



ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

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No. AISBNLEA/CHQ/DGM(SR)/2013

Dated: 06th Sept,2013.

To

**The DGM (SR)
BSNL Corporate Office
New Delhi-110001**

Sub.: Feedback/Comments on framing of BSNL's own rules and regulations governing conduct of membership verification of Executives' Associations in BSNL-reg.

Ref.: Your office letter no. BSNL/31-2/SR/2009 Dated, the 22nd August, 2013.

Sir,

In the above cited reference and subject matter, it is submitted that at present only two Associations of the executives enjoy the Trade Union facilities in BSNL. However, after verification of their membership only one Association will be recognized as desired by the BSNL Management. The BSNL Management earlier constituted a committee under the Chairmanship of GM (Trg.), BSNL CO to finalize the terms and conditions for verification of membership for Executives Associations. AGM (SR) circulated the Committee report to all executive Associations for submitting views/suggestions in this regard. AISBNLEA immediately submitted its views/suggestions. Now the BSNL Management has again constituted a Committee under the Chairmanship of Sr. GM (Pers.) to finalize the terms and conditions for verification of membership for Executives Associations. Further, the feedbacks / Comments on framing of BSNL's own rules and regulations governing conduct of membership verification of Executives' Associations in BSNL are as under:

_Clause No.	Committee recommendations	Feedback/Comments
2.except absorbed Group-'A' officers, who have been allowed to form separate Service Association by the Government.	In BSNL only Executive Association and Non Executive Union should be there, no separate Service Association for Absorbed Group-'A' officers should be there. This is discrimination and cannot be agreed upon. If they can be allowed separate identity in spite of being minority, why not others?
3. (1)	BSNL shall have only one representative association of executives which gets majority votes in the membership verification subject to a minimum of 35% membership of total votes of the working executives in BSNL.	The provision of recognition should be as was done for non executives. There should be council for negotiation and seats to be distributed accordingly as per the formulae exist for non executives.
3.(2)	Further, any participating association other than majority representative association, which gets second majority	The facilities to second majority association should be as has been created for non executives including

	<p>given the status of a 'Support' association. The Support association will be formally permitted to take up issues permissible within the scope of associations. Though the management will accept their communications to be used as feedback/ inputs, it will not be obligatory for the management to respond to/ generate dialogue with this association on the issues raised by the said association.</p>	
4. (1)	<p>The association should have been formed primarily with the objective of promoting the common service interest, promoting welfare measures for its members and inculcating a team spirit or otherwise improving the morale and efficiency of the executive community while keeping the interests, health and image of the organisation in proper perspective/focus through Constructive approaches and positive contributions.</p>	OK
4. (2)	<p>An Executives' Association shall apply to BSNL management, submitting certified copies of Memorandum of Association Constitution, Bye-laws of the association Registration certificate, Names of its office-bearers, total membership (approx.) and any other associated information as may be required by the BSNL.</p>	<p>After election through Secret Ballot and granting Check-off system to collect Subscription, Associations need not give a separate list of membership. The membership may be ascertained by the Subscriptions deducted.</p>
4.(3)	<p>The Association shall not be formed on the basis of consideration of caste, creed, tribe or religious denomination nor does it maintain political fund or support or propagate the views of any political party or Politician.</p>	OK
4. (4)	<p>The office bearers of any Executives' Association will not engage or cause any other Executive to engage in any Association activity during working hours. All Association activities will be conducted beyond working hours.</p>	<p>Necessary Facilities like Association Office, free telephone connections, Broad Band etc. may be provided in the office premises so as to do Association activities beyond working hours but negotiation meetings or Member Welfare Activities should be continued in office hours because beyond office hours the concerned officer will not be available.</p>
4.(5)	<p>The Associations will not seek any right to negotiate a settlement with the management.</p>	<p>This cannot be agreed. When verification is being held in violation of DPE rules, BSNL should have its own rule on this aspect also like non executives. Right to negotiate is to be</p>

