



A STUDY OF WOMEN'S SECURITY IN THE WORKPLACE: IN THE CONTEXT OF THE VISHAKA V. STATE OF RAJASTHAN CASE

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ABSTRACT

With a focus on the historic Vishaka ruling and its significant impact on the legal system, this study delves deeply into the safety of Indian women in the workplace. From the publication of the Vishaka Guidelines to the passing and execution of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, it charts the development of sexual harassment legislation. The operational efficacy of Internal Complaints Committees (ICCs), which are institutional mechanisms intended to prevent and address sexual harassment in the workplace, is further examined in this study. It draws attention to the ongoing difficulties women encounter in reporting harassment and obtaining justice, drawing on case studies and existing literature. In order to establish safer and more equitable working conditions, the paper ends with thorough recommendations for bolstering institutional responses and legal provisions.

Keywords: Vishaka Judgment, Workplace Sexual Harassment, Women's Workplace Security, Sexual Harassment of Women at Workplace Act 2013, Internal Complaints Committee (ICC)

INTRODUCTION

In India, sexual harassment of women at work has long been a pervasive but little-recognized social problem. Because of social stigma, fear of reprisals, and a dearth of efficient legal channels for pursuing justice, victims endured decades of suffering in silence. With the Supreme Court's historic ruling in Vishaka v. State of Rajasthan in 1997, which acknowledged sexual harassment in the workplace as a violation of fundamental rights protected by the Indian Constitution, this drastically changed. The Court laid the groundwork for legislative intervention by offering the first official framework for resolving such complaints through the establishment of a set of legally binding guidelines.



Even with this legal awakening, many women still face difficult practical realities. These protections were institutionalised and made more broadly applicable in both formal and informal employment sectors through the enactment of subsequent legislative measures, most notably the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013. However, the full implementation of safe workplaces for women is still hampered by institutional flaws, cultural stigmas, and enforcement concerns. By critically analysing the development of legal frameworks, evaluating the effectiveness of institutional mechanisms such as ICCs, and examining the continued difficulties that women encounter in securing safe work environments, this study revisits the legacy of the Vishaka judgement.

1 HISTORICAL AND LEGAL BACKGROUND

The Vishaka case served as the impetus for India's official recognition of sexual harassment in the workplace. The case started after Bhanwari Devi, a social worker from Rajasthan who worked to stop child marriage in her community, was tragically gang-raped. She suffered severe retaliation for her efforts. Sexual harassment at work was not specifically addressed by Indian law at the time, so victims lacked sufficient legal protection. The Supreme Court intervened and ruled that sexual harassment violated fundamental rights, particularly Articles 14 (Right to Equality), 15 (Prohibition of Discrimination), 19 (Freedom of Speech and Expression), and 21 (Right to Life and Personal Liberty) of the Constitution.

Employers were required by the Court's Vishaka Guidelines to set up preventive measures, such as creating Complaints Committees, running awareness and sensitisation campaigns, and disciplining violators. Originally, these guidelines were meant to serve as stopgap measures until a specific statute was passed by the Parliament. Nonetheless, the guidelines essentially became legally binding and influenced later policy and jurisprudence.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act's passage in 2013 marked a significant legislative milestone. This Act established comprehensive provisions on employer responsibilities, complaint procedures, the creation of Internal Complaints Committees (ICCs), and sanctions for non-compliance. It also codified the Vishaka Guidelines and broadened their application to cover informal sectors like domestic work. The Act aimed to establish a thorough framework for workplace safety by clearly defining sexual harassment and instituting redressal procedures.

