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ICC-AN INSTITUTION FOR GENDER JUSTICE

AUTHORED BY - SUBASHREE.S, SURYA K & SIVASANKARAN

ABSTRACT:

The Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redressal) Act had reached a decade of implementation, which has mandated the establishment of an internal complaints committee in every organization that employed more than 10 employees¹. It also includes virtual and cottage employees. After reaching the decade of implementation, there is a lack of awareness about this act in rural areas. The complaints filed are not properly investigated and reported to the authority concerned due to fear of lack of reputation. The number of complaints filed in the country was not properly released in the government database officially. The effectiveness of this act is still measured only through unofficial reports and surveys conducted by the common public and non-governmental organizations. This act is limited only to women and eliminated another vulnerable section in the society, that is, transgenders. This article analyzes what the Internal Complaints Committee is, the issues still not resolved by this act, and provides suggestive measures from the author's side.

INTERNAL COMPLAINTS COMMITTEE:

Section 4 of the POSH Act, 2013², mandated every employer to constitute an ICC at each office or branch where ten or more employees are employed. An aggrieved woman has to approach the ICC to file a complaint relating to sexual harassment. After receiving the complaint from the aggrieved woman, the committee inquires into the matter and accordingly makes recommendations. The formation of the committee must be officially notified by an employer through an order in writing, and such notification should be validated by the CEO or board too.

¹ Section 4 of the POSH ACT,2013

² 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.

COMPOSITION OF ICC³:

- *The* presiding officer of the Internal Complaints Committee must be a woman who is the senior-most employee of an organization.
- Two or more members among employees of the organization
- External member who is the member of a non-governmental organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment
- The Internal Complaints Committee must be constituted by 50% women, which is mandated by the POSH Act.
- The tenure of those members is 3 years.

POWER OF ICC:

The Internal Complaints Committee has a power of civil court in nature⁴. The committee can summon and enforce the attendance of anyone. It can ask for any documents related to the case for the speedy disposal of the complaint. The Internal Complaints Committee can allow mediation between the victim and victimizer to promote settlement between the parties. The settlement should not be a necessarily monetary settlement. The settlement must be recorded and sent to the employer or district officer for the necessary actions as recommended. They can take any possible steps for the speedy disposal of the complaint. They have the power to determine the compensation for the victim after analysing the mental trauma, pain, suffering, and emotional distress experienced by the woman; loss of career opportunities; medical expenses incurred for physical and psychological treatment; and income and financial status of the respondent and decide whether the compensation should be paid in a lump sum or in instalments.

TIME LIMITS:

Complaints must be filed within 3 months from the date of incident, but it can be extended by stating proper reasons. If the aggrieved party cannot file the complaint independently, they can file the complaint through a guardian or next friend. The inquiry into the complaint must be completed within 90 days from the date of filing. The ICC must provide both parties the opportunity of being heard before completion of the inquiry. After the inquiry, the report must

³ Section 7 of the POSH Act,2013

⁴ Section 11(3) of the POSH Act,2013

be submitted within 10 days. The employer or government authority must act on the recommendation of the report within 60 days.⁵

INQUIRY PROCEDURE:

If both parties are employees, the ICC/LC must give both parties an opportunity of being heard during the inquiry, provide copies of the inquiry findings to both parties and allow them to make representations against the findings before the committee⁶. The inquiry must be conducted in the manner prescribed under this act. If there are no applicability, the service rules would be applied. In case of domestic worker, The LC must forward the complaint to the police within 7 days of filing and registering the case under Section 79 of BNS.

IMPORTANCE:

PROTECTION OF WOMEN'S RIGHTS:

The ICC plays a major role in protecting women from sexual harassment in the workplace. It safeguards women's rights under Article 14 (Right to Equality)⁸, Article 19 (Right to Freedom of Speech and Expression)⁹, and Article 21 (Right to Life)¹⁰ of the constitution. It is established to ensure gender equality in an organization. Any act that degrades that right must be addressed and resolved by the Internal Complaints Committee of an organization.

