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केन्द्रीय सरकारी कर्मचारियों
के लिए

संयुक्त परामर्श तंत्र

तथा

अनिवार्य विवाचन

का

ब्रोचर

BROCHURE
ON

JOINT CONSULTATIVE MACHINERY
AND

COMPULSORY ARBITRATION
FOR

CENTRAL GOVERNMENT EMPLOYEES

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

कार्मिक तथा प्रशिक्षण विभाग

GOVERNMENT OF INDIA

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INTRODUCTION

1. A Scheme for joint consultation with the organisations of Government servants on the pattern of the Whitely Machinery in the U.K. was recommended by the Second Pay Commission (1959). After working out the details in consultation with the leaders of the employees, the Scheme (Appendix I) was introduced in 1966. It broadly covers over 95% of the regular civil employees of the Central Government including industrial employees working in departmentally run undertakings like the Railways and the Workshops/Production Units of various Ministries. The Scheme is a voluntary one, and the Government as well as the Staff Associations/Unions participating in the Scheme are required to subscribe to a Declaration of Joint Intent (Appendix II), which inter alia provides for abjuration of agitational methods by the Staff Unions/Associations for redressal of their grievances.

Objective

2. The Scheme has been introduced with the object of promoting harmonious relations and of securing the greatest measure of cooperation 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.

Applicability

3. The scheme covers all regular civil employees of the Central Government, except :

- (a) the Class I services;
- (b) the Class II services, other than the Central Secretariat Services and the other comparable services in the headquarters organisation of the Government;
- (c) persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity draw salary in scales going beyond Rs. 2900/- per mensem; 4200/-
- ✓ (d) employees of the Union Territories; and
- (e) police personnel.

Scope of Joint Councils

4. The scope of the Joint Councils includes all matters relating to conditions of service and work, welfare of employees and improvement of efficiency and standards of work, provided, however, that (i) in regard to matters of recruitment, promotion and discipline, consultation is limited to matters of general principles only, and (ii) individual cases are not considered. While the National Council deals only with matters affecting Central Government employees generally, such as pay of common categories of staff, allowances, etc., the Departmental Council deals with matters affecting only the employees in the Ministries/Departments concerned. The Office/Regional Councils deal with regional or local issues only.

Structure of Joint Councils

5. The Scheme provides for setting up Joint Councils at the National, Departmental and Regional/Office levels. The National Council is the apex body. Its Constitution is given in Appendix III. The detailed rules governing the Conduct of Business of the National Council are given in Appendix IV. Departmental Councils under the Scheme are set up in the Ministries/Departments. A Model Constitution of the Departmental Council is added at Appendix V. There will normally be one Departmental Council for each Department. For two or more small Departments under a Ministry, there may, however, be a single Council, especially if the nature of duties in the departments are similar. The instructions governing the Conduct of Business of the Departmental Councils are at Appendix VI. There will also be Regional/Office Councils where the structure of a department permits the setting up of such a Council. The Model Constitution of the Office Council is at Appendix VII.

Composition of Joint Councils

6. Composition of various Joint Councils is as follows:

	Maximum number of representatives	
	Official side	Staff side
National Council	25	60
Departmental Council	10	20 to 30
Office Council	5	8

6.1 The Chairman may, in addition, nominate any temporary member to the Official Side in connection with any particular item to be discussed at the meeting of the Council.

Distribution of staff side seats

6.2.1 Where there are two or more Unions/Associations representing different categories of staff the Chairman shall distribute the total permissible representation on the Council on the basis of the respective numerical strengths of the categories concerned.

6.2.2 Where there are two or more Associations/Unions representing the same categories of staff the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Association.

6.2.3 If there has been change in the membership of the Association/Union proportional representation given could only be changed after verification of membership to be done in the manner advised by the Chief Labour Commissioner.

6.2.4 Distribution of seats may also be done by the Chairman in consultation with the Associations/Unions in any other manner acceptable to Associations/Unions.

Nominations of representatives on the Staff Side

6.3.1 At the commencement of the constitution and thereafter when occasions arise each recognised employees organisation which term shall include a Federation, a Confederation, an Association and a Union eligible for representation on the Council, shall be intimated the number of members it may nominate on the Council.

6.3.2 In the case of C.S.S. categories of staff nominations to the Staff Side from amongst the Staff of the Ministry will be made by the concerned Central Associations/Unions/Federations recognised by the Government.

6.3.3 On receipt of intimation, a recognised employees' organisation may intimate the names of its representatives nominated by its Executive Committees.

6.3.4 In the event of retirement, resignation, death, etc., of a representative of an employees' organisation such organisation may nominate or, in the case of retirement, renominate its representative.

6.3.5 On receipt of intimation from the organisation the Chairman of the Council shall consider whether the nomination is in accordance with the provisions of the Scheme and inform the employees' organisation concerned.

GOI Decisions

(1) (i) According to the provisions of the Scheme, representation on a Joint Council can be had by employees of any particular grade only through their Association/Union, duly recognised for the purpose. Therefore, before any category of staff can be considered eligible for representation on a Joint Council, they would have to organise themselves into an Association/Union and get it recognised. Employees who do not do so, will not be eligible for representation on a Joint Council.

(ii) The representatives of the Staff Side on the Departmental Council will be chosen directly from recognised Associations/Unions and not from Regional/Zonal/Office Councils. (O.M. No. 1/2/64-JCA, dated 14-1-1964).

Term of Membership

✓ 6.4.1 The employees' organisations will nominate their representatives for a term of 3 years; but there will be no bar to renomination.

6.4.2 Vacancies caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term. An Association may replace on the Council such of its representatives as have ceased to be its office-bearer at annual elections or by exigencies such as a vote of no confidence.

6.4.3 For the purposes of nomination of the Staff Side, only those Federations, Associations/Unions will be recognised which had enjoyed recognition before 1966 and which represent broadly and adequately all the categories of employees of a Department. However, in the case of Department where there has been no recognised Federation/Association/Union in the past, or where the existing Federation etc, does not represent all the categories adequately, will another Association/Union be recognised.

✓ 6.4.4 No person who is not an employee or an honorably retired employee of the Central Government shall be a member of the Council.

GOI decisions

(1) There are certain categories of staff holding isolated posts who cannot form an association either because of their small number or because they are scattered over a number of Ministries/Departments and there is no single authority to accord recognition to their association. Such staff may be allowed to join Service Association of another comparable category of employees. (OM No. 1/2/64-JCA, dated 14-1-1964).

(2) After giving the concerned recognised Associations/ Unions of employees a reasonable opportunity and time to send their nominations of the Staff Side, Ministries/ Departments may proceed to set up their Councils and convene meetings thereof, as soon as nominations of at least 1/3rd of the total strength of the Staff Side of the Office Councils, which constitute the required quorum are received and accepted and that, in the interest of the early setting up of the Office Councils, it is not necessary to wait till all the nominations of the Staff Side seats are received. Till majority of the staff of the Ministry is represented in the Office Council, however, the matters to be discussed (within the scope and function laid down in the constitution of the Council) would be those which pertain to the categories of staff represented therein. (O.M. No. 5/1/72-JCA, dated 21-3-1972).

(3) Nominations to the Staff Side of an Office Council should be from amongst the staff of the Office/establishment for which the Office Council has been constituted. Similarly, an honorably retired employee, who is permitted by Government to be a member of the Office Council, should also, but for his retirement fulfill this condition. The same condition applies in the case of ex-employees as well. (O.M. No. 5/10/71-JCA, dated 21-11-1972).

(4) Class IV staff in the Attached Offices which are included Offices for Central Secretariat Service, Central Secretariat Stenographers Service and Central Secretariat Clerical Service will also have representation on the Departmental Council to be set up in the Department of Personnel and Training for Central Secretariat Services and other comparable services. (O.M. No. 1/2/64-JCA, dated 11-3-1964).

(5) Central Government employees holding Class III posts of Staff Car Drivers, Despatch Riders and Gestetner Operators in the Ministries/Departments and in the Attached Offices which are included offices for Central Secretariat Service, Central Secretariat Stenographers Service and Central Secretariat Clerical Service will also have representation on the Departmental Council to be set up in the Ministry of Personnel for Central Secretariat Services and other comparable services. (O.M. No. 1/2/64-JCA, dated 8-12-1965).

(6)

(6) The common service problems of a CSS Cadre may be discussed in the Office Council of the cadre authority (main Ministry/Department controlling the cadre), and the recognised staff associations representing the CSS categories of staff, i.e., the staff of the Central Secretariat Service, Central Secretariat Stenographers Service and the Central Secretariat Clerical Service, may be allowed to nominate their representatives to the Office Council of the cadre authority from among the staff working in any of the Offices included in the CSS cadre, and not necessarily only from the staff working in the Office of the cadre authority. (O.M. No. F-2/9/73-CS. IV, dated 20-12-1973).

(7) Wherever the C. S. cadre (CSS, CSSS, CSCS) comprise offices other than those of the cadre authority itself, one representative each of the Staff Side of the Office Council of the Units participating in that cadre should be asked to attend the meetings of the Office Council of the cadre authority. Such special invitees (to be treated as regular member) as per O.M. No. 2/95/78-CS. IV, dated 28-9-1989, would be allowed to participate in the discussion in the meetings of the Office Councils of the cadre authority only on items pertaining to that cadre of the CSS/CSCS/CSSS as a whole and not in respect of other matters which fall exclusively within the jurisdiction of the Office Council of the cadre authority. For this purpose, as soon as the agenda for the meeting of the Office Council of the office of the cadre authority is settled, the cadre authority may write to its individual units for obtaining the names of the representatives of the appropriate Staff Side of the respective Office Council of the office of the cadre authority. The representatives in question would be chosen by the Staff Side of the respective Office Council, in the individual units and intimation of the names would be made to the administrative office of the participating units. The Office Councils, if they so choose, can also nominate a representative, for such time till he is replaced later by another, instead of nominating a representative on each occasion to serve in the Office Council of the cadre authority when common service problems of the cadre are discussed in the Office Council of the office of the cadre authority. (No. 2/9/77-CS(IV), dated 17-1-1978).

(8) In addition to "special invitees", one more member, to be nominated jointly by all the CSCS/CSSS/CSS Associations, will also be permitted on the main Office Council (of the cadre authority) enjoying the status of regular members. (O.M. No. 2/95/78-CS(IV), dated 28-9-1989).

(9) Continuation of the membership of a member, who becomes an ex-employee on his retirement, is possible provided :

- (a) the association/union which has nominated the member intimates the Ministry/Department concerned its desire to continue him as a member even after retirement from Government service till the completion of the term of three years; and
- (b) the Ministry or Department concerned permits the continuance of such a member after examining the merits of the case. (O.M. No. 3/25/69-JCA, dated 23-8-1969).

(10) **Joint Nominations to National Council.**—Where joint nominations are required to be made by more than one recognised Association/Union to a single (or group of) seat(s) on the Staff Side of the National Council and where there is no unanimity, the nomination(s) may be made on the principle of majority, by the concerned members of the Staff Side of the respective Departmental Council(s) subject to the following conditions :—

- (a) the Departmental Council members would choose by the principle of majority, only from among the nominees of the Associations/Unions in question, and
- (b) the choice would be made only by those members of the Staff Side of the Departmental Council who represent the Unions or Associations grouped together for making a joint nomination to the Staff Side of the National Council. (O.M. No. 3/23/75-JCA, dated 20-1-1976).

(11) It would be desirable to avoid the transfer on deputation to a public undertaking or other establishment, etc. or to a place outside India of an employee, who might be a Staff Side member of a Joint Council, during the period of his tenure as Staff Side member. If, however, such transfer on deputation etc. becomes unavoidable it may be made if he resigns his membership of the concerned Council(s) and the employees' organisation(s), which has/have nominated him to the Joint Council are able to recommend another representative in his place and such nominee is acceptable to the Chairman of the Council concerned in accordance with its constitution. (O.M. No. 3/24/69-JCA, dated 19-7-1970).

Leader of the Staff Side

6.5 The Staff Side shall elect by simple majority, one of its members as its Leader, who shall hold that office for a period of one year but shall be eligible for re-election; a vacancy caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

GOI decision

The Staff Side would speak through their Leader and they should iron-out their differences, if there are any, before their proposals could be considered. (O.M. No. 1/2/64—JCA, dated 1-1-1964).

Secretaries

6.6 The Official and Staff Side may each appoint its Secretary or Secretaries from amongst its representatives.

Conduct of business in the Joint Councils

Frequency of Meetings

7.1.1 The ordinary meetings of the Council shall be held as often as necessary, and not less than once in four months. A notice of an ordinary meeting shall be sent to all members not less than fifteen days before the date of the meeting.

7.1.2 As far as may be possible, the date of the next ordinary meeting shall be fixed at each meeting of the Council.

7.1.3 Meetings of the Joint Council at Office level shall be held at least once in two months.

7.1.4 A special meeting of the Council may be called by the Chairman on his own or on a request from either the Official Side or from the Leader of the Staff Side. A notice of such a meeting shall be sent to all members not less than ten days before the date of meeting.

GOI decision

The meetings of the Departmental Councils should be held regularly in accordance with the relevant provisions in the rules for conduct of business of the various Departmental Councils. (O.M. No. 4/1/67—JCA, dated 5-3-1968).

Quorum

7.2 The quorum shall be 1/3rd each of the strengths of the Official and Staff Sides.

Agenda

7.3.1 A member desiring inclusion of a subject in the agenda of a meeting will communicate the subject together with an explanatory memorandum to the Secretary, Official or Staff Side, as the case may be, at least eight weeks in advance of the meeting. The Secretary concerned shall make sure that the subjects suggested fall within the purview of the Council and, thereafter, place the draft agenda before the Chairman not less than seven weeks before the due date of the meeting, for his approval to their inclusion in the agenda. If any item is not included in the agenda, the Secretary, Staff side or Official side, as the case may be, shall be informed of the fact and the reasons therefor.

