



## 270. Is an Internal Committee's inquiry valid under the POSH Act, 2013, if the respondent isn't given a copy of the complaint?

Yes, an Internal Committee's (IC) inquiry under the POSH Act, 2013, would be invalid if the respondent is not given a copy of the complaint. This is based on the principles of natural justice and the statutory provisions of the Act and Rules.

### Legal Basis for the Requirement

#### 1. Rule 7(2) of the POSH Rules, 2013:

It explicitly states that upon receiving the complaint, the Complaints Committee (IC or LC) must send a copy to the respondent within seven working days.

#### 2. Rule 7(3) of the POSH Rules, 2013:

The respondent is required to file a reply along with supporting documents, list of witnesses, etc., within ten working days from the receipt of the complaint.

#### 3. Section 11(1) of the POSH Act, 2013:

The inquiry must follow the service rules applicable to the respondent, or in the absence of such rules, follow prescribed procedures.

#### 4. Section 11(3) of the POSH Act, 2013:

The IC has powers akin to a civil court for summoning, enforcing attendance, and requiring discovery and production of documents.

#### 5. Rule 7(4) of the POSH Rules, 2013:

The inquiry must be conducted in accordance with the principles of natural justice. Denying the respondent a copy of the complaint violates the right to a fair hearing.

### Judicial Precedent: Kerala High Court Judgment (W.P.(C) No. 9331 of 2024)

The Kerala High Court, in Vineeth V.V. vs. Kerala State Electricity Board Ltd. (2024:KER:21733), ruled that failure to provide the respondent with a copy of the complaint violates the principles of natural justice and Rule 7 of the POSH Rules, 2013.

### Key Findings from the Judgment:

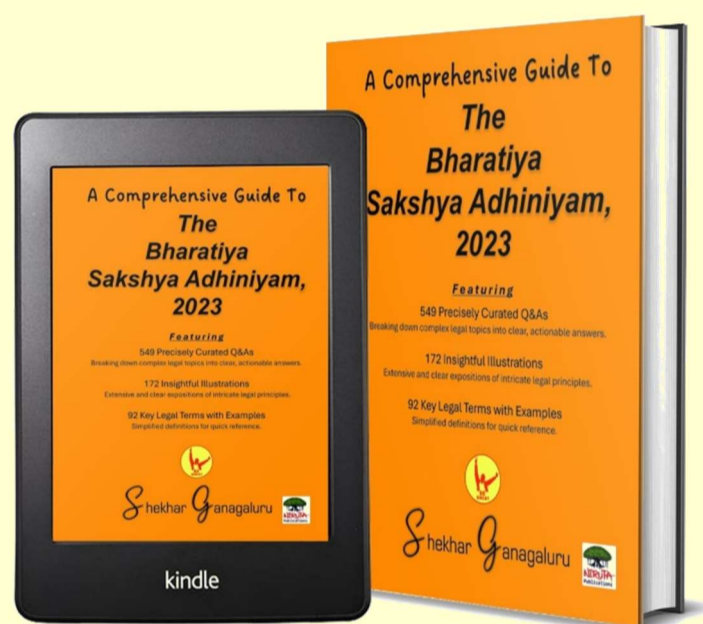
- The Internal Complaints Committee (ICC) did not serve the complaint or documents to the petitioner (respondent in the POSH inquiry), violating Rule 7(2) of the POSH Rules, 2013.
- The respondent was not given a chance to cross-examine witnesses, further violating the principles of natural justice.

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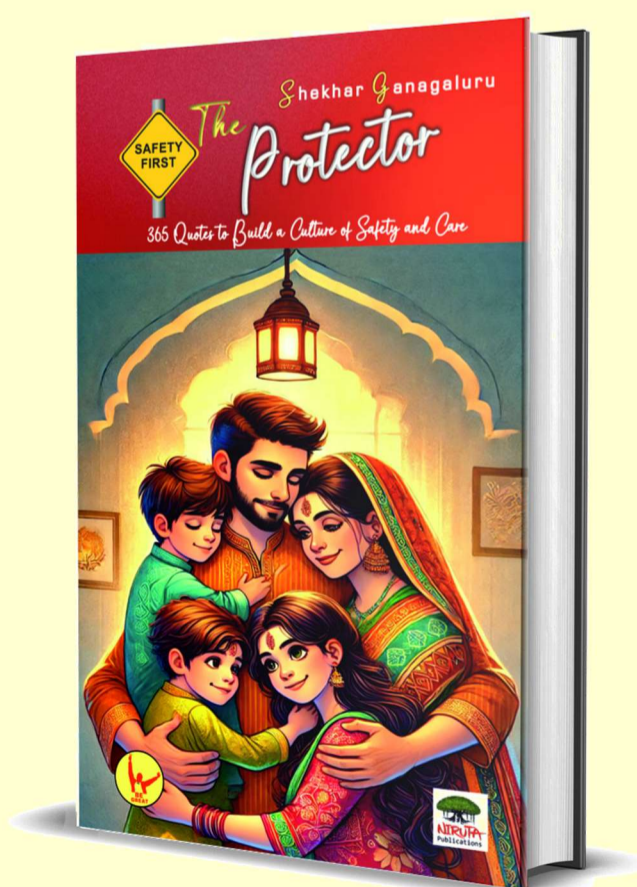
- The Court held that since Rule 7 was violated, the entire inquiry process was vitiated.
- The ICC's report was quashed, and the Court directed the formation of a new committee, ensuring compliance with the POSH Act, including adherence to the principles of natural justice.

## Conclusion

- If the respondent is not given a copy of the complaint, the IC's inquiry is invalid under Rule 7(2) of the POSH Rules and violates natural justice.
- Judicial precedent (Kerala High Court, 2024) confirms that such an inquiry is liable to be quashed in a court of law.
- Organizations must ensure procedural fairness in POSH inquiries to avoid legal challenges and maintain compliance with the Act.



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