

**CONSTITUTION
OF
“MAHANAGAR TELEPHONE NIGAM LIMITED MAZDOOR SANGH (DELHI)
(M.T.N.L. Mazdoor Sangh)
(PART – I)**

1. **Name:**

The Name of the Union shall be “MAHANAGAR TELEPHONE NIGAM LIMITED MAZDOOR SANGH (DELHI) referred as M.T.N.L. MAZDOOR SANGH”.

2. **Head Quarter**

The headquarter of the Union shall be at the Headquarter of Chief General Manager, MTNL, Delhi and at present located at F-128, Mohammadpur, R.K. Puram, New Delhi-110066.

3. **Aims and Objects:**

- a) To safeguard & promote the interests & rights of members of the Union and to get redressal of their grievances.
- b) To promote National Oriented Trade Union movement amongst the Mahanagar Telephone Nigam Limited workers aimed at effective and efficient organization for prosperity and progress.
- c) To render efficient service to the Nation.
- d) To promote Social and Economic upliftment of the members.
- e) To seek solution of problems and to promote healthy Industrial Relations in Services.
- f) To provide assistance including legal aid to members.
- g) To publish a journal or journals for the members.
- h) To do such other things as are incidental or conducive to the attainment of the above objects or any of them.

5. **Interpretation of the Constitution:**

The Constitution will be construed with reference to the provisions of the Trade Union Act, 1972, where the act furnishes no guidance for the interpretation of any particular articles, the Secretariat of CHQ, will give the interpretation which shall be binding. An appeal against the interpretation will lie with the Central Working Committee of CHQ and the

final appeal with the Central Conference. The interpretation given by the Secretariat shall be submitted for rectification to the Central Working Committee of the Central Conference of CHQ which so ever meets earlier.

6. **Organisation:**

For the administration of the affairs of the Union, the Union shall function through the following bodies:-

- a) Central Headquarters (CHQ) representing entire members of the Sangh.
- b) Circle Unions at G.Ms. level.
- c) Area units at DGMs level.
- d) Divisional Branch at DEs/AGMs/CAOs level.
- e) Local Branches at SDEs/SDOs/AOs leve.

7. **Grant of Recognition:**

- a) Circle Branch constituted in accordance with the rules contained in Part-III of the constitution shall be recognized by the CHQ.
- b) Divisional and Local Branches constituted in accordance with the rules contained in Part-IV & V respectively shall be recognized by the respective Circle Union.

8. **Conditions of Benefit:**

The members shall be entitled for any benefit given by the Union, provided they are not in arrears of monthly subscription. To get the benefit, one shall be a member of the Union for a period of three continuous months.

9. **Membership:**

- i) Enrollment of new membership shall be granted on an application, after paying prescribed admission fee. Restoration of membership shall be granted by the Union after clearance of dues. Normally membership will not be refused unless the Branch Executive by specific reasons decided to reject the application. An employee whose application for membership has been rejected, shall have the fight to appeal to the Branch General Body Meeting and finally, to the Central Conference of CHQ.
- ii) All MTNL Delhi/Corporate Office's regular employees including Casual, Badali (Substitute, Apprentice, Trainees, Temporary, Adhoc and employees paid from Contingencies, work-charge, short duty, part time, daily rated, piece rated and contract appointee.

- iii) Subject to the provision of Section 22 of the Trade Union Act, 1926, persons who are not eligible to become ordinary they are elected or co-opted by the General body or executive at various levels subjects to approval by Central Working Committee.

10. **TERMINATION AND RESTORATION OF MEMBERSHIP:**

a) **Termination**

Membership of a person shall be terminated on the following accounts:

- i) Resignation
- ii) Default in payment of dues for three consecutive months.
- iii) Removal, expulsion etc.
- iv) Not on service with MTNL, Delhi.

b) **Restoration**

Membership of a person terminated in 10 (a) above can be restored in the following respective manners:

- i) By fresh application on account of (i) above.
- ii) By clearance of dues on account of (ii) above.
- iii) By a revision of decision by the concerned branch of acceptance of appeal/decision by the higher bodies as the case may be.

