

W.P. (PIL) No. 05/2015
Yangchen Dahdul vs. State of Sikkim & Ors.

THE HIGH COURT OF SIKKIM : GANGTOK
(Civil Extra Ordinary Jurisdiction)

D.B. : HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI, CJ.
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

W.P. (PIL) No. 05 of 2015

Ms. Yangchen Dahdul,
D/o of Mrs. Deki Dahdul,
Resident of M.G. Marg,
Gangtok, East Sikkim.

... **Petitioner.**

versus

1. State of Sikkim,
Through Chief Secretary,
Government of Sikkim, Gangtok.
2. The Secretary,
Social Justice, Empowerment
and Welfare Department,
Government of Sikkim, Gangtok.
3. The District Collector,
Government of Sikkim,
Gangtok, East Sikkim.
4. Special Secretary,
Sikkim State Legal Services Authority,
Gangtok, East Sikkim.

... **Respondents.**

W.P. (PIL) No. 05/2015
 Yangchen Dahdul vs. State of Sikkim & Ors.

Petition under Article 226 of the Constitution of India

Appearance:

Dr. (Ms.) Doma T. Bhutia, Ms. Rachhitta Rai, Ms. Babita Rai and Ms. Rupa Dhakal, Advocates for the Petitioner.

Mr. Karma Thinlay, Senior Government Advocate with Mr. S. K. Chettri, Assistant Government Advocate for Respondents No. 1, 2 and 3.

Ms. K. D. Bhutia, Advocate for Respondent No. 4.

ORDER (ORAL) **(03.07.2017)**

Satish K. Agnihotri, CJ

The Petitioner, stated to be an Advocate, has come up with this petition by way of Public Interest Litigation petition, seeking a direction to the State Government as well as Sikkim State Legal Services Authority to give comprehensive publicity in compliance of the directions passed by the Supreme Court in ***Seema Lepcha vs. State of Sikkim & Ors.* : (2013) 11 SCC 641**, wherein the Supreme Court, while disposing of the appeal, passed the following directions: -

“.....
7.1 The State Government shall give comprehensive publicity to the notifications and orders issued by it in compliance with the guidelines framed by this Court in *Vishaka case*¹ and the directions given in *Medha Kotwal case*[†] by getting the same published in the newspapers having maximum circulation in the State after every two months.

W.P. (PIL) No. 05/2015
 Yangchen Dahdul vs. State of Sikkim & Ors.

7.2 Wide publicity be given every month on Doordarshan Station, Sikkim about various steps taken by the State Government for implementation of the guidelines framed in *Vishaka case*¹ and the directions given in *Medha Kotwal case*[†].

7.3 Social Welfare Department and the Legal Services Authority of the State of Sikkim shall also give wide publicity to the notifications and orders issued by the State Government not only for the government departments of the State and its agencies/instrumentalities but also for the private companies.

1 *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241: 1997 SCC (Cri) 932

† From the Judgment and Order dated 29-9-2010 in WP No. 15 of 2010 of the High Court of Sikkim"

and also a direction to organize meetings, workshop, awareness programme at regular intervals, sensitize employees with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short, the Act, 2013), further to notify officers for wide publicity of the guidelines in the newspapers, televisions as well as in FM Radio.

2. In response, various affidavits were filed. The State Government has already notified constituting Internal Complaints Committee as required under Section 4 of the Act, 2013 and also the Local Complaints Committee as contemplated under Chapter III of the Act, 2013, has been constituted. Subsequently, various awareness and sensitization programmes have been organized in consultation with the Sikkim State Legal Services Authority in all the four districts and regions.

W.P. (PIL) No. 05/2015
Yangchen Dahdul vs. State of Sikkim & Ors.

3. The respondents are further directed to give instruction to all the employers to comply with requirements as prescribed in Section 19 under the heading "Duties of employer", in particular clause (b) and (c), of the Act, 2013.

4. Thus, nothing survives for further monitoring and adjudication at this stage. Resultantly, the petition stands disposed of. However, liberty is reserved to the petitioner to take recourse to the Court if it is found that the provisions of the Act, 2013, are not complied with in future in its letter and spirit.

Judge
03.07.2017

Chief Justice
03.07.2017

Approved for Reporting : Yes/~~No~~.
Internet : Yes/~~No~~.

pm