



HANDBOOK ON INQUIRY PROCEDURE

FOR

INTERNAL COMMITTEE
AND LOCAL COMMITTEE

UNDER THE
POSH ACT

A Step-by-Step Procedural Guide, with Flowcharts and Frequently Asked Questions, under the **Sexual Harassment of Women at Workplace** (Prevention, Prohibition and Redressal) Act, 2013 and Rules, 2013 read with the Central Civil Services (Conduct) Rules, 1964 and the Central Civil Services (Classification, Control and Appeal) Rules, 1965



राष्ट्रीय महिला आयोग
NATIONAL COMMISSION
FOR WOMEN

NCW'S MANDATE

THE NCW IS TASKED WITH:

- **Safeguarding Women's Rights:** Reviewing constitutional provisions and laws affecting women and recommending amendments.
- **Addressing Violations:** Investigating cases of rights deprivation and taking Suo-moto cognizance of violations.
- **Policy Recommendations:** Advising the government on policy measures for women's welfare and equality.
- **Awareness and Advocacy:** Conducting studies, research, and campaigns to address discrimination and advance women's empowerment.
- **Monitoring Institutions:** Inspecting jails, remand homes, and women's institutions to ensure safety and well-being.
- **Legal Support:** Funding litigation on critical issues affecting women.
- **Annual Reporting:** Submitting reports to the Central Government on women's welfare and rights.

The NCW continues to play a pivotal role in creating a society where women can live with dignity, free from discrimination and violence.

FOREWORD



The right of every woman to work in an environment of dignity, equality and safety is a fundamental constitutional guarantee. A workplace free from sexual harassment is not merely a legal obligation imposed upon employers; it is an essential prerequisite for the meaningful participation of women in the nation's social, economic and professional life. The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2013 marked a significant milestone in strengthening this commitment by providing a comprehensive legal framework for prevention, prohibition and redressal of workplace sexual harassment.

Over the years, the National Commission for Women has observed that while awareness of the POSH Act has increased considerably, many Internal Committees (ICs) and Local Committees (LCs) continue to face practical challenges in conducting inquiries that are procedurally fair, legally sustainable and sensitive to the rights of all stakeholders. Questions frequently arise regarding the applicable procedure, interaction between the POSH Act and service rules, appreciation of evidence, adherence to principles of natural justice, maintenance of confidentiality and preparation of legally sound inquiry reports. These challenges underscore the need for practical guidance that translates statutory provisions into a clear and structured procedural framework.

It is with this objective that the National Commission for Women has prepared this Handbook on Inquiry Procedure for the Internal Committee and the Local Committee under the POSH Act. Unlike a mere compilation of statutory provisions, this Handbook serves as a practical guide for those entrusted with the important responsibility of conducting inquiries under the Act. It explains the inquiry process in a step-by-step manner, supported by flowcharts, procedural checklists, frequently asked questions and references to the governing legal provisions and judicial precedents.

One of the distinguishing features of this Handbook is that it separately explains the three procedural frameworks that may arise in practice before an Internal Committee where no service rules govern the respondent, before a Local Committee, and in

Government Departments where inquiries are conducted in conjunction with applicable service rules, including the Central Civil Services (Classification, Control and Appeal) Rules, 1965. By presenting these distinct procedures in a simple and accessible manner, the Handbook seeks to reduce procedural uncertainty and promote consistency in inquiry practices across institutions.

The National Commission for Women firmly believes that an effective redressal mechanism is not measured solely by the outcome of an inquiry, but equally by the fairness, transparency and integrity of the process itself. Internal Committees and Local Committees perform a quasi-judicial function that demands impartiality, independence, sensitivity, confidentiality and strict adherence to the principles of natural justice. A procedurally sound inquiry inspires confidence not only in the complainant and the respondent, but also in the institution as a whole.

I am confident that this Handbook will serve as a valuable reference for Presiding Officers, Committee Members, employers, disciplinary authorities, legal practitioners, human resource professionals, government officials and all others involved in implementing the POSH framework. It is my hope that this publication will contribute towards strengthening institutional capacity, promoting uniformity in inquiry procedures and fostering workplaces where every woman can work with dignity, confidence and security.

The National Commission for Women remains committed to advancing women's rights and to supporting institutions in the effective implementation of the law. I congratulate the Legal Cell of the Commission and all those associated with the preparation of this Handbook for this important initiative, and I commend this publication to all stakeholders engaged in ensuring safe and respectful workplaces across the country.

Smt. Vijaya Rahatkar

Chairperson

NATIONAL COMMISSION FOR WOMEN

DISCLAIMER

This handbook is intended to serve as a practical guide for members of Internal Committees (IC) and Local Committees (LC) constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”), and for officials and Committee members involved in inquiries into complaints against Government servants under the Central Civil Services (Conduct) Rules, 1964 and the Central Civil Services (Classification, Control and Appeal) Rules, 1965. It aims to provide procedural clarity, institutional guidance, and best practices for conducting fair, impartial, and legally sustainable inquiries.

This handbook sets out three distinct procedures before an Internal Committee where no service rules are available, where service rules are available and in Government Departments and before a Local Committee - as explained in Chapters 5, 6, and 7. Where an organisation, establishment, or Government servant is governed by its own applicable service rules, Standing Orders, or certified conduct rules, the inquiry must be conducted in strictly in accordance with the procedure prescribed under those rules, and not as per the general procedure set out in this handbook. The Government Departmental Procedure at Chapter 7 is provided as a worked illustration using the Central Government framework; State Government employees and employees of Public Sector Undertakings or statutory bodies with their own service rules should follow the analogous provisions of those rules.

This handbook does not constitute legal advice, and does not substitute for the text of the Act, the Rules, or any applicable service rules, all of which prevail in the event of any conflict or inconsistency with this handbook. Every legal citation in this handbook has been checked against primary sources or directly quoted judgment texts current as of the date of preparation; readers should independently verify citations before relying on them in any live proceeding, and should confirm whether any provision referenced has since been amended, repealed, or superseded.

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CHAPTER 1 : INTRODUCTION

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working environments for women and to provide an effective redressal mechanism against workplace sexual harassment. The right to a safe and dignified workplace is an essential component of gender equality and a fundamental aspect of constitutional protections guaranteed to women in India. Sexual harassment at the workplace not only violates the dignity and integrity of an individual but also creates barriers to equal participation, professional growth, and economic empowerment.

