UNION IS STRENGTH

ALL INDIA STATE BANK OFFICERS' FEDERATION

(Registered under the Trade Unions Act 1926, Registration No: 727/MDS)

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TO ALL OUR AFFILIATES / ALL MEMBERS

UFBU Strike, 28–30 September 2026 — Letters served on SMGS-IV & V officers: the law, the record and our response

Dear Comrades,

1. Branch/Department Heads/Controllers are serving a standard letter on officers in SMGS-IV and V, describing them as "Senior Management", invoking Section 36AD of the Banking Regulation Act, 1949, and warning that participation in the strike from 28–30 September 2026 "may be viewed as non-compliance with the applicable statutory provisions". The letter further threatens **termination of service**, loss of emoluments and adverse entries in service records. This is clearly intended to deter participation in the strike and divide officers on the basis of cadre. **Members need not be intimidated.** The legal position and the record are set out below.

2. The reliance placed on Section 36AD does not support the suggestion that participation in a lawful strike is itself prohibited, as the provision begins with the words *"No person shall"* and deals only with three specific acts: (a) obstructing any person from lawfully entering or leaving a bank office or carrying on business therein; (b) holding, *within* the bank premises, a demonstration that is violent or prevents normal business; and (c) acting in a manner that undermines depositors' confidence. The provision applies to every person alike and cannot be selectively invoked against SMGS officers. It also penalises only a contravention committed *"without any reasonable excuse"*. A peaceful and duly notified strike on genuine demands, following the conciliation process, does not fall within these prohibited acts.

3. The Parliamentary record also makes the position clear, as the Committee on Petitions of the 4th Lok Sabha, in its 6th Report, para 3.53, recommended that while applying Section 36AD, *"genuine trade union activities do not receive any set back and also the bank employees are not harassed in any manner."* The Government accepted this recommendation on 12.03.1970. Thereafter, on 24.03.1970, the then Law Minister informed the House that RBI had been advised to write to banks not to invoke Section 36AD in such circumstances. The then Finance Minister, Shri K.C. Pant, also informed the Rajya Sabha that the section *"does not prohibit lawful strikes and other legitimate and peaceful methods of ventilating grievances"*. Invocation of Section 36AD against participation in a lawful strike is therefore contrary to the assurance placed before Parliament.

4. The same issue had already arisen before the Chief Labour Commissioner (Central) during the conciliation proceedings under F. No. 21(05)/2026-IR held on 22.01.2026, in which SBI was represented, when UFBU raised similar communications addressed to SMGS-IV/V officers. The Conciliation Officer advised bank managements that every employee/officer has the lawful right to form associations and participate in legitimate trade union activities, **including duly notified organisational action**; that intimidatory or coercive communications, **particularly those selectively addressed to SMGS-IV/SMGS-V officers** or issued as blanket deterrents, may amount to impermissible interference with trade union rights and may attract action under Section 25(U) of the ID Act, 1947; and that such letters **must be kept in abeyance and withdrawn/rescinded forthwith**. The present communication substantially repeats what the CLC(C) had already advised the banks not to do.

5. The legal position is further relevant in the context of AIBOC having approached the Hon'ble Delhi High Court in W.P.(C) 1052/2026 against communications issued by Public Sector Banks threatening officers with adverse consequences for participation in the strike. **Importantly, the Hon'ble Court expressly granted liberty to AIBOC to initiate appropriate legal proceedings to challenge any consequences that may arise from such communications.**

6. The attempt to separate SMGS-IV and V officers from the Association and its programmes must also be viewed in the context of the Fundamental Right to form associations under Article 19(1)(c) of the Constitution. No officer, irrespective of scale, can be directed to dissociate from the Association or its legitimate programmes. SMGS-IV and V officers are members of our affiliates, and their pay and service conditions are also settled through the same industry-level collective bargaining framework. Merely describing them as "Senior Management" in a letter does not extinguish their constitutional right of association. The threat of termination for participation in a peaceful and duly notified strike is disproportionate and coercive, and any such action will be resisted by the Federation at every appropriate forum.

7. In these circumstances, members should participate in the strike and all programmes as per the UFBU/AIBOC call **peacefully and with complete discipline**, while remaining strictly within the limits of Section 36AD by not obstructing anyone from entering or working, not holding any demonstration inside bank premises that disrupts normal business, and not making any statement that could undermine depositors' confidence. If such a letter is served, it should be acknowledged only by writing **"Received under protest"**, with date and signature, and no individual reply, undertaking or assurance should be furnished. A scanned copy of the letter, along with the name and designation of the authority serving it, should immediately be sent to the Circle Association for taking up the matter with the Bank's management and the CLC(C). Any further threat, whether oral or written, should also be reported to the Circle Association on the same day.

8. The Federation is accordingly taking up the matter with the Bank's management and demanding immediate withdrawal of these letters in line with the advice of the CLC(C) dated 22.01.2026. Any coercive, punitive or retaliatory action against members will also be placed before the CLC(C) and other appropriate forums.

Comrades, the service conditions enjoyed by officers today, from Scale I to the executive cadre, are the result of decades of collective struggle. We therefore appeal to our senior colleagues in SMGS-IV and V to stand firmly with the Federation and with the collective call. **Our unity is our strength. Let us remain united and ensure the total success of the strike.**

With Greetings,

Yours Comradely,

(Rupam Roy)
General Secretary