



**FEDERAL OMBUDSMAN
For Protection against Harassment of Women at Workplace
Islamabad**

TITLE: Shafaq Bukhari Vs Munim Zahid

ORDER

1. Complaint Number: FOH-HQR/0000515/2018
2. Date of Institution: 04-09-2018
3. Date of Order: . 14-02-2019
4. Complainant: Ms. Shafaq Bukhari
Library Assistant
Islamabad Model College for Girls
F-10/2
Islamabad
5. Opponent: Munim Zahid
Principal
Islamabad Model College for Boys
F-10/3
Islamabad

**Kashmala Tariq
Federal Ombudsman**

TITLE: Shafaq Bukhari Vs Munim Zahid

Vide this order I intend to decide the complaint in hand filed by Ms. Shafaq Bukhari, “the Complainant” working as Library Assistant and presently serving in “Islamabad Model College for Girls F-10/2 Islamabad” against the Principal of Islamabad Model College for Boys, F-10/3 Islamabad namely Mumin Zahid “the Accused person”.

In the instant complaint, the Complainant leveled some allegations against the accused person and allegedly stated that the accused person has passed comments on the dressing of the Complainant in presence of other teaching, non-teaching staff which was reported to Complainant in the month of September, 2017 and Mr. Jawad Johar (store keeper) is one who informed the Complainant in this regard. Thereafter the Complainant approached to the accused person and questioned him in respect of the comment but the accused person again commented and used to call demeaning words about the Complainant’s designation (being low class). The Complainant is a mother of three children having a suckling baby and during duty hours the Complainant used to bring her baby along with her at workplace. Initially, she used the ladies staff room for feeding her infant child but later on the accused person /Principal stopped and refrain her from entering into the ladies staff room.

The Complainant further stated that the accused person /Principal changed the location of library and shifted it to an unhygienic and unhealthy place. The Complainant used to sit there and performed her duty as Assistant Librarian with her baby. This behavior of the accused person caused the Complainant mental disorder. When the Complainant reported to the accused person regarding the unhygienic and unhealthy sitting place of the Complainant the accused person asked the Complainant to quit her job. Furthermore, stated that the accused person insulted her in front of his driver namely “Sana Ullah”. The Complainant mentioned that the accused person deducted her salary for raising her voice through Federal Directorate of Education (FDE).

The accused person started harassing the Complainant on regular basis by shifting library

to unhygienic and unhealthy place which degraded the Complainant, then insulted her in front of other members of staff and students which cause severe psychological and personality disorder to the Complainant in the last 8 to 9 months. The Complainant stated that the accused person issued an explanation letter regarding duly authorized leaves or medical leaves of the Complainant which resulted in him cutting of one month salary of Complainant and finally got the Complainant transferred to Islamabad Model College for Girls, F-10/2, Islamabad. Due to the mentioned facts and circumstances the Complainant stated that she became a complex psychological patient and these things had an adverse affect on her health. The accused person has misused the office and his authority.

Furthermore, the Complainant prayed that investigation be carried out regarding the eligibility of the accused person while holding the Principal's office of a government institution and the accused person should be punished due to his unjust and immoral behavior and also take a necessary action against the accused person for causing loss to the health and dignity of the Complainant and her family.

On the other hand the learned counsels for the accused person appeared and denied all the allegations leveled by the Complainant against the accused person and argued that the Complainant had made a fabricated story in her complaint and there is no truth found in the instant complaint. Learned counsel further argued that there are about 26 female teachers staff working in the institution and no one has ever raised such unethical allegations against the accused person throughout his career. In response to the advisory note the learned counsel argued that the accused person never issued any advisory note to the complainant. However, absent report was sent to the Federal Directorate of Education (FDE), Islamabad, as Complainant remained absent without leave, for which the accused person was bound under the rules and regulations being the head of the institution to report to the higher authorities (FDE).

It was argued that the shifting of library was for the betterment of the students and was an administrative order which does not amounts to harassment. Moreover stated that the Complainant is in a habit to remain absent from her duties and had already exhausted her casual leaves as well as earned leaves. As far as the issue of deduction of salary is concerned the matter falls under the jurisdiction of FDE which is a competent authority in this regard, thus the principal of an institution cannot be held responsible for the same.

In that context Federal Directorate of Education was summoned and a representative for

FDE Mr. Amjad Ali, Admin Officer appeared. Mr. Amjad Ali was called to inquire regarding the issue faced by the Complainant and further ordered to submit the rules regarding the day care center in Model Schools & Colleges Islamabad. In response to the issue/question Mr. Amjad Ali submitted that there is no specific policy of FDE regarding the day care center for children of working women in the institution. Hence this Forum is on leave that there should be some laws, rules and policy regarding the welfare, security and safety of women with infant children.