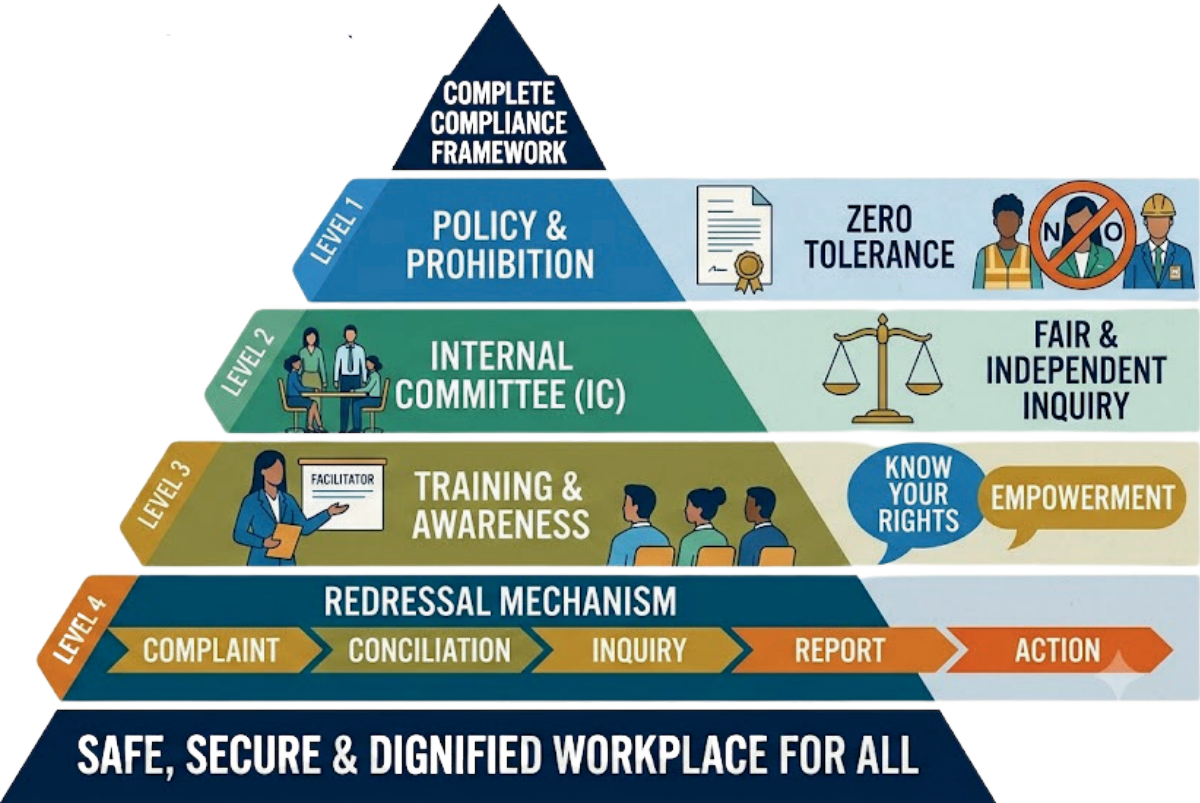
The effectiveness of the POSH framework depends significantly on the fairness, neutrality, and procedural integrity of Internal Committees (ICs) and Local Committees (LCs). These Committees are entrusted with responsibilities that are not merely administrative in nature, but quasi-judicial, requiring fairness, neutrality, procedural discipline, confidentiality, and sensitivity. In practice, ICs and LCs often encounter complex situations involving digital evidence, workplace hierarchies, interpersonal dynamics, concerns of retaliation, confidentiality obligations, and procedural challenges.

This Handbook has therefore been developed as a practical and comprehensive resource to assist IC and LC members in conducting inquiries in a legally sustainable, fair, and sensitive manner. It seeks to bridge the gap between statutory provisions and practical implementation by providing step-by-step inquiry procedures, guidance on principles of natural justice, best practices for recording evidence and conducting hearings. The Handbook also integrates important judicial principles and practical approaches evolved through implementation experience under the POSH framework.

The objective of this Handbook is not only to facilitate compliance with the law but also to strengthen institutional mechanisms that uphold dignity, equality, and justice at the workplace. This handbook seeks to provide practical guidance for conducting legally sustainable inquiries while maintaining sensitivity towards all stakeholders. This edition also sets out, for the first time in a single volume, three distinct

Procedural framework that a Committee may need to follow depending on who the respondent is: the general procedure before an Internal Committee, the procedure before a Local Committee, and the distinct procedure that applies where the respondent is a Government servant governed by service rules. Chapters 5, 6, and 7 set out each of these in full, with a flowchart at the end of each.

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 (POSH)



CHAPTER 2 : OBJECTIVES

The POSH framework seeks to establish a comprehensive institutional mechanism for prevention, prohibition, and redressal of workplace sexual harassment through clearly defined responsibilities, procedures, and safeguards. The key objectives of the POSH framework are as follows:

A. To Prevent Sexual Harassment at the Workplace

The primary objective of the POSH framework is preventive in nature. The law requires employers and institutions to proactively create safe working environments.

B. To Prohibit Unwelcome Conduct of Sexual Nature

The Act seeks to prohibit all forms of unwelcome conduct of a sexual nature, whether physical, verbal, non-verbal, written, visual, or digital.

C. To Provide a Time-Bound and Effective Redressal Mechanism

The Act aims to ensure accessible complaint mechanisms, prompt response to complaints, fair and impartial inquiry procedures, and time-bound disposal of complaints.

D. To Safeguard the Dignity and Equality of Women

The Act is founded upon constitutional principles of equality, dignity, and non-discrimination, and seeks to promote equality at the workplace while eliminating hostile and intimidating environments.

E. To Strengthen Institutional Accountability

The POSH framework places statutory obligations upon employers and institutions to establish effective preventive and redressal systems, including properly functioning Committees and awareness and training programmes.

F. To Encourage Reporting and Build Trust in Redressal Mechanisms

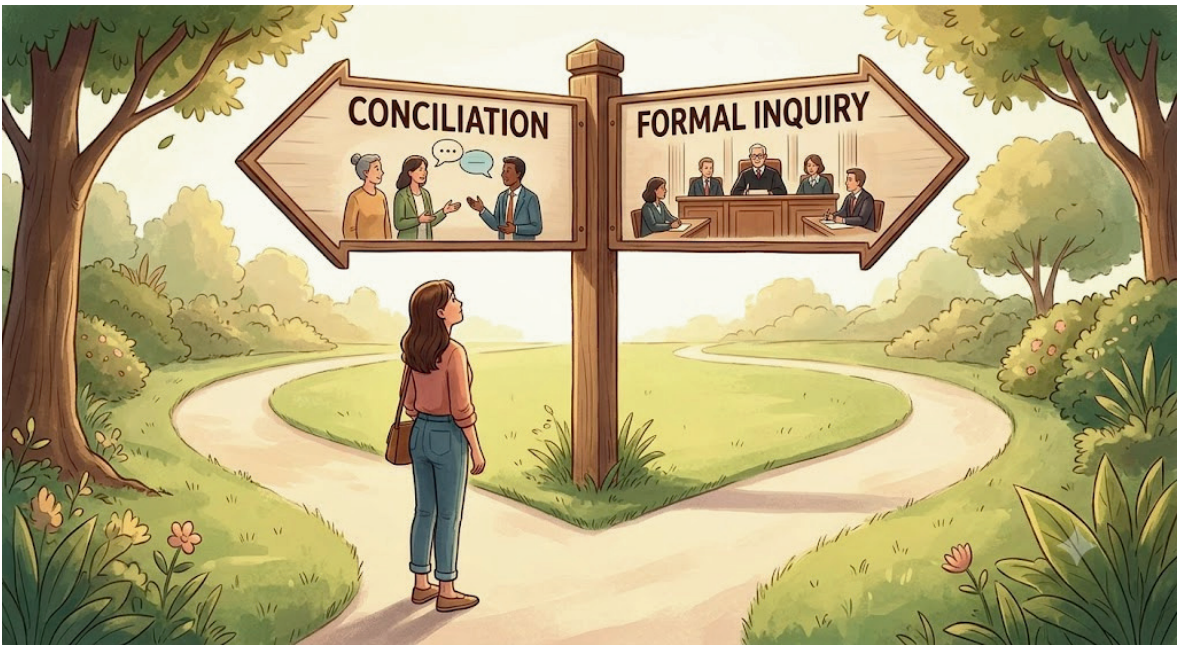
One of the major challenges in addressing workplace harassment is underreporting due to fear, stigma, retaliation, or lack of confidence in institutional systems. The Act aims to provide a credible inquiry system to strengthen confidence in workplace institutions.