7.3.2 The Agenda for an ordinary meeting shall be circulated to all the members not less than thirty days before the meeting.

7.3.3 The agenda for a special meeting shall be circulated simultaneously with the notice of the meeting.

7.3.4 Business not on the agenda may only be taken up with the permission of the Chairman.

7.3.5 A matter disposed of by Council in any manner will not be placed on the agenda during the following 12 months, unless for any special reason the Chairman of the Council directs otherwise.

GOI decisions

(1) (i) The agenda items for the next meeting should be obtained from the Staff Side at least six weeks in advance and should be scrutinised to see that the items are admissible and do not have repercussions on other Departments; if they do the correct forum to discuss such items would be National Council, and a reference may be made to the Department of Personnel and Training at that stage itself so that the issue gets sorted out in time.

(ii) The Agenda items which are not proposed to be admitted should be discussed with the representatives of the Staff Side so that the items can either be modified or dropped after such discussions.

(iii) The items should thereafter be processed with a view to deciding the stand to be taken by the Government on these items and where necessary the concurrence of Internal Finance/Ministry of Finance/Department of Personnel & Training should be obtained well in time so that a decision can be taken in the meeting itself. (O.M. No. 4/2/79—JCA, dated 20-7-80).

(2) Official briefs should be prepared uniformly in which the demand of the Staff Side should be reproduced and thereafter the Official views of the Government should be indicated. The Official Briefs should also indicate the conclusion of the Ministry/Department specifying whether or not the demand can be accepted either in full or in part. (No. 3/37/79—JCA, dated 6-5-1980).

Minutes

7.4 The minutes of a meeting will be drafted under the directions of the Chairman at the meeting and approved by the Council. They will thereafter be circulated to the members of the Council.

Decisions in Joint councils

7.5.1 The Official Side will conclude matters at the meetings of the Council and will not reserve them for latter decision by the Government. Subject to the final authority of the Cabinet, agreements reached between the two sides of the Council will become operative.

7.5.2 If there is no agreement between the two sides, the matter may be transmitted to a Committee of the Council for further examination and report. But, if a final disagreement is recorded and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration if so desired by either side. In other cases, the Government will take action according to its own judgement.

GOI decision

The items proposed by the Staff Side should be examined expeditiously, and, where the Official Side is inclined to concede the whole or part of the demand, the orders of the competent authority should be obtained before the meeting of the Council. Where, however, for any unavoidable reason, the prior orders of the competent authority can not be obtained before the meeting, the item may be deferred for consideration to the next meeting or remitted to a Committee of the Council. This would enable the Official Side to complete the examination of the matter, and to obtain the orders of the competent authority where necessary, before it is taken up for discussion/consideration in the Council or its Committee. (O.M No. 1/5/69—JCA, dated 30-1-1970).

Publications of statements

7.6. Only statements issued under the authority of the Council shall be published; such statements shall be as full and informative as possible.

Standing Committees

7.7.1 The Standing Committees shall frame their own rules of procedures subject to the approval of the Council. The Standing Committees shall not, however, take final decisions on any subjects that come before them and shall transmit their conclusions to the Council, except where powers have been specifically delegated to them.

GOI decisions

(1) (i) Demands of the Staff Side made in the Departmental Council should be scrutinised in advance, and the Ministries/Departments concerned should take a view in the first instance if considered necessary in consultation with Department of Personnel and Training, as to whether they fall within the jurisdiction of the Departmental Council or in the National Council. In the latter case, the Staff Side should be advised suitably. After admission of an item, it would not be proper for the Official Side to disown the item or for the Chairman to disallow discussion on the ground of conflict of jurisdiction.

(ii) If the Staff Side of the Departmental Council do not accept the Official Side view about the arbitrability of an item under the Scheme for JCM, the matter should be referred to Department of Personnel and Training by name to the Joint Secretary or Deputy Secretary in-charge of JCA Section. Till such advice is available, no final disagreement on the disputed item should be recorded, and, the Staff Side in the Council/Committee asked to await the advice of the Department of Personnel and Training as the final authority for deciding on the arbitrability of the issues under the JCM Scheme.

(iii) Department of Personnel and Training alone is competent under the Government of India (Allocation of Business) Rules to decide on all matters relating to the Scheme for JCM including the arbitrability of the item for Joint Council. (O.M. No. 4/2/79—JCA, dated 11-11-1981).

(2) Before a demand is accepted in the meeting of the Departmental Council (which includes Committees also), prior consultations should take place with the authorities concerned e.g., Ministry of Finance, Department of Personnel and Training etc., so as to avoid embarrassing situations subsequently. (D.O. No. 4/2/79—JCA, Dated 3-2-1982).

(3) Whenever there is a scheme/proposal for introduction of new technology in a Ministry/Department, the Staff Side in the concerned Departmental Council may please be consulted before taking a final decision in the matter. (No. 3/42/87—JCA, Dated 25-1-1988).

(4) Staff Side had raised a demand that norms for sanctioning of posts in various grades may be fixed in consultation with the Staff Side (JCM), existing norms being arbitrary. It was also suggested that staff unions should be consulted in the matter of implementing SIU reports. In the National Council (JCM) it was agreed that the report of the SIU will be placed before the respective Departmental Councils. However, the Council will not put any impediment in its implementation. (No. 3/77/91—JCA, Dated 6-2-1992).

ARBITRATION

Scope

8.1.1 Compulsory Arbitration under the Scheme shall be limited to :

- (a) pay and allowances,
- (b) weekly hours of work, and
- (c) leave

of a class or grade of employees.

GOI Decisions

Disputes regarding arbitrability of an item :

(1) In case of doubt whether a demand is arbitrable under Clause 16 of the JCM Scheme or not, the Department of Personnel & Training may be consulted in advance. (No. 4/2/79—JCA, Dated 20-7-1980).

(2) (a) If there is a dispute in the Departmental Council on the arbitrability of an issue after it has been decided to sign a disagreement on the issue, the matter may first be referred to the Department of Personnel and Training to ascertain whether the item would be arbitrable.

(b) If the Department of Personnel and Training is also of the view that the item is not arbitrable, the issue will further be processed by the Department of Personnel and Training as follows :—

- (i) the dispute whether any particular issue is arbitrable under para 16 of the JCM Scheme may be referred to the Attorney General for his opinion.
- (ii) each side may present its views in writing to the Attorney General and there may be no hearing.
- (iii) the opinion of the Attorney General will be binding on both the parties.

(c) The approval of the Cabinet may be obtained for recording disagreement in the Departmental Councils as and when it is finally decided that the item is an arbitrable one.

(d) While adopting the procedure outlined in the preceding paragraphs it should be ensured that there is no unavoidable delay at any stage so that the disagreement could be recorded in the concerned Departmental Council without giving any cause of grievance for delay to the Staff Side. (No. 1/7/87—JCA, dated 15-4-1988).

8.1.2 Cases of individuals shall not be subject to compulsory arbitration.

8.1.3 A dispute shall not be referred to arbitration unless it has been considered by the National Council or the appropriate Departmental Council, as the case may be, and final disagreement between the two sides has been recorded. If there is a dispute relating to an arbitrable matter in a lower council, it will be placed before the Departmental Council concerned.

GOI decision

The Cabinet Note prepared for obtaining approval from Cabinet before signing disagreement with the Staff Side on arbitrable matters under Clause 16 of the JCM Scheme may be prepared on the lines of prescribed model note. (No. 6/26/82—JCA, dated 17-11-1982).

Constitution of Board of Arbitration

8.1.4 On a final disagreement being recorded on an arbitrable matter in the National Council/Departmental Councils, and on either side asking for referring the matter to arbitration, the Government is required to appoint a Board of Arbitration consisting of three members, one drawn from a panel of five names submitted by the Official Side, one from a similar panel submitted by the Staff Side of the National Council and a Chairman who is an independent person. The members and the Chairman are selected by the Minister of Labour. The award of the Board of Arbitration is binding on both the Official and Staff Sides, subject only to the power of Parliament to modify or reject an award on grounds of national economy or social justice.

8.1.5 In determining a dispute the Board of Arbitration shall examine the merits of the case presented by both the official and staff sides, and take into account all other relevant factors including the principles enunciated in any recent report of a Commission of enquiry etc.

Conditions

8.1.6 Before a case is referred to the Board of Arbitration, the following conditions will have to be satisfied :—

- (i) the subject should be one for which compulsory arbitration is provided according to the provisions of clause 16 of the Scheme;
- (ii) the dispute should have been considered either by the National Council or the appropriate Departmental Council;
- (iii) If there is a dispute relating to an arbitrable matter in a Lower Council it will have to be placed before the Departmental Council concerned.

8.1.7 Matters determined by the Government in accordance with the recommendations of a Commission will not be subject to arbitration for a period of 5 years from the date of the recommendation after which they will become arbitrable with reference, as far as possible, to the factors referred to in 8.1.6 above.

Awards of Board of Arbitration

8.2.1 Subject to the overriding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides.

If, for reasons to be recorded in writing, the Central Government is of opinion that all or any of the recommendations of Board of Arbitration should on grounds affecting national economy or social justice be modified, the Central Government shall, as soon as may be, lay before each House of Parliament the report of the Board containing such recommendations together with the modifications proposed and the reasons, therefor, and thereupon Parliament may make such modifications in the recommendations as it may deem fit. Modification may extend to the rejection of a recommendation.

8.2.2 Orders made by the Government in pursuance of recommendations of the Board of Arbitration shall, unless otherwise specified in those recommendations or modified by mutual agreement, remain in operation for a period of 3 years.

GOI decisions

(1) The following procedure may be adopted in processing requests for arbitration :—

- (i) From the National Council, the request for arbitration will be made directly to the Secretary, Ministry of Labour by the Department of Personnel & Training on behalf of the National Council. This will be in the form indicated in the Annexure.
- (ii) From the Departmental Councils, the communication to the Ministry of Labour, as in the Annexure, shall be routed through the Department of Personnel and Training. The Department of Personnel and Training will forward the reference to the Ministry of Labour within a period of 15 days. This time-limit will be strictly observed. (O.M. No. 6/2/67-JCA, dated 2-2-1989).

(2) (i) Para 16 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees lays down that compulsory arbitration would be limited to—(a) pay and allowances; (b) weekly hours of work; and (c) leave, for a class or grade of employees. It is, therefore, to be seen that when an item relating to any of these heads is proposed by the Staff Side for inclusion in the agenda of a Council, it should relate to a class or grade of employees. As regards, items which are non-arbitrable, though no hard and fast rule can be laid down that each item should relate to a class or a grade of employees, it would be better in order to avoid confusion

that the item to be included in the agenda is as precise as possible and indicates clearly the category or categories of employees to which it relates. If necessary, the sponsor should be requested to recast his note so that this case is presented cogently and logically supported by all the facts. The note should indicate, where possible, the approximate financial implications of the proposal as well.

(ii) It may be pointed out in this connection that not all issues which involve an increase in emoluments come automatically within the scope of Clause 16 of the Scheme. Thus a request for advance increment under F. R. 27 within the same scale of pay should not be treated as coming within the scope of compulsory arbitration though it involves an increase in emoluments. This is because the powers under F.R. 27 are administrative powers to be exercised at the discretion of the head of the Department and are not directly related to general claims for increases in emoluments to off set rising costs of living or for other reasons like overtime etc. In case of doubt as to whether an item is arbitrable or not, advice may be sought from Department of Personnel and Training. (O.M. No. 6/2/68-JCA, dated 21-9-68).

Procedure for processing cases of disagreement on arbitrable matters and Awards of Board of Arbitration

(3) (a) Before a disagreement is recorded, the concerned Ministry must obtain approval of the Cabinet for the same. The Draft Note for the Cabinet may be prepared on the lines of the model Note prescribed vide O.M. No. 6/26/82-JCA, dated the 17th November, 1982 and the case may be processed further without any unavoidable delay. After obtaining the approval of the Cabinet, the disagreement could be recorded formally in the concerned Departmental Council/National Council. This procedure should be completed within two months time from the date it is decided to record a disagreement.

(b) If the Staff Side request for making a reference to the Board of Arbitration on the arbitrable item on which

disagreement has been recorded, the request for reference to the Board of Arbitration in the prescribed form (enclosed with the O.M. No. 6/2/67—JCA, dated the 2nd Feb., 1968) along with an extract of the Cabinet decision for recording disagreement may be forwarded to DP & T (in triplicate), for onward transmission to the Ministry of Labour for making a reference to the Board of Arbitration. This should be done within two months' of such a request from the Staff Side.

(c) The Labour Ministry would submit it for arbitration, within 7 days of the receipt of the case.

(d) It has also been felt that the case for the Government is not adequately argued before the Board of Arbitration and subsequently the Government is forced to reject the Award given by the Board of Arbitration. In order to ensure that all aspects of the case are fully and correctly presented to the Board of Arbitration, it has been decided that before the terms of reference are sent by the Ministry to this Department as envisaged in sub-para (2) above, the views of the Department of Personnel and the Ministry of Finance (Department of Expenditure) would be obtained as regards how the case should be presented before the Arbitrators.

(e) Before accepting/rejecting an Award, the case would be placed before the Committee of Secretaries after which the concerned Department or Ministry would submit the case to the Minister of State or Cabinet Minister in charge of the Department for acceptance/rejection of the Award. It is, therefore, requested that suitable action may please be taken to obtain the approval of the Committee of Secretaries before accepting/rejecting the Award. In the event of the Award being accepted with the approval of the Committee of Secretaries, the orders may be issued straightaway under intimation to this Department. In the event of rejection of the Award, as approved by the Committee of Secretaries necessary action may be taken according to the standing instructions for obtaining the approval of the Cabinet.

