



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

FORM OF ORDER SHEET

Complaint No. 528/2025

MS. NISHA MAKHIJA

V/S

MR. ZULFIQAR ALI AND OTHERS

Date of Institution: 19.09.2025

Name of Organisation: Popular Chemical Manufacturing Industries (Pvt) Ltd

FINAL ORDER

Date: 29/06/2026

Sr. No: 25

1. Nisha Makhija, Assistant Product Development Manager at Popular Chemical Manufacturing Industries Pvt Ltd (hereinafter referred to as "the Complainant"), has filed the present complaint under the Protection Against Harassment of Women at the Workplace Act, 2010 against Zulfiqar Ali Roshan, Director, Syed Kazim Ali, General Manager Operations and Projects, Rubeena Khatoon Jokhio, Assistant General Manager Product Development and the Complainant's Line Manager, Kamran Ali Roshan, Executive Director and brother of Accused No. 1, and Shahmir, Personal Secretary to Accused No. 4 (hereinafter referred to as Accused No. 1, 2, 3, 4 and 5 respectively).
2. The Complainant alleges that she joined the Company on 18.07.2024 as Product Development Executive and, on account of satisfactory performance, was subsequently promoted to the position of Assistant Product Development Manager with a 25% increment. She states that during the course of her employment, she was subjected to sexual harassment, humiliation, workplace hostility, and retaliatory conduct by the Accused persons, which ultimately resulted in her forced resignation on 04.07.2025.

3. With regard to the allegations against Accused No. 1, the Complainant states that in the month of May 2025, at approximately 2:00 PM, though she does not recall the exact date, she was summoned to the room of Accused No. 4 situated on the fourth floor, where Accused No. 1 was present in the absence of Accused No. 4, for a routine team meeting. She states that she and Areeba Fatima entered together for the introductory portion of the meeting, during which Accused No. 1 took their contact numbers and asked her to bring the relevant handwash samples, and that after this portion concluded and both of them had left the room, she returned alone with the samples to brief Accused No. 1 on the progress of the products, it being during this latter interaction that the conduct described below occurred.
4. According to the Complainant, when she returned alone to the room with the samples to brief Accused No. 1, as stated above, Accused No. 1 engaged her in a personal conversation and stated, "Betho Nisha, kabhi hamare sath bhi beth liya karo, hamesha kaam hi karti rehti ho" (roughly translated to: "Sit, Nisha. Sometimes you should sit with me as well; you are always busy working."). The Complainant replied, "Sir, hum yahan kaam ke liye hi aate hain aur main ek middle-class family se hoon, kaam karungi to hi ghar ka chulha jalega" (roughly translated to: "Sir, we come here only for work, and I belong to a middle-class family; only if I work can my household survive."). Thereupon, Accused No. 1 allegedly responded, "Don't worry jaan, sab mil jayega, kya chahiye aapko?" (roughly translated to: "Don't worry dear, you will get everything. What do you want?"), to which the Complainant replied, "Nothing, izzat ki roti bas" (roughly translated to: "Nothing, only an honorable livelihood."). Accused No. 1 then remarked, "Bara attitude hai, dekho mujhe aap apna dost samjho, boss baad mein. You can come any time in my office and sit with me, jo chahiye maang liya karo" (roughly translated to: "You have a lot of attitude. See, consider me your friend first, boss later. You can come to my office anytime, sit with me, and ask for whatever you want."). The Complainant states that she responded, "No sir, thanks."
5. She further alleges that thereafter Accused No. 1, with the intention of physical harassment, grabbed her hand as she held the handwash samples she had brought back, and stated, "I have a vacant bungalow in Gulshan, jahan par koi nahi hota, kabhi udhar chalo, saath bethen, thora enjoy karein life ko, aur main tumhe office ke baad 6 baje pick kar liya karunga. Tumhare paas ab mera number bhi aa gaya hai" (roughly translated to: "I have a vacant bungalow in Gulshan where no one lives. You should come there some time, we can sit together and enjoy life a little. I can also pick you up after office at 6:00 PM. Now you also have my number.").
6. The Complainant asserts that this was her first meeting with Accused No. 1 and the exchange of contact number had taken place during the same meeting before the alleged harassment began. Being seriously disturbed by his conduct, she firmly responded, "Sir, limit mein rahenge to acha hoga. Hum yahan kaam ke liye aate hain aur kaam ki had tak baat ho to behtar hoga, mere liye kaam karne mein asani hogi" (roughly translated to: "Sir, it would be better if you remain within limits. We come here for work, and it would be better if our interaction remains within professional boundaries, as it will make it easier for me to work."). She submits that, being under grave fear, anxiety, and distress, she immediately left the room.
7. The Complainant further states that immediately thereafter she contacted Accused No. 2 through WhatsApp, who was in Lahore at the time, and reported the incident to him. According to her, Accused No. 2 instructed her to remain on call and directed her to report the matter to Accused No. 3. She accordingly approached Accused No. 3, who was sitting in office of a colleague, Director Junaid, and narrated the incident. The Complainant alleges that instead of addressing the matter, Accused No. 3 responded by stating that why would Accused No. 1 harass her when there were other women in the office and that

no complaint had ever been received from anyone else. She further states that Accused No. 2, over speakerphone and in the presence of Accused No. 3, directed her to send a detailed voice note narrating the incident through WhatsApp, which she did using her official company phone. The said official phone, according to her, was later retained by the Company upon her departure.

8. With respect to Accused No. 2, the Complainant provides that he subjected her to unwelcome personal questioning regarding her private life and invaded her privacy by accessing her WhatsApp messages from her company laptop during her lunch break and photographed her WhatsApp messages without her consent or knowledge. She further states that on 02.07.2025, during a conversation with Accused No. 3 in the presence of the Brand Team, Accused No. 2 made a humiliating remark about her appearance by stating, "tum ne ek paltu animal dekha hai jis ke bare bare kan hote hain is ke waise bal hogae hain" (roughly translated to: "Have you seen a pet animal with big ears? Her hair has become like that."), which she characterizes as demeaning and humiliating. She further alleges that even after her resignation, Accused No. 2 continued to stalk her LinkedIn profile, which she submits falls within the definition of stalking under Section 2(h)(i) of the 2010 Act.
9. The Complainant contends that Accused No. 3, acting through Accused No. 2, repeatedly pressured her to resign. She states that on 04.07.2025 at approximately 10:28 AM, she was called to the conference room by Accused Nos. 2 and 3 and was asked to resign. She submits that due to the prevailing harassment and pressure, she tendered her resignation while clearly indicating her intention to serve a one-month notice period. However, she states that she was not permitted to serve the notice period and was directed to leave the office immediately. She further states that upon returning to her desk, she found her laptop, mobile phone, and bag removed, and was instructed to vacate the premises, failing which security would be called. The Complainant adds that her resignation letter referred to a toxic work environment and the conduct of the Company's officials, while also reiterating her intention to serve the contractual notice period.
10. With regard to Accused No. 4, the Complainant avers that, being the Executive Director and brother of Accused No. 1, he facilitated an overall management structure within which the alleged harassment was enabled and her subsequent forced departure was effected. She further alleges that despite being aware of the complaints raised against Accused Nos. 1, 2, and 3, no effective inquiry was initiated, nor was any meaningful remedial or disciplinary action taken.
11. The Complainant further claims that after service of the legal notice, Accused No. 5 contacted her through WhatsApp on the instructions of Accused No. 4 and issued threats stating that it was a large company which would not allow any action against it, that they had a legal counsel for this purpose, and that false cases would be filed against her in Nawabshah and Sukkur.
12. The Complainant further submits that the cumulative effect of the persistent harassment, humiliation, and hostile work environment amounted to constructive dismissal, rendering continued employment impossible. She states that the Company failed to issue her experience letter, No Objection Certificate, and full and final settlement upon her departure, which she characterizes as retaliatory conduct. According to her, this omission directly resulted in her rejection from two job opportunities, causing severe mental distress to herself and her parents. She submits that owing to the non-serious and indifferent attitude of the Company and its management, she was compelled to serve them a legal notice dated 06.09.2025 and thereafter institute the present complaint before this Forum on 19.09.2025.