Arguments were heard. The available record on file was perused which reveals that the accused person requested the FDE and issued an advisory note stated that the Complainant was in a habit to avail frequent self-styled sanctioned leaves. Furthermore stated that the Complainant remained absent w.e.f 19-10-2017 to 20-10-2017 without prior permission or getting the leave sanctioned by the Competent Authority which was a serious lapse on her part.

The accused person issued a request letter to the Director (Model College) Federal Directorate of Education Islamabad for transfer of the Complainant to a girl institution hence in response to the request the FDE passed an order dated 9th August, 2018 and transferred the Complainant to Islamabad Model College for Girls F-10/2 Islamabad against the vacant post of Library Assistant. Whereas the Complainant stated that her children are studying in Islamabad Model College for Boys F-10/3 Islamabad and she is facing many difficulties due to her transfer. In this respect she filed number of applications before the authorities for the cancellation of her transfer order and also leveled allegation of harassment and mental torture against the Accused person in that applications. But the applications filed by the Complainant before the competent authorities as well as the instant complaint do not disclose any specific act of harassment and the record shows that the Complainant has been transferred in administrative capacity. In the instant complaint the Complainant prayed for the investigation of educational qualification of the accused person and prayed that necessary action could be taken against the accused person and to punish the accused person for his immoral and unjust act at workplace. This office cannot grant any relief to the Complainant as prayed mentioned above due to lack of jurisdiction and the Complainant is advised to approach to the competent forum in this regard.

During proceedings the accused person stated that he never committed any act of harassment to the Complainant whereupon the Complainant admitted and stated that the accused person did not sexually harass the Complainant, however due to the changing of library and leave related matters initiated by accused person the Complainant was mentally harassed, hence this petition.

In the instant case the Complainant could not prove her allegation of harassment leveled against the Accused and not even mentioned specifically in her complaint nor produce any witnesses for the same. The findings of the Inquiry Committee was perused which stated that the Complainant is trying to blackmail the authority in order to get her transfer cancelled and payment of the deducted amount.

The record shows that the whole issue arose from the suckling baby, whereas the Complainant used to bring her baby and also used to breast feed him at workplace i.e. Library because there is no day care center in the institution while principal of the institution “the accused person” could not bear such acts of the Complainant, hence the issue arose. It is important to consider the laws, rules and regulations regarding day care centers in government as well as private institutions of Pakistan, hence in this respect the Federal Directorate of Education was directed to provide rules, laws and policies regarding the day care centers for suckling baby of lady workers/employees of an institution. The Federal Directorate of Education submitted a report and relevant laws, rules regarding the mentioned issue in government/private institutions and submitted that there is no express and special laws and rules regarding the day care center in school/institution. Whereas, in capital territory there is only one day care center operational in sector E-9 Islamabad and not easily accessible for all the government employees in Islamabad.

It is important to consider that large number of women are employed in different sectors/organizations and institutions in Pakistan and there is no specific laws/provision/rules/regulations regarding day care center for their children/suckling babies. Hence, it is the responsibility of the state to provide safe, secure and protected environment for its citizens working in different institutions and organizations. Furthermore it is the institutional responsibility of the state and public policy. It is need of the day that there should be a specific policy/provision/laws/rules/regulations expressively

regarding day care centers and also a special provision for low number of women employees working in organization for the protection of the employee as well as their suckling babies.

In this regard the recommendations should be forwarded to the Establishment Division of Pakistan for consideration. Hence the Establishment Division Pakistan is hereby recommended to take notice of the instant issue and formulate and regulate some express provision/laws for above mentioned issue.

In view of the above mentioned discussion, fact, circumstances and available record on file, the accused person is exonerated from the charge. However, the competent authority of Federal Directorate of Education is hereby directed to consider the case of transfer of the Complainant on humanitarian ground and resolve the issue of the Complainant in best possible manner to facilitate her, also keep in consideration that the children of the Complainant are studying in Islamabad Model College for Boys F-10/3 and the Complainant is a lady and facing difficulties in pick and drop of her children to the institution. Federal Directorate of Education is further directed to submit the compliance report of the instant order within fifteen (15) working days after receiving of this order. Hence the complaint is hereby disposed of accordingly.

Order announced

14-02-2019

The Registrar of this office is directed to deliver a copy of this judgment and recommendations followed therein be deliver to:

1. The Federal Directorate of Education is hereby recommended to lay a policy regarding provision of day care center because large number of women are working in the institutions and different government departments and they all can face such problems in future. Hence, the issue could be resolve once for all.
2. Furthermore, this office is of the view that there is a lacuna found in law hence the Secretary Establishment shall lay down a proper policy and guidelines to facilitate working women with infants and toddlers in government and private sectors for the mandatory provision of day care centers. Whereas, large number of married women are working in different government and non government institutions and organizations in Pakistan. In order to avoid such circumstances in near future the above mentioned policy should be laid down.

**KASHMALA TARIQ
Federal Ombudsman**