

Shiva Gopal Mishra
Secretary

Ph.: 23382286
National Council (Staff Side)
Joint Consultative Machinery
for Central Government Employees
13-C, Ferozshah Road, New Delhi – 110001
E Mail : nc.jcm.np@gmail.com

No.NC/JCM/2014

Dated: December 16, 2014

The Cabinet Secretary,
(Government of India),
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi

Dear Sir,

Sub: Functioning of Joint Consultative Machinery

Since assuming charge of Secretary(Staff Side), National Council(JCM), I have repeatedly demanded to convene a meeting of the National Council(JCM). It is, however, regretful to point out that, despite all out efforts made by me and requesting you in person to hold the meeting, no meeting of the NC/JCM has been convened till date.

It may be appreciated the Joint Consultative Machinery(JCM) at the National level, conceived as an effective Negotiating Forum, has virtually become defunct as no meeting of this forum has been held during the last four years, with the result that, a number of major grievances of the Central Government employees continue to remain unresolved, because of which they are badly agitated.

The procrastinated discussions in the National Anomaly Committee did not proceed to settle any tangible anomaly item. Even after reaching agreement, the government has refused to issue orders on some issues. This apart, the demands raised by the Staff Side for **grant of Interim Relief and Merger of DA with Pay** have been refused by the government. One of the vital segments of the Central Government Employees, i.e. Grameen Dak Sewaks of the Postal Department, are kept outside the ambit of the 7th CPC. Unilateral decisions were taken to induct FDI in the Railways, Privatize the Railway and Defence Production Units; closure of the Printing Presses, Publication and Stationery Departments; contractorise the medical store functions; corporatize the Postal Organization and outsource various governmental functions.

Under these circumstances, all the constituents of the National Council(JCM)(Staff Side) had to hold a **“National Convention”** on **11th December, 2014 in New Delhi**, wherein after detailed deliberations and taking stock of the situation, a detailed programme of struggle has been chalked-out. In case there is no positive response from the Official Side, it will ultimately lead to **indefinite strike**.

A copy of the Declaration of the above-mentioned Convention is enclosed herewith, which is self-explanatory.

We do fervently hope that negotiation is possible even at this late stage and would therefore urge upon you to take concrete steps in that direction. We also hope that you will be able to appreciate that any decision of the government which affects the job security of the employees adversely need to be discussed and agreement reached at the JCM Forum.

I would, therefore, request you to personally intervene in the matter, being the Chairman of the National Council(JCM), so as to avoid serious unrest and disturbance to industrial peace in the Central Government Services and hold discussions with the Staff Side, NC/JCM on these vital issues at your earliest.



(Shiva Gopal Mishra)

Encl: As above

Copy to: All Constituents of National Council(JCM), for information.

NATIONAL CONVENTION OF CENTRAL GOVERNMENT EMPLOYEES' ORGANISATIONS PARTICIAPTING IN JCM

11TH DECEMBER 2014

NEW DELHI

The National Convention of Central Government Employees organizations participating in the JCM, being held at New Delhi on 11th December, 2014, adopted the following declaration after detailed deliberations and discussions.

DECLARATION

2. The Central Government employees have a glorious past of struggles and sacrifices. The first indefinite strike action in the independent India by employees and workers of Central Civil Service was in the 1960s. The July 1960 strike was due to the denial of the legitimate demand of the Central Government employees for the grant of Minimum wage as per the norms laid down by the 15th ILC. Brutal repression, unheard in the history of workers struggles, was unleashed by the then Government of India to suppress the movement. It was in the wake of that unprecedented strike action, the Government recognised the need to have a negotiating machinery to look into the grievances of the Central Government employees and set up the JCM.

3. After the 1968 one day strike and the 1974 tumultuous indefinite strike by the Railwaymen and others, the organisations participating in the JCM strived their best to create a conducive and peaceful atmosphere to settle the demands and grievances through discussions at the JCM. The continuous dialogue in the forum of JCM helped immensely in avoiding confrontation, struggles and strike actions as the discussions brought about settlement on issues, thanks no doubt to the positive role and attitude of the Government in power then.

4. Unlike the provincial Civil Service, 85% of the Central Government employees are industrial or operational workers, covered by the Industrial disputes Act. Peace and tranquillity in workplaces provided for increased production, productivity and efficiency. The Railways, the defence production units, the postal services and other industrial establishments and employees of administrative offices played a vital role in bringing about the significant turnaround in the employer-employees relationship.

5. However, the scenario underwent a vast change in the latter part of 1990s. Government promulgated the new Recognition Rules making it necessary for the Unions to seek fresh recognition. After the initial hiccups, the employees' organisations

abided by the Government directive and carried out all stipulations and conditions required for the grant of recognition. Despite that, the recognition has eluded some organisations while in the case of many others Government took years to grant recognition. During this period, the JCM was virtually closed down at the Departmental levels. The National Council which as per its own constitution is to meet thrice in a year seldom met in the last four years. Even when the Standing Committee or the Anomaly Committee met, it was an exercise in procrastination. The Government unilaterally took various decisions viz. closure of departments, outsourcing, banning recruitment and creation of posts, untenable restriction on compassionate appointments; referring the decisions of the Board of Arbitration to the Parliament for rejection; introduction of large scale contractorisation and above all withdrawal of the age old defined benefit pension scheme and introduction of a defined contributory annuity scheme etc. In the process of this hegemonic approach of the Government, the common employees lost confidence in fair play and the efficacy of JCM as a forum to settle their demands. Consequently, litigation is being resorted to by the common employees with high degree of success. Despite four rounds of discussion in the National Anomaly Committee, which was set up after the 6th CPC recommendations were implemented, no settlement could be brought about on any issue. They found the situation elsewhere not different and aligned themselves with the common trade union movement of the country in fighting against the new economic policies.