G. To Promote Safe, Inclusive, and Respectful Workplaces

The Act aims to foster workplace cultures based on mutual respect, equality, professionalism, and inclusion, with zero tolerance towards harassment.

H. To Ensure Procedural Fairness and Natural Justice

The inquiry process under the Act must adhere to principles of procedural fairness. The credibility of the inquiry mechanism depends substantially upon the fairness and integrity of inquiry proceedings, requiring fair hearing to both parties, a neutral and unbiased inquiry, reasoned findings, and confidentiality.



CHAPTER 3 : ROLE AND RESPONSIBILITY OF IC/LC MEMBERS

The IC/LC members discharge quasi-judicial functions requiring fairness, neutrality, procedural discipline, confidentiality, and sensitivity. Their conduct and approach directly influence the credibility and effectiveness of the Act. The primary responsibility of ICs and LCs is to ensure that complaints of workplace sexual harassment are addressed in a fair, impartial, confidential, and time-bound manner while safeguarding the dignity and rights of all parties involved.

A. Receiving Complaints

The Committee members are responsible for receiving complaints and promoting a respectful and sensitive culture, and shall provide assistance where a complainant is unable to submit a written complaint. Complainants must not be discouraged, intimidated, or judged while approaching the Committee.

B. Conducting Fair and Impartial Inquiries

The inquiry process must remain free from personal opinions, assumptions, stereotypes, or external influence. Members must avoid conflicts of interest and should recuse themselves where necessary to preserve fairness and institutional credibility, conducting inquiries in accordance with natural justice, confidentiality, procedural fairness, and objectivity.

C. Maintaining Confidentiality

The Committee members must ensure confidentiality regarding the identity of parties, witness details, complaint contents, proceedings, recommendations, and findings, to prevent reputational harm and retaliation to the aggrieved woman.

D. Ensuring Procedural Discipline

The Committee members are responsible for ensuring that all statutory timelines are adhered to, hearings are properly documented, and proceedings are systematically conducted. A procedurally flawed inquiry may undermine the validity and credibility of the proceedings.

E. Protecting Against Retaliation and Victimization

The Committee must remain vigilant against any retaliatory conduct against the aggrieved woman, avoiding hostile or judgmental behaviour, moral policing, victim-blaming, and informal discussion of proceedings, and may recommend interim measures whenever necessary.

F. Recommending Appropriate Action

Upon completion of the inquiry, the Committee analyses evidence objectively and prepares a report with reasoned findings and appropriate recommendations, based strictly on the evidence produced before it.

G. Responsibility towards Institutional Culture

Apart from inquiry functions, ICs and LCs contribute towards creating safer workplace environments through awareness programmes, training sessions, sensitization initiatives, and policy implementation support.

Important Additional Role of the External Member

The external member serves as an important safeguard against institutional bias and contributes an independent perspective to the inquiry process, providing expertise on legal procedure and social perspective, supporting objective decision-making, and helping prevent institutional bias.



CHAPTER 4 : PRINCIPLES GOVERNING INQUIRY PROCEEDINGS

The objective of an inquiry is not merely to determine whether allegations are substantiated, but to ensure that the process itself is fair, transparent, balanced, and respectful towards all parties involved. Courts have repeatedly emphasized that POSH inquiries must adhere to principles of fairness, natural justice, and procedural integrity. The following principles must therefore govern all inquiry proceedings.

A. Principles of Natural Justice

These principles require adherence to fair hearing for all parties, non-biasness, and non-arbitrariness. Inquiry proceedings must not appear arbitrary, predetermined, or one-sided. The inquiry must not only be fair but must also appear fair.

B. Principle of Impartiality and Neutrality

IC/LC members are expected to conduct proceedings objectively and without preconceived assumptions, avoiding presumptions of guilt or innocence, moral judgments, gender stereotypes, and personal opinions unrelated to evidence.

C. Principle of Procedural Fairness

Procedural fairness requires that consistent procedure is followed, parties are informed of proceedings, documents relied upon are shared appropriately, hearings are conducted systematically, and findings are reasoned and evidence-based.

D. Principle of Confidentiality

The Committee must keep details confidential to protect the dignity and privacy of the parties and preserve the integrity of the proceedings, exercising caution in record handling and storage.

E. Principle of Sensitivity and Dignity

Inquiry proceedings should be conducted with sensitivity towards all participants, recognising that such complaints often involve emotional distress, workplace power imbalance, and fear of retaliation. No questions pertaining to character judgments, personal morality, or irrelevant private sexual history shall be made unless directly relevant and necessary.

F. Principle of Institutional Independence

ICs and LCs must function independently and free from external pressure, whether from seniority, institutional hierarchy, reputation, or external interference.

G. Important Judicial Principles

The following cases are relied on throughout this Handbook, particularly in Chapters 5, 6, and 7, and are verified against the citations shown.

i). *Vishaka & Ors. v. State of Rajasthan & Ors.* AIR 1997 SC 3011; (1997) 6 SCC 241, Supreme Court, 13 August 1997.

Recognised workplace sexual harassment as a violation of Articles 14, 15, 19(1)(g), and 21 of the Constitution and laid down the guidelines that preceded the Act.

ii). *Apparel Export Promotion Council v. A.K. Chopra* AIR 1999 SC 625; (1999) 1 SCC 759, Supreme Court, 20 January 1999.

Held that physical contact is not an essential ingredient of sexual harassment, and upheld dismissal for an attempt to molest a subordinate.

iii). *Medha Kotwal Lele & Ors. v. Union of India & Ors.* Interim order dated 26 April 2004 in W.P.(Crl.) Nos. 173-177 of 1999; final judgment dated 19 October 2012, (2013) 1 SCC 297.

Directed that Complaints Committee reports be deemed inquiry reports under civil service conduct rules, and directed strict, monitored implementation of the Vishaka guidelines nationwide.

iv). Aureliano Fernandes v. State of Goa & Ors. 2023 SCC OnLine SC 621; Civil Appeal No. 2482 of 2014, Supreme Court, 12 May 2023.

Traced the CCS Conduct Rules/CCS (CCA) Rules interface with the POSH framework in detail, held that material departure from Rule 14 procedure without justification vitiates the inquiry, and issued nationwide systemic directions on IC/LC constitution, training, and compliance.

v). Punita K. Sodhi v. Union of India & Ors. 2010 (172) DLT 409, Delhi High Court, 9 September 2010.

Held that a committee's factual findings are final unless varied in appeal and cannot be revisited by the employer at the implementation stage; emphasised natural justice throughout the inquiry.

vi). Dr. Sohail Malik v. Union of India 2025 INSC 1415, Supreme Court, 10 December 2025.

