

No. 4-61/2001-Coop. (Estt.)
Directorate of Co-operation
Himachal Pradesh.

To

1. All the Deputy Commissioners cum Additional Registrars of Societies in Himachal Pradesh.
2. All the Sub-Divisional Officers (Civil) cum Deputy Registrars of Societies in Himachal Pradesh.

Dated Shimla-9, the 15th May, 2015

Subject:- Compliance of the Guidelines and Norms laid down by the Hon'ble Supreme Court in Vishakha & others versus State of Rajasthan & ors. (JT 1997(7) SC 384 and the provisions of Sexual Harassment of Women at Workplace Act, 2013.

Dear Sir,

It has come to the notice of the undersigned that the Guidelines and Norms laid down by the Hon'ble Supreme Court in the case titled as Vishakha & others versus State of Rajasthan & ors. (JT 1997(7) SC 384 are not being scrupulously adhered to by some of the societies registered in the State under the H.P. Societies Registration Act, 2006. The co-operative institutions registered under the H.P. Co-operative Societies Act, 1968, too, are not an exception to this. In one of the civil writ petition pertaining to a State level co-operative institution, the Hon'ble High Court of H.P. was pleased to direct the undersigned to file an affidavit as to whether a committee as required to be formed in Vishakha's case (supra) for redressal of complaints regarding sexual harassment of women at workplace has been constituted or not. The undersigned observed that no such committee had been constituted. The same might be true in respect of societies registered under the Societies Registration Act.

You must be aware that as per the guidelines issued by the Hon'ble apex Court in Vishakha's case (supra), the responsibility to constitute the committee and to follow the guidelines rests with the employer. But, as a registration authority of societies, having regulatory control over them under the ibid Act, it also becomes our duty to effectively execute and enforce the law laid down by the Hon'ble Supreme Court. You may also be aware that the Government

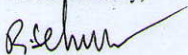
of India has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. The provisions of the Act apply to "workplace" which includes, state owned and controlled departments and organizations, any private sector organization or a private venture and even includes a society, trust and non-governmental organization.

In view of above, you are requested to direct the societies registered under your jurisdiction to immediately constitute the committees for the purpose, if not already constituted, and to follow the guidelines laid down by the Hon'ble Supreme Court as well as the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 in letter and in spirit under intimation to this office.

You are also requested to ensure that a provision is invariably incorporated in the Articles of Association/ byelaws/ service rules of the societies at the time of registration to the effect that a committee in accordance with the Hon'ble Supreme Court guidelines in Vishakha's case (supra) and/ or the provisions of Sexual Harassment of Women at Workplace Act, 2013 for prohibiting sexual harassment of women at workplace is constituted. At the same time, provision to provide for appropriate penalties against the offender needs to be incorporated in such rules. In respect of societies already registered, directions may be issued to incorporate similar provisions in the Articles of Association/ byelaws/ service rules, as the case may be, by carrying out amendment. You are further requested to make necessary follow up in the matter to avoid reoccurrence of instances as noticed by the Hon'ble High Court in the case of a co-operative society.

THIS MAY BE GIVEN TOP PRIORITY.

Yours sincerely,



Registrar of Societies,
Himachal Pradesh.

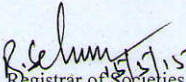
Endst. No. 4-61/2001-Coop. (Estt.)
Copy to:-

Dated, Shimla-9 the

1. The Additional Registrar Co-operative Societies, Dharamsala, District Kangra, H.P. / all the Deputy Registrars in H.P/ all the Assistant Registrar in H.P for

information with the directions to go through the above guidelines and provisions of abovementioned Act and ensure compliance from co-operative societies working under their respective jurisdiction to which the provisions of Act / guidelines of Hon'ble Supreme Court apply.

2. All the Managing Directors/Chief Executive Officers of the State/Secondary Co-operative Societies in H.P. for similar action and compliance.
3. Joint Registrar (Marketing) Cooperative Societies H.P. for similar action and to ensure compliance of the above guidelines from the State level societies/associations registered under the H.P. Societies Registration Act, 2006.
4. All the Branch in-charges posted in Directorate of Co-operation for information.
5. Sh. Sanjay Suhail, Superintendent Grade-II to upload this letter on the official website of the Department.


Registrar of Societies,
Himachal Pradesh.