



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

Ph.: 011-25705385
Fax : 011-25894862

Main Recognised Representative Union.
Dada Ghosh Bhawan, 2151/1, New Patel Nagar,
Opp. Shadipur Bus Depot, New Delhi-110008
E-mail : bsnleuchq@gmail.com, Website : www.bsnleu.in

BSNLEU/ 113 (STRIKE)

18.02.2021

To,

Shri P.K. Purwar
CMD BSNL,
Bharat Sanchar Bhawan,
H.C. Mathur Lane, Janpath,
New Delhi – 110 001

Sir,

Sub: - **Violation of Article 19(1) (b) of the Indian Constitution by the BSNL Management - req.**

Ref: - **(1) BSNLEU letter no. BSNLEU/ 113 (STRIKE) dated 08.02.2021.**
(2) BSNL CO letter no.BSNL/7-1/SR/2020 dated 17.02.2021.

We wish to bring the following to your kind notice for information and necessary action.

BSNLEU, vide letter cited under reference (1), has issued notification for organising hunger strike on 18.02.2021, demanding payment of salary for the month of January, 2021, as well as payment of salary on the due date of every month and settlement of some burning problems of the Non-Executives.

Organising hunger strikes by trade unions, has been taking place in BSNL since the inception of the Company and even before that, during the days of the DoT. Observing hunger strike is a universally accepted Gandhian form of peaceful agitation. Hunger strike means nothing, but **observing fasting** by the employees, with the view to seek settlement of their justified demands. Such hunger strikes are being organised without causing any dislocation to the services.

Instead of looking into the genuine grievances of the employees and taking steps to settle the justified demands, it is ludicrous to note that, the BSNL Management tried it's best to get this hunger strike declared as illegal. However, it miserably failed in it's attempts.

Further, it is also observed that, the BSNL Management is trying to interpret that, Hunger Strike is nothing but strike. Section 2 (q) of the Industrial Disputes Act, 1947 says, **"strike means a cessation of work by a body of persons employed in any industry acting in combination....."** The BSNL Management knows pretty well that, there will not be any cessation of work, while organising a hunger strike by the trade union. However, in it's letter cited under reference (2), the Management has tried to drive home it's point that, Hunger Strike is nothing but strike.

Further, in it's letter cited under reference (2), the BSNL Management has stated that, all the activities during working hours (beyond lunch hours), resulting in cessation / retardation of work, like dharna / hunger strike, amount to strike. We wish to tell the Management that, nowhere in the Industrial Disputes Act, dharna and hunger strike are termed as strike.

Thus, through the instructions contained in the letter cited under reference (2), the BSNL Management has virtually banned dharnas, hunger strikes in BSNL. This is totally unacceptable. This is nothing but curbing the right of the trade unions, to express their protest and to seek settlement of their demands, through peaceful means of agitation.

By We wish to state that, by banning dharnas and hunger strikes in BSNL, the Management is violating Article 19(1) (b) of the Indian Constitution, which guarantees to all citizens, of right "to assemble peacefully and without arms". The right to assembly, as envisaged in article 19(1)(b) of the Indian Constitution, is universal and is applicable to the employees of BSNL also. The BSNL Management cannot violate this provision enshrined in the Constitution.

In view of the foregoing, BSNLEU demands that the letter cited under reference (2) must be withdrawn. Further, BSNLEU requests the Management to come forward to settle the demands contained in it's letter cited under reference (1).

Thanking you,

Yours Sincerely,



[P. Abhimanyu]
General Secretary

Copy to: (1) Shri DPS Negi, Chief Labour Commissioner (Central), Shram Shakti Bhawan, Rafi Marg, New Delhi-110 0011
(2) Shri Arvind Vadnerkar, Director (HR), Bharat Sanchar Bhawan, Janpath, New Delhi – 110001
(3) Shri R.K. Goyal, PGM(Pers.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(4) Shri A.M. Gupta, Sr.GM (SR), BSNL C.O., Bharat Sanchar Bhawan, New Delhi- 110 001