



RESEARCH QUESTION

"What obligations does the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 place on employers in India, how does the Internal Committee complaint process work, and what have courts held about non-compliance?"

What obligations does the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 place on employers in India, how does the Internal Committee complaint process work, and what have courts held about non-compliance?

TL;DR

The Supreme Court of India in *Dr. Sohail Malik v. Union of India & Anr.* (2025) established that the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 imposes strict statutory duties on employers to secure a safe, hostile-free working environment, which includes the mandatory constitution of an independent Internal Complaints Committee (ICC) under Section 4. The ICC is vested with civil court powers to conduct a full-fledged departmental inquiry whose findings and recommendations are legally binding on the employer. Non-compliance—including failing to properly constitute the committee, introducing institutional bias, or taking retaliatory actions against the complainant—vitiates the entire proceeding, attracts statutory penalties under Section 26, and exposes employers to substantial constitutional compensation for violating the victim’s fundamental rights.

VERIFIED CASES	STATUTES	LATEST RULING
25	4	2025
21 High Courts · 4 SC		High Court of Karnataka

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Mandatory Constitution of an Unbiased Internal Complaints Committee (ICC)

Every employer of a workplace with 10 or more employees must constitute an ICC headed by a senior woman employee, with at least one-half women members and an independent external member to prevent institutional bias. This was underscored in *Punjab and Sind Bank and Ors. v. Mrs. Durgesh Kuwar* (2020), where the Supreme Court held that appointing a bank panel lawyer as the independent third-party member created a fundamental defect of institutional bias. Similarly, in *Rashi v. Union of India* (2019), the Delhi High Court confirmed that post-enactment, all complaints, even those against high-ranking Secretary-level officials, must be handled by an ICC constituted strictly under Section 4.

02 The ICC Inquiry as a Full-Fledged Departmental Proceeding

The inquiry conducted by the ICC is not a mere preliminary or fact-finding exercise but a full-fledged departmental inquiry that replaces any regular departmental inquiry under service rules. In *Indian Institute of Technology v. Anandh Subramaniam* (2023) and *Raj Kumar Dey v. The State Bank of India* (2022), the courts clarified that once the ICC finds the allegations proved, its findings are final and the employer is mandated to act upon them within sixty days without conducting a second de novo inquiry.

03 No Strict Workplace Boundaries for Jurisdiction

The jurisdiction of an ICC is determined by the workplace of the aggrieved woman and is not restricted to employees of the same department. In *S. Ravi Selvan v. Central Board of Indirect Taxes & Customs* (2022), the Madras High Court ruled that the applicability of the POSH Act is not restricted solely to employees working in the same department, but applies generally to harassment in a workplace.

04 Natural Justice and Absolute Impartiality

The inquiry must strictly adhere to the principles of natural justice, ensuring a fair opportunity to be heard and the absence of any real likelihood of bias. In *Renu Oraon v. State of Jharkhand* (2024) and *Prof. Anandh Subramaniam v. Union of India* (2025), the courts held that the presence of biased members or failure to follow prescribed inquiry rules vitiates the entire process.

05 Employer's Vicarious Responsibility and Retaliatory Protections

Employers are strictly prohibited from taking retaliatory action against victims, such as punitive transfers or disciplinary proceedings based on their harassment complaints. In *Anjali Kumari v. Union of India* (2022) and *CSB Limited v. Kerala State Human Rights Commission* (2022), the courts intervened to quash retaliatory show-cause notices and protect employment security.

06 Distinction Between POSH Proceedings and General Criminal Law

The POSH Act focuses on civil and service redressal and employer non-compliance rather than criminalizing harassment itself. As held in *Devi Dayal Khajuria v. State* (2020), the Act's provisions are supplementary, and a victim remains free to initiate criminal proceedings through the police under the Penal Code without first invoking the 2013 Act's specific redressal mechanism.

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION

The Supreme Court has repeatedly emphasized that a safe working environment is a basic facet of the right to life and dignity under Article 21, issuing sweeping directives in *Initiatives for Inclusion Foundation & Anr. v. Union of India & Ors.* (2023) to ensure nationwide implementation of Local and Internal Committees, and awarding substantial compensation in *Nisha Priya Bhatia v. Union of India* (2020) for insensitive handling and procedural delays by employers.

HIGH COURT VARIATIONS

High Courts have consistently quashed inquiries that deviate from Section 4 or fail to follow proper procedures. For instance, in *S. Ranjini v. State of Tamilnadu* (2017), the Madras High Court invalidated a perfunctory, casual investigation; in *X v. Internal Disputes Committee* (2018), the Bombay High Court ordered the swift reconstitution of a legally compliant committee; and in *K. Hema Latha v. State of Tamil Nadu* (2018), the court set aside an inquiry report because the ICC was improperly constituted and held at an inconvenient location.

RECENT EVOLUTION AND AGGREGATOR/ GIG ECONOMY SCOPE

In *Ms (x) v. Internal Complaints Committee, Ani Technologies Private Limited* (2024), the Karnataka High Court scrutinized the application of POSH obligations to digital aggregators (like Ola), holding that aggregators owe a public duty to ensure passenger safety and must address complaints under the spirit of the Act.

UNSETTLED AREAS OR CAVEATS

Civil Court Powers vs. Technical Rules of Evidence

While the ICC is vested with civil court powers under Section 11(3) for summoning witnesses and discovery of documents, it remains a domestic inquiry. As held by the Rajasthan High Court in *Shital Prasad Sharma v. State of Rajasthan* (2018), minor procedural gaps—such as the absence of an NGO member on the day the report is submitted—do not automatically vitiate the inquiry report if the quorum of three members was met.

