

POSH Act 2013 Internal Complaints Committee (ICC): Role of the Women's Safety at Workplace: An Analysis

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Abstract

Articles of the Indian Constitution 14, 15, 19(1)(g) and 21 safety of women at the workplace is a fundamental right under the Constitution. In 2013 applied POSH Act (Prevention of Sexual harassment of Women at the workplace provided a strong legal framework for the prevention of sexual harassment. **Internal Complaints Committee (ICC) is the central part of it.** This research paper will analyze the ICC structure, Powers, and grievance procedure. It presents a detailed analysis of current challenges and policy measures to ensure women's safety. According to the year 2025 data of She-Box the portal 254 Complaints filed, Whereas NARI-2025 In the survey 40% Women expressed feelings of insecurity. Upon closer analysis, it becomes clear that ICC activism, in the absence of timely inspection and training, the objective of the Act remains incomplete.

Keywords

POSH Act, ICC, Sexual Harassment, Grievance procedure, She-Box, women's safety, Vishakha Guidelines.

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Introduction

Sexual harassment at the workplace is not just an individual atrocity; rather, it is a violation of the fundamental rights of women., This is a direct attack on their dignity and equality. 14.58 million women are employed, yet their security remains a major challenge even today. In 1997, the Vishakha Guidelines came into force, and then the 2013 POSH Act came into force. It was expected that workplaces would be safe., but the reality is the opposite.

The purpose of this research paper ICC role of the following points are to be analysed keeping this in focus:—

- POSH under the Act, What is the structure and powers of ICC
- What is the complaint procedure and what is the responsibility of ICC.
- What are the challenges in implementing ICC ?
- What policy suggestions can be given to enhance women's safety??

2. POSH Act 2013: Legal Background

2.1 Vishakha Guidelines (1997) TO POSH

The Supreme Court admitted that in Vishaka vs. State of Rajasthan(1997) sexual harassment at the workplace violated gender equality and the right to life. Until then, there had been no law., Therefore, the court directed the Vishaka Guidelines. These guidelines were later revised in 2013 in the POSH Act as a concrete method was made.

2.2 Key provisions of the Act POSH

- **Section 2(n):** Definition of sexual harassment—physical, oral, non-verbal, Inducement-based, Hostile environment and digital harassment.
- **Section 4: ICC formation is mandatory** for 10+ employees at every workplace
- **Section 6:** Formation of local committee, if the employer doesn't make it.
- **Section 11:** Provision for completion of investigation within 90 days.
- **Section Stream13:** Recommendations to the employer and action in 60 days.

This act will apply to government, Personal, non-governmental, unorganized, and domestic workplaces.

3. Internal Complaints Committee (ICC) – structure, Formation and Powers

3.1 ICC structure (Section 4)

Member	Description
Chairman (Presiding Officer)	A senior female employee at the workplace
at least 2 Members	from among the employees, <i>Most women</i>
an external Member	NGO / Representative of a women's rights organization

ICC Period of: 3 years (Rule 7(4)).

ICC Registration In 2025 the Supreme Court clarified – that in each district ICC registration surveys will be compulsory.

3.2 ICC powers and responsibilities

- **Receiving a complaint** – Email, Letter or oral.
- **To Examine** – questioning of witnesses, collecting evidence.
- **Maintaining of secrecy** – Both the victim and the accused.
- **Try to solve** – mediation, but only with the consent of the victim.
- **Submission of reports** – Within 90 days to the employer.
- **Recommendation of punishment** – Warning, promotion stoppage, dismissal, compensation (mental, medical expenses).

Important: If ICC does not report on time or hampers investigations, then the employer will also be held guilty.

4. Complaint Process (Step-by-Step)

Phase 1 – Register a complaint

- **Deadline:** Within 3 months of the incident (maximum 30-day extension possible).
- **Format:** Written, incident details, date, Time, Evidence (Chat, Email, Photo, Witness).
- **If the victim is unable to report:** Relatives, friends, or legal heirs can file a complaint.

Phase 2 – Examine by the ICC

- Give a copy of the complaint to the accused within 7 days.
- Interrogation of both parties and witnesses.
- Examine to be completed in 90 days.
- Complete Privacy.