6. The workers in general and the Central Government employees in particular were and continue to be the victims of severe economic offensive of the successive Governments that came to power in the country since the new economic policies were ushered in 1991. Systematic downsizing and outsourcing of Governmental functions; closure of Government departments;; privatization of public enterprises, amending labour laws to facilitate exploitation; lowering interest rate, unbridled inflation, allowing the foreign and domestic monopoly capital to loot and plunder the indigenous resources had been some of the visible characteristics and impacts of the reforms undertaken.

7. The liberalisation and globalisation policies of the successive Governments, which came to power since 1991 and which received the backing and support of the dominant opposition parties and elite in the society accentuated unemployment, dismantled the Public Sector Undertakings, allowed unhindered entry of foreign capital, destroyed the livelihood of the farmers and agricultural labourers; raised the prices of all essential food items beyond the purchasing capacity of the common people; granted huge tax concessions to corporate houses;; siphoned off the poor man's earnings into the hands of a few rich; These measures ultimately drove the majority of Indians to be below the poverty levels. Indian youths were driven to be beggars at the doorsteps of transnational corporations of the developed Nations.

8. At the General elections for the 16th Lok Sabha, the Indian Common men handed the Indian National Congress, who led the UPA II regime the worst ever defeat in its history. Those who came to power over the defeat of the century old party, i.e. the NDA led by the Bharatiya Janata Party have no different approach on policies or governance.

They had in fact supported the UPA Government to intensify the neo liberal policies. But for their solid support the PFRDA bill could never have been passed by the UPA. The conglomeration of Corporate houses and the corporate controlled media supported the BJP to the hilt in the election process for they were certain that BJP shall be more pliant and compliant to them. Through various policy pronouncements the new Government has made its intentions clear and loud. A complete ban on recruitment in Governmental organizations has been instituted; privatization of the Railways and Defence is on the anvil; FDI has been allowed to have its entry into these two vital sectors, which had been excluded due to public opinion by the UPA; decided to corporatize the Postal Services; the New pension scheme will replace all existing defined benefit pension dispensations; decided to close all Government of India Printing Presses (including the publication, Stationery and forms stores); handed over the functions of the Medical Depots to private contractor firms rendering thousands of workers redundant and jobless; withdrawn the guidelines regulating the prices of essential and life saving medicines; proposed to reduce the number of subsidized gas cylinders; announced the PPP model of infrastructure development in Railways; declared further disinvestment of the profit making PSUs and closure of all loss making enterprises; introduced legislation to drastically amend the labour laws to harm the interest of workers especially in small establishments; indicated to give further concessions to corporate houses on taxation and to increase the indirect taxes to reduce fiscal deficit; made legislation to increase the FDI in Insurance and effect further reforms in the Banking Sector; dismantled the Planning Commission and above all has taken tacit steps to disrupt the secular social fabric of the country.

9. It is in the backdrop of this National scenario that the Central Government employees must look up for settlement of their demands. The Central Government employees had been active participants in the struggles and strike actions of the Indian Working Class in the last two decades against the neo liberal policies. They have marched to the Parliament house shoulder to shoulder with other segments of the working people on several occasions and more recently on 5th December, 2014 to register and demonstrate the emphatic protest and opposition to the Government's economic policies. They will be enthusiastic participants in future struggles and strike actions chalked out by the united platform of the Central Trade Unions in the country. While being part of the common struggles of the working class, they will have to chalk out programmes to ensure that the Ban on recruitment in Governmental institutions is lifted; the decision to close down the Printing Presses and the Medical stores is rescinded; growing contractorisation, privatization and outsourcing of the Governmental functions are halted; the proposal to allow FDI and privatize the Railways and Defence Establishments is nipped in the bud itself; the proposed labour reforms are taken back; that the casual and contract labourers and GDS are paid the minimum wage; a scheme drawn up for their regularisation within a stipulated time frame and the social security measures presently available to the workers in the form of defined benefit pension scheme is retained.

10. They must simultaneously endeavour to ensure that the JCM functioning is revived; periodicity of its meeting is increased to conform to the rules; the meeting of the

Councils at the Departmental level are convened; the unions are recognized as per the rules; the National Anomaly Committee items are taken to its logical end and the awards of the Board of Arbitration are implemented.

11. Above all, they must strive immediately that the Government takes a decision on the date of effect of the Wage revision as 1.1.2014; the ambit of the 7th Central Pay Commission covers the most exploited segment of civil servants, i.e the Gramin Dak Sewaks ; that the wage structure of GDS is not allowed to be at the whims and caprices of Postal bureaucrats; that the Central Government employees are granted interim relief at the rate of 25% of their pay plus GP; the Dearness allowance which stood at 100% of pay as on 1.1.2014 is merged to become Dearness Pay and the 7th CPC adheres to its time frame of 18 months and all the JCM participating organization are given sufficient opportunity to present their case before the Commission.

12. The Convention, on the basis of the discussions amongst the participating organizations, formulates a charter of demands containing the following important issues. The Convention also adopts the following programme of action to culminate in an indefinite strike action if the demands are not negotiated and settled.

13. The Convention sets up a National Joint Council of action with the representatives of the participating organizations to spearhead the movement. The NJCA will prepare a detailed pamphlet to explain each of the demands in the Charter and to circulate the same amongst the mass of the employees for an intensive campaign. The NJCA at the National level will monitor the implementation of the programme. The Convention authorised the National JCA to pre-pone the entire programmes of action in case such a decision is warranted due to an exigency. The Convention directs the participating Federations/Unions and Associations to form such Joint Committees in all States to ensure that the programme of action is carried out in all States uniformly.

