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Original Research

INTERNSHIP SATISFACTION LEADING TO SKILL DEVELOPMENT  
AMONG STUDENTS FROM HOSPITALITY MANAGEMENT PROGRAM

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*Assistant Professor, Tolani College of Commerce, Andheri-East.*

**Abstract:**

*This study aims to understand the impact of internship satisfaction of hospitality students and the impact of their internships on their professional development and industrial perception. In line with this purpose, an implementation will be conducted on the students who had pursued internship during or after the completion of hotel management program. This implementation will involve a questionnaire form which shall be filled by at least 30 students, who had had pursued internship under the hospitality program. The findings will include demographic information; 5-point Likert scaled questionnaire form which will be intended to determine the internship satisfaction, practical knowledge and skills enhancement, and professional development and industrial perception of the students, that can be analysed by taking mean scores of the scales of the form; using appropriate statistical techniques, the relations between the scales will be studied, and the results will be interpreted. The aim of this study is that the results should be able to show that internship satisfaction of the students had a positive impact and impact by itself on their professional development and industrial perspective, along with education that the students received.*

**Keywords:** *Internship, Hotel Management, Hospitality Program, Satisfaction, Skill Enhancement, Professional Development*

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**Introduction :**

Hospitality training schools and industry experts have been persistently working together to provide internship opportunities that introduce students to different sectors of the hospitality industry, as well as to enable students to the corporate culture and skills required by the hospitality industry, the student could eventually work with the studies. But if industry professionals and students are to be kept on par one another's skills and resources for a successful internship experience, understanding underlying key desires and motivations. According to Meredyth Thomas, Director of Career Services and External Relations at Boston University's School of Hospitality Administration, students also accept internships for brand exposure. "Students wish and intend to





work with as many good popular organizations as possible to experience the culture, learn and cultivate skills the brands value that are not so easy to learn in the classroom. For example, Kimpton values empowering employees in 'guest-facing' roles to make own decisions without consulting a manager. A student who had completed internship with Kimpton noted she was empowered, skilled and capable to make judgement calls at the Front Desk so that she was always able to be with the guest to attend him or her. Making spontaneous decisions isn't easy to reproduce in the classroom, and was certainly paramount achievement to her learning." Indian hospitality industry is growing leaps and bounds. This is definitely because of the increasing demand of hospitality in domestic and global market. According to Federation of Hotel and Restaurant Association of India, India currently has more than 200,000 hotel rooms spread across hotel industry and guest-houses and is still facing a deficiency of over 100,000 rooms. Hospitality is a booming industry in India. Tourism and hospitality are the third largest net earners of foreign exchange in India and they are expected to be number very soon.

The progressing hospitality sectors have given rise to diversifying of the number of hotel management schools in the country with the aim of providing trained professionals. With increasing globalization, career opportunities in this field are also diversifying and expanding within the country but there are chains of hotels, which operate internationally providing scope of a career abroad.

The hotel management schools have been offering programmes with the main intention of offering and preparing the students to take up jobs in hospitality sector at either at entry level, mid management level or management level in various important departments of the hotel. The recent trend that has been observed amongst the hospitality students is that of taking up post graduate studies and move to other country, subsequently the number of students joining the hotels is dropping continuously. The interest is to study and identifying the factors that are contributing to the selection of hotel management course by aspirants. And during the course what are the changes that happen in their ideologies about the course and what are the factors which contribute to such changes. The various studies also tried to explore the opportunities available to the aspirants and the factors and circumstances which lead to selection of the same by the students.

### **Research of Objectives :**

- To understand the factors influencing the students choice for accepting internship under Hotel management course
- Does industrial training have any impact on changing their perceptions?
- To study the pattern of opinions of interns in towards learning of different types of skills.
- To understand various factors that can affect an intern positively and negatively.
- To understand whether interns also would like to give feedback to the industry and receive feedback from them at the same time.
- To understand whether it has led them to get a better job opportunity and that has led to sustainable development in their life.
- Lastly to understand does whether internship led to satisfaction and improvement in the level of confidence.

### **Significance of the study :**

This investigation was vital in light of the fact that it approved the apparent significance of the employability skills as depicted by many experts and furnishes work environment learning and advancement experts with





lata about current mix of new aptitudes into authority improvement programs and saw level of significance for what is desirable.

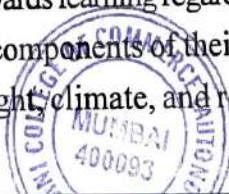
### **Limitations of the Study :**

All the necessary efforts were taken, to guarantee that the research is composed and led to amplify the capacity to accomplish the examination objective. Notwithstanding, there are a few imperatives that don't approve the research, so this study suffers from the following limitations and the same need to be acknowledged.

1. This study has been restricted to the Mumbai region.
2. This study and evaluation are in view of the essential information produced through an organized survey and the observational technique which is collected from randomly selected respondents and hence its findings depend on the accuracy and reliability of data.
3. As the essential information and observational technique for research have its own confinements, hence one has to be a bit conscious while, making the results applicable to the many such students who while pursuing Hospitality Management Program from the other parts of the Mumbai city or to the entire population.

