



**BHARAT SANCHAR NIGAM LTD.**  
**(A GOVERNMENT OF INDIA ENTERPRISE)**  
**SR Cell, Corporate Office**  
**A-601, Statesman House, Barakhamba Road**  
**New Delhi-110 001**

No. BSNL/ 5-1 /SR/2006/Vol.II

Dated the 3<sup>rd</sup> November, 2006

**Record of discussion and decisions taken in the meeting held with the participating Unions presided over by the Chief Labour Commissioner (C) at 11.00 hrs. on 16.10.2006 in the Conference Hall, 1<sup>st</sup> floor, Statesman House, New Delhi, with regard to holding of 3<sup>rd</sup> verification process for electing a majority representative union of non-executive employees in BSNL**

The list of participants from the Ministry of Labour, BSNL Management and participating unions, who attended the meeting, is available at **Annexure-I**.

2. At the outset, DDG (SR) welcomed the Chief Labour Commissioner (Central) Shri S.K. Mukhopadhyay, Dy. Chief Labour Commissioner Shri P.P. Sarkar, Asstt. Labour Commissioner Shri A.C. Katoch, and other participants. He also thanked Shri S. K. Mukhopadhyay, Chief Labour Commissioner (Central) for sparing his valuable time and for presiding over the meeting in spite of his busy schedule and pre-occupation. Further, DDG (SR) informed the participants that in the meeting it is proposed to take up the issues raised by various unions and the election schedule. With regard to election symbols, he also informed that the same have already been referred to the Chief Election Commissioner for confirmation as to whether the same can be used by the unions, whose confirmation is awaited.

3. While conveying his thanks to the Unions and BSNL Management, Shri S.K. Mukhopadhyay, CLC (C) pointed out that the past two elections have taken place in a free and fair manner and BSNL Management as well as Unions are fully aware about the rules of the game. He further mentioned that while the Code of Discipline is to be followed in letter and spirit, yet slight deviations are possible provided there is unanimity amongst the unions and the management, in view of BSNL being unique establishment with a large number of units.

CLC(C) further pointed out that it is not necessary for participating unions to sign the Code of Discipline every time election takes place. However, whenever a new eligible union becomes an applicant union in any membership verification election, it has to sign the Code of Discipline. Moreover, since all the issues linked with majority representative union election by secret ballot are well settled now, meeting of the participating unions with the CLC(C) is also not necessary.

4. Thereafter, the queries raised by the unions were taken up for discussion, which are as follows :-

4.1 At the outset, BMS pointed out that the status of BSNL as industry, establishment etc. and the word 'local area' have not been properly defined although their union has raised these issues earlier. He stressed that SSAs in BSNL be treated as local area and the union securing majority votes at SSA level be given right to represent local issues. Further, he mentioned that the management has implemented Clause 6 of the 'Criteria for recognition of union' but denied the benefit of Clause 3 of the criteria, which envisages that a union may claim to be recognized as a representative union for an industry in a local area if it has a membership of at least 25% of the workers of that industry in that area. In addition, most of the unions advocated for having separate representative unions at All India, Circle and SSA level instead of the present system of forming National Council, Circle Councils and Local Councils with the representatives/nominees of the single largest majority union. BSNL EU opined that as a special case, the facility of representation has been given to the second largest union in those Circles where it secures 50% or more votes. On the same analogy, the facility can be extended at SSA level to those union(s), which secure 25% or more votes.

CLC (C) remarked that the status of BSNL has already been adequately clarified at the time of 2<sup>nd</sup> membership verification when it was informed that Telecom is an industry and BSNL an establishment. Considering the voluminous size of the BSNL, the Circles can be treated as units of the establishment. In such a situation, in addition to majority union, the union, which secures more than 50% votes in a Circle, can also have the right to deal with the matters of purely local interest of its members. However, the unions are misinterpreting the word 'local area'. The local area in relation to an industry is a vast area as defined by appropriate Government, i.e. Ministry of Labour in any specific context. Any SSA of BSNL cannot be termed as a 'local area'. Thus, there is no question of granting representative status at SSA level under the provisions of Clause 3 of the Code of Discipline.

4.2 On the issue of alliance amongst different unions, it was informed by DDG (SR) that the BSNL Management does not recognize any alliance. All unions participating in verification process are treated as individual applicant union and formation of any alliance / consortium will not confer any right to its member unions for grant of recognized representative status and facilities which are meant only for majority union in whatsoever manner. Nomination to Councils will also remain prerogative of the recognized representative union.