13. Finally, the Complainant prays that this Forum take strict action against the Accused persons for workplace harassment, intimidation, retaliation, constructive dismissal, and abuse of authority, and grant appropriate relief under the 2010 Act.
14. During final arguments, the Learned Counsel for the Complainant reiterated the contents of the complaint and submitted that the record establishes a continuous pattern of harassment, intimidation, humiliation, abuse of authority, and creation of a hostile work environment by the Accused persons. It was argued that the conduct attributed to Accused No. 1, including inappropriate remarks, invitations for private meetings outside the workplace, and physical contact by grabbing the Complainant's hand, constituted unwelcome conduct of a sexual nature within the meaning of the Act. The immediate reporting of the incident by the Complainant was relied upon to negate any suggestion of afterthought or fabrication.
15. It was further submitted that instead of proceeding in accordance with Section 4 of the Act, Accused Nos. 2 and 3 failed to constitute an independent Inquiry Committee and, instead, adopted coercive measures resulting in the forced resignation of the Complainant. The Learned Counsel argued that the resignation was not voluntary but the result of continuous harassment, humiliation, professional exclusion, and pressure, and therefore amounted to constructive dismissal. The withholding of employment documents, denial of dues, and post-resignation threats were also stated to be retaliatory acts reinforcing the hostile environment, while the contradictory stands taken by the Accused regarding performance, inquiry, and resignation rendered their defence unreliable.
16. It was lastly contended that Accused No. 4 failed in his statutory duty to ensure a safe working environment and to initiate a lawful inquiry, while Accused No. 5 further contributed to intimidation and retaliation. It was submitted that harassment cases are to be assessed on the basis of cumulative effect, surrounding circumstances, and probability rather than isolated incidents or strict criminal standards of proof, and that even a single grave incident is sufficient to constitute harassment under law. Reliance was placed upon PLD 2023 SC 588, 2025 SCMR 434, PLD 2024 SC 795, 2022 SCMR 1931, 2023 SCMR 1299, SBLR 2026 Tribunal 85, and Sidra Karim Awan v. Haji Adam (FOSPAH) to submit that dignity at the workplace is a constitutional guarantee under Articles 4, 9, 14, 25, and 37 of the Constitution, and the Learned Counsel accordingly prayed that the complaint be allowed in accordance with law.
17. In support of her allegations, the Complainant has placed on record her affidavit-in-evidence duly bearing her signature as Ex C-1/1 (11 pages), along with documentary and electronic evidence including screenshot of email dated 13.07.2024 regarding appointment letter as Ex C-1/2, employee ID card as Ex C-1/3, screenshots of emails dated 12.08.2025 and 18.08.2025 regarding full and final settlement and reminder thereof as Ex C-1/4 and Ex C-1/5, WhatsApp screenshots relating to interview confirmations and reminders as Ex C-1/6, Ex C-1/7, and Ex C-1/8, medical report of Dr. Essa Laboratory as Ex C-1/9 and prescription as Ex C-1/10, LinkedIn-related material including message dated 09.08.2025 and profile view as Ex C-1/11 and Ex C-1/12, legal notice dated 06.09.2025 along with reply dated 18.09.2025 as Ex C-1/13 and Ex C-1/14, WhatsApp contact screenshot relating to 'Shamir' as Ex C-1/15, call log dated 11.09.2025 as Ex C-1/16, and WhatsApp profile screenshot relating to 'Shamir' as Ex C-1/17, recording of voice notes (00:51 seconds and 00:43 seconds) from Syed Kazim to the mother of the Complainant as Ex C-1/18 and Ex C-1/19, two screen recordings of WhatsApp chat with number 0307 2221112 (Maham from the HR Department) as Ex C-1/20, WhatsApp chat screen recordings with numbers attributed to Rubina Jokhio as Ex C-1/21, and a video recording of a call conversation with Accused No. 5 as Ex C-1/22, and a recording of a voice note (01:10 one minute ten seconds) from Syed Kazim to the mother of the

Complainant as Ex C-1/23, the authenticity of certain digital profiles and communications whereof has been disputed by the Accused persons.

18. On the other hand, the Accused persons submitted their written responses and denied the allegations levelled by the Complainant. Accused No. 1, Zulfiqar Ali Roshan, contended that the complaint is false, fabricated, and instituted with mala fide intent. He denied the allegations of sexual harassment and termed the alleged incident as concocted, maintaining that the Complainant was never alone in the room, that other staff members including Areeba Fatima were present, and that the resignation was voluntary. He also denied having assured the Complainant any increment, submitting that promotions and increments are governed strictly by Company policy.
19. Accused No. 2, Syed Kazim Ali, denied all allegations of coercion, harassment, and pressure. He contended that the Complainant had attempted to develop personal relations with him and his family, had forwarded personal pictures and videos to his official number seeking undue favours, and had pressured him not to escalate the harassment complaint against Accused No. 1 to higher management. He maintained that the present proceedings are false and instituted after resignation with intent to harass and blackmail the management.
20. Accused No. 3, Rubeena Khatoon Jokhio, denied any interaction, pressure, or involvement in the alleged acts of harassment and maintained that the resignation was purely the Complainant's own decision. She alleged that after resignation the Complainant sent threatening voice messages to her official number.
21. Accused No. 4, Kamran Ali Roshan, adopted the stance of the other Accused persons, denied any direct role or knowledge of the alleged incidents, and questioned the maintainability of the complaint against him on the ground that the earlier legal notice was addressed to the Manager HR and not to him.
22. Accused No. 5, Shahmir, denied the allegations against him and maintained that the conversation referred to by the Complainant was entirely normal in nature, involving neither harassment nor threats, and that the Complainant herself used to contact him at late hours.
23. In support of their defence, Accused No. 1 to 5 have placed on record their respective affidavits-in-evidence duly bearing their signatures as deponents, exhibited as Ex DW-1/1 (4 pages), Ex DW-2/1 (5 pages), Ex DW-3/1 (2 pages), Ex DW-4/1 (3 pages), and Ex DW-5/1 (2 pages). Accused No. 2 has further relied upon an email dated 04.07.2025 at 10:46 AM sent by the Complainant with subject "Resignation Letter" as Ex DW-2/2, email dated 18.02.2025 at 16:33 with subject "Apology" as Ex DW-2/3, screenshots of WhatsApp chat with the Complainant as Ex DW-2/4 (4 pages), screenshots of blocked LinkedIn members as Ex DW-2/5, screenshot of Complainant viewing profile of "Fa Kazim" as Ex DW-2/6, copy of a photograph of the Complainant's WhatsApp screen taken from the Accused's phone showing a chat with +923351398228 as Ex DW-2/7, travel record including Dubai ticket dated 13.03.2025 at 22:30 along with FIA exit stamp showing absence from Pakistan as Ex DW-2/8, voice note of the Complainant dated 08.06.2025 as Ex DW-2/9, overview of gallery containing WhatsApp communications as Ex DW-2/10, photographs and videos of the Complainant as Ex DW-2/11, and WhatsApp message screenshot wherein the Complainant allegedly stated "trying to be frank" as Ex DW-2/12 (2 pages). Accused No. 5 has further relied upon screenshots of WhatsApp conversations as Ex DW-5/2 (3 pages) and Ex DW-5/3 (2 pages) respectively, and a USB containing WhatsApp conversations including chats and audio recordings along with a video depicting the office premises as Ex DW-5/4; it is noted that the voice notes sent by the Complainant to Accused No. 4 on 10.07.2025 and 26.07.2025, produced by the Learned Counsel for the Complainant after the close of the Complainant's evidence, form part of the audio recordings contained in Ex

DW-5/4, their contents being independently corroborated by the admissions of Accused No. 4 in cross-examination.