Held that an aggrieved woman's own workplace IC has jurisdiction to investigate a complaint even where the respondent belongs to an entirely different department or employer.

vii). Prof. Bidyug Chakraborty v. Delhi University SLP(C) No. 23060/2009

Supreme Court order dated 12 January 2010, following Delhi High Court proceedings in W.P.(C) 8226/2007. The originating authority for written-interrogatory cross-examination through a court-appointed Advocate-Commissioner, to protect witness anonymity while preserving the respondent's right to test the evidence.

viii). Ashok Kumar Singh v. University of Delhi & Ors. LPA 305/2017, 2017 SCC OnLine Del 9935, Delhi High Court Division Bench (Gita Mittal, A.C.J. and Anu Malhotra, J.), decided 18 August 2017, following W.P.(C) 7371/2016 (Single Judge, 16 February 2017).

Applied and elaborated the Bidyug Chakraborty method: a fair, time-bound, written mode of cross-examination that protects the complainant's identity.

ix). L.S. Sibbu v. Air India Ltd. & Ors. (2016) 2 KLJ 434, Kerala High Court. Held that verbal cross-examination is not the sole permissible method of testing a witness's evidence before an Internal Committee, given the risk that direct confrontation may inhibit a complainant from freely narrating what occurred.



CHAPTER 5 : PROCEDURE OF INQUIRY BY THE INTERNAL COMMITTEE (IC)

This Chapter sets out the procedure before an Internal Committee (“IC”) constituted under Section 4 of the Act, in a workplace where no service rules governing disciplinary inquiry are applicable to the respondent. Section 11(1) of the Act requires the IC to inquire “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”, that is, in the manner set out in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“the Rules”). This is the procedure that governs the great majority of private-sector Internal Committees. Where the respondent is a Government servant, Chapter 7 applies instead of this Chapter.

LEGAL BASIS

DISCLAIMER: Where the organisation has applicable service rules governing disciplinary inquiry, the inquiry must be conducted strictly as per the procedure prescribed in those service rules, and not as per the general procedure set out in this Chapter. Chapter 7 of this Handbook sets out the corresponding procedure for Government servants as a worked illustration of a service-rules procedure; establishments with their own certified service rules or Standing Orders should follow those rules, read together with the applicable provisions of the Act.



Procedure before the ICs is as follows:

STEP 1: Filing of the Complaint

- The aggrieved woman submits the complaint in writing, within 3 months of the incident, or, where there is a series of incidents, within 3 months of the last incident.
- The IC may extend the time limit, for reasons recorded in writing, where satisfied that circumstances prevented timely filing.
- Where the aggrieved woman is unable to make the complaint herself owing to physical or mental incapacity, death, or otherwise, it may be filed by her relative, friend, co-worker, an officer of the National or State Commission for Women, or any person with knowledge of the incident, with her written consent or that of her legal heir.
- The complainant submits 6 copies of the complaint, with supporting documents and the names and addresses of witnesses, Section 9(1), (2) and proviso; Rule 6; Rule 7(1).



STEP 2: Acknowledgment and Preliminary Assessment

- The IC acknowledges receipt promptly and assigns the complaint a reference number.
- At this threshold stage, the IC only satisfies itself that a workplace nexus exists, that the parties fall within the Act's definitions, and that the complaint is within limitation. The IC does not weigh evidence, assess credibility, or conduct a mini-trial at this stage.



STEP 3: Notice to the Respondent

- The IC sends one copy of the complaint, with its enclosures, to the respondent within 7 working days of receipt, Rule 7(2).



STEP 4: Written Reply of the Respondent

- The respondent files a written reply, together with a list of supporting documents and the names and addresses of witnesses, within 10 working days of receiving the complaint, Rule 7(3).



STEP 5: Conciliation, if Requested

- Upon receiving the respondent's written reply, and only at the written request of the aggrieved woman, the IC may take steps to settle the matter through conciliation, Section 10, read with the Rules.
- Monetary settlement shall not be made the basis of any conciliation.
- Where a settlement is reached, no further inquiry is conducted, unless the respondent subsequently fails to comply with its terms.

Upon Acceptance of Allegations

- If Respondents accepts the allegations posed by the complainant, then appropriate punishment may be recommended by the IC



STEP 6: Scheduling and Conduct of Hearings

- The IC conducts the inquiry in accordance with the principles of natural justice; it is not bound by the strict rules of evidence applicable to a criminal trial, but must give both parties a genuine and equal opportunity to be heard. The IC may hold joint or separate hearings as necessary.
- No legal practitioner may represent either party at any stage, the single most important procedural difference from the Government-Departments procedure, where a defence assistant and, in limited circumstances, legal representation is available under the CCS (CCA) Rules, 1965.
- Where a party, without sufficient cause, fails to present themselves for 3 consecutive hearings despite notice, the IC may proceed and record its findings on the material on record, Rule 7(4), (6), (7).

Step 7: Examination-in-Chief, Cross-Examination and Re-Examination

Neither the Act nor the Rules use the terms ‘examination-in-chief’, ‘cross-examination’, or ‘re-examination’ for this procedure, that vocabulary belongs to Rule 14 of the CCS (CCA) Rules, which governs the procedure in Government-Departments. Here, they describe the natural-justice practice built on the Committee's Section 11(3) powers. The table below sets out, in three columns, how each stage is to be conducted.

EXAMINATION-IN-CHIEF	CROSS-EXAMINATION	RE-EXAMINATION
Each party first places its own account on record, the complainant and her witnesses, followed by the respondent and his witnesses, in their own words, either orally or through a signed written statement.	The opposing party is then given a genuine opportunity to test and contradict that account. The Committee determines whether this is conducted orally at a hearing, or in writing, with a Committee member putting the questions to the witness and recording the answers.	The party that called the witness may, with the Committee's leave, put further questions confined strictly to matters raised in cross-examination, to clarify or explain, not to introduce new material.
The statement is recorded accurately, read back to the deponent, corrected if necessary, and then signed by that person as true and correct, and countersigned by the members present.	Where the Committee is satisfied that a witness cannot depose freely in the respondent's presence, it may protect that witness's identity while still ensuring the respondent's questions reach them, and the answers are shared with him in turn.	No new subject may be introduced at this stage without the Committee's specific leave.

Legal basis: Section 11(3) of the Act confers on the Committee the same powers as a Civil Court under the CPC, 1908, to summon and examine witnesses on oath.	Legal basis: neither the Act nor the Rules prescribe a fixed procedure. The Supreme Court has held that the Committee may draw guidance from Rule 14(14) and Rule 14(17) of the CCS (CCA) Rules, 1965, applied “as far as practicable” rather than word for word, and has approved the written-questionnaire mode in Bidyug Chakraborty v. Delhi University, Supreme Court order dated 12.01.2010.	Legal basis: this limit mirrors the re-examination clause at Rule 14(14), CCS (CCA) Rules, 1965, which the Supreme Court has treated as an appropriate working template for POSH inquiries as well.
The Committee must ensure the account is recorded fully and precisely, it forms the evidentiary foundation for the remainder of the inquiry.	The Committee must never dispense with this opportunity or curtail it unduly. Inadequate notice or insufficient time for cross-examination can vitiate the entire inquiry, Aureliano Fernandes v. State of Goa, Supreme Court, 2023.	The Committee must confine re-examination strictly to points raised in cross-examination, and disallow any attempt to reopen matters already covered in chief.

Table 1: Examination-in-Chief, Cross-Examination and Re-Examination before the Internal Committee.

