

DRAFTS

“Notice to appear before the IC”

Section 11 of the POSH Act 2013 provides for the procedure to be followed by the **POSH** Internal Committee for inquiring into sexual harassment complaint where it mentions specifically that both the parties have to be given equal opportunities to make representations against the findings before the committee.

It is the primary responsibility of the IC to follow the principle of natural justice at all times during the inquiry proceedings and ensure both the parties are being heard and are able to present their case before the IC.

On receipt of the written complaint, if the IC finds that the complaint is valid and fulfills the requirements under the POSH Act 2013, should send notices to the complainant and the respondent to appear before the committee for hearings to understand the nature and context of the incidents that have taken place. The drafts of such notices sent to the Complainant and Respondent are shared below for your reference.

Sample drafts of the “Notice to appear before the IC” sent to the complainant to appear before the Internal Committee once the written complaint is received

To,
(Name & address of the complainant)

Subject: Notice to appear before the Internal committee.

Your complaint has been received by the Internal Committee on dd/mm/yy. You are requested to appear before the committee for a meeting on _____(date) at _____(time) at _____(place).

Please attend the meeting with all relevant documents, names of the witnesses if any, or any other evidence pertaining to the alleged incident/incidents.

Note: You should attend the meeting personally. No third party (including a legal practitioner) can represent the complainant.

(Signed by Chairperson of IC)
(Name & designation)

Sample draft of the “Notice to appear before the IC” sent to the respondent to appear before the Internal Committee once the written complaint is received

To
Respondent Name
Address

Subject: Notice to the appear before the Internal Committee

Please refer to the attached copy of the sexual harassment complaint received by the committee on (dd/mm/yy).

Kindly acknowledge receipt of the notice and you are required to appear before the committee on _____ (date) at _____ (time) at _____ (address of the place of meeting) along with relevant documents, evidence and the list of witnesses, if any.

Please note that you should attend the meeting personally. No third party (including a legal practitioner) can represent the respondent.

(Signed by Chairperson of IC)
(Name & designation)

PS:
Copy of the complaint to be enclosed.
Copy to: (name and address of the complainant)