1.1.Evolution of Legal Recognition of Workplace Sexual Harassment in India

The historic Vishaka case, which signalled a sea change in tackling a hitherto neglected problem, marked the official acknowledgement of sexual harassment in the workplace in India. The case revealed the conspicuous lack of specific laws protecting women from sexual harassment at work, which was sparked by the vicious gang rape of Bhanwari Devi, a social worker who was singled out for her efforts to prevent child marriage. By interpreting such harassment as a violation of fundamental constitutional rights, such as the right to equality, freedom from discrimination, freedom of speech, and personal liberty, the Supreme Court of India stepped in to close this legislative gap. The Vishaka Guidelines, which require employers to set up preventive and corrective measures like Complaints Committees and awareness campaigns, were issued by the Court in order to offer prompt relief and direction. Until the Sexual Harassment of Women at Workplace (Prevention, Prohibition and



Redressal) Act was passed by the legislature in 2013, these guidelines—while initially temporary—became the de facto law governing sexual harassment in the workplace. Along with extending protections to the unorganised sector and outlining employer responsibilities, formal complaint procedures, and sanctions for non-compliance, this Act also codified the Vishaka principles. Collectively, these legal advancements form the fundamental structure that oversees and safeguards women's safety in Indian workplaces today.

2. CURRENT STATUS OF WOMEN'S WORKPLACE SECURITY

The situation of women's safety in Indian workplaces is still complicated and unequal in spite of these legal developments. The formal sector, which includes public institutions, private businesses, and government offices, is becoming more conscious of the need for ICCs and sexual harassment policies. In accordance with the 2013 Act, numerous organisations have formed committees.

However, studies show that these committees frequently struggle with issues like insufficient training, a lack of autonomy, and low employee awareness. As a result, there is a severe underreporting because many women are reluctant to come forward for fear of social stigma, job loss, or retaliation.

Even more challenges arise in the informal sector, which employs the great majority of Indian women. Because they frequently do not have written contracts, workers in small-scale industries, domestic service, agriculture, and construction find it difficult to implement or enforce legal protections. In many areas, Local Complaints Committees (LCCs), which are intended to handle complaints in this industry, are still inactive or underdeveloped. Because of this disparity, many female employees are left defenceless and without effective protection from harassment.

These difficulties are further compounded by sociocultural elements, such as deeply rooted patriarchal beliefs, victim-blaming, and social exclusion, which make it difficult for women to report abuse.

2.1. Challenges in Implementation and Reporting of Workplace Sexual Harassment Protections

Even though institutional safeguards and legal protections for women's workplace security have been formally established, there are still many obstacles in the way of their actual application. As required by the 2013 Act, many organisations have established Internal Complaints Committees (ICCs) in the formal employment sector; however, these committees frequently face difficulties because of inadequate training, a lack of autonomy, and a lack of employee awareness. The efficacy of the committees is weakened, and many women are deterred from reporting harassment out of concern for social stigma, job insecurity, or reprisals. The issue is exacerbated in India's sizable informal sector, where employees—including domestic helpers, farmworkers, and those in small-scale businesses—frequently work without official contracts, making it challenging to enforce legal protections. These workers are meant to be served by Local Complaints Committees (LCCs), but they are often underfunded and have limited capabilities. Deeply ingrained sociocultural barriers, such as victim-blaming inclinations, patriarchal mindsets, and community exclusion, exacerbate these structural problems by discouraging women from coming forward and sustaining the cycle of harassment at work. These interconnected issues show how difficult it is to provide women in India with true workplace security across a range of job sectors.

3. INSTITUTIONAL MECHANISM AND CHALLENGES



Organisations with ten or more employees are required by the 2013 Act to establish Internal Complaints Committees. ICCs should ideally give women a discreet, easily accessible forum to report harassment and pursue remedies. ICCs' efficacy, however, varies greatly. While some committees are tainted by prejudice, protracted procedures, and a lack of confidentiality, others function with sincere dedication and tact. Women's trust in ICC institutions is eroded by frequent instances of ICC members lacking adequate training in gender sensitivity and legal procedures.

The fear of reprisals is another major obstacle. When women report harassment, they often run the risk of being branded as troublemakers, experiencing harassment or discrimination themselves, or even losing their jobs. Workplaces with unstable employment or hierarchical structures controlled by male authority figures exacerbate this fear. A cycle of abuse is sustained because many victims prefer to remain silent rather than confront the abuser.

Furthermore, ICC accountability and oversight are still insufficient. Because no centralised authority is required to oversee adherence or assess these committees' performance, enforcement is uneven. Transparency is decreased because many organisations neglect to file the legally required yearly reports on complaints and their resolutions.