STEP 8: Documentary, Digital and Circumstantial Evidence

- The IC may rely on oral testimony, documentary records, digital evidence, and circumstantial evidence, including the conduct of the parties and the sequence of events.
- For digital evidence, the IC examines authenticity, completeness, source, and the possibility of editing or manipulation, and preserves original records wherever feasible.
- The absence of an eyewitness does not by itself defeat a complaint, given that such incidents frequently occur in private settings.



STEP 9: Interim Relief During the Inquiry

- On the written request of the aggrieved woman, the IC may recommend that the employer transfer the aggrieved woman or the respondent, grant the aggrieved woman leave up to 3 months in addition to her ordinary entitlement, or grant such other prescribed relief, including restraining the respondent from writing her confidential report, Section 12, Rule 8.
- Interim measures are protective and precautionary, not punitive, and must not convey a presumption of guilt before findings are reached.



STEP 10: Deliberation

- After hearings and examination of material are complete, the IC deliberates internally, independently, neutrally, and confidentially, reviewing the allegations, the evidence, consistency and credibility, and the applicable legal principles.



STEP 11: Findings and Reasons for the Decision

- The standard of proof is preponderance of probabilities, not proof beyond reasonable doubt: the IC assesses whether, on the material before it, the allegations are more likely than not to be true.
- Findings are recorded issue-by-issue, with reasons, addressing the allegations and the response specifically; vague, generalised, or emotive observations are avoided.
- A Committee's finding on the facts is final unless varied in appeal; it cannot be second-guessed by the employer at the stage of follow-up action, *Punita K. Sodhi v. Union of India*, Delhi High Court, 9 September 2010.
- Extreme caution is exercised before recording a finding that a complaint was false or malicious: mere inability to substantiate an allegation does not, by itself, establish malice, Section 14.



STEP 12: Recommendations and Inquiry Report

- Where the allegation is not substantiated, the IC recommends that no action be taken.
- Where substantiated, the IC recommends action under Rule 9, a written apology, warning, reprimand, withholding of promotion or pay rise, counselling, community service, termination, or other appropriate action, and may recommend compensation, having regard to mental trauma, loss of career opportunity, medical expenses, and the respondent's income and financial status.
- The IC completes the inquiry within 90 days, and the employer implements the recommendations within 60 days of receiving the report. The complete report is provided to both parties and the employer, and is kept confidential, Rule 9; Section 13, 15, 16.

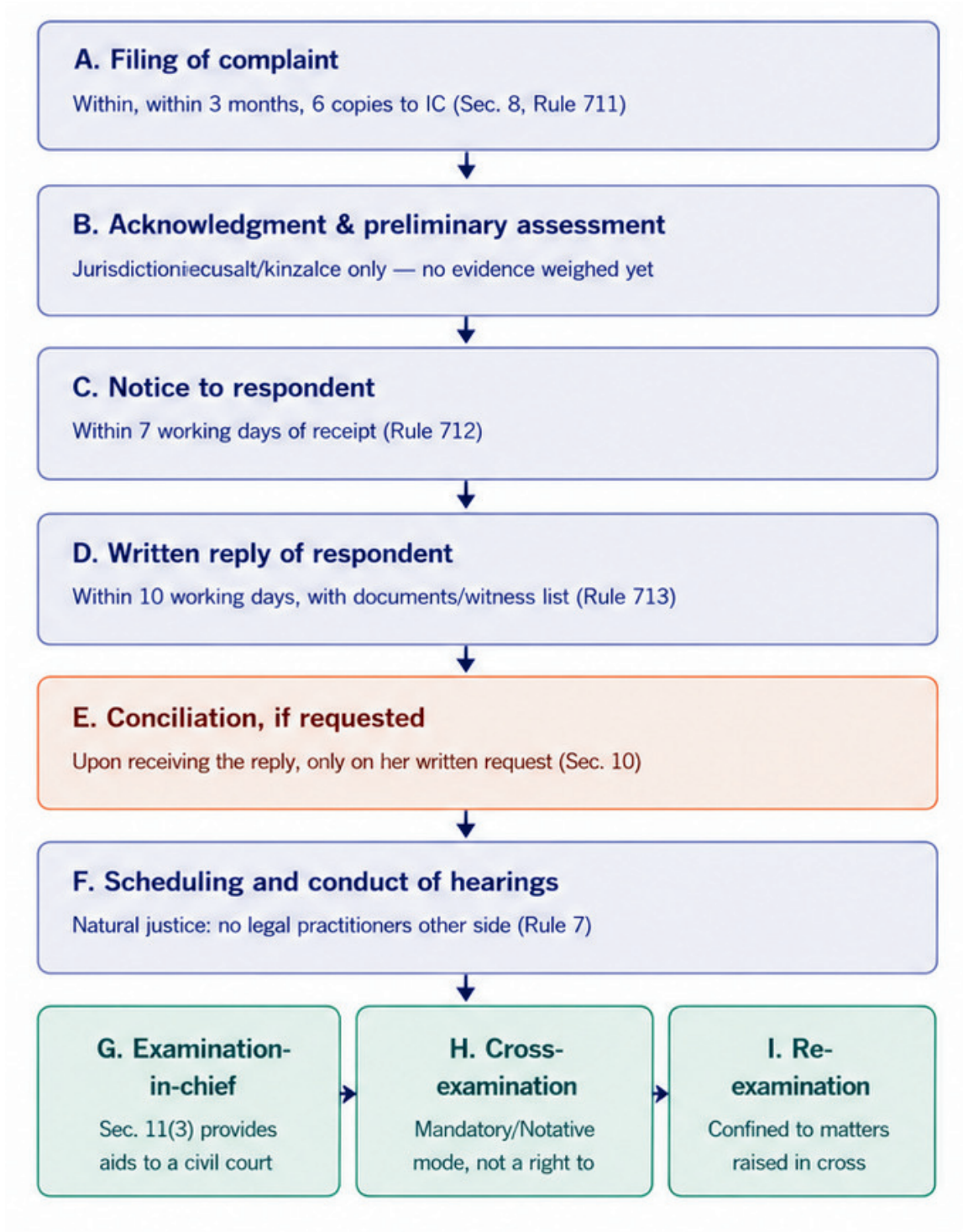


STEP 13: Appeal

- A person aggrieved by the recommendations, or by their non-implementation, may appeal within 90 days to the court or tribunal provided under applicable service rules, or, where none exists, to the appellate authority notified under the Industrial Employment (Standing Orders) Act, 1946, Section 18; Rule 11.

