future such type of ignorance be averted and harassment cases be dealt with in accordance with the provision of the Act 2010.

Without discussing the deep merits of the case at this stage lest it cause prejudice to either side I would deem it appropriate to remand/remit the case to ICT Police Islamabad through IGP Islamabad for denovo inquiry into the matter following the procedure and method provided in the Act 2010. Since suspension is not provided anywhere in the Act 2010, the said order is set aside, to allow the Appellant resume his normal duties. After conclusion of the denovo inquiry either of the parties may approach this forum in appeal in terms of section 6 of the Act 2010, if so advised.

**FEDERAL OMBUDSMAN**