Internal Complaints Committee (ICC)

Mains: ***GS II - Welfare Schemes for Vulnerable Sections of the population by the Centre and States and the Performance of these Schemes*****.**

Why in News?

Recently, a student in Balasore, Odisha, died by self-immolation after her sexual harassment complaints against the head of her department were dismissed by the college's Internal Complaints Committee (ICC).

What is the ICC?

- **ICC** – An Internal Complaints Committee (ICC) is a mandatory institutional redressal mechanism to address complaints of sexual harassment at the workplace.
- **Created under** – The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).
- **Background** – Evolved from *Vishaka Guidelines (1997)* by the Supreme Court, after a petition by Bhanwari Devi.

Bhanwari Devi*, a social worker in Rajasthan, was gang-raped when she tried to stop a child marriage in 1992.*



- **Legal basis** – After Nirbhaya killing in Delhi in December 2012 the provisions were actually written into law.
- **Establishment** – Mandatory at all workplaces which employed more than 10 people.
- Women working in smaller enterprises in the informal sector could complain to *Local Committees to be set up by district authorities*.

What is the composition of ICC?

- **Headed by** – Presiding Officer, who is to be a woman employed at a senior level at the workplace.
- **Members** – At least 2 members should be employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- Another member should be from an NGO devoted to women's rights or a person familiar with sexual harassment issues.
- **Women's ratio** – At least half of the members should be women.
- **Complaint** – Any aggrieved woman *can complain in writing within 3 months* of the date of the harassment incident or series of incidents.

What are the powers and functions of ICC?

- **Powers** – ICC has the same powers as are vested in a civil court under the Code of Civil Procedure.
- **Time limit for inquiry** – To be completed within 90 days.
- **Actions** – The committee can help to settle the matter at the request of the woman or begin an inquiry into the complaint.
    - If the complaint is proved, the ICC must recommend the action to be taken against the accused.
    - The employer is also required to aid the victim if she wishes to file a criminal

complaint.

- **Concealment clause** – The law mandates confidentiality regarding
  - The contents of the complaint
  - The identity and addresses of the aggrieved woman
  - The respondent and witnesses
  - Any information relating to conciliation
  - Inquiry proceedings
  - The recommendations of the ICC.

What are the challenges faced by ICC?

- **Irregular execution** – The implementation of Internal Complaints Committees (ICCs) remains patchy and inadequate across institutions.
- **Ineffective functioning** – They *often lack training*, maintain no confidentiality, and fail to address workplace power imbalances.
- **Lack of coordination** – Women and Child Development Ministry oversees the Act, but actual employers fall under the Labour and Industries Ministries.
- This *gap between ministries* creates a responsibility crisis.
- **Lack of monitoring** – Absence of analysis of the law's functioning, leaves a black hole in accountability and data.
- **Supreme Court's Apprehension** – The Supreme Court expressed concern over the *serious lapses in enforcement*.
- It called the state of affairs disquieting and *ordered immediate compliance across both public and private sectors.*

What lies ahead?

- The government could push for *quicker setting up of ICC* in every public and private organisations.
- The actions taken by the ICC could be *periodically monitored and analysed.*

Reference

The Hindu| Internal Complaints Committee

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