24. During final arguments, the Learned Counsel for the Accused persons reiterated the contents of the written replies and submitted that the present complaint is false, misconceived, and based on mala fide intent. It was argued that the Complainant has levelled vague, generalized, and unsubstantiated allegations without any independent corroboration, and the entire case is built on afterthought improvements, material inconsistencies, and selective narration of facts. It was further contended that the internal record and available material do not support the allegations in the manner pleaded by the Complainant, who has suppressed material facts and attempted to tailor her version at different stages of the proceedings.
25. It was specifically argued that the allegation of sexual harassment against Accused No. 1 remains unproved on record and is not supported by any contemporaneous complaint or independent evidence. The Learned Counsel submitted that the Complainant admittedly continued her employment after the alleged incident, which is inconsistent with the conduct expected in cases of grave misconduct, and that her version suffers from material contradictions between the complaint, affidavit-in-evidence, and cross-examination, thereby rendering her testimony unreliable in the absence of corroboration. It was further submitted that even the independent evidence on record does not substantiate the alleged incident in the manner claimed.
26. With regard to Accused No. 2, 3, 4, and 5, it was submitted that no specific, cogent, or credible evidence of harassment, coercion, or misconduct has been established against them, and their implication is either incidental to their positions or based on vague assertions. It was argued that Accused No. 5 is only referred to in a limited context where the alleged communication is of a normal nature and devoid of any element of threat or harassment, and the Complainant herself used to contact him, including at odd hours. It was further contended that the resignation of the Complainant was voluntary, and the plea of constructive dismissal has been raised as an afterthought, particularly in view of the absence of contemporaneous resistance, unexplained delay in filing the complaint, and lack of supporting evidence. In these circumstances, it was prayed that the complaint being devoid of merit be dismissed against all the Accused persons.
27. During the course of proceedings, the Forum summoned CW-6, Zainab Bano (Senior Account Manager, Brand Fuel Marketing Agency), CW-7, Muhammad Jawed (Admin Manager), and CW-8, Areeba Tahreem Fatima (former R&D Executive) as court witnesses to ascertain the facts in issue.

CW-6: Zainab Bano, Senior Account Manager at Brand Fuel Marketing Agency, deposed regarding a professional interaction with the Complainant in the context of a job interview. She confirmed the LinkedIn message exhibited as Ex. C-1/11 and confirmed in cross-examination that the Complainant had communicated allegations of harassment to her through a LinkedIn message after the interview.

CW-7: Muhammad Jawed, Admin Manager, deposed regarding the office layout, seating arrangements, and general workflow. He confirmed that the Complainant and CW-8 were called for a meeting with Accused No. 1, entered together, and exited together. He admitted in cross-examination that he was not continuously observing the meeting room and had no knowledge of what transpired inside.

CW-8: Areeba Tahreem Fatima, former R&D Executive, deposed that she accompanied the Complainant to the meeting with Accused No. 1, that no inappropriate conduct was observed during the portion of the meeting she attended, and that the Complainant did

not carry product samples into the room when they entered together. She confirmed in cross-examination that after receiving the court notice she was contacted by Accused No. 2 who explained the case to her and provided her with counsel contact details.

28. *After hearing the arguments advanced by both parties and examining the available record, the following questions arise for determination before this Forum:*

(a) *Whether the conduct of the Accused persons falls within the ambit of “harassment” as defined under Section 2(h) of the Protection against Harassment of Women at the Workplace Act, 2010?*

(b) *Whether the Complainant has established, on the balance of probabilities and on the basis of available evidence, testimony, and surrounding circumstances, that the alleged acts of harassment were committed by the Accused?*

29. *The allegations in the present case, when viewed in their entirety, describe more than isolated workplace friction. The Complainant's case is that she was subjected to unwelcome conduct beginning with inappropriate personal remarks by Accused No. 1 during a work meeting, which escalated into invitations for private interaction outside the professional setting and culminated in alleged physical contact by grabbing her hand while she was engaged in work-related activity. She further alleges that the conduct was not an isolated occurrence but part of a broader pattern of hostile behaviour within the organisation, which included humiliation, pressure to resign, intrusion into privacy by Accused No. 2, dismissive handling of her complaint by Accused No. 3, supervisory inaction by Accused No. 4, and post-complaint retaliation by Accused No. 5.*

30. *If established, such conduct cannot be viewed in isolation. The jurisprudence under Section 2(h) of the 2010 Act recognises that harassment is not confined to overt sexual propositions alone, but includes any unwelcome conduct, verbal, physical, or behavioural, that has the effect of violating dignity or creating a hostile or intimidating work environment. Accordingly, Question 1 is answered in the affirmative, subject to proof of the allegations on the evidentiary standard applicable under the Act.*

31. *Under the 2010 Act, the standard of proof is the balance of probabilities, not proof beyond reasonable doubt. This Forum is not bound by the strict rules of evidence applicable in criminal proceedings; it is, however, required to base its findings on credible and reliable material available on record. The credibility of witnesses is assessed through their conduct during examination, the internal consistency of their accounts, and the corroboration or contradiction available from documentary evidence. [Ref: W.P. 25636/2025 and PLD 2023 SC 588]. The Supreme Court of Pakistan in PLD 2022 SC 353 (Salamat Ali & Others v. Muhammad Din & Others) has held as follows:*

Evidential standards of proof applicable in civil cases

12. ...In order to prove a fact asserted by a party, it does not require a perfect proof of facts, as it is very rare to have an absolute certainty on facts. This provision sets the standard of a 'prudent man' for determining the probative effect of evidence under the 'circumstances of the particular case'. The judicial consensus that has evolved over time is that the standard of 'preponderance of probability' is applicable in civil cases, the standard of 'proof beyond reasonable doubt' in criminal cases, and the in-between standard of 'clear and convincing proof' in civil cases involving allegations of a criminal nature. All these three standards are, in fact, three different degrees of probability, which cannot be

expressed in mathematical terms, and are to be evaluated 'under the circumstances of the particular case', as provided in clause (4) of Article 2 of the Qanun-e-Shahadat, 1984.

(Emphasis added)

32. This Forum has carefully considered the evidence led by both parties, the cross-examination record, and the documentary material on file in respect of the allegations against Accused No. 1. The determination on this issue turns primarily on an assessment of the credibility of the rival accounts, the internal consistency of the evidence, and the corroborative or contradictory material available on record.

33. The Complainant's testimony, upon careful scrutiny of her complaint, affidavit-in-evidence, and cross-examination, remained materially consistent on the core allegation that she attended a work-related meeting with Accused No. 1, was instructed to return with handwash samples, and upon doing so was subjected to inappropriate personal remarks, an invitation to meet outside the workplace, and physical grabbing of her hand while holding the samples. Minor inconsistencies were noted regarding peripheral details such as exact dates and timings. The Complainant stated in cross-examination that the incident occurred in May 2025 while confirming that she could not recall its date, day, or week; the evidence of the Accused persons themselves, however, places the incident in June, with Accused No. 2 stating before this Forum that the Complainant reported the occurrence of an incident to him on 10.06.2025 while admitting in cross-examination that she reported the incident when it happened. This Forum does not consider it necessary to fix the precise date. The meeting at which the incident is alleged to have occurred was a single, identified event, admitted by Accused No. 1 and confirmed by Accused No. 3, CW-7, and CW-8, on whose evidence it was the only occasion on which the Complainant and Accused No. 1 ever met, and the reporting of the alleged conduct to Accused Nos. 2 and 3 on the same day stands admitted by both. Where the event is singular and undisputed and the report was contemporaneous, the Complainant's recollection of the month goes to peripheral detail and not to the occurrence or substance of the incident. This Forum further notes that during final arguments, Learned Counsel for the Complainant referred to the date as 10.06.2025, a date which does not appear in the Complainant's pleadings or sworn testimony; while submissions of counsel do not constitute evidence, the date finds independent support in the evidence of Accused No. 2 himself.

34. This Forum notes an inconsistency arising from the Complainant's cross-examination regarding a message reading "Salam sir" sent to Accused No. 1 and timestamped at 3:12 PM, which the Complainant confirmed whilst stating the exchange occurred before 2:00 PM. This Forum noted this contradiction on the record. Having considered the matter, this inconsistency is found to be relevant to the weight of the Complainant's evidence on this point but not fatal to her core account.

35. Turning to the evidence of Accused No. 1, this Forum notes that in paragraph 4 of his affidavit-in-evidence (Ex. DW-1/1), he stated under oath that details about face-to-face talks between him and the Complainant were concocted and that such talks never happened. In cross-examination before this Forum, he admitted that he did in fact speak to the Complainant directly during the meeting. This Forum noted this contradiction on the record. This position is further noted in light of the fact that Accused No. 3, CW-7, and CW-8 all confirmed in their respective testimonies that the Complainant was called to and attended the meeting in the Accused No. 4's office on the day in question. The occurrence of the meeting and the Complainant's presence in that room are therefore not solely the Complainant's assertion but are confirmed by multiple witnesses including those appearing for the defence.