11. **Membership Register:**

Membership Register in the prescribed form shall be maintained by the local branches. The register shall be made available for inspection to the members of the branch, office bearers of the higher bodies and to officers nominated by the Registrar of Trade Unions.

12. **Rights of Members:**

- a) Every member, provided that he is not in arrears for one month or more and has been on the rolls for at least three consecutive months shall have the right of;
 - i) Nominating candidates and standing for election to any post of office bearer ship (including delegates) and Executive Committee Membership.
 - ii) Vote at meetings.
- b) Every member shall be entitled to the benefits provided by the Union.

13. SUBSCRIPTION FEES & DONATION

a) **Admission Fee:**

The admission fee for a member shall be Rs. 5/- which shall be retained by the local branches.

b) **Monthly Subscription**

The Monthly subscription shall be Rs. 10/- P.M. for all categories of staff.

c) The Union may raise voluntary donations whenever necessary for specific purposes.

d) **Allocation of Subscription:**

The monthly subscription shall be allocated in the following manners:

<u>CHQ</u>	<u>Circle</u>	<u>A/Circle</u>	<u>Division</u>	<u>L/Branch</u>	<u>Total</u>
25%	25%	15%	15%	20%	100%

e) Payment of Quota:

i) The quota shall be remitted by the 7th of every month.

ii) Money Order commission shall be charged on the branches.

14. APPLICATION OF FUNDS:

The various funds of the Union shall be utilized in the following manner:

i) Payment of salaries, allowances and expenses to the office bearers of the Union on Foreign Service and the staff of the establishment at the CHQ.

ii) Payment of expenses for the administration of the Union including the audit of the accounts of Union by a Chartered Accountant.

iii) Payment for legal and expenses in case of Union workers involved in the court of law prosecution or defence of any of the legal proceedings arising out of legitimate activities of the Union and to which the Union is a party.

iv) Payment of all expenses for publicity information and organizational work.

v) TA/DA and other expenses to the office bearers of the Unions as & when incurred.

15. DEPOSIT OF FUNDS:

The funds of the Union shall be deposited in the Savings Bank or a Nationalised Bank in the name of the Union which shall be jointly operated by the Secretary or President and the Treasurer at the respective levels.

16. FINANCIAL YEAR:

The financial year of the Union will be from 1st Jan. to 31st December.

17. PARTICIPATION IN CONFERENCE:

A Branch, provided it is not in arrears of payment of quota of subscription to higher bodies for a period of more than one month prior to the month in which the Conference is held shall be eligible to participate in the conference, through their elected delegates.

18. VOTING STRENGTH OF A BRANCH AT CONFERENCE:

Voting power of each branch shall be determined on the basis of average quota of subscription remitted to the CHQ, Circle, Division by the local branch, relating to the financial year preceding the year in which a conference is held, where the strength of the membership as determined by the CHQ, Circle and Divisional Branch differs, the lowest of the four figures shall be accepted as correct. No delegates representing a Branch which has not been in existence for a period of three months prior to the date of the conference shall have the right to vote. The voting strength of the Branches which had been in existence for a period of at least three months prior to the date of a conference but not in existence during the financial year pertaining to which the conference is being held, shall be decided on the basis of average membership of a Branch provided however, that the total voting strength of such branches shall not exceed 1/10/ of the total voting power of the delegates of the remaining branches. In such an event their votes will be proportionately reduced.

19. CHANNEL OF COMMUNICATION:

The CHQ shall have the right to take up all problems of common interests to the members of the Union with the CGM/CMD directly. The problems which require a reference to the Government will also be taken up by the CHQ.

20. DISCIPLINARY ACTION:

Anti-Union Activities

The Executive Body at various levels shall be competent to suspend, adopt a no confidence motion against of censure its office bearers or members of those under the jurisdiction of the Union.

Before taking any disciplinary action against any office bearers, the person concerned shall be furnished with a list of charges against him in writing, who shall submit his defence within 10 days from the date of receipt of the charges failing which a decision may be taken ex-parte.

No resolution of no-conference or censure against any member of office bearer of the Union shall be passed except by two third majority vote of the members attending the meetings.

Any office bearer against whom any disciplinary action had been taken shall have the right of appeal to the next higher body than the punishing authority and a final right of appeal to the Central Conference.

