

The AD-roit Links

NEWSLETTER

June 2026

#11

Shield, Not a Weapon

Inside this edition: Understanding false vs. unproven complaints, the IC's role, legal insights, and HR best practices for protecting employee safety and preventing malicious complaints.

**YOUR NO. 1
GUIDE TO A
SAFER
WORKPLACE**



From the **FOUNDER'S DESK**

Dear Readers,

As we move through another dynamic month, I am reminded that the strength of any organisation lies not only in its policies and processes but in the trust, fairness, and respect that shape its culture every day.

At AD-Roit LinkS, we believe a truly inclusive workplace is one where employees feel empowered to raise concerns without fear, while also having confidence that every complaint will be assessed objectively, fairly, and with due process.

In this month's newsletter, we are pleased to feature an insightful article, **"Shield, Not a Weapon"** authored by our intern, **Atryee Dutta**. Through a thoughtful examination of the Prevention of Sexual Harassment (PoSH) framework, Atryee explores a subject that is both sensitive and highly relevant: maintaining the delicate balance between protecting employees from workplace harassment and preventing the misuse of grievance mechanisms.

The article highlights the important distinction between unproven and malicious complaints, examines landmark judicial perspectives, and offers practical guidance for HR professionals and Internal Committees. Most importantly, it reminds us that workplace safety mechanisms are designed as shields to protect dignity, equality, and trust and must never be allowed to become tools of intimidation or personal vendetta.

I congratulate Atryee for presenting a complex legal and workplace issue in a clear, balanced, and accessible manner. Her contribution reflects the spirit of critical thinking and responsible dialogue that we strive to encourage at AD-Roit LinkS.

As always, we hope this edition sparks meaningful conversations and strengthens our collective commitment to building workplaces founded on integrity, empathy, and accountability.

Happy Reading!

Warmly,

Leeza Dutta Singh 

**Founder & Managing Partner,
AD-roit LinkS**



Shield, Not a Weapon

Maintaining the balance between protecting employee safety and preventing malicious complaints

~ By Atryee Dutta

Imagine walking into a quiet conference room on a Tuesday morning. The office coffee is brewing, laptops are clicking open, and people are settling in for their daily standup meeting. But in this particular room, an Internal Committee (IC) is gathered around a table. They are looking at a stack of printed emails and a formal complaint.

On one side is an employee who feels completely unsafe coming to work. On the other side is a manager who insists that an entire conversation was completely misunderstood.

There are no CCTV cameras in this corner of the office. There are no witnesses who heard the exact words spoken. It is simply one person's word against another's.

This scenario happens across corporate offices every day. For general employees, it can feel intimidating. For HR professionals, it is a high-stakes balancing act. How does an organisation protect victims of harassment while ensuring that an innocent person is not wrongfully penalised?

The Big Misconception: Unproven vs. False

When a case lacks direct evidence, a cloud of anxiety often spreads through the office. A common fear among general employees—and a regular point of debate in corporate corridors—is the idea of the "false complaint."

