INDIALAW

Investigations and Proceedings

POSH Investigations Law Firm for Internal Committee Inquiries and Reports

PRACTICE PROFILE • OCTOBER 2026

Overview

Support Through Every Stage of a POSH Inquiry

Sexual harassment complaints need sensitivity, legal accuracy and strict adherence to due process. We give the Internal Committee and the employer legal support at every stage of the inquiry, so that the process is fair to both the complainant and the respondent and the outcome can be defended if it is challenged.

The POSH Rules set the sequence. The committee sends a copy of the complaint to the respondent within 7 working days (Rule 7(2)). The respondent replies with documents and the names of witnesses within 10 working days (Rule 7(3)). The committee then hears both sides following the principles of natural justice, with at least three members including the Presiding Officer present (Rule 7(7)). The inquiry must finish within 90 days, and the report goes to the employer within 10 days of that.

The parties cannot be represented by a legal practitioner before the committee (Rule 7(6)). Our role is to advise the committee and the employer on procedure, evidence and drafting outside the hearings, and to vet the report before it is issued.

Our Services

- Legal guidance in drafting notices, replies, and other documentation
- Strategic advice during evidence gathering, depositions, and hearings
- Vetting of findings and final reports for legal defensibility
- Support in conducting independent fact-finding inquiries (when required)
- Risk analysis and advice on appropriate disciplinary actions
- Advisory on post-inquiry employee relations and workplace reintegration
- Support in handling retaliatory conduct or post-complaint hostility

Key Highlights

Where POSH inquiries most often go wrong

- The respondent is not given the complaint and the evidence in time to answer it
- A party is not given a fair chance to respond to the evidence against them
- A member with a conflict of interest does not step aside
- Hearings are held without the minimum quorum of three members
- The inquiry runs past 90 days without recorded reasons
- The findings report does not give reasons that link the conclusions to the evidence
- Confidentiality is breached during or after the inquiry

Key Professionals



Nidhi Singh
Partner



Arpita Dutta
Partner



Ratnakar Srivastava
Head: Technology and Data Protection Laws

Frequently Asked Questions

Q1 Can the parties have legal representation at an Internal Committee hearing?

No. Rule 7(6) of the POSH Rules bars the parties from being represented by a legal practitioner at any stage of the proceedings before the committee. Legal counsel can still advise the committee or the employer on procedure and drafting outside the hearings.

Q2 What happens after a complaint is received?

The committee first checks whether the complaint is within its jurisdiction and time limit, and offers conciliation if the complainant asks for it. If the matter goes to inquiry, the respondent gets a copy within 7 working days and replies within 10 working days. Hearings follow, then the findings report.

Q3 What interim relief can the committee recommend during an inquiry?

On a written request from the complainant, Section 12 lets the committee recommend transferring the complainant or the respondent, or granting the complainant leave of up to three months in addition to her regular leave. Rule 8 adds restraining the respondent from reporting on the complainant's work performance or writing her confidential report.

Q4 What standard of proof applies in a POSH inquiry?

The inquiry is a civil fact-finding exercise, so committees decide on the balance of probabilities, not proof beyond reasonable doubt. The committee must still give reasons that connect its findings to the evidence on record.

Q5 What is the minimum quorum for hearings?

At least three members of the Internal Committee, including the Presiding Officer, must be present during the inquiry (Rule 7(7)).

Q6 What if the inquiry cannot finish within 90 days?

Section 11(4) requires completion within 90 days. Missing the deadline does not automatically end the complaint, but unexplained delay can be raised in an appeal or a court challenge. Record the reasons for any delay and keep both parties informed.

Related Practice Areas

Sexual Harassment at Workplace (POSH) | Litigation and Dispute Resolution | Training and Awareness Programs | Internal Committee (IC) Support And Management | POSH Advisory and Compliance