EMPLOYER ACCOUNTABILITY:

Under section 9 of the POSH Act¹¹, an employer has a duty to establish an internal complaints committee in his organization. He should conduct awareness programs and make sure that all the employees of an organization are aware of those complaints committees. As the internal committee has a narrow view, as it focuses only on complaints filed by the employees and clients of a particular organization, it can be easily tracked and resolved as early as possible. It is the duty of the employer to ensure that the complaints filed are resolved within the time limits given in the act.

⁵ Section 9 of the POSH Act,2013

⁶ Section 11 of the POSH ACT,2013

⁷ Section 11(1) of the POSH Act,2013

⁸ Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

⁹ Protection of certain rights regarding freedom of speech, etc

¹⁰ Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law

¹¹ Section 9 of the POSH Act

ACCESSIBLE AND SPEEDY REDRESSAL MECHANISM:

As the POSH Act mandated ICC in all the organizations, the women employees who are facing struggles related to sexual harassment can easily access ICC in their organization to resolve those complaints. As the internal committee is construed for a particular organization, it would be easy for the employees to file the cases, and the committee members can easily conduct inquiry procedures, and there would be speedy disposal of cases.

CONFIDENTIALITY AND SENSITIVE HANDLING OF COMPLAINTS:

The complaints filed in ICC would be treated with utmost confidentiality and sensibility. The complaint complainant details wouldn't be disclosed to anybody except for some reasons. This confidentiality encourages women employees to confidently address their issue in front of the Internal Complaints Committee of the organization.

Provides a safe and productive environment:

The Internal Complaints Committee plays a major role in providing a safe and secure environment for the women employees and clients of an organization, which would build up their confidence and increase their productivity, which would impact the growth of an organization.

RESEARCH PROBLEMS:

LACK OF OFFICIAL DATA:

The number of cases filed in the Internal Complaints Committee was not properly reported to anyone with a proper survey or database. The surveys conducted by public and non-governmental organizations are all released, but they may not be accurate, and they could mislead the public. The ICC of an organization can also manipulate the records to mislead the government due to fear of lack of reputation.

IGNORING ANOTHER VULNERABLE SECTION:

The Prevention of Sexual Harassment Act focuses particularly on women's harassment, ignoring another section who are more vulnerable in the society—TRANSGENDER. Transgenders are facing lots of struggles in their day-to-day life and work life. The internal committee is not providing solutions for them. Their problems must be addressed before the internal committee to provide a safe and secure work environment for transgenders in an organization to provide an inclusive work environment.

LACK OF AWARENESS:

Many organizations, especially cottage industries in this country, didn't even establish an Internal Complaints Committee. Most of the cottage industries employed more than 50% of women in them. They are running without ICC, which was mandated to be constituted if the organization employed more than 10 women. Some people, even in MNCs, like some daily wage workers, are not aware of the Internal Complaints Committee in an organization. As the Posh Act reached a decade of implementation, the government and the organization must conduct awareness programs in full-fledged mode¹².

TENURE OF THE MEMBERS

The tenure of the membership in the committee is temporary, as their tenure is only 3 years. The lack of permanent membership in the committee would lead to a lack of effectiveness in their performance. So, the committee has a high chance of being corrupt, and they can't provide proper solutions for the problems.

MONETARY SETTLEMENT IS NOT A SOLUTION:

Even though the Prevention of Sexual Harassment Act prohibited monetary settlement, many employees are using it as a key tool to end this issue. The monetary settlement is not a solution, but it would be a starting point of wrong activities. Everything cannot be compensated by money. So, the proper punishment and determined compensation are a solution rather than this monetary settlement.

LACK OF PROPER DOCUMENTATION:

There is no standard format for the report submitted to the local committee by the Internal Complaints Committee. Different organizations prepare different types of reports, and the preparation of the final report would be a difficult process. There are high chances for data to be manipulated by the organization due to fear of lack of reputation. So, the data would be misleading the government.