		ensured.
4.(6)	With a view to develop leadership in the associations, the Executives shall hold any post of President, Vice President, General Secretary, Assistant General Secretary or the Financial Secretary (Treasurer) in the Associations for maximum number of four tenures, with hiatus of at least one tenure, after any two consecutive tenures. The Circle level and SSA level bodies shall also be governed by these guidelines.	It is out rightly rejected, BSNL cannot interfere in the internal functioning of the Association. If BSNL want to implement this, let it be implemented with non-executive first.
4.(7)	The association which ultimately exhibits the majority, representing highest number of executives within its fold, not less than 35 % of the total number of executives, through the due process of check-off shall be treated as representative association of executives.	The second largest Association also will be recognised as done for non executives and facilities be given. The process has to be by secret ballot only. Check off system cannot be accepted'
4.(8)	In case none of the Associations is able to get a minimum membership of 35% of the total no. of working executives, in that event management reserves the right to conduct fresh membership verification within a period of six months.	This must be by secret ballot in a democratic way. The provision of recognition should be as was done for non executives. There should be council for negotiation and seats to be distributed accordingly as per the formulae exist for non executives. Hence, there will be no question of conducting another verification within six months.
4.(9)	In case any of the documents mentioned at 4.(2) above being in any language other than English/Hindi, certified translation thereof in English/Hindi is to be submitted along with the application form to BSNL.	OK
5.(1)	The Association shall be registered with the Registrar of Societies with its constitution/Memorandum of Association duly approved by the Registrar. Similarly, any amendment in their constitution/ Memorandum of Association shall require approval of the Registrar of Societies;	It is agreed that the Association shall be registered with the Registrar of Societies and its Constitution/Memorandum of Association and amendments has to be submitted to Registrar of Societies for approval.
5.(2)	Membership of the executive association is open only and summarily to all serving executives in BSNL.	OK
5.(3)	The Association shall be functional in BSNL at least for a period of one year on the date of inviting applications for conduct of membership verification.	OK
5.(4)	The Association, which is agreeable to observe the provisions of these Rules and submits an undertaking to this effect,	Subject to above Modifications.

	in writing, at the time of submission of application for participation in the membership verification.	
6.	Periodicity of membership verification: The periodicity of recognition period of the representative Association will be for a period of THREE years.	OK
7.(1)	Continuing the current practice, the organizational structure of the Associations in BSNL shall be at three tiers operating at All India Level, i.e. CHQ body with head quarter at New Delhi (co-terminus with BSNL CO.); Circle level body (co-terminus with the Circle HQ) and District/SSA level body (headed not below the level of GM).	For District/SSA level body (headed not below the level of GM) should be deleted. The SSA headed by PGM level officer, Area GMs and non recruiting Circle/Units to be treated at par with SSA Heads. Also the SSAs in circles and areas in metros headed by JAG level officers, Branches should be allowed to function. For non executives local councils do exist under JAG level officers also.
7.(2)	CHQ level body of the Association shall consist of 15 (Fifteen) members, Circle level and SSA level bodies shall have 9 (Nine) and 4 (Four) members respectively.	This cannot be agreed to. The provision should be at par with non-executives.
7.(3)	The executive bodies of the Associations would be formed from among the 'serving executives' only and thus only serving executives within BSNL would be eligible to be office bearers of the Association at any level/tier of structure. As and when any office-bearer of the Association retires on superannuation or remains no longer in the service of the company, the Association will immediately ensure his replacement.	He should be allowed to complete his term.
7.(4)	The office bearers of any association will not simultaneously hold arty post of office bearer in any other association or union.	OK
8.(1)	The verification of membership for the purpose of recognition of an executive association shall be done by the check-off-system in pay roll through deduction of subscription fee equivalent to the monthly subscription of the Association as per their constitution. Only ONE entry will be made against each member.	The verification of membership should be done through Secrete ballet as in case of non-executives Unions. Various courts has already delivered judgment against check off system and authorised secret ballot as the only means.
8.(2)	Detailed guidelines in respect of verification process like notification, time schedule etc would be formalized, decided and communicated by SR Cell.	OK