Administrative Tribunal Jurisdiction

As highlighted in *Rekha Das v. Union of India* (2021), where the parties are government servants, challenges to the ICC's actions or service-related consequences may fall under the exclusive threshold jurisdiction of the Administrative Tribunals under the Administrative Tribunals Act, 1985, bypassing direct Article 226 writ petitions.

Limitations on Non-workplace Incidents and Duty to File FIR

In *Dr. (Smt.) Savitri Tripathi v. State of Chhattisgarh* (2021), the court held that where an incident occurs outside the common workplace and between employees of different institutions, the employer does not have an absolute statutory obligation to register an FIR on behalf of the employee.

Limitation Period Exceptions

While Section 9 mandates filing complaints within three months, *Dr. Nirmal Kanti Chakraborti v. Vaneeta Patnaik & Ors.* (2024) held that the issue of limitation constitutes a mixed question of law and fact, and the committee must evaluate complaints on their merits at the threshold rather than dismissing them prematurely.

Service Rules Substitution and Procedural Overlaps

In *Smt. Sarita Singh v. State of U.P.* (2019), the court condemned the department's action of substituting a proper POSH inquiry with general disciplinary proceedings to penalize a constable for duty absence, while in *Shobha C. v. Union of India* (2025), the court scrutinized the propriety of administrative transfers and the ICC's authority when complaints are filed against reporting officers. Similarly, in *S. Rajesh v. The Secretary to the Government of Tamilnadu* (2017), the court declined to quash disciplinary charge memos at the threshold, holding that the delinquent must face the inquiry while emphasizing the necessity of a safe environment. In *S. Murugan v. State of Tamil Nadu* (2019), the court addressed the legal validity of an ICC where cross-petitions challenged the committee's formation and subsequent CBCID referral.

II. Statutory Provisions 4 PROVISIONS

SECTION 4, SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 — CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Mandates every employer of a workplace to constitute an Internal Complaints Committee (ICC) to handle sexual harassment complaints, specifying its composition including requirements for a senior woman Presiding Officer, employee members, and an external member.

"(1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committees shall consist of the following members to be nominated by the employer, namely:—

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women." *Cited in:* discussed in the analyzed precedents

SECTION 9, SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 — COMPLAINT OF SEXUAL HARASSMENT

Allows an aggrieved woman, or her legal heir/authorized representative in cases of incapacity, to file a written complaint of sexual harassment with the Internal Committee or Local Committee within three months of the incident.

"(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period." *Cited in:* discussed in the analyzed precedents

SECTION 11, SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 — INQUIRY INTO COMPLAINT

Outlines the procedure and powers of the Internal or Local Committee to conduct an inquiry into complaints against employees, vesting them with civil court powers and requiring completion of the inquiry within ninety days.

"(1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed...

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days." *Cited in:* discussed in the analyzed precedents

SECTION 26, SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 — PENALTY FOR NON-COMPLIANCE WITH PROVISIONS OF ACT

Prescribes penalties including fines up to fifty thousand rupees, double punishment for repeat offenses, and potential cancellation of business licenses or registrations for employers who fail to comply with the Act's provisions.

"(1) Where the employer fails to—

- (a) constitute an Internal Committee under sub-section (1) of section 4;
- (b) take action under sections 13, 14 and 22; and
- (c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

he shall be punishable with fine which may extend to fifty thousand rupees.

(2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—

- (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence...
- (ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity." *Cited in:* discussed in the analyzed precedents

III. Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>S. Ranjini v. State of Tamilnadu</i> HCMA010627202015	MADRAS HIGH COURT	2017	Invalidates perfunctory university investigation and mandates a fresh, legally compliant POSH inquiry.
02	<i>Rekha Das v. Union of India</i> TRHC010010312021	HIGH COURT OF TRIPURA	2021	POSH proceedings are not inherently service matters falling under exclusive Administrative Tribunal jurisdiction.
03	<i>Smt. Sarita Singh v. State of U.P.</i> UPHC011985212016	ALLAHABAD HIGH COURT	2019	Mandates specific POSH inquiry procedure over general departmental rules for sexual harassment complaints.
04	<i>Devi Dayal Khajuria v. State</i> JKHC020052432016	HIGH COURT OF JAMMU AND KASHMIR	2020	POSH Act is supplementary and does not override the victim's right to file police FIR.
05	<i>Shobha C. v. Union of India</i> KAHC010414702023	HIGH COURT OF KARNATAKA	2025	Evaluates the legality of the inquiry process and administrative compliance under the POSH Act.
06	<i>Shital Prasad Sharma v. State of Rajasthan</i> RJHC020456732018	HIGH COURT OF RAJASTHAN	2018	Minor procedural gaps do not vitiate the inquiry report if the quorum of three is met.
07	<i>S. Rajesh v. The Secretary to the Government of Tamilnadu</i> HCMA010819822015	MADRAS HIGH COURT	2017	Condemns casual handling and affirms necessity of a safe, hostile-free environment.
08	<i>S. Murugan v. State of Tamil Nadu</i> HCMA013472802018	MADRAS HIGH COURT	2019	Adjudicates the legal validity of ICC constitution and administrative transfers pending inquiry.
09	<i>Renu Oraon v. State of Jharkhand</i> JHHC010379722023	HIGH COURT OF JHARKHAND	2024	Sets aside an ICC due to real likelihood of bias of its members.
10	<i>Punjab and Sind Bank and Ors. v. Mrs. Durgesh Kuwar</i> ESCR010002762020	SUPREME COURT OF INDIA	2020	Appointing a bank panel lawyer to the ICC constitutes institutional bias, vitiating the constitution.
11	<i>Raj Kumar Dey v. The State Bank of India</i> WBCHCA0381972017	CALCUTTA HIGH COURT	2022	ICC process is a full-fledged inquiry and its recommendations are statutorily binding.
12	<i>Dr. Nirmal Kanti Chakraborti v. Vaneeta Patnaik & Ors.</i> WBCHCA0325622024	CALCUTTA HIGH COURT	2024	Reversing threshold rejection on limitation; limitation is a mixed question of fact and law.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>Dr. (Smt.) Savitri Tripathi v. State of Chhattisgarh</i> CGHC010094702018	HIGH COURT OF CHHATTISGARH	2021	Employer has no duty to register an FIR for non-workplace harassment incidents.
14	<i>K. Hema Latha v. State of Tamil Nadu</i> HCMD011636512013	MADRAS HIGH COURT	2018	Set aside report due to improper ICC constitution and biased inconvenient inquiry location.
15	<i>Indian Institute of Technology v. Anandh Subramaniam</i> UPHC011112252023	ALLAHABAD HIGH COURT	2023	Confirms the statutory finality of ICC recommendations, requiring no further departmental inquiry.
16	<i>Dr. Sohail Malik v. Union of India & Anr.</i> ESCR010006832025	SUPREME COURT OF INDIA	2025	Expands jurisdiction, allowing the victim's ICC to inquire into complaints against outside employees.
17	<i>Initiatives for Inclusion Foundation & Anr. v. Union of India & Ors.</i> ESCR010006602023	SUPREME COURT OF INDIA	2023	Issues nationwide directives for appointing District Officers and establishing Local Committees.
18	<i>CSB Limited v. Kerala State Human Rights Commission</i> KLHC010540872022	HIGH COURT OF KERALA	2022	Directs reinstatement and regularization of victim's absences caused by fear of harassment.
19	<i>S. Ravi Selvan v. Central Board of Indirect Taxes & Customs</i> HCMA011023522022	MADRAS HIGH COURT	2022	Rejects threshold challenge to ICC jurisdiction and composition, leaving issues to the inquiry.
20	<i>Anjali Kumari v. Union of India</i> WBCHCJ0032492022	CALCUTTA HIGH COURT	2022	Quashes retaliatory disciplinary show-cause notices issued after the victim filed POSH complaints.
21	<i>Nisha Priya Bhatia v. Union of India</i> ESCR010000172020	SUPREME COURT OF INDIA	2020	Awards Rs. 1,00,000 compensation for insensitive handling and delays of a POSH complaint.
22	<i>Rashi v. Union of India</i> DLHC010169872019	HIGH COURT OF DELHI	2019	Confirms Section 4 governs ICC constitution even for Secretary-level accused.
23	<i>X v. Internal Disputes Committee</i> HCBM010218732018	BOMBAY HIGH COURT	2018	Orders constitution of a legally compliant Section 4 committee within two weeks.
24	<i>Prof. Anandh Subramaniam v. Union of India</i> UPHC010549422023	ALLAHABAD HIGH COURT	2025	Scrutinizes domestic inquiry validity and adherence to the principles of natural justice.
25	<i>Ms (x) v. Internal Complaints Committee, Ani Technologies Private Limited</i> KAHC010048482019	HIGH COURT OF KARNATAKA	2024	Applies public law elements and aggregator passenger safety obligations under the POSH Act.

IV. Case Details 25 CASE FILES

01 S. Ranjini v. State of Tamilnadu

MADRAS HIGH COURT • 2017-08-17 • WP/1812/2015

The petitioner, an employee at Thiruvalluvar University, sought a mandamus directing the university to properly constitute an Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and to investigate her complaint of sexual harassment against a senior official. The court found that the university's prior handling of the complaint was perfunctory, lacked application of mind, and failed to comply with statutory requirements, rendering the previous closure of the investigation invalid. Highlighting the legal obligation to ensure a safe, hostile-free work environment, the court expressed strong disapproval of the university's casual approach and mandated a fresh, lawful inquiry.

HELD The Madras High Court held that under Section 4 of the Act, every employer must constitute an Internal Complaints Committee by an order in writing. The court observed that divisional or office-level units must have administrative committees to secure safe environments and found the university's perfunctory approach to have failed statutory compliance.

"Section 4 in Chapter II deals with constitution of Internal Committee, which is relevant for the case on hand. 22. Section 4 reads as follows:- "4. Constitution of Internal Complaints Committee – (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee". Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub- divisional level, the Internal Committee shall be constituted at all administrative units or offices."

MADRAS HIGH COURT • 2017

SOURCE HCMA010627202015

02 Rekha Das v. Union of India

HIGH COURT OF TRIPURA • 2021-09-07 • WA/183/2021

The petitioner, a scientist with the Indian Council of Agricultural Research, filed a writ petition seeking an expedited decision on an appeal she filed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, following an unfavorable report by an Internal Complaints Committee. The High Court had initially dismissed the petition, ruling that it was a service matter falling under the exclusive jurisdiction of the Administrative Tribunal. On appeal, the High Court examined whether grievances under the 2013 Act qualify as 'service matters' under the Administrative Tribunals Act, 1985. The court held that such proceedings are not inherently service disputes and should be addressed by the court if they do not directly concern the petitioner's own service conditions.

HELD The High Court of Tripura detailed the statutory progression under Sections 4, 9, 11, 12, and 13 of the 2013 Act. The Court held that the ICC has powers vested in a civil court for summoning witnesses and enforcing attendance, and that during the inquiry, both parties must be given an opportunity of being heard.

“Section 4 of the Act of 2013 pertains to constitution of Internal Complaints Committee. Under sub-section (1) of Section 4, every employer of a workplace is required to constitute a Committee called Internal Complaints Committee. Sub-section (2) of Section 4 prescribes the members who would form such a Committee... Sub-section (3) of Section 11 clothes the ICC with the same powers as are vested in a civil court under the Code of Civil Procedure while trying the suit...”

