



भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(A Constitutional Commission set up under Art 338A of the Constitution of India)

छठी मंजिल, बी विंग, लोकनायक भवन,
खान मार्केट, नई दिल्ली - 110003
6th Floor, B Wing Lok Nayak Bhawan,
Khan Market, New Delhi - 110003

No.Review/MPN12/BSNL/2017/RULIV

Dated: 15.03.18

To

The Managing Director,
M/s. Bharat Sanchar Nigam Ltd.,
BSNL Corporate Office, Janpath,
New Delhi-110001

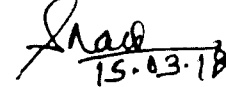
Subj: Report and recommendations of the National Commission for Scheduled Tribes on the implementation of Constitutional Safeguards for Scheduled Tribes by Bharat Sanchar Nigam Ltd.

Sir,

I am directed to send herewith the Report and Recommendations under Article 338A(5)(c) of the Constitution on the measures to be taken by Bharat Sanchar Nigam Ltd. for the effective implementation of the constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes, duly signed by the Hon'ble Chairperson, National Commission for Scheduled Tribes for necessary action at your end.

It is requested that a report on the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of any of such recommendations may be furnished before 16.04.2018 for placing the same before the Commission

Yours faithfully,


15.03.18
(S.K. Ratho)

Joint Secretary to the Government of India



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5) (E) OF THE CONSTITUTION ON THE MEASURES TO BE TAKEN BY THE BHARAT SANCHAR NIGAM LIMITED (BSNL) FOR THE EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES.

(No. Review/MPNT2/BSNL/2017/RU-IV)

Date of Review: 06.02.2018

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. As per constitutional provision, the Union and every State Government shall consult the Commission on all major policy/decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President reports upon working of those safeguards and all such reports are to be laid before each House of the Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above constitutional mandate, a review meeting was held under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 6th

Nand Kumar Sai

Chairperson

National Commission for Scheduled Tribes

Govt. of India

New Delhi

February, 2018 at Corporate Office, BSNL, Janpath, New Delhi on evaluation and monitoring implementation of reservation policy (service safeguards) for Scheduled Tribes and schemes for their socio-economic development with the officers of BSNL.

3 The list of participants is annexed.

4 Hon'ble Chairperson in his inaugural address mentioned about the role and responsibility of the NCST and requested BSNL officers to give clarification on some issues which emerged from the information furnished by the BSNL in the questionnaire and the representation given by the SC/ST Employees Welfare Association (SEWA), BSNL, New Delhi to the Commission.

5 BSNL gave brief presentation about the BSNL activities, which includes organizational set up, composition of BSNL Board, major initiative, customers and network size (as on 31.12.2017), infrastructure, reservation to SCs/STs, relaxation/concessions to SC and ST candidates, Staff Strength of BSNL (as on 31.03.2002 and 31.03.2015), recruitment of last 3 years Backlog (as on 2015), promotions, time bound upgradation/promotion (in various categories) composition of SCT Cell at BSNL Corporate office, Liaison Officers and Deputy Liaison officers, Rosters, SC/ST Employees Welfare Associations nominated by BSNL, Training Abroad and Status of false caste certificate cases and action taken by the BSNL.

6 Presentation reveals that Staff strength of STs as on 31.03.2015 was Executive Post-5.27% and non-Executive Post shows 6.16% ST. There is one Chief Liaison Officer (for welfare of SC and ST) at Corporate





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Office, 46 Liaison Officers in Circles and 334 Deputy Liaison Officers in each SSA. It was informed that there are 106 persons, who have obtained job in the BSNL on the fake SC/ST certificates. It was also informed to the Commission that currently BSNL is not making profits for the last 5 years, hence CSR activities are not taken up by BSNL in the last 5 years.

7. The BSNL offers wide ranging & most transparent tariff schemes designed to suit every customer. BSNL has 94.36 million cellular & 1.02 million WLL customers as on 31.10.2016. 3G facility has been given to all 2G customers of BSNL. In basic services, BSNL is miles ahead of others, with 13.88 million wireline phone subscribers i.e. 56.96% share of the wireline subscriber.

BSNL is a technology-oriented company and provides complete bouquet of telecom services such as fixed telephone connection on Wire-line and Mobile telephone service of GSM Technology & WLL, Internet, Broadband & FTTH Services, In Services, National Long Distance Services, International Long Distance Services, Enterprise Services such as point-to-point Leased Line, MPLS VPN circuits etc.

BSNL Infrastructure has about 36.42 million - line basic telephone capacity, 7.13 million WLL capacity, 95.96 million GSM capacity, 34,727 fixed line exchanges, 1,17,090 GSM BTSs, 9,594 CDMA Towers, 102 Satellite Stations, 7,73,976 Rkm. of OFC, 4751 Rkm. of microwave network connecting 646 districts, 4519 cities/towns & 6.25 lakhs villages.

