

Vishaka Guidelines

The Vishaka Guidelines

The [*Vishaka guidelines*](#) were a set of guidelines that were intended to protect women at the workplace. These were instituted by the Supreme Court of India in the year 1997. These are procedural in nature and state the method that is to be followed while dealing with cases related to the sexual harassment of women.

Objectives and need for the Vishaka guidelines

The Vishaka guidelines were instituted due to the series of cases of sexual harassment that were registered and the rallies and campaigns that were taking place on a regular basis by various social groups who were seeking protection of women in India.

After the Bhanwari Devi incident, many women groups came on streets demanding recognition of their rights as citizens of India and urging the government to take necessary actions to prevent ill-treatment of women at workplaces.

At that time, the legal system of our country did not have proper legislation that could ensure the safety of women at workplaces and provide just and fair punishment to people who indulge in the heinous crimes of rape and sexual harassment. The rules that were provided by the legal system at the time were often used by the men who were accused of Sexually Harassing the women to their advantage.

Also, there was no rule regarding the obligation of employer to provide support and assistance to his employee who is a victim of

sexual harassment. The employers would throw these women victims out of the jobs to escape the liability and further consequences. This would leave the victim hopeless and unsecured.

With the growing number of crimes against women being reported, there was an urgent need for a new set of laws that punishes the wrongdoers and ensures that women are protected at their workplaces but a new set of legislation would take a lot of time to be enacted.

Thus, the Vishaka guidelines came into existence to provide a set of guidelines to prevent sexual harassment of women at workplaces and ensure that the people who indulge in the act of sexual harassment are given a justifiable punishment.

Features of the Vishaka guidelines

The main ingredients of the guidelines issued by the Hon'ble Supreme Court of India are elucidated as follows.

Definition of Sexual Harassment

The guidelines issued by the Supreme Court widens the meaning and scope of sexual harassment. It defines sexual harassment as an unwanted sexual determination which is directly or impliedly intended to cause the following:

1. Physical contact or advances.
2. A demand or request for sexual favours.
3. Sexually coloured remarks.
4. Showing pornography.

5. Any other unwelcome conduct whether it is physical, verbal or non-verbal.

Provide a safer working environment

It is the duty of each employer to provide a safe working environment for each and every employee working in the organisation to grow and prosper. This involves taking adequate steps towards protecting the interest of the women employees and ensuring that none of the employees indulges in the practice of sexual harassment. Appropriate disciplinary action must be taken by the employer if any case regarding sexual harassment or ill-treatment of a woman employee is found.

Duty of the employer to file a complaint

The guidelines also lay down the obligation of the employer to file a complaint if the conduct towards an employee amounts to a criminal offence which is punishable under the [Indian Penal Code](#). The employer needs to initiate an action and ensure that the witnesses are not further victimised.

Complaint redressal committee

The guidelines make it mandatory for all organisations to set up a complaint redressal committee in order to ensure that the complaints of the employees are dealt with properly and suitable action is taken in response to such a complaint.

Employer to assist the employee if she is sexually harassed

If the employee is sexually harassed or tortured by a third party, like in the case of Bhanwari Devi, an employer should assist the employee in every possible manner. This was not the case in the

Bhanwari Devi case where the employer denied all responsibilities and did not assist Bhanwari Devi in attaining justice.

The guidelines provide that the employers are required to assist the employees in terms of both preventive actions and support to these victims.

Duty of employer to spread awareness

It is also the duty of the employer to spread awareness in his organisation with regard to the matters pertaining to sexual harassment and the safety of women. This can be done by notifying the employees time as well as conducting workshops and devising other interactive ways to make the female employees aware of their rights.

Duty of government to widen the scope of these guidelines

The guidelines also urge the centre and the state government to pass the necessary legislation so as to ensure that the private sector is also bound by these guidelines. This would help in the growth and prosperity of the women as well as the nation as a whole.

The Vishaka guidelines were later on replaced by the [Sexual Harassment of women at the workplace \(prevention, prohibition and redressal\) Act, 2013](#). The new act passed in 2013 broadens the definition of aggrieved women to involve women of all ages, in order to suit the modern-day conditions. It also broadens the scope of the term workplace which was earlier limited only to the traditional office set-up.

Conclusion

The Constitution of India is the supreme law of our country and must be protected and respected in every instance. The fundamental rights of equality and personal liberty should be protected and the citizens of our country should not be discriminated against on any grounds. Hence, it is legal as well as a moral duty to provide a safer work environment for women to prosper.

The Vishaka guidelines are a set of guidelines that were instituted by the Supreme Court of India to ensure the safety of women at workplaces and lays down the guidelines for dealing with the cases that are related to sexual harassment at the workplace. The Bhanwari Devi case is the most significant landmark case in the history of cases involving sexual harassment of women.

The Vishaka guidelines is a pioneering step taken to ensure the safety of women. According to the guidelines, the employers of the organisations are responsible to take preventive actions to stop sexual harassment at workplaces and to file a complaint if such Act is found to have happened with the employee.

This would ensure that the women who are sexually harassed get the required support in terms of money from their employers so that they are able to file a case in the court and be represented by competent lawyers.

Vishaka guidelines have now been superseded by the Sexual Harassment of women at the workplace (prevention, prohibition and redressal) Act, 2013. However, the Vishaka guidelines are the most significant set of guidelines which are believed to have helped in the development of the Act of 2013.