36. The Forum has also considered the testimony of CW-8, who was present in the room during the meeting. CW-8 confirmed that she accompanied the Complainant to the meeting room at around 2:00 PM after lunch on the day of the alleged incident, that the Complainant did not carry any samples into the room when they entered together, and that both she and the

Complainant left the meeting room together. She further confirmed that Accused No. 1 took both their phone numbers during the meeting and that neither of them took his number, and that he mentioned he might create a WhatsApp group or that they may report to him in future. She stated that Accused No. 1 asked the Complainant to introduce herself, which led CW-8 to understand that it was their first meeting, that his interaction with her was brief while he spoke to the Complainant at length. She further confirmed that Accused No. 1 did discuss handwash during the meeting and asked about it, though she did not recall whether he asked the Complainant to bring samples. She stated that she did not see the Complainant re-enter the room after they left together, adding however that their seating areas are separate. This Forum has given careful consideration to this testimony as CW-8 was the only other person present in the room on the day in question. It is however to be noted that the Complainant's account places the alleged incident during a subsequent re-entry into the room after CW-8 had departed. Given that CW-8 herself confirmed that their seating areas are separate, her inability to observe any re-entry by the Complainant is consistent with the physical layout of the office and does not in itself establish that no such re-entry occurred. The evidence of CW-8 is therefore confined to the initial portion of the meeting and does not speak to any interaction that may have occurred thereafter.

37. In assessing the weight to be accorded to the testimony of CW-8, this Forum further notes that CW-8 confirmed in cross-examination that after receiving the court notice in the present proceedings, she was contacted by Accused No. 2, who informed her that Advocate Sikandar Ali Shah would act as counsel for the Accused persons, explained the case to her, asked her about the events of the day in question, and provided her with the contact details of Advocate Mehwish, also counsel for the Accused persons, who thereafter inquired from her about the workplace environment, the events of that day, and whether she had observed any similar incidents previously. This Forum records this fact as it is relevant to the assessment of the independence of CW-8's account.

38. The defence has further relied upon the physical dimensions of the office of the Accused No.4, contending that the length of the table made it physically impossible for Accused No. 1 to have grabbed the Complainant's hand across it. This Forum has considered this argument but does not find it persuasive. The Complainant's account, maintained consistently in cross-examination, is that she was holding handwash samples with her elbows on the table while briefing Accused No. 1 on the progress of the products when the physical contact occurred. CW-7 in his examination-in-chief, described the table in the Director's room as slightly smaller than the table in the hearing room and stated that items can be easily passed across it. The physical dimensions of the table are of limited relevance where both persons may have had their arms extended toward the centre of the table during the course of a product demonstration.

39. This Forum further notes that CW-7, upon receiving the court notice, discussed the matter with Advocate Syed Sikandar Ali Shah, counsel for the Accused persons, and informed Accused No. 2 of having received the notice. These facts are relevant to the assessment of the independence of CW-7's account.

40. The CCTV footage of the corridor and entry to the Accused No. 4's office, which could have directly addressed the question of whether the Complainant re-entered the room alone after CW-8 departed, was not produced before this Forum. The circumstances surrounding its non-production require examination. Accused No. 3, when questioned by this Forum, stated that she did not initially know who was inside the room at the time of the incident. She subsequently stated that she came to know that CW-8 was present and that Accused No. 1 was not alone at any point with the complainant, and that she verified this by personally inquiring from CW-8 and by viewing the CCTV footage herself. She further confirmed that such footage is normally preserved for only one month and that the footage relating to the relevant period had not been preserved. This Forum notes that Accused No. 3 received the Complainant's report of harassment on the same day the incident was alleged to have occurred. In direct response to that report she took active steps, she inquired from CW-8 and she personally viewed the CCTV footage. She therefore had actual

knowledge at the time she viewed the footage that a complaint of harassment had been made and that the footage was potentially material to that complaint. Despite this knowledge, and despite being aware that such footage is preserved for only one month, no steps were taken to ensure its preservation. No explanation has been offered to this Forum for this omission. This Forum draws the adverse inference that had the footage been preserved and produced it would not have supported the defence position on the question of re-entry.

41. This Forum further notes that Accused No. 4, in the course of his cross-examination, stated that while there is no camera inside his office, a camera is installed outside it, and identified several persons who could speak to the question of whether the Complainant re-entered the Accused No. 4's office alone, including Accused No. 5 who sits directly adjacent to the room, members of the Brand Team and Brand Executive Team seated outside numbering approximately forty to fifty employees, and other colleagues who accompanied her to the meeting. He further stated that a list of such witnesses had been prepared and that they could be produced if required. This Forum directed the defence to submit that list. No such list was ever submitted and none of the identified witnesses were produced before this Forum.

42. This Forum has also considered the LinkedIn message sent by the Complainant to CW-6 Zainab Bano on 09.08.2025, exhibited as Ex. C-1/11 and produced before this Forum by CW-6. In that message, sent in a professional context in the course of a job search, the Complainant stated that she had experienced harassment from the Director's brother (Accused no.1), had reported it twice, and that no action had been taken. This message was sent before any formal complaint was filed before this Forum and before any litigation had commenced. CW-6 confirmed in her examination-in-chief that she recognised the message, produced the same from her own phone before this Forum. She further confirmed in cross-examination that the Complainant reported the incident of harassment to her through this message and that the job offer was extended to the Complainant after its receipt. CW-6 had no prior relationship with either party beyond a professional interaction in the context of the interview process and no stake in the outcome of these proceedings. The message constitutes a contemporaneous disclosure of the alleged harassment to an independent third party at a time when no litigation motive existed. This Forum considers it a significant piece of corroborative material on the record.

43. The Complainant maintained throughout the proceedings that immediately after the alleged incident she reported the matter to Accused No. 2 and thereafter to Accused No. 3. This aspect of her account is corroborated by the Accused persons themselves. Accused No. 2 admitted in cross-examination that the Complainant called him and reported the incident to him, that he directed her to approach her Line Manager, and that he simultaneously contacted Accused No. 3 and instructed her to look into the matter. Accused No. 3 admitted in cross-examination that the Complainant came to her on the same day, while Accused No. 2 remained on speakerphone, and informed her that Accused No. 1 had held her hand and asked her to meet him after office hours. The Complainant further confirmed in her affidavit-in-evidence and in cross-examination that at the direction of Accused No. 2 she sent a detailed voice note narrating the incident on her official company phone as a contemporaneous record of her complaint, and that the said phone was subsequently retained by the company upon her departure. These circumstances establish that a specific report of the alleged conduct was made to a member of the Anti-Harassment Committee on the day of the alleged incident and is a material corroborating circumstance on the record.

44. On a cumulative assessment of the evidence on record, this Forum finds that the allegation of harassment of a sexual nature against Accused No. 1, comprising inappropriate personal remarks, an invitation for private interaction outside the workplace, and physical contact by way of grabbing the Complainant's hand, is proved on the balance of probabilities. In arriving at this finding, this Forum has had regard to the self-contradiction in Accused No. 1's own affidavit-in-evidence going to the core of his denial; the limited scope of CW-8's evidence which does not speak to any interaction occurring after her departure from the room; the rejection of the physical

layout argument in light of CW-7's own description of the table; the adverse inference arising from the non-preservation of CCTV footage by Accused No. 3 after personally viewing it following receipt of the harassment complaint; the non-production of identified witnesses despite this Forum's direction; the LinkedIn message to an independent third party before any litigation commenced; and the contemporaneous reports made to Accused Nos. 2 and 3 on the day of the alleged incident and admitted by them in cross-examination.

45. This Forum further records that the continued employment of the Complainant after the alleged incident has been relied upon by the Accused persons as casting doubt on the veracity of her account. This argument is rejected. Continued employment after an incident of harassment is not inconsistent with the occurrence of that incident. Employees in subordinate positions frequently continue working after experiencing harassment due to economic necessity, fear of retaliation, hope of informal resolution, or the absence of any meaningful reporting mechanism, all of which are circumstances present in this case. The law does not prescribe a standard of behaviour for victims of harassment, and the absence of an immediate dramatic response cannot be treated as evidence that no harassment occurred. For the same reasons, the plea of delay in the institution of the complaint is rejected. The interval between the incident and the complaint was not one of silence: the conduct was reported on the day it occurred, escalated to Accused No. 4 through voice notes on 10.07.2025 and 26.07.2025 (Ex. DW-5/4), disclosed to an independent third party on 09.08.2025 (Ex. C-1/11), and pursued through legal notice dated 06.09.2025 (Ex. C-1/13) before the present complaint was instituted.