### **Review of Literature :**

1. Petrillose, M.J., & Montgomery R., (1998) states that by depicting the degree of hierarchical responsibility understudies have, the cordiality business will have new knowledge into the achievement of entry level position programs. The hierarchical responsibility can be explained with the assistance of the investigation of the relationship among organized and unstructured temporary position programs, for the scholarly field.
2. Scott Richardson, (2009) clarifies zones that students have worries over respondent's relationship with their administrators, advancement openings, development in vocation ways, and the compensation and conditions offered inside the business. The most disturbing finding to emerge from this examination is that over half of respondents are as of now leaning toward vocations outside the business. Of those had been working in the business, 43.6% case that they won't ever work in the travel industry and accommodation industry after graduation, with 96.3% of these respondents' asserted that hands on preparing experience in the business as the principle purpose behind this choice.
3. Waryszak, R., Morda, R., & Kapsalakis, A., (1999) infer that the temporary job program has demonstrated compelling in contributing towards the improvement of the board capabilities for this partner of understudies and it has supplemented the administration abilities they created during their coursework. A portion of the understudies' administration skills have shown more noteworthy improvement than others.
4. Wen-Hwa Ko, (2008) accentuated that instructional courses had a huge effect in fulfilment with the director and instructive program. The relapse investigation showed that fulfilment from preparing assumed a positive part as an indicator of members' work fulfilment and certainty about future professions. The impact of fulfilment with preparing on understudies' certainty about future vocations was interceded by their fulfilment with the temporary job. The variables slanted towards learning regarding members' fulfilment during the temporary position were discovered to be critical components of their helped certainty about future professions, yet other imperative abilities like oversight, climate, and relational relations were definitely not.





**Research Methodology :**

Data was collected using primary and secondary methods. A structured questionnaire of 40 questions was distributed 23 responses were received of which 10 were valid responses. The source of the data is questionnaire filled by hotel management students who had undergone internship, to share their responses after undergoing internship. To test the reliability of the data, analysis was done to understand how the various skills leads to confidence among the learners in getting satisfaction leading to sustainable development and employability in the present world.

Researcher used 31 questions asked from the respondent which was measured on Likert 5 point scale ranging response 1-Strongly Disagree 2- Disagree 3- Neutral 4 Agree 5- Strongly Agree, range included various factors of internship satisfaction along with the personal details . This study took a period of 2 months ( January 2021 to February 2021).

**Hypothesis :**

- H0 = There is no change in the skills after completion of internship among the students.
- H1 = There is change in the skills after completion of internship among the students.

**Definition for Understanding the Terms :**

**Hospitality:** Hospitality is the relationship between the guest and the host, or the act or practice of being hospitable. This includes the reception and entertainment of guests, visitors, or strangers. (SOURCE: Wikipedia)

**Hotel industry (India):** In India hospitality is based on the principle Atithi Devo Bhava, meaning "the guest is God". This principle is shown in a number of stories where a guest is literally a god who rewards the provider of hospitality. From this stems the Indian approach of graciousness towards guests at home, and in all social situations. (SOURCE: Wikipedia)

**Hotel:** A hotel is an establishment that provides lodging paid on a short-term basis. The provision of basic accommodation, in times past, consisting only of a room with a bed, a cupboard, a small table and a washstand has largely been replaced by rooms with modern facilities. (SOURCE: Wikipedia)

**Hotel Management:** Hospitality Management is the study of the hospitality industry. A degree in the subject may be awarded either by a university college dedicated to the studies of hospitality management or a business school with a relevant department. Degrees in hospitality management may also be referred to as hotel management, hotel and tourism management, or hotel administration. (SOURCE: Wikipedia) <https://www.orfonline.org/expert-speak/putting-vocational-education-centre-stage-implementation-nep-2020/>

**Analysis :**

By using calculating simple mean we got the following results.

Sr. No.	Questions	Strongly Agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly disagree (1)	Total responses	Mean Score	Result
1.	Academic knowledge of intern is proper to hotel operation	2	5	2	1	0	10	3.8	Good





2.	Intern uses his knowledge in internship	2	5	2	1	0	10	3.8	Good
3.	Knowledge of intern can affect hotel operation	5	1	2	2	0	10	3.9	Good
4.	Intern's expectations differs from what happens in the hotel	3	4	2	0	1	10	3.8	Good
5.	Education increases intern's expectations	6	3	1	0	0	10	4.5	Very Good
6.	Intern's expectations effects his working quality	3	4	1	1	1	10	3.7	Good
7.	Intern's perception differs from his expectations	0	0	6	3	1	10	2.5	Satisfactory
8.	What an intern perceives effects his working quality	1	5	3	1	0	10	3.6	Good
9.	Intern should have supervision skills	3	3	3	0	1	10	3.7	Good
10.	Intern should have communication skills	8	2	0	0	0	10	4.8	Very Good
11.	Intern should have computer skills	5	4	0	1	0	10	4.3	Very Good
12.	Intern should have problem solving skills	4	4	2	0	0	10	4.2	Good
13.	Intern should be able to develop hotel programs	3	4	2	1	0	10	3.9	Good
14.	Intern should be able to adapt with hotel	6	2	0	2	0	10	4.2	Good
15.	Intern should be able to work long hours	3	5	1	1	0	10	4.0	Good
16.	Intern should do the tasks responsibly	6	2	1	0	1	10	4.2	Good
17.	Intern should provide a report of learning at end of the internship to university	5	5	0	0	0	10		Very Good
18.	Intern should provide a daily written report	5	2	2	1	0	10	4.1	Good