21. The Central Working Committee shall decide, if necessary the election disputes of Circle, Division and Branches. In case of dispute at CHQ level, three man committee comprising of President, organizing secretary and Treasurer of outgoing body will be constituted for conciliation to resolve the dispute mutually and in case of failure to effect A settlement, the out-going General Secretary shall be asked by this Committee to hold one day conference as constituted earlier to re-elect office bearers of CHQ with in 15 days.

22. AMENDMENTS TO THE CONSTITUTION:

No amendment to the Constitution shall be passed except by two third majority of the voting of the Central Conference & the same will not come into effect until & unless registered by the Registrar of Trade Union for which an application & will be submitted to him within 15 days from the date of passing of resolution to amend the letter of the Constitution.

23. VOTING:

Normally the voting shall be by show of hand, however, if secret ballot is demanded, it shall be granted.

24. DISSOLUTION OF THE UNION:

The Union shall not be dissolved except by a majority of 4/5th of the voting strength of the Central Conference called for the purpose and majority of 2/3rd of the Circle branches will decide disposal of funds of the Union, for the benefit of the employees of Mahanagar Telephone Nigam Limited (Delhi Unit).

PART – II

25. HEADQUARTERS (CHQ)

The management of the Union shall be vested in the following bodies.

a) **Central Conference:**

Which shall meet once, in two years at least one month after completion of Circle conferences.

i) 30 days Notice will be required for holding Central Conference.

ii) **Composition:**

It shall consist of:

Elected delegates representing local branches, ex-officio delegates who shall be office bearers of the CHQ, Circle, Area and Divisional Secretaries/Branch Secretaries.

iii) **Quorum:**

For Central Conference, the Quorum shall be 1/3rd of the voting strength of the conference provided that at least 50% of the circles are represented. The Central Conference so constituted shall have the right to:

- a) Elect office bearers of the Union.
- b) To appoint an auditor to submit the account of CHQ.
- c) To consider and adopt the Annual Report of the Union and audited accounts of the CHQ.
- d) To adopt the Budget estimates of the CHQ.
- e) To effect changes in the Constitution.
- f) To adopt resolution etc.

b) **Central Working Committee:**

Which shall ordinarily meet once in two months. A 7 days notice shall be given for a meeting of C.W.C. However, CWC meeting can be convened as exigencies may require, for which 3 days notice hold good. If the General Secretary fails to convene CWC meeting requisitioned by 1/3rd of CWC members within 15 days, the President will be empowered to convene the same. If he also fails to convene it within next 10 days, the requisition 1st will have the right to convene it for that specific purpose.

i) **Composition:**

The Central Working Committee of the Union shall consists of the Office Bearers of the Union and the circle Secretaries of the various circles under operations.

ii) **Quorum:**

The Quorum of the C.W.C. shall not be less than 1/3rd of the members attending the meeting provided at least 50% circles are represented.

25. **SECRETARIAT:**

For a meeting of the Secretariat 3 days notice shall be given.

i) **Composition:**

The Secretariat shall consist of the office bearers of the Union at the CHQ level.

The Central Secretariat shall;

Supervise the working of the CHQ and assist the General Secretary in the discharges of his duties.

Fill up the vacancies of the Union occurring due to death, resignation or expulsion etc. This decision should be ratified by the CWC.

Prepare the Annual Report of the Union.

26. **OFFICE BEARERS OF THE UNION:**

a) The following shall be the office bearers

- | | | |
|------|-----------------------------|------|
| i) | President | One |
| ii) | Vice President | Two |
| iii) | General Secretary | One |
| iv) | Dy. General Secretary | One |
| v) | Assistant General Secretary | Five |
| vi) | Organizing Secretary | One |
| vii) | Treasurer | One |

b) Duration of Office:

All the Office bearers shall hold office for three year till the next session of the Union.

c) Function and Duties of Office bearers:

- i) The **President** shall preside over all Central Secretariat/ Central Working Committee meetings and the Central conference. He shall exercise over all supervision over the work of the Union in all respect. He shall count his vote only in case of a tie.
- ii) The **Vice President** shall assist the President in the discharge of his duties and one of them shall act as President in the absence of the latter.

