

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Proceedings of the hearing held on 30.09.2009 to discuss the matter relating to recognition and grant of facilities to SC/ST Employees Welfare Association of Bharat Sanchar Nigam Ltd.

The following were present:

I. National Commission for Scheduled Tribes

1. Shri Tsering Samphel, Hon'ble Member (In chair)
2. Shri Aditya Mishra, Joint Secretary
3. Shri R.C. Durga, Director
4. Shri R.P. Vasishtha, Deputy Secretary
5. Mrs. K.D. Bhansor, Deputy Director
6. Shri N. Balasubramanian, Research Officer

II. Bharat Sanchar Nigam Limited, New Delhi.

1. Shri Gopal Das, Director (HR)
2. Shri R.K. Mishra, GM (Per)
3. Shri J. Prem Raj, CLO (SCT)
4. Shri B.C. Das, AGM-I (SCT)
5. Shri Ved Prakash, AGM-II (SCT)

III. Representatives of Employees Association

1. Shri B.R. Jakhatia,
2. Shri Babu Singh,
3. Shri N.D. Ram,
4. Shri R. Raveendran,
5. Shri P. Ramakrishnan, SDE
6. Shri Mohan Lal Sandi, AO
7. Shri T. Muthukrishnan,
8. Shri P.A. Kumaran, AO

2. The Director (HR), Bharat Sanchar Nigam Ltd. informed that there were earlier four Associations of various sections of BSNL employees, striving for recognition. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes had recommended for uniting all the SC/ST employees by forming a single Association. The National Commission for Scheduled Castes and National Commission for Scheduled Tribes also played important role in the formation of one single Association viz; SC/ST Employees Welfare Association of Bharat Sanchar Nigam Ltd. Initially, a high power committee was set up by drawing representatives from each of the then existing Associations. This committee later conducted elections to the Governing body of the newly formed Associations. The Association is registered with the Registrar of Societies under the Societies Registration Act, 1860. The Governing body has tenure of two years and fresh elections were due in May, 2009. However, due to certain internal differences the General Secretary of the Association called the meeting of the Central Working Committee (CWC) of the Association at a time when elections to the


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Trade Union of BSNL Employees were due to be held. The purpose and manner of calling such a meeting was objected by the President of the Association, mentioning that it was against the procedure prescribed for calling a meeting and represented to the Bharat Sanchar Nigam Ltd. Management for intervention. To resolve the differences within the Association, which were visible from the actions of the General Secretary and the President of the Association, Chief Liaison Officer (SCT) of the Bharat Sanchar Nigam Ltd. held a meeting on 05/12/2008 with the representatives (CHQ) of the Association – the President, the Vice-President and the General Secretary of the Association. The following resolution signed by all of them was adopted:

1. All India Conference of SC/ ST Employees Welfare Association of BSNL should be held by 15th April, 2009. No further extension will be given.
2. All the correspondences related to association matter to BSNL Corporate Office should be made under the signature of both the President (CHQ) and general Secretary of Association. Same procedure is to be adopted in case of Circle/ SSA level by the respective President/ Secretary
3. Any meeting of the Association should be called under signature of both the President (CHQ) and General Secretary of the Association.
4. Formation of circle body should be completed by 31st January, 2009.

3. In view of the above resolution, the notice dated 22/11/2008 issued by the General Secretary of the Association for holding CWC on 12/12/2008 should have been withdrawn and re-issued, if necessary, under the signature of President as well as General Secretary. However, General Secretary went ahead with the CWC meeting on 12/12/2008, and also All India Conference on 16/02/09 to discuss certain Agenda Items including the Item relating to alleged activities of the President in relation to signing of an agreement with the trade union leaders. Shri Jakhatia alleged that the agreement is against the interests of the Association. The All India Conference held on 16th February, 2009 at Haridwar (Uttarakhand), inter-alia, passed a resolution for appointment of Shri N.D. Ram as new President by removing Shri T. Muthukrishnan from the post of President. Shri B.R. Jakhatia, General Secretary of the Association who had called the CWC meeting and All India Conference had submitted a petition to the BSNL for according recognition to the Association with Shri N.D. Ram as President and Shri Jakhatia as General Secretary. The BSNL Management rejected the request of Shri Jakhatia on the ground that proper procedure was not followed in calling the meetings of the Association and removal of Shri T. Muthukrishnan from the post of President and the resolution signed on 05/12/2008 has also not been honoured by Shri Jakhatia. Consequently, Shri Jakhatia represented before the National Commission for Scheduled Tribes alleging that the BSNL Management was not recognizing the Association under Shri N D Ram as President. It was also alleged by Shri Jakhatia that the Management did neither depute any

