

LAW CAPSULE

For Law Competitive Exams

LAW RELATING TO ENFORCEMENT OF FUNDAMENTAL RIGHTS OF WORKING WOMEN

Right to life means life with dignity



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Harassment is a serious offence which can destroy human dignity and freedom. With the aim of focusing attention towards this societal aberration, and assisting in finding suitable methods for realization of the true concept of gender equality, an alternative mechanism to fulfil the social need was felt. Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right. The Supreme Court of India in *catena* of judgments has enforced the above rights of working women. Important Supreme Court judgments on the above issue are enumerated herein below:-

Sl. No.	Case	Citation	Judges	Ratio Decidendi of the case
1.	<i>Vishaka v. State of Rajasthan</i>	AIR 1997 Supreme Court 3011	Hon'ble Chief Justice of India Mr. J.S. Verma, Hon'ble Justices Mrs. Sujata V. Manohar and Hon'ble Justice Mr. B.N. Kirpal.	In the absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose.
2.	<i>Apparel Export Promotion Council v. A.K. Chopra</i>	AIR 1999 Supreme Court 625	Hon'ble Chief Justice of India Dr. A.S. Anand, and Hon'ble Justice Mr. V. N. Khare.	The disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude of gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.