Local Complaints Committees are designed to bridge the gap created by the lack of ICCs in the unorganised sector. Nevertheless, these committees frequently lack political support, funding, and awareness, which restricts their usefulness and accessibility. Accessing these mechanisms is made more difficult for women in marginalised groups, such as migrant workers or members of underprivileged castes.

3.1. Effectiveness and Limitations of Internal Complaints Committees in Ensuring Workplace Safety

Internal Complaints Committees (ICCs) must be established in companies with ten or more employees, according to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013. These committees are meant to act as easily accessible, private forums where women can safely report harassment and pursue remedies. However, in reality, different workplaces have very different levels of ICC effectiveness. While some committees show true dedication and treat victims with compassion, others have serious flaws like prejudice, protracted procedures, and confidentiality violations. The frequent absence of adequate training for committee members in gender sensitivity and legal procedures is a serious problem that erodes confidence in ICCs. This shortcoming may result in complaints being handled improperly and deter women from using these institutional channels.

Furthermore, many women are still strongly discouraged from reporting harassment due to the fear of reprisals. Victims frequently run the risk of being called troublemakers, experiencing more harassment or discrimination, or even losing their jobs. Workplaces with unstable employment conditions or inflexible hierarchical structures controlled by male authority figures tend to exacerbate these fears. As a result, many women prefer to remain silent rather than speak up, which feeds the cycle of abuse and impunity.

The oversight and accountability systems that regulate ICCs are insufficient, in addition to internal issues. Law enforcement is inconsistent when there is no centralised authority in charge of keeping an eye on compliance or assessing committee performance. Transparency and accountability are diminished because many organisations fail to submit the yearly reports that are required to detail



complaints and their resolutions.

There are extra challenges in dealing with workplace harassment in the unorganised sector. When there are no ICCs, Local Complaints Committees (LCCs) were established to bridge the institutional gap. However, these organisations frequently struggle with low political support, a lack of knowledge, and inadequate funding. Women from marginalised groups, such as migrant workers or members of underprivileged castes, are disproportionately affected by this situation and encounter even more barriers to protection and justice. These institutional flaws make it clear that more training, better supervision, and focused assistance are desperately needed to guarantee that legal protections actually result in workplace safety for all women.

4. ANALYSIS OF LEGAL GAPS AND IMPLEMENTATION DEFICITS

Even though the 2013 Act and the Vishaka Guidelines are major advancements, there are still a number of implementation flaws and gaps. Case handling is inconsistent due to the decentralised nature of ICCs' complaint redressal system. Due to ignorance or apprehension about potential legal issues, smaller companies and organisations usually disregard their legal obligations. Furthermore, rather than being practical, the law's provisions for the unorganised sector are frequently theoretical. Many women who work outside of formal employment continue to be denied protections due to a lack of awareness and effective enforcement mechanisms. In addition to causing procedural delays, unclear protocols for prompt investigation and resolution can deter complainants from pursuing their cases.

The sanctions for non-compliance represent yet another serious flaw. If organisations violate due process or do not form ICCs, the law stipulates fines and other penalties. However, these rules are rarely enforced, and many organisations that fail to fulfil their obligations are not subject to serious repercussions.

Lastly, legal protections are still being undermined by societal attitudes regarding gender roles and sexual harassment. The goal of workplace safety for women cannot be achieved by legal measures alone without broad cultural change and gender sensitisation.

CONCLUSION

A turning point in Indian legal history, the Vishaka ruling brought attention to the widespread issue of sexual harassment in the workplace. It sparked a social and legal awakening that resulted in the comprehensive laws of 2013. However, safe workplaces for women cannot be ensured by legal provisions alone. Proactive enforcement, strong institutional mechanisms, and cultural change are all critical to the legal framework's efficacy. There are still issues that persist, especially in smaller workplaces and the unorganised sector, where many women are still harassed without proper protection or redress. The potential impact of current laws is diminished by institutional flaws, societal perceptions, and a lack of enforcement. Building on the legacy of Vishaka, India must ensure a safe and fair workplace for all women by enforcing the law, bolstering institutions, raising awareness of gender issues, and cultivating an inclusive culture of dignity and respect.

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