19.	Intern could learn jobs well in the assigned period	3	5	2	0	0	10	4.1	Good
20.	Hotel offers orientation session to intern in the beginning	4	3	3	0	0	10	4.1	Good
21.	Hotel offers program guide book to intern	2	6	1	0	1	10	3.8	Good
22.	Hotel should prepare environment for internship program ready	3	5	2	0	0	10	4.1	Good
23.	Hotel should clarify intern's responsibilities	4	6	0	0	0	10	4.4	Very Good
24.	Hotel should pay intern	4	5	0	0	1	10	4.1	Good
25.	Hotel should provide job opportunity to intern	4	4	2	0	0	10	4.2	Good
26.	Hotel should provide employment opportunity to intern	5	2	2	0	1	10	4.0	Good
27.	Hotel should provide a feedback to intern	3	5	1	1	0	10	4.0	Good
28.	Intern should provide a feedback to hotel about internship	2	5	3	0	0	10	3.9	Good
29.	Internship led to improvement in skills and job opportunity among the interns	5	4	1	0	0	10	4.4	Very Good
30.	Internship led to satisfaction and improvement in the level of confidence	2	6	1	0	1	10	3.8	Good
31.	Finally led to better job with sustainable development	4	5	0	1	0	10	4.2	Good

NOTE-1=Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree, 5=Strongly Agree

Mean interpretation: 1 - 1.80 = Unsatisfactory, 1.81-2.60 = satisfactory, 2.61-3.40 = Neutral, 3.41- 4.20 = Good, 4.21- 5.0 = Very good

From the above analysis through mean calculation shows that our H0 stands rejected i.e There was no change in the skills after completion of internship among the students.



and our H1 Stands accepted that i.e There was change in the skills after completion of internship among the students.

### **Findings and Interpretation :**

- The research paper examined the relationship between the independent variable (Internship offered by University/Institute Support and Organizational Environment) with the dependent variable internship satisfaction among the undergraduates of hospitality management in the major hospitality institutes.
- According to H1: Findings of the study revealed that there is a positive relationship between the Internship offered by University/Institute Supervisor or Training and placement coordinator with the industrial training satisfaction of hospitality undergraduates.
- Hence H1 is accepted i.e There was change in the skills after completion of internship among the students.

### **Conclusions :**

This study on, changing perception of students towards hotel management course while pursuing the course is based on the students of the hotel management course of various institutes in Mumbai. It is a study to find out about the perceptions of the students of hotel management before they join the course, during and after the completion of the course and even after their industrial training.

Post analysis of the hotel management students and their perceptions towards the hotel management course and hospitality industry before and after their industrial training, this study concludes that:

The students select the hotel management course with a background of good knowledge about the course and are also aware of various career opportunities available to them after completion of the course. Although some students are not able to cope up with course content, working hours and the hardship, still most of them are found to continue with the course and complete the same in due course. Industrial training help the student in gaining actual knowledge of hoe the hotel Industry work and it also contributes in improving their learning as they co-relate theory with what they observe in the Industry operations. The training also aids them in improving their personalities and overall confidence. With this most of the students want to opt for Hospitality as their career option while some of them would like to go for higher studies and others want to join their family hotel business or become entrepreneurs. And ultimately it may be concluded that the students are satisfied with the course.

The study describes internship students perceptions about their internship experience at hospitality industry. Drawing upon the responses of the students who participated in the internship programs at different hospitality institutions in Dhaka city reveals that students rate their internship experience as very good. The findings of this study indicate that students' value their internship program design, training and faculty involvement in the internship program most. Students assessed positively the internship experience regarding the overall understanding (satisfaction, future career and recommendation), industry involvement and skills in order to get employed in the workplace. The internship experience allowed them to be dedicated to the work environment and learn new knowledge. It helps them to choose hospitality industry as their future work area. Qualified instructors should participate in the learning process with assessment and opinion of the overall learning experience. This evaluation is necessary as the working and learning environment provided at hotels for internships are different from any other corporate or service institutions. At the entry level of hospitality industry is characterized by



low pay, routinized tasks, the lack of decision-making, and long working hours, educators should prepare students on the expectations and the working culture in hospitality organizations. At the same time, they should choose such establishments that offer the best possible working conditions for training students. In this way, internship experience can enhance students' dedication to learn and dedication to work, which negatively affect students' self-commitment. In addition, students should value their participation in professional networks and the social interaction with colleagues at school and at work. This interaction enhances their experiences and helps them at minimizing the dissatisfaction created by the long working hours and the occasional poor organization of work. It should be noted that hospitality institutions should inform students about the hierarchy and the demands of work in the industry, and other stakeholders involved in the internship should be informed of the importance of creating a learning environment for students that will enhance their perceptions of the industry and urge them to continue their careers in the sector.

