



VISHAKA V. STATE OF RAJASTHAN (1997)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

◆ 1. Prelims Snapshot (Fact Box)

- 📅 Year: 1997
- ⚖️ Case: Vishaka & Others v. State of Rajasthan & Others
- 👤 Bench Strength: 3 Judges
- 📖 Key Articles Involved: Article 14, Article 15, Article 19(1)(g), Article 21
- 🧠 Doctrine Evolved: Vishaka Guidelines on prevention of sexual harassment at the workplace
- 💬 Famous Line: "Gender equality includes protection from sexual harassment and right to work with dignity."

CONTEXT & BACKGROUND

The case was triggered by the brutal gangrape of Bhanwari Devi, a social worker in Rajasthan, who was assaulted while trying to stop a child marriage. The incident revealed a complete lack of mechanisms to protect women from sexual harassment at the



workplace. In the absence of specific legislation, the petitioners (women's rights groups) moved the Supreme Court under Article 32, seeking enforcement of Fundamental Rights to equality, dignity, and safe working conditions.

CONSTITUTIONAL ISSUES RAISED

- Does sexual harassment at the workplace violate Fundamental Rights under Articles 14, 15, 19, and 21?
- Can the Supreme Court frame guidelines in the absence of legislation to fill a legal vacuum?
- Is the right to a safe workplace part of the right to life and dignity?

VERDICT & RATIO DECIDENDI

The Supreme Court unanimously held that:

- Sexual harassment violates women's rights to equality, freedom, and dignity, and is a clear breach of Articles 14, 15, 19(1)(g), and 21
- In the absence of legislation, the Court can frame binding guidelines under its constitutional obligation to protect Fundamental Rights



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- The Court issued the Vishaka Guidelines, laying down preventive and remedial measures to address workplace harassment

The guidelines were to be treated as law under Article 141 until Parliament enacted specific legislation.

DOCTRINE / PRINCIPLE EVOLVED

- Judicial legislation is permissible when Fundamental Rights are at stake and legislative vacuum exists
- Right to a safe and dignified workplace is part of Article 21
- Preventing harassment is essential to gender equality and inclusive development



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IMPACT & LEGACY

- Vishaka Guidelines became the first codified standard for preventing sexual harassment in India
- Inspired the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Used extensively by courts, employers, and institutions across India
- Strengthened the role of the judiciary in advancing gender-sensitive governance
- Reaffirmed that international conventions (like CEDAW) can inform Fundamental Rights jurisprudence



MAJOR SUPREME COURT JUDGEMENTS

RELEVANCE FOR UPSC

- GS Paper 2:
 - Gender justice and Fundamental Rights
 - Role of judiciary in governance gaps
 - International law and domestic enforcement (CEDAW reference)
- GS Paper 4 (Ethics):
 - Workplace ethics, respect, dignity, procedural fairness
- Essay Paper:
 - Topics on Gender Sensitisation, Justice and Institutions, Law in Service of Society
- UPSC Interview:
- Relevant for questions on women's safety, judicial activism, and intersection of law and policy

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