FLOWCHART: PROCEDURE BY THE INTERNAL COMMITTEE (IC)

Chapter 5 – Section 4 of the Act; Rule 7 “prescribe manner” where no service rules apply



J. Documentary, digital & circumstantial evidence

Authenticity checked, absence of eyewitness = no case



K. Interim relief during the inquiry

Transfer, leave up to 3 months, other relief (Sec. 12, Rule 8)



L. Deliberation

Internal, independent, neutral, confidential



M. Findings and reasons

Preponderance of probabilities; issue-by-issue, reasoned



N. Recommendations & inquiry report

Rule 9 action menu; 90-day inquiry, 60-day implementation



O. Appeal

Within 90 days (Sec. 18, Rule 11)

KEY POINTS FOR THIS INQUIRY

- "Examination-in-chief," "cross-examination," and "re-examination" are NOT words used in the Act or Rules for this Inquiry that vocabulary belongs to Rule 14 of the CCS (CCA) Rules governing the Government Procedure (Chapter 7). Here they describe the natural-justice practice built on the Committee's Section 11(3) powers to summon and examine witnesses on oath.
- Cross-examination in the adversarial, face-to-face sense is not a matter of right. Courts have consistently allowed a moderated, written-questionnaire mode through the Committee or a court-appointed Commissioner especially where direct confrontation would be traumatic for the complainant (*Bidyug Chakraborty v. Delhi University*, *Ashok Kumar Singh v. University of Delhi*, *L.S. Sibu v. Air India*).
- No legal practitioner may represent either party at any stage the single biggest procedural contrast with the Government Procedure (Chapter 7), where limited legal representation is available under the CCS (CCA) Rules.
- Three consecutive unexplained absences from hearings lets the IC proceed on the material on record.
- A finding that a complaint was false or malicious needs clear proof of deliberate falsity mere inability to substantiate an allegation is not, by itself, evidence of malice (Section 14).



CHAPTER 6 : PROCEDURE OF INQUIRY BY THE LOCAL COMMITTEE

A. Why This Procedure Must Be Followed

A Local Committee (“LC”) is constituted by the District Officer, at the district level and, where required, at the block level. Its jurisdiction covers complaints from establishments where an Internal Committee has not been constituted because the establishment has fewer than ten workers, or where the complaint is against the employer himself, as well as complaints from domestic workers and from the unorganised sector generally. In practice, establishments of this kind rarely have applicable service rules governing disciplinary inquiry, so an LC inquiry proceeds, almost invariably, in the same Rule 7 sets out in Chapter 5, subject to the LC-specific points below. To avoid repetition, this Chapter cross-refers to Chapter 5 for steps that are identical, and sets out in full only what differs for an LC.

LEGAL BASIS

Sections 5 to 7; Section 6(1).

B. The Procedure, Step by Step

STEP 1: Receipt and Acknowledgement of the Complaint

- The aggrieved woman submits the complaint in writing, in 6 copies, along with supporting documents and details of witnesses (Rule 7(1)).
- Complaint must be filed within 3 months of the incident (or the last incident, if a series). The LC may condone a further delay of up to 3 months for sufficient cause, recorded in writing (Section 9).
- If the woman cannot write the complaint herself, the LC must render all reasonable assistance to help her put it in writing.
- Where she is deceased or incapacitated, her legal heir or another authorised person may file on her behalf.



STEP 2: Check of Jurisdiction

- LC confirms it is the correct forum: the establishment has fewer than 10 workers, OR the complaint is against the employer himself, OR the complainant is a domestic worker (Section 6).
- If an Internal Committee already exists and has jurisdiction, the LC should direct the woman to the IC instead of proceeding.



STEP 3: Copy of Complaint Sent to the Respondent

- Within 7 working days of receipt, the LC sends one copy of the complaint to the respondent (Rule 7(2)).
- This step is mandatory, not optional. Courts have set aside LC/IC reports where this copy was withheld, holding it a breach of natural justice.



STEP 4: Respondent Files a Written Reply

- The respondent must reply within 10 working days, along with his list of documents and witnesses (Rule 7(3)).



STEP 5: Option of Conciliation

- Before starting the inquiry, and only if the woman herself requests it in writing, the LC may attempt conciliation (Section 10).
- No monetary settlement can ever form the basis of conciliation.
- If conciliation succeeds, the LC records the settlement and forwards it to the District Officer; no further inquiry is then held.
- The LC must never pressure or initiate conciliation on its own, the choice belongs to the complainant alone.

STEP 6: Composition of Committee

- Every hearing must have a minimum of 3 members present, including the Chairperson.
- Any member with a conflict of interest, bias, or personal proximity to either party must recuse. An improperly constituted or biased committee vitiates the entire inquiry.



STEP 7: Interim Relief, if Requested

- During the pendency of the inquiry, the LC may recommend interim measures at the complainant's request, transfer of either party, granting leave up to 3 months, or restraining the respondent from supervising her work (Section 12).
- Once granted, interim relief must actually be enforced by the employer; a mere paper direction is not compliance.



STEP 8: Conducting the Inquiry, Exercise of Civil Court Powers

- The LC functions as a Civil Court: it can summon and enforce attendance, examine on oath, and call for documents (Section 11(3), CPC 1908).
- The inquiry must be conducted strictly in accordance with the principles of natural justice (Rule 7(4)), both sides must know the case against them and get a real chance to answer it.
- Lawyers are not permitted to represent either party during the inquiry.
- The complainant and witnesses must be allowed to depose without fear; the manner of cross-examination (oral, or through a written questionnaire) may be moulded by the LC to protect their dignity and safety, provided the respondent still gets a genuine opportunity to rebut the evidence.



STEP 9: Non-Appearance of a Party

- If either party fails to appear for 3 consecutive hearings without sufficient cause, the LC may terminate the inquiry or proceed ex parte, but only after giving that party 15 days' written notice first.

STEP 10: Completion of Inquiry

- The inquiry must be completed within 90 days from the date of the complaint.



STEP 11: Inquiry Report

- Within 10 days of completing the inquiry, the LC must send its findings to the District Officer, with reasons (Section 13(1)).
- A copy of the report must be made available to both the complainant and the respondent, this is compulsory, even if the allegation is not proved. Withholding it is a punishable breach.



STEP 12: Recommendations and Action

- If proved: LC recommends action against the respondent as misconduct, and may recommend a sum be paid to the woman as compensation, having regard to her trauma, loss of career opportunity, medical expenses, and the respondent's income (Section 13(3)).
- If the complaint is found malicious or knowingly false, or if forged evidence was produced, the LC may recommend action against the complainant, but a complaint that simply could not be proved is never treated as false (Section 14).
- The District Officer must act on the recommendation within 60 days of receiving it (Section 13(4)).



STEP 13: Right to Appeal

- Either party dissatisfied with the recommendation, or with its non-implementation, may appeal to the court or tribunal designated under the Industrial Employment (Standing Orders) Act, 1946 (or the applicable service rules) within 90 days (Section 18).

EXAMINATION-IN-CHIEF	CROSS-EXAMINATION	RE-EXAMINATION
Each party first places its own account on record, the complainant and her witnesses, followed by the respondent and his witnesses, in their own words, either orally or through a signed written statement.	The opposing party is then given a genuine opportunity to test and contradict that account. The Committee determines whether this is conducted orally at a hearing, or in writing, with a Committee member putting the questions to the witness and recording the answers.	The party that called the witness may, with the Committee's leave, put further questions confined strictly to matters raised in cross-examination, to clarify or explain, not to introduce new material.
The statement is recorded accurately, read back to the deponent, corrected if necessary, and then signed by that person as true and correct, and countersigned by the members present.	Where the Committee is satisfied that a witness cannot depose freely in the respondent's presence, it may protect that witness's identity while still ensuring the respondent's questions reach them, and the answers are shared with him in turn.	No new subject may be introduced at this stage without the Committee's specific leave.