The findings of the study have implications for all stakeholders involved: students, academic institutions and internship providers. Students should have a clear understanding of the reasons why they should participate in the internship program and what they have to do in order to reap the maximum benefit from it, may increase their employability prospects. Teaching institutes that incorporate internship within their curricula should smoothen out the transition of their students from academia to the business world, and thus increase their reputation [25]. Faculty members who decide and design the internship component in the curriculum's structure should consider the type of skills that the internship will foster and how the students can build a bridge between those skills and their classroom learning. Furthermore, an effective screening process should be implemented to allow a very good fit between the students and placement provider. This will enhance the effectiveness of the internship experience for both parties and eventually be considered as a pre meeting between potential job candidates to their future employer. Companies could work closely with the universities or other academic institutions to improve or update the skills set of their prospective human capital addressing the evolving needs of a globalized workplace. This study is not without limitations. The exploratory nature of the study and the chosen study area are mainly its limitations. A larger sample could be employed to confirm reliability and examine construct validity. Had there been an opportunity of random sampling of the respondents, parametric probability distribution techniques with hypothesis tests can be implemented. Future research can be conducted gathering firms and business schools' perceptions about the internship programs. It can be extended to students of different majors of studies to find out their perception. Even, future studies can also be conducted by comparing internship programs of different countries.

### Recommendations :

It is suggested that the latest trends followed by hotels should be included in the curriculum and the curriculum designed by the University should be upgraded on regular basis.

1. The faculty of respective colleges must counsel students about the course and the nature of work the students will be experiencing while perusing the course and during their training period.
2. Based on the student's feedback about the Industrial training, which they undergo during their course, it may be suggested that hotels should have policy for limited working hours and training in all the core departments for the trainees instead of continuing in one or two departments for the entire training duration.



3. It is also suggested that a well-designed training module prescribing the training outcome should be followed by all the hotels.

### **Future Implications :**

Recollecting the marvellous citations of the best Economist Chanakya, ?Self-acknowledgment and self-activity are the two most intense weapons for washing destitution and unemployment out from the frame of the world maps.? Simultaneously understanding the significance of internship, the Twelfth Five Year Plan (2012-17) watched, that almost each industry would be needing skilled employees.

- It is suggested that the latest trends followed by hotels should be included in the curriculum and the curriculum designed by the University should be upgraded on regular basis.
- The faculty of respective colleges must counsel students about the course and the nature of work the students will be experiencing while perusing the course and during their training period.
- Based on the student's feedback about the Industrial training, which they undergo during their course, it may be suggested that hotels should have policy for taking feedback from the students, having limited working hours and training in all the core departments for the trainees instead of continuing in one or two departments for the entire training duration.
- It is also suggested that a well-designed training module prescribing the training outcome of various types should be followed by all the hotels.

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Original Research

NEED OF THE HOUR TO UNDERSTAND POSH AT WORKPLACE -  
ITS IMPACT AND INFLUENCE IN CORPORATES WITH REFERENCE  
TO NEO WORLD

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**Abstract :**

*The term sexual harassment is not that new in India, but unwanted and undesirable acts of a sexual nature, collectively referred to as "eve teasing" (public sexual harassment or sexual assault of women by men), are not a completely new development in India as an alternative. balloon components. It is a reality for various women / ladies / women in India. While most cases of harassment in the workplace are perpetuated by men against women, no woman or man should tolerate such behaviour because it damages the respect and dignity of the victim and has negative effects on people's consciences and organizations and society as a whole. Recognizing the need to suppress / stop or end such behaviour, several countries in Asia have adopted legislative measures to prohibit harassment in the workplace in order to make the work environment safe and healthy Harassment of women in the workplace work Prevention, prohibition and repair law. 2013.*

*This law was passed by the Lok Sabha and therefore the Rajya Sabha on September 3, 2012 and February 26, 2013 respectively, and announced on April 23, 2013. It recognizes that this unwanted harassment leads to the violation of the fundamental right of women to equality under articles 14, 15 and 21, which promote equality before the law, the prohibition of discrimination based on belief, race, caste, gender or place. foresee the birth, the protection of life and private liberty. The law provides protection against harassment for women in the workplace and the statute of limitations and redress for complaints about harassment at intervals of employment in the workplace. Using an equivalent definition of harassment given by the Supreme Court of India in the Vishaka case against the state of Rajasthan (1997), the law is a crucial step in the fight against discrimination and gender-based violence in India, although they remain some gaps because it protects only women / women. / women (and not men) of harassment in the workplace.*

*The Government of India and in particular the Ministry of Labour and Employment (MoLE) have taken a specific decision to address the difficulty of harassment as it hinders women's equal access to equal treatment and opportunities in a work / workplace. Place. The pledge was developed at its second meeting on March 15, 2012 at the triangular inter-ministerial working group on gender equality in the workplace by employment, endorsed Vishaka's notices with the assistance of the ILO. However, with the approval of the Law on Harassment of Women at Work (Prevention, Prohibition and Redressal) in 2013, it was decided to update*

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*this draft notice and create this guide in accordance with the law to implement the law among the governments at the federal, state and district levels, as well as employers', employees and women's organizations.*