- iii) The **General Secretary** shall be the Chief Executive Officer of the Union and shall administer the day to day affairs of the Union. He shall prepare all the minutes of the meetings, keep & maintain register & documents of the Union, attend to all correspondence etc. He shall submit Annual return every year to the Registrar of Trade union.
- iv) The **Dy. General Secretary** shall be the chief Executive Officer of the Union in the absence of the General Secretary or when officiate as General Secretary.
- v) The **Assistant General Secretaries** shall assist the General Secretary in the performance of his duties.
- vi) **Organising Secretary** shall be responsible for all the organizational work of the Union. His recommendations in the Organisational matters shall be dealt with by the Secretariat.
- vii) **Treasurer:**
 - a) The treasurer shall exercise control over the funds and accounts of the Union.
 - b) He shall be personally responsible for the funds of the Union and relevant records.
 - c) He shall receive contribution, donations and all dues from the local branches and issue receipts accordingly.
 - d) He shall keep a maximum of Rs.1000/- cash in hand and shall deposit the surplus amount in Savings Bank or Nationalised Bank in the name of the Union, the Account being jointly operated upon by the General Secretary or President and the Treasurer.
 - e) He shall maintain all the ledgers and cash books and place the accounts every month before the General Secretary for his scrutiny approval and signature.
 - f) He shall maintain all the ledgers and cash books and place the accounts every month before the General Secretary for his scrutiny approval and signature.
 - g) He shall maintain the accounts in a manner to show the income & expenditure as required in the statement to be submitted to the Registrar of Trade Union and in such manner as may be deemed necessary.
 - h) He shall maintain a register of local branches showing the strength of membership and financial position.

27. **EXPENSES:**

The CHQ shall bear the T.A. and D.A. of its office bearers to perform the assigned work. The Circle Secretaries, Divisional Secretaries, branch Secretaries, Delegates shall bear the expenses from their respective funds.

PART – III – CIRCLE BRANCH

28. HEADQUARTERS:

The Headquarters of the circle Branch shall be at the H.Q. of the general Managers in MTNL, Delhi.

29. MANAGEMENT:

The Management of the Circle Branch shall vest in the following bodies:

- a) The Circle Conference which shall meet once in two years.
- b) The Circle Working Committee meetings which shall meet once in two months.
- c) The Circle Secretariat shall meet at least once in a month.

30. CIRCLE CONFERENCE:

a) Notice:

For Circle Conference not less than clear 15 days notice shall be given.

b) Composition:

The Circle Conference shall consist of:

- i) Delegates representing local branches as provided in Article 17 & 18.
- ii) Ex-officio delegates who shall be the office bearers of the Circle Branch and Divisional/Branch Secretaries.

c) Voting Strength:

- i) The Voting strength of each local branch shall be fixed on the basis of the vote for every twenty members. The strength of the membership being determined as laid down in Article-18.
- ii) Ex- officio delegates shall share the voting power allotted to their respective branches.
- d) Quorum:

The Quorum shall be 1/3rd of the voting strength of the Conference provided that at least half eligible local branches are represented.

31. CIRCLE WORKING COMMITTEE.
- a) It shall consist of the Circle Union office bearers and the Divisional Secretaries.
 - b) For the circle working committee meeting not less than 7 days notice shall be given.
 - c) Every member shall have one vote each.
 - d) The quorum for the circle working committee meeting shall be 1/3rd of its strength representing at least 50% of the branches.

32. CIRCLE SECRETARIAT – OFFICE BEARERS

The following shall be their office bearers.

- | | |
|--|-----|
| i) President | One |
| ii) Vice President | Two |
| iii) Circle Secretary | One |
| iv) Asstt. Circle Secretaries/Area Secretaries | Two |
| v) Organising Secretaries | One |
| vi) Treasurer | One |

PART – IV – DIVISIONAL BRANCHES

33. HEADQUARTERS:

The Headquarters of the divisional Branch shall be at the Divisional H. Qtrs. of the department.

34. JURISDICTION:

The jurisdiction of a Divisional Branch shall be the entire jurisdiction of the Divisional Office including AGM/CAO offices.

