

TITLE: Vishaka v. State of Rajasthan (1997)

SITE

Education desk note ? Advocate Adesh Kumar ? <https://advadeshkumar.com/>

CITATION

(1997) 6 SCC 241 | Supreme Court of India | 1997

CASE

Vishaka v. State of Rajasthan

FACTS

PIL after a brutal crime against a social worker; the Court confronted the absence of an adequate domestic sexual-harassment framework at workplaces.

LEGAL ISSUES

How is workplace sexual harassment addressed when domestic legislation is absent?

LAW / PROVISIONS

Articles 14, 15, 19, 21; international conventions as interpretive aids; guidelines as interim law.

HOLDING

Laid down Vishaka Guidelines as binding interim law until Parliament legislated ? defining harassment, employer duties, complaint mechanisms, and preventive obligations.

KEY TAKEAWAYS

1. Constitutional courts can fill legislative silence with enforceable guidelines in rights vacuums.
2. Workplace dignity is an equality and Article 21 concern.

3. Later POSH legislation builds on this foundation ? still teach Vishaka for the gap-filling moment.

SIGNIFICANCE

Birth of structured workplace sexual-harassment law in India.

PRIMARY SOURCE

<https://indiankanoon.org/doc/1031794/>

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