4.3 With regard to proportionate representation in Councils, some of the unions demanded that representation be given as a matter of right to other participating unions instead of nomination of office bearers of non-representative unions by the representative union to the National Council or Circle / Local Councils, which amounts to back door entry. DDG (SR) clarified that nomination to the Councils is the prerogative of the representative union. This principle is already settled and functioned well during the last two membership verifications; hence there does not appear any need to re-open the issue.

4.4 As regards facilities to the registered unions, the unions demanded that at least minimum facilities be extended to all the registered unions so as to enable them to function smoothly. In response, DDG (SR) pointed out that the facilities for all the participating unions during the election period have already been enumerated in letter no. BSNL/5/SR/2004 dated 24<sup>th</sup> September 2004. However, extension of facilities in post election period is not within scope of the present meeting.

4.5 On the demand that notice period of 90 days be given for holding elections since the leaders have to tour the entire country, DDG (SR) mentioned that 60 days' time is considered sufficient as even for holding Parliamentary elections, only 45 days' time is given. For union membership verification, even Hon'ble Supreme Court has considered 30 days' time as adequate.

4.6 Some of the unions pointed out that when the unions are governed by the Code of Discipline, why not to bring the Executives' Associations within its ambit. To this, DDG (SR) clarified that Associations and Unions are governed by separate set of rules. Therefore, the issue of is not relevant in the context of membership verification of non-executive employees.

4.7 On the suggestion that the outsiders and retired employees be excluded from becoming the office-bearers of unions, it was clarified that the Trade Union Act provides for association of outsiders and retired persons as office bearers of unions.

4.8 On a query whether non-executive and executive employees' posts are justified in BSNL and whether gazetted status is allowed to BSNL employees. DDG (SR) mentioned that both the issues are out of context and further informed that the executives' and non-executives' posts are identified in a PSU as per the DPE guidelines and the Gazetted status is conferred only on those Government officers whose appointment is notified in the Gazette of India.

4.9 One of the unions alleged that when the registered and non-recognised unions address the management for their problems, they are being dragged in the Court of law. Denying the allegation, DDG (SR) pointed out that the Management does not drag the unions to the Court of law. As far as possible, efforts are made to settle the contentious issues amicably, however, it is anybody's right to approach the Courts for adjudication of issues.

DDG (SR) also apprised the participants about the case of late submission (i.e. after closing date) of application by BSNL WRU, which was rejected by BSNL Management and the BSNL WRU had approached the Hon'ble High Court of Delhi. He informed the participants that the Hon'ble Court has dismissed the case on the ground that lot of activities related to election process have already taken place and it would be unfair to others if BSNL WRU's application is accepted at this stage.

4.10 NFTE, BSNL raised an issue that declaration be obtained from the members of the representative union to indicate the union for which their subscription be deducted and paid. In case, the number falls short of the second largest union, either fresh verification be conducted or seats in the Council be distributed in the ratio of their membership. Reacting to the suggestion, ALC (C) pointed out that assessing the strength of majority union on the basis of subscription amounts to check off system. This is not applicable in the case of BSNL, where the election of a majority representative union is done by secret ballot. Under the secret ballot system, all the employees on the roll of the establishment on the date of reckoning have to be included in the voter list and they have the right to cast their vote irrespective of the fact whether an employee has paid contribution to any union or not. Hence, counting the number of subscription contributing employees is totally irrelevant and, therefore, cannot be agreed to.

4.11 On the issue of amalgamation of unions, it was clarified by ALC (C) that if amalgamated union is a new entity, it can participate in the verification after completion

of one year of its registration with the Registrar, Trade Unions. However, if one or more unions merge with already existing union, which has already completed one year of registration before the date of filing of nomination, with already existed registered name and registration number, such existing union can file its nomination

5. The unions were informed that as the election through secret ballot is to be conducted under the supervision of CLC (C), Unions shall furnish a Certificate by 20.10.2006 that the conduct of election through secret ballot under the supervision of CIRM officers in the Central Sphere is acceptable to them.

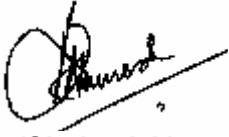
6. **Schedule for finalisation of electoral rolls** - The unions were informed that the field units have already been given time schedule for finalisation of electoral rolls commencing from 28<sup>th</sup> September, 2006. He expected that the entire process shall stand completed by 30<sup>th</sup> October, 2006.