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observer during the meeting/ conference nor allowed the delegate members to attend the meeting/ conference.

4. The matter was discussed in detail initially with Shri B R Jakhatia and his associates and subsequently with Shri T. Muthukrishnan and his associates, followed by discussion with all of them together. Provisions/ bylaws of the Memorandum of Association adopted by the Association at the time of registration were discussed in detail. It was noted that the Memorandum prescribed procedure for removal of a Member from the Association but not for removal of or impeachment of the President or any other member of the Governing body of the Association. In the present case, Shri Muthukrishnan was not removed from the membership of the Association. Moreover, he was removed from the post of President without following the procedure for holding election to the Governing body, for which Special General body meeting of its members or authorized delegates has to be called by issuing notice containing procedure for holding fresh elections. It was also noted that the agreement signed by Shri T. Muthukrishnan with the Trade Union leaders talked about watching the interest of SC/ST employees by the Union and co-opting representatives of SC/ ST Association in the Union. This agreement in no manner was against the interests of SC/ ST employees. The Commission was informed that the Management did not approve the action of Shri Jakhatia as the action taken by him were in violation of the resolution dated 05/12/2008 and also the prescribed procedure for holding meetings. Moreover, elections are held in Special General body meetings only, where non-members are not allowed to participate, while conferences are held to discuss issues of varied interests of the Association and, therefore, any person including the political person could be invited/ attend it and the same situation occurred during the course of conference organized by Shri Jakhatia on 16/02/2009.

5. Shri Jakhatia and his associates once again impressed upon the Commission to urge the BSNL Management to give recognition to the Association headed by Shri N.D. Ram as President and Shri Jakhatia as General Secretary. The Management clarified that it was a dispute between two factions of the same Association striving for leadership and the consequential facilities and under the circumstances it was the Registrar of Societies which can give a clear verdict for recognition to a particular faction under particular registration number and name and this could take years together to arrive at a decision. The Management, however, suggested that they could adopt check out procedure to ascertain as to which faction has majority of support and the group having majority support will be given recognition by the Management. This suggestion was not agreed by either of the group. Shri Tsering Samphel, Hon'ble Member, National Commission for Scheduled Tribes mentioned that the best course of action would be to either refer the matter to the Registrar of Societies or alternatively to hold


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fresh election for constituting new Governing body of the Association. At this point, it was suggested that a Coordination committee for holding the elections may be constituted by nominating two representatives from each group. This Committee may formulate procedure for holding election and for appointment of an Election Officer.

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Name	Nominated on behalf of group led by
1 Shri Mohan Lal Sandi	Shri T.Muthukrishnan
2 Shri S.L. Sonwane	
1 Smt. Pramod Kumari Ambedkar	Shri N.D. Ram
2 Shri A.K. Choudhary	

7. The Management agreed to facilitate the Committee Members in conducting the elections, which should be completed before ^{the} end of December, 2009. It was also agreed that these members will be granted special casual leaves to enable them to attend the meeting(s) of the Committee and other matters relating to the election. It was unanimously agreed by both the groups that the first meeting of the Committee may be held on 21/10/2009 and the outcome of this hearing may be communicated to the Committee members officially by the Chief Liaison Officer (SCT) of BSNL so that the Committee starts functioning without delay. Since the matter relates to Association of SC as well as ST employees, the Committee will ensure that there will be proportionate representation of SCs and STs in the Governing Body of the Association at all levels. Where, the number of a particular post in the Governing Body (for example President/ Vice-President/ General Secretary/ Treasurer) is 1, election to the post may be held from SCs & STs in rotation in consecutive elections.


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