HIGH COURT OF TRIPURA • 2021

SOURCE TRHC010010312021

03 Smt. Sarita Singh v. State of U.P.

ALLAHABAD HIGH COURT • 2019-12-12 • WRIA/9388/2016

The petitioner, a lady police constable, filed a complaint alleging sexual harassment against her superior officer. Instead of processing the complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the department initiated disciplinary proceedings against the petitioner under the U.P. Police Officers of Subordinate Ranks (Punishment & Appeal) Rules, 1991. These proceedings resulted in a salary deduction and a censure entry against her, based on findings that the harassment allegations were false and that she was absent from duty. The High Court reviewed the matter, emphasizing that the 2013 Act mandates a specific inquiry procedure for sexual harassment complaints, which the authorities failed to follow.

HELD The Allahabad High Court held that the specific inquiry procedure under Section 9 and Section 11 of the POSH Act, 2013, must be followed when complaints of sexual harassment are made. It noted that the ICC is vested with civil court powers under Section 11(3) for summoning persons and examining them on oath.

“Section 9 of Chapter IV of the Act of 2013 deals with complaint of sexual harassment... For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit...”

ALLAHABAD HIGH COURT • 2019

SOURCE UPHC011985212016

04 Devi Dayal Khajuria v. State

HIGH COURT OF JAMMU AND KASHMIR • 2020-11-18 • CRMC/517/2016

The petitioner challenged criminal proceedings for sexual harassment under the Ranbir Penal Code (RPC), arguing that such cases must exclusively follow the procedures of the Sexual Harassment of Women at

Workplace (Prevention, Prohibition and Redressal) Act, 2013. The petitioner contended that, under Section 27 of the 2013 Act, cognizance could only be taken upon a complaint from the victim or an authorized committee, making the police-filed charge sheet invalid.

HELD The High Court of Jammu and Kashmir held that sexual harassment itself is not an offence under the 2013 Act, which instead punishes employer non-compliance. It noted that Section 19 of the Act casts explicit duties upon employers to provide a safe working environment, organize workshops, and assist victims in initiating criminal proceedings under the Penal Code.

“Although, sexual harassment is defined in Section 3 of Act of 2013, yet subjecting a woman to sexual harassment is not an offence under the provisions of the said Act... The only offence which is punishable under the Act of 2013 is non-compliance with the provisions of the said Act...”

HIGH COURT OF JAMMU AND KASHMIR • 2020

SOURCE JKHC020052432016

05 Shobha C. v. Union of India

HIGH COURT OF KARNATAKA • 2025-04-23 • WP/17946/2023

The petitioner, an Assistant Superintendent of Post Offices, challenged an inquiry report submitted by an Internal Complaints Committee (ICC) regarding her allegations of sexual harassment against her superior. She argued that the ICC was not properly constituted under the POSH Act and that her complaint should have been referred to a Local Complaints Committee because the respondent was her reporting officer. She also challenged subsequent transfer orders and requested disciplinary action against the respondents. The respondents contended that the ICC was properly constituted and acted within its jurisdiction.

HELD The Karnataka High Court observed that it is incumbent on the ICC to take steps to settle the matter through conciliation before inquiring, and that under Section 11, the ICC holds powers equivalent to a civil court. After the completion of the inquiry, the ICC must submit its report within ten days to the employer, who is then required to act on its recommendations.

“It is incumbent upon the ICC to take steps to settle the matter between the complainant and the perpetrator through conciliation before it proceeds to enquire into the complaint and under Section 11 of POSH Act, 2013, the manner of conduct of an enquiry is prescribed...”

HIGH COURT OF KARNATAKA • 2025

SOURCE KAHC010414702023

06 Shital Prasad Sharma v. State of Rajasthan

HIGH COURT OF RAJASTHAN • 2018-04-06 • CW/2313/2018

The petitioner, a government official, challenged an enquiry report and a subsequent order of removal from service based on allegations of sexual harassment at the workplace. He contended that the enquiry process violated the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, citing procedural irregularities, including a lack of opportunity to cross-examine witnesses, improper committee

composition, and failure to provide essential documents during the investigation. The respondents maintained that the charges were proven and justified the disciplinary action taken against him. The court examined the procedural validity of the enquiry and the petitioner's claims regarding the violation of statutory requirements.

HELD The Rajasthan High Court held that the word "preferably" in Section 4(2)(b) means that members having legal knowledge are preferred, but the lack of such members does not vitiate the committee. Furthermore, the absence of an NGO member on the day of submitting the report does not invalidate the proceedings if a minimum of three members, including the Presiding Officer, were present as required under Rule 7(7).

"...once a Committee is constituted as per Section 4 of the Act of 2013, there cannot be change of Presiding Officer as per rank of official against whom charge of sexual harassment is framed... since the word 'preferably' is there, it cannot be construed that any person having no legal knowledge will not be able to be a member of the Committee."

HIGH COURT OF RAJASTHAN • 2018

SOURCE RJHC020456732018

07 S. Rajesh v. The Secretary to the Government of Tamilnadu

MADRAS HIGH COURT • 2017-08-29 • WP/25803/2015

The petitioner, a school teacher, challenged a disciplinary charge memo issued against him regarding allegations of sexual harassment toward students and staff. The High Court declined to quash the charge memo, noting that such intervention is only permissible in exceptional circumstances like jurisdictional error or mala fides, none of which were established here. The court held that the petitioner must face the departmental enquiry.

HELD The Madras High Court reaffirmed that under Section 4, every employer is mandated to constitute an Internal Complaints Committee by an order in writing. It noted that the term of the Presiding Officer and every member of the IC must be specified by the employer and shall not exceed three years.