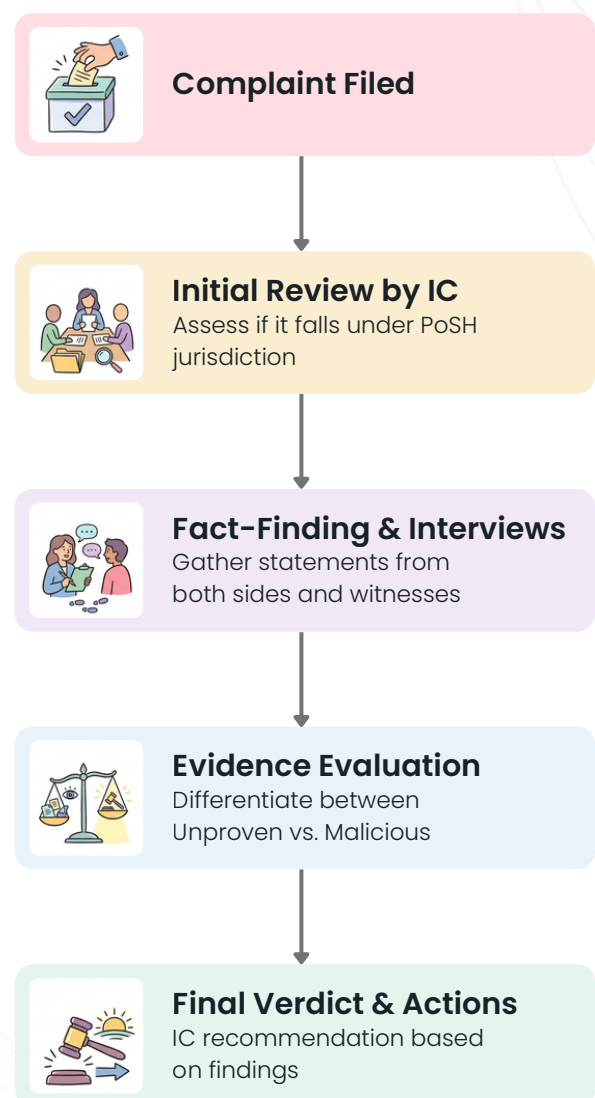
However, the law makes a massive distinction between a claim that cannot be proven and a claim that is genuinely malicious.

The "Unproven" Case: Most workplace harassment happens behind closed doors, via private messages, or in quiet corridors. There are often no witnesses or recordings. If an IC investigates thoroughly but finds absolutely zero evidence to tip the scale, the case is closed as "unsubstantiated." The law explicitly protects these complainants.

No one can be punished simply because they lack the legal proof to confirm their experience.

The "Malicious" Case: A complaint is only legally considered false or malicious if the investigation uncovers concrete proof that the person filing it knew the incident never happened and fabricated it with a hidden motive, such as trying to stop a colleague's promotion.

To help everyone visualise how a workplace grievance moves from an initial filing to a fair, objective resolution, here is a breakdown of the standard operational timeline:



What the Law and the Courts Say

When the Prevention of Sexual Harassment (PoSH) Act was evaluated by lawmakers, they intentionally designed Section 14 to address this exact balance. They wanted to make sure that the fear of being penalized would never silence real survivors who might not have video or written proof of their trauma.

However, high-profile court rulings have shown just how complex this balance can be in practice.

In a well-known case (*Anita Suresh v. Union of India* W.P.(C) 5114/2015, decided on July 9, 2019), a complainant filed an allegation of harassment. When the internal committee and later the Delhi High Court reviewed the matter, they found significant contradictions. The complainant could not recall vital details, no surrounding colleagues could corroborate any part of the behavior, and the court concluded the narrative was manufactured out of an ulterior motive. A fine was imposed upon the complainant to signal that the law cannot be used as a personal corporate weapon.

Yet, legal experts constantly warn against a dangerous trend: assuming a lack of witnesses automatically means a woman is lying. True workplace equity means avoiding old cultural stereotypes and looking strictly at the facts.

The Madras High Court emphasised this balance in *Union of India v. Reema Srinivasan Iyengar*, WP Nos. 10689, 24290 and 4339 of 2019, decided on 17-02-2020. The court noted that while the PoSH Act ensures equal standing and dignity for women, it cannot be warped into a tool to terrorise innocent coworkers over personal grudges.

Understanding the Internal Committee's Role

For general employees without a legal background, the Internal Committee can seem like a mysterious corporate entity. It is helpful to view the IC not as a corporate police force, but as an unbiased, neutral fact-finding panel.

The IC does not enter a room looking to take sides. Its primary job is to gather the facts, listen to testimonies, review digital footprints, and evaluate the context of the situation.

