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Case Commentary on *Vishaka v. State of Rajasthan*: A Landmark Judgment for Women's Safety at the Workplace

~ Anisha

Introduction

The protection of women against discrimination and violence constitutes an essential component of constitutional governance and human rights jurisprudence in India. Among the various forms of gender-based discrimination, sexual harassment at the workplace remains one of the most significant challenges faced by women in both organized and unorganized sectors. Workplace harassment not only affects the dignity and psychological well-being of women but also restricts their participation in economic and social life. Therefore, ensuring a safe and secure working environment is indispensable for achieving gender equality and women's empowerment.

The landmark judgment of the Supreme Court in *Vishaka v. State of Rajasthan* (1997) marked a turning point in the development of women's rights jurisprudence in India. Prior to this judgment, India lacked any specific legislation dealing with sexual harassment at the workplace. Consequently, women who experienced harassment often had limited legal remedies and inadequate institutional support. Recognizing this legislative vacuum, the Supreme Court adopted a proactive approach and laid down comprehensive guidelines to prevent and redress workplace sexual harassment.

The *Vishaka* judgment significantly expanded the constitutional interpretation of equality, dignity, and personal liberty. By recognizing sexual harassment as a violation of fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution, the Court reaffirmed that every woman has the right to work in an environment free from fear, hostility, and discrimination. The decision ultimately laid the foundation for the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).

Background of the Case

The case originated from the unfortunate incident involving Bhanwari Devi, a social worker employed under the Women's Development Programme initiated by the Government of Rajasthan. As part of her official duties, Bhanwari Devi worked towards preventing child marriages in rural communities.

In 1992, while attempting to stop the marriage of a one-year-old girl in a village in Rajasthan, she faced severe opposition from influential members of the community. In retaliation for her intervention, Bhanwari Devi was brutally gang-raped by several men belonging to the dominant caste in the village. The incident exposed the vulnerability of women working in challenging social environments and highlighted the absence of adequate legal protection.

The response of the authorities further aggravated the situation. Bhanwari Devi allegedly faced insensitive treatment during the investigation process, and the trial court acquitted all the accused due to lack of evidence. The failure of the justice delivery system generated widespread public outrage and raised serious concerns regarding women's safety, dignity, and access to justice.

Subsequently, several women's rights organizations and activists collectively filed a Public Interest Litigation (PIL) before the Supreme Court under the banner "Vishaka." The petition sought judicial intervention to address the issue of sexual harassment at the workplace and demanded the formulation of preventive measures in the absence of any specific legislation.

Issues Before the Court

The Supreme Court was called upon to determine several significant constitutional and legal questions, including:

1. Whether sexual harassment at the workplace violates the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution of India.
2. Whether the absence of specific legislation dealing with workplace sexual harassment empowers the judiciary to frame appropriate guidelines.
3. Whether international conventions and norms relating to women's rights could be relied upon for interpreting constitutional provisions.
4. Whether the State has a constitutional obligation to ensure a safe and secure working environment for women.

The Court considered the issue not merely as an isolated criminal act but as a broader matter concerning gender equality, human dignity, and women's participation in public life.

Judgment of the Supreme Court

In its historic judgment delivered in 1997, the Supreme Court unequivocally held that sexual harassment at the workplace constitutes a violation of the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution.

The Court observed that gender equality includes protection against sexual harassment and the right to work with dignity. It emphasized that every employer has a responsibility to ensure that women are able to work in an environment free from intimidation, hostility, or discrimination.

Since no domestic legislation specifically addressed workplace sexual harassment at that time, the Court exercised its constitutional powers under Articles 32 and 141 and formulated legally binding

guidelines applicable to all workplaces across the country. These principles came to be known as the *Vishaka Guidelines*.

The Supreme Court further relied upon the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments to strengthen its interpretation of constitutional guarantees. The Court held that international conventions consistent with fundamental rights may be relied upon in situations where domestic law is inadequate.

Importantly, the Court expanded the meaning of sexual harassment to include any unwelcome sexually determined behaviour, whether directly or indirectly expressed, including physical contact, demands for sexual favours, sexually coloured remarks, showing pornography, or any conduct creating an intimidating and hostile work environment.

The Vishaka Guidelines

The guidelines framed by the Supreme Court operated as law until Parliament enacted specific legislation in 2013. The major components of the guidelines included:

1. Preventive Measures

Employers and institutions were directed to take appropriate measures to prevent sexual harassment by expressly prohibiting such conduct through service rules, regulations, and notifications.

2. Complaints Mechanism

Every workplace was required to establish an effective and accessible complaint mechanism to ensure prompt redressal of grievances.

3. Complaints Committee

The Court mandated the constitution of a Complaints Committee headed by a woman, with at least half of its members being women. Additionally, the inclusion of third-party members such as NGOs or social workers was recommended to ensure fairness and impartiality.

4. Awareness and Sensitization

Employers were required to organize awareness programmes, workshops, and educational initiatives to sensitize employees regarding workplace harassment and available remedies.

5. Disciplinary Action

Appropriate disciplinary action was to be initiated against persons found guilty of sexual harassment in accordance with applicable service rules and legal procedures.

Significance of the Judgment

The *Vishaka* judgment occupies a unique position in Indian constitutional jurisprudence for several reasons.

First, it filled a significant legislative vacuum by providing immediate legal protection to women in the absence of statutory provisions. The judgment demonstrated the proactive role of the judiciary in protecting fundamental rights.

Second, the decision substantially expanded the scope of Article 21 by interpreting the right to life as encompassing the right to live with dignity and work in a safe environment.

Third, the judgment reaffirmed the principle of substantive equality by recognizing that formal equality alone is insufficient unless women are provided conditions enabling them to participate equally in professional life.

Finally, the case established an important precedent regarding the use of international law in constitutional interpretation and strengthened India's commitment towards global human rights standards.

Impact on Indian Society and Law

The judgment had a profound impact on both legal and societal attitudes towards workplace harassment. Following the decision, institutions across India were compelled to adopt preventive mechanisms and formulate internal policies addressing sexual harassment.

Most significantly, the principles laid down in *Vishaka* directly influenced the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Act incorporated several recommendations contained in the *Vishaka Guidelines*, including the establishment of Internal Complaints Committees and employer responsibilities.

The judgment also contributed to greater awareness among women regarding their rights and encouraged victims to report instances of workplace harassment.

Criticism and Challenges

Despite its transformative impact, the implementation of the *Vishaka Guidelines* faced several practical challenges. Many organizations failed to establish effective complaint mechanisms, particularly in informal sectors and rural areas.

Even today, victims often hesitate to report incidents due to fear of retaliation, social stigma, and professional consequences. Moreover, compliance with workplace harassment laws is frequently treated as a mere procedural formality rather than a substantive commitment to gender justice.

The emergence of digital workplaces and virtual interactions has also created new forms of harassment that require continuous legal adaptation and institutional vigilance.

Conclusion

The decision in *Vishaka v. State of Rajasthan* remains one of the most influential judgments in the history of Indian constitutional law and gender justice. By recognizing sexual harassment at the workplace as a violation of fundamental rights, the Supreme Court reaffirmed the constitutional values of equality, dignity, and personal liberty.

The *Vishaka Guidelines* represented an extraordinary example of judicial activism and laid the foundation for the enactment of the POSH Act, 2013. Although significant progress has been achieved, ensuring a safe and inclusive workplace for women continues to require sustained efforts from the State, employers, and society.

The judgment continues to serve as a seminal precedent demonstrating that constitutional rights must evolve in response to emerging social realities and that the protection of human dignity remains central to the administration of justice.