

D♀NT'S

- ♂ **Don't assume that girls like being harassed.** Girls despise and avoid harassers. When they say "no", don't assume that they mean "yes". If you are not sure they are saying "yes" or "no", take the safe route and back off.
- ♂ **Don't assume that girls who dress "daringly" deserve to be harassed.** Boys and girls both have the right to dress as they want. You may not like what a girl is wearing, but that does not give you the right to show your anger or disapproval. Harassment is an offence and cannot be justified on any account.
- ♂ **Don't trivialise harassment.** Don't call it "eve teasing" or "joking". Sexual harassment is an aggressive and abusive act that causes hurt, trauma and pain. Calling it by another name doesn't change the fact that it is abuse.
- ♂ **Don't become a harasser just because other boys do it.** Following the herd might be the right thing for sheep and goats, but standing apart from the herd will earn you respect from people who are important to you.

A FINAL WORD FOR GIRLS

Don't fool yourself that "covering up" will protect you from harassment, or that Indian dress is safer than Western dress.

You have a right to wear what you want to wear, harassment is a crime regardless of what you are wearing.

Don't choose clothes you are not comfortable with just because everyone else is wearing them. Think through what you will do if other people react negatively to your attire.

If you are confident of handling unpleasant situations without harm to yourself, go ahead. If not, don't take the risk wear something else.

A FINAL WORD FOR BOYS

A simple "harassment detector"

Before cracking a joke, passing a comment, playing a prank or making an advance to a girl, ask yourself these questions:

"How would I feel if this action was filmed and shown on reality TV?"

"How would my mother, sister or girlfriend react to this action?"

"Am I forcing my attention on her?"

If answers make you uncomfortable don't do it!

If she does not respond it's time to stop NOW!

SEXUAL HARASSMENT ≠ FLIRTING

SEXUAL HARASSMENT	FLIRTING
unwanted and unwelcome	Wanted and welcome
Happens between people in a position of "inequality"	Happens between people in a position of "equality"
Makes you feel "bad"	Makes you feel "good"
One-sided-you are unable to respond	Two-way- you are able to respond in the same tone
Feels degrading and demeaning	Feels flattering
Makes you feel powerless	Makes you feel empowered
Produces feeling of shame and low self-esteem	Produces positive feelings and high self-esteem

THE LAW SAYS.....

Sexual harassment is not only a social offence, but is also a crime in the eyes of the law.

Harassers could face punishment under the following Sections of the Indian Penal code (IPC):

- Section 294: Obscene gestures or songs.
- Section 354: Outraging the modesty of a woman by using criminal force.
- Section 509: Outraging a woman's modesty through obscene words or gestures.

WHAT CAN YOU DO?

If you face harassment, you can:

- ♀ Take help from people around you (friends or strangers).
- ♀ Complain to the College Complaints Committee, or any such statutory body, if the harassment takes place in college or at the University.
- ♀ Complain immediately to the police, if it happens in a public place.
- ♀ Register a complaint with a women's organisation.



This information booklet on Sexual Harassment is a small attempt to make the public aware about the seriousness of this issue and how it affects women and girls. Getting a deeper understanding of the term could help young adults learn to respect members of the opposite sex, and help change aggressive behaviours.

You could carry this handy guide in your bag and share it with friends, colleagues and your neighbourhood.

SEXUAL



HARASSMENT

Acknowledgement

This booklet aims at generating awareness about Sexual Harassment, the seriousness of the issues and its impact on women and girls. The declining morality in recent times is an area of deep concern and we hope this book guides them in their interaction in society.

We gratefully acknowledge, "JAGORI" (an Autonomous Women's Group) based in Delhi, its Secretary and Director and Ms. Suneeta Dhar for allowing Sikkim SLSA to adopt their guidelines and tips from their booklet on "Sexual harassment tips for young adults" which we have adapted for the State of Sikkim.

We also thank Hon'ble Mr. Justice S.P. Wangdi, Executive Chairman, Sikkim SLSA for this Lordship's constant support and guidance in the publication of this booklet.

