

Second RTI application of Sri Amit Kumar Gupta on 27-02-2015 on 60-40 issue and reply of DOT

Questions asked vide RTI dt 27-02-15	Reply of DOT vide 47-35/2014-Pen(T) dt 26-03-2015																																													
<p>1. Whether the Cabinet Memo dated 29-12-2010 of Department of Telecommunication which was approved by the cabinet on 15-1-2011 has been prepared with the positive consent of Bharat Sanchar Nigam Limited. Copy of such agreement may be given</p> <p>2. Whether Bharat Sanchar Nigam Limited is agreeable with the provisions as mentioned in para 3.5 and as approved by the cabinet vide para 6.2 of the said cabinet memo. Copy of any document, note sheet, order accepting the provisions as mentioned in the Cabinet Memo by BSNL may be given.</p>	<p><u>Points Nos 1 & 2</u> Cabinet memo dated 29-10-2010 was prepared with concurrence of Accounts Branch/Finance Branch, DOT and in consultation with concerned Govt departments viz; Dept of Legal Affairs. DOP&PW, Dept of Expenditure and Department of Public Enterprises and <u>not with BSNL</u></p>																																													
<p>3.a. Whether <u>at present</u> the expenditure for paying pension and family pension for BSNL pensioners has crossed the 60% limit as mentioned in para 3.5 of the above mentioned cabinet memo.</p> <p>3.b. If the answer of 3.a. is 'yes' then the extent by which the expenditure has exceeded the 60% limit.</p> <p>3.c Kindly furnish the information on year wise collection on i) Dividend income from BSNL ii) License fee from BSNL and (iii) Corporate</p>	<p><u>Points 3 & 4</u> In this matter it is stated that since the subject matter relates to Budget Section of DoT, your application is being transferred under Section 6(3) of the RTI act to the concerned CPIO for furnishing the requisite information directly to you. ----- <i>Subsequently following information Recd.</i> (ADG/DCA/2014TA-I/RTI/2946&2947 Dt 06-05-2015 & RTI/PSF/2014 DT 29-04-15)</p> <table border="1" data-bbox="628 1749 1471 2013"> <thead> <tr> <th>Year</th> <th>Divdnt</th> <th>Corp Tax</th> <th>Service Tax</th> <th>Excise Duty</th> <th>License Fee</th> <th>Total</th> <th>60% of Total</th> <th>Pension Payment</th> </tr> </thead> <tbody> <tr> <td>2010-11</td> <td>Not paid</td> <td>479.87</td> <td>2355.13</td> <td>8.20</td> <td>##</td> <td>2843.20</td> <td>1705.92</td> <td>3522.81</td> </tr> <tr> <td>2011-12</td> <td>Not paid</td> <td>456.04</td> <td>2412.38</td> <td>4.91</td> <td>##</td> <td>2873.33</td> <td>1723.99</td> <td>4822.98</td> </tr> <tr> <td>2012-13</td> <td>Not paid</td> <td>392.35</td> <td>2899.18</td> <td>5.30</td> <td>##</td> <td>3296.83</td> <td>1978.09</td> <td>5685.13</td> </tr> <tr> <td>2013-14</td> <td>Not paid</td> <td>196.12</td> <td>2871.80</td> <td>2.88</td> <td>##</td> <td>3070.80</td> <td>1842.48</td> <td>5657.03</td> </tr> </tbody> </table> <p><u>All amount in crores</u> ## The information on license fee is yet to be received.</p>	Year	Divdnt	Corp Tax	Service Tax	Excise Duty	License Fee	Total	60% of Total	Pension Payment	2010-11	Not paid	479.87	2355.13	8.20	##	2843.20	1705.92	3522.81	2011-12	Not paid	456.04	2412.38	4.91	##	2873.33	1723.99	4822.98	2012-13	Not paid	392.35	2899.18	5.30	##	3296.83	1978.09	5685.13	2013-14	Not paid	196.12	2871.80	2.88	##	3070.80	1842.48	5657.03
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Tax/Excise duty/Service Tax paid by BSNL and year wise expenditure made by DOT for payment of pension from 1-10-2010.

