



BHARAT SANCHAR NIGAM LTD.

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-110001

No. BSNL/20-6/SR/2019

Dated: 21.10.2021

To,

All CGMs, BSNL

Subject: Constitution of Councils following the merger or reorganization of Circles/SSAs.

I am directed to refer to the subject mentioned above and to say that SR Cell has received queries from various Circles regarding the constitution of Councils following the merger or reorganization of Circles/SSAs. It is informed that the same is governed by Sub Rule 12 of Rule VI of Part 1 of BSNL Recognition of Non-Executive's Unions and Representation in the Councils Rules, 2012. (copy of the same is enclosed for ready reference).

(Pardeep Kumar)

Assistant General Manager (SR)

Encl: As above

BSNL Recognition of Non-Executives' Unions and Representation in the Councils Rules

Part - 1

I Background

1. BSNL came into existence w.e.f. 1.10.2000. With a view to provide a platform to the employees for redressal of their grievances, especially relating to their service matters, a meeting was convened on 28.9.2001 with all the unions under the chairmanship of the then CMD, BSNL in which Chief Labour Commissioner (Central) was also present clarified that Telecom is an industry and BSNL is an Establishment. In the meeting, it was agreed that membership verification will be conducted under the provisions of Code of Discipline which provides for recognition of only one union, which gets majority votes subject to a minimum of 15%. Considering the voluminous size of the organisation, it was also decided to treat the Circles as units of the establishment and if a participating union is able to get 50% or more votes at unit (Circle) level, it would have the right to deal with matters of purely local interest of its own members at the Circle/SSA level. This would be in addition to the Circle level organisation of the recognised union. Significantly, the CLC (C) also clarified that if there is a consensus amongst the participating unions for recognition of more than one union with a minimum of 15% votes, the Ministry of Labour could consider the suggestion with the consent of the Management. As consensus didn't emerge amongst the unions, the concept of recognition of one union was followed.
2. BSNL has so far conducted five membership verifications to elect a majority representative union of non-executive employees. Unions have often been raising demand for recognition of more than one union, but somehow the single union arrangement prevailed. It is worthwhile to note that the existing Code of Discipline has basically two components - one containing the obligatory part in the form of Do's & Don'ts for management as well as for Unions; and second - as an annexure - containing the process of recognition. The part containing the mutual obligations can widely be considered sacrosanct.
3. At the time of fifth membership verification, some of the unions approached the courts praying for amendment in the Code of Discipline / framing BSNL's own recognition rules so as to ensure recognition of more than one trade union and to make provision for allocation of seats in negotiating Fora for trade unions, proportionate to their vote share and also for extending certain trade union facilities to all the unions. In one such case, the Hon'ble High Court of Kerala directed the Chief Labour Commissioner (Central), New Delhi, to convene a meeting of all the trade unions of the employees as well as the management and to ascertain whether there is a consensus among the unions for effecting changes in the Code of Discipline for conducting a referendum for the purpose of

11. In case any issue is not reflected in these rules, the existing instructions on the subject matter shall be referred to.
12. In case of merger or re-organisation of Circles/SSAs, the Circle/Local Councils shall also be re-organised accordingly.

VII Representation in the Councils

1. With a size of 14 members in the Councils at various levels, for proportionate representation based upon all-India voting percentages, for each seat a minimum of 7% (100/14, rounded off) of votes will be needed, irrespective of the number of recognised representative unions.
2. Any Union which secures a minimum of 7% votes in the membership verification at all-India level will be eligible for allocation of minimum one seat in the Councils at All India, Circle and SSA level.
3. Keeping in mind the principle of proportionate representation of employees' unions, the unions will be given proportionate representation in the Councils, as illustrated below :-

Illustration - 1

Name of the union	Union 'X'	Union 'Y'	Union 'Z'
%age of votes secured in the membership verification	46.57%	34.96%	7.38%
Inter-se ratio of votes	52.37%	39.32	8.30%
No. of clear seats	7	5	1
Balance %age of votes	3.37%	4.32%	1.30%
Total Seats in the Councils	7	6	1

Illustration - 2

Name of the union	Union 'X'	Union 'Y'	Union 'Z'
%age of votes secured in the membership verification	43.3%	40.9	13.1%
Inter-se ratio of votes	44.50%	42.03%	13.46%
No. of clear seats	6	6	1
Balance %age of votes	2.50%	0.03%	6.46%
Total Seats in the Councils	6	6	2