Sd/-

K. C. BARPHUNGPA
MEMBER SECRETARY

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SIKKIM STATE LEGAL SERVICES AUTHORITY
NOTIFICATIONS/ CIRCULAR ISSUED BY THE STATE GOVERNMENT
WITH REGARD TO SEXUAL HARASSMENT AT WORKPLACE
IN COMPLIANCE OF THE DIRECTION OF
HON'BLE SUPREME COURT IN SLP (C) No. 34153 OF 2010
(STATE OF SIKKIM Vs. SEEMA LEPCHA)

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS & TRG, GANGTOK

No. 33/GEN/DOP

Dated 19/10/2000

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor hereby makes the following rules further to amend the Sikkim Government Servants Conduct Rules, 1981, namely:-

- (1) These rules may be called the Sikkim Government Servant's Conduct (Amendment) Rules 2000;
 - (2) they shall come into force at once
2. In the Sikkim Government Servant's Conduct rules 1981, after rule 23, the following shall be inserted as rule 24, namely;
- "24. Prohibition of sexual harassment of working women".
No Government Servant shall indulge in any act of sexual harassment of any woman at her work place.
 - Every Government servant who is in-charge of a workplace shall take appropriate steps to prevent sexual harassment to any woman at such work place.

EXPLANATION- For the purpose of this rule "sexual harassment" includes such unwelcome sexually determined behaviours, whether directly or otherwise, as

GOVERNMENT OF SIKKIM
HOME DEPARTMENT,
GANGTOK

No. 41/ Home/2006

Dated 24.06.2006

NOTIFICATION

Whereas the Hon'ble Supreme Court of India vide its Order dated 17/01/2006 passed in Writ Petition (Cr.) No. 173-177 of 1999 entitled Medha Kotwal Lele and Other Vs. Union of India and Others issued a direction to appoint a State Legal Officer to coordinate the steps taken by the Complaints Committees in all department/Institutions having numbers of staff of 50 (fifty) and above and at district level Offices/Institutions also with more than 50 (fifty) staff to look into complaint of sexual harassment of women in working places;

And whereas, it has been considered necessary by the State Government to implement the direction of the Hon'ble Supreme Court.

Now, therefore, the State Government hereby appoints the Secretary, Social Justice, Empowerment and Welfare Department as a Nodal Agent to collect the details and to give suitable directions whenever necessary.

BY ORDER AND IN THE NAME OF THE GOVERNOR

Sd/-
(N.D. CHINGAPA) IAS
CHIEF SECRETARY
F. No.Gos/Home-II/WP/2000/104

- (a) Physical contact and advances;
 - (b) demand or request for sexual favours;
 - (c) sexually coloured remarks;
 - (d) showing any pronography, or
 - (e) any other unwelcome physical verbal or non-verbal conduct of sexual nature.
- (iii) Breach of above sub-rule (I) and (II) shall amount to misconduct as defined by these rules and will attract a major penalty.
3. Existing rules 24, 25 and 26 shall be renumbered as rules 25,26, and 27 respectively

By order and in the name of Governor.

Sd/-
R.S. BASNET,
Secretary to the Govt. of Sikkim,
Deptt. of Personel, Adm. Ref. & Trg.

GOVERNMENT OF SIKKIM
SOCIAL JUSTICE EMPOWERMENT AND WELFARE DEPARTMENT
(WOMEN AND CHILD DEVELOPMENT DIVISION)
GANGTOK

No. 81/W & CDD/2010

dated 17/05/2010

NOTIFICATION

Whereas, as per the directions of the Supreme Court, the State Government had appointed the Principal Secretary, Social Justice, Empowerment and Welfare Department as a Nodal Agent to collect the details and give suitable directions whenever necessary in Writ Petition (Cr.) No. 173-177 of 1999 entitled Medha Kotwal Lele and Others versus Union of India and Others vide Notification No. 41/Home/2006, dated 24/06/2006;

And Whereas, The State Government has considered it necessary to implement the direction of the Supreme Court;

Now therefore, the State Government is hereby pleased to nominate Ms. Yousa Lachenpa, Legal Officer, Social Justice, Empowerment and Welfare Department as Legal Assistant to the State Nodal Agent to collect the details and coordinate with the Complaint Committee constituted in all departments/institutions and at district level offices/institutions to look into complaint of sexual harassment or women at workplace.

Further, she will assist the Complaint Committee set up by the department to look into complaint of sexual harassment of women in workplace under the provision of the State Government Notification No. 41/Home/2006 dated 24/06/2006.

By order and in the name of the Governor.

