

Vishaka v. State of Rajasthan

Human Rights · (1997) 6 SCC 241 · 1997

Facts

PIL after Bhanwari Devi assault.

Issues

Judicial law-making on workplace harassment.

Arguments

CEDAW obligations read with Article 21.

Decision

Vishaka Guidelines issued.

Legal Principles

International conventions may be read into fundamental rights.

Ratio Decidendi

Sexual harassment violates Articles 14, 15, 19(1)(g) and 21.

Obiter Dicta

Framework later codified in POSH Act, 2013.

Important Quotes

- Gender equality includes protection from sexual harassment.

Exam Notes

Landmark for gender justice; source of POSH Act.

Interview Notes

Great example of judicial creativity filling a legislative vacuum.

Articles / Sections

- Article 14
- Article 15
- Article 19
- Article 21