3.d. Kindly furnish the information on the year wise payment made by BSNL from 2000 to 2014 on pension contribution fund

4. a. Whether BSNL is paying the exceeded amount for paying of pension as per the provision of the above mentioned cabinet memo (para 3.5)?

4.b. If answer of question 4.a. is "No", then Whether any claim has been raised by DoT to BSNL till now ? Copy may be given

4.c. In case BSNL not paying the exceeded amount beyond 60% as per the provision of above mentioned cabinet memo, how DoT is paying full pension to BSNL pensioners?

4.d. Whether any special approval is being taken for payment of the exceeded pension of BSNL pensioners. ? How many times such approval is taken. Copy of such approval (note sheets) may be given.

Points 3 & 4

In this matter it is stated that since the subject matter relates to Budget Section of DoT, your application is being transferred under Section 6(3) of the RTI act to the concerned CPIO for furnishing the requisite information directly to you.

5. The provision of the cabinet memo dated 29-10-2010 as approved by cabinet on 15-01-2011, has a contradiction with the provisions of Rule 37A of CCS Pension Rules 1972, clause 21 & 22

<p>where BSNL's responsibility was only to pay the pension contribution as per rules and Government's responsibility was to pay the pension.. Whether DoT is planning to amend the Rule 37A of CCS Pension rules 1972 in accordance with the para 3.5 & 6.2 of the above mentioned cabinet memo dated 29-10-2010 ?</p> <p>6. If answer to the question 5 is 'no', then kindly intimate the reason(s) of including the provisions in para 3.5 of the said cabinet memo and making BSNL responsible for pension payment of the exceeded amount (beyond 60%) of BSNL pensioners.</p>	<p><u>Points Nos 5& 6</u></p> <p>Rule 37 A of CCS Pension Rules 1972 was notified by DOP&PW. Any modification of the said rule is beyond the purview of this department. As regards 'reasons' for any action /inaction, the same is not covered under the definition of information as defined under RTI act. This has been clarified by DOPT vide OM no 1/7/2009-IR dated 1-6-2009, highlighting the judgement dated 3-4-2008 of the High Court of Bombay at Goa in WP no 419 of 2007.....</p>
<p>7. When (date) this proposal as mentioned in para 3.5 & 6.2 of the cabinet memo was moved in DOT. On which date it was approved by the competent person within DOT. Copy of the note sheets of the concerned file may be supplied.</p>	<p><u>Point No 7</u></p> <p>The proposal was moved on 29-04-2010 and it was approved by MOC & it ON 22-07-2010. The copies of the note sheet of the concerned file as requested by you in your RTI application will be furnished to you on remittance of Rs 20/- (Total 10 page @ Rs 2/- per page) *</p> <hr/> <p><i>The copies of the note sheets are supplied vide 47-35/2014-Pen(T) dt 13-05-2015. 10 Pages are given 58/N to 62/N & 77/N to 81/N. Pages 53/N to 76/N not given, the reason is known to DOT. However I am trying to get those pages also. 58/N to 42/N contains the draft note for the cabinet memo for 68.8% IDA fixation to pensioners. This draft in page no 60/N contains the protection against 60:40 sharing "if BSNL is unable to pay the contribution then Govt of India still pay the pension and pensionary benefit", But this draft was not finally approved. From page 62/N, it appeared that Member (F) has not cleared it and referred it to DDG(F) on 30-04-2010.</i></p> <p><i>Then on 12-07-2010 again a <u>final draft</u> for the cabinet memo was prepared (77/N to 81/N) which was cleared by all concerned smoothly. But in this final draft the protection clause against 60:40, which was there in original draft, is missing. - AKG</i></p>