When an employee comes forward, the IC initiates a structured inquiry process. They interview the complainant, the respondent, and any individuals/witness who may have been nearby or have relevant background information. The committee handles sensitive data with the highest level of confidentiality.

If the evidence is conflicting and no clear conclusion can be reached, the committee does not invent a verdict. They simply state that the allegations could not be substantiated. This protects the respondent from unfair disciplinary action while ensuring the complainant is not penalised for speaking up.

The Professional and Personal Penalties for the Complainant

When an employee decides to fabricate a claim for a competitive advantage, they often underestimate the severe personal and professional liabilities that follow. The consequences extend far beyond a standard human resources reprimand:

The Permanent Professional Blacklist

In today's corporate ecosystem, background verification checks are incredibly stringent. When an employee is terminated for fabricating a grave legal claim under Section 14, that note is recorded permanently in their official exit documentation. This digital and professional paper trail makes securing future employment in organised sectors nearly impossible.

Civil and Criminal Tort Liability

The accused employee retains the full legal right to seek justice outside the company walls. A falsely accused individual can file independent civil lawsuits for defamation, demanding massive monetary compensation for the mental agony and professional opportunities lost during the investigation. Under Indian criminal law, fabricating false evidence to wrongfully harm another individual can lead to direct police complaints and criminal prosecution.

Complete Loss of Workplace Support

Coworkers and team members quickly distance themselves from anyone who uses safety frameworks as an office weapon. The employee loses all professional allies, mentorship opportunities, and internal advocacy, rendering their position completely unsustainable even before IC takes any formal action.

Steps for HR Professionals



Implement Ongoing Training

Move away from annual click-through compliance videos. Run interactive, case-study-driven workshops that address the nuances of workplace boundaries, intent versus impact, and the exact steps of the inquiry process.



Standardize the Inquiry Framework

Ensure your IC members receive regular capacity-building training. They must be equipped to spot the difference between an unsubstantiated claim and a malicious setup, relying strictly on objective evidence rather than personal biases or workplace rumors.



Establish Clear Interim Measures

Protect both parties during an active investigation by utilising non-punitive temporary changes. These can include adjusting reporting lines, altering project teams, or offering remote work options, rather than jumping to immediate suspensions before the facts are fully established.



Conduct Regular Compliance and Culture Audits

Don't wait for a crisis to check the health of your internal systems. Review your IC composition quarterly to ensure proper representation and verify that annual documentation filings are complete, keeping your organisation fully prepared for unexpected regulatory reviews.

Building a Culture of Integrity

A safe workplace cannot be built on fear, neither the fear of harassment nor the fear of false accusations. It must be built on the shared understanding that the rules apply equally to everyone, from entry-level interns to the executive suite. ***True organisational health relies on complete transparency. When fairness guides every corporate decision, the entire workforce thrives.***



About the Author

Atryee Dutta is a 5th Year B.A.L.L.B. student at Jogesh Chandra Chaudhuri Law College, University of Calcutta, Batch 2021-26. She is exploring the intersection of law and people through PoSH Compliance, HR Law, and Labour Law, areas where policy meets workplace culture.