"The term "employer" was defined under Section 2(g) of the Act. The term "Internal Committee" means an Internal Committee constituted under Section 4 of the Act. Thus, the Internal Committee should be constituted pursuant to the requirements stipulated under Section 4 of the Act."

MADRAS HIGH COURT • 2017

SOURCE HCMA010819822015

08 S. Murugan v. State of Tamil Nadu

MADRAS HIGH COURT • 2019-02-14 • WP/25213/2018

This case involved cross-petitions regarding a sexual harassment complaint filed by a Superintendent of Police against a Joint Director within the Tamil Nadu Directorate of Vigilance and Anti-Corruption. The parties challenged the legal validity of the Internal Complaints Committee (ICC) constituted to investigate the matter and the subsequent procedures, including the referral of the case to the CBCID. The dispute centered on

whether the ICC was established in compliance with Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the propriety of administrative transfers pending the inquiry.

HELD The Madras High Court noted that Section 4 requires the employer to nominate members of the ICC, including a woman Presiding Officer and an external NGO member, with at least half the members being women. It traced the development of workplace safety guidelines from *Vishaka v. State of Rajasthan* (1997) to the 2013 Act.

“This clause provides for the constitution of Internal Complaints Committee. It provides that every employer of a workplace shall constitute, by an order in writing, a Committee to be known as the “Internal Complaints Committee”...”

MADRAS HIGH COURT • 2019

SOURCE HCMA013472802018

09 Renu Oraon v. State of Jharkhand

HIGH COURT OF JHARKHAND • 2024-04-03 • LPA/587/2023

The appellant, a Home Guard, challenged the constitution of an Internal Complaint Committee (ICC) established to investigate her allegations of sexual harassment at her workplace. She argued that the members appointed to the committee were biased because they had previously conducted inquiries against her or had prior professional associations that conflicted with the independent nature required by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The High Court, invoking principles of natural justice and citing Supreme Court precedents regarding institutional bias, held that the presence of biased members undermines the integrity of the process. Consequently, the Court set aside the existing committee, emphasizing that the ICC must be composed of independent, impartial individuals to ensure a fair inquiry.

HELD The High Court of Jharkhand held that the concept of bias is integral to the rules of natural justice, and a person against whom an apprehension of likelihood of bias is made should not be part of the ICC. If right-minded persons would think there is a real likelihood of bias, the inquiring officer must not conduct the inquiry.

“By now this is a well settled proposition in law th at any aggrieved party must have a fair opportunity to present his case. This is also well settled that the concept of bias is integral part of the r ules of natural justice... If a reasonable man would think on the basis of the existing circumstances that he is likely to be prejudiced, that is sufficient to quash the decision...”

HIGH COURT OF JHARKHAND • 2024

SOURCE JHHC010379722023

10 Punjab and Sind Bank and Ors. v. Mrs. Durgesh Kuwar

SUPREME COURT OF INDIA • 2020-02-25 • 2020 INSC 225

The Supreme Court examined a case involving a bank officer who was transferred after reporting financial irregularities and making allegations of sexual harassment against her Zonal Manager. The court held that while transfer is an administrative exigency, the order in this case was vitiated by mala fides and constituted victimization. Consequently, the court affirmed the High Court's decision to quash the transfer and ordered the respondent's reinstatement at her original post for one year.

HELD The Supreme Court held that the purpose of having an external member from an NGO under Section 4(2)(c) of the Act is to ensure the presence of an independent person who can aid, advise, and assist the Committee and obviate institutional bias. Appointing a panel lawyer of the employer bank violates this purpose and constitutes a fundamental defect.

"The purpose of having such a member is to ensure the presence of an independent person who can aid, advise and assist the Committee. It obviates an institutional bias... This being the position, there is no reason or justification on the part of the bank not to accede to the request of the respondent for replacing Ms. Seema Gupta with a truly independent third party..."

SUPREME COURT OF INDIA • 2020

SOURCE ESCR010002762020

11 Raj Kumar Dey v. The State Bank of India

CALCUTTA HIGH COURT • 2022-05-19 • WPA/20332/2017

The petitioner challenged an order of compulsory retirement issued by his employer, State Bank of India, following an Internal Complaints Committee (ICC) report that found him guilty of sexual harassment. The petitioner argued that the ICC report was merely preliminary and that a full disciplinary proceeding, including a chargesheet and inquiry, was required under his service rules. The bank maintained that the ICC inquiry satisfied the legal requirements for disciplinary action.

HELD The Calcutta High Court held that an inquiry conducted by the ICC is a full-fledged inquiry wherein the parties get ample opportunities to prove their contentions, and finality is attached to it. Under Section 13(4) of the Act, the employer is legally obligated to act upon the recommendations of the ICC.

"...this Court is of the considered view that an inquiry conducted by the ICC is a full fledged enquiry wherein the parties get ample opportunities to prove their contentions and a finality is also attached to such inquiry... Subsection 4 of Section 13 casts an obligation on the employer to act upon the recommendation of ICC."

CALCUTTA HIGH COURT • 2022

SOURCE WBCHCA0381972017

12 Dr. Nirmal Kanti Chakraborti v. Vaneeta Patnaik & Ors.

CALCUTTA HIGH COURT • 2024-12-23 • FMA/873/2024

This case involves an appeal against a Single Bench order regarding a sexual harassment complaint filed under the POSH Act. The Local Complaint Committee had rejected the respondent's complaint on the grounds of

limitation. The Single Bench held that the issue of limitation constitutes a mixed question of law and fact, requiring evidence rather than being decided at the threshold. Furthermore, the court emphasized that the committee should evaluate the complaint based on its face value rather than defenses raised by the appellant. The High Court affirmed the lower court's decision to set aside the rejection, directing the committee to proceed with the inquiry on the merits.

