



ALL INDIA BSNL EXECUTIVES' ASSOCIATION

Kerala Circle, Thiruvananthapuram

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Dt.21-07-2016

To
Sri R.Mani
Chief General Manager, Telecom,
BSNL,
Kerala, Trivandrum.

Respected Sir,

Sub:- Notice for organizational action/ agitation program against the highly discriminatory attitude of BSNL Kerala Circle in the matter of dealing with case of “Sexual Harassment of woman employee at workplace” in violation of Govt. of India Acts and guidelines issued by the Company reg.

Smt. V.K. Sobha, SDE (PR) a member of this association and formerly Branch Secretary of AIBSNLEA Circle Office branch, was abused and sexually harassed on 1-9-2015 by a gang of trade union activists, in the presence of CGM and several higher level officers. while she was attending an official meeting in the office of the CGM, BSNL, Kerala circle.

She was a victim of sexual harassment while on duty in the office of CGMT, BSNL, Kerala Circle Trivandrum .The scene of the crime was the Conference Hall of CGM’s office and the incident occurred in the presence of CGMT himself while a management meeting was going on. CGMT and all the officers attended in that meeting are eye-witnesses to this incident of crime. The offenders were trade union leaders and activists who intruded in to the meeting.. Our member (Victim) lodged a written complaint with the authorities concerned as prescribed by the guidelines issued by BSNL as well as Government of India based on “**Sexual harassment of women at workplace (Prevention, prohibition and redressal) Act-2013**”. The then CGMT, who was also an eye witness to the incident, initiated appropriate action against the culprits and accused officials were sent out of SSA as per the mandatory provisions existing in the Government of India Act for ensuring protection to the victim. Now the disciplinary proceedings are on the way though it is trailing behind the schedule like anything.

Even after the elapse of a long period of more than ten months, the petition filed by her remains unsettled. We have noticed that, the disciplinary action and related proceedings initiated by the then C.G.M against the culprits, in accordance with the provisions contained in the “ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013” are now being nullified by the subsequent circle head in charge of the administration, in the guise of an illogical ground that the decisions taken by the incumbent CGM during 23-9-2015 to 30-10-2015, is challengeable. Everybody

knows that, this is the aftermath of a shameful collusion between the BSNL administration and the leaders of trade union/ association trying to safeguard the offenders.

Meanwhile the accused officials, having undue influence on the BSNL administration for obvious reasons, have been brought back to their old stations somehow (in guise of deputation), defeating the very purpose of such a provision of “keeping the culprits away” included by the Government of India in the rule. This is a total violation of the Government of India guidelines “for protecting the victims” in such cases of sexual harassment of women at workplace. While doing such a manipulation, the intention of the BSNL administration was to circumvent the Government rules, only for favoring the culprits.

Now it is noticed that. as per the transfer order dated 19th May 2016, issued from your office the victim (our member) stands shifted from the post of SDE (PR&C). The management is well aware that she is a victim of a brutal sexual harassment incident and still her life is under threat because of the firm stand she took against the culprits. But we are sorry to state that the BSNL management is blatantly and shamelessly supporting the culprits due to pressure exerted by them or by some other agencies for obvious reasons which we cannot justify at any rate by any logic.

It is not our desire to allow our member to cling on to a particular post. But there exist clear and solid indications that the victim was shifted from her present post as per the demand placed by the accused in the case, which should not have been done at this stage especially while the inquiry on the matter is in progress. The trade unions of accused clearly proclaimed and established their involvement in ordering a shift of the victim, through their official websites which the administration could not deny so far.

The accused and their unions are dictating terms to the management in the process of disposing off the disciplinary cases pending against them and the management is eager to protect the wrong-doers by eliminating and insulting the victim without giving any consideration for her dignity. Now it is proven fact that the accused in this case are supported by the BSNL authorities, and the victim (our member) is further harassed and humiliated by the management. All efforts made by the affected member as well as this association at circle level for the cancellation or freezing of the said impugned untimely order were in vein.

It is also understood that the accused officials, who are trade union leaders, are now threatening the important witnesses in this case, with dire consequences of transfer to distant units and pressurizing them to withdraw from the scene without giving oral evidence against them in the ongoing inquiry in Courts of Law and other agencies.. They are being threatened that the witnesses will also have to face the fate of “Sobha” and will be sent out to distant stations if they are not acceding to their demands. This action on the part of the culprits shows that they are protected by the authorities and the victim will be further harassed and humiliated at any rate.

The untimely transfer order issued for the victim (our member) is against all principles of justice. Sir, this is a severe travesty of justice. Instead of providing protection and relief to the victim, she is being punished and demoralized giving a wrong message to other female officers.. We have had discussions with the management on various occasions in this matter, but we sensed a very adamant stand from the side of BSNL authorities having a total disregard to the genuine demands of a recognized association like ours though we always stood with the management in support of all genuine causes.

In this context, we had detailed discussions and deliberations on this issue in our Circle Executive Committee (C.E.C) held on 21-4-2016 at Trivandrum in the presence of General Secretary and All India President of AIBSNLEA and took a decision to start agitation program immediately in protest of the inert

and negative attitude of the Circle administration in this case of sexual harassment of woman at workplace. Later the All India Conference of this association held at Mysore recently from 17th^{to} 19th June 2016 also took a decision to go for agitation programs at appropriate levels to ensure justice to the affected lady member. A protest letter-cum-notice for agitation at various levels was already submitted to all concerned on 2nd May 2016 at CHQ level by our General Secretary.

Under the above circumstances, we have no other way but to move along the path of agitation for protecting the legitimate interests of our members. We place the following **demands** before you for immediate settlement:-

- 1) Implement the decisions taken by the then CGM based on the preliminary inquiry report of the ICC, without any modifications, in connection with the transfer of the accused officials. .All the accused officials may be sent out of SSA.
- 2) Instruct the concerned officers to get the final inquiry report from the ICC and implement it in its true spirit.
- 3) **Cancel the current transfer order issued to the victim lady officer on 19-05-2016 and ensure required protection to her as well as all the witnesses in this case. Permit her to continue in the existing post itself till the final settlement of all complaints lodged by her in this regard.**
- 4) Ensure an atmosphere which is free from fear, humiliation and sexual harassment. Protection may be given to the victim against transferring from present post till the end of all the criminal proceedings in connection with this... Now the witnesses in this case also communicated their worries and apprehensions about their transfer. They are also expecting transfer to faraway places. This will adversely affect the Inquiry process.
- 5) Even though the complainant is entitled to get the copy of the report of the ICC, it is not given to her even after making repeated requests. Please instruct the officer concerned to implement the act fully and maintain transparency with the victim and give the copies of this report and future reports also.


.. **Action:-**

As the circle administration is still continuing a negative stand in the above cited genuine demands raised by us repeatedly, we are constrained to go for the following agitation programs in Kerala BSNL to mark our protest and draw attention of the authorities concerned:-

- 1) A lunch hour demonstration in front of all SSA level offices and Circle office on 25rd July 2016.
- 2) One-day dharna in front of the Circle office on 01-08-2016.
- 3) Indefinite non-cooperation and work according to rule from 01-08-2016 onwards.

You are also requested to take notice that this association will be forced to start other direct trade-union actions without giving a further notice, if the grievance is not settled amicably in a time-bound manner.

Yours Sincerely,



(Circle Secretary)
AIBSNLEA,
Kerala Circle.

Copy to:- GM(HR) o/o CGMT, BSNL, Trivandrum.
Com. Prahladrai, General Secretary, AIBSNLEA, New-Delhi.
All District Secretaries/CEC/CWC members.