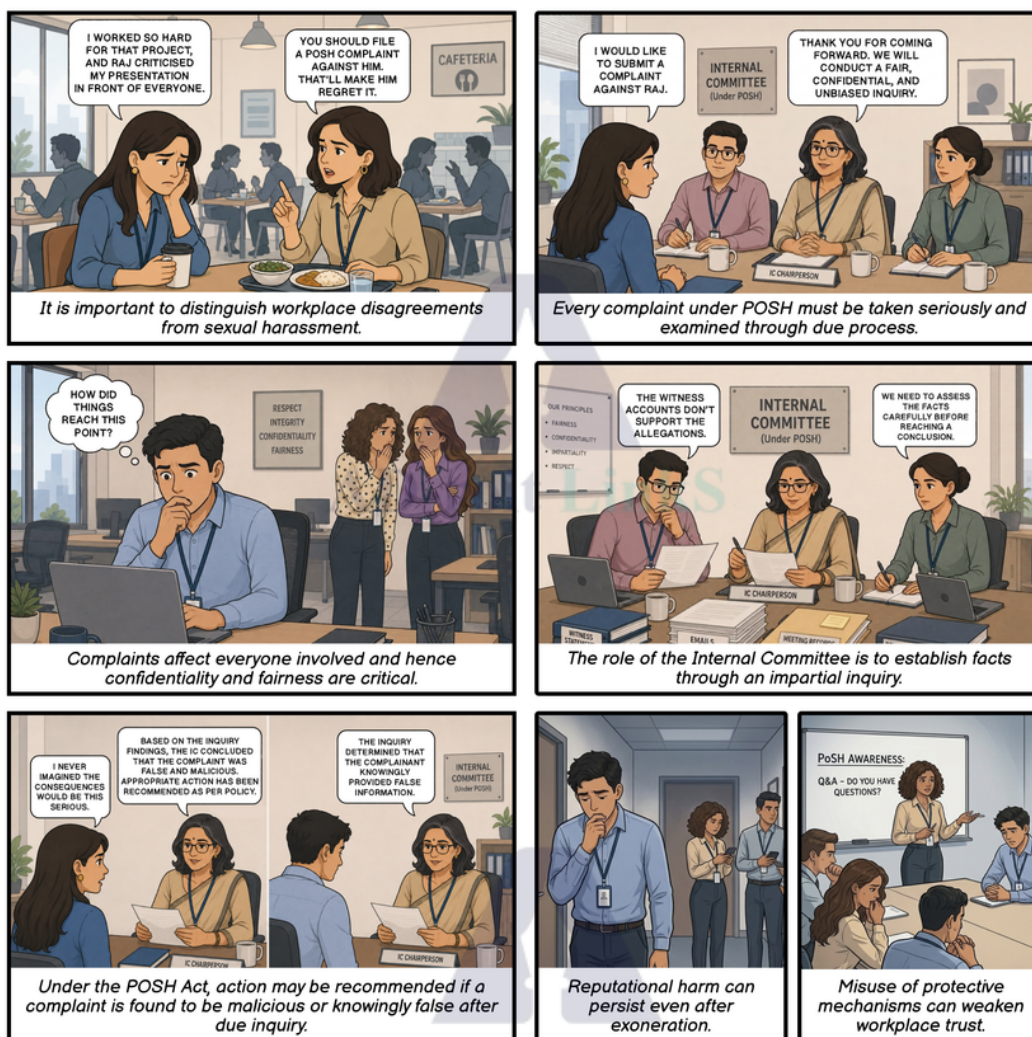
Beyond case laws, she's a reader of fiction novels and enjoys knitting. Both hobbies teach her patience, attention to detail, and storytelling, skills she brings to legal research and drafting.

SafeStories: June Edition

Follow us on [LinkedIn](#) to see every new Safestory and join the conversation about building safer workplaces.

The SafeStories Comic Strip series is a creative initiative by AD-roit LinkS to spark meaningful conversations around workplace safety, dignity, and the Prevention of Sexual Harassment (PoSH). Every month, we bring you a relatable, thought-provoking comic to help spread awareness in a memorable and engaging way.

The Ripple Effect: The Cost of a Malicious Complaint under PoSH



- ✓ SPEAK UP AGAINST SEXUAL HARASSMENT.
- ✓ PARTICIPATE HONESTLY IN INQUIRIES.
- ✓ RESPECT CONFIDENTIALITY AND DUE PROCESS.
- ✓ SUPPORT A CULTURE OF TRUST AND ACCOUNTABILITY.

PoSH protects dignity at work. **Integrity** ensures that protection remains strong for everyone.

Ask the Legal Expert!

Your legal queries, addressed with expert insight.