HELD The Calcutta High Court observed that Section 9 of the POSH Act confers a right to make a written complaint of sexual harassment within three months of the incident, or the last incident in a series. The Court noted that the definition of "sexual harassment" in Section 2(n) is inclusive and expanded by the circumstances of a hostile work environment listed in Section 3.

"Any woman subjected to sexual harassment at the workplace is conferred a right to make a complaint in writing either to the internal committee... within three months from the date of the incidents and in case of series of incidents, within three months from the date of the last incident under Section 9 of the POSH Act."

CALCUTTA HIGH COURT • 2024

SOURCE WBCHCA0325622024

13 Dr. (Smt.) Savitri Tripathi v. State of Chhattisgarh

HIGH COURT OF CHHATTISGARH • 2021-10-25 • WPCR/174/2018

The petitioner, a professor, alleged sexual harassment and use of obscene language by a colleague from a different college. She sought court intervention to compel state authorities to initiate criminal proceedings against the accused, arguing that previous departmental inquiries were insufficient and failed to follow Vishaka guidelines. The respondents contended that the incident did not occur within the same workplace, a departmental inquiry had already been conducted resulting in a warning to the accused, and no legal obligation existed for the employer to register an FIR on behalf of the employee. The court reviewed the jurisdictional scope of sexual harassment guidelines and the status of the disciplinary proceedings.

HELD The Chhattisgarh High Court listed the definitions of "employer" and "workplace" under Section 2 of the Act, noting that the workplace includes private sector organizations, private ventures, or any place visited by the employee arising out of or during the course of employment. The Court held that when an incident is not in the same workplace, there is no automatic duty on the employer to register an FIR.

"...the relevant provisions which are necessary for adjudication of the points raised in the petition are Sections 2(g), 2(n), 2(o), 9, 11 and 13 of the Act, 2013..."

HIGH COURT OF CHHATTISGARH • 2021

SOURCE CGHC010094702018

14 K. Hema Latha v. State of Tamil Nadu

MADRAS HIGH COURT • 2018-03-08 • WP(MD)/5182/2013

The petitioner sought the constitution of a proper Internal Complaints Committee to investigate allegations of sexual harassment against the fifth respondent, citing the Supreme Court's guidelines in the Vishaka case. The court found that the existing inquiry was conducted improperly, lacked a committee constituted in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and was held at an inconvenient location for the petitioner.

HELD The Madras High Court set aside the previous inquiry report as legally deficient and biased. It ruled that a committee must be constituted strictly under Section 4 of the 2013 Act, and authorities must act with sensitivity and impartiality when addressing sexual harassment complaints.

"This clause provides for the constitution of Internal Complaints Committee. It provides that every employer of a workplace shall constitute, by an order in writing, a Committee to be known as the "Internal Complaints Committee"..."

MADRAS HIGH COURT • 2018

SOURCE HCMD011636512013

15 Indian Institute of Technology v. Anandh Subramaniam

ALLAHABAD HIGH COURT • 2023-05-25 • SPLA/338/2023

This case concerns an intra-court appeal against a Single Judge's order that modified a previous judgment. The original judgment had settled a prior service dispute between the parties through conciliation, where the petitioner accepted a penalty of withheld increments to resolve litigation. Later, the institution initiated fresh proceedings and imposed compulsory retirement on the petitioner based on new complaints and the petitioner's past conduct. The Single Judge attempted to clarify the original judgment by stating it prevented further disciplinary action based on past events, effectively terming the institution's subsequent actions as contemptuous. The appellate court found this modification exceeded the scope of the original order, holding that the effect of the previous settlement on subsequent disciplinary proceedings must be decided in the active writ petition challenging the compulsory retirement.

HELD The Allahabad High Court held that under Section 13(3) and (4) of the POSH Act, once the ICC finds allegations proved, the employer must act upon the recommendation within 60 days. The mandate of the Act is that no further regular departmental inquiry is required after the ICC's report, and arguments to the contrary represent a misconception of the law.

"A careful reading of Section 13(3) & (4) of the POSH Act, 2013 indicates that on receipt of the report of the Internal Committee... the employer has to take action, treating the sexual harassment as a misconduct... The mandate of the POSH Act, 2013, thus, is that on the recommendation of the Internal Committee to the employer to take action for sexual harassment as a misconduct, no further inquiry is required."

ALLAHABAD HIGH COURT • 2023

SOURCE UPHC011112252023

Dr. Sohail Malik v. Union of India & Anr.

SUPREME COURT OF INDIA • 2025-12-10 • 2025 INSC 1415

This case concerns the jurisdictional reach of the Internal Complaints Committee (ICC) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The court addressed whether an ICC in the aggrieved woman's department could inquire into a complaint against an employee from a different department. The Supreme Court held that the ICC at the workplace where the incident occurred has jurisdiction to conduct the preliminary fact-finding inquiry. The court clarified that the Act's remedial purpose necessitates an expansive interpretation of 'workplace' and that procedural provisions regarding the 'respondent's' employer do not bar the aggrieved woman's department from initiating the inquiry process.

HELD The Supreme Court held that the neutral definitions of 'employee' and 'workplace' enable an ICC constituted at the aggrieved woman's workplace to exercise jurisdiction over a respondent employed in a completely different department. The Court held that Section 11(1) operates as a procedural framework rather than a jurisdictional restraint.

"The taboo around sexual harassment at the workplace and the fear of stigma which may be attached to the aggrieved woman as a consequence of a complaint regarding sexual harassment already poses a massive psychological barrier for the aggrieved women which actively dissuades them from pursuing their remedy in law. In such view of the matter also, the intent of the legislature behind giving such a wide meaning to the word 'workplace' to go beyond the bounds of the traditional meaning implying location of the office, cannot be brushed aside by narrow construction of other provisions of the POSH Act."

