

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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“INTERNAL COMMITTEE UNDER THE POSH ACT: STRUCTURE, FUNCTIONS AND CHALLENGES”

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Introduction

The POSH Act was enacted to protect women from sexual harassment at the workplace and to ensure a safe and dignified working environment through effective complaint redressal mechanisms. The Act also provides for the constitution of two important bodies, namely the Internal Committee and the Local Committee, to address complaints of sexual harassment. The Internal Committee is required to be constituted in every organisation employing ten or more employees, ensuring an in-house redressal mechanism. This article primarily focuses on analysing the functioning and effectiveness of the Internal Committee mechanism. Yet, the Internal Committee often encounters numerous operational hurdles in practice. This article examines the efficacy and challenges of the Internal Committee under the POSH Act.

Internal committee

Section 4 of posh act 2013 deals with internal committee it is mandatory to constitute internal committee if the organisation has one or more unit or located in different places each units must constitute the internal committee

internal committee shall consist of following members

1. presiding officer will senior women employee
2. two members from the employees who have experience in social worker or have legal knowledge
3. one member from non-Governmental Organisation OR knowledge relating issues of sexual harassment

TENURE OF PRESIDING OFFICER:

Presiding officer and other members of internal committee should hold the office for 3years from the date of nomination

the member who appointed from non-governmental employer should be pay for the proceeding Presiding Officer or any member of the Internal Committee in cases of misconduct, breach of

confidentiality, pending criminal proceedings, or abuse of position. they shall be removed from the committee and in casual vacancy the organisation filled with the fresh nomination according to the provision

INQUIRY SECTION 10

Before taking Inquiry they can even settle in through conciliation, but it is not required compulsory if not settled they can Forward the case to employer or district officer if settled through conciliation they have to send a copy to aggrieved women and the respondent once settled no further enquiry to conduct by the ICC

SECTION 11

Proceeds the inquiry according to internal rule of organisation or according to the act or forward the complaint within 7 days police station notwithstanding that anything contained in section 509 IPC and 79 of BNS during the inquiry ICC and LCC have the same power as of civil court proceeding shall be complete with 90 days

SECTION 12

The Committee is also empowered to recommend interim relief measures during the pendency of the inquiry. These measures can include transferring the aggrieved woman or the perpetrator, granting leave to the aggrieved woman, or restraining the perpetrator from contacting the aggrieved woman. Furthermore, the ICC's recommendations for interim relief aim to mitigate potential harm and ensure a safe working environment while the investigation is underway, thereby preventing further psychological distress or professional impediment for the complainant. This proactive approach aligns with international labour standards, which emphasize the importance of providing accessible and supportive complaint mechanisms, including immediate protective measures, to ensure the well-being of the complainant during the investigation.

SECTION 13

Inquiry Report completion of the inquiry, the Internal Committee shall submit its report to the employer within ten days. The employer is then obligated to implement the recommendations within sixty days, ensuring prompt and effective enforcement of the findings. In the event of non-compliance by the respondent, the amount may be recovered as arrears of land revenue through the appropriate District Officer.

The above-mentioned section from 10 to 13 is process of conciliation and inquiry method to settled the issue or if not the aggrieved person can file a case u/s 509 and 79 of IPC AND BNS

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Challenges:

1. Lack of awareness among employees and stakeholders significantly undermines the effectiveness of the complaint mechanism.
2. Many organisations fail to comply with statutory requirements in constituting the Internal Committee.
3. The dependency of the Internal Committee on the employer compromises its independence.
4. Absence of proper training affects the quality and fairness of inquiries.
5. Delay defeats the purpose of timely redressal under the Act.
6. Fear and workplace power dynamics lead to underreporting of cases. Suggestion

It is crucial to clearly distinguish between different categories of complaints, such as employer versus employee and employer versus employee, as this determines the appropriate mechanism for redressal. Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the aggrieved person must be a woman, while the respondent may be any person, regardless of gender or position.

In the effective functioning of the Internal Committee is the lack of awareness among employees regarding the complaint mechanism. Many individuals remain unaware of the existence of the Internal Committee or the procedure for filing complaints, which leads to underreporting of cases and weak implementation of the Act.

This gap in knowledge often arises from inadequate dissemination of information by employers regarding the provisions and protections provide under the law, thereby women's ability to seek. Women's also get understanding of what constitutes sexual harassment, the rights available under the Act, and the procedural steps involved in reporting an incident.

The lack of independence of the Internal Committee. Since the Committee is constituted within the organisation, its members may be influenced by the employer or senior management. This creates a risk of bias, particularly in cases involving higher-level employees, thereby affecting the fairness and credibility of the inquiry process.

The monthly inspection from government authority, creating awareness Shebox and the all organisation must notice about shebox , hepline number in the notice board Mere statutory compliance is insufficient unless supported by effective implementation, continuous monitoring, and genuine institutional commitment to gender-sensitive workplaces.

Conclusion:

In conclusion, while the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides a comprehensive framework for ensuring a safe and dignified workplace through mechanisms such as the Internal Committee, its effectiveness largely depends on proper implementation. Although the Internal Committee serves as an important in-house redressal body in organisations with ten or more employees, it continues to face several operational challenges in practice, including lack of awareness, limited independence, and procedural inefficiencies. These issues undermine the objective of providing an effective complaint redressal mechanism. Therefore, strengthening the functioning of the Internal Committee through improved awareness, institutional independence, and strict compliance with statutory provisions is essential to achieve the true purpose of the Act.

Organizations must move beyond mere formal compliance with legal mandates and actively cultivate a culture of genuine accountability and transparency to ensure that the Internal Committee operates as an impartial and effective body. Such an approach necessitates regular

training for ICC members, ensuring they possess the requisite legal knowledge and impartiality to conduct inquiries effectively, alongside transparent reporting mechanisms to external bodies where necessary. Moreover, addressing the underlying power imbalances and societal norms that contribute to gender-based violence is critical for fostering truly equitable and safe working environments. The critiques of the Vishaka judgment, from which the POSH Act emerged, continue to manifest in the Act's implementation, indicating persistent systemic issues in addressing sexual harassment. This is particularly evident in the challenges faced by women from socio-economically marginalized backgrounds, whose experiences of sexual harassment are often overlooked by mainstream discourse. Furthermore, the arbitrary procedures and subjective judgments, sometimes reflecting rape myths, employed by these committees contribute to a general lack of trust, which is further exacerbated by low reporting rates. Despite the legislative intent to create safer work environments, a significant challenge remains in ensuring that organizations move beyond superficial compliance to cultivate a genuinely inclusive and secure atmosphere.

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