46. Accused No. 1 is accordingly found guilty of harassment within the meaning of Section 2(h) of the Protection Against Harassment of Women at the Workplace Act, 2010.

47. This Forum now turns to the allegations against Accused No. 2, Syed Kazim Ali. The determination on this issue requires separate consideration of the specific acts alleged against him, namely the unauthorised photographing of the Complainant's personal messages and the derogatory remark made on 02.07.2025, assessed against the totality of his evidence before this Forum.

48. Before turning to the specific allegations, this Forum notes a matter that goes to the general credibility of Accused No. 2's evidence. In cross-examination before this Forum, Accused No. 2 admitted that he had falsely stated in paragraph 10 of his affidavit-in-evidence (Ex. DW-2/1) that the Complainant had asked him for money, and that he had provided no proof in support of that assertion.

49. The first allegation against Accused No. 2 concerns the photographing of the Complainant's personal WhatsApp messages from her company laptop (Ex. DW-2/7). Accused No. 2 admitted in cross-examination that he took the photograph of the Complainant's WhatsApp messages. His position is that this was done with her consent and in her presence. The Complainant denies having consented. In this regard this Forum notes that Accused No. 2 admitted in cross-examination that he subsequently apologised to the Complainant's mother, the said apology being recorded in the voice note exhibited as Ex. C-1/19. The act of apologising to a subordinate employee's mother for an act one considers to have been entirely proper and consented to is not consistent with ordinary conduct. This Forum finds that the apology is relevant to the question of consent and weighs against the position that the photograph was taken with the Complainant's knowledge and agreement. On the balance of probabilities this allegation is found to be established.

50. Before proceeding to the second allegation, this Forum notes that Accused No. 2 has made certain assertions in his affidavit-in-evidence and in his evidence before this Forum regarding the conduct of the Complainant, which require consideration. In his affidavit-in-evidence (Ex. DW-2/1) he alleged that the Complainant sought to develop a personal relationship with him and his family, sent him personal pictures and videos on his official number seeking undue favours, and was made to tender an apology as a consequence. In support of the last assertion, he has relied upon an apology email dated 18.02.2025 (Ex. DW-2/3) in which the Complainant

apologised for words used on 14th and 17th February 2025. This Forum has considered this material. The apology letter predates the alleged incidents in this complaint by several months and pertains on its face to a verbal exchange rather than to any of the conduct now alleged by Accused No. 2. It does not establish the counter-allegation of pictures and videos having been sent. Accused No. 2 admitted in cross-examination that he had deleted certain material. The photographs that were not deleted have been exhibited as Ex. DW-2/11. The photographs are personal in nature but do not independently establish the specific counter-allegation that they were sent seeking undue favours or were inappropriate in the manner alleged. The deleted material cannot be relied upon as proof of the counter-allegation given the absence of any explanation for its deletion and the failure to preserve it for examination by this Forum. When Accused No. 4 was cross-examined regarding the voice notes received from the Complainant, he volunteered that the Complainant had sent pictures of herself in inappropriate clothes to Accused No. 2. However, when questioned by this Forum directly on the same point, Accused No. 4 stated that he had no knowledge at that time that the Complainant had allegedly been sending inappropriate videos to Accused No. 2. This internal contradiction within Accused No. 4's own testimony before this Forum further undermines the reliability of the said allegation. It is additionally significant that Accused No. 4, when recounting his interaction with Accused No. 2 after receiving the Forum's notice, confirmed that he questioned Accused No. 2 as to why he had not reported the matter of the alleged inappropriate videos earlier and why no formal action had been taken at the time. The fact that Accused No. 4 himself found it necessary to question Accused No. 2 on this point is consistent with the absence of any contemporaneous record of this counter-allegation within the organisation. An accused who raises an allegation of this nature in sworn proceedings, produces no primary evidence in support of it, and offers no explanation for the failure to report it at the time, cannot rely on that allegation as an established fact. This Forum accordingly does not find the allegation to be substantiated on the record. The record does reflect that the working relationship between the Complainant and Accused No. 2 had acquired an informal and at times personal dimension, as evidenced by the Eid voice note (Ex. DW-2/9), the photographs and videos sent to Accused No. 2 (Ex. DW-2/11), the 'trying to be frank' message (Ex. DW-2/12), and the apology email (Ex. DW-2/3), none of which reflect a strictly professional dynamic. This Forum has considered this material but finds that it does not neutralise the established counts, as blurred workplace boundaries do not constitute consent to conduct that crosses into harassment.

51. The second allegation against Accused No. 2 concerns a remark made on 02.07.2025 in the presence of the Brand Team, in which he allegedly stated "tum ne ek paltu animal dekha hai jis ke bare bare kan hote hain is ke waise bal hogae hain," roughly translated as "Have you seen a pet animal with big ears? Her hair has become like that," referring to the Complainant. Accused No. 2 denies making this remark. However, Accused No. 3, in her cross-examination before this Forum, confirmed that an incident involving a remark by Accused No. 2 occurred on that day in the presence of the Brand Team, that the Complainant appeared upset by it, and that she could not recall its exact wording. This confirmation comes from a witness whose interests are aligned with the defence rather than the Complainant, which lends it particular weight. The voice note on record further contains the Complainant's statement that Accused No. 2 should not have joked with her in that manner, which Accused No. 3 also confirmed is present in the recording. The partial corroboration of the occurrence of an incident on that day is sufficient on the balance of probabilities to establish that a remark of the nature alleged was made. This Forum further notes that the Complainant's voice notes, heard by Accused No. 4, record a separate occasion on which demeaning remarks were directed at her in the cabin. While the exact words spoken on that occasion, and the question of who spoke them, are not established on the record with sufficient clarity to be made the subject of a separate finding, the occurrence of a distressing exchange that day was confirmed by Accused No. 3 in cross-examination and is consistent with the pattern of demeaning conduct toward the Complainant of which the established remark forms part.

52. The allegation of LinkedIn stalking under Section 2(h)(i), relied upon through Ex. C-1/12, is not established on the record as the identity of the profile in question as belonging to Accused No. 2 was not confirmed through cross-examination or any other material on file. This Forum further notes that Accused No. 2 has himself produced Ex. DW-2/6 showing the Complainant viewing his profile, which reflects that LinkedIn interaction between the parties was not unilateral.

53. On the basis of the foregoing, this Forum finds that two specific counts against Accused No. 2 are established on the balance of probabilities. The first is the unauthorised photographing of the Complainant's personal WhatsApp messages from her company laptop, established through his own admission of the act and the subsequent apology to the Complainant's mother recorded in Ex. C-1/19, which this Forum has treated as a conduct admission inconsistent with a claim of consent. In characterising this count, this Forum does not treat it as a bare intrusion into privacy. The record, drawn from the material of Accused No. 2 himself, reflects that the photograph was not retained passively: the subject of the photographed conversation was raised with the Complainant's mother, as reflected in his own pleadings and in the apology already noted, and the photograph was thereafter placed on the record of these proceedings as Ex. DW-2/7 in support of assertions concerning the Complainant's private conduct and the credibility of her complaint. The covert capture of an employee's private communications by a senior officer, followed by their disclosure to her family and their subsequent use against her, is a course of conduct that violates the dignity of the employee within the meaning of Section 2(h) of the Act, and it is this course of conduct, rather than the act of photographing in isolation, upon which the finding rests. The second is the derogatory remark made on 02.07.2025 in the presence of the Brand Team, established through partial corroboration from Accused No. 3 in cross-examination, which this Forum has found forms part of a wider pattern of demeaning conduct toward the Complainant, including the cabin incident noted above, the exact wording of which is not separately established but which is consistent with that pattern. The allegation of LinkedIn stalking is not established for the reasons noted above. Accused No. 2 is accordingly found guilty of harassment within the meaning of Section 2(h) of the Act to the extent of these two counts.

54. This Forum now turns to the allegations against Accused No. 3, Rubeena Khatoon Jokhio. Accused No. 3 joined the Company in March 2025 and was the Complainant's Line Manager during the approximately four months preceding the Complainant's resignation. She denies all allegations and maintains that she neither pressured the Complainant nor engaged in any conduct amounting to harassment. The determination on this issue requires assessment of her specific acts and omissions in her capacity as Line Manager, having regard to the evidence led by both parties and the material available on record.