8.(3)	BSNL Management at its discretion may at any time order a special verification of membership if it is of the opinion that the representative association does not have the desired membership required or circumstance demand so.	Cannot be agreed to. Once elected it should be allowed to complete its term.
9.(1)	The general guiding principle to be followed would be to keep all the participating associations during the verification process, at par, as far as possible.	OK
9.(2)	The process for the membership verification along with the associated time lines would be scheduled through the notification from the SR Cell.	OK
9.(3)	During the process, the associations can seek formal meetings with the concerned administrative authorities exclusively and only related to the conduct of verification process.	OK
9(4)	Provision of special casual leaves for the office bearers of the associations, limited to <u>maximum 5 in numbers</u> for any unit of any level, can be made. The utilization of these special leaves would be during and for the support of verification process related activities only.	The underlined condition is to be cleared whether it is 5 Special C/L or Special C/L to 5 Office Bearers?
9.(5)	The associations would be provided the access for the union/association related information on BSNL intranet portal, to facilitate a homogeneous dissemination of official communications.	OK
10.	Facilities to be extended to the recognised representation Association	All the facilities extended to non-executive Unions including well equipped office space should be extended to Executive association too.
10.(1)	Entitlement for Providing suggestions views on important matters/issues related to growth and viability of BSNL.	OK
10.(2)	Entitlement for Consultation with the management on policy issues related to their cadre management.	OK
10.(3)	Formal meetings with the concerned appropriate administrative authorities at associated level of function of the association once in a quarter. <u>The maximum no. of representatives of the association is to be restricted to 5 only</u> , at any such meeting/occasion. The Association would be required to submit agenda for the proposed meeting at least	Underlined condition should be removed; there should not be any condition. Nothing has been mentioned about informal meetings. These formal meeting will be over and above the council meetings. One month in advance notice is too much. It should be 15 days.

	one month in advance of the meeting.	
10.(4)	One User ID/Password for accessing Union/Associations section of Intranet shall be given at respective levels.	Underlined condition should be applied to Circle/District Branch also.
10.(5)	Immunity from transfer shall be granted as per organization's guidelines, as issued by the SR cell, on the subject. The concession of immunity from transfer from the HQrs. of recognised Association is applicable to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer)-during the first year of their election. Further, such immunity would be available for tenures only.	Immunity should also be extended to President too. Immunity should also be extended to Circle/SSA level Office bearers for the entire term.
10.(6)	The office bearers of the recognised association would be entitled for a mobile service connection, the usage limits of which would be decided by CS Cell in consultation with SR Cell. If technically feasible, these office bearers would be put into a CUG group.	They should also be extended to each level of Organisation. i.e. CHQ/Circle/SSA level. Also a well-equipped office facility should be extended.
10.(7)	In addition to recognised representative Association, check-off facility will be available to all the applicant Associations, on demand. Necessary instructions shall be issued by SR Cell separately.	The term 'check off' should be replaced with deduction of monthly subscription from salary.
10.(8)	Special CL shall be granted to office bearers as per the extant guidelines of the organization on the subject and subject to overall ceiling of 20 (Twenty) Special CL in a year to an eligible individual.	OK
10.(9)	BSNL Management would reserve the right to make any additions/deletions/ alterations in the facilities or to formulate any criteria for extending the facilities to the recognized representative Association.	The proposal of BSNL is ridiculous. Only for formal meeting and mobile connection it wants to go for such an exercise, destabilising the functioning of the associations. We demand for negotiation council like non executives. Any change in the facilities to the associations should be after consultation with associations.
11.(1)	The association will not do any act or assist or encourage the doing of an act which may create disaffection or dis-satisfaction amongst the employees of the organization or undermines discipline or in any way lower the prestige or image of the organization.	OK
11.(2)	The association eschews completely the agitational approach, such as resorting to	Provisions at which stage the agitational programmes may be resorted to may be

	strikes or practices or conduct, which are likely to result in or results in cessation or substantial retardation of work, and also to coercion or physical duress.	finalized after consultation with the Associations.
11.(3)	Once any policy of executives is approved by the management with the due consultation/consideration of recognized association, it shall be co owned by the association. The association will help in implementation of such policies and no representation will be entertained unless there are sufficient reasons for the management to review the same.	OK
12.(1)	Management shall take due cognizance of the issues/representations of recognized association and shall initiate suitable dialogue if that be desired.	OK
12.(2)	(2) Formal meetings shall be given to the executive bodies of the majority association at appropriate levels as per the pi guidelines as per para 10.(3) as above.	Emergent Informal meetings should also be given in addition to schedule council and formal meetings.
12.(3)	(3) Any clarifications/addendum or general instructions issued by BSNL management on the instant subject, would deem to be part of these guidelines on verification process.	OK
13.	Publication of Journal/Newsletter or hoisting web-site:	OK
14.	Do's and Don't's	Conditions should be applied as per the labor law. Right to speak, write and act cannot be refused.
14.(1)	The association eschews completely the agitational approach, such as resorting to strikes or practices or conduct, which is likely to result in or results in cessation or substantial retardation of work, and also to coercion or physical Duress. Further, the Association will not join hands with the non-executives' unions for furtherance of their issues and/or participate in any joint trade union action.	Provision is totally autocratic and undemocratic and to be deleted. Now the intension of BSNL Management is loud and clear. Their purpose is to curb the Trade Union activities in BSNL to cover up their wrong deals. Hence, it is rejected.
14.(2)	The association shall abide by and comply with all the provisions of its constitution / bye-laws.	OK
14.(3)	Any amendment in the constitution/bye-laws of the executive association under these rules shall be made only in conformity with the extant	Any amendment in the constitution/ bye-laws of the executive association under these rules shall be submitted to the concerned Registrar of Societies for