¹²

https://idronline.org/article/gender/women-domestic-workers-fight-sexual-harassment/?utm_source=Google&utm_medium=Grants&utm_campaign=Climate_emergency_2&gad_source=1&gad_campaignid=22569349860&gbraid=0AAAAADCozDxdJEUG6cJEwtNMzE4wwsbd1&gclid=Cj0KCQjwk_bPBhDXARIsACiq8R2KII_VKgbjhpFsPYiVCRwRmTvyUgVoYsYHixtl-qlsqhaLdmKMLMaAvk_EALw_wcB

FAMILY AND SOCIETAL PRESSURE:

Many women who are facing harassment issues are not reporting because of their family and peer pressure. The victimizer may take this pressure as an advantage and repeat the same activities again.

CONCLUSION

Sexual harassment act represents a step towards safe and secured environment for women. It has mandated to constitute an internal complaints committee in every organization to provide an accessible environment to take complaints against sexual harassment. This study would reveal that the motto of the act is not fully accomplished due to persistent gaps.

These are some unresolved issues including lack of official data, proper documentation and database structuring, lack of awareness and inspection in certain areas and excluding the major vulnerable transgender community. These areas undermine the efficiency of this act and the committee formulated by the act as it is not providing proper services and being non-transparent.

This study finally gives some suggestions from the authors' point of view which would enhance the efficiency of the act which would transform the Internal complaints Committee from a statutory committee to an **institution of justice**.

SUGGESTIONS FROM THE AUTHOR'S VIEW:

STRENGTHENING AWARENESS PROGRAM:

Government and non-governmental organizations must take steps as much as possible to promote awareness about this act and committee to address their issues relating to sexual harassment. It should conduct inspections of the organizations to determine whether the organizations have an internal complaints committee and its proper functioning.

TRANSGENDER INCLUSION

As women are considered a vulnerable section of the society, ICC is a women-centric committee. But nowadays, people from the transgender community are coming into the development pathway, and they are facing lots of issues related to sexual harassment during their journey in the development pathway. Their complaint should also be taken to the Internal Complaints Committee. To achieve it, it should also take the complaints of transgender people.

VICTIM-CENTRIC APPROACH:

ICC must provide a victim-centric approach to understand the struggles faced by the victim. Many ICCs are demanding evidence to prove the sexual harassment activity. Sexual harassment is impossible to prove in certain circumstances in front of the committee. It should follow a victim-centric approach and also make sure that no innocent person has been punished by this committee's wrong investigation procedure.

PROPER DOCUMENTATION:

The committee must provide proper format for documentation. The uniform documentation can simplify the whole process for considering data in its whole nature and reviewing the document by appropriate authorities and local committee members. So, it is necessary to have structured documentation by the Internal Complaints Committee to simplify the process of analyzing the data in aggregate nature.

RELEASING THE OFFICIAL DATA:

It is necessary to release the official data on the official website of the government. As the Sexual Harassment in the Workplace Act has reached the decade of implementation, there is no proper database addressing the number of complaints filed and resolved by this committee. So, the government must consider this issue and release the data in its official database. To analyze the progress of this committee by the general public and to ensure the transparency of this committee.

REGULAR INSPECTION BY GOVERNMENT:

The government must inspect the Internal Complaints Committee regularly to ensure there are no backlogs in the committee, as there are high chances for corruption and bribery happening in the Internal Complaints Committee. So, the government must inspect internal committees of organizations regularly and prepare proper records and make it an official database that can be accessed by the public.

CONFIDENTIALITY—AN ESSENTIAL FEATURE OF THE INTERNAL COMPLAINTS COMMITTEE:

ICC must maintain confidentiality in the victim's personal data that would gently provide confidence to the victim to file a complaint. The government and the external members of the committee must ensure that every single piece of data of the complainant is confidentially

maintained.

