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Kerala High Court Criticizes Flawed ICC Investigation in Workplace Sexual Harassment Case, Calls for Fair, Neutral, and Timely Inquiries

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In a recent judgment, the Kerala High Court in the mater of Amjith vs State of Kerala (2024:KER:84389) dismissed a petition to quash a criminal complaint relating to sexual harassment, pointing out significant flaws in how the Internal Complaints Committee (ICC) had conducted its inquiry. The court stressed that ICC findings, particularly those showing institutional bias or lacking key evidence, cannot override a criminal investigation by law enforcement authorities in cases of workplace harassment.

The petitioner, accused of workplace harassment, had filed Criminal Miscellaneous Case seeking to quash the First Information Report (FIR) and subsequent proceedings. The accused argued that since the ICC had cleared him of the allegations, there was no basis for criminal proceedings. However, Justice A. Badharudeen, in a judgment dated November 11, 2024, emphasized the limitations of ICC findings and called for a revaluation of how ICC inquiries are conducted, especially when they fall short of principles outlined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (PoSH Act).

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Case Background

The case centres on allegations made by a female employee against her college principal, who she accused of making inappropriate remarks, demanding sexual favours, and using his authority to intimidate her. Following her complaint, an ICC inquiry dismissed her claims as baseless, leading the accused to argue for a dismissal of the criminal case based on the ICC's findings.

However, the court found glaring issues in the ICC's inquiry and refused to quash the criminal proceedings. The prosecution established a prima facie case based on detailed statements from the complainant and corroborative testimonies from multiple faculty members. The court's observations highlighted a lack of credibility in the ICC's findings, noting that critical procedural gaps, including the failure to record the complainant's statement, rendered the ICC report incomplete and biased.

ICC Inquiry Under Scrutiny: Critical Flaws

The High Court identified several major deficiencies in the ICC's inquiry, establishing a clear failure to adhere to fair and neutral practices as mandated by the PoSH Act. Key criticisms included:

1. **Bias and Lack of Credibility**: The court described the ICC report as "unilateral and biased," pointing out that it appeared to favour the institution by dismissing allegations without giving adequate weight to the complainant's claims. This raised concerns about institutional bias, with Justice Badharudeen noting that ICC reports often tilt in favour of employers.
2. **Incomplete and Unbalanced Inquiry**: The ICC's failure to record the complainant's statement was a key factor in the court's decision. Justice Badharudeen emphasized that such a lapse seriously undermined the credibility of the findings, as the complainant's perspective is essential to any balanced investigation.
3. **Improper Reliance on ICC Findings in Criminal Proceedings**: The court clarified that an ICC report alone cannot override the evidence collected through a police investigation. The judgment noted that in criminal matters, independent investigations and witness testimonies are critical for establishing facts and that ICC findings lacking objectivity or completeness cannot serve as the "final word" in such cases.

Need for Objective and Neutral ICC Inquiries

Justice Badharudeen's ruling highlights the necessity of conducting ICC inquiries with strict neutrality, transparency, and a fair approach. The judgment highlighted how the ICC's conduct in this case fell short of the standards mandated by the PoSH Act, which emphasizes the importance of impartiality and respect for both parties involved in a complaint.

The statutory mandate for ICC inquiries include:

- **Neutral Composition and Non-Biased Approach**: The ICC should include impartial members, particularly an external expert, to mitigate bias and ensure fair treatment for both the complainant and the accused.
- **Comprehensive Evidence Collection and Documentation**: All relevant statements, particularly those of the complainant, must be recorded. A thorough record of witness testimonies and interactions should be maintained to create transparent and credible findings.
- **Confidentiality and Privacy**: Information handling should be strictly confidential to protect the privacy and dignity of all parties involved.
- **Timely and Transparent Process**: As mandated by the PoSH Act, ICC inquiries should be completed within 90 days to ensure timely resolution and minimize prolonged stress for both parties.
- **Non-Coercive Environment**: To maintain fairness, the inquiry should be conducted in an environment free from coercion or intimidation, allowing both parties to express themselves freely.

Conclusion: A Call for Higher Standards in ICC Investigations

The Kerala High Court's judgment in this case calls for stricter adherence to fair, neutral, and objective standards in ICC inquiries. Justice Badharudeen's ruling signals that while ICC inquiries are crucial for addressing workplace harassment, they must align with principles of natural justice and procedural fairness to be credible. The judgment warns against relying solely on ICC findings in criminal cases, especially when procedural flaws and potential bias compromise the inquiry's integrity.

This ruling is a reminder to organizations across India that ICCs should be more than perfunctory bodies. They must function as impartial, justice-oriented entities dedicated to upholding workplace dignity and safety, as envisioned by the PoSH Act.