

## Delhi High Court reiterates the exclusive role of the Internal Committee in addressing sexual harassment complaints

In the recent case of *Prof. Rasal Singh vs. University of Delhi and Ors.*<sup>1</sup>, a single judge bench of the High Court of Delhi (“**Delhi HC**”) clarified critical aspects of the procedural framework under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**POSH Act**”). It held that parallel fact-finding mechanisms outside the statutory framework under the POSH Act are *de hors* the provisions of the statute. It additionally reaffirmed that employers retain inherent powers under service rules to suspend employees pending inquiry, subject to compliance with principles of natural justice and ensuring non-stigmatisation.

### Brief facts

Between March 13, 2025 and April 24, 2025, 3 (three) female assistant professors at Ramanujan College (“**College**”) filed complaints with the College and University of Delhi (“**DU**”), against the Principal, Prof. Rasal Singh, alleging professional misconduct and behaviour amounting to sexual harassment. Instead of referring the complaints to the statutory Internal Committee (“**IC**”), DU’s deputy registrar formed an *ad hoc* fact-finding committee (“**Committee**”) to examine the allegations. The Committee conducted hearings and submitted a report concluding that (a) charges were of the nature of sexual harassment; (b) complainants felt threatened and unsafe; (c) an environment of fear and anxiety had been created; and (d) there may be unreported instances as part of the current matter.

The Committee recommended that the complaints be referred to DU’s IC. Thereafter, relying on this report and with approval from the Vice Chancellor, DU, the Chairperson of the College passed a suspension order dated September 18, 2025, against Prof. Singh. In response, Prof. Singh challenged the constitution of the Committee, validity of its report, and DU’s suspension order, before the Delhi HC.

### Issues

The main issues before the Delhi HC were:

1. whether an employer can legally constitute an *ad hoc* fact-finding committee pursuant to a complaint received under the POSH Act prior to referring the matter to an IC;
2. whether an employer has the power to suspend an employee for a case involving allegations under POSH Act; and
3. whether the specific suspension order was legally unsustainable by virtue of being ‘stigmatic’ in nature?

<sup>1</sup> W.P.(C) 14760/2025 (decided on April 24, 2026)

## Findings and analysis

The Delhi HC undertook a detailed analysis of the statutory scheme under the POSH Act and principles of service jurisprudence governing disciplinary action.

### Inherent power of suspension

The Delhi HC held that the power to suspend an employee is an inherent administrative power vested in the employer, rooted in service jurisprudence and traceable to the master-servant relationship itself. Further, it clarified that Section 28 of POSH Act declares the legislation to be “*in addition to and not in derogation of*” other laws. Therefore, POSH Act is supplementary in nature and neither prescribes the power of suspension, nor does it regulate or restrict its exercise. Power of suspension exists independently of the POSH Act, and it is the service rules that define its scope, limits and the competent authority to exercise it.

Accordingly, employers could place employees under suspension pending inquiry in appropriate cases, including those involving allegations of sexual harassment, provided such action is taken in accordance with service rules and principles of natural justice.

### POSH Act creates a self-contained mechanism for redressal

A central aspect of the ruling was Delhi HC’s rejection of DU’s attempt to introduce a parallel fact-finding mechanism. It held that constituting an *ad hoc* committee to screen or preliminarily assess complaints before they are placed before the IC is not contemplated under the POSH Act and is legally impermissible. Relying on the Supreme Court of India’s observations in *Aureliano Fernandes vs. State of Goa*<sup>2</sup> and its own observations in *Surender Singh vs. Union of India*<sup>3</sup>, the Delhi HC noted that the legislature has designed a carefully crafted mechanism to deal with complaints relating to sexual harassment through the POSH Act, including statutory safeguards such as confidentiality, given the sensitive nature of such cases. It emphasised that constituting a separate committee for inquiring into complaints of sexual harassment would be *de hors* the POSH Act and in complete violation of it.

Delhi HC cited reasons such as lack of: (a) confidentiality; (b) expertise for handling sensitivity of matters; (c) impartiality; and (d) adherence to timelines, as the main drawbacks of constituting an *ad hoc* committee as opposed to the IC constituted in accordance with POSH Act. It emphasised that the POSH Act establishes a complete and self-contained mechanism for addressing complaints of sexual harassment, and any deviation from this framework undermines statutory safeguards such as procedural fairness, confidentiality, and institutional competence.

### Stigmatic nature of suspension order

While upholding the employer’s power to suspend, Delhi HC examined the language of the suspension order and found it to be stigmatic, as it referred to “*serious misconduct and harassment*” prior to completion of a formal inquiry. It emphasised that such language in a suspension order could create a negative opinion of the person before guilt is established, which would compromise the constitutional guarantee of presumption of innocence. Delhi HC further observed that at the stage of suspension, the employer’s role is limited to determining whether the continuance of the employee in service would prejudice the inquiry or is undesirable in public interest, but it does not extend to adjudicating upon or publicly affirming the character of the allegations.