14. The Convention calls upon all Central Governments employees and their Unions and Federations to be active participants in all the programmes of action to bring about a satisfactory settlement of the demands.

Charter of demands

- 1. Effect wage revision of Central Government employees from 1.12.2014 accepting the memorandum of the staff side JCM; ensure 5-year wage revision in future; grant interim relief and merger of 100% of DA. Ensure submission of the 7th CPC report with the stipulated time frame of 18 months; include Grameen Dak Sewaks within the ambit of the 7th CPC. Settle all anomalies of the 6th CPC.**
- 2. No privatisation, PPP or FDI in Railways and Defence Establishments and no corporatisation of postal services;**
- 3. No Ban on recruitment/creation of post.**
- 4. Scrap PFRDA Act and re-introduce the defined benefit statutory pension scheme.**

5. No outsourcing; contractorisation, privatisation of governmental functions; withdraw the proposed move to close down the Printing Presses; the publication, form store and stationery departments and Medical Stores Depots; regularise the existing daily rated/casual and contract workers and absorption of trained apprentices;
6. Revive the JCM functioning at all levels as an effective negotiating forum for settlement of the demands of the CGEs.
7. Remove the arbitrary ceiling on compassionate appointments.
8. No labour reforms which are inimical to the interest of the workers.
9. Remove the Bonus ceiling;
10. Ensure five promotions in the service career.

PROGRAMME OF ACTION

1. Organise State/District/Divisional level Joint convention to popularize the declaration before February, 2015.
2. To organize massive dharna/rally at all State Capital/major Defence centres jointly by all the participating Unions in March, 2015.
3. To organize campaign fortnight throughout the country in the first two weeks of April, 2015.
4. To organize Rally before the Parliament house in the month of April when the house will be in budget session to declare the date for the commencement of the indefinite strike action and the programme and date of serving strike notice.

Oo

Explanatory Note on Charter of Demands

Item No. 1

1. Effect wage revision of Central Government employees from 1.12.2014 accepting the memorandum of the staff side JCM; ensure 5-year wage revision in future; grant interim relief and merger of 100% of DA. Ensure submission of the 7th CPC report with the stipulated time frame of 18 months; include Grameen Dak Sewaks within the ambit of the 7th CPC. Settle all anomalies of the 6th CPC.

The wage revision of the Central Government employees had always been through the setting up of Pay Commissions. The 5th CPC had recommended that the DA must be merged with pay and treated as pay for computing all allowances as and when the percentage of Dearness compensation exceeds 50%. Accordingly even before the setting up of the 6th CPC the DA to the extent of 50% was merged with pay. It is pertinent to mention that even this benefit was denied to the Gramin Dak Sewak (GDS) of the Postal Department. As on 1.1.2011, the Dearness compensation was 65%. The suggestion for merger of DA was first mooted by the Gadgil

Committee in the post 2nd Pay Commission period. The 3rd CPC had recommended such merger when the Cost of Living index crossed over 272 points i.e. 72 points over and above the base index adopted for the pay revision. In other words, the recommendation of the 3rd CPC was to merge the DA when it crossed 36%. The Government in the National Council JCM at the time of negotiation initially agreed to merge 60% DA and later the whole of the DA before the 4th CPC was set up. The 5th CPC merged 98% of DA with pay. The Staff Side of the National Council JCM in its meeting with the Secretary, Personnel convened for the purpose of finalising the terms of the reference of the 7th CPC did raise the issue of merger of DA with pay. Though it was assured that the Government would take a final decision in the matter, it was not referred to the 7th CPC, nor did they deem it fit to take an executive decision. Despite the absence of any reference to the 7th CPC, the staff side discussed the issue with the Chairman and other members in the Pay commission. On the basis of the said discussion, a separate memorandum detailing as to how the employees are entitled to the benefit of Interim Relief and Merger of DA was submitted to the Commission. The Staff Side was informed of the forwarding of the said memorandum by the Commission to the Government for a decision at their end. The Government is, therefore, duty bound to take a decision in the matter without further loss of time.

Interim Relief

Most of the earlier Commissions with the exception of 1st and 6th Central Pay Commission had taken 2-3 years and sometimes more to finalise their recommendations. The 6th CPC failed to appreciate the erosion in the real value of wages that had taken place over the years due to inflation and rise in prices of essential commodities and the inability especially of the employees at the lower level to make the both ends meet with the available wages.

Every Pay Commission which had recommended Interim Relief had made it amply clear that it was intended to provide some relief to the employees pending a comprehensive determination of their salary structure and other benefits. The relief granted was treated as sui generis (one of its own kind, unique) and it was not taken into account for determining any allowance or benefit. The Government did not initially refer the question of Interim Relief to the 5th CPC but when the Staff Side submitted their memorandum to the Commission on I.R., the Government had to amend the terms of reference and refer the issue to the Commission for their decision. The Commission's recommendations in granting three installments of interim relief establish the need for a relief in view of the erosion in the real value of wages, the need to fill the widening gap in wages when compared to outside rates and the fact that final recommendations of the Pay Commission are bound to revise the wage structure and above all the need to provide some relief to the employees who would retire before the Commission's recommendations are finally submitted to the Government and accepted by them. The need based minimum wage computed on the basis of Dr. Aykhroyd formula as on 1.1.2014 will be around Rs. 26,000 at the level of MTS) bringing about a gap of almost Rs. 12,000. As per the formula adopted by the 5th CPC, the minimum wage will work out to Rs. 22,857 for an unskilled worker and at the level of MTS it would be R. 28571. From the above it is seen that Central Government employees presently have a very depressed salary structure. The final outcome of the deliberations of the 7th CPC will become available only by 2016. It is, therefore, needed that

the employees have to be compensated in the form of Interim Relief. In our opinion the Commission may, as has been done by the various earlier Pay Commissions, recommend atleast 25% of Pay in Pay Band plus Grade Pay as Interim Relief subject to a minimum of Rs. 2000/-.