Legal basis: Section 11(3) of the Act confers on the Committee the same powers as a Civil Court under the CPC, 1908, to summon and examine witnesses on oath.	Legal basis: neither the Act nor the Rules prescribe a fixed procedure. The Supreme Court has held that the Committee may draw guidance from Rule 14(14) and Rule 14(17) of the CCS (CCA) Rules, 1965, applied “as far as practicable” rather than word for word, and has approved the written-questionnaire mode in Bidyug Chakraborty v. Delhi University, Supreme Court order dated 12.01.2010.	Legal basis: this limit mirrors the re-examination clause at Rule 14(14), CCS (CCA) Rules, 1965, which the Supreme Court has treated as an appropriate working template for POSH inquiries as well.
The Committee must ensure the account is recorded fully and precisely, it forms the evidentiary foundation for the remainder of the inquiry.	The Committee must never dispense with this opportunity or curtail it unduly. Inadequate notice or insufficient time for cross-examination can vitiate the entire inquiry, Aureliano Fernandes v. State of Goa, Supreme Court, 2023.	The Committee must confine re-examination strictly to points raised in cross-examination, and disallow any attempt to reopen matters already covered in chief.

CHAPTER 7 : PROCEDURE TO BE FOLLOWED BY GOVERNMENT DEPARTMENTS

DoPT Office Memorandum: Illustrative Flowcharts

THE COMPLAINTS COMMITTEE'S DUAL ROLE

DoPT OM No. 11013/2/2014-Estt.(A-III) dated 16 July 2015

STAGE 1 — THE COMMITTEE AS INVESTIGATOR

1. Complaint received

By the Committee itself, through an administrative authority, or suo motu
(OM para 7)



2. Fact-finding investigation

Verifies facts, collects documents, records witness statements — feeds a later charge sheet if one becomes needed
(OM para 8)



3. Stay if bias is alleged

Inquiry stays until the Disciplinary Authority rules on the allegation
(OM paras 9–10)



4. Prima facie case?

No judgmental findings — only whether a formal inquiry is called for
(OM para 11)

5. Authority examines report

Decides if a formal charge sheet is warranted (see Chapter 7(B))
(OM para 12)



6. Charge sheet issued

Clear admission → no formal inquiry needed, Rule 15 applies
(OM para 13; Chapter 7(C)–(D))



STAGE 2 — NOW AS INQUIRING AUTHORITY



7. Formal Rule 14 inquiry

Denial or unconvincing reply → charge sheet sent for formal inquiry. Presenting Officer appointed; examination-in-chief, cross-exam, re-examination of every witness, including the complainant if she appears as a witness
(OM paras 14–22; Chapter 7(E)–(L))

ONE RULE TO REMEMBER FROM THIS STAGE

In the examination-in-chief, leading questions are not allowed. They ARE allowed once the witness is being cross-examined by the other side.
(OM para 18)

See the following page for four further safeguards this OM adds to Chapter 7.

Source: DoPT OM No. 11013/2/2014-Estt.(A-III) dated 16 July 2015, 'Steps for Conduct of Inquiry in Complaints of Sexual Harassment', DoPT, Ministry of Personnel, Public Grievances and Pensions.

RELIEF, RECOMMENDATIONS AND CONFIDENTIALITY

DoPT OM No. 11013/2/2014-Estt.(A-III) — supplements Chapter 7(J)–(M)

Initial relief the Committee may recommend

- Transfer the aggrieved woman or the charged officer elsewhere
 - Grant her leave up to 3 months
not deducted from her leave account
 - Available before any charge sheet is even framed
- (OM paras 5–6; Section 12 of the Act)

Action against a complainant or witness

- Against the complainant, if the allegation is malicious, she knows it to be false, or she has produced a forged or misleading document
 - Against any witness who gave false evidence, or a forged document
- (OM para 26 - same caution as Ch.5(M): unproved is not the same as false)

Compensation the Committee may recommend

- Deduction from the charged officer's salary or wages, of such sum as the Committee considers appropriate, payable to the aggrieved woman or her legal heirs
 - Any amount outstanding at cessation of service may be recovered from terminal benefits
 - **This is NOT a penalty under Rule 11**
- (OM para 26; Explanation (ix) to Rule 11, Notification dated 19.11.2014)

Confidentiality - overrides the RTI Act

- Identity and addresses of the aggrieved woman, respondent, and witnesses; inquiry proceedings; and recommendations may not be given to the public, press, or media
- Exception: that justice was secured may be disseminated, without any identifying particulars

(OM para 27, citing Section 16 of the Act, notwithstanding the RTI Act, 2005)

CLOSING THE FILE

Once findings are recorded, the inquiry is formally over. The Inquiring Authority prepares separate folders of the documents specified in Rule 14(23)(ii) - the same duty as Chapter 7(L). (OM para 28)

HOW THIS SUPPLEMENT FITS WITH CHAPTER 7

This supplement does not replace Chapter 7's account of the Rule 14 inquiry - it adds detail the DoPT's own 2015 step-guide supplies on top of the bare rule text: the Committee's separate investigation and inquiry roles, the bias-allegation stay, the Daily Order Sheet, suspension grounds, the Rule 19(ii) power to dispense with inquiry altogether, and these relief, compensation, and confidentiality mechanics. Read it alongside Chapter 7, not instead of it.

This is not a substitute for reference to the CCS (CCA) Rules, 1965 and instructions issued thereunder - the OM itself makes this point (OM para 2).

CHAPTER 8 : FREQUENTLY ASKED QUESTIONS

This Chapter collects questions that IC and LC members raise most often in practice, with page references back to the relevant Chapter for full detail.

Q. When exactly does conciliation happen, before or after the respondent's written reply?

Conciliation is considered only after the Internal Committee or Local Committee receives the respondent's written reply. It can be initiated only if the aggrieved woman makes a written request for conciliation. Accordingly, conciliation is neither offered before the notice is issued to the respondent nor before his written reply is received.

Q. Where an Inquiry Authority has already been constituted under the CCS (CCA) Rules, 1965, is a separate Internal Committee under the POSH Act still required?

No. The complainant must first be examined by the Internal Committee constituted under section 4 of the POSH Act. Where a formal departmental inquiry under Rule 14 of the CCS (CCA) Rules, 1965 is required, the same Internal Committee functions as the deemed Inquiry Authority and conducts the inquiry under CCS (CCA) Rules. No Separate Authority is required.

Q. Can the IC or LC force the aggrieved woman into conciliation?

No. Conciliation can only be initiated at her request; the Committee cannot suggest, pressure, or initiate it on its own motion, and the respondent cannot demand it either.

Q. Is monetary settlement permitted through conciliation?

No. Monetary settlement can never form the basis of a conciliation agreement, in any of the three procedural in this Handbook.

Q. What happens if conciliation succeeds?

No further inquiry is conducted. The settlement is recorded, signed, and forwarded to the employer or District Officer for implementation.

Q. What happens if conciliation fails, or the respondent breaches the settlement terms?

The Committee proceeds to a formal inquiry in the ordinary manner set out in Chapter 5(F) onward.

Q. If our organization has its own service rules, do we still follow Chapter 5 of this Handbook?

No. Where applicable service rules exist, the inquiry must follow the procedure prescribed in those rules, not the general procedure.

Q. In a Government Department, is a formal inquiry and chargesheet automatic once a complaint is received?

No. The Government servant's initial response to the complaint is considered first, including whether he pleads guilty or denies the allegations, and only where the Committee, as the deemed Inquiring Authority, decides a formal inquiry is required does the matter proceed to framing of articles of charge through the Disciplinary Authority.