**Keywords :** *Sexual Harassment, work place, prevention, precautions*

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## **Introduction :**

Men used to be the only true breadwinner in a family long ago. Globalization has brought about an abrupt change/qualitative leap in the position of women around the world. However, with the increase in the flow of women into India's thinking workforce, bullying in the workplace has unethically involved larger / broader dimensions. Harassment in the workplace could be a type of gender discrimination that violates women's fundamental right to equality and the right to life, enshrined in Articles 14, 15 and 21 of the Indian Constitution ("Constitution"). Bullying in the workplace not only creates an unsafe and hostile operating environment for women/women/women, it also impedes their ability to adjust to today's competitive world. In addition to hindering their work performance, it also negatively affects their social and economic growth and exposes them to despair. India's initial legislation specifically addresses the difficulties encountered by sexual harassment in the workplace; Harassment of Women in the Workplace (Prevention, Prohibition and Remedy) Act 2013 ("POSH Act") was enacted by the Indian Ministry for the Development of Women and Children in 2013. The government subsequently jointly notified the principles set forth in the Sexual Harassment Prevention Act (POSH) entitled Women Harassment in the Workplace (Prevention, Prohibition and Redressal) Rules of 2013 ("POSH Rules"). The year 2013 witnessed the enactment of the Law (amendment) of the Legal Code of 2013 ("Criminal Law Change Law") which criminalized crimes such as harassment, stalking and paraphilia (a type of mental disorder characterized by a preference or obsession with unusual acts). sexual practices, such as paedophilia, sadomasochism or exhibitionism).

The POSH Act was enacted to prevent and protect women against workplace harassment and to confirm an effective remedy for harassment complaints. While the statute aims to provide every woman (regardless of age or employment status) with a safe, secure and dignified operating environment, free from any kind of harassment, the proper implementation of the statutory provisions remains a challenge.

While the law preventing workplace harassment has been good since 2013, ambiguity remains in the multi-country aspects of the statute, along with what constitutes harassment, associated leader obligations, resources / safeguards accessible to the victim, investigation procedure, etc. moreover, many are not at all attentive to the criminal consequences of harassment. Obscene jokes, inappropriate comments, etc. they have a pink slip as a traditional one, and women hesitate to act out of fear of being incredulous or ridiculed; which underlies the need for greater awareness and greater social control. Any tool would be useless if the person using it doesn't know how it will be used.

## **Evolution of the Law on Workplace Sexual Harassment :**

The eradication of gender-primarily based totally discrimination has been one in each of the fundamentals of the Constitutional constructing of India. The precept of gender equality is idolized in the Constitution, in its



Preamble, fundamental rights, fundamental responsibilities and Directive Principles. However, Place of labour employment molestation in India, become for the extraordinarily 1st time diagnosed through the Supreme Court of India ("Supreme Court") in its landmark judgement of Vishaka v. State of Rajasthan ("Vishaka Judgement"), wherein the Supreme Court framed positive recommendations related issued instructions to the Union of India to enact an relevant regulation for fighting Place of employment molestation. Nothing much less of an underestimation, the POSH Act and additionally the sleek Rules become enacted 16 years while the Vishaka Judgement.

In the absence of a specific regulation in India, the Supreme Court, in the Vishaka Judgement, ordered down positive recommendations growing it essential for every chief to supply a mechanism to redress grievances pertaining to Place of labour employment molestation ("Vishaka Guidelines") that have been being accompanied through employers until the enactment of the POSH Act.

### **1. The Vishaka Judgement :**

In 1992, Bhanwari Devi, a Dalit lady used with the horticultural improvement program of the Govt. of Rajasthan, was violently assaulted by virtue of her endeavours to restrict the then practice saw of Child Marriage. This occurrence uncovered the perils that working ladies were presented to on consistently to day premise and featured the earnestness for shields to be authorized during this respect. Maintaining the justification behind working females inside the nation, ladies' freedoms activists and attorneys recorded a public interest official procedure inside the Supreme Court under the flag of Vishaka.

The Supreme Court for the essential time, recognized the prominent administrative deficiency and recognized work place attack as a character's rights infringement. In outlining the Vishaka pointers, the Supreme Court trusted on the Convention on Elimination of such Discrimination against female workers, taken on by the general Assembly of the worldwide association, in 1979, that India has each marked and taken on. According to the Vishaka Judgement, the Vishaka pointers gave under Article 32 of the Constitution, till such time an authoritative system on the subject has been drawn-up and sanctioned, would have the aftereffect of law and should be compulsorily trailed by associations, each inside the non-public and government area.

According to the Vishaka judgement, 'Lewd behaviour' incorporates such not really settled conduct (regardless of whether straightforwardly or by suggestion) as:

- Sharing physically improper pictures or recordings, like sexual entertainment or lustful gifs, with associates
- Sending intriguing letters, notes, or messages
- Displaying unseemly sexual pictures or banners in the working environment
- Telling scurrilous jokes, or sharing sexual accounts
- Making improper sexual signals
- Staring in a physically interesting or hostile way, or whistling
- Making sexual remarks about appearance, dress, or body parts
- Inappropriate contacting, including squeezing, tapping, scouring, or intentionally reviewing against someone else
- Asking sexual inquiries, like requests about somebody's sexual history or their sexual direction
- Making hostile remarks about somebody's sexual direction or sex personality.