Date of effect

The need to revise the wages of Central Government employees every five years as is the case with the employees of the Public Sector Undertaking has been repeatedly raised by the Employees organisations. The 5th CPC fixed the tenure at ten years. The 6th CPC kept a dignified silence on this vital question. Over the five year period, normally the Dearness compensation crosses the 50% mark. This is indicative of the fact that the erosion in the real value of wages has become difficult for the employees to bear. The periodicity of wage revision has to be five years. Since the Commission has come into existence in the year 2014, the recommendations of the Commission must be effective from 1.1.2014, which will reduce the periodicity of wage revision from 10 years to 8 years. We, therefore, demand that the 7th CPC must be asked to compute the wages on the basis of the consumer price index as is obtaining on 1.1.2014.

Inclusion of Grameen Dak Sewaks within the purview of the 7th CPC.

Grameen Dak Sewaks constitutes the single largest chunk of the postal workforce. Without them perhaps the rural postal system in the country will break down. The dedicated service of the Grameen Dak Sewaks keeps the postal department operational throughout the year. The system of Extra Departmental Agency was introduced by the colonial British rulers to reduce the running expenses of the postal system in the country. The exploitative system continued even after independence. By excluding the Gramin Dak Sewaks from the purview of inquiry of the Pay Commission, the Government wanted the system to continue as a means to reduce the running expenses of the Postal Department. The exclusion is sought to be made on the specious plea that the GDS are not Civil Servants. The Government's contention on this score had been the subject matter of judicial scrutiny. The Honourable Supreme Court has held that the Extra Departmental Agents are holders of Civil post. The 4th Central Pay Commission also held the same view and asserted that their service conditions must be inquired into by the Pay Commission. However, when the 5th CPC is constituted, Government constituted a Committee under Justice Talwar to look into their case. The Government did not implement many of the recommendations of the Talwar Committee. It is in this context we plead that the Gramin Dak Sewaks must be brought within the purview of the 7th Central Pay Commission and justice rendered to them.

Settle all anomaly items pending at the National Council JCM

The 6th CPC made a retrograde change in the pay structure of the Central Government employees. It introduced the concept of Grade Pay and Pay Bands. There had been no consultation with the employees while finalizing the said recommendations. The system created enormous anomalies which had to be addressed by the Government later. The Government on the plea of the Staff Side of the National Council set up a joint committee to go

into these anomalies. The Committee met several times but could not resolve any issue through deliberations. These issues are still pending unresolved. On a similar situation, the 6th CPC itself has gone on record to state that it would not be possible for them to go into the anomalies within the 18 months provided to them to make recommendations. No different is the case with the 7th CPC and the 7th CPC may also come up with the above arguments for non settlement of anomaly. Moreover, none of them has also been officially referred to the 7th CPC. It is, therefore, necessary that the Government must look into the matter with a sense of urgency and ensure that the anomalies are resolved urgently.

Item No.2

No privatisation, PPP or FDI in Railways and Defence Establishments and no corporatisation of postal services;

The first Industrial Policy resolution of Free India was notified in 1948. The defence production especially arms and ammunition, Atomic Energy and Railway Transport were the three sectors where private entry was barred by the Resolution for the sake of National Security and people's welfare. In 1956, the Government of India revised the resolution to bring in 17 Sectors in the exclusive realm of Government. In 1991, to usher in the LPG policies, Narasimha Rao Government amended the resolution to de-reserve nine of the seventeen. Railways, Defence production, Atomic Energy continued to be barred to private entrepreneurs. The NDA Government in which BJP was the predominant partner further liberalised the resolution in 1999 but still retained the Defence production, Atomic Energy and Railways within the exclusive Governmental Sector. The Defence production went in for partial privatisation when the Government allowed FDI to the extent of 26% whereby the foreign Arms manufacturers were permitted access to the vital Defence sector, disregarding the national security perspective. In all developed Nations, Arms manufacturing is a business intended to make profit. In other words, war was and is business to them and war related agony to be the market for profit. Defence production for them was not only for the purpose of defence of the country but for waging offensive wars also. What is now decided by the present Government is to make Indian defence production on line with the international standards; i.e. attune it to make profits through export for which war perception and hysteria has to be created as a marketing technology .. Eventually this will lead to closure of Department controlled Defence production units, unable to face the unscrupulous competition from the Transnational Corporations driving thousands of workers to poverty and penury. The present decision of the Government to increase FDI in defence production to 49% will leave no room for the existing Defence production unit to survive.

On 22nd August, 2014, the Mody Government amended the 1991 Government of India's Industrial Policy Resolution replacing the words "Railway Transport" as "Railway operations" . Simultaneously, they also announced the induction of 100% FDI in Railways including operation, construction, design and maintenance. As is the general perception assiduously generated, Railways is not a loss making entity in India. The profit after dividend in FY 2013-14 was Rs.

7942 Cr. And the dividend paid to Government was Rs. 7839 Cr. The social obligation cost was of the order of Rs. 21.391 Cr. which the Government has not paid back to Railways at all. In other words, the Railways in the year 2013-14 have made a clean profit of Rs. 29333 Cr.

British India made the first experimentation of private operations of Railways by offering a guaranteed 5% return on investments. Neither the Railway net work was expanded, nor were the Government or the customers benefitted. British Government had to ultimately rescind its decision and took over the Railway operations in 1924.