Q Can I file a PoSH complaint anonymously?

No. The law requires written, signed complaints so the accused can fairly defend themselves against specific claims.

Q What if my complaint is unproven but filed in good faith?

You face no penalties. The law fully protects honest complaints that simply lack sufficient evidence.

Q What is the timeline to report an incident?

Within **3 months** of the incident, or the last event in a series of ongoing misconduct.

Q What if someone pressures an employee to file a false claim?

The complainant faces PoSH penalties, while the instigating colleague faces strict corporate disciplinary action by HR.

Q What happens if a witness provides false evidence?

Under Section 14, dishonest witnesses face the same severe disciplinary actions as a false complainant.

Q Can I file a complaint against a client or vendor

Yes. The Act protects you from harassment by anyone within your workplace ecosystem, including external visitors.



Highlights in Frames

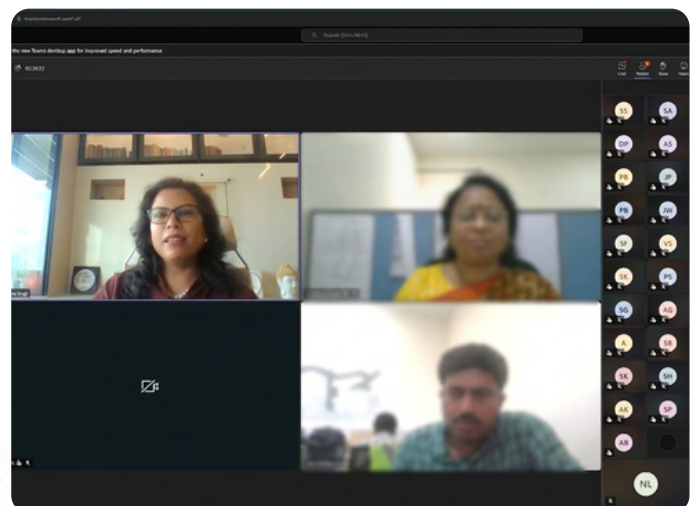
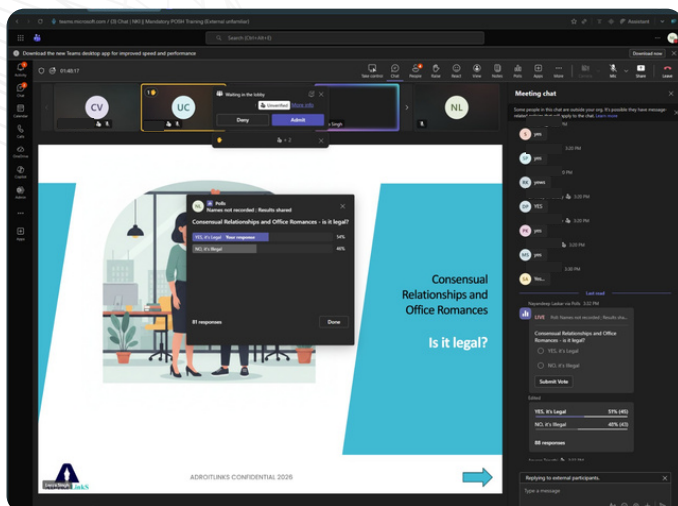


Leeza Dutta Singh on the The Collaborative Canvas Podcast

Click to watch or listen now:



PoSH training with Larsen & Toubro



Online PoSH training with Nippon Koei India

Our Services



PoSH Compliance Training & Advisory

Building safer workplaces, one session at a time.



Diversity, Equity & Inclusion (DEI)

Creating cultures where everyone feels a sense of belonging.



Ethics and Code of Business Conduct

Empowering decisions with ethics and integrity.



Simplifying Labour Law Compliance

Turning complex laws into crystal clear solutions.



POCSO Awareness & Support

Protecting children through awareness and action.



Policy Drafting & Review

Policies that work — for people and compliance.



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