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CASE COMMENT: VISHAKA VS STATE OF RAJASTHAN

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Case No: AIR 1997 SC 3011

Bench: J.S. Verma, J., Sujata Manohar, J.,
and B.N. Kirpal, J.

INTRODUCTION

Every Women living in the world need safety and, in all dimensions, she should be protected though holding a work is her biggest strength and at the same time serving the society for a cause is also a biggest change that she can bring to equip herself at the same time to modify the chaos that is happening in the society. And there is the terrific story of a women who worked for a cause who turned victim but still her suffering has created a huge impact for working women.

FACTS OF THE CASE

Bhanwari devi is the social worker in Rajasthan who worked to eradicate child marriage happening in Rajasthan. She once

tried to prevent a minor girl from a higher caste from getting married while performing her duty. The marriage was momentarily put on hold after she involved the officials. The villagers shunned Bhawari Devi and her family notwithstanding the later marriage. Few men from that upper caste later gang-raped Bhawari Devi in front of her husband. The trial court cleared the accused after she made an official complaint since everyone, including the police, medics, and village officials, disregarded her case. This even led to the filing of a Public Interest Litigation (PIL) in the Supreme Court by a number of women's NGOs and support groups using the Vishaka collective platform.

ISSUES RAISED

1. Whether the accused's acquittal and the women's subsequent release

from the lack of a secure workplace constitute a breach of the fundamental rights protected by Articles 14, 15, 19(1), and 21?

2. Whether no statutory provisions addressing sexual harassment in the workplace, would the judiciary have been inclined to establish any guidelines (currently referred to as the Vishaka Guidelines) that are binding in order to safeguard women's rights?
3. Whether to respect and uphold a woman's right to work, did employers have inherent obligations to, at the at least, offer and maintain a safe workplace and to prevent sexual harassment?
4. Whether treaties and standards, particularly those pertaining to women's rights (such the CEDAW), help the Court interpret and uphold constitutional provisions in the absence of local legislation?

JUDGEMENT

The Indian Supreme Court ruled that sexual harassment in the workplace violates women's basic rights as guaranteed by Articles 14, 15, 19(1)(g), and 21 of the Constitution. The Court used its constitutional power to formulate the Vishaka Guidelines in light of the lack of

explicit legislation, making them legally obligatory until Parliament passed appropriate legislation. These standards defined sexual harassment, compelled employers to prohibit it, and mandated that workplace complaint procedures be set up. In order to support its reasoning and guarantee the preservation of women's equality and dignity in the workplace, the Court also drew on international norms, most notably the Convention on the Elimination of All Forms of Discrimination Against Women.

ANALYSIS

The Court exercised proactive constitutional interpretation by entering the legislative sphere. The ruling enhanced the significance of international agreements like as CEDAW in Indian law. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which codified the Vishaka Guidelines, was passed as a direct result of the verdict. This case thus acknowledged workplace sexual harassment as a breach of basic rights under Articles 14, 15, and 21, was a landmark decision. By establishing legally enforceable instructions, the Supreme Court of India closed the legislative gap and strengthened employer responsibility, gender equality, and dignity in India.

CONCLUSION

Every case creates a greater impact in the society and this case also does the same, this case has created a safer shield for women legally to protect her wholly in the place she works. And this case nevertheless proves that women who work not only deserves monetary development but also protection in workplace against sexual harassment. The guidelines and legislation are still protecting women at workplace which actually creates safety and security to working women. Though the cause of Bhanwari devi is different her struggle had set a safety for women in another dimension which is the most needed one for all.

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