Neither FDI nor the PPP will help the Railways. The DMRC had to ultimately take over the Airport Express Line and run it, for the Reliance who undertook the construction on PPP model found it not profitable. The induction of FDI and the consequent privatisation of Railways will make Rail journey beyond the reach of the poor people of India. In the bid to maximise profits, Railways will be compelled to charge enormously for its services. The unprofitable lines will be closed down. No social obligation will be undertaken by the Railways. Lakhs of Railway workers will be compelled to seek employment elsewhere. Railway will become a loss making enterprise in the days to come as is the case with the Railways in most of the advanced capitalist countries of Europe. The present decision of the Government to have 100% FDI in Railways, to say the least, is an unpatriotic act in search of profit. The Government of the day has thrown a challenge to working people of the country in general and Railway and Defence workers in particular. We must accept the challenge; defeat the nefarious design with determination and with a do or die attitude. We must not entertain any doubt of our ultimate victory in this battle.

The Task force set up by the Government under the chairmanship of Shri T.S.R. Subramaniam, former Cabinet Secretary to the Government of India, has recommended to convert the postal department into a corporation, perhaps on the lines the Telecom was made into BSNL, VSNL and MTNL. The Company so formed will have five subsidiary arms. The Corporatisation route may not bring about an immediate reduction in the manpower, but eventually will. The entire social obligations will be thrust upon the new company while the private players will take the creamy part of the communication business as was done in the case of Telecom. In the longer run, the Public Sector Company so formed would be made to incur losses and public opinion generated for its closure. Let there be no illusion; the Government's decision is to privatise and make available the huge infra structure built over centuries of operation and hand over the lucrative business of Postal Banking and Postal Insurance.

Item No. 3.

No Ban on recruitment/creation of post.

In 1993, the Government of India introduced a total and blanket ban on creation of posts. This was done with a view to reduce the manpower in the Governmental establishments, for on implementation of the neo liberal economic policies, the Government will be required to close

down some of its activities and some others to be off-loaded to the private domain. In 2001, the *GOI* issued an executive instruction modifying the complete ban on recruitment that was in vogue whereby various departments, if they so desire, resort to recruit personnel to fill up the existing vacancies, provided they abolish 2/3rd of such vacancies. In other words, the concerned heads of Departments will be permitted to fill up 1/3rd of the vacancies provided they abolish the 2/3rd vacancies permanently. Since it was impossible to carry on the functions assigned to the Departments with large number of vacant posts, they had to implement the above cited directive of the Department of personnel, which was meant to arbitrarily reduce the manpower especially in Group C and D segments. Though the directive was to be applied uniformly to all cadres where direct entry is one of the mode of recruitment, not a single Group A. post was abolished as most of the departments offered to do away with Group C and D posts only. Since direct recruitment is seldom resorted to in Group B cadres, the brunt of the burden of the above cited instruction had to be borne by the Group C and D cadres in each department. The said directive remained operative for nearly a decade i.e. upto 2010. Such abnormal and arbitrary abolition of posts affected very adversely the functioning of many departments consequent upon which the public at large suffered immeasurably, besides accentuating the unemployment situation to alarming proportion. To cope up with the genuine complaints of the public, most of the heads of Departments had to resort to either to outsourcing of the functions or engaging contract workers. The Govt. encouraged this endeavour by providing unlimited funds. In the circumstances, it is imperative that the sanctioned Strength as on 1.01.2001 is restored and the consequent vacancies filled up by a special drive for recruitment. The Government has a time tested and scientific system of assessing the workload and measuring the manpower requirement. This seems to have been presently abandoned and the vacancies barring in a few cases are not being filled up. Even though there had been phenomenal increase in the workload in each department no new posts are created to cope up with the situation. The 6th CPC dealing with the subject has recommended that such ban on creation of posts for a long period is not desirable and the Departments should be empowered to create the need based posts for its effective functioning. The commensurate posts that are needed to cope up with the increasing workload must be sanctioned and recruitment of personnel resorted to so that the assigned functions of each department could be carried out effectively and efficiently. The New Government immediately on assuming power has decided to re-introduce the ban on recruitment and instructions were issued to all Departments under the Government of India accordingly, dashing the hope of all young job aspirants, who is reported to have voted overwhelmingly the NDA in the last election.

Item No.4.

Scrap PFRDA Act and re-introduce the defined benefit statutory pension scheme.

The defined benefit scheme of pension was introduced replacing the then existing contributory system decades back. The Government decided to reconvert the same into a contributory scheme on the specious plea that the outflow on pension had been increasing year by year and is likely to cross the wage bill. By making it contributory, the Government expenditure on this

score is not likely to get reduced for the next four decades because of the reason that as per the announced scheme, the Government is to contribute the same amount to the fund as the employees make. Coupled with this stipulation the Government is also duty bound to make payment for the existing pensioners and for all Central Government employees who were in service prior to 1.1.2004. The contribution collected from the employees who are recruited after 1.1.2004 is to be managed by a mutual fund operator for investment in the stock market. It is the vagaries of the stock market which will then determine the quantum of pension or in other words annuity, which would not be cost indexed. Before the introduction of the new scheme and the PFRDA bill, the Government had set up a committee under the chairmanship of Shri Bhattacharya, the then Chief Secretary of the State of Karnataka. The bill was unfortunately drafted and presented to the Parliament disregarding even the recommendation of the said committee to the effect that the Govt. should consider introducing a hybrid system by which the employees will have either a defined benefit pension or opt for a higher return through stock exchange investments. Despite the non-passage of the bill and the consequent absence of a valid law to support the Pension Regulatory authority, the Govt. converted the existing pension scheme into a contributory one through executive fiat and invested a percentage of the fund so generated from the employees' contribution in the Stock market. India is a young country and the expenditure on statutory pension has remained over a long period not more than 5% of GDP which the country/Government can afford to spend. The withdrawal of PFRDA bill is required for the following solid reasons:

- (a) The new pension scheme is going to make social security in old age uncertain and dependent on market forces.
- (b) The scheme has been compulsorily imposed on a section of employees and hence it is discriminatory.
- (c) Such scheme had been a failure in many countries including Chile, UK and even USA. In USA entire pension wealth has been wiped out leaving pensioners with no pension. In Argentina the contributory scheme which was introduced at the instance of IMF was replaced with the defined benefit pension scheme.
- (d) The PFRDA Bill has provisions empowering the Govt. and the Authority to cover employees now left out and to amend the existing entitlements of pension benefits.
- (e) In majority of the countries, "pay as you go" is the system of pension.
- (f) The contributory scheme does not give any guarantee for a minimum pension of 50% of the pay drawn at the time of retirement of the employee. Nor does it provide for the protection of his family members in the form of family pension in the event of death.

The Supreme Court had declared pension as one of the fundamental rights. The government Should, therefore, retrace from its avowed position, which is detrimental to the interest of the employees and ensure that the employees recruited after 1.1.2004 is covered by the existing statutory defined benefit scheme and rescind the PFRDA Act. The recent decision of the Cabinet to allow FDI in pension fund operations has made the real intent of the PFRDA Act unambiguously clear. The FDI will facilitate the mutual fund operators to invest the funds outside India thereby making Indian Savings available for development of a foreign country. It is now clear that the decision behind the contributory pension scheme was the pressure imposed

by imperialist powers and more specifically IMF. It has, therefore, to be opposed at all cost and with vehemence. The Govt. should not go ahead with its intention of induction of FDI in pension fund companies.

Item No. 5.

No outsourcing; contractorisation, privatisation of governmental functions; withdraw the proposed move to close down the Printing Presses; the publication, form store and stationery departments and Medical Stores Depots; regularise the existing daily rated/casual and contract workers and absorption of trained apprentices;

To overcome the difficulties emanating from the total ban on recruitment and creation of posts and more specifically impacted by the 2001 executive fiat of the Govt. of India in the matter, many departments had to resort to outsourcing of its functions. Some were virtually closed down and a few others were privatised or contractorised. The large scale outsourcing and contractorisation of functions had a telling effect on the efficacy of the Government departments. The delivery system was adversely affected and the public at large suffered due to the inordinate delay it caused in getting the requisite service. The financial outlay for outsourcing of functions of each department increased enormously over the years. The quality of work suffered. In order to ensure that the people do get a better and efficient service from the Government departments and to raise the image of the Government employees in the eyes of the common people, it is necessary that the present scheme of outsourcing and contractorization of essential functions of the Government must be abandoned. The practice of outsourcing and contractorisation is nothing but a cruel exploitation of the alarming situation of unemployment. The system of outsourcing of the functions seeks to informalise the workforce. The contract/casual workers get not even one third of the salary of the regular work force. They have no social security benefits like pension, provident fund gratuity etc. The C.G. employees fought against the temporary service rules which was in vogue in sixties and ensured that the recruitment to Government service is permanent and the civil servants are not allowed to be fired at the whim and fancy of their bosses. The outsourcing and contractorisation has paved way for large scale entry of casual workers and has resulted in the reversal of what all achieved in this direction through struggles in the past two decades.

Due to the ban on creation of posts and recruitment of personnel that continued for a very long period and the consequent strain on the existing workers, many Departmental heads had to recruit personnel on daily rated basis or as casual workers. Thus, almost 25% of the present work force in Governmental organisations are casual workers deployed to do the permanent and perennial nature of jobs, contrary to the prohibition of such unfair labour practices by the law of the land. In Fifties and Sixties, even the casual workers who had been employed to do the casual and non perennial jobs used to get priority for regular employment as and when vacancy for such permanent recruitment arises. Thousands of persons are now recruited as casual workers and kept as such for years together. As per the information now made available in the floor of the Parliament, the number of contract workers engaged by various public sector

undertaking and Governmental organisations is more than 21,12 715. (Reply to question in the Parliament) They are paid pittance of a salary with no benefits like provident fund, dearness allowance, other compensatory allowances etc. In order to ensure that they do not get the benefit of regularisation, these workers are technically discharged for a few days to be employed afresh again. The modus operandi differs from one department to another.

While in some organisations, they are recruited through employment exchanges in others the functions are contracted out. Not only the quality of work suffers but it is also an inhuman exploitation of the workers given the serious situation of unemployment that exists in the country. While the permanent solution is to sanction the necessary posts and resort to regular recruitment, the Government should evolve a scheme by which these casual/contingent/daily rated/contract workers are made regular workers with all the concomitant benefits available for regular Government employees. Pending finalisation of such a scheme for regularisation, the non regular employees recruited for meeting the exigencies of work must be paid pro-rata salary on par with the similarly placed regular employees on the principle of equal pay for equal work.

At present the Apprentices are trained under the Apprentice Act, 1961. Recently the Government has amended the provisions of Apprentice Act 1961 thereby empowering the employers to frame their own policies for recruitment, training, retention, absorption of Apprentices. This will result in exploitation of apprentices as casual workers. The apprentices once recruited and trained must be absorbed as regular workers against the permanent posts.