55. The first allegation against Accused No. 3 concerns her response to the Complainant's report of harassment on the day of the alleged incident. The Complainant states that after reporting the matter to Accused No. 2 by phone, she was directed to approach Accused No. 3, who was present in who was present in the said office. She states that Accused No. 3 responded by saying that why would Accused No. 1 harass her when there were other women in the office and that no complaint had ever been received from anyone else. Accused No. 3 confirmed in cross-examination that the Complainant did come to her on the day of the alleged incident while Accused No. 2 remained on speakerphone, and that she heard the Complainant's account in that office. She confirmed that she felt bad upon hearing the allegation and acknowledged that it was serious in nature, having witnessed one or two harassment cases previously during her eighteen years of professional experience. When questioned regarding the specific response attributed to her, Accused No. 3 stated that she could not recall the exact words. She did not however specifically deny having made a statement of that nature. This Forum does not rest its finding on the precise words attributed to Accused No. 3, the exact wording not being independently established on the record. What is established on the record is that Accused No. 3 received a complaint of sexual harassment from the Complainant on the day it was alleged to have occurred, that her response involved no formal escalation, no contemporaneous record, and no meaningful

institutional follow-up. In this regard this Forum notes that Accused No. 4 confirmed in his cross-examination that Accused No. 3 is a named member of the Company's Anti-Harassment Committee. Her receipt of a harassment complaint therefore engaged not merely her general supervisory responsibilities but her specific institutional role as a member of the body established under the Act to examine such complaints. No formal process was initiated by her in that capacity. Further, the WhatsApp exchange exhibited by Accused No. 2 himself as Ex. DW-2/4, verified from his original device, records that Accused No. 3 communicated on the same day that the Complainant should not have reported the matter to the GMO (General Manager Operations, Accused no.2). This communication, emanating from the defence's own exhibited material, discloses not merely a failure to escalate the complaint but an active discouragement of its escalation through proper channels. The complaint was instead handled through informal inquiries to Areeba and a personal viewing of the CCTV footage, the consequences of which are addressed separately below.

56. *The second matter arising from the evidence of Accused No. 3 concerns the CCTV footage. As noted in the analysis of the allegations against Accused No. 1, Accused No. 3 confirmed in her evidence before this Forum that upon receiving the Complainant's report she personally viewed the CCTV footage of the relevant area, that such footage is normally preserved for only one month, and that the footage had not been preserved. This Forum has already drawn an adverse inference from this non-preservation in that context. In the context of the assessment of Accused No. 3's own conduct, a separate observation is warranted. Accused No. 3 received a complaint of harassment, appreciated its seriousness as she confirmed in cross-examination, and personally viewed footage that was directly relevant to the complaint. She was aware that the footage would be lost within a month. As a member of the Anti-Harassment Committee, the proper institutional response upon receiving a harassment complaint and viewing potentially material evidence was to preserve that evidence pending a formal examination of the complaint. No such steps were taken. The failure to preserve evidence that she personally viewed, in circumstances where she had both the knowledge of its relevance and the opportunity to ensure its preservation, is a failure in her institutional capacity that this Forum records as a specific finding.*

57. *The Complainant has further alleged that Accused No. 3, acting through Accused No. 2, repeatedly pressured her to resign, and that on 04.07.2025 she was called to the conference room and asked to leave. This allegation requires separate examination from the question of forcible removal addressed below. On the evidence, it is established that Accused No. 3 called the Complainant to the conference room on 04.07.2025 following receipt of her resignation email, a fact confirmed by Accused No. 3 herself in cross-examination. Accused No. 3 denied that the purpose of the meeting was to pressure the Complainant into resigning and stated that the discussion concerned only the question of notice period. The Complainant's own cross-examination confirms that she wrote the resignation letter herself at her own desk before the conference room meeting, which is inconsistent with an account of the resignation having been extracted under pressure during that meeting. The resignation letter itself references a toxic environment and a one-month notice period, neither of which is consistent with a document produced under immediate coercion. This Forum further notes that the WhatsApp exchanges between the Complainant and Accused No. 5 exhibited as Ex. DW-5/3 reflect that in the days preceding 04.07.2025 the Complainant was independently discussing her intent to resign, her job interviews, and her plans to leave the organisation, without any indication of external compulsion. On the balance of probability, the specific allegation that Accused No. 3 pressured the Complainant to resign on 04.07.2025 is not established on the record. This finding is without prejudice to the broader finding that the resignation was made against the backdrop of a hostile work environment the existence of which this Forum has established in the preceding analysis.*

58. *The third matter concerns allegations of character assassination made against the Complainant in the cabin in the presence of Accused No. 3. Accused No. 4 confirmed in his cross-examination that he received voice notes from the Complainant on 10.07.2025 and 26.07.2025*

(Ex. DW-5/4), prior to the filing of the present complaint, in which the Complainant stated that during a discussion in the cabin, Accused No. 2 and Accused No. 3 maligned her character by alleging that she might be infected with AIDS and by stating that her funeral rites should not be performed. Accused No. 4 confirmed that he heard these voice notes. He further confirmed that the said incident could also be verified through the CCTV recording of the cabin. Accused No. 3, when questioned in cross-examination regarding remarks made in her presence, confirmed that an incident occurred and that the Complainant appeared upset, but could not recall the exact wording. The exact words spoken, and the question of who spoke them, are not established on the record with sufficient clarity to record a separate finding against Accused No. 3 on this count. This Forum accordingly records the incident as part of the hostile environment established on the record but does not rest its finding against Accused No. 3 upon it.

59. The Complainant has further alleged that upon submitting her resignation she returned to her desk to find her laptop, mobile phone, and bag removed, and was instructed to vacate the premises failing which security would be called. This allegation is not established on the evidence. The Complainant confirmed in cross-examination that she wrote her resignation letter herself while seated at her own desk, took a printout, and handed it to Accused No. 3 who was in the conference room. CW-8 Areeba Tahreem Fatima confirmed that on the day of the resignation the Complainant handed over office property to her on Accused No. 3's instructions, and that no one stopped her from resigning. These facts are inconsistent with an account of belongings having been forcibly removed and of the Complainant having been physically expelled from the premises. This allegation is accordingly not proved.

60. On the basis of the foregoing, this Forum finds that two specific matters arising from the evidence against Accused No. 3 are established on the balance of probabilities. Her response to the Complainant's harassment report on the day of the alleged incident, involving no formal escalation, no contemporaneous record, and an active discouragement of escalation through proper channels as disclosed by the defence's own exhibited material, constitutes a failure in her institutional capacity as a member of the Anti-Harassment Committee. The non-preservation of CCTV footage that she personally viewed after receiving the harassment complaint, in circumstances where she was aware of its limited preservation window, is a further specific failure in that institutional capacity. The allegation of forcible removal is not proved on the evidence. Accused No. 3 is accordingly found guilty of harassment to the extent of the two matters assessed above.

61. This Forum now turns to the position of Accused No. 4, Kamran Ali Roshan, Executive Director of the Company. No direct act of harassment is attributed to Accused No. 4 in the Complainant's account. The determination on this issue accordingly concerns whether Accused No. 4, in his capacity as the Competent Authority under the Act, discharged the obligations placed upon him by the statute upon becoming aware of the complaints against the other Accused persons, and whether the institutional framework maintained by the Company under his supervision was compliant with the requirements of the Act.

62. Accused No. 4 confirmed in cross-examination that he received voice notes from the Complainant on 10.07.2025 and 26.07.2025 (Ex. DW-5/4), prior to the filing of the present complaint before this Forum. He confirmed that he heard these voice notes and that they contained serious allegations including that Accused Nos. 2 and 3 had maligned the Complainant's character in the cabin by alleging she might be infected with AIDS and by stating that her funeral rites should not be performed, and that Accused No. 2 had asked the Complainant to come to his home. He further confirmed that upon receiving these voice notes no show cause notice was issued to Accused Nos. 2 or 3, and that the matter was addressed through what he described as a verbal inquiry involving only Accused Nos. 2 and 3, without involving the Complainant, without producing any record, and resulting in no action. The Act requires every organisation to constitute an Inquiry Committee for the examination of harassment complaints. The handling of the Complainant's voice notes outside any such mechanism reflects the absence

of a functioning institutional process for examining complaints, which is the subject of the next observation.

