

No: SNEA/CHQ/CMD/2015-18/69

Dated 05.04.2017.

To

**Sri Anupam Shrivastava,
Chairman and Managing Director,
BSNL, New Delhi.**

**Sub: Recognition of Executives' Associations Rules, 2014 notified on 06.01.2014 --
- suggestions pertains to various clauses / conditions for amendments regarding.**

Ref: (1) No. BSNL/31-2/SR/2009

Dated: 06.01.2014

(2) No. BSNL/5-1/SR/2016

Dated: 13.12.2016

(3). No: SNEA(I)/CHQ/DIR(HR)/2012-14/28 Dated 21st April, 2014.

(4). No: SNEA(I)/CHQ/DIR(HR)/2012-14/30 Dated 30th June, 2014.

Respected Sir,

BSNL Management notified **Recognition of Executives' Associations Rules, 2014** on 06.01.2014 and conducted the membership verification among the Executives' Associations. On membership verification, SNEA emerged as the Recognised Representative Association and the status was conferred vide letter under ref 2 above. In connection with BSNL Recognitions Rules, 2014 there are some ambiguities in respect of our prevailing constitution as well as instruction on Trade Unions/ Association. In this connection, as per provisions of clauses 10.(09), 12.(04) & 16 of above **Recognition of Executives' Associations Rules, 2014** dated 06.01.2014, as the Majority Representative Association we propose the following suggestions for necessary amendments in various conditions which are mentioned as below.

I. Clause 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 DGM).
- (2) CHQ level body of the Association shall consist of 15 (Fifteen) members, Circle level and SSA level bodies shall have 11 (Eleven) and 7 (Seven) members respectively. However, in Telecom Districts/SSAs headed by an officer of PGM level, SSA body of the Association will have 11 (Eleven) members.

1. The concept of District/SSA level body (headed not below the level of DGM) needs to be elucidated. The field units other than SSAs, ie. Zone/Areas under Metro Dists of Kolkata TD and Chennai TD, Circle offices, Training Centres like ALTTC, TTC, non recruiting units like maintenance regions, Project Circles etc are not headed by District /SSA Secretaries but function just like SSA Secretaries. The three tier system is not defined for the Metro Circles of Chennai TD and Kolkata TD. It is to be defined and clarified. Otherwise in Metro Dists like Chennai/Kolkata, COs and in non recruiting units, only two tier system can be operational.

2. Considering the fact that broad based representation is necessarily needed at the Circle level and Executives working in the non recruiting Circles are also part of Circle bodies formed

under the territorial jurisdiction of recruiting Circles, even in case of small Circles which are widely spread over, Circle body of the Associations must consist of 15 members. According to the new rules, all the Circle level bodies will have 11 members which is not only incomprehensible but impracticable too. Even the PGM headed SSAs having SSA bodies with 11 members. So the number of members in the Circle bodies requires urgent review.

It is proposed that "considering the fact that broad based representation is necessarily needed at the Circle level, even in case of small Circles which are widely spread over, Circle body of the Associations must consist of 15 members and the SSA body of the Associations must consist of 11 members".

II. Clause 14: Do's and Don'ts:

- (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.

Association has an inherent, legitimate and fundamental right to register its protest through various well accepted means. Without this basic right to register protest, the various objective of Association gets defeated. However, taking recourse to extreme means of protest such as strikes would always be the last resort after all means of persuasion and amicable resolution do not succeed. As regards coercion or physical duress, Association will not indulge in such retrograde and unethical means. Further, Association will have the right to join hands with the non-Executives' Unions on issues related to growth and viability of the company and other common interest issues of larger perspective. This provision may be suitably amended.

- (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 annual general meetings.

Presently we are following the compilation of instructions on Trade unions/Associations issued vide No-10-12/87-SRT, dated 27.04.1987, and as per that there is no such provisions. However there is provision at 3(e) (iii), of SNEA constitution for internal Auditor nominated by the concern "Executive council". There is no grant from Govt or BSNL towards the Association activities. This provision is to be amended for limited up to "the list of members" only. And the audited statement of account is to be as per the constitution of concerned Association.

- (12) The association shall raise its funds only by way of subscription from its members, advertisements in journal/web-site/souvenir and/or through grants from the Government/BSNL, and these funds are utilized for furtherance of the objectives of the association.

Normally Association raises funds from subscription from its bona-fide members. But on special occasions like All India/Circle/SSA conferences, seminars, building construction /purchase, welfare schemes, legal expenses etc, special fund is raised for that specific purposes as per the provisions of the constitution 3(b) vii), 3(d) II, 18. v) (General Provisions) etc or by the decisions of the appropriate body like AIC/CWC or Circle Conference/CEC or SSA Conf/SSA Executive as the case may be. Some of them may be voluntary and it cannot be incorporated as a provision in the constitution also. Any such type of fund collection other

than subscription is not allowed by the Rules dated 06.01.2014. Since no grant is paid by Govt/BSNL for such purposes, fund collection (other than subscription) for the welfare of the members as per the constitution provision or as decided by competent forum like AIC/CWC or Circle Conference/CEC or SSA Conf/SSA Executive as the case may be, permitted. Since Govt/BSNL is not providing any grant, raising fund for special purposes with the approval of proper body is also to be incorporated in this provision. Generalized restriction on fund raising is not feasible and practicable.

With regards,

(K. Sebastin)

Copy to: 1. Smt. Sujata T Ray, DIR(HR), BSNL Board for information and n/a please.
2. Shri. A. M. Gupta, GM(SR), BSNL CO for information and n/a please.