35. MANAGEMENT:

The Management of the Divisional Branch shall vest in:

- a) Divisional Executive Committee
- b) Divisional Conference

36. DIVISIONAL EXECUTIVE COMMITTEE:

a) Notice

A notice of 5 days shall be given for the Divisional Executive Committee meeting except in urgent cases, 2 days notice will be sufficient.

b) Composition:

The Divisional Executive shall consist of:

- i) Secretaries of the local branches.
- ii) Office bearers of the Divisional Branch.

c) Voting:

Each Branch Secretary along with the Divisional Office bearers shall carry out one vote each at the Executive meetings.

37. DIVISIONAL CONFERENCE:

Which shall meet once a year.

a) Notice

A notice of 14 days shall be given for the Divisional Conference.

b) Composition

A Divisional Conference shall consist of elected delegates from the local branches and ex-officio delegates namely Divisional Office Bearers and Local Branch Secretaries.

c) Voting Strength

The elected delegates and the Branch Secretaries along with the Office Bearers of the Divisional Branch shall share one vote each, at the Divisional Conference.

d) Quorum

The quorum shall be 1/3rd of the Voting strength of the conference provided that half of the numbers of eligible branches are present.

e) Office Bearers

- | | |
|---------------------------------|-----|
| i) President | One |
| ii) Vice President | Two |
| iii) Divisional Secretary | One |
| iv) Asstt. Divisional Secretary | Two |
| v) Organising Secretary | One |
| vi) Treasurer | One |

PART – V – LOCAL BRANCH

38. HEAD QUARTERS:

The Head Quarters of the Local branch shall be located at the place where the Unit office concerned is situated.

39. MANAGEMENT:

The Management of the Branch shall vest in the following manners:

- i) The Branch Conference which shall meet once a year.
- ii) The Executive Committee of the Branch, which shall meet at least once in two months.
- iii) The General Body meeting of the branch shall be convened at least once in three months.

40. BRANCH CONFERENCE:

a) Notice

14 days Notice shall be given for holding the Annual Branch Conference.

Composition

b)

The Conference shall consist of the members of the Branch.

c) Voting

All the members shall be entitled to vote, each having a single non-transferable vote. Voting shall be by show of hands, but in case of secret ballot is demanded, the same shall be granted.

d) Quorum

The Quorum of the Branch Conference shall be 1/3rd of the total members of the branch.

41. OFFICE BEARERS:

- | | | |
|------|-------------------------|-----|
| i) | President | One |
| ii) | Vice President | Two |
| iii) | Branch Secretary | One |
| iv) | Asstt. Branch Secretary | Two |
| v) | Organising Secretary | One |
| vi) | Treasurer | One |
| vii) | Asstt. Treasurer | One |

42. ELECTION OF DELEGATES:

Delegates to the Division, Circle and Central Conferences shall be elected at the General Body meeting of the Branch specifically call for.

43. JOURNALS

The Union shall publish Journal or Journals to advance the cause of its members.

44. CODE OF DISCIPLINE:

The Union shall abide by the Code of Discipline.

45. AUDIT OF ACCOUNTS:

The accounts of the Sangh shall be audited every year by a qualified auditor appointed by C.W.C.

46. INSPECTION OF ACCOUNT BOOK:

Every member or officer of the Sangh can inspect the Account Books of the Sangh on any day prescribed for the purpose after giving a three days notice to the General Secretary.

47. ANNUL RETURNS:

Annual Return of the Sangh shall be submitted to the Registrar, Trade Union every year in 'D' form by the General Secretary.

48. JURISDICTION AND SCOPE:

Jurisdiction of the Sangh shall be Delhi only and the scope of the Sangh shall be for the employees of M.T.N.L. Delhi.

49. REQUISITION EMMTING:

If the President /General Secretary fails to call the Central Conference of the Sangh, then 1/3rd of the members can make a requisition to the President/General Secretary to call the meeting within 20 days & if the meeting is not called by them within this period, then the requisitions can call the meeting themselves & the decision taken by them will be bound to all.

50. FINES & FORFEITURES:

No fine shall be imposed on any member.