(f) After the decision (Award) of the Board of Arbitration is received, the Award would either be implemented or resolutions moved in both the Houses of Parliament within six months (proposing modification/rejection of the Award). (O.M. No 3/23/85—JCA, dated 1-6-1988 as modified by O.M. No. 3/23/85—JCA, dated 20-2-1989).

(4) In respect of awards of the Board of Arbitration (JCM) which are proposed to be rejected/modified after obtaining Cabinet approval, formal Resolution may be moved in Parliament to seek the approval of Parliament for rejection/modification of the Award in question instead of just placing the statement of modification/rejection on the Tables of both the Houses. (No. 3/23/85—JCA, dated 20-2-1989).

(5) The Ministry/Department should keep a watch over the cases relating to their Ministry/Department which have been referred to the Ministry of Labour (Admn. I Section) for expeditious finalisation of the pending cases, through the Board of Arbitration under intimation to this Department. If necessary, even the Board of Arbitration may be politely and discretely requested for prompt hearing of the cases pending before them. Needless to say, all the Ministries will no doubt arrange for effective and adequately advocacy of Government cases. It should be enjoined upon officers who argue on behalf of the Government that they must prepare the case well in advance with reference to all relevant data, requisite documents and required answers to the possible supplementaries/questions that may be raised by the Hon'ble Members of the Board of Arbitration. (No. 3/33/85—JCA, dated 29-10-1985).

(6) The Staff Side had been demanding that they may be informed about the Government's proposal to modify or reject an Award. The issue had been considered in the Standing Committee meeting of the National Council (JCM) held on 7th March, 1990 wherein it was decided that the Staff Side would be intimated immediately after a decision is taken to reject or modify the Award. However, it would not be possible to inform the Staff Side the exact date on which the Resolution would be moved in Parliament as it would not be possible to anticipate the business before the Parliament, well in advance. (No. 3/59/89—JCA, dated 6-9-1990).

Non-arbitrable items

9.1. According to Clause 13 of the Scheme, on a matter for which compulsory arbitration is not provided, Government have to take action according to its own judgement. However, a

convention has been evolved under which the Staff Side, if they so desire can place their point of view in respect of disagreements on non-arbitrable items before a Committee of Ministers, which would consist of the Minister in-charge of the JCM Scheme, the Labour Minister and the Minister administratively concerned with the particular subject. (O.M. No. 6/2/68—JCA dated 21-9-1968).

9.2 Instead of routing their references through the JCA Division of the Department of Personnel and Training, the concerned Ministries/Departments would arrange meetings of the Committee of Ministers on the non-arbitrable items concerning their Departmental Councils. (No. 1/1/90-JCA Dated 3-3-1990).

Misc. matters relating to National Council

10. Secretariat of the National Council (JCM) Staff Side may please be placed on their regular mailing list for the purpose of sending the important circulars issued by the concerned Ministries/Departments. Such Circulars may please be endorsed to Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi-110 001. (No. 3/4/90—JCA Dated 23-4-1990).

भाग I
परिशिष्ट
PART I
APPENDICES

APPENDIX I

SCHEME FOR JOINT CONSULTATIVE MACHINERY AND COMPULSORY ARBITRATION FOR CENTRAL GOVERN- MENT EMPLOYEES

With the object of promoting harmonious relations and of securing the greatest measure of cooperation 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 Government of India have decided to establish a machinery for joint consultation and arbitration of unresolved differences. The essential features of the scheme for setting up such a machinery are described below:

Constitution and Procedure

1. The scheme will cover all regular civil employees of the Central Government except:

- (a) the Class I services;
- ✓ (b) the Class II services, other than the Central Secretariat Services and the other comparable services in the head-quarters organisation of the Government;
- ✓ (c) persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity draw salary in scales going beyond Rs. 2900/-* per mensem; L 4200/.
- (d) employees of the Union Territories; and
- (e) police personnel.

2. The machinery will supplement, and not replace, the facilities provided to employees to make individual representations, or to associations** of employees to make representations on matters concerning their respective constituent services, grades etc.

3. There will be a joint council at the national level and usually at two lower levels—departmental, regional/office.

✓ *Amended vide O.M. No. 1/1/87—JCA dated 21-5-87.

** "Association" as used in this scheme includes a trade union of employees.

4. The National Council will deal with matters affecting Central Government employees generally, such as minimum remuneration, dearness allowance and pay of certain common categories, for instance office clerks, peons, and the lower grades of workshop staffs; and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council. Matters of interest to employees of a single Department will not be dealt with by the National Council. The National Council may have two standing committees; one to deal with matters relating to non-industrial staffs and the other to deal with those concerning industrial staffs.

5. (i) A Departmental Council will deal only with matters affecting staff employed in the department or departments concerned.

(ii) There will normally be one Departmental Council for each department. For two or more small departments under a Ministry, there may, however, be a single council, especially if the nature of duties in the departments is similar.

(iii) For the Central Secretariat Services, which though providing staff for all the Ministries are in important matters controlled by the Ministry of Home Affairs, there will be a separate council in that Ministry. Other common categories of office staffs of participating offices may also be included in the same departmental council.

6. There will also be regional and/or office councils where the structure of a department permits the setting up of such councils. These councils will deal only with regional or local questions.

7. (i) The National Council will consist of an official side and a staff side. The official side will be appointed by the Government and may consist of up to 25 members, who will include the Cabinet Secretary, Secretaries, Ministries of Home Affairs, Labour, Communications and Defence, Secretaries, Ministry of Finance, Departments of Expenditure and Revenue, and one of the Secretaries, Ministry of Railways. The staff side may consist of up to 60 members who will be nominated by the recognised associations, in the manner prescribed in this behalf. The Cabinet Secretary will be the Chairman of the Council and the staff side will elect its own leader. Each side will appoint its own secretary or secretaries.

(ii) The Departmental Councils will also be constituted on the same basis. The official head of the Ministry or department will be included in the official side, and will be the Chairman of the Council. The membership of the official side may vary from 5 to 10 and of the staff side, which will be nominated by the recognised associations, from 20 to 30 depending on the total strength of the staff and the number of grades and services in the department.

(iii) The regional and/or office Councils too will be constituted in the same manner. The strength of a regional or office council will be determined by the size of the staff in a region or office, and the head of the region or office will be its chairman.

(iv) No person who is not an employee or an honourably retired employee of the Central Government shall be a member of a joint council.

NOTE :—Government may permit an ex-employee to be a member of a joint council after examining the merits of each individual case.

8. The association will nominate their representatives for a term of 3 years; but there will be no bar to renomination. Vacancies caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

NOTE :—An association may replace on the joint council such of its representatives as have ceased to be its office-bearer at annual elections or by exigencies such as a vote of no confidence.

Scope and Functions

9. The scope of the councils will include all matters relating to conditions of service and work, welfare of the employees, and improvement of efficiency and standards of work, provided, however, that (i) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles and (ii) individual cases will not be considered.

10. The official side will conclude matters at meetings of the councils and will not reserve them for later decision by the Government.

11. A council may appoint committees to study and report on any matters falling within its scope.

12. Subject to the final authority of the Cabinet, agreements reached between the two sides of a council will become operative.

13. If there is no agreement between the two sides, the matter may be transmitted to a committee of the council for further examination and report. But, if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side. In other cases, the Government will take action according to its own judgement.

14. A matter disposed of by a council in any manner will not be placed on the agenda during the following 12 months, unless, for any special reason, the chairman of the council directs otherwise.

15. The councils will frame rules for the conduct of their business.

Arbitration

16. Compulsory arbitration shall be limited to :

- (i) pay and allowances,
- (ii) weekly hours of work, and
- (iii) leave

of a class or grade of employees.

17. Cases of individuals shall not be subject to compulsory arbitration.

18. A dispute shall not be referred to arbitration unless it has been considered by the National Council or the appropriate Departmental Council, as the case may be, and final disagreement between the two sides has been recorded. If there is a dispute relating to an arbitrable matter in a lower council, it will be placed before the Departmental Council concerned.

19. On a final disagreement being recorded as mentioned in clause 18, the Government shall appoint a Board of Arbitration as soon as possible. The Board will consist of 3 members, one drawn from a panel of 5 names submitted by the official side, one from a similar panel submitted by the staff side of the National Council, and a Chairman who will be an independent person. The members and the Chairman will be selected by the Minister of Labour.

20. (i) In determining a dispute the Board of Arbitration shall examine the merits of the case presented by both the official and staff sides, and take into account all other relevant factors including the principles enunciated in any recent report of a Commission of enquiry etc.

(ii) Matters determined by the Government in accordance with the recommendations of a Commission will not be subject to arbitration for a period of 5 years from the date of the recommendations, after which they will become arbitrable with reference, as far as possible, to the factors referred to in (i) above.

21. Subject to the overriding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides.

If, for reasons to be recorded in writing, the Central Government is of opinion that all or any of the recommendations of Board of Arbitration should on grounds affecting national economy or social justice be modified, the Central Government shall, as soon as may be, lay before each House of Parliament the report of the Board containing such recommendations together with the modifications proposed and the reasons, therefor, and thereupon Parliament may make such modifications in the recommendations as it may deem fit. Modification may extend to the rejection of a recommendation.

22. Orders made by the Government in pursuance of recommendations of the Board of Arbitration shall, unless otherwise specified in those recommendations or modified by mutual agreement, remain in operation for a period of 3 years.

APPENDIX II

DECLARATION OF JOINT INTENT REGARDING THE COMMON APPROACH OF THE GOVERNMENT OF INDIA AND THE EMPLOYEES ORGANISATIONS TO WORK THE MACHINERY OF JOINT CONSULTATION AND COM- PULSORY ARBITRATION

This is a declaration of joint intent regarding the common approach of the Government of India on the one hand and the employees' organisations on the other to the creation of the machinery for joint consultation and compulsory arbitration and its smooth working and full utilisation.

General objectives

2. Both the parties are in agreement with the objective of promoting harmonious relations and securing the greatest measure of cooperation between the Central 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 combined with the well-being of those employed.

3. Both parties agree further that there should be full and frank discussion on all matters that come up before the joint councils and that every endeavour should be made to reach agreement on such matters.

4. The Government :

- (a) are desirous of promoting healthy development of organisations of Government employees, and
- (b) have noted the fear of victimisation expressed by certain representatives of the Government employees' organisations and purpose to make suitable provision in the rules, etc., to ensure that no office bearer of union/association is victimised for legitimate association/trade union activities.

5. The associations/unions :

- (a) agree to give a fair trial to the scheme of joint consultation and compulsory arbitration for a minimum period of 5 years.
- (b) agree that during this period of trial all disputes shall be resolved through the machinery of joint consultation and compulsory arbitration.

6. The Government of India and the unions/associations agree that failing the settlement of a dispute by negotiation, arbitration shall be open to Government departments on the one hand and to recognised associations/unions of Government employees within the scope of National Joint Council and of the Departmental Councils on the other hand, on an application by either party in regard to certain matters affecting conditions of service subject to limitations and conditions hereinafter defined.

7. Both the parties are agreed :

that where there is a failure to agree on a claim falling within the limits set out below the case shall be reported by or on behalf of either of the parties to the Ministry of Labour and Employment for reference to arbitration by a Board of Arbitration consisting of 3 members, one drawn from a panel of 5 names submitted by the official side, one from a similar panel submitted by the staff side of the National Council, and a Chairman who will be an independent person. The members and Chairman shall be selected by the Minister of Labour.

8. The rights of either party to take a claim to arbitration shall be as follows :

- (a) it shall cover only those associations/unions to whom the scheme for joint consultation and compulsory arbitration is applicable;
- (b) it shall be limited to :
 - (i) pay and allowances,
 - (ii) weekly hours of work, and
 - (iii) leave;of a class or grade of employees;
- (c) cases of individuals shall not be subject to compulsory arbitration;
- (d) a dispute shall not be referred to arbitration unless it has been considered by the National Council or the appropriate Departmental Council, as the case may be, and final disagreement between the two sides has been

recorded. If there is a dispute relating to an arbitrable matter in a lower council, it will be placed before the Departmental Council concerned;

- (e) (i) while considering a dispute referred to it, the Board of Arbitration shall examine the merits of the cases presented by both the official and the staff sides, and take into account all other relevant factors including the principles enunciated in any recent report of a Commission of enquiry, etc., appointed by the Government;

(ii) matters determined by the Government in accordance with the recommendations of a Commission will not be subject to arbitration for a period of 5 years from the date of the recommendations, after which they will become arbitrable again;

- (f) subject to the over-riding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides. If, for reasons to be recorded in writing, the Central Government is of opinion that all or any of the recommendations of a Board of Arbitration should on grounds affecting national economy or social justice be modified, the Central Government shall, as soon as may be, lay before each House of Parliament the report of the Board containing such recommendations together with the modification proposed and the reasons therefor, and thereupon Parliament may make such modifications in the recommendations as it may deem fit; and

- (g) orders made by Government in pursuance of recommendations of the Board of Arbitration shall, unless otherwise specified in those recommendations or modified by mutual agreement, remain in operation for a period of 3 years.

9. Both the parties are agreed that any provision of this declaration or of the scheme could be amended by mutual agreement at any time.

APPENDIX III

CONSTITUTION OF THE NATIONAL COUNCIL

1. Short title

This Constitution may be called the Constitution of the National Council under the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees.

2. Application

Subject to the provisions of the Scheme for Joint Consultative Machinery and Compulsory Arbitration this Constitution shall cover, as far as may be, all Ministries and Departments of the Central Government.

3. Objects

The object of the Council is to promote harmonious relations and to secure the greatest measure of cooperation 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 of efficiency of public services combined with the welfare of those employed.