	guidelines on the subject and with the approval of the concerned Registrar of Societies.	approval.
14.(4)	A list of members and office-bearers, and up to date copy of the rules and an audited statement of accounts of the association shall be furnished to the management through proper channel after the general annual meetings.	OK
14.(5)	The executive association shall not send any representation or delegation except in connection with a matter which is of common interest to members of the association.	Complete para should be removed,
14.(6)	The Executive Association shall not espouse or support the cause of an individual executive/officer relating to service matter.	Complete para should be removed. It is the responsibly of the Association to take care of every individual member.
14.(7)	The association does not do any act or assist or encourage the doing of an act which may create disaffection or dis-satisfaction amongst the employees of the organization or undermines discipline or in any way lower the prestige or image of the organization.	Joint responsibility of both management and the Association is required to do or not to do.
14.(8)	The executive body of the association is appointed from amongst the officers/executives working in the organization. No person who is not an executive/officer working in the same company should be connected with the affairs of the association.	OK but it should be followed for non-executives also.
14.(9)	The association shall not start or publish any periodical, magazine or bulletin without the previous approval of BSNL management.	Only information to be given to BSNL.
14.(10)	The association shall not do any act or assist in the doing of any act which, if done by an executive/officer would contravene any or the provisions of the BSNL CDA Rules, 2006.	Condition is not agreeable, hence to be removed. BSNL CDA Rule,2006 cannot be imposed on the Associations functioning.
14.(11)	Communication addressed by the association or by an office-bearer on its behalf to the management shall not contain any disrespectful or improper language. Communications should only be at the corresponding levels, i.e. to Corporate office from the General Secretary; to Circle office from Circle Secretary and to SSA head from District Secretary.	OK
14.(12)	The association shall raise its funds only by way of subscription from its members and/or through grants from the	The association shall raise its funds only by way of subscription from its members, advertisement in journal/ website/

	Government/BSNL, and these funds are utilized for furtherance of the objectives of the association.	souvenir and/or through grants from the Government/BSNL, and these funds are utilized for furtherance of the objectives of the association
15.	Withdrawal of Recognition	Could not be withdrawn against the natural Justice ensured in the constitution.
16.	Relaxation	OK
17.	Interpretation	OK

From the draft proposal, it seems that the majority will be decided by counting pan India votes and the majority Assn will control all circles irrespective of their position in that Circle. This is not correct. Circle wise majority has to be counted and given due weightage in that circle like non executives. As in the case of Non-Executives, the proposals have to be modified.

The fate of the ITS officers still continuing on certain conditions prescribed by DOT, are matters yet to be decided finally by the Court of Law. Till finality is arrived in this case, it is illegal to go for a referendum.

Government has to take a firm decision in the matter of **merger of BSNL with MTNL**. It should not happen after the referendum till one term of the successful association is completed. If merger happens after referendum, then the membership condition will be changed and the correct strength will not be reflected. **Therefore, the referendum should not take place before the merger**, if such a proposal still exists. Otherwise, merger should not take place, in between, during the currency of tenure for successful association.

In view of the above feedback/comments of the Association, we request you for kind consideration and necessary action please.

Yours Sincerely,
-sd-
(Prahlad Rai)
General Secretary

Copy to:

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- Sh. A.K. Jain, Sr. GM(Pers.), BSNL C.O., New Delhi-110001
- Sh. Neeraj Verma, GM(SR), BSNL C.O., New Delhi-110001