

Examrace

Competitive Exams: Political Science Study Material Supreme Court

Get top class preparation for competitive exams right from your home: [get questions, notes, tests, video lectures and more](#)- for all subjects of your exam.

Supreme Court on Harassment at Workplace

- On 13 August 1997, in a landmark judgment in the Vishakha case, the Supreme Court laid down guidelines and norms for preventing sexual harassment of women at workplace.
- The basic cause for the filing of petition in the apex court was an incident of alleged brutal gang rape of a social worker in a village of Rajasthan.
- The Supreme Court relied on the provisions in the Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Declaration which directs all states parties to take appropriate measures to prevent discrimination of all forms against women besides taking steps to protect the honour and dignity of woman.

The Judgement

Duty of Employer-It shall be the duty of the employer or other responsible person in workplace or other institution to prevent or deter the commission of acts or sexual harassment.

Definition-For this purpose, sexual harassment includes such unwelcome sexually determined behaviour such as

- Physical contacts and advances
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Complaints Committee-The complaint mechanism should be adequate to provide, where necessary, a complaints committee, a special counsellor or other support services including the maintenance of confidentiality. A woman should head the complaints committee and not less than half of its members should be women.

The Supreme Court further observed that sexual harassment of women at workplaces violates Article 21,14 of the Constitution of India. Every incident of sexual harassment at the place of work, results in violation of the fundamental rights to gender equality and the rights of life and liberty the two most precious fundamental rights guaranteed by the

constitution of India. That sexual harassment of female at the workplace is incompatible with the dignity and honour of a female and needs to be eliminated, and there can be no compromise with such violations.

Developed by: [Mindsprite Solutions](#)