---

<sup>2</sup> (2024) 1 SCC 632

<sup>3</sup> 2023 SCC OnLine Del 3395

Delhi HC held that suspension, being an interim measure, must not carry any imputation of guilt or prejudice the outcome of the inquiry. Orders of suspension must therefore be neutral in tone and avoid language that suggests culpability.

## Relief granted

In light of the above findings, the Delhi HC:

1. set aside the Committee and its report;
2. quashed the suspension order on grounds that it was stigmatic; and
3. granted liberty to the employer to issue a fresh suspension order in accordance with law.

## Conclusion

The decision of the Delhi HC has significant compliance implications for employers across sectors, particularly in relation to workplace investigations and disciplinary action under the POSH Act framework.

First, the ruling reinforces the exclusive jurisdiction of the IC in handling complaints of alleged sexual harassment. Accordingly, employers must ensure that all such complaints are routed directly through the statutory mechanism, without introducing any informal or parallel inquiry processes.

Second, the judgment provides clarity that disciplinary powers, including suspension, remain available to employers, even in cases involving alleged sexual harassment. However, such powers must be exercised independently of the statutory inquiry framework under POSH Act and in accordance with service rules and principles of natural justice.

Third, the decision highlights the importance of careful drafting of suspension orders. Employers must ensure that such orders are non-stigmatic, do not prejudice guilt, and clearly reflect their interim and administrative nature.

Finally, the ruling underscores the need for robust internal governance frameworks, including:

1. alignment of internal policies with the POSH Act;
2. removal of any pre-screening or preliminary inquiry mechanisms in contravention of provisions under the POSH Act; and
3. sensitisation and training of relevant stakeholders including members from human resources departments and management personnel on statutory compliance.

Overall, the judgment strengthens procedural safeguards under POSH Act and signals a strict judicial approach towards deviations from the statutory scheme, thereby increasing compliance expectations for corporate employers.

## Employment Practice

JSA has a team of experienced employment law specialists who work with clients from a wide range of sectors, to tackle local and cross-border, contentious and non-contentious employment law issues. Our key areas of advice include (a) advising on boardroom disputes including issues with directors, both executive and non-executive; (b) providing support for business restructuring and turnaround transactions, addressing employment and labour aspects of a deal, to minimize associated risks and ensure legal compliance; (c) providing transaction support with reference to employment law aspects of all corporate finance transactions, including the transfer of undertakings, transfer of accumulated employee benefits of outgoing employees to a new employer, redundancies, and dismissals; (d) advising on compliance and investigations, including creating compliance programs and policy, compliance evaluation assessment, procedure development and providing support for conducting internal investigations into alleged wrongful conduct; (e) designing, documenting, reviewing, and operating all types of employee benefit plans and arrangements, including incentive, bonus and severance programs; and (f) advising on international employment issues, including immigration, residency, social security benefits, taxation issues, Indian laws applicable to spouses and children of expatriates, and other legal requirements that arise when sending employees to India and recruiting from India, including body shopping situations. JSA also has significant experience in assisting employers to ensure that they provide focused and proactive counselling to comply with the obligations placed on employees under the prevention of sexual harassment regime in India. We advise and assist clients in cases involving sexual harassment at the workplace, intra-office consensual relationships, including drafting of prevention of sexual harassment (POSH) policies, participating in POSH proceedings, conducting training for employees as well as Internal Complaints Committee members, and acting as external members of POSH Committees.

**This Prism is prepared by:**



**Gerald Manoharan**  
Partner



**Sonakshi Das**  
Partner



**Lijin Varughese**  
Associate



19 Practices and  
40 Ranked Lawyers



8 Ranked Practices,  
22 Ranked Lawyers



15 Practices and  
20 Ranked Lawyers



13 Practices and  
49 Ranked Lawyers



20 Practices and  
24 Ranked Lawyers



8 Practices and  
15 Ranked Lawyers  
Highly Recommended in 5 Cities



**Regional Legal Expertise Awards  
(APAC) of the Year**  
Energy Firm Competition/  
Antitrust Firm



Among Best Overall  
Law Firms in India and  
14 Ranked Practices



Recognised in World's 100 best  
competition practices of 2026



Ranked Among Top 5 Law Firms in  
India for ESG Practice

9 winning Deals in  
IBLJ Deals of the Year

15 A List Lawyers in  
IBLJ A-List – 2026



Asia M&A Ranking  
2025 – Tier 1

For more details, please contact [km@jsalaw.com](mailto:km@jsalaw.com)

[www.jsalaw.com](http://www.jsalaw.com)



Ahmedabad | Bengaluru | Chennai | Gurugram | Hyderabad | Mumbai | New Delhi



This Prism is not an advertisement or any form of solicitation and should not be construed as such. This Prism has been prepared for general information purposes only. Nothing in this Prism constitutes professional advice or a legal opinion. You should obtain appropriate professional advice before making any business, legal or other decisions. JSA and the authors of this Prism disclaim all and any liability to any person who takes any decision based on this publication.

Copyright © 2026 JSA | all rights reserved