










# **VISHAKA V. STATE OF RAJASTHAN (1997)**

*Constitutional Interpretation & Basic Structure*

## **PRELIMS SNAPSHOT**

-  1. Prelims Snapshot (Fact Box)
-  Year: 1997
-  Case: Vishaka & Ors. v. State of Rajasthan & Ors.
-  Bench Strength: 3 Judges
-  Key Articles Involved: Articles 14, 15, 19(1)(g), and 21
-  Doctrine Introduced: Vishaka Guidelines on Sexual Harassment
-  Famous Line: "Gender equality includes protection from sexual harassment and right to work with dignity."

## **CONTEXT & BACKGROUND**

This Public Interest Litigation (PIL) was filed after the brutal gang rape of Bhanwari Devi, a social worker in Rajasthan, who was targeted while preventing child marriage.

In the absence of any domestic law on sexual harassment at the



workplace, the petitioners sought judicial intervention to protect women's fundamental rights.

## **CONSTITUTIONAL ISSUES RAISED**

- Is sexual harassment at the workplace a violation of Articles 14, 15, and 21?
- Can the Supreme Court lay down enforceable guidelines in the absence of legislation?
- How can international conventions (like CEDAW) be enforced domestically?

## **VERDICT & RATIO DECIDENDI**

- The Court held that sexual harassment violates fundamental rights to equality, non-discrimination, and life with dignity.
- Until Parliament enacts legislation, the Supreme Court can frame guidelines that are binding in nature.



- International treaties (like CEDAW) can be used to fill legislative gaps when not inconsistent with Indian law.
- The Vishaka Guidelines were laid down, mandating:
- Complaints Committees in every workplace
- Preventive steps and awareness
- Mechanisms for redressal

## **DOCTRINE / PRINCIPLE EVOLVED**

- Vishaka Guidelines: First-ever codified norms for prevention and redressal of sexual harassment at work.
- Judicial law-making in vacuum of legislation.
- Use of international conventions to uphold constitutional guarantees.





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# MAJOR SUPREME COURT JUDGEMENTS

## IMPACT & LEGACY

- Formed the basis of the Sexual Harassment of Women at Workplace Act, 2013.
- Empowered women to report workplace abuse and led to institutional frameworks.
- Cited in landmark cases like Medha Kotwal Lele v. Union of India (2013) and Farha Naaz v. LIC.
- Remains a critical pillar for workplace rights and gender equity.



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## RELEVANCE FOR UPSC

- GS Paper 2:
  - Gender empowerment, fundamental rights, international conventions
- GS Paper 4 (Ethics):
  - Workplace ethics, integrity, dignity
- Essay Paper:
  - "Justice and Gender", "Safe Spaces for Women"
- UPSC Interview:
- Useful for gender policy debates, POSH Act implementation, and HR reforms

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