Phase 3 –Report and Action

- ICC submits the report to the employer.
- Employer will act on the ICC recommendations within 60days.

Alternative Mechanism (If ICC NOT FORMED)

- **Local Committee**–To the District Magistrate.
- **She-Box**–Online portal of the Ministry of Women and Child Development.
- **in the police FIR**– IPCSection of 354, 509, 376 etc.

5. ICC Challenges (Real scenario)

Challenge	Description
ICC exists only on paper	In many institutions ICC is not active. In the 2025 survey in 40% institutions ICC was not established.
Violation of deadlines	under investigation 90 day rule is broken In government offices 120+ It takes 120+
	Transfer of women who complained, Obstacles to promotion, Or there have been cases of dismissal.
Unrecognized employees	It is Difficult to access to ICC for contracts, Outsource employees.
Rising incidents of digital harassment	WhatsApp, Zoom, Teams. Cases of harassment have increased, but ICC is not trained.

6. Statistical Analysis (2025 Reports)

6.1 She-Box Portal Data (Ministry of Women and Child Development)

- Year 2025 total 254 Complaints registered.
- Of these 65% private sector cases, 35% of the government sector.

6.2 NARI-2025 Survey (National Commission for Women)

- 40% Women expressed feelings of insecurity at the workplace.
- 53% Women did not know that her organization has a POSH policy or not?
- Only 58% organizations was found to be formed ICC (no residue in the remaining ICC No).

6.3 Distribution of types of Harassment (2025, NCRB + NCW)

Type of Harassment	Percentage
Verbal/obscene remarks	48%
unwanted physical touch	22%
Digital (WhatsApp), email	18%
quid pro quo)	7%
	5%

It is clear that ICC should be more active in both Verbal and digital harassment categories.

7. ICC Policy measures to ensure women's safety through

7.1 Mandatory training and awareness

- **Annual POSH Training**–All employees (level 1, from the CEO compulsory).
- **ICC Training of members**–verification process, Evidence collection, Privacy Law, Digital Evidence Rules.
- **To all employees ICC information about the existence of**– the appointment letter, Website, and on the notice board.

7.2 Strengthening technical platforms

- **She-Box 2.0**–Auto-Tracking, reminder, Escalation mechanism.
- **ICC National Digital Register for**–In each district ICC real-time status data.

7.3 legal reforms

- **POSH Amendments to the Act**– Digital harassment, Vengeance, Clear provisions for a hybrid workplace.
- **Toughening of penal provisions**–If the employer does not make ICC then Provision for a fine of Rs. 1 lakh and cancellation of registration.
- **Explicit inclusion of transgender women**–The present Act only says 'woman; Explanation required.

7.4 ICC monitoring and accountability of

- **In each district POSH Lokpal**– ICC investigation, Action on non-compliance.
- **Annual ICC Report**–Every institution will have to submit it to the District Magistrate.
- **Strict adherence to deadlines**– 90-day examination, 60-day action; Self-reporting of violations.

7.5 Change in workplace culture

- **Zero-tolerance policy**–Serious investigation of even the smallest complaint.
- **Women's safety audit**–Annual inspection of each institution (Govt. + Private).
- Immediate transfer facility to prevent retaliation after a complaint.

8. Conclusion

POSH Act 2013 has provided a strong legal framework against sexual harassment at the workplace. The Internal Complaints Committee (ICC) is the

backbone of this system. ICC is active, trained and punctual work, so, most cases can be resolved quickly. But in reality, ICC the formation is incomplete, 40% at workplaces. Here, there is a lack of, The challenges of digital harassment are growing and fear of retaliation prevents women from complaining. The Supreme Court 2025 instructions of—in which district-level ICC Survey, Mandatory registration, and penalties for non-compliance are arranged, are a welcome step. Furthermore, She-Box digital platforms like, NARI Survey initiatives, and the role of voluntary organizations, ICC effectiveness can be increased.

Just making laws won't solve the problem. All—employer, management, Colleagues and policymakers—together to one respectable, safe and zero-tolerance work culture will have to make it. “ICC: Not just a committee, but it is the door of justice.”—Inculcating this spirit, giving priority to women's safety is now a national imperative.

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