4. Scope and functions

(1) The scope of the Council will include all matters relating to conditions of service and work welfare and improvement of efficiency and standards of work of all regular civil employees of the Central Government except:

- (a) the class I services;
- (b) the class II services, other than the Central Secretariat Services and the other comparable services in the head quarters organisation of the Government;
- (c) persons in industrial establishments employed mainly in managerial or administrative capacity and those who being employed in supervisory capacity draw salary in scales going beyond Rs. 2900/- per mensem;
- (d) employees of the Union Territories; and

- (e) Police personnel and personnel of the Railway Protection Force.

Provided, however, that—

- (i) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles;

- (ii) individual cases will not be considered.

(2) The Council will deal with matters affecting Central Government employees generally, such as minimum remuneration, dearness allowance and pay of certain common categories, for instance office clerks, peons, and the lower grades of workshop staffs and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council.

(3) Matters of interest to employees of a single Department will not be dealt with by the National Council.

5. Members of the Council

- (1) The Council shall consist of—

(A) *Chairman*: The Cabinet Secretary.

(B) (i) *Representatives on the Official Side*:

(1) Ministry of Railways (Railway Board)—Chairman or Member (Staff) or Additional Member (Staff).

(2) Ministry of Railways (Railway Board)—Financial Commissioner or Additional Member (Finance).

(3) Ministry of Defence (Secretary, Defence).

(4) Ministry of Defence (Deptt. of Defence Production)—(Secretary, Defence Production).

(5) Department of Communications—(Secretary, Communications).

(6) Ministry of Communication—Senior Member (Posts) or Senior Member (Telecom. Operations) Posts and Telegraphs Board.

(7) Ministry of Finance—Senior Member (Finance) Posts and Telegraphs Board.

- (8) Ministry of Finance—Finance Secretary.
- (9) Comptroller and Auditor General—(Senior Deputy Comptroller and Auditor General).
- (10) Ministry of Agriculture—(Secretary—one).
- (11) Ministry of Edu. & Social Welfare—(Secretary—One).
- (12) Ministry of Tourism & Civil Aviation—(Secretary).
- (13) Ministry of Home Affairs—(Home Secretary).
- (14) Ministry of Works & Housing—(Secretary).
- (15) Department of Personnel—(Secretary).
- (16) Department of Labour & Employment—(Secretary).
- (17) Department of Personnel—(Joint Secretary—Estt. Wing).
- (18) Ministry of Finance—(Joint Secretary—Pers.).
- (19) Chief Economic Advisers to the Government of India.
- (20) Department of * Expenditure (Defence Divn.)—Additional Financial Adviser.

(ii) *Temporary Members*

The Chairman may, from time to time, nominate such number of temporary members belonging to any Ministry/Department of the Government of India as, together with the Chairman and the permanent members specified above, will not exceed 25.

(iii) *Expert Advisers*

The Chairman may invite experts to the meetings of the National Council, whenever he considers that for discussion of particular items their advice would be of value.

(C) *Representatives on the staff Side*

There shall be not more than 60 members on the Staff Side nominated by the Association/Unions, Federations/Confederations recognised for the purpose of representation on the National Council. The distribution of the staff side seats between the Ministries/Departments is shown in the Annexure.

NOTE 1.—Where there are two or more Unions/Associations representing different categories of staff the Chairman shall distribute the total permissible representation on the Council on the basis of the respective numerical strengths of the categories concerned.

NOTE 2.—Where there are two or more Associations/Unions representing the same categories of staff the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Association.

NOTE 3.—If there has been change in the membership of the Association/Union proportional representation given could only be changed after verification of membership to be done in the manner advised by the Chief Labour Commissioner.

NOTE 4.—Distribution of seats may also be done by the Chairman in consultation with the Associations/Unions in any other manner acceptable to Associations/Unions.

NOTE 5.—For the purposes of nomination of the Staff Side, only those federations, associations/unions will be recognised which had enjoyed recognition in the past and which represent broadly and adequately all the categories of employees of a Department. However, in the case of Department where there has been no recognised federation/association/union in the past, or where the existing federation etc. does not represent all the categories adequately, will another association/union be recognised. This arrangement is only for an experimental period of one year at an end of which the Government will review the whole question of recognition.

✓(D) *Secretaries*

The Official and Staff Side may each appoint its Secretary or Secretaries from amongst its representatives.

(E) *Leader*

The Staff Side shall elect by simple majority, one of its members as its Leader, who shall hold that office for a period of one year but shall be eligible for re-election; a vacancy—caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

(F) Permanent Secretariat

There shall be a permanent Secretariat of the Council under the control of the Chairman.

(2) No person who is not an employee or an honourably retired employee of the Central Government shall be a member of the Council.

NOTE.—Government may permit an ex-employee to be a member of a joint council after examining the merits of each individual case.

6. Nomination of representatives on the Staff Side by recognised Employees' Organisations.

(1) At the commencement of the constitution and thereafter when occasions arise each recognised employees' organisation which term shall include a Federation, a Confederation, an Association and a Union eligible for representation on the Council, shall be intimated in Form 'A' the number of members it may nominate on the council.

(2) On receipt of intimation as in clause (1), a recognised employees' organisation may intimate in Form 'B' the names of its representatives nominated by its Executive Committees.

(3) In the event of retirement, resignation, death, etc. of a representative of an employees' organisation such organisation may nominate or, in the case of retirement, re-nominate its representative in Form 'C'.

(4) On receipt of intimation under clause (2) or (3) above, as the case may be, the Chairman of the Council shall consider whether the nomination is in accordance with the provisions of the Scheme and inform the employees' organisation concerned.

7. Term of Membership

(1) The employees' organisations will nominate their representatives for a term of 3 years; but there will be no bar to renomination. The Chairman may, however, permit a change of a representative once in a year if he ceases to be an office-bearer of an Association/Union after its annual election.

(2) Vacancies caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

NOTE.—An association may replace on the Council such of its representatives as have ceased to be its office-bearer at annual elections or by exigencies such as a vote of no confidence.

8. Standing Committees

The Council may have the following Standing Committees :—

(A) *Industrial Standing Committee :*

It shall deal with matters relating to industrial staff only and shall be appointed by the Council.

(B) *Non-Industrial Standing Committee :*

It shall deal with matters relating to non-industrial staff and shall be appointed by the Council.

9. Delegation

The Council may delegate to the Standing Committees such powers as it may consider necessary for the expeditious disposal of business.

10. Appointment of Committees

The Council and its Standing Committees may appoint a Committee from amongst their members to study and report on any matters falling within their scope.

ANNEXURE

(Vide clause 5(1) (c) of the Constitution of the National Council)

DISTRIBUTION OF STAFF SIDE MEMBERSHIP AMONG MINISTRIES

S. No.	Name of Ministry/Department	No. of seats allotted
1.	Ministry of Railways.	26
2.	Ministry of Communications.	7
3.	Ministry of Defence.	6
4.	Ministry of Finance.	4
5.	Department of Works & Housing.	2
6.	Department of Supply.	1
7.	Indian Audit & Accounts Department.	2
8.	Ministry of Home Affairs, Department of Personnel, U.P.S.C., Department of Parliamentary Affairs, Prime Minister's Secretariat, President's Secretariat, Ministry of Law, Ministry of External Affairs, Ministry of Petroleum and Chemicals and Department of Company Affairs.	2
9.	Ministry of Agriculture.	1
10.	Ministry of Education and Social Welfare.	1
11.	Ministry of Labour and Rehabilitation.	1
12.	Ministry of Tourism & Civil Aviation.	1
13.	Ministry of Information & Broadcasting.	1
14.	Department of Mines.	1
15.	Department of Atomic Energy.	1
16.	Ministry of Health & Family Planning.	1
17.	Planning Commission & Cabinet Secretariat. (excluding Deptt. of Personnel).	
18.	Ministry of Foreign Trade.	
19.	Min. of Industrial Development and Department of Steel.	1
20.	Ministry of Irrigation and Power.	
21.	Ministry of Shipping & Transport.	1
TOTAL		60

(35)

(36)

FORM A.

No.

Dated-----

To,

The President/Secretary,
(Name of Association/Union)

SUBJECT.—Nomination of representatives on the Staff Side
of the National Council.

Sir,

In accordance with the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees, your Association/Union/Federation is required to nominate ----- (State the number) member(s) on the Staff Side of National Council. A copy each of the Scheme and the Declaration of Joint Intent to which your Association/Union/Federation will have to subscribe are enclosed.

You are requested to intimate to me within 15 days of the date of issue of this letter the name(s) of the nominee(s) of your Association/Union/Federation in duplicate as in the form enclosed.

Yours faithfully,

Secretary to the Govt. of India,

Ministry of-----

(37)

FORM B

(To be furnished in duplicate)

From

The President/Secretary,

(Name of the Association/Union/Federation)

Dated _____

To,

The Secretary to the Govt. of India,

Ministry of _____,

New Delhi.

SUBJECT.—Nomination of members on the Staff Side of the
National Council.

Sir,

With reference to your letter No. _____ Dated _____
on the above subject, I am directed to say that the Executive
Committee* of Association/Union/Federation has considered
the Scheme for Joint Consultative Machinery and Compulsory
Arbitration for Central Government Employees and subscribes
to the Declaration of Joint Intent. The Executive Committee*
has nominated the following person(s) to represent it on the
Staff Side of the Council :—

Name	Office and appointment held	Address
------	-----------------------------	---------

An authenticated copy of the resolution of the Executive
Committee* of the Association/Union is enclosed.

2. Please acknowledge this communication.

Yours faithfully,
President/Secretary

*NOTE : As applicable according to the Constitution of the Association/
Union.

FORM C

From

The President/Secretary,
(Name of the Association/Union).

Dated -----

To

The Chairman.
National Council.

SUBJECT : Nomination of members on the Staff Side of the
National Council.

Sir,

Consequent upon the retirement/resignation/transfer/death
etc. of Shri ----- on
(date) ----- who was representative of my
Association/Union on the Staff Side of the Council, I am directed to say that the Executive Committee* of Association/Union
has nominated/re-nominated Shri -----
(appointment held) ----- of -----
(office) ----- (address) -----
as its representative on the Staff Side. An authenticated copy of
the resolution of the Executive Committee* is enclosed.

2. Please acknowledge this communication.

Yours faithfully,
President/Secretary

*NOTE : As applicable according to the Constitution of the Association/
Union.

APPENDIX IV
RULES FOR CONDUCT OF BUSINESS OF THE NATIONAL COUNCIL

The following rules shall govern the conduct of business of the National Council under the scheme for joint consultative machinery and compulsory arbitration for Central Government employees :

1. Short title

These rules may be called the rules for the Conduct of Business of the National Council.

2. Meetings

(1) The ordinary meetings of the Council shall be held as often as necessary, and not less than once in four months. A notice of an ordinary meeting shall be sent to all members not less than fifteen days before the date of meetings.

As far as may be possible, the date of the next ordinary meeting shall be fixed at each meeting of the Council.

(2) A special meeting of the Council may be called by the Chairman on his own or on a request from either the Official Side or from the Leader of the Staff Side. A notice of such a meeting shall be sent to all members not less than ten days before the date of meeting.

3. Quorum

The quorum shall be 1/3rd each of the strengths of the Official and Staff Sides.

4. Agenda

(1) A member desiring inclusion of a subject in the agenda of a meeting will communicate the subject together with an explanatory memorandum where necessary, to the Secretary, Official or Staff Side, as the case may be, at least eight weeks in

advance of the meeting. The Secretary concerned shall make sure that the subjects suggested fall within the purview of the Council and, thereafter, place the draft agenda before the Chairman not less than seven weeks before the due date of the meeting, for his approval to their inclusion in the agenda. If any item suggested by a member is not included in the Agenda, the member concerned shall be informed of the fact and the reasons therefor.

(2) The agenda for an ordinary meeting shall be circulated to all the members not less than thirty days before the meeting.

(3) The agenda for a special meeting shall be circulated simultaneously with the notice of the meeting.

(4) Business not on the agenda may only be taken up with the permission of the Chairman.

(5) A matter disposed of by Council in any manner will not be placed on the agenda during the following 12 months, unless for any special reason the Chairman of the Council directs otherwise.

5. Minutes

The minutes of a meeting will be drafted under the directions of the Chairman at the meeting and approved by the Council. They will thereafter be circulated to the members of the Council.

6. Decisions

(1) The Official side will conclude matters at the meetings of the Council and will not reserve them for later decision by the Government. Subject to the final authority of the Cabinet, agreements reached between the two sides of the Council will become operative.

(2) If there is no agreement between the two sides, the matter may be transmitted to a Committee of the Council for further examination and report. But, if a final disagreement is recorded and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration if so desired by either side. The Chairman of the Council shall make a report to the Labour Minister for reference to the Board of Arbitration within a week of the final disagreement being recorded. In other cases, the Government will take action according to its own judgment.

7. Publication of statements

Only statements issued under the authority of the Council shall be published; such statements shall be as full and informative as possible.

8. Standing Committees

(1) The Standing Committees shall frame their own rules of procedures subject to the approval of the Council. The Standing Committees shall not, however, take final decisions on any subjects that come before them and shall transmit their conclusions to the Council for decision except where powers have been specifically delegated to them by the Council under Article 9 of the Constitution of the National Council.

(2) The Standing Committees and their members shall not give publicity to their recommendations and any statements for publicity shall only issue from the National Council in the manner prescribed in Rule 7.

APPENDIX V
MODEL CONSTITUTION OF THE DEPARTMENTAL
COUNCILS

Ministry/Department of.

1. Short title

This Constitution may be called the Constitution of the Departmental Council of the Ministry/Department of under the scheme for joint consultative machinery and compulsory arbitration for Central Government employees.

2. Application

This Constitution shall cover all the regular civil employees of the Central Government for whom the scheme is applicable in the Ministry/Department of and the following subordinate and attached offices of the Department :

(a)

(b)

(etc.)

