



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)

SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110 001

No. BSNL/31-2/SR/2009

Dated, the 22nd August, 2013

To

General Secretaries of all Executives' Associations in BSNL

Sub: Framing BSNL's own rules and regulations governing conduct of membership verification of Executives' Associations in BSNL - regarding

With a view to have a recognised representative Association of executives in BSNL, it is imperative to have Recognition Rules for which a Committee was constituted under the chairmanship of Sr. GM (Pers.) to give its recommendations. The Committee has since submitted its tentative recommendations in the form of a draft Notification, a copy of which is sent herewith for your information.

2. You are requested to give your feed-back/comments, if any, on the draft Notification, positively by 30th August, 2013, before its finalization.

File no 31/2/SR/2009
22.8.2013

(Satish Wadhwa)
DGM (SR), BSNL C.O.

Encl: As above.

Genl. Secy. AIBSNLEA ✓

NOTIFICATION

Bharat Sanchar Nigam Limited had been formed w.e.f. 1.10.2000 by way of converting operational wing of the Department of Telecom and the same Government employees got absorbed in BSNL in a phased manner. Similarly, some associations functioning in DoT times also got converted into new associations in BSNL to deal with the matters related to executives with the BSNL management, as arising from time to time. In order to put in place a representative Association of Executives/Officers working in Bharat Sanchar Nigam Limited, the Chairman-cum-Managing Director, BSNL Board hereby makes the following rules, viz. -

1. Short title and commencement:

- (1) These rules may be called the **Bharat Sanchar Nigam Limited (Recognition of Executives' Association) Rules, 2013.**
- (2) They shall come into force on the date of their notification.

2. **Application:** These rules shall apply to all the Executives' Associations functioning in Bharat Sanchar Nigam Limited whose members have taken absorption in BSNL from DOT in Executive capacity or recruited/promoted by BSNL in an executive capacity except absorbed Group 'A' officers, who have been allowed to form separate Service Association by the Government.

3. Number of representative Associations in BSNL :

- (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.
- (2) Further, any participating association other than majority representative association, which gets second majority votes and not less than 15% votes of the total working executives in BSNL, will be 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.

4. **Objectives / conditions for Executives' Associations:** The Association shall fulfill the following fundamental objectives, viz.

- (1) 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.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) The Associations will not seek any right to negotiate a settlement with the management.
- (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.
- (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.
- (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.
- (9) In case any of the documents mentioned at (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.

5. **Desirable conditions for participation in the membership verification :** The desirable pre-conditions for participation in the membership verification are -

- (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;
- (2) Membership of the executive association is open only and summarily to all serving executives in BSNL.

- (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.
 - (4) The Association, which is agreeable to observe the provisions of these Rules and submits an undertaking to this effect, 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.
7. **Structure / size of the Executives' bodies :**
- (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 C.O.); Circle level body (co-terminus with the Circle HQ) and District/SSA level body (headed not below the level of GM).
 - (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.
 - (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.
 - (3) The office bearers of any association will not simultaneously hold any post of office bearer in any other association or union.
8. **Membership Verification :**
- (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.
 - (2) Detailed guidelines in respect of verification process like notification, time schedule etc would be formalized, decided and communicated by SR Cell.
 - (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 the circumstance demand so.
9. **Facilities to be extended to Associations during the verification process :**
- (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.

- (2) The process for the membership verification along with the associated time lines would be scheduled through the notification from the SR Cell.
- (3) During the verification process, the associations can seek formal meetings with the concerned administrative authorities exclusively and only related to the conduct of verification process.
- (4) Provision of special casual leaves for the office bearers of the associations, limited to maximum 5 in numbers 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.
- (5) The associations would be provided the access for the union/associated related information on BSNL intranet portal, to facilitate a homogeneous dissemination of official communications.

10. **Facilities to be extended to the recognised representation Association :** The following facilities will be extended to the recognized majority association during the period of recognition: -

- (1) Entitlement for Providing suggestions/ views on important matters/issues related to growth and viability of BSNL.
- (2) Entitlement for Consultation with the management on policy issues related to their cadre management.
- (3) Formal meetings with the concerned appropriate administrative authorities at associated level of function of the association once in a quarter. The maximum no. of representatives of the association is to be restricted to 5 only, at any such meeting/occasion. The Association would be required to submit agenda for the proposed meeting at least one month in advance of the meeting.
- (4) One User ID/password for accessing union/association section of intranet shall be given at respective levels.
- (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.
- (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.
- (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.

- (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.
- (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.

11. Role and responsibilities of the Association :

- (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.
- (2) The association eschews completely the agitational approach, such as resorting to 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.
- (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.

12. Role and responsibilities of the management :

- (1) Management shall take due cognizance of the issues/representations of recognized association and shall initiate suitable dialogue if that be desired.
- (2) Formal meetings shall be given to the executive bodies of the majority association at appropriate levels as per the prescribed guidelines as per para 10(3) as above.
- (3) Any clarifications/addendums or general instructions issued by BSNL management on the instant subject, would deem to be part of these guidelines on verification process.

13. Publication of Journal/Newsletter or hoisting web-site :

- (1) All the participating Associations shall duly intimate the management its intention of publishing its journal, periodical or hoisting its web-site. The association shall furnish the following information -
 - a) Name of the Association publishing the journal/ newsletter
 - b) Name of the web-site
 - c) Name of the Journal/ newsletter
 - d) Place of publication
 - e) Name of the Editor
 - f) Registration number allotted by the Registrar of Newspapers, with a copy thereof.

- (2) In case the Association is already publishing any journal or periodical or has its web-site, the Association shall furnish the above information within a period of 45 days from the date of issue of notification for conduct of membership verification.
- (3) A member of the association, who is a serving employee, is eligible to become Editor of the journal.
- (4) The Associations will ensure that -
 - a) The journal/news-letter/web-site does not contain any offensive language or publish wild allegations against the management.
 - b) Circulation of the journal is restricted to its members only.
 - c) The journal/web site deals with service matters only and does not publish news or comments not directly related to such matters.
 - d) No material is published in the journal or put on web-site in violation of the provisions of BSNL CDA Rules, 2006, as amended from time to time.
 - e) Copies of the journal are invariably sent to the officers concerned for their information.
- (5) The Association may publish Souvenirs on the eve of their annual conferences etc. subject to the conditions enumerated above.

14. **Do's and Don't's :** Every executive association under these rules shall comply with the following guidelines, namely:-

- (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.
- (2) The association shall abide by and comply with all the provisions of its constitution/bye-laws.
- (3) Any amendment in the constitution/bye-laws of the executive association under these rules shall be made only in conformity with the extant guidelines on the subject and with the approval of the concerned Registrar of Societies.
- (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.
- (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.
- (6) The Executive Association shall not espouse or support the cause of an individual executive/officer relating to service matter.

- (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.
- (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.
- (9) The association shall not start or publish any periodical, magazine or bulletin without the previous approval of BSNL management.
- (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.
- (11) Communication addressed by the association or by any 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.
- (12) The association shall raise its funds only by way of subscription from its members 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 :** If in the opinion of the BSNL management, the recognised Association under these rules has failed to comply with any of the conditions set out in rules above, the management may after giving an opportunity to the Association to present its case, withdraw the recognition accorded to such Association.

16. **Relaxation :** The BSNL management may dispense with or relax the requirements of any of these rules to such extent and subject to such conditions as it may deem fit in regard to any Service Association.

17. **Interpretation :** If any question arises as to the interpretation of any of the provisions of these rules or if there is any dispute relating to fulfillment of conditions for recognition, it shall be referred to Director (HR), BSNL Board, whose decision thereon shall be final.