REFERENCES

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<https://www.indiacode.nic.in/handle/123456789/2104>

POSH act a critical analysis of its limitations and its impact-

<https://www.ijfmr.com/papers/2024/6/32697.pdf>

The POSH Act in India: Progress, Shortcomings, and the Path Forward-

<https://ijassonline.in/HTMLPaper.aspx?Journal=International%20Journal%20of%20Advances%20in%20Social%20Sciences;PID=2024-12-2-1>

Sexual Harassment of Women at Workplace: A Socio-Psychological Trauma

<https://ijlmh.com/sexual-harassment-of-women-at-workplace-a-socio-psychological-trauma/>

Prevention of Sexual Harassment at the Workplace- India Legal & HR Considerations

https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Prevention_of_Sexual_Harassment_at_Workplace.pdf

A study on awareness and the influence of the posh act on the work environment in the service sector

<https://jmra.in/archive/volume/12/issue/1/article/16066/pdf>

EVALUATING THE EFFICACY OF THE POSH ACT: INTERPRETATIONS, CHALLENGES AND FUTURE DIRECTIONS

<https://ijirl.com/wp-content/uploads/2025/05/EVALUATING-THE-EFFICACY-OF-THE-POSH-ACT-INTERPRETATIONS-CHALLENGES-AND-FUTURE-DIRECTIONS.pdf>

Sexual Harassment at Workplace Act, 2013: A Review

<https://www.ijrar.org/papers/IJRAR19D1534.pdf>

POSH ACT AND SEXUAL HARASSMENT OF WOMEN IN LEGAL PROFESSION WITH SPECIAL REFERENCE TO GWALIOR DIVISION

<https://law.shodhsagar.com/index.php/j/article/view/94>

An overview of the genesis of Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redress) Act, 2013

<https://ijcrt.org/papers/IJCRT2406425.pdf>

A Study on Internal Complaints Committee (Pertaining to Sexual Harassment at Workplace in IT Firms of Chennai) with special reference to Tidel Park and DLF Cybercity

<https://ijrcs.org/wp-content/uploads/IJRCs202307015-min.pdf>

Functioning of Internal Complaint Committees in Government Offices of Kerala

<https://www.epw.in/engage/article/functioning-internal-complaint-committees-government-offices-kerala>

The POSH Act in India: Progress, Shortcomings, and the Path Forward

https://ijassonline.in/HTML_Papers/International%20Journal%20of%20Advances%20in%200Social%20Sciences_PID_2024-12-2-1.html

INTERNAL COMPLAINTS COMMITTEE

https://www.researchgate.net/publication/371538736_INTERNAL_COMPLAINTS_COMMITTEE

Prevention of Sexual Harassment (PoSH) Act, 2013

<https://visionias.in/current-affairs/monthly-magazine/2026-01-28/polity-and-governance/prevention-of-sexual-harassment-posh-act-2013>

Decade Of The POSH Law: Analysis Of Reporting Trends And Low Compliance

<https://www.livelaw.in/law-firms/law-firm-articles-/posh-law-ss-rana-co-260161>

The POSH Act of 2013- A Comprehensive Guide

<https://www.caclubindia.com/articles/comprehensive-guide-to-posh-act-2013-51184.asp>

The Evolution of POSH Act: The Journey of Ensuring Safety at Workplace

<https://lrfvoice.com/the-evolution-of-posh-act-the-journey-of-ensuring-safety-at-workplace/>

POSH ACT, 2013- Legislative Commentary

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3697540

IMPLEMENTATION AND CHALLENGES OF THE POSH ACT IN THE LEGAL PROFESSION: A STUDY ON SEXUAL HARASSMENT OF WOMEN IN THE GWALIOR DIVISION

https://www.researchgate.net/publication/397661504_IMPLEMENTATION_AND_CHALLENGES_OF_THE_POSH_ACT_IN_THE_LEGAL_PROFESSION_A_STUDY_ON_SEXUAL_HARASSMENT_OF_WOMEN_IN_THE_GWALIOR_DIVISION

Sexual Harassment At Work: Understand The Rules Of The PoSH Act In 6 Minutes

<https://www.ungender.in/sexual-harassment-at-work-understand-the-rules-of-the-posh-act-in-6-minutes/>