63. Accused No. 4 described in his cross-examination before this Forum the constitution of the Company's Anti-Harassment Committee as comprising the Chairman, himself as Executive Director, Accused No. 2, and two female members including Accused No. 3. This description reveals three significant concerns. First, Section 3(2) of the Act prescribes that an Inquiry Committee shall consist of three members, of whom at least one shall be a woman. The committee described by Accused No. 4 comprises five members, which is non-compliant with the statutory requirement on composition. Second, Accused Nos. 2 and 3 are themselves named Accused persons in the present proceedings. A committee in which persons against whom harassment complaints have been made are themselves members of the body established to examine such complaints is structurally incapable of conducting an impartial inquiry. Third, this Forum notes a direct and irreconcilable contradiction within the defence on this point. Accused No. 1, in his cross-examination before this Forum, stated in terms that there is no harassment committee in the company. Accused No. 4 described a five-member committee. Two directors of the same company have given mutually exclusive answers on whether any such body exists. This contradiction within the defence itself raises a serious question about whether the committee described by Accused No. 4 was ever a functioning institutional reality rather than a nominal structure on paper. The Act requires that an Inquiry Committee be properly constituted, impartial, and capable of independently examining complaints. The committee as described by Accused No. 4 satisfies none of these requirements in the context of the present case.

64. It is noted in fairness that the Complainant confirmed in cross-examination that when Accused No. 2 sought to escalate the matter at the time of her initial report, she asked him not to do so, and no written complaint was lodged with the Company during her employment. The statutory inquiry mechanism being complaint-driven, no adverse finding is recorded against the Company for the absence of a formal inquiry during that period. The institutional findings against Accused No. 4 rest instead on what followed: the voice notes sent directly to him, after the Complainant's departure and containing specific allegations, were addressed through no documented process, and the legal notice of 06.09.2025 likewise produced none. This is distinct from the findings recorded against Accused No. 3, which concern her individual conduct upon receiving the report, including the discouragement of its escalation, rather than the absence of a formal inquiry.

65. Beyond the institutional failures addressed above, this Forum further notes that the retaliatory call made by Accused No. 5 to the Complainant following service of the legal notice was admitted by Accused No. 5 to have been made for the express purpose of dissuading her from pursuing legal action. Accused No. 5 works exclusively for Accused No. 4 and acts on his directions, a fact not in dispute on the record. A call of this nature and purpose, made by a personal secretary working exclusively under the direction of his principal, in direct response to a legal notice served on the Organisation, does not on the balance of probabilities arise from independent initiative. This Forum accordingly finds that Accused No. 4 authorised and directed the retaliatory conduct established against Accused No. 5, and is found guilty of retaliation constituting harassment under Section 2(h) of the Act, in addition to the institutional failures identified above.

66. On the basis of the foregoing, no direct act of personal harassment of the nature established against Accused Nos. 1, 2, and 3 is attributed to Accused No. 4. Two separate grounds of liability nonetheless arise against him. First, the significant institutional failures under his supervision as Executive Director, comprising the handling of complaints outside any statutory mechanism and the maintenance of an Anti-Harassment Committee that was non-compliant in composition, structurally compromised, and contradicted in its very existence. Second, the retaliatory conduct of Accused No. 5, which for the reasons recorded above this Forum finds was

authorised and directed by Accused No. 4 and constitutes harassment under Section 2(h) of the Act. Both grounds are relevant to the penalty imposed and to the institutional directions that follow.

67. This Forum now turns to the allegations against Accused No. 5, Shahmir, Personal Secretary to Accused No. 4. The allegation against Accused No. 5 is confined to a single act, namely a telephone call made to the Complainant (Ex. C-1/22) after she had served her legal notice on the Company. The determination on this issue turns primarily on the admitted facts surrounding that call and the characterisation of its purpose and content.

68. The central question is whether the admitted conduct of Accused No. 5 falls within the definition of harassment under Section 2(h) of the Act. The facts that are not in dispute are these: the call was made after the legal notice was served; the purpose of the call, by Accused No. 5's own admission before this Forum, was to persuade the Complainant not to pursue legal action; and Accused No. 5 works exclusively for Accused No. 4 and acts on his directions. The content of the call recording (Ex. C-1/22), running to approximately thirteen minutes and thirty-three seconds, goes considerably beyond what Accused No. 5 characterised as cordial persuasion. In the course of the call, he recounted the fate of a former company employee who, having fallen into dispute with the Company, was pursued across provincial boundaries, arrested from his home through police coordination facilitated by payment to law enforcement, and reduced to settling the matter in installments. This account was offered directly in the context of the Complainant's own complaint. Accused No. 5 further informed her that her evidence in the form of voice notes would carry no weight before a court as such recordings could be fabricated, and that her lawyer was misleading her. The message was unambiguous: the Company had lawyers on retainer, the means to engage law enforcement across jurisdictions, and the willingness to use both. His denial in cross-examination of having made specific threats regarding Nawabshah and Sukkur is not consistent with the content of the recording, the voice in which he admitted is his own. The timing of the call in direct response to the legal notice, its admitted purpose, and its demonstrated content are together sufficient to bring the conduct within the definition of retaliation under Section 2(h) of the Act.

69. On the basis of the foregoing, this Forum finds that the allegation against Accused No. 5 is established on the record. Accused No. 5 is accordingly found guilty.

70. The Complainant has prayed that her resignation be treated as constructive dismissal resulting from the hostile work environment created by the Accused persons. This Forum notes that the formal determination of constructive dismissal as a labour law concept, with its attendant consequences under employment law, falls outside the jurisdiction of this Forum under the Act. However, this Forum is not precluded from recording that the circumstances leading to the resignation are relevant to the relief to be granted. The resignation letter itself references a toxic atmosphere and a sense of disconnection from the organisation. The Complainant confirmed in cross-examination that she wrote the letter herself and that it referenced a one-month notice period. At the same time, she volunteered that the resignation was taken from her forcefully. The WhatsApp exchange between the Complainant and Accused No. 5 dated 01.07.2025 (Ex. DW-5/3) reflects prior discussion regarding resignation in the days preceding its formal submission. Viewed in totality, the resignation cannot be characterised as either wholly voluntary or wholly compelled in the manner alleged. What can be said is that it was made against the backdrop of a hostile work environment, the existence of which this Forum has found established in the preceding analysis. This finding is relevant to the directions that follow regarding the Complainant's employment entitlements. The withholding of the Complainant's service documents and dues followed her complaint and legal notice and forms part of the retaliatory conduct found established; the directions below issue on that basis and do not determine the quantum of her employment dues.

71. Following her resignation, the Complainant made repeated requests for issuance of her experience letter, NOC, clearance certificate, and payment of her full and final settlement including notice pay. These requests are documented in emails dated 12.08.2025 and 18.08.2025

exhibited as Ex. C-1/4 and Ex. C-1/5 respectively, and in the WhatsApp communication with HR exhibited as Ex. C-1/20, which reflects that Maham from the HR department informed the Complainant that the experience letter could not be processed manually and might take months, while confirming that a cheque was ready for collection. When the question of whether these entitlements were ever discharged was put to the witnesses in cross-examination, none could confirm it. Accused No. 2 stated that he was not aware whether the Complainant was given the NOC after her resignation and that he was not aware whether she had received her full and final settlement, adding that such matters fall within the domain of the Human Resources department. Accused No. 3, the Complainant's own Line Manager, stated that she was not aware whether the company had given the full and final settlement to the Complainant. CW-7 likewise confirmed that he did not know whether an experience letter was issued. Accused No. 4 asserted that the full and final settlement had been given, while stating that he was unaware whether the experience letter had been issued; he further confirmed that he could produce the HR record pertaining to both. No such record was ever placed before this Forum. The bare assertion of Accused No. 4 cannot be accepted as established in the absence of the record he himself stated he could produce, particularly where the Complainant's documented requests of 12.08.2025 and 18.08.2025 postdate the period in which the settlement is claimed to have been completed, and where no other officer of the Company, including the General Manager Operations and the Line Manager, could confirm it. The record further shows that the Complainant was called for interviews at multiple organisations during this period, as evidenced by Ex. C-1/6, C-1/7, and C-1/8. The record accordingly establishes that the experience letter was not issued within a reasonable time following the Complainant's departure despite repeated requests, and that the completion of her full and final settlement is not established on the record, in circumstances where she was actively seeking alternative employment as evidenced by the interview communications on file.

