

Complaint No. 1(275)/ 2016-FOS.

1. This complaint has been filed by five anchors of PTV namely Mst. Uzma Naveed Chaudhary, Mst. Humaira Rana, Mst. Qurat-ul-Ain, Mst. Seemab Abbasi, Mst. Saima Minhas against Athar Farooq Buttar, Controller Incharge, PTV News center Islamabad. It is stated that complainants are serving in PTV News for considerable time. All are highly educated and have also experienced to serve in private channels and radio. They belong to respectable families. In their performance they adopt positive policies of Government of Pakistan. Complainants had always given preference to prestige and honor of PTV Institution than to their personal benefits. In spite of all, opponent through different methods is continuously sexually harassing complainants and is trying to persuade them to do immoral acts.
2. According to complainant No. 1 once when after reading out news she came out from studio at 12:00 noon opponent was standing there and on seeing complainant No. 1 said that "you are looking so hot, and in which hotel Serena or Marriott he should get room booked". On scolding of complainant No. 1 opponent ran away. Complainant No. 2 alleged that whenever there is an interaction in between her and opponent he used to wink eyes with immoral pointing and had also offered to take food with him. On 01-01-2013 at 8:26 am opponent through mobile number 0314-5121682 had sent message containing "Love you". Complainant No. 3 alleged that when once she was at her home opponent called her on her mobile phone that he is standing outside her house and she should come out so that opponent could take her to a party. Complainant No. 3 refused his offer. On next day when complainant No. 3 went to office she was called by opponent in his room and threatened that if she cannot go with him then she should take dinner with him otherwise she will suffer consequences and till today opponent is harassing her with immoral gestures and by winking.

3. Complainant No. 4 has stated that she is serving as anchor / reporter since 2007. Now she has been posted as English news anchor. Her first posting was on sports desk where opponent was serving as incharge. Opponent offer complainant No. 4 that if there is any difficulty in pronunciation of any word she should come to his room. When complainant was posted at normal bulletin opponent started expressing in news room that:

"خواتین بڑی بیوفا ہوتی ہیں۔ پہلے میرے پاس مدعیہ نمبر 4 آتی تھی اب آنا چھوڑ دیا"

4. Beside that opponent was harassing her through different tactics. When complainant No. 4 was posted on English news, urdu news and reporting she protest that she could not serve so much work at time in a salary of 25,000/-. Therefore she was again posted on her previous post, but because of apprehension of act of harassment on part of opponent, complainant No. 4 has left news anchor ship.
5. According to complainant No. 5, opponent also used to harass her in different ways. He also harassed her by not renewing her contract, therefore complainant No. 5 was forced to leave news department and has join current affairs department. It is alleged that opponent persuaded her that if she will have friendship with him, he will make her star. On refusal of complainant No. 5 he misbehaved with her in news room.
6. Due to his act of harassment with news anchors previously also opponent was removed from his job. Opponent is a Canadian national. With ex-cadre post he was posted as Controller Incharge News which is violation of law. Against that violation a writ petition is pending in Islamabad High Court. Opponent also used to harass and threat to terminate services of complainants. Complainants informed all these immoral acts of opponents committed with them to their colleague anchor Mst. Salma Gulzar. Complainants request for taking action in accordance with law so that their prestige and honor as well as services be protected.
7. Opponent in his defense has stated that he is very professional and highly dedicated worker with spotless character and is serving in PTV for last

many years as Controller Incharge News. Opponent always tried to upgrade standard of PTV all over the world. Complainants along with Mr. Faheem Bhati has launched this dirty complaint against him just to blackmail him and to stop him to perform his professional duties. Opponent has issued warnings to many anchors including complainants. Complainants were de-notified from different programs. In result of inquiry report dated 17-06-2016 and 06-06-2016 charge sheet was also issued to them on 28-05-2016. Against casual attitude of different anchors Controller News Muhammad Awais But also issued explanation letters on 25-02-2015 There are many complaints against complainants because of their unprofessional attitude. To avoid these disciplinary action, complainants have filed this complaint. Mst Salma Gulzar has also submitted her apology letter on 28-01-2016. Allegations leveled against opponent are false and has been made just to stop him to take any action against complainants. Para-6 of complaint speaks character of complainant No. 2. Writ petition filed against opponent in Islamabad High Court has been dismissed on 30-06-2016. Complainant wants to spoil whole institution of PTV by filing this frivolous complaint. Complaint is not maintainable. Opponent has never harassed complainants as alleged. Opponent is ready to give any type of surety to show his innocence. Complaint is liable to be dismissed.