3. Objects

The object of the Council is to promote harmonious relations and secure the greatest measure of co-operation between the Central Government in its capacity as employer, and the general body of its employees in matters of common concern and further to increase the efficiency of the public services combined with the well being of those employed.

4. Scope and Functions

The scope of the councils will include all matters relating to conditions of service and work, welfare of the employees, and improvement of efficiency and standard of work, provided, however, that (i) in regard to recruitment, promotion and discipline consultation will be limited to matters of general principles and (ii) individual cases will not be considered.

Matters affecting Central Government employees generally, and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council shall be dealt with by the National Council.

5. Members of the Council

The Council shall consist of—

- (a) *Chairman* (Designation).
- (b) *Representatives on the official side*
 - (i) Besides the Chairman there shall be (state the number) members on the official side to be nominated by Government or Head of Department/Office :
 - (ii) *Temporary Members* :—The Chairman may, from time to time, nominate such number of temporary members belonging to any Ministry/Department/Office of the Government of India as, together with the Chairman and the permanent members specified above will not exceed 10.
 - (iii) *Expert Advisers*.—The Chairman may invite experts to the meetings of the Departmental Council, whenever he considers that for discussion of particular items their advice would be of value.
- (c) *Representatives on the staff side*.

There shall be (state the number) members on the staff side as follows :

- (i) (State the number) members nominated by Association/Union.
- (ii) (State the number) members nominated by Association/Union.

NOTE 1.—Where there are two or more Unions/Associations representing different categories of staff the Chairman shall distribute the total permissible representation on the Council on the basis of the respective numerical strengths of the categories concerned.

NOTE 2.—Where there are two or more Associations/Unions representing the same categories of staff, the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Association.

NOTE 3.—If there has been change in the membership of the Association/Union proportional representation given could only be changed after verification of membership to be done in the manner advised by the Chief Labour Commissioner.

NOTE 4.—Distribution of seats may also be done by the Chairman in consultation with the Association/Union in any other manner acceptable to Associations/Unions.

NOTE 5.—For the purpose of nomination on the Staff Side only those Federations/Associations/Unions will be recognised which have enjoyed recognition in the past, and which represent broadly and adequately all the categories of employees of a Department. However, in the case of a Department where there has been no recognised Federation/Association/Union in the past where the existing Federation/Association/Union does not represent all the categories adequately, another Federation/Association/Union may be recognised.

NOTE 6.—No person who is not an employee or an honourably retired employee of the Central Government shall be a member of a Joint Council.

NOTE.—Government may permit an ex-employee to be a member of a council after examining the merits of each individual case.

(d) *Secretaries*

The Official and Staff Sides may each appoint its Secretary or Secretaries from amongst its representatives.

(47)

FORM B

(To be furnished in duplicate)

From

The President/Secretary,
(Name of Association/Union/Federation).

Dated

To

The Secretary to the Govt. of India,
Ministry/Department of
New Delhi.

SUBJECT:—Nomination of members on the Staff Side of
the Departmental Council.

Sir,

With reference to your letter No. Dated
on the above subject, I am directed to say that the Executive
Committee* of ----- Association/Union/Federation has con-
sidered the Scheme for Joint Consultative Machinery and Com-
pulsory Arbitration for Central Government Employees and
subscribes to be Declaration of Joint Intent. The Executive
Committee has nominated the following person(s) to represent
it on the Staff Side of the Council :—

Name	Office and appointment held	Address
------	-----------------------------	---------

An authenticated copy of the resolution of the Executive*
Committee of the Association/Union/Federation is enclosed.

2. Please acknowledge this communication.

Yours faithfully,

President/Secretary

*NOTE :—As applicable according to the constitution of the Association/
Union/Federation.

FORM C

From :

The President/Secretary,
(Name of Association/Union/Federation)

Dated

To

The Chairman,
The Departmental Council of the
Department of

SUBJECT :—Nomination of members on the Staff Side of
the Departmental Council.

Sir,

Consequent upon the retirement/resignation/transfer/death
etc. of Shri on (date) who was a
representative of our Association/Union on the Staff Side of the
Council, I am directed to say that the Executive Committee* of
..... Association/Union/Federation have nominated/
re-nominated Shri (appointment held)
of (office) (address) as its
representative on the Staff Side. An authenticated copy of the
resolution of the Executive Committee* is enclosed.

2. Please acknowledge this communication.

Yours faithfully,
(President/Secretary)

*NOTE.—As applicable according to the constitution of the Association/
Union/Federation.

APPENDIX VI

MODEL INSTRUCTIONS FOR CONDUCT OF BUSINESS OF COUNCIL—MINISTRY/DEPARTMENT OF -----

The following instructions shall govern the conduct of business of Departmental Councils under the Scheme for joint consultative machinery and compulsory arbitration for Central Government employees.

1. Short title

The instructions may be called the Instructions for the Conduct of Business of the Departmental Council.

2. Meetings

(1) The ordinary meetings of the Council shall be held as often as necessary, and not less than once in four months. A notice of an ordinary meeting shall be sent to all members not less than fifteen days before the date of meeting.

As far as may be possible, the date of the next ordinary meeting shall be fixed at such meeting of the Council.

(2) A special meeting of the Council may be called by the Chairman. A notice of such a meeting shall be sent to all members not less than seven days before the date of the meeting.

3. Quorum

The quorum shall be 1/3rd each of the strengths of the Official and Staff Sides.

4. Agenda

(1) The agenda for a meeting shall be prepared under the orders of and approved by, the Chairman.

(2) The agenda for an ordinary meeting shall be circulated to all the members not less than three weeks before the meeting.

(3) The agenda for a special meeting shall be circulated with the notice of the meeting.

(4) A member desiring inclusion of a subject in the agenda of a meeting shall communicate the subject together with an explanatory memorandum where necessary to the Secretary, Official or Staff Side, as the case may be, at least eight weeks in advance of the meeting. The Secretary concerned shall make sure that the subject suggested falls within the purview of the Council and, thereafter, place the suggestions before the Chairman not less than seven weeks before the due date of the meeting for his approval to their inclusion in the Agenda.

(5) Business not on the agenda may only be taken up with the permission of the Chairman.

(6) A matter disposed of by a council in any manner will not be placed on the agenda during the following 12 months, unless for any special reason the Chairman of the Council directs otherwise.

5. Minutes

The minutes of a meeting will be drafted under the directions of the Chairman at the meeting and approved by the Council. They will thereafter be circulated to the members of the Council.

6. Decisions

(1) The Official Side will conclude matters at the meetings of the Council and will not reserve them for later decision by the Government. Subject to the final authority of the Cabinet agreements reached between the two Sides of a Council will become operative.

(2) If there is no agreement between the two sides, the matter may be transmitted to a Committee of the Council for further examination and report. But, if a final disagreement is recorded and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side. The Chairman of the Council shall make a report to the Labour Minister for reference to the Board of Arbitration within a week of the final disagreement being recorded. In other cases the Government will take action according to its own judgement.

(3) A dispute shall not be referred to arbitration from the Departmental Council unless it has been considered by the National Council when the dispute covers matters affecting Central Government employees generally, such as minimum remuneration, dearness allowance and pay of certain common categories, for instance office clerks, peons and the lower grades of workshop staff; and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council.

(4) Matters of interest to employees of single Department will not be dealt with by the National Council but by the Departmental Council. The Departmental Council will deal only with matters affecting the staff employed in the Department or Departments covered by it. If a dispute arises in a Council at a lower level the Chairman of such Council shall record such dispute with a brief statement of the case and after securing the Council's approval to the text remit the matter to the Chairman of the Departmental Council for consideration.

7. Publication of Statements

The statements issued under the authority of the Council shall be published; such statement shall be as full and informative as possible.

8. Committees

(1) The above instructions shall also govern the conduct of business of the Committees of the Departmental Council. The Committees shall not, however, take final decisions on any subject that come before them and shall transmit their conclusions to the Council for decision.

(2) The Committees and their members shall not give publicity to their recommendations and any statements for publicity shall only issue from the Council in the manner prescribed in instruction 7.

Chairman

APPENDIX VII

CONSTITUTION OF THE OFFICE COUNCIL OF THE MINISTRY/DEPARTMENT OF

1. Short Title

This Constitution may be called the Constitution of the Office Council of the Ministry/Department of under the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees.

2. Application

This Constitution shall cover all the regular civil employees of the Central Government in the Ministry/Department of for whom the Scheme is applicable.

3. Objects

The object of the Council is to promote harmonious relations and to secure 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 public services combined with the welfare of those employed.

4. Scope and Functions

(i) The scope of the Office Council will include all local matters relating to conditions of work, welfare of employees, improvement of efficiency and standards of work with particular reference to local conditions.

(ii) The subjects to be discussed by the Council should normally be limited to matters within the competence of J.S. (Admn.)/Ministry/Department of

(iii) Matters which are within the competence of the National/Departmental Council should not be discussed at the meeting of the Office Council. Matters relating to individuals should not also be discussed.

5. (a) Composition

I. The Office Council will consist of not more than 5 members on the Official Side and 8 members on the Staff Side as shown below:—

Official Side

- (i) Joint Secretary (Administration).
- (ii) Deputy Secretary (Administration).
- (iii) Internal Financial Adviser.
- (iv) Deputy Secretary
(To be nominated by the Chairman depending upon
the subjects to be discussed at the meeting).
- (v) Under Secretary (Welfare).
[The Under Secretary (Welfare) will be the Member—
Secretary of the Official Side].

*Staff Side**No. of seats*

- (i) Assistants
- (ii) Upper Division Clerks and Lower
Division Clerks
- (iii) Class IV employees
- (iv) Stenographers
- (v) Section Officers
- (vi) Technical and Statistical Assistants.
- (vii) Others

TOTAL

II. The Joint Secretary (Administration) shall be the Chairman of the Office Council.

III. The Chairman may, in addition, nominate any temporary Member to the Official Side in connection with any particular items to be discussed at the meeting of the Council.

NOTE I. In the case of C.S.S. categories of staff nomination to the Staff Side from amongst the Staff of the Ministry will be made by the concerned Association/Unions/Federations recognised by Government.

NOTE II. Where there are two or more Unions/Associations representing different categories of staff, the Chairman shall distribute the total permissible representation on the Council on the basis of the respective numerical strengths of the categories concerned.

NOTE III. Where there are two or more Associations/Unions representing the same categories of staff the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Associations.

NOTE IV. If there has been change in the membership of the Association/Union, proportional representation given could only be changed after verification of membership to be done in the manner advised by the Chief Labour Commissioner.

NOTE V. Distribution of seats may also be done by the Chairman in consultation with the Associations/Unions in any other manner acceptable to Associations/Unions.

5. (b) No person who is not an employee or an honourably retired employee of the Central Government shall be a Member of the Council.

NOTE : Government may permit an ex-employee to be a Member of the Council after examining the merits of each individual case.

5. (c) Secretary

The Staff Side may appoint its Secretary from its Members.

5. (d) Leader

The Staff Side shall elect by simple majority, one of its Members as its Leader, who shall hold that office for a period of one year, but shall be eligible for re-election. A vacancy caused by death retirement, resignation, transfer, etc. will be filled for the unexpired term.

6. Nomination of representatives on the Staff Side by recognised Employees' Organisations.

(i) At the commencement of the constitution and thereafter when occasions arise, each recognised employees organisation, which term shall include a Federation, a Confederation, an Association and a Union, eligible for representation on the Office Council, shall be intimated in form 'A' the number of members it may nominate on the Office Council.

(ii) On receipt of intimation as at clause (i), a recognised employees' organisation may intimate in Form 'B' the names of its representatives nominated by its Executive Committee* (*As applicable according to the Constitution of the Association/Union/Federation).

(iii) In the event of retirement, resignation, death, etc. of a representative of an employees' organisation, such organisation may nominate or in the case of retirement, renominate its representative in form 'C'.

(iv) On receipt of intimation under clause (ii) or (iii) above as the case may be, the Chairman of the Council shall consider whether the nomination is in accordance with the provisions of the scheme and inform the employees' organisation concerned.

7. Term of Membership

(i) The Staff Side representatives will be nominated for a term of three years, but there will be no bar to renomination.

(ii) Vacancies caused by death, retirement, resignation, transfer, etc. will be filled for the unexpired term.

NOTE : An Association/Union/Federation may replace on the Council such of its representatives as have ceased to be its office bearers at annual elections or by exigencies such as a vote of no confidence.

8. Appointment of Committees

The Office Council may appoint committees from amongst its members to study and report on any matters falling within its scope.

9. Periodicity

The meetings of the Office Council shall be held at least once in two months.

10. Quorum

The quorum shall be 1/3rd each of the strengths of the Official and Staff Sides.

11. Agenda

(i) The agenda for a meeting shall be prepared under the orders of, and approved by the Chairman.

(ii) The agenda for an ordinary meeting shall be circulated to all members not less than one week before the meeting.

12. Minutes

The minutes of the meeting will be finalised under the directions of the Chairman in the usual manner and copies thereof will thereafter be circulated to members of the council.

APPENDIX VIII

MINISTRY OF

Office of the

CONSTITUTION OF THE OFFICE COUNCIL OF THE

1. Short Title

This Constitution may be called the Constitution of the Office Council of the under the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees.

2. Application

This Constitution shall cover all the regular civil employees of the Central Government in the Office of the for whom the scheme is applicable.

3. Objects

The object of the Council is to promote harmonious relations and to secure the greatest measures of cooperation 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 public services combined with the welfare of those employed.

4. Scope and Functions

(i) The scope of the Office Council will include all local matters relating to conditions of work, welfare of employees, improvement of efficiency and standards of work with particular reference to local conditions.

(ii) The subjects to be discussed by the Council should normally be limited to matters within the competence of (HEAD OF OFFICE)

(iii) Matters which are within the competence of the National/Departmental Council should not be discussed at the meeting of the Office Council. Matters relating to individuals should not also be discussed.