Sd/-
(R. ONGMU) IAS
PRINCIPAL SECRETARY

GOVERNMENT OF SIKKIM
SOCIAL JUSTICE, EMPOWERMENT AND WELFARE DEPARTMENT
GANGTOK

No.08/ W&CDD/ 2011-12

dated 23.12.2011

CIRCULAR

Consequent upon Hon'ble Supreme Court's judgement in Vishala's Case, direction for the constitution of Complaint Committee to look into alleged cases of Sexual harassment in working places was issued. Accordingly the Complaints Committee was constituted by different department of the State Government and other organizations. However certain deficiencies or adequacies have been found in the Notifications issued earlier by different State Government department and other Organizations will be needed to be modified and amended to ensure the following;

1. Complaint Committee is required to be headed by women
2. there should be at least three members in the Committee
3. An NGO member if not included has to be included in the Committee
4. The Sikkim Government Servant Conduct Rules in required to be amended to treat the complaint committee as Inquiring authority to inquire into any case of alleged Sexual Harassment.
5. Department while issuing notifications reconstituting committee should include either Mrs. Mingma Doma Bhutia of Tarmulum Block Society or Mrs. Deoki Pradhan of Ishwaramba Social Welfare Association as NGO member who have been recommended by the Social Welfare Department for such inclusion.

6. Labour department will be required to issue separate notifications in regard to private organizations to ensure necessary modifications as the case.
7. The Complaint Committee should make an annual report to be submitted to the Government regarding the complaints and action taken thereof. Reports should be submitted to the Government on yearly basis irrespective of whether any complaint was made or not.
8. The Complaint Committee should be reconstituted, within a period of 7 days, from the date of issue of this circular and a copy of reconstituting the Committee be sent to the social Justice Empowerment and Welfare Department for submission of report to the Hon'ble Supreme Court.

Issued by the .

Sd/-
KARMA GYATSO, IAS
CHIEF SECRETARY
GOVERNMENT OF SIKKIM

**DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING PUBLIC
GRIEVANCES, CAREER OPTION & EMPLOYMENT SKILL
DEVELOPMENT & CHIEF MINISTER'S SELF EMPLOYMENT SCHEME
GOVERNMENT OF SIKKIM, GANGTOK- 737101**

No. 515/GEN/DOP

dated 04.01.2012

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules further to amend the Sikkim Government Servants' Conduct rules, 1981, namely;

1. Short title and commencement

- (1) These rules may be called the Sikkim Government Servants' Conduct (Amendment) Rules, 2012.
- (2) They shall be deemed to have come into force on the 19th day of October, 2000.

2. Amendment of rule 2 - In the Sikkim Government Servants' Conduct Rules, 1981 (hereinafter referred to as the said rules), in rule 2, after sub rule (a), the following sub-rule (aa), shall be inserted, namely:-

"(aa) "Complaint Committee" means a Complaint committee constituted to inquire into alleged cases of sexual harassment in working places."

3. Amendment of rule 24 - In the said rule, in rule 24, after sub-rule (iii), the following sub-rule (iv), shall be inserted, namely:-

"(iv) Notwithstanding anything contained in any other rule for the time being in force, the Complaint Committee constituted to inquire into any

alleged case of sexual harassment shall be deemed to be the Inquiring Authority for such purposes and the report of the Complaint Committee on completion of the inquiry shall be deemed to be the report of the Inquiring Authority and to be treated as such by the Disciplinary Authority for all intent and purposes."

Sd/-

K.T.CHANKAPA, IAS
SECRETARY,

DEPARTMENT OF PERSONNEL, ADM., REFORMS
TRAINING, PUBLIC GRIEVANCES, CAREER OPTION &
EMPLOYMENT SKILL DEVELOPMENT &
CHIEF MINISTER'S SELF EMPLOYMENT SCHEME

1. **Complaint Committees set up on Sexual Harassment of Women at Workplace.**

- Government Departments - 36
- Shops and Commercial establishments - 10
- Corporation/Public Undertakings - 09
- Private Companies - 19
- Offices at the District Level
 - Office of the District Collector, South at Namchi.
 - Office of the District Collector, West at Gyalshing.

2. **No. of complaints received by the Complaint Committees**
➤ NIL till date.

(Information derived from the office of the Social Justice Empowerment and Welfare Department, Government of Sikkim)

ANY AFFECTED PERSON DESIROUS TO AVAIL FREE LEGAL AID/SERVICES
MAY CONTACT THE OFFICE OF THE SIKKIM STATE LEGAL SERVICES
AUTHORITY OFFICE SITUATED NEAR SUB-POWER STATION,
SICHEY, GANGTOK, EAST SIKKIM
PHONE NO.03592-284753