7. **Dates for holding elections** - The following schedule was unanimously agreed to:-

- |  |   |               |
|--|---|---------------|
| • Issue of notification for holding of elections | - | 16/17.10.2006 |
| • Last date for withdrawal of applications       | - | 19.10.2006    |
| • Date of Polling                                | - | 19.12.2006    |
| • Date of counting of votes by ARO in SSAs       | - | 21.12.2006    |
| • Declaration of results by CRO                  | - | 22.12.2006.   |

8. At the end, DDG (SR) expressed his gratitude towards all the participating unions for their cooperation and constructive contribution in discussions and hoped that with cooperation of all concerned, ensuing election will be free, fair and smooth affair like earlier elections. He also thanked the officers from the Ministry of Labour, with whose help and guidance it has been possible to successfully undertake both the earlier elections and requested for their continued cooperation and help. On behalf of the unions also, GS, BSNLEU also expressed thanks and gratitude to the officers of Ministry of Labour.

9. **The meeting concluded with a vote of thanks to the chair.**

  
(Shakeel Ahmad)  
DDG (SR), BSNL C.O.

**Copy to :**

1. All participants
2. All General Secretaries/Secretary General of participating unions.

**Copy for information to :**

1. PS to CMD, BSNL
2. PS to All Directors, BSNL Board
3. All CGMs, BSNL
4. DDG (SR), DOT.

**A. List of Participants from Ministry of Labour-**

- i. Sh. S.K.Mukhopadhyay , Chief Labour Commissioner ( Central) .
- ii. Sh. P.P. Sarkar, Deputy Chief Labour Commissioner (Central)
- iii. Sh. A.C. Katoch, Asst. Labour Commissioner (Central).

**B. List of Participants from BSNL Management side-**

- i. Sh. S.C. Misra, Sr. DDG (Estt.),
- ii. Sh. P.C. Mehta, DDG (WS&I)
- iii. Sh. Neeraj Verma, DDG (Trg.)
- iv. Sh. Shakeel Ahmed, DDG (SR)
- v. Sh. Satish Wadhwa, ADG (SR-II)

**C. List of participants from the participating unions side-**

<b>Sl. No.</b>	<b>Name of Participating Union</b>	<b>Names of the Representatives</b>
1.	All India Backward Classes Telecom Employees Sangthan (AIBCTES)	i. Sh. B.R. Jakhatia – Dy. Gen. Secy. ii. Sh. A.D. Patil – Gen. Secy.
2.	Bahujan Trade Union of BSNL (BTU BSNL)	i. Sh. Hari Singh – Gen. Secy. ii. Sh. Ram Sanehi – Chairman
3.	BSNL Association of Telecom Mechanics (BSNL ATM)	i. Sh. Kolluri Anil Kumar – Gen. Secy. ii. Sh. Kameshwar Sharma - Asst. Gen. Secy.
4.	BSNL Employees Congress (BSNLEC)	i. Sh M. Rama Sundaram, Gen. Secy. ii. Sh. J. Vinoth Kumar, Circle Secy.
5.	BSNL Employees Sangh (BSNL ES)	i. Sh. K. Narayan Redy, Gen. Secy. ii. Sh. T. Rajarathnam, Vice President.
5.	BSNL Employees Union (BSNLEU)	i. Sh. V.A.N. Namboodiri – Gen. Secy. ii. Sh. P. Abhimanyu, Dy. Gen. Secy.
6.	BSNL Mazdoor Sangh,	i. Sh. Suresh Kumar – Sec. General ii. Sh. V.Naryana – Gen. Secy.
7.	BSNL National Telecommunication Staff Union (BSNL NTSU)	i. Ch. Sarup Singh – Gen. Secy. ii. Sh Satya Pal-
9.	National Federation of Telecom Union (NFTE)	i. Sh. O.P.Gupta – Secy. Gen. ii. Sh. M. B. Vichare, Secretary
10.	National Union of BSNL Workers (FNTO)	i. Sh. K. Vallinayagam – Gen. Secy. ii. Sh. D.D. Mistry, AGS.
11.	Telecommunication Employees Progressive Union (TEPU)	i. Sh. V. Subburaman – Gen. Secy. ii. Sh. R. Venkataraman – Working President (CHQ)