SUPREME COURT OF INDIA • 2025

SOURCE ESCR010006832025

17 Initiatives for Inclusion Foundation & Anr. v. Union of India & Ors.

SUPREME COURT OF INDIA • 2023-10-19 • 2023 INSC 927

This writ petition sought judicial intervention to ensure the effective implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, across India. The petitioners highlighted widespread failures in appointing district officers, constituting Local Committees, and ensuring compliance by various workplaces. The Supreme Court issued comprehensive directives requiring Union and State governments to appoint nodal persons for coordination, designate district officers to oversee local implementation, and mandate the creation of Internal Committees in all applicable establishments. Furthermore, the Court ordered the development of training programs, the systematic collection of annual compliance reports, and public awareness campaigns to ensure the Act functions effectively in both organized and unorganized sectors.

HELD The Supreme Court issued comprehensive directions to ensure the effective implementation, enforcement, and workability of the POSH Act. It directed all States and Union Territories to notify and appoint District Officers, establish Local Committees, and systematically collect and publish Annual Compliance Reports.

“To fulfill the promise that the PoSH Act holds out to working women all over the country, it is deemed appropriate to issue the following directions : 87.1 The Union of India, all State Governments and Union Territories are directed to undertake a time bound exercise to verify as to whether all the concerned Ministries, Departments, Government organizations, authorities, Public Sector Undertakings, institutions, bodies, etc. have constituted ICCs/LCs/ICs, as the case may be and that the composition of the said Committees are strictly in terms of the provisions of the POSH Act.”

SUPREME COURT OF INDIA • 2023

SOURCE ESCR010006602023

18 CSB Limited v. Kerala State Human Rights Commission

HIGH COURT OF KERALA • 2022-08-31 • WP(C)/25628/2022

This case concerns a writ petition filed by CSB Limited challenging an interim order from the Kerala State Human Rights Commission. The Commission had directed the bank to allow an employee to rejoin her post and regularize her absences following her allegations of workplace harassment. The petitioner argued that the Commission lacked the jurisdiction to interfere in service and labor-related matters, that its orders are merely recommendatory, and that it violated principles of natural justice by issuing directions without hearing the bank. The court addressed whether the Commission exceeded its authority in a dispute involving internal service transfers and workplace safety allegations.

HELD The Kerala High Court emphasized that the POSH Act was enacted to provide protection against sexual harassment at the workplace and secure safe environments under Articles 14, 15, and 21 of the Constitution. It observed that the employer is duty-bound to safeguard the working environment from further harassment.

“The employer is duty bound to safeguard the working environment from further harassments also.”

HIGH COURT OF KERALA • 2022

SOURCE KLHC010540872022

19 S. Ravi Selvan v. Central Board of Indirect Taxes & Customs

MADRAS HIGH COURT • 2022-09-09 • WP/17798/2022

The petitioner, a Principal Commissioner of Customs, challenged the constitution of an Internal Complaints Committee (ICC) formed to investigate a sexual harassment complaint filed against him by another officer. He argued that the ICC proceedings were illegal, biased, and outside the scope of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), asserting that they did not share a common workplace and that the complaint was a mala fide retaliation. The court rejected these contentions, holding that the POSH Act does not restrict its applicability solely to employees working in the same department. It further determined that procedural challenges, such as the composition of the committee and questions of limitation, must be addressed through the internal inquiry process rather than by a writ petition at the preliminary stage.

HELD The Madras High Court held that the POSH Act's applicability is not restricted solely to employees working in the same department, but applies generally to harassment in a workplace. It clarified that the issue of limitation under Section 9 is essentially a question of fact to be investigated by the ICC.

"The preamble of the POSH Act, 2013 does not restrict its applicability to an employee alone. The only criteria that has to be satisfied for its applicability is that the sexual harassment must have taken place in a workplace."

MADRAS HIGH COURT • 2022

SOURCE HCMA011023522022

20 Anjali Kumari v. Union of India

CALCUTTA HIGH COURT • 2022-08-11 • WPA/1935/2022

The petitioner challenged a report and show cause notice issued by her employer, NHPC Limited, alleging professional misconduct. She contended that these actions were retaliatory in response to a sexual harassment complaint she filed against a senior official, and that the employer failed to follow mandatory disciplinary procedures. The Court found that NHPC failed to constitute an Internal Complaints Committee in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and failed to adhere to its own Conduct Discipline and Appeal Rules during the disciplinary process. Consequently, the Court held the impugned notices to be procedurally invalid and quashed them, emphasizing the importance of keeping boundaries between harassment complaints and disciplinary proceedings.

HELD The Calcutta High Court quashed a retaliatory show cause notice issued to the petitioner shortly after she raised allegations of sexual harassment. The Court held that the employer's failure to constitute an ICC under Section 4, instead appointing a single gentleman as the investigating officer, was patently contrary to the mandatory requirements of the Act.

"Section 4 carries a mandate on every employer of a work place to constitute by an order in writing, an Internal Complaints Committee... A letter of an Investigating Officer dated 17.05.2022 proves that a sole gentleman was appointed as the Investigating Officer to inquire into the complaint which is patently contrary to the requirements of the 2013 Act."

CALCUTTA HIGH COURT • 2022

SOURCE WBCHCJ0032492022

21 Nisha Priya Bhatia v. Union of India

SUPREME COURT OF INDIA • 2020-04-24 • 2020 INSC 355

The appellant, an officer in the Research and Analysis Wing (R&AW), challenged her compulsory retirement under Rule 135 of the Research and Analysis Wing (Recruitment, Cadre and Services) Rules, 1975, following exposure of her identity and allegations of sexual harassment. The Supreme Court upheld the validity of Rule 135, ruling that compulsory retirement for security reasons is not a penal action and therefore does not violate Article 311 of the Constitution. The Court clarified that such retirement does not require a prior inquiry as it is a

non-punitive measure in the public interest. However, the Court awarded the appellant Rs. 1,00,000 in compensation for the violation of her fundamental rights due to the authorities' insensitive handling of her sexual harassment complaint.

