

IC Constitution Checklist

A Step-by-Step Guide to Constituting a Legally Compliant
Internal Committee under the PoSH Act, 2013

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*"An Internal Committee is only as strong as the care
taken in constituting it."*



How to Use This Checklist

This checklist is designed to help organisations constitute a legally compliant Internal Committee (IC) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Work through each section in order. Check each box as it is completed. Every item in this checklist is a statutory requirement or a recognised best practice — not optional guidance.

If your organisation already has an IC, use this checklist to audit whether your existing committee meets the full requirements of the law.

This checklist does not constitute legal advice. For organisation-specific guidance, contact PoSH ADVISORY at info@poshadvisory.com.

Step 1 — Confirm Applicability

Before constituting an IC, confirm that your organisation meets the threshold requirement under the PoSH Act.

- **Organisation has 10 or more employees at its office or administrative unit**
- If fewer than 10 employees — confirm that a Local Committee (LC) has been constituted by the District Officer for your area
- Confirm that an IC is required at each office/branch separately — not just at the head office

Note: Every office or administrative unit with 10 or more employees must have its own IC, regardless of whether a central IC exists at headquarters.

Step 2 — Appoint the Presiding Officer

The Presiding Officer is the head of the Internal Committee and must meet the following statutory requirements.

Eligibility Criteria

- **Must be a woman**
- **Must be a employed at a senior level at the workplace**
- Must be employed at the same workplace or office as the IC being constituted

Appointment Process

- Nominated in writing by the employer
- Appointment letter issued and signed
- Tenure confirmed — maximum 3 years per term
- Confirmed she has no conflict of interest with any likely complainant or respondent

Note: If a senior woman employee is not available at the workplace, the employer may nominate a senior woman employee from another office or administrative unit.

Step 3 — Appoint Employee Members

At least two members from among the employees must be appointed. These members must meet the following requirements.

Eligibility Criteria—each member must meet at least one of the following :

- Committed to the cause of women
- Has experience in social work
- Has legal knowledge

Appointment Process

- **Minimum of two employee members nominated**
- **At least one member is a woman (to ensure at least half the IC are women)**
- Nomination letters issued and signed for each member
- Tenure confirmed — maximum 3 years per term for each member
- Each member has confirmed no conflict of interest

Note: The Act requires that at least half of the total IC members must be women. Count the Presiding Officer when calculating this.

Step 4 — Appoint the External Member

One external member must be appointed from outside the organisation. This is a statutory requirement — not optional.

Eligibility Criteria — must be from:

- An NGO committed to the cause of women
- An association committed to the cause of women
- Any other person familiar with issues relating to sexual harassment

Appointment Process

- **External member identified and confirmed**
- Formal appointment letter issued
- Prescribed fee or allowance agreed and documented
- Tenure confirmed — maximum 3 years per term
- Confidentiality obligation acknowledged in writing
- No conflict of interest with the organisation confirmed

Note: The external member brings independence and credibility to the IC. Choose someone with genuine expertise — not just a formal name on paper.

Step 5 — Verify Gender Composition

The PoSH Act requires that at least half of the total IC members must be women. This is a hard statutory requirement.

- Total IC members counted (including Presiding Officer)
- **At least 50% of total members are women**
- If composition falls short — additional woman member(s) appointed to correct this

Example: If your IC has 4 members total, at least 2 must be women.

Step 6 — Complete All Documentation

Proper documentation of IC constitution is a legal requirement. The following documents must be prepared, signed, and retained.

- **Official IC constitution order/notification prepared on company letterhead**
- Names, designations, and roles of all IC members clearly stated
- Date of constitution clearly stated
- Tenure of each member clearly stated
- Signed by the employer or authorised signatory
- Copies of constitution order distributed to all IC members
- Copy filed with HR records
- Copy submitted to relevant government authority if required in your state

Note: Some states require organisations to submit IC constitution details to the District Officer or Labour Commissioner. Verify requirements in your state.

Step 7 — Display & Communicate IC Details

The PoSH Act requires that IC details and the penal consequences of sexual harassment be displayed prominently at the workplace.

- **IC member names and contact details displayed at a conspicuous place in the workplace**
- **Penal consequences of sexual harassment displayed alongside IC details**
- Display updated whenever IC membership changes
- IC details communicated to all employees via email or internal communication
- IC details included in employee onboarding materials
- IC details published on internal intranet or HR portal (if applicable)

Step 8 — Ensure IC Members Are Trained

The PoSH Act requires employers to organise orientation and training for IC members. An untrained IC is both a legal risk and a practical failure.

- **All IC members have received orientation on the PoSH Act, 2013**
- **Presiding Officer trained on inquiry procedures and principles of natural justice**
- IC members trained on handling complaints with confidentiality and sensitivity
- IC members aware of timelines — 90-day inquiry period, 60-day implementation window
- IC members trained on documentation and report writing
- Training records maintained and filed

Note: PoSH ADVISORY provides specialised IC member training tailored to your organisation. Contact us at info@poshadvisory.com to schedule a session.

Step 9 — Track Tenure and Plan for Renewal

IC members serve for a maximum of three years. Organisations must proactively track tenure and reconstitute before terms expire to avoid a compliance gap.

- **Tenure end dates recorded for each IC member**
- Reminder system in place to trigger reconstitution at least 60 days before any tenure expires
- Process defined for removal of a member who violates the law or against whom an inquiry is pending
- Process defined for filling vacancies mid-tenure
- IC reconstitution order issued whenever membership changes

Step 10 — Ongoing IC Compliance

IC constitution is the beginning — not the end. The following ongoing obligations must be met to remain compliant.

Annual Requirements

- **IC annual report prepared and submitted to employer and District Officer**
- Annual report includes: complaints received, disposed of, pending, and action taken
- Annual report submitted within 3 months of end of financial year

Ongoing Requirements

- IC meets periodically to review processes and readiness
- IC members attend refresher training as needed
- PoSH policy reviewed annually and updated if required
- Employee awareness sessions conducted at least once a year
- IC composition reviewed annually for gender balance and eligibility

Note: The District Officer reviews annual reports and may inspect your IC records. Maintain all documentation systematically.

Quick Reference — IC Composition at a Glance

Role	Number	Eligibility	Tenure
Presiding Officer	1	Senior woman employee	3 years
Employee Members	Minimum 2	Committed to women's cause / social work / legal knowledge	3 years
External Member	1	NGO / association committed to women's cause	3 years
Minimum Total	4	At least 50% must be women	—

***"A well-constituted IC is not a formality.
It is your organisation's first and most important line of defence."***

If your organisation needs support constituting, training, or reviewing your Internal Committee, **PoSH ADVISORY** is here to help.

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