8. After going through record it is observed that although opponent has denied all allegations leveled against him by complainants but in very cursory way. In his support he has produced almost nine witnesses. Out of them five are sub-ordinates to opponent and admittedly their ACR is being countersigned by him, whereas Iqbal Shaheen Head of Union CBR has tried to support opponent by stating that whenever any incident of harassment happened in PTV initially report is submitted to union and till now he has not received any complaint against opponent on ground of harassment. But during cross examination he has admitted that there is no such specific order of PTV News and Administration that if any case of sexual harassment ever arose they have to file complaint to CBA Union,

but he has not specifically denied the allegation leveled by complaints against opponent. Qazi Mustafa Kamal an ex-MD who was posted in PTV from April, 2013 to January, 2014 has been produced to highlight the character of opponent and that he was never involved in any immoral activity seems to be very unaware of incident happened in Abbotabad in 1991 and the action taken against opponent. His statement is confirmed to a very short period for April 2013 to January 2014. However he had heard news that opponent was caught on basis of some allegations. So far as statement of other witnesses namely Mian Muhammad Sami, Irum Amir, Uzma Tabassum they have clearly stated that duty hours of them and of complainants are different to each other. In such state it is not possible for them to see incident happened with complainants with hands of opponent. Whereas on other hand all complainants in their statement in chief as well as in their cross examination in detail deposed about conduct of opponent and bad incidents happened with them from the hands of opponent. It is noteworthy that statement made by complainant Mst. Uzma Naveed in her cross examination that in June, 2013 when opponent came as Controller News he used to wink his eyes on her and offer her to come from back door in his room and that in 2010 when once after reading news she came out of the studio opponent came in her room and on seeing her conveyed vulgar message that she looks hot and in which hotel he should get booked room, have not been denied or rebutted by opponent in clear terms nor any question in negative to this statement has been put to witness.

9. Complainant Humaira Rana has also disclosed same like indecent happened with her that after seeing wardrobe empty to inquire about clothes to be worn by her while reading news she had gone to office of opponent to make inquiry. After discussion when she stood up from seat opponent hold her from back side. She succeeded to rescue herself by pushing him and left the room. According to her this incident was disclosed by her to Uzma Naveed. She has also produced text messages sent by opponent. In reply to a question put by opponent about non-

production of video of CCTV camera fixed in PTV to prove allegation. Complainant's statement that she could not produce video of CCTV camera as no such camera is fixed inside the office of opponent where incident happened, has not been denied. Almost same nature of allegations have been leveled by other complainants which opponent tried to rebut in very casual manner. Text messages produced by complainant Qurat-ul-Ain and statement made by Seemab Abbasi with reference to comments made by opponent although have been denied by opponent but still there is sufficient evidence on record in support that opponent is in habit of harassing complainants through immoral gestures and messages. Attempt of opponent to refute complainant's statement through his witness also was not successful, because except giving support to the character of opponent they have not been able to contradict statements of complainant being not eye witness of incidents due to different working hours of complainants and themselves. Even otherwise their statements cannot be considered as trustworthy being sub-ordinate to opponent.

10. Documents produced at Page-308 of file dated 10-10-1991 shows that even prior to these incidents which are subject matter of this case, activities of opponent were highly objectionable whereon notice was taken by PTV authorities with call of explanation letter dated 08-06-1991 to opponent. Though opponent had submitted his reply denying the allegation, but it has been observed in inquiry report dated 03-06-1991 that explanation submitted by opponent is not satisfactory and finally it was observed that:

- i. Opponent was taking liquor with his female and male friends.
- ii. The News Bureau is open to his friends to bring girls and stay.
- iii. The male and female friends are also taking liquor in the News Bureau.
- iv. Staff is extremely unhappy with the activities of Mr. Athar Buttor

With this establishment of proof against opponent it was recommended that opponent immediately be shifted from Abbotabad before conducting formal inquiry against him. Record shows that thereafter further

proceedings against him were stopped by letter dated 07-06-1991 at Page-310 that "Inquiry proceedings may be stopped for reason, transfer is also sort of punishment. Proceedings of this case shall be made a part of Mr. Butter's personal file duly page numbered".

11. All these facts show that previous record of opponent was also not appreciable. His conduct was highly objectionable particularly with relation to moral turpitude and it seems that opponent has not learned any lesson from previous proceedings conducted against him and is still tried to continue his immoral activities by sexually harassing complainants.
12. Opponent has produced number of documents showing performance of complainants and explanation letters issued to complainants, those explanation letters and performance of complainants are not subject matter of this case even if their performance is not good in the institution of PTV then it is for PTV Administration to take any action thereon, but on the basis of bad performance anyone can be allowed to sexually harass any employee of its organization. It is also alleged by opponent that complainants have filed present complaint at instance of Faheem Bhatti and Asmatullah Niazi with whom case is pending before Islamabad High Court. Here it will not be out of place to mention that said Faheem Bhatti has already been terminated by opponent on 10-06-2016, whereas Asmatullah Niazi is not witness in present complaint nor beside naming him, opponent has produced any sufficient material on record that present complaint is a set-up of Asmatullah Niazi through complainants, and no such act of harassment as have been proved had ever been committed by him.
13. Upshot of above discussion is that complaint of complainant is hereby allowed. Minor penalties under Section-4(i)(a) and (d) are hereby imposed on opponent under Protection Against Harassment of Women at Workplace Act 2010. PTV management is hereby directed to issue letter of Censure to opponent and penalty of Rs. 250,000/- is imposed on opponent payable to complainants in equal share.

14. PTV management is hereby directed to implement order and report to this office of Ombudsman within period of 15 days on receipt of this order and intimate about its implementation.
16. Announced in open court.
17. Parties be informed accordingly.