The Modi Government has decided to close down all the Printing Presses and Stationary depots and form stores in the country. In fact, the UPA Government too had taken such a decision. In the beginning the Government advanced the non-profitability of the department as the primary reason for the closure. Printing Technology had undergone vast strides in the last two decades. The Department controlled Printing Presses had not undertaken any modernisation programme at all for several years. In the case of Stationery Depots, the reason advanced for the closure was that the Government had found no benefit in the Centralised purchasing. In both the cases, the employees' organisations had a series of discussions with the Officials of the Printing and Stationery Department as also with the then political authorities of the Government. They could convince that if necessary steps are taken, the units could become profitable enterprises and the managerial lapses must not be the reason for the closure of an enterprise. After prolonged parleys, the decision to restructure the printing presses was taken; stationery department was administratively made a part of the Printing presses and capital was infused into the enterprise by virtue of which new machinery was inducted and the modernisation process commenced. Without causing any discussions, the Government has now announced the closure of these enterprises again. The real intent appears to be the utilisation of the large scale real estate available in the event of closure of these Government organisations. Hundreds of workers will become jobless if this is allowed. The Government must be compelled to rescind this decision.

In the case of Medical depots, the Government has now decided to convert the department into a different entity; i.e. a society. The main functions of the Medical depots are to cater to

the requirements of various Government run hospitals and Dispensaries; provide vaccines to the different disease eradication projects of the Government; to render emergency help to the areas affected by the natural calamities. The expertise gained by this organisation over its long standing functions has made it a unique enterprise. Government and Government run hospitals and especially those who run various projects for eradication of infectious or contagious diseases are to benefit from their expertise. There has been no tangible reasons advanced for the conversion of this enterprise into a privately run institution. In the event of the Government's move succeeding, the present employees will be compelled to seek employment under a different dispensation with no protection to their wages, allowances and benefits which they were getting as Government employees hitherto. As in the case of Printing and Stationery, the decision to convert the Government department into a private enterprise was earlier taken but on reconsideration dropped. Without causing any discussions whatsoever, the Government has resurrected the dropped proposal for conversion which will have far reaching consequences to the employees as also to the organisations which are presently engaged in various projects. The Government has to be compelled to withdraw this decision.

Item No. 6.

Revive the JCM functioning at all levels as an effective negotiating forum for settlement of the demands of the CGEs.

It was in the wake of the indefinite strike action of 1960, the JCM was set up as a negotiating forum to expedite settlement of demands and problems of employees. On the pretext of the promulgation of the new CCS(RSA)Rules, most of the departments suspended the operation of the Departmental Councils. Even after complying with the requisite formalities, in many departments, Associations/Federations are yet to be recognized. Wherever the recognition process was completed and orders issued granting recognition, no meetings of the Departmental Councils are held. In spite of raising the issue in the National Council on several occasions by the Staff Side, nothing tangible has been done to ensure that the councils are made functional.

The National Council is, as per the scheme, to meet once in four months. It meets after several years, the system of concluding on the agenda in the meeting in which it is raised has been totally abandoned with the result that number of issues have been kept pending for indefinite period of time. The non-functioning of the Council and the consequent non-redressal of grievances has led to agitations including strike action in many departments. The 6th CPC recommendations were given effect to in September, 2008. The anomalies arising therefrom (which is in large numbers) ought to have been settled as per the agreement by Feb., 2010. Barring one or two items, no settlement has been brought about on a large number of anomalies till date.

At the time of the General Strike action on 28th Feb. 2012, the Joint Secretary (Estt.) in the Department of Personnel wrote in her demi-official communication addressed to all Secretaries of the Government of India as under, which is contrary to facts but also misleading too.

"Joint consultative machinery for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and of securing the greatest measure of co-operation between the Government, in its capacity as employer and the general body of its employees in matters of common concern, and with the object further of increasing the efficiency of the public service. The JCM at different levels have been discussing issues brought before it for consideration and either reaching amicable settlement or referring the matter to the Board of Arbitration in relation to pay and allowances, weekly hours of work and leave, wherever no amicable settlement could be reached in relation to these items."

The forum of Departmental Councils must be immediately revived in all Departments and made effective as an instrument to settle the demands of the employees. The periodicity in which the meeting of the National Council is to be held must be adhered to. The Department of Personnel, which is the nodal department for ensuring the functioning of the negotiating machinery, must monitor the functioning of the Departmental Councils of various Ministries and Departments and a report placed in the National Council. The Cabinet Secretary, who is the Chairman of the National Council, is required to ensure that the Council meetings are convened once in four months and the issues raised therein settled in a reasonable time frame.

Since the grant of recognition to Service Association is a pre-requisite for the effective functioning of the negotiating machinery, the Ministries must be asked to process the application and take decision in the matter within a fixed time frame as the recognition rules have come into existence in 1993 that is about a decade back.

Item No. 7

Remove the arbitrary ceiling on compassionate appointments.

On the plea of a Supreme Court directive, Govt. introduced a 5% ceiling on the compassionate appointments. When the matter was taken up by the Staff Side in the National Council the Government was unable to produce any such direction of the Supreme Court. Despite that, the official side refused to withdraw the said instructions limiting the appointments to 5% of the available vacancies. In one of the National Council meetings, presided over by the Cabinet Secretary solemn assurance was given to the Staff Side that the issue will be revisited in the light of the discussion, but nothing happened thereafter. It is pertinent to mention in this connection that the compassionate appointments in the Railways continue to be operated without any such ceiling. In the Department of Posts hundreds of candidates selected by Selection Committee were denied jobs. The list of selected candidates was scrapped. These candidates approached the Court and obtained a favourable order. But the Court directive was made applicable to only those who approached the Court. The standing Committee on Department of Personnel in one of their report has termed the scheme of Compassionate ground appointments as a sacred assurance to a fresh entrant that if he dies in harness, his family shall not be left in lurch. Such an assurance is being breached by the provisions of

limiting such appointments to 5% of vacancies. This condition, therefore, must be done away with.

Item No. 8.

No labour reforms which are inimical to the interest of the workers.