5. (a) Composition

I. The Office Council will consist of not more than 5 Members on the Official Side and 8 members on the Staff Side as shown below :—

Official Side

- (i) Head of Office
- (ii)
- (iii)
- (iv)
- (v)

[One of these at (ii) to (v) may be nominated as Secretary of the Official Side.]

Staff Side

	<i>Categories of Staff</i>	<i>No. of seats</i>
(i)	Class III (Ministerial)—Superintendents/ Asstt. Supdts. Head Clerks/Assistants/UDCs/LDCs/ Others.	
(ii)	Class III (Technical)—Investigators/ Technical Assistants/Demonstrators/ Statisticians/Others.	
(iii)	Class IV.	

II. The Head of Office shall be the Chairman of the Office Council.

III. The Chairman, may, in addition, nominate any temporary Member to the Official Side in connection with any particular items to be discussed at the meeting of the Council.

NOTE I: In the case of CSS categories of staff, nominations to the Staff Side from amongst the staff of the Ministry/Department/Directorate will be made by the concerned Associations/Unions/Federations recognised by Government.

NOTE II : Where there are two or more Associations/Unions representing the different categories of staff, the Chairman shall distribute the total permissible representation on the Council on the respective numerical strengths of the categories concerned.

NOTE III : Where there are two or more Associations/Unions representing the same categories of staff the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Association.

NOTE IV : If there has been change in the membership of the Association/Union, proportional representation given could only be changed after verification of membership to be done in the manner advised by the Chief Labour Commissioner.

NOTE V : Distribution of seats may also be done by the Chairman in consultation with the Associations/Unions in any other manner acceptable to the Associations/Unions.

5. (b) No person, who is not an employee or an honourably retired employee of the Central Government, shall be a member of the Council.

NOTE : Government may permit an ex-employee to be member of the Council after examining the merits of each individual case.

5. (c) **Secretary**

The Staff Side may appoint its Secretary from its Members.

5. (d) **Leader**

The Staff Side shall elect by simple majority, one of its Members as its Leader, who shall hold that office for a period of one year, but shall be eligible for re-election. A vacancy caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

6. **Nomination of representatives on the Staff Side by recognised Employees' Organisations**

(i) At the commencement of the Constitution and thereafter when occasions arise each recognised employee's organisation, which term shall include a Federation, a Confederation, and Association and a Union, eligible for representation on the Office Council, shall be intimated in Form 'A', the number of members it may nominate on the Office Council.

(ii) On receipt of intimation as in clause (i), a recognised employees' organisation may intimate in Form 'B' the names of its representatives nominated by its Executive Committee.* (*As applicable according to the Constitution of the Association/Union/Federation).

(iii) In the event of retirement, resignation, death, etc. of a representative of an employees' organisation, such organisation may nominate or, in the case of retirement, re-nominate its representative in form 'C'.

(iv) On receipt of intimation under clause (ii) or (iii) above, as the case may be, the Chairman of the Council shall consider whether the nomination is in accordance with the provisions of the Scheme, and inform the employees' organisation concerned.

7. Term of Membership

(i) The Staff Side representatives will be nominated for a term of three years, but there will be no bar to renomination.

(ii) Vacancies caused by death, retirement, resignation, transfer, etc. will be filled for the unexpired term.

NOTE : An Association/Union/Federation may replace on the Council such of its representatives as have ceased to be its office-bearers at annual elections or by exigencies such as a vote of no confidence.

8. Appointment of Committees

The Office Council may appoint committees from amongst its members to study and report on any matters falling within its scope.

9. Periodicity

The meetings of the Office Council shall be held at least once in two months.

10. Quorum

The quorum shall be 1/3rd each of the strengths of the Official and Staff Sides.

11. Agenda

(i) The agenda for a meeting shall be prepared under the orders of, and approved by, the Chairman.

(ii) The agenda for an ordinary meeting shall be circulated to all members not less than one week before the meeting.

12. Minutes

The minutes of the meeting will be finalised under the directions of the Chairman in the usual manner and copies thereof will thereafter be circulated to members of the Council.

(50)

FORM A

No.

Government of India

Ministry/Department of

Dated

To,

The President/Secretary,

(Name of the Association/Union/Federation)

SUBJECT:—Nomination of representatives on the Staff Side
of the Office Council of the Ministry/
Department of

Sir,

In accordance with the Scheme or Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees, I am directed to say that your Association/Union/Federation is required to nominate..... Member(s) on the Staff Side of the Office Council of the Ministry/Department of..... as mentioned below:—

Category of Staff	No. of Members
-------------------	----------------

2. I am to request you kindly to intimate to me within 15 days of the date of issue of this letter, the names of the nominees of your Association/Union/Federation as in "Form B" enclosed in duplicate.

Yours Faithfully,

Under Secretary to the Government of India
(Welfare)

Encl. : _____

(61)

FORM B

From,

The President/Secretary,
(Name of the Association/Union/Federation)

Address

Dated

To,

The Chairman,
The Office Council of the Ministry/Department.....
of.....

SUBJECT: Nomination of Members on the Staff Side of the
Office Council of the Ministry/Department
of....

Sir,

With reference to your letter No.....on the above mentioned subject, I am directed to say that the Executive Committee* of (Name of the Association/Union/Federation)has considered the Scheme for Joint Consultative Machinery and subscribe to the Declaration of Joint Intent. The Executive Committee* has nominated the following person(s) to represent it on the Staff Side of the Council :—

Name	Office and appointment held	Address	Category of staff to be represented
------	-----------------------------	---------	-------------------------------------

An authenticated copy of the resolution of the Executive Committee* of the Association/Union/Federation is enclosed.

2. Please acknowledge this communication.

Yours faithfully,
President/Secretary

*As applicable according to the Constitution of the Association/Union/Federation.

FORM C

From

The President/Secretary,
(Name of the Association/Union/Federation)

Dated

To

The Chairman,

The Office Council of the Ministry/Department of

SUBJECT: Nomination of Members of the Staff Side of the
Office Council.

Sir,

Consequent upon the retirement/resignation/transfer/
death/etc. of Shri..... on (date)..... who
was a representative of my Association/Union/Federation on
the Staff Side of the Office Council of the Ministry/Department
of....., I am directed to say that the Executive Com-
mittee* of..... Association/Union/Federation have
nominated/re-nominated Shri..... (appointment
held of (office) (address)
..... against the seat(s) for of Staff to be represen-
ted) as its representative on the Staff Side. An authenticated
copy of the resolution of the Executive Committee* is
enclosed.

2. Please acknowledge this communication.

Yours faithfully,
President/Secretary

*NOTE : As applicable according to the Constitution of the Association/
Union/Federation.

भाग II

आदेश

PART II
ORDERS

No. 1/2/64-JCA

Government of India

Ministry of Home Affairs

*New Delhi-11, dated the 14th January, 1964/
24th Pausa, 1885*

OFFICE MEMORANDUM

SUBJECT: Joint Consultation and Compulsory Arbitration Scheme for Central Government employees—clarification in regard to.....

Ref:—(i) Shri L. P. Singh's D.O. letter No. 28/3(S)/63-Ests. (B), dated the 4th October, 1963.

(ii) This Ministry's O.M. No. 28/6/63-Ests. (B), dated the 29th September, 1963.

The undersigned is directed to forward herewith a statement showing the various points raised by Ministries/Departments about the Joint Consultation and Compulsory Arbitration Scheme together with clarifications thereon.

Sd/-

B. D. JAYAL,

Dy. Secy. to the Govt. of India

STATEMENT

S. No.	Points raised	Clarification
1	2	3
1.	Whether existing Staff Councils come under the term Recognised Association. If so, whether consultation with them for working out details is necessary?	The Staff Councils constituted in various Ministries are not treated as Association and will cease to exist as soon as Joint Councils are formed in that Ministry/Department. It is, therefore, not necessary to forward copies of the Scheme to the Staff Councils.
2.	If there is no Staff Association/Union, whether the Staff should be asked first to form an Association/Union and then nominate their representative to a Council or whether representatives to the Joint Councils should be elected from amongst the members of the Staff?	According to the provisions of the Scheme, representation on a Joint Council can be had by employees of any particular grade only through their Association/Union, duly recognised for the purpose. Therefore, before any category of Staff can be considered eligible for representation on a Joint Council, they would have to organise themselves into an Association/Union and get it recognised. Employees who do not do so, will not be eligible for representation on a Joint Council. It is hoped that in order to get the benefit of the Scheme the Staff will gradually organise themselves and form Association/Union in order to get representation on the Council.

1	2	3
3. Whether it is necessary to set up Joint Councils where there is no Staff Association/Union.		For the reasons explained against point (2) above, it will not be possible to set up Joint Councils where there is no Staff Association/Union.
4. Is the Scheme applicable to Public Sector Undertaking, Quasi-Government organisations, etc.?		The Joint Consultation and Compulsory Arbitration Scheme is meant for Central Govt. employees and is not applicable to Public Sector Undertakings or Quasi-Govt. Organisations.
5. Whether the Departmental Council to be set up in the Min. of Home Affairs for Central Secretariat Services will deal with matters concerning the Secretariat of excluded Departments?		No. The Departmental Council in the Home Ministry will deal with employees in various Ministries etc. which are included offices for Central Sectt. Services, Central Sectt. Stenographers' Services, Central Sectt. Clerical services etc. and equivalent services in the Ministry of External Affairs and Ministry of Railways (Rly. Board).
6. Are the Class IV Staff covered by the Scheme?		Yes. Class IV staff in the Ministries/Departments participating in the various Service Schemes referred to against item (5) will have representation on the Departmental Council to be set up in the Ministry of Home Affairs. Such Staff in the Attached and Subordinate Offices will be represented in the Regional/Office Councils.
7. What exactly is meant by "the level at which the Councils should be set up"? Does this mean that there should be a separate Council for each category of employees?		It is not intended that there should be a Council for each category of Staff. The levels at which Councils will be constituted is contained in para 3 of the Scheme for Joint Consultative Machinery.

1	2	3
8.	Should the Staff representative on the Departmental Council be chosen from the Regional/Zonal Councils?	The representatives of the Staff Side on the Departmental Council will be chosen directly from recognised Associations/Unions and not from Regional/Zonal/Office Councils.
9.	What should be the basis of selection of members of the Council on the Staff Side between recognised and unrecognised Associations or Unions?	Representation on the Joint Council is not permissible from unrecognised Associations/Unions.
10.	Whether the Scheme will apply to categories of Staff holding isolated posts?	There are certain categories of Staff holding isolated posts who cannot form an association either because of their small number or because they are scattered over a number of Ministries/Departments and there is no single authority to accord recognition to their association. Such staff may be allowed to join Service Association of another comparable category of employees.
11.	Whether Office Councils can be set up for staff of Headquarters office as a Departmental/Regional Council will only deal with matters relating to Department/Region as a whole?	An Office Council can be set up in such circumstances to deal with local problems of Headquarters staff.
12.	Whether all Associations/Unions representing a grade or group of grades will be recognised?	Yes. Provided they fulfil the condition of recognition.

1	2	3
13. Whether groups like direct recruits, promotees etc. in a grade should merge their associations and form one Association/Union?	It was not the intention that all existing Associations/Unions should be wound up but for the purpose of Joint Councils, such Associations/Unions should combine.	
14. In case of differences on the Staff Side should a majority decision be taken by the Staff Side?	The Staff Side would speak through their Leader and they should ironout their differences, if there are any, before their proposals could be considered.	
15. Whether the Min. of Defence could set up a four tier machinery for joint consultation instead of three tier provided in the Scheme. in view of special circumstances prevailing in that Ministry?	If the Min. is satisfied that the organisational pattern and work make this necessary, there would be no objection to their setting up a four tier machinery at National, Ministry, Directorate and lower formation levels.	
16. Whether it will be necessary to consult Appropriate Finance where there are financial implications before decisions are announced in the Councils?	Before attending meetings of the Councils, Official Side will obtain competent orders. Appropriate Finance will be consulted wherever there are financial implications beyond the sanctioning powers of the administrative authority concerned. It is essential that all the formalities are completed expeditiously and the Official Side duly briefed before the meeting of the Council. Adjournment of the consideration of a subject should not normally be asked for by the Official Side unless there are very special reasons for doing so.	

No. 1/2/64-JCA

Government of India

Ministry of Home Affairs

New Delhi-11, the 11th March, 1964/

21st Phalguna, 1885

OFFICE MEMORANDUM

SUBJECT :—Joint Consultation and Compulsory Arbitration Scheme for Central Government employees— Participation of Class IV employees working in Ministry/Departments, in the Departmental Council of Ministry of Home Affairs (now DP & Training).

The undersigned is directed to refer to Item No. 6 of the statement of clarifications appended to this Ministry's Office Memorandum No. 1/2/64-JCA, dated 14th January, 1964, on the above subject and to say that it has since been decided that Class IV staff in the Attached Offices which are included Offices for Central Sectt. Service, Central Sectt. Stenographer Service and Central Sectt. Clerical Service will also have representation on the Departmental Council to be set up in the Ministry of Home Affairs for Central Secretariat Services and other comparable services.

Sd/-

K. THYAGARAJAN,

Under Secy. to the Govt. of India

No. 1/2/64-JCA

Government of India

Ministry of Home Affairs

*New Delhi-11, the 8th December, 1965/
17th Agrahayana, 1887*

OFFICE MEMORANDUM

SUBJECT :—Joint Consultation and Compulsory Arbitration
Scheme for Central Government employees.

The undersigned is directed to refer to the Ministry of Home Affairs, Office Memorandum No. 1/2/64-JCA, dated the 11th March, 1965, on the above subject, and to say that it has been decided that Central Government employees holding Class III posts of Staff Car Drivers, Despatch Riders and Gestetner Operators in the Ministries/Departments and in the Attached Offices which are included offices for Central Secretariat Service, Central Secretariat Stenographers Service and Central Secretariat Clerical Service will also have representation on the Departmental Council to be set up in the Home Ministry for Central Secretariat Services and other comparable services.