HELD The Supreme Court held that a non-hostile working environment is a basic limb of dignified employment, and that the denial of a timely inquiry by a competent forum constitutes a violation of fundamental rights under Articles 14 and 21. It awarded Rs. 1,00,000 in constitutional compensation for the insensitive handling and improper constitution of the committee.

"The scheme of the 2013 Act, Vishaka Guidelines and Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) predicates that a non-hostile working environment is the basic limb of a dignified employment... The denial of timely inquiry and by a competent forum, inevitably results in denial of justice and violation of fundamental right."

SUPREME COURT OF INDIA • 2020

SOURCE ESCR010000172020

22 Rashi v. Union of India

HIGH COURT OF DELHI • 2019-12-06 • W.P.(C)/3396/2019

The petitioner, a former contractual employee, challenged the constitution of an Internal Complaints Committee (ICC) regarding her sexual harassment complaint against a Secretary-level officer. While the court initially directed that the ICC be constituted based on pre-POSH Act government memoranda, the Union of India sought a review, arguing that the POSH Act supersedes those memoranda and that the ICC should be established according to Section 4 of the POSH Act. The Court, in its review, acknowledged that the relevant government memoranda were no longer in operation and upheld the constitution of the new ICC formed under the POSH Act, noting that the committee met all statutory requirements regarding composition and impartiality.

HELD The Delhi High Court held that the underlying object of the ICC is to ensure that the inquiry is impartial and unbiased, and that the external member is appointed to secure neutrality. It affirmed that post-enactment, the committee must be constituted strictly in terms of Section 4 of the POSH Act.

"The underlying object of constituting the ICC... is that the inquiry ought to be impartial and fair. For the said purpose to be achieved, the ICC ought to be an independent and unbiased body. External members are appointed on the ICC to ensure neutrality of the ICC."

HIGH COURT OF DELHI • 2019

SOURCE DLHC010169872019

23 X v. Internal Disputes Committee

BOMBAY HIGH COURT • 2018-07-23 • WP/6597/2018

The petitioner challenged the constitution of the Internal Complaints Committee (ICC) established to address allegations of sexual harassment, arguing it did not comply with the requirements set forth in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The respondents

contended the Act was inapplicable as the alleged incidents occurred outside the workplace. The High Court, without determining the merits of the dispute or the applicability of the Act, directed the authorities to constitute a committee in accordance with Section 4 of the Act within two weeks and complete the proceedings within eight weeks. The court also facilitated the petitioner's return to duty and required her to undergo a medical board assessment.

HELD The Bombay High Court directed the employer to properly constitute an Internal Complaints Committee in accordance with Section 4 within two weeks. The Court emphasized that every employer of a workplace must constitute a committee by an order in writing with members meeting the criteria of Section 4(2).

"The petitioner's grievance is that the Committee constituted as per order dated 2nd July, 2016 has not been properly constituted under the provisions of Section-4 of Chapter II of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013."

BOMBAY HIGH COURT • 2018

SOURCE HCBM010218732018

24 Prof. Anandh Subramaniam v. Union of India

ALLAHABAD HIGH COURT • 2025-05-04 • WRIA/4492/2023

The petitioner, a professor at IIT Kanpur, challenged his compulsory retirement following an inquiry into allegations of sexual harassment brought by a student under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (PoSH Act). The petitioner contended that the internal inquiry process violated the principles of natural justice, specifically alleging bias, denial of legal representation, improper cross-examination procedures, and the failure to adhere to the Central Civil Services (CCS) Rules. He also challenged the validity of the internal IIT rules framed to conduct such inquiries.

HELD The Allahabad High Court held that under Section 11 of the POSH Act, when the respondent is an employee, the ICC must conduct the inquiry in accordance with applicable service rules, or where none exist, as prescribed. It emphasized that procedural deviations affecting a party's substantial defense can prejudice the validity of the inquiry.

"A bare reading of the statute would show that an ICC, where the respondent (delinquent) is an employee, is obliged to inquire into the complaint in accordance with the service rules applicable to the employer's establishment and in the contingency, where no such rules exist, the Internal Committee must proceed in such manner as prescribed."

ALLAHABAD HIGH COURT • 2025

SOURCE UPHC010549422023

25 Ms (x) v. Internal Complaints Committee, Ani Technologies Private Limited

HIGH COURT OF KARNATAKA • 2024-09-30 • WP/8127/2019

The petitioner, a passenger who suffered sexual harassment by a driver while using the OLA taxi platform, challenged the Internal Complaints Committee's refusal to investigate her complaint. The Committee and the company argued that they lacked jurisdiction under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, because the driver was neither an employee nor a contractor of the company, but an unauthorized impostor. The High Court considered whether the statutory framework applied to such platforms. Ultimately, the court examined the scope of the legislation regarding service providers and the obligations of aggregators to ensure the safety of passengers using their platform.

HELD The Karnataka High Court held that digital aggregators and their ICCs have a public duty and statutory obligation involving a public law element. It ruled that under Section 4 of the POSH Act, the aggregator is obligated to constitute an ICC to ensure the safety and security of individuals using their platforms.

“Ola being an employer of workplace is obligated to by an order in writing to constitute Internal Complaints Committee which is a duty cast on Ola under the statute which it owes to public at large... Employers like that of OLA and their internal complaint committee as that of ICC are thus have a corresponding 'public duty and obligation'...”

HIGH COURT OF KARNATAKA • 2024

SOURCE KAHC010048482019

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