We reproduce hereunder the extract from the Declaration of the National convention of workers held at New Delhi on 15th September, 2014 in the wake of the amendments effected by the Rajasthan State Governments to the Labour Laws and the proposed amendments contained in the bill introduced in the Parliament by the Government of India on Factories Act, Labour Laws and Apprentices Act.

“Most of the amendments sought to be done will have serious negative impact on the working conditions including trade union rights of the workers and the employees. It is unfortunate that in spite of the assurances given by the Labour Minister that Central Trade Unions will be consulted; these amendments in Labour Laws are being pushed through without any consultations with them. The amendments passed by Rajasthan Assembly on 31st July, 2014, in Industrial Disputes Act, Factories Act, Contract Labour (Regulation & Abolition) Act and Apprenticeship Act will make hire and fire much easier for the employers and will result in rampant casualisation of employment. Liberalising the provisions of Factories Act will imperil the safety at work place in small and medium scale enterprises and will push majority of factories out of its coverage. Similarly raising the threshold employment ceiling of 20 to 50 workers for registration of contractors will enable the Principal employer and contractor to become unaccountable for service conditions of the workers in a large number of enterprises. It is unfortunate that the Govt. being model employer deploys the largest number of contract workers and thereby depriving them of the security of job, wage and social security benefits. The amendment bills already introduced in Parliament by the Central Govt. on Factories Act, Labour Laws (Exemption from furnishing returns and maintaining registers for certain establishments Act and Apprentices Act are also designed to bring about such changes which will adversely affect the service conditions of the workers throwing overwhelming majority of them out of the coverage of all basic labour laws. The Factories Act amendment bill introduced in Lok Sabha on 7th August, 2014 further liberalises the coverage of factories under the Act as amendment proposed in definition of factories (Section 2m) authorises States to fix number of workers for coverage under the Act. This will legitimise amendment already passed by Rajasthan Assembly on 31st July, 2014. The Central Govt. is also considering amendments in Minimum wages Act and Industrial Disputes Act. The amendment to Apprenticeship Act will pave the way for replacement of the contract/casual/temporary workers and even regular workers by comparatively low paid apprentices. Moreover, these amendments will straightaway empower and encourage the State Governments to bring about pro-employer changes in labour laws as per the Rajasthan model. The process of amendments in Labour laws is also aimed to do away with tripartite consultation mechanism.

In essence, all moves of amendments in the labour laws, both by the Central Government and by the Govt. in Rajasthan are aimed at empowering the employers to retrench/layoff workers or declare closure/shut down at will and also resort to mass scale contractorisation. These are also designed to push out more than seventy per cent of the industrial and service establishments in the country and their workers out of the purview of almost all labour laws, thereby allowing the employers as free hand to further squeeze and exploit the workers.”

Item No. 9.

Remove the Bonus ceiling;

Barring the Railways, Defence production units and Postal Department, Bonus is paid to the Central Government employees on adhoc basis. The 30 days adhoc bonus is the maximum that is provided to them. The 4th and 5th Central Pay Commissions had recommended the introduction of productivity linked bonus scheme to all Departments as is presently the case in the three Departments mentioned above. Even the scheme of PLB is not uniform in as much as the Postal Department introduced an artificial ceiling of 60 days on the entitled number of days of bonus whereas no such ceiling exist either in the Railways or in the Defence Production organisations. The Government is yet to implement the above recommendations of 4th & 5th CPCs even though several rounds of discussions on the subject were held. There is no reason whatsoever, as to why this recommendation could not be implemented. There had been no rise in the adhoc bonus for past a decade even though there had been considerable amount of increase in the case of PLB over the years. The Department of Personnel and Expenditure may be advised to finalise the PLB scheme without further delay for those who are in receipt of adhoc bonus. Even though Bonus Act is said to have no application or relevance to the Productivity linked Bonus or adhoc bonus, the provisions of the said Act is employed to deny the entitled bonus to the Government employees on the basis of their emoluments. The bonus entitlement in both the cases is restricted to the computation based on the notional emoluments of Rs. 3500. Presently even a casual worker is entitled to get a monthly wage of more than Rs. 3500. The minimum wage as on 1.1.2006 determined by the 6th CPC in respect of Central Government employees is Rs. 7000. By artificially linking the restriction of emoluments stipulated by the Bonus Act, the employees are denied their legitimate entitlement of Bonus. The Bonus entitlement must be computed on the basis of the actual emoluments of an employee.

Item No. 10

Ensure five promotions in the service career.

For the efficient functioning of an institution, the primary pre-requisite is to have a contended workforce. It is not only the emoluments, perks and privileges that motivate an employee to give his best. They are no doubt important. But what is more important is to provide them a systematic career progression. The present system of career progression available in the All

India Services and the organised group A Civil services attracts large number of young, talented and educated persons to compete in the All India Civil Service Examination. No different was the career progression scheme available in the subordinate services in the past. Persons who were recruited to subordinate services were able to climb to Managerial positions over a period of time. The situation underwent vast changes in the last two decades. In most of the Departments, stagnation has come to stay. It takes decades to be promoted to the next higher grade in the hierarchy. It was the recognition of the lack of promotional avenue in the subordinate services that made the 5th CPC to recommend a time bound two career progression scheme. However, this has not gone to address the inherent problem of demotivation that has crept in due to the high level of stagnation. In most of the Departments, the exercise of cadre review which was considered important was not carried out. Any attempt in this regard was restricted to Group A services. The discontent amongst the employees in the matter is of high magnitude today. It is, therefore, necessary that every Department is asked to undertake to bring about a cadre composition and recruitment pattern in such a manner that an employee once recruited is to have five hierarchical promotions in his career as is presently the position in the All India Services and in the organised Group A services.

OOo