Where any of those demonstrations square measure submitted in conditions under that the casualty of such direct contains a reasonable acknowledgment that in regard to the casualty's business or work (regardless of whether she is drawing compensation or prize or deliberate assistance, regardless of whether in government, public or non-public venture), such lead are frequently lowering and will address a wellbeing and security disadvantage, it adds up to attack inside the Place of work. It's oppressive, for instance, when the lady has reasonable grounds to accept that her complaint would weakness her concerning her business or work (counting selecting and advancement), or when it makes a threatening working air. Unfriendly outcomes would conceivably result if the casualty doesn't agree to the lead being referred to or brings up any criticism thereto"

## 2. Post Vishaka – another Judgements :

### (1) Attire Export Promotion Council v. A.K Chopra

The Vishaka judgement initiated a nationwide discourse on Work space molestation and threw out wide open a problem that was brushed underneath the carpet for the longest time. The primary case before the Supreme Court when Vishaka during this respect was the case of attire Export Promotion Council v. A.K Chopra. During this case, the Supreme Court recapitulated the law ordered down within the Vishaka Judgement and upheld the dismissal of a superior officer of the Delhi based Export Promotion Council UN agency was found blameworthy of sexually harassing a subordinate feminine worker at the Place of employment. During this judgement, the Supreme Court amplified the definition of molestation by ruling that physical contact wasn't essential for it to quantity to associate act of molestation. The Supreme Court explained that "sexual harassment could be a type of sex discrimination projected through unwelcome sexual advances, request for sexual favours and alternative verbal or physical conduct with sexual overtones, whether or not directly or by implication, significantly once submission to or rejection of such conduct by the feminine worker was capable of being employed for touching the utilization of the feminine worker associated immoderately busy bodied together with her work performance and had the result of making an daunting or hostile work atmosphere for her."

### (2) Medha Kotwal Lele & Ors. V. Union of India & Ors.

A letter composed by Dr. Medha Kotwal of Aalochana (a NGO) featured assortment of individual instances of attack expressing that the Vishaka pointers (Guidelines) weren't by and large successfully implemented. Changing the letter into a legal writ appeal, the Supreme Court obliging it and attempted recognition of execution of the Vishaka pointers the nation over by driving state legislatures to record affirmations move on the means made by them to carry out the Vishaka pointers. In its judgment, the Supreme Court discovered that "the execution of the Vishaka pointers should be not exclusively in kind anyway also in substance and soul in this way on form realistic free from any and all harm environment at Place of work in each side and subsequently endorsing working ladies to go to work with poise, fairness and due regard.' Not being persuaded with the execution of the Vishaka pointers, it guided states to put in comparable and significant systems to affirm powerful execution of the Vishaka pointers. At long last, the Supreme Court pronounced that for good measure of a rebelliousness or non-adherence of the Vishaka pointers, it very well may be responsive the wronged people to move toward the singular High Courts.



### 3. Key Provisions of the POSH Act

#### (1) Applicability and Scope

- Applicable Jurisdiction: the Prevention of Sexual Harassment (POSH) Act extends to the 'entire of India'.
- Aggrieved Woman: As in line with the Prevention of Sexual Harassment (POSH) Act, accomplice 'aggrieved lady' in connection with a piece vicinity, can be a lady of any age, whether or not or now no longer used or now no longer, UN company alleges to own been subjected to any act of molestation, furnished that the definition does not necessitate the lady to be accomplice worker, even a customer/patron UN company is likewise sexually vexed at a piece vicinity will declare safety under the Prevention of Sexual Harassment (POSH) Act.
- The Act extra stipulates that a female shall now no longer be subjected to molestation at her paintings vicinity, however, it will be mentioned that in order for a female to mention safety under the Prevention of Sexual Harassment (POSH) Act, the incident of molestation must have taken vicinity at the 'workplace'.
- The Act is not a gender-impartial rules and protects totally lady employees. Therefore, the safeguards under the Prevention of Sexual Harassment (POSH) Act are not relevant to 'men' sufferers also even though employers would possibly decide to increase the safety via their policy.

#### (2) What amounts to Sexual Harassment?

The POSH Act defines 'sexual harassment' in step with the Supreme Court's definition of 'sexual harassment' inside the Vishaka Judgment. As consistent with the Prevention of Sexual Harassment (POSH) Act, 'sexual harassment' consists of unwelcome sexually tinted behaviour, whether or not or now no longer at once or through implication, like (i) bodily touch and advances, (ii) call for or request for sexual favours, (iii) developing sexually coloured remarks, (iv) displaying pornography, or (v) the alternative unwelcome bodily, verbal or non-verbal behaviour of a sexual nature. The next circumstances, amongst special circumstances, in the event that they arise or ar present in connection with or related with any act or behaviour of molestation would possibly amount to sexual harassment: • implied or explicit promise of high quality remedy in employment; • implied or explicit hazard of prejudicial remedy in employment; • implied or explicit hazard concerning present or destiny employment status; • interference with paintings or making companion discouraging or offensive or opposed paintings environment; or • humiliating remedy apparently to have an impact at the girl employee's fitness or safety. While a few varieties of molestation like sexual attack are intrinsically disrespectful and inevitably striking, and could need to be forced to arise simply the as soon as for it to be handled as 'sexual harassment', every other bureaucracy may not be truly distinguishable. Since there may be no best line test in identifying what could decide to a 'opposed working environment', the load can lie at the inner committee to make your mind up whether or not or now no longer the harassment suffered through a sufferer is satisfactorily extreme to own created a opposed working putting or now no longer. Further, identifying what constitutes 'sexual harassment' relies upon upon the specific statistics and additionally the context at some stage in which the behaviour has occurred.