Q. Is cross-examination a matter of right before an IC or LC?

Not in the adversarial, face-to-face sense. Courts have consistently permitted a moderated, written-questionnaire mode instead, particularly where direct confrontation would be traumatic for the complainant. This is different in a Government Department inquiry, where cross-examination under Rule 14(14) of the CCS (CCA) Rules is an express statutory right.

Q. Can a lawyer represent either party?

Before an IC or LC, no legal practitioner may represent either party at any stage. In a Government Department inquiry, limited legal representation is possible where the Presenting Officer is himself a legal practitioner, or where the Disciplinary Authority permits it.

Q. What standard of proof applies?

Preponderance of probabilities, whether, on the material before the Committee, the allegations are more likely than not to be true, not proof beyond reasonable doubt. This is the same standard across all three procedures in this Handbook.

Q. Does failing to prove a complaint mean it was false or malicious?

No. Mere inability to substantiate an allegation does not, by itself, establish malice or falsity. A finding of a false or malicious complaint requires clear material pointing to deliberate falsity.

Q. What is the timeline for completing an inquiry, and for the employer to act on it?

The inquiry is ordinarily completed within 90 days, and the employer or District Officer implements the recommendations within 60 days of receiving the report.



CHAPTER 9 : CONCLUSION



Internal Committees and **Local Committees** perform an essential institutional function in ensuring workplace dignity and equality. Their role is not merely procedural but foundational to maintaining trust, safety, and fairness within workplaces.

A legally sustainable inquiry requires Neutrality, Confidentiality, Procedural Fairness, and Sensitivity.

By adhering to these principles, and by following the correct procedural framework for the case at hand, whether before an Internal Committee, a Local Committee, or in a Government Department, Committees can ensure that the objectives of the **POSH** framework are effectively achieved.



ANNEXURES – POSH COMPLAINT ANALYSIS REPORT FORMATS

ANNEXURE – A

Complaint Analysis Report Format

Applicable to: Internal Committee (IC)

1. Constitution and Details of the Committee

Particular	Details
Name of Organisation/District	
Complaint Reference No.	
Date of Complaint	
Date of Constitution/Reconstitution	
Presiding Officer/Chairperson	
Members	
External Member	
Date of Inquiry Report	

2. Brief Facts/ Details of the incidence

Provide a concise narration of the facts, date(s), place of incident, relationship between the parties, and the nature of allegations constituting sexual harassment under Section 2(n) of the POSH Act, 2013.

3. Interim Relief / Interim Measures

Relief Sought	Relief Granted	Date	Remarks

4. Allegations / Detailed Article of Charges

Article No.	Statement of Charge

5. List of Witnesses, Documents and Electronic Evidence

A. Witnesses

Sl. No.	Name	Designation/Relation	Examined (Y/N)

B. Documentary Evidence

Sl. No.	Details Document	Produced By	Exhibit No.

C. Details of the Electronic Evidence

Sl. No.	Description	Source	Exhibit No.

6. Observation on each Allegations / Article of Charges / Sub-article of Charges

7. Examination of Witnesses and Appreciation of Evidence

Sl. No.	Details Document	Produced By	Exhibit No.

8. Findings of the Committee

Record observations on consistency, corroboration, credibility of witnesses, reliability of documentary/electronic evidence, conduct of parties, and apply the standard of proof of preponderance of probabilities.

9. Specific Finding of the Committee

Article/Charge	Finding (Proved/Partly Proved/Not Proved)

10. Final Recommendations of the Committee/ Order of the LC

Note: Signature of all IC members shall be on each page

ANNEXURE – B

Complaint Analysis Report Format Applicable to: Local Committee (LC)

1. Constitution and Details of the Committee

Particular	Details
Name of Organisation/District	
Complaint Reference No.	
Date of Complaint	
Date of Constitution/Reconstitution	
Presiding Officer/Chairperson	
Members	
External Member	
Date of Inquiry Report	

2. Brief Facts and Allegations

Provide a concise narration of the facts, date(s), place of incident, relationship between the parties, and the nature of allegations constituting sexual harassment under Section 2(n) of the POSH Act, 2013.:

3. Interim Relief / Interim Measures

Relief Sought	Relief Granted	Date	Remarks

4. Detailed Articles of Charges

Article No.	Statement of Charge

5. List of Witnesses, Documents and Electronic Evidence

A. Witnesses

Sl. No.	Name	Designation/Relation	Examined (Y/N)

B. Documentary Evidence

Sl. No.	Document	Produced By	Exhibit No.

C. Electronic Evidence

Sl. No.	Description	Source	Exhibit No.

6. Discussion on Allegations

Article of Charge	Complainant's Version	Respondent's Defence	Committee's Analysis

7. Examination of Witnesses and Appreciation of Evidence

Witness/Exhibit	Key Points	Committee's Appreciation

8. Observations of the Committee

Record observations on consistency, corroboration, credibility of witnesses, reliability of documentary/electronic evidence, conduct of parties, and apply the standard of proof of preponderance of probabilities.

9. Punishment

Charge	Finding (Proved/Partly Proved/Not Proved)	Reasons

10. Order of the Committee

Order	Relevant Provision/Service Rule	Remarks



DATE :

[illegible]



DATE :

[illegible]



DATE :

[illegible]



DATE :

[illegible]



DATE :

[illegible]



राष्ट्रीय महिला आयोग
NATIONAL COMMISSION
FOR WOMEN

SHe-Box

Ensuring safety of women at workplace

Women can register complaints against sexual harassment at workplace.
Requires a valid email and mobile number to register.

How to file complaint

1. Visit **<https://shebox.wcd.gov.in/>**, click on "Register Your Complaint"
2. Fill in the details and submit
3. Track the progress of your complaint with your unique ID



Scan QR to visit



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FOR WOMEN

SHe-Box Portal

KEY FEATURES



Centralized Platform

Repository for POSH complaints and resources



Multi-Lingual Support

Register and track your case in your preferred Indian language



Support and Training

Access training modules, FAQs and resources to build awareness



Complaint Submission

Easy access to filing workplace sexual harassment complaints online in minutes



Effective Monitoring and Enforcement

Track complaint status and ensure time-bound action by internal committees / Local Committees

User-friendly

Simple, accessible interface designed for every employee



Confidentiality

End-to-end data privacy to protect the complainant's identity



Automatic Forwarding

Complaints auto-routed to the Presiding officer / Chairperson of concerned Internal Committees / Local Committees



<https://shebox.wcd.gov.in>



Scan QR for
more details



राष्ट्रीय महिला आयोग
NATIONAL COMMISSION
FOR WOMEN

A Good **POSH Act** (Protection of women from Sexual Harassment) Implementation is a **ONGOING COMMITMENT** to build a safe and respectful workplace.

✓ POSH TRAINING ENCOURAGES

- Accessible POSH policy in place
- Trained, Internal Committee
- Mandatory annual POSH training for all employees
- Privacy
- Confidential, accessible reporting channels
- Prompt, Fair Investigations
- Workplace Sensitization, Gender Equality.
- Encourages speaking up
- Proactively prevent harassment
- Regularly review and improve POSH practices

A safe workplace is the key to inclusion and strong leadership.

By implementing these effectively, organisations create workplaces where safety is standard, inclusion thrives, and diverse talent flourishes.

MORE INFORMATION

 www.ncw.gov.in

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