TIPS FOR GIRLS

Reduce your vulnerability

DO's

- ♂ Learn to recognise harassment. Anything that makes you feel ashamed, humiliated or frightened is harassment. It is not what the other person *intends* but what you *feel* that matters. If you feel harassed, you have the right to protest.
- ♂ **Say 'no' loudly and clearly.** Prepare a stock sentence (like "This is pathetic don't be silly!"). Practice saying it to yourself until it becomes a reflex.
- ♂ **Communicate confidence in yourself.** Look straight at people who threaten you in any way and speak clearly and calmly in response. Show that you are aware of who you are and that you have a right to be where you are.
- ♂ **Make friends.** Isolation increase vulnerability. There are more chances of people coming to your aid if you ask for help. Similarly, be ready to respond in case anyone is being harassed in your presence.
- ♀ **Report the incident and make a formal request for action if the harassment persists.** Sexual harassment is a crime and should not be overlooked. It must be reported to the authorities and treated as a serious violation of University norms.
- ♀ **Be willing to respect boys who respect you.** Every boy is not a harasser. Being scornful or dismissive of boys because of their background, dress code or language sends out a message about your own prejudices, such behaviour can even invite retaliatory harassment from the object of your dislike.

DONT'S

♀ **DON'T advertise your vulnerability.** When you are in a public space, don't look nervous, don't walk with your head bowed and don't refuse to answer if someone asks you a valid question.

♀ **Don't be afraid to ask for help.** Calling out loudly for help is itself a deterrent to most harassers. Often, people are not sure if you need help unless you ask for it.

WHEN SOMEONE HARASSES ME,
FIRST I FEEL SCARED.
SLOWLY, THIS CHANGES
TO IRRITATION. IRRITATION
THEN BECOMES ANGER.

YOU ARE MAKING
A HUGE ISSUE OUT
OF NOTHING GIRLS DO
ENJOY BEING TEASED.

THE BEST WAY
IS TO JUST IGNORE IT.
ONE DAY, THEY
WILL STOP IT.

IF GIRLS WEAR CLOTHES THAT
SHOW OFF THEIR BODIES,
THEY HAVE TO BE READY
TO FACE COMMENTS.

I RESPECT
MY FEMALE FRIENDS,
BUT WE SO TEASE THEM.
WHAT'S
THE BIG HARM IN THAT?

I DON'T TOUCH GIRLS,
ONLY PASS COMMENTS
ABOUT THEM.
IT FEELS GOOD!

Sexual Harassment is

- Whistling
- Staring intently at another's body.
- Unwelcome kissing, hugging and touching (brushing against another's body).
- Invading another's privacy and personal space, making the woman feel uncomfortable (standing very close to her or breathing down her neck).
- Passing lewd remarks or commenting on another's appearance or sexuality.
- Making obscene telephone calls or sending obscene messages (including e-mails, letters, SMSes or MMSes).
- Inappropriately giving gifts of a sexual nature.
- Stalking (repeatedly keeping a watch on or following someone).
- Exposing someone (against their will) to pornographic films, pictures, poems or stories.
- Exposing another to sexist and insulting graffiti, jokes and cartoons, often demeaning to women.
- Soliciting sexual services.

WHEN I WALK DOWN
THE ROAD AND MEN
DRIVING PAST ROLL DOWN
THEIR WINDOWS TO OFFER
ME A LIFT,
IT MAKES ME LIVID!

I TRIED TELLING
MY FRIEND I DON'T ENJOY
HARRASSING GIRLS,
BUT THEY JUST CALL
ME NAMES.

IT HUNTS ME ALL DAY...
A DEEP ANGER THAT
I TOOK IT QUIETLY.
BUT WHAT COULD
I HAVE DONE?

BEING TOUCHED BY
A KNOWN OR UNKNOWN
PERSON AGAINST MY WILL
MAKES ME ANGRY
AND UPSET. IT MAKES
ME FEEL UNCLEAN INSIDE.

WOMEN CREATE
A BIG FUSS
ABOUT EVE-TEASING
BY CALLING IT
SEXUAL HARASSMENT.
THEY SHOULD JUST
KEEP THEIR OPINIONS
TO THEMSELVES.

TIPS FOR BOYS

Avoid mindless 'macho'ism

DO's

- ♀ **Be aware of how you appear to girls.** Make sure you look, speak and behave like a person who respects others and expects respect in return. Learn to speak without using sexist slang and swear words. Avoid unnecessary display of muscle-power. Equally, avoid pushy familiarity.
- ♀ **Learn to treat girls as human beings, friends and colleagues.** Girls are often taught to avoid boys over-friendliness in boys can seem threatening or aggressive. Practise ways of talking and behaving that are friendly, but not over-familiar. Ask a female friend to tell you about what girls find offensive or threatening about typical 'male' behaviour.
- ♀ **Wait to be asked before rushing in to help or protect girls from harassment.** Not all girls are helpless people needing your protection; infact, some may even feel harassed by your unwanted 'help'. Be alert to possible harassment in your vicinity and be ready to help, but only if your help will be enough to deter the harasser.