#### (3) Employee

The definition of accomplice 'employee' under the Prevention of Sexual Harassment (POSH) Act within reason huge to incorporate regular, temporary, surprising staff, human beings acting on a each day salary



foundation, both at once or via accomplice agent, agreement labourers, co-workers, probationers, trainees, and apprentices, with or whilst now no longer the records of the important chief, whether or not or now no longer for remuneration or now no longer, working on a voluntary foundation or otherwise, whether or not or now no longer the phrases of employment place specific or silent.

#### (4) Workplace

While the Vishaka suggestions had been confined to the usual administrative centre set-up, spotting the very reality that molestation may not basically be confined to the primary vicinity of employment, the Prevention of Sexual Harassment (POSH) Act has delivered the assemble of accomplice 'prolonged administrative centre'. As according to the Prevention of Sexual Harassment (POSH) Act, 'administrative centre' consists of wherever visited via way of means of the employee springing up out of or for the duration of the direction of employment, in addition to transportation furnished via way of means of the chief for the goal of commutation to and from the vicinity of employment.

#### (5) Complaints Committee

An crucial characteristic of the Prevention of Sexual Harassment (POSH) Act is that it envisages the appropriate of a complaint redressal forum.

A. Internal Committee

B. Constitution of the IC

A. **Internal Committee** : The POSH Act desires an companion chief (employer) to line up companion 'inner committee' ("IC") at each place of work or branch, of a corporation the use of ten or extra of personnel, to concentrate to and redress grievances regarding molestation. Failure to symbolize the IC has crystal rectifier to imposition of a excellent underneath the Prevention of Sexual Harassment (POSH) Act. B. Constitution of the IC Presiding Officer: Female Positioned at a senior degree on the paintings area from among the personnel contributors. Members: A pair of contributors from among personnel, preferably devoted to the motive in the back of lady welfare or UN organization and feature had know-how in welfare paintings or have felony information. External member: From companion or Social Organization or affiliation devoted to the motive in the back of take care of girls or man or woman conversant in troubles almost about molestation. Not however 1/2 of the IC Members will be Females. The time period of the IC Members shall now no longer exceed 3 years. A minimal of 3 Members of the IC in addition to the chief are to be gift or to be had for accomplishing the inquiry. C. Registration of the IC The Department of Women and Child Development of Telangana and Maharashtra vicinity has issued a circular (on 01.07.2019 for Telangana) related an place of work order (on 23.03.2017 for Mumbai) mandating registration of the IC in Telangana & Mumbai. While employers in Mumbai have been had to sign in their ICs with the place of work of the District Women and Child Development Officer in the prescribed format, employers in the country of Telangana have been had to sign in their ICs at the molestation Electronic Box. D. Local Committee At the district degree, the govt. is wanted to line up a 'nearby committee' ("LC") to analyze and redress court cases of harassment from the unorganized zone or from establishments anyplace 20. As according to Repealing and Amending Act, 2016, the phrase of Local Complaints Committee turned into changed to Local Committee. The IC has now no longer been implanted attributable to the group having however 10 or if the grievance is towards the chief withinside



the worker list. The LC has unique relevancy in instances of harassment of home personnel or anyplace the grievance is towards the chief himself or a third celebration WHO isn't always Associate in Nursing worker.

**B. Constitution of the LC Chairperson :** Associate in nursing, eminent girl in the subject of welfare paintings and devoted to the motive for girls. Local girl: One in each of the contributors to be appointed from among the girls running in block, taluka, tehsil or ward or municipality in the district. NGO contributors: 2 contributors, out of that, at least one will be a lady to be advised from an organization or Associate in Nursing affiliation devoted to the motive for girls or a person conversant in troubles regarding harassment. At least one have a historical past in regulation. At least one need to be a Woman happiness to the normal Castes or normal Tribes. E. Powers of the IC/LC The POSH Act stipulates that the IC and LC shall, while inquiring right into a grievance of labour area harassment, have identical steady powers as a civil courtroom docket under the Code of Civil Procedure, 1908 as soon as making an strive of fit in recognize of: i. conjuring and enforcing the attending of someone and analysing him on oath; ii. requiring the discovery and manufacturing of files; and iii. the alternative count number which may be prescribed

**(6) Criticism Mechanism/ Complaint Mechanism**

An aggrieved girl WHO intends to report a grievance is wanted to publish six copies of the written grievance, along side assisting files and names and addresses of the witnesses to the IC or LC, interior three months from the date of the incident and simply in case of a chain of incidents, interior an quantity of three months from the date of the closing incident. Prompt information of Associate withinside the stated act of harassment is possibly as critical as quick motion to be taken with the aid of using the government on receiving a grievance. In truth the extra activate the grievance is, the extra true it is treated. In times anyplace ok motive is incontestable with the aid of using the plaintiff for the postpone in submitting the grievance, the IC/LC may expand the timeline for submitting the grievance, for motives to be recorded in-writing. The regulation moreover makes provisions for friends, relatives, co-workers, scientist & psychiatrists, etc. to report the grievance in matters anyplace the aggrieved girl is not able to shape the grievance attributable to bodily disability, intellectual disability or death.