72. Before recording its cumulative findings, this Forum considers the plea common to the defence of the Accused persons that the complaint was instituted with mala fide intent after the Complainant failed to secure alternative employment. This Forum has examined the plea in light of the evidence. In para 11 of his affidavit-in-evidence, Accused No. 4 stated that the Complainant filed the complaint after failing to secure employment; in his account before this Forum, however, he stated that the Complainant resigned because her new employer required her to join immediately, a position also reflected in the evidence of Accused No. 3, and the inconsistency between his oral account and his written response on this question has been noted on the record. These two positions are difficult to reconcile, and the plea accordingly does not find consistent support in the defence's own evidence. As regards the voice note relied upon by Accused No. 3, her own evidence was that the Complainant was venting anger over rumours, circulating within the organisation, that she had been physically pushed out of the company; viewed in that context, the communication does not establish mala fide. On the material available, this Forum is not persuaded that the complaint was actuated by mala fide, and the plea is not sustained.

73. On a cumulative and holistic assessment of the entire evidentiary record, this Forum arrives at the following findings. The complaint against Accused No. 1 is proved on the balance of probabilities. The complaint against Accused No. 2 is proved to the extent of two specific counts: the unauthorised photographing of the Complainant's personal messages from her company laptop, and the derogatory remark made in the presence of the Brand Team on 02.07.2025. The complaint against Accused No. 3 is proved to the extent of two specific matters: her institutionally inadequate response to the Complainant's harassment report, including her active discouragement of its escalation through proper channels, in her capacity as a member of the Anti-Harassment Committee, and her failure to preserve CCTV footage that she personally viewed after receiving the complaint. The allegation of forcible removal against Accused No. 3 is not proved. The complaint against Accused No. 4 is established on two grounds: retaliation constituting harassment under Section 2(h) of the Act through his authorisation and direction of

the conduct of Accused No. 5, and significant institutional failures in his capacity as Competent Authority and Executive Director of the Organisation. The complaint against Accused No. 5 is proved on the record.

74. *The following penalties are imposed under Section 4(4)(ii)(e) of the Act:*

i. Accused No. 1, Zulfiqar Ali Roshan, having been found guilty of harassment under Section 2(h) of the Act, is directed to pay a fine in the sum of Rs. 1,000,000/-, from which Rs. 200,000/- shall be deposited in the Govt Exchequer and the remaining is to be paid to the Complainant, as compensation, within thirty days of the date of this Order.

ii. Accused No. 2, Syed Kazim Ali, having been found guilty of harassment under Section 2(h) of the Act to the extent of two specific counts, is directed to pay a fine in the sum of Rs. 500,000/- from which Rs. 100,000/- shall be deposited in the Govt Exchequer and the remaining is to be paid to the Complainant, as compensation, within thirty days of the date of this Order.

iii. Accused No. 3, Rubeena Khatoon Jokhio, having been found guilty of harassment under Section 2(h) of the Act to the extent of two specific matters, is directed to pay a fine in the sum of Rs. 500,000/- from which Rs. 100,000/- shall be deposited in the Govt Exchequer and the remaining is to be paid to the Complainant, as compensation, within thirty days of the date of this Order.

iv. Accused No. 4, Kamran Ali Roshan, having been found guilty of retaliation constituting harassment under Section 2(h) of the Act through his authorisation and direction of the conduct of Accused No. 5, and having been found to have failed in his statutory duties as Competent Authority and Executive Director of the Organisation, is directed to pay a fine in the sum of Rs. 500,000/- from which Rs. 100,000/- shall be deposited in the Govt Exchequer, and the remaining is to be paid to the Complainant, as compensation, within thirty days of the date of this Order.

v. Accused No. 5, Shahmir, having been found guilty of retaliation constituting harassment under Section 2(h) of the Act, is directed to pay a fine in the sum of Rs. 200,000/- from which Rs. 40,000/- shall be deposited in the Govt Exchequer, and the remaining is to be paid to the Complainant, as compensation, within thirty days of the date of this Order.

vi. The Organisation, Popular Chemical Manufacturing Industries (Pvt) Ltd, is directed to reconstitute its Anti-Harassment Committee in full compliance with Section 3(2) of the Act within thirty days of the date of this Order. The reconstituted Committee shall consist of three members of whom at least one shall be a woman, and shall not include any person who is themselves a named accused in any pending complaint of harassment.

vii. To remedy the retaliatory withholding found established, and without determining the quantum of any employment dues, the Organisation is directed within fifteen days of the date of this Order to issue the Complainant's experience letter, if not already issued, along with her No Objection Certificate, clearance certificate, and salary slips for the final three months of her employment, and to release her full and final settlement to the extent admittedly due under her terms of employment and not already paid.

viii. A copy of this Order shall be transmitted to the Organisation for information and strict compliance. Compliance of all directions shall be reported to this Forum through the Registrar within thirty days of the date of this Order.

75. *Before parting with this matter, this Forum considers it necessary to record certain observations of broader significance.*

76. *Workplace harassment complaints frequently arise in environments where professional interactions coexist with informal workplace relationships. The existence of cordiality, familiarity, personal communication, or interaction outside formal working hours cannot, by itself, be treated as consent to unwelcome conduct, nor can it operate as a defence to conduct that otherwise violates the dignity of an employee. Equally, the fact that a complainant may have continued working, maintained professional relations, delayed reporting, attempted to resolve matters informally, or reacted in a manner different from what others may consider expected, does not diminish the seriousness of the complaint or render it inherently unreliable.*

77. *This Forum has observed that workplace harassment cases are often examined through the lens of how a complainant should have behaved rather than whether the conduct complained of was unwelcome and inappropriate. Such an approach risks shifting scrutiny from the conduct of the alleged wrongdoer to the personal choices, temperament, or responses of the complainant. The law requires the opposite. The central inquiry must remain focused on the impugned conduct and its effect on the dignity, security, and professional environment of the employee concerned.*

78. *Allegations of workplace harassment must be addressed through structured, impartial, and transparent mechanisms established under the Act. Informal interventions, private assurances, or reliance upon personal relationships cannot substitute the statutory obligation to examine complaints through proper institutional channels and that obligation is not discharged by conducting inquiries with the very persons against whom the complaint is directed. The characterisation of a workplace as family-oriented or culturally informal does not diminish these obligations. Collegiality and professional rapport are natural features of any workplace; they become problematic only when they are allowed to compromise reporting mechanisms or the ability of employees to raise concerns without fear of embarrassment, pressure, or retaliation.*

79. *This Forum further observes, with considerable disquiet, a pattern that pervades the defence in the present proceedings. The response to allegations of harassment was not confined to denial of the specific acts alleged. It extended to a sustained attempt to place the character, conduct, personal life, relationships, temperament, and social behaviour of the Complainant at the centre of these proceedings. Her friendliness with colleagues, her informal interactions with peers and security guards, her personal disclosures about her private life, her clothing, which was specifically raised by the Learned Counsel for the Accused persons during cross-examination, her broken engagement, her communication patterns, and her emotional responses were all placed on record and relied upon, whether explicitly or by implication, to suggest that she was the author of her own misfortune or that her complaint was motivated by personal grievance rather than genuine experience of harassment. The character of a complainant is not on trial in proceedings under the Act. Her conduct, personal choices, social demeanour, manner of*

interaction with colleagues, or manner of dress cannot operate as a defence to harassment, cannot diminish the credibility of her account, and cannot shift responsibility from those whose conduct is impugned to the person who reported it. Such reasoning has no place in the adjudication of harassment complaints and is inconsistent with the objects and purposes of the Act.

80. *The objectives of the Protection Against Harassment of Women at the Workplace Act, 2010 extend beyond the resolution of individual disputes. The Act seeks to foster workplaces founded upon dignity, respect, and equality, where complaints are examined fairly and where neither harassment nor the reporting of harassment is trivialised. Employers, supervisors, and employees alike share responsibility in ensuring that these principles are translated into everyday workplace practice. Regular awareness sessions, dissemination of the Code of Conduct, and clear reporting mechanisms should be maintained so that employees may raise concerns without fear of retaliation, stigma, or victim-blaming.*

81. *Workplace dignity is best preserved not merely through corrective action after a complaint arises, but through the creation of institutional safeguards that inspire confidence in employees that their concerns will be heard, investigated fairly, and resolved through a transparent process consistent with the objectives of the Act.*

**FAUZIA VIQAR
FEDERAL OMBUDSPERSON**