

## Guidelines for Internal Committee to conduct Inquiry

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In this blog, I had published guidelines laid down by the Hon'ble Delhi High Court for conducting an inquiry against complaints of sexual harassment at workplace by the Internal Committee (Reference in the case while deciding a matter between Ashok Kumar Singh vs. Delhi University)

This would be useful in case an inquiry by the ICC which is conducted under section 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

These guidelines (a checklist) may facilitate the Internal Committee during inquiry:

- » Examination-in-chief of the complainants' witnesses shall be submitted in writing to the ICC.
- » The Internal Complaints Committee shall intimate the accused and the respondent about the date and time of the proceedings. That such an intimation shall be done both in writing as well as by e-mail.
- » That as the proceedings commence, the accused would be allowed to cross-examine the witnesses of the complainant through a questionnaire. That such a questionnaire shall be submitted with the ICC when the witnesses are produced for cross-examination.
- » That the witnesses on the specified date and time would be called upon one after the other for their depositions. That such depositions shall be made in the presence of the committee.
- » That ICC shall make every effort to complete the testimony of a single witness on the same day when the recording of the cross-examination of the witness is commenced.
- » The accused and the respondent shall not be present at the time of recording of the cross-examination of the witnesses of the complainant.
- » That it shall be the duty of the ICC to ensure that the witnesses who have already been cross-examined do not confabulate with the witnesses who are yet to be cross-examined.

- » That the ICC shall ensure to deliver a copy of the cross-examination of the complainants' witnesses to the accused on the date of cross-examination. If such is not possible, the copy shall necessarily be delivered before the cross-examination of the next witness.
- » After the completion of cross-examination of the complainants' witness, the accused would be permitted to lead the defence evidence.
- » The accused shall submit the Examination-in-chief of the defence witness in writing to the ICC. That such a submission shall be made within 1 week from the date of cross-examination of the complainants' witnesses.
- » The procedure for the cross-examination of the defence witnesses would be identical to that as mentioned for complainant's witness.
- » The proceedings must necessarily be conducted in an expeditious manner.
- » In case, any representation is made by the complainant u/s 12 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, for any interim redressal, the same would also be decided expeditiously by the ICC.
- » After considering the inquiry in recording and following the submissions made by the parties, ICC shall submit its report along with its recommendations to the Governing Body.

**(Courtesy : Excerpts from the Judgment)**

**\* ICC is amended as Internal Committee (IC) as per the provisions of the Legislation.**

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