8. Prior to Review meeting with the officers of BSNL, the SC/ST Employees Welfare Association of BSNL met the Commission on 06.02.2018 and raised many issues. Some of the key points raised by the SC/ST Employees Welfare Association are indicated below:



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- i) Implementation of CPSU hierarchy in BSNL.
- BSNL Management want to abolish reservation roster in BSNL by implementing CPSU hierarchy. Existing promotion policy should be continued.
 - The Chief Liaison Officer of BSNL has not been consulted in the matter.
- ii) Court cases in the matter of promotion in BSNL.
- Issue promotion order by following rules of reservation subject to outcome of the cases pending before Hon'ble Supreme Court of India.
- iii) Denial of promotion to SC/ST executive to the post of DGM in Telecom Stream.
- Affected AGMs working since 2010 should be promoted to the post of DGM.
 - In future BSNL may ensure to issue promotion orders of those officers first who were working in Adhoc capacity before inducting fresh candidates in the promotion list
- iv) Recruitment through Limited Internal Competitive Examination (LICE) from Group 'C' to Group 'B'.
- In some Circles like Haryana, there is no employee in Group 'C' from ST category thus the post of ST category remain vacant. Hence, being a PSU under Central Government of India, BSNL has to allow the employees of other Circles to appear in this exam so as the vacancy of ST category can be filled up.
- v) CGA appointment. Qualifying point 55 should be relaxed to 45 for SC/ST candidates.

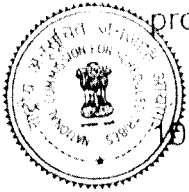




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- vi) Non Executive Promotion Policy (NEPP)/Executive Promotion Policy (EPP): Qualifying years for upgradation under NEPP/EPP should be relaxed for SC/ST candidates.
- vii) Secondary Switching Area (SSA) level facilities to SEWA: Computer, Printer, Broadband connection and Furniture etc. should be granted to SEWA at SSA Level.

9. The Commission observed that there are no ST candidates in Board of Directors and also in Recruitment Board. Similarly, ST candidates have not been sponsored for Specialised Training Abroad in 2016. Out of 106 cases of employees obtained the job on bogus SC/ST certificate, there is need to segregate the list of employees who obtained job on the basis of fake/false ST certificate. BSNL management want to implement CPSU Hierarchy in BSNL which will abolish reservation in promotion to STs.



Observations of the Commission are:

- i) The Commission appreciate for adopting the computerised mechanism to redress grievances of SCs/STs employees in BSNL.
- ii) Commission appreciate that the rosters in BSNL are maintained and inspected periodically by the Chief Liaison Officer, Liaison officer and Deputy Liaison officer at Corporate/District and SSA level.

11. The recommendations of the Commission are as under:

- i) Reservation and Roster System in respect of recruitment as well as promotion should be computerized by BSNL within a year. The same should be placed in public domain for the use

Nand Kumar Sai

Chairperson

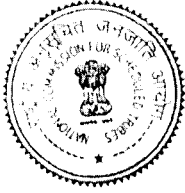
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of employees which will provide transparency in implementation of Reservation policy.

- ii) CPSU cadre Hierarchy promotion policy should be reviewed keeping in view of the demand of SC/ST Welfare Association. The Chief Liaison Officer (SCT) should be consulted before finalization of CPSU Hierarchy.
- iii) The pending false caste certificate cases in respect of ST should be separated and referred to the concerned State Govt./Scrutiny Committee for verification of ST certificate constituted by the State Govt. for early decision under intimation to the Commission.
- iv) In respect of false ST caste certificate cases, once it is proved, apart from removing the person concerned from the service, the BSNL should write to concerned State Govt. to initiate criminal proceedings against the fake ST certificate holder as well as the authority who issued such false/bogus ST certificate.
- v) The office bearers of SC/ST Welfare Associations should be transferred only after consulting the Chief Liaison officer/Liaison officer/Deputy Liaison officer in respect of Corporate office, Divisional Office and SSA Level.
- vi) The request of employees of BSNL to appear in Group C to Group B exam through LICE for another Circles where there are no employees of ST category so as to the vacancy of ST category can be filled up, BSNL should consider this issue.
- vii) The ST incumbent should also be designated/nominated as Liaison Officer.



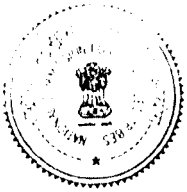


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Committee and Selection Board in BSNL.

- ix) The BSNL should encourage and nominate more ST employees for specialized training in Abroad.
- x) The Scheduled Areas notified under Fifth Scheduled of the Constitution (in the States of Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan) should be given preference for extending infrastructure of BSNL for providing better connectivity of BSNL.



(Nand Kumar Sai)

Chairperson

National Commission for Scheduled Tribes.

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Annexure

List of participants in the Review Meeting of BSNL on evaluation and monitoring of implementation of Reservation policy held on 06.02.2018 at 3.00 P.M. at Corporate Office, BSNL, Janpath, New Delhi under the Chairmanship of Hon'ble Chairperson, NCST, New Delhi.

National Commission for Scheduled Tribes

1. Shri Nand Kumar Sai, Chairperson --- In
Chair
2. Miss Anusuiya Uikey, Vice-Chairperson
3. Shri Hari Krishna Damor, Member
4. Shri Harshadbhai Chunilala Vasava, Member
5. Smt. Maya Chitamn Ivanate, Member
6. Shri Sisir Kumar Ratho, Joint Secretary
7. Shri D.S Kumbhare, Under Secretary
8. Shri R.S. Misra, Senior Investigator

Bharat Sanchar Nigam Limited (BSNL)

1. Smt. Sujata T. Ray, Director (HR), BSNL Board
2. Shri Rakesh Kumar Mittal, Director (CM), BSNL Board
3. Shri Keshav Rao, General Manager (Pers.)
4. Ms. Smita Choudhary, Sr. General Manager (FP)
5. Shri Saurabh Tyagi, Sr. General Manager (Estt.)
6. Ms. Samita Luthra, General Manager (Rectt.)
7. Shri A.M. Gupta, General Manager (SR)
8. Shri Surendra Singh, General Manager & CLO (SCT)