**(7) Conciliation**

Before starting up motion on a accusation, the IC at the request of the aggrieved girl, will create efforts to settle the problem among the events via conciliation with the aid of using well-which means agreement. Conciliation is largely an informal approach of partitioning criticisms earlier than the grievance escalates into a very blown formal inquiry. Thus, whilst an accusation of harassment has been lodged, the aggrieved girl may request the IC to solve the problem with the aid of using conciliating among the events earlier than graduation of the inquiry proceedings, although economic agreement should not be created as a foundation of conciliation Once the agreement has been were given wind of, the IC or the LC (because the case maybe) shall file the agreement were given wind of and henceforth deliver copies of the agreement to the aggrieved girl additionally due to the fact the respondent. Once a agreement has been were given wind of, the IC shall now no longer continue with inquiry under the POSH Act.

**(8) Redressal process/ Inquiry**

Timelines Written court cases (6 copies) along side assisting files and names and addresses of witnesses must be pressured to be filed interior three months of the date of the incident. Timeline stretchable with





the aid of using some other three months. Upon receipt of the Accusation, one replica of the identical is to be despatched to the respondent interior 7 days. Upon receipt of the replica of accusation, the respondent is wanted to answer to the grievance along side an stock of assisting files, and names and addresses of witnesses interior 10 running days.

The Inquiry record has were given to be issued interior 10 days from the date final touch of inquiry. The head organization is wanted to behave at the suggestions of the IC/LC interior 60 days of receipt of the Inquiry record. Appeal in opposition to the selection of the committee is authorized interior ninety days from the date of suggestions.

#### **(9) Interim Reliefs**

At the request of the plaintiff, the IC or the LC (because the case may be) might also additionally propose to the lead organization to deliver period in-between measures such as: i. switch of the aggrieved female or the respondent to the alternative workplace; ii. granting go away to the aggrieved female as much as an quantity of three months moreover to her normal statutory/ written settlement go away entitlement; iii. save you the respondent from information at the paintings overall performance of the aggrieved female or writing her personal record, that obligations is likewise transferred to opportunity staff.

#### **(10) Social Control and Compensation**

The POSH Act prescribes the subsequent punishments that can be imposed with the aid of using an organization on an worker for indulging in an act of sexual harassment: i. social manage prescribed below the carrier guidelines of the corporation; ii. if the corporation does not have carrier guidelines, disciplinary motion collectively with written apology, warning, reprimand, censure, withholding of promotion, withholding of pay upward thrust or increments, terminating the respondent from carrier, present process a message session, or carrying out network carrier; and iii. discounting of reimbursement collectable to the aggrieved female from the wages of the respondent. The POSH Act moreover envisages fee of reimbursement to the aggrieved female. The reimbursement due will be decided primarily based totally more often than not on: i. the intellectual trauma, pain, struggling and emotional misery prompted to the aggrieved worker; ii. the loss in profession danger way to the incident of sexual harassment; iii. clinical charges incurred with the aid of using the sufferer for physical/ medication treatment; iv. the economic advantage and status of the alleged perpetrator; and v. feasibility of such fee in fee or in instalments.

#### **(11) Superficial Complaints**

In order to ensure that the protections envisaged under the POSH Act do not appear to be victimised, provisions for motion in opposition to "fake or malicious" complainants are enclosed inside the statute. As in step with the POSH Act, if the IC/LC concludes that the allegation created with the aid of using the litigator is faux or malicious or the grievance has been created understanding it to be unfaithful or forged or misleading information has been furnished for the duration of the inquiry, disciplinary motion according with the carrier guidelines of the agency can be taken in opposition to such litigator. Where the agency does not have carrier guidelines, the statute affords that disciplinary motion like written apology, warning, reprimand, censure, withholding of promotion, withholding of pay upward thrust or increments, terminating the respondent from carrier, present process a content material session, or carrying out network carrier may also be taken. The POSH Act greater clarifies that the mere incapability to verify a grievance or



## (12) Confidentiality

Recognising the sensitivity linked to subjects regarding harassment, the POSH Act attaches noteworthy significance to ensuring that the accusation and linked information are unbroken and maintained confidentially. The POSH Act particularly stipulates that information regarding Place of labour employment harassment shall now no longer be challenge to the provisions of the Right to Information Act, 2005. The POSH Act greater prohibits dissemination of the contents of the accusation, the identification and addresses of the litigator, respondent, witnesses, any information with regards to conciliation and inquiry proceedings, suggestions of the IC/LC and consequently the motion taken to the overall public, press and media in any manner. That said, the POSH Act lets in dissemination of expertise regarding the justice that has been secured to any sufferer of harassment, whilst now no longer revealing the name, address, identification or the alternative details that could result in the identity of the litigator or the witnesses, revealing of the justice secured could not totally deter extraordinary humans from collaborating in acts of harassment, but moreover introduce inside the minds of employees and public that the Management of the agency is critical regarding presenting a steady paintings environment and harbours intolerance for any kind of harassment on the Place of labour employment.

## (13) Consequences of Non-Compliance :

If an agency fails to represent/represent an IC or does now no longer fits the needs prescribed under the POSH Act, a monetary penalty of as an awful lot as Rs. 50,000 INR (Fifty Thousand) (approx. US\$ 700) also can be obligatory. A repetition of a similar offence may also reason the penalising being doubled and/or de-registration of the entity or revocation of any statutory business agency licenses. It's unsure on that business agency licenses region unit being named all through this case. It is furthermore pertinent to observe that each one offences under smooth Act region unit non-cognizable.

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