Sd/-

T. U. VIJAYASEKHARAN,

Dy. Secy. to the Govt. of India

No. 6/2/67-JCA

Government of India

Ministry of Home Affairs

(Department of Personnel & A.R.)

New Delhi, the 2nd February, 1968

OFFICE MEMORANDUM

SUBJECT :—Procedure for referring cases to the Board of Arbitration set up under Clause 19 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration.

The Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees provides for reference of cases to arbitration if so desired by the Official Side or the Staff Side in subjects for which compulsory arbitration is provided.

2. Before a case is referred to a Board of Arbitration, the following conditions will have to be satisfied :

- (i) the subject should be one for which compulsory arbitration is provided according to the provisions of clause 16 of the Scheme;
- (ii) the dispute should have been considered either by the National Council or the appropriate Departmental Council. If there is a dispute relating to an arbitrable matter in a lower Council it will have to be placed before the Departmental Council concerned;
- (iii) a final disagreement between the Official Side and the Staff Side should be recorded; and
- (iv) there must be a specific request for reference to arbitration by either the Official Side or the Staff Side.

3. The following procedure may be adopted in processing requests for arbitration :

From the National Council, the request for arbitration will be made directly to the Secretary, Ministry of Labour by the Home Ministry on behalf of the National Council. This will be in the form indicated in the Annexure.

From the Departmental Councils, the communication to the Ministry of Labour, as in the Annexure, may be routed through the Ministry of Home Affairs. The Ministry of Home Affairs will forward the reference to the Ministry of Labour within a period of 15 days. This time-limit will be strictly observed.

4. It is requested that the procedure indicated above for reference of cases to the Board of Arbitration may be adopted in the Departmental Councils of all Ministries/Departments.

Sd/-

R. PRASAD,

Secy. to the Govt. of India.

ANNEXURE

Request for reference to arbitration

To,

The Secretary,
Ministry of Labour,
New Delhi

1. As there has been failure to agree, a difference is hereby reported to the Ministry of Labour, for reference to the Board of Arbitration in accordance with the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees.

Parties

Staff Side

Official Side

2. (A) The following terms of reference have been agreed :

Staff Side signed

Official Side signed

or

(B) The parties not being able to agree on terms of reference, their respective proposals are as follows :—

.....
.....
.....

Staff Side signed

Official Side signed

No. 4/1/67-JCA

Government of India

Ministry of Home Affairs

New Delhi, the 5th March, 1968

OFFICE MEMORANDUM

SUBJECT:—Departmental Councils set up under the Scheme for Joint Consultative Machinery—Importance of holding of meetings regularly.

The undersigned is directed to say that the Departmental Councils under the Scheme for Joint Consultative Machinery for Central Government employees have been set up in a number of Ministries/Departments. The rules for the conduct of business of the Departmental Councils which are duly adopted by the Councils include a specific provision that the ordinary meetings of these Councils shall be held at periodic intervals. It has been brought to the notice of this Ministry that the rule requiring holding of periodical meetings is not being observed in some Departmental Councils. While it may be true that the meetings could not sometimes be held at the prescribed intervals for administrative reasons, nevertheless, in accordance with the spirit of the J.C.M. Scheme every effort should be made to adhere to the provisions in the rules for the conduct of Departmental Councils by holding meetings of these Councils regularly. It is accordingly requested that the meetings of the Departmental Councils should be held regularly in accordance with the relevant provisions in the rules for conduct of business of the various Departmental Councils.

Sd/-

UMA SHANKAR,

Jt. Secy. to the Govt. of India.

No. 6/2/68-JCA
Government of India
Ministry of Home Affairs

New Delhi, the 21st September, 1968

OFFICE MEMORANDUM

SUBJECT :—Conduct of Business in the Joint Councils—
Procedure for

Ministry of Home Affairs had in their D.O. letter No. 4/1/67-JCA, dated the 10th March, 1967 indicated briefly procedure to be followed in transaction of business in Joint Councils. The conduct of business in the various Joint Councils could be smoother if some of the points indicated below are observed :—

- (i) *Application of the Scheme to classes/grades of employees.*—
Para 16 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees lays down that compulsory arbitration would be limited to—(a) pay and allowances; (b) weekly hours of work and (c) leave, *for a class or grade of employees*. It is, therefore, to be seen that when an item relating to any of these heads is proposed by the Staff Side for inclusion in the agenda of a Council, it should relate to *a class or grade of employees*. As regards items which are non-arbitrable, though no hard and fast rule can be laid down that each item should relate to a class or a grade of employees, it would be better in order to avoid confusion that the item to be included in the agenda is as precise as possible and indicates clearly the category or categories of employees to which it relates. If necessary the sponsor should be requested to recast his note so that his case is presented cogently and logically supported by all the facts. The note should indicate where possible, the approximate financial implications of the proposal as well.

(75)

(ii) *Compulsory Arbitration.*—According to the provisions of clause 16 of the Scheme, compulsory arbitration shall be limited to :—

- (i) pay and allowances;
- (ii) weekly hours of work; and
- (iii) leave.

of a *class or grade of employees*

The Ministry of Home Affairs had in their Office Memorandum No. 6/2/67-JCA, dated the 2nd February, 1968, indicated the procedure for referring cases to the Board of Arbitration set up under clause 19 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees. It may be pointed out in this connection that not all issues which involve an increase in emoluments come automatically within the scope of clause 16 of the Scheme. Thus a request for advance increment under F.R. 27 within the same scale of pay should not be treated as coming within the scope of compulsory arbitration though it involves an increase in emoluments. This is because the powers under F.R. 27 are administrative powers to be exercised at the discretion of the head of the department and are not directly related to general claims for increases in emoluments to off set rising costs of living or for other reasons like overtime etc. In case of doubt as to whether an item is arbitrable or not, advice may be sought of the Ministry of Finance/Home Affairs, as the case may be.

(iii) *Items for which compulsory arbitration is not available.*—According to clause 13 of the Scheme, on a matter for which compulsory arbitration is *not* provided, Government have to take action according to its own judgement. However, a convention has been evolved under which the staff side, if they so desire can place their point of view in respect of disagreements on non-arbitrable items before a Committee of Ministers, which would consist of the Home Minister, the Labour Minister and the Minister administratively concerned with the particular subject.

- (iv) *Authority of Official Side representatives in cases involving pay revision.*—Attention is invited to Ministry of Finance Memorandum No. 5(1)-E(Co-ord)/67, dated the 3rd November, 1967, clarifying the position regarding the authority of official side representatives to take decisions on behalf of Government at meetings of Joint Councils whether it be at the Departmental level or at the National level, particularly in cases where pay revision is involved. The official side representatives should obtain prior approval of competent authority in all cases whether it relates to pay or otherwise, before attending meetings of the Joint Councils at the Departmental or National level.
- (v) *Informing Cabinet of differences relating to pay claims.*—The Ministry of Home Affairs have received some cases for reference to the Board of Arbitration which involve pay revision of certain categories from the different Departmental Councils.

Before a case is referred to a Board of Arbitration, the following conditions will have to be satisfied :—

- (a) the subject should be one for which compulsory arbitration is provided according to the provisions of clause 16 of the Scheme;
- (b) the dispute should have been considered either by the National Council or the appropriate Departmental Council. If there is a dispute relating to an arbitrable matter in a lower Council, it will have to be placed before the Departmental Council concerned.
- (c) a final disagreement between the Official Side and the Staff Side should be recorded; and
- (d) there must be a specific request for reference to arbitration by either the Official Side or the Staff Side.
- (vi) The procedure for making requests to a Board of Arbitration, which was indicated in this Ministry's O.M. No. F. 6/2/67-JCA, dated the 2nd February 1968, is briefly as follows :
 - (1) From the National Council, the request for arbitration will be made directly to the Secretary, Ministry of Labour by the Home Ministry on behalf of the National Council.
 - (2) From the Departmental Councils, the communication to the Ministry of Labour may be routed through the Ministry of Home Affairs.

- (vii) The procedure for drafting the terms of reference for arbitration in respect of subjects covered by the National Council, shall be as indicated below :—
- (a) The terms of reference should be finalised by the Ministry primarily concerned with the subject matter of the disagreement in consultation with Home Ministry. The Finance Ministry will be consulted if the subject under dispute is one which has financial implications. In matters relating to pay and allowances Finance Ministry would finalise the terms of reference in consultation with the administrative Ministry concerned.
 - (b) The terms of reference so finalised and incorporated in the proforma prescribed for making a reference to arbitration would be forwarded by the Ministry concerned or Finance Ministry, as the case may be, to the Home Ministry for onward transmission to the Ministry of Labour.
- (viii) The procedure for drafting the terms of reference for arbitration in respect of subjects covered by the Departmental Council shall be as indicated below :—
- (a) The terms of reference should be finalised by the administrative Ministry. The Finance Ministry will be consulted if the subject under dispute is one which has financial implications.
 - (b) The terms of reference so finalised and incorporated in the proforma prescribed for making a reference to arbitration would be forwarded by the Ministry concerned to the Home Ministry for onward transmission to the Ministry of Labour.
- (ix) In view of the existing ban on pay revision and the fact that an arbitration award is binding unless modified by Parliament, it is desirable that the Ministries/Departments concerned keep the Cabinet informed of the disagreements in the concerned Departmental Councils on matters relating to pay/allowances. A report should, therefore, be made to the Cabinet as soon as a reference for arbitration on an item relating to pay and allowances is received. A copy of the report may also be endorsed to the Home Ministry and also to Ministry of Finance, for information. On arbitration claims following disagreements relating to pay and allowances which occur in the National Council the Ministry of Finance would apprise the Cabinet of the position.

Sd/- R. PRASAD.
Secy. to the Govt. of India.

No. 3/25/69-JCA
Government of India
Ministry of Home Affairs
New Delhi, the 23rd August, 1969

OFFICE MEMORANDUM

SUBJECT :—National/Departmental Council—Continuance of membership after retirement from service.—

The undersigned is directed to invite attention to the note below Clause 7(iv) of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees, under which Government may permit an ex-employee to be a member of a Joint Council after examining the merits of each individual case.

2. A question has arisen whether a representative of a recognised association/union, which was nominated to a joint council while in Government service, can automatically continue to be a member of the council even after his retirement from Government service if the period of three years from the date of his nomination (as provided in clause 8 of the Scheme) has not expired, and the association/union concerned desires him to continue as a member till the expiry of the period of three years.

3. This matter has been considered. In view of the note below clause 7(iv) of the Scheme referred to in paragraph 1 above, the continuance of such a member, who becomes an ex-employee on his retirement, is possible, provided :

- (a) the association/union which has nominated the member intimates the Ministry/Department concerned its desire to continue him as a member even after retirement from Government service till the completion of the term of three years; and
- (b) the Ministry or Department concerned permits the continuance of such a member after examining the merits of the case.

Sd/-
B. V. DIGHE,
Under Secy. to the Govt. of India.

No. 1/5/69-JCA
Government of India
Ministry of Home Affairs

New Delhi-1, the 30th January, 1970/10th Magha, 1891

OFFICE MEMORANDUM

SUBJECT :—J.C.M. Scheme—Meetings of Joint Councils—Need for obtaining prior orders of the competent authority before items are taken up for discussion in the meetings of the Councils.

Attention of the Ministry of Finance, etc. is invited to Clause 10 of the J.C.M. Scheme, which provides that the Official Side will conclude matters at the meetings of the Council, and will not reserve them for later decision by Government. The idea is that the Official Side will come to meetings of the Councils with authority to enter into agreement, or to make an offer on behalf of Government. This provision, therefore, requires that each subject of discussion and negotiation at a meeting of a Council will be examined very thoroughly and expeditiously, and, where necessary, prior orders obtained at the appropriate level before the Official Side attends the meetings of a Council.

2. An instance has come to the notice of this Ministry where, though the Official Side was inclined to concede a demand of the Staff Side, the item was taken up for discussion/consideration in the meeting of the Council before obtaining the approval of the competent authority. The result was that the discussions or negotiations in the meeting were inconclusive, and it was only decided that the orders of the competent authority should be obtained. It would be appreciated that such a decision was hardly justified. If the Official Side were convinced of the justice of a claim they should have obtained

clearance at the appropriate level before the meeting of the Council so that an agreement could be recorded. In order to avoid recurrence of such instances, it is requested that the items proposed by the Staff Side should be examined expeditiously, and, where the Official Side is inclined to concede the whole or part of the demand, the orders of the competent authority should be obtained before the meeting of the Council. Where, however, for any unavoidable reason, the prior orders of the competent authority cannot be obtained before the meeting, the item may be deferred for consideration to the next meeting, or remitted to a Committee of the Council. This would enable the Official Side to complete the examination of the matter, and to obtain the orders of the competent authority, where necessary, before it is taken up for discussion/consideration in the Council or its Committee.

3. The above position may please be brought to the notice of all Official Side representatives of the Joint Councils under the J.C.M. Scheme.

Sd/-

P. V. NAYAK.

Dy. Secy. to the Govt. of India.

No. 6/2/68-JCA

Government of India

Ministry of Home Affairs

New Delhi-1, dated the 25th February, 1970

OFFICE MEMORANDUM

SUBJECT:—Conduct of Business in the Joint Councils—
Procedure for—

Attention is invited to Ministry of Finance, Department of Expenditure O.M. No. F. 5(1)-E (Coord)/67, dated November 3, 1967, in which it was pointed out that the official side representatives in the Joint Councils have to take final decision in the meetings on the points brought up before such councils and cannot reserve them for later decision by Government. It was, therefore, suggested that, for a proper discharge of this responsibility, the official side representatives would have to consider the items on the agenda well in advance of the meetings, and obtain clearance from the authorities concerned at the appropriate level, i.e., from the Minister concerned or the Finance Ministry or the Cabinet as required, before attending the council meetings so that they would have the proper authority to make commitments on behalf of Government. In regard to matters affecting the pay scales of staff, it was further pointed out that, in view of the existing ban on upward revision of pay scales, any move for such revision would involve relaxation of the ban requiring prior approval of the Cabinet, and that, therefore, in cases where such pay revision was found to be fully justified on merits, the necessary approval of the Cabinet should be taken in advance for the relaxation of the ban in the specific cases expected to be brought up before the Departmental/National Council meetings.

2. In para (ix) of Ministry of Home Affairs O.M. No. 6/2/68-JCA, dated 21st September, 1969, the Ministries/Departments were intimated that, in view of the existing ban on pay revision, and the fact that an arbitration award is binding unless modified by Parliament, it is desirable that the

Ministries/Departments concerned keep the Cabinet informed of the disagreements in the Departmental/National Councils on matters relating to pay/allowances. They were, therefore, requested to make a report to the Cabinet as soon as a reference for arbitration on an item relating to pay and allowances was received.

3. In the light of the experience gained in this regard so far, it has been observed that the procedure mentioned in para 2 above does not give an opportunity to the Cabinet to consider whether or not arbitration is necessary or avoidable, since at the stage at which the matter is reported to the Cabinet, a disagreement has already been recorded in the concerned Joint Council, and arbitration has been asked for. There is no provision in the present scheme for Joint Consultative Machinery and Compulsory Arbitration to refuse to refer a dispute to arbitration where it is arbitrable. It is felt that a more appropriate course would be that the Cabinet should have an opportunity to consider the merits of a demand about pay and allowances before a disagreement is recorded thereon, and to give suitable directives to the administrative Ministry/Official Side of the Council in this regard, unless the matter has already been considered by the Cabinet in the light of the Ministry of Finance, Department of Expenditure O.M. of 3rd November, 1967, referred to in para 1 above. It has, therefore, been decided, in modification of para (ix) of Ministry of Home Affairs office memorandum of 21st September, 1968, referred to in para 2 above, that where an item relating to pay and allowances comes up before a Departmental/National Council, on which there is no likelihood of agreement between the official and staff sides either during the discussion in the Council or in the Committee, which might be set up by the Council to consider the item, the administrative Ministry concerned should submit the matter for consideration of the Cabinet, before a disagreement is finally recorded on the item in the Departmental/National Council. This procedure would, however, be not necessary if the matter has already been considered by the Cabinet according to the instructions contained in the Ministry of Finance office memorandum of 3rd November, 1967, referred to in para 1 above.

Sd/-

P. V. NAYAK

Dy. Secy. to the Govt. of India

No. 3/24/69-JCA

Government of India

Ministry of Home Affairs

New Delhi-1, dated the 19th July, 1970

OFFICE MEMORANDUM

SUBJECT :—Scheme for Joint Consultative Machinery—
Representation of Staff Side in the Councils set up
under the Scheme.

The Constitution of the National Council set up under the Scheme for Joint Consultation and Compulsory Arbitration for Central Government employees *inter alia* provides for the nomination of representatives of the Staff Side of recognised employees' organisations and the term of membership of such representatives. Similar provisions also exist in the Constitutions of the Departmental and other Councils set up under the J.C.M. Scheme. In order to enable these Councils to function effectively, Ministries/Departments were requested in Ministry of Home Affairs O.M. No. 8/1/64-JCA, dated the 30th September, 1967 to take necessary steps to facilitate the Staff Side representatives to attend the meetings of the Councils. As the Ministry of Finance, etc. are aware, Government attach considerable importance to the proper and effective functioning of the Joint Consultative Machinery. To this end, it is necessary to ensure that the Staff Side representatives are able to participate fully in the deliberations of the Council set up under the Scheme. If any of the Staff Side members are transferred on deputation, for service with public undertakings or other establishments (except where their services are loaned on foreign service to the employees' association/union) or to a place outside the country, it would obviously be difficult for them to participate effectively, in the concerned Council of the

Joint Consultative Machinery. Moreover, it may also be difficult for such members to maintain contacts with the employees whom they represent and to take up their grievances to the concerned Council for consideration. In view of this position, and particularly of the keenness of Government for the effective functioning of the Joint Councils, it would be desirable to avoid the transfer on deputation to a public undertaking or other establishment, etc. or to a place outside India of an employee, who might be a Staff Side member of a Joint Council, during the period of his tenure as Staff Side member. If, however, such transfer on deputation etc. becomes unavoidable it may be made if he resigns his membership of the concerned Council(s) and the employees' organisation(s), which has/have nominated him to the Joint Council, is/are able to recommend another representative in his place and such nominee is acceptable to the Chairman of the Council concerned in accordance with its constitution.

Sd/-

N. R. SUBRAMANYAN.

Under Secy. to the Govt. of India

No. 5/1/72-JCA
Government of India
Cabinet Secretariat
(Department of Personnel)

New Delhi-1, the 21st March, 1972/31st Phalguna, 1893

OFFICE MEMORANDUM

SUBJECT :—J.C.M. Scheme—Setting up of Office Councils.

In continuation of this Department's O.M. No. 5/18/71-JCA, dated the 18th December, 1971 regarding the setting up of Office Councils at the Headquarters offices of the Ministries/Departments of the Government of India, the undersigned is directed to advise the Ministries/Departments that, after giving the concerned recognised Associations/Unions of employees in such Offices a reasonable opportunity and time to send their nominations to the Staff Side of the Office Councils, Ministries/Departments may proceed to set up their Office Councils and convene meetings thereof, as soon as nominations to at least 1/3rd of the total strength of the Staff Side of the Office Councils, which constitutes the required quorum are received and accepted and that, in the interest of the early setting up of the Office Councils, it is not necessary to wait till all the nominations to the Staff Side seats are received. Till majority of the staff of the Ministry is represented in the Office Council, however, the matters to be discussed (within the scope and function laid down in the constitution of the Council) would be those which pertain to the categories of staff represented therein, Ministry of Finance, etc. are, therefore, requested to proceed accordingly with the formation of the Office Councils in their offices.

Sd/-
N. R. SUBRAMANYAN,
Under Secy. to the Govt. of India

(86)

No. 5/10/71-JCA

**Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimandal Sachivalaya
(Department of Personnel/Karmik Vibhag)**

New Delhi, the 21st November, 1972

OFFICE MEMORANDUM

SUBJECT :—Scheme for Joint Consultative Machinery—Setting up of Office Councils—

The undersigned is directed to refer to the Department of Personnel O.M. No. 5/18/71-JCA, dated the 28th December, 1971, forwarding a copy of the Model Constitution of the Office Councils in the Headquarters Offices of the Ministries/Departments, and to invite attention to Note I under Clause 5(a) of the Model Constitution mentioned above. Note I under Clause 5(a) of the Model Constitution reads as follows :—

“In the case of C.S.S. categories of staff nominations to the Staff Side from amongst the Staff of the Ministry will be made by the concerned Associations/Unions/Federations recognised by Government.”

A question has been raised in this connection whether nominations to the Staff Side seats should necessarily be from among the staff of the Ministry/Department concerned, i.e., the establishment for which the Office Council is constituted, or whether such nominations could be made from among the staff outside the Ministry/Department.

2. Clause 6 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees provides for setting up Regional and/or Office Council where the structure of a Department permits the setting up of such Councils. These Councils will deal only with

regional or local questions. Since the discussion in the Office Council is to be confined to local matters relating to conditions of work, welfare, etc. of the employees and is to be normally limited to matters within the competence of the Administration of the Ministry/Department concerned, it is clear that the representatives on the Staff Side of the Office Council have to be those who are the employees of the Ministry/Department concerned. Such employees representatives should not only be aware of the local problems to be discussed within the Council, but should also appreciate the difficulties, if any, of the Official Side. This could only be possible when such representatives belong to the Ministry/Department concerned. As a general proposition, therefore, the nominations to the Staff Side of an Office Council should be from amongst the staff of the office/establishment for which the Office Council has been constituted. Similarly, having regard to the provisions contained in clause 5(b) of the Model Constitution and the Note thereunder, an honourably retired employee, who is permitted by Government to be a member of the Office Council, should also, but for his retirement, fulfil this conditions. The same condition applies in the case of ex-employees as well.

3. A specific mention of the above position has been made in Note I below Clause 5(a) of the Model Constitution in the context of the C.S.S. categories of staff because the Union/Associations of such staff are granted recognition centrally by the Department of Personnel, and it was considered desirable to make it clear that even such centrally recognised Unions/Associations would have to make their nominations from amongst the staff of the Ministry/Department/Directorate for which such Council is formed. These general principles are equally applicable to the nomination of the Staff Side representatives in all Office Councils in the Ministries/Departments as also to those formed for the Attached/Subordinate offices, whether the nominations concern C.S.S. categories of staff or otherwise, Ministry of Finance, etc. are requested to bring this position to the notice of all concerned.

Sd/-

(K. RAMIAH)

Under Secretary to the Govt. of India

Immediate

No. F-2/9/73-C.S. IV

Government of India

Cabinet Secretariat

(Department of Personnel & Administrative Reforms)

New Delhi-110 001, the 20th December, 1973

OFFICE MEMORANDUM

SUBJECT :—Scheme for Joint Consultative Machinery and Compulsory Arbitration—Office Councils—nomination in respect of CSS etc. categories of staff.

As the Ministry of Finance, etc. are aware, clause 6 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees provides *inter alia* for the setting up of Office Councils for dealing with local questions. According to the instructions contained in paragraph 2 of this Department's O.M. No. 5/10/71-JCA, dated the 21st November, 1972, nominations to the Staff Side of an Office Council should be from amongst the staff of the Office/Establishment for which the Office Council has been constituted, or from amongst the honourably retired employees or ex-employees of that Office/Establishment, who may be permitted by Government to be members of the Office Council.

2. It has been represented by the Staff Side of the Departmental Council of the Department of Personnel & Administrative Reforms that, as the Central Secretariat Service (upto and including the grade of Section Officers), the Central Secretariat Stenographers Service and the Central Secretariat Clerical Service are decentralised and as the common service problems of each CSS cadre are dealt with in the Ministry/

Department controlling the cadre, there should be a common forum at which the common service problems of each CSS cadre might be discussed, and that such effective discussion would be facilitated if the recognised staff associations concerned were permitted to nominate their representatives to the common forum from among the staff in any of the offices in the particular CSS Cadre. This demand has been considered in the Departmental Council of the Department of Personnel & Administrative Reforms, and in pursuance of an agreement in that Council it has been decided, in partial modification of the instructions referred to in paragraph 1 above, that the common service problems of a CSS Cadre may be discussed in the Office Council of the cadre authority (main Ministry/Department controlling in cadre), and that the recognised staff associations representing the CSS categories of staff, i.e., the staff of the Central Secretariat Service, Central Secretariat Stenographers Service and the Central Secretariat Clerical Service, may be allowed to nominate their representatives to the Office Council of the cadre authority from among the staff working in any of the Offices included in the CSS cadre, and not necessarily only from the staff working in the Office of the Cadre authority.

Sd/-

M. K. VASUDEVAN

Under Secretary to the Govt. of India

No. 3/23/75-JCA

Government of India

Cabinet Secretariat

(Department of Personnel & Administrative Reforms)

New Delhi, the 20th January, 1976

OFFICE MEMORANDUM

SUBJECT:—Meeting of the National Council (JCM) held in November, 1975—Joint Nomination by more than one Association/Union to single seat.

The undersigned is directed to say that as the Ministry of Finance etc. are aware, Clause 7(i) of the JCM Scheme stipulates that members of the Staff Side of the National Council should be nominated by recognised Associations/Unions. The Constitution of the National Council does not specify the manner in which nominations are to be made to a single seat by more than one Association/Union. The practice heretofore has been to ask for unanimous nominations jointly by all the concerned Associations/Unions to the seat(s) in question. There have been instances where, due to lack of unanimity among concerned Associations etc. to make the Joint nominations, the seat(s) in question having been lying vacant resulting in the respective categories of employees not being represented in the Council. The matter was placed before the National Council at its meeting held on the 21st and 22nd November, 1975 with a view to resolving it in consultation with the Staff Side. The National Council decided that where joint nominations are required to be made by more than one recognised Association/Union to a single (or group of) seat(s) on the Staff Side of the National Council and where no unanimity became possible, the nomination(s) may be made on the principle of majority, by the concerned members of the Staff Side of the respective Departmental Council(s) subject to the following conditions:—

(91)

- (a) The Departmental Council members would chose. by the principle of majority, only from among the nominees of the Associations/Unions in question. and
 - (b) the choice would be made only by those members of the Staff Side of the Departmental Council who represent the Unions or Associations grouped together for making a joint nomination to the Staff Side of the National Council.
2. The above decision of the National Council is brought to the notice of the Ministries/Departments etc. for their guidance.

Sd/-

L. B. MANN

Under Secretary to the Government of India

No. 2/9/77-CS(IV)

Government of India

Ministry of Home Affairs

(Department of Personnel & Administrative Reforms)

New Delhi, dated the 17th January, 1978

OFFICE MEMORANDUM

SUBJECT :—Scheme for Joint Consultative Machinery and Compulsory Arbitration—Office Council—Nomination in respect of C.S.S. etc.

As the Ministry of Finance, etc. are aware, in accordance with the instructions contained in para 2 of Department of Personnel and A.R. O.M. No. 5/10/71-JCA, dated the 21st November, 1972, nominations to the Staff Side of an Office Council should be from amongst the staff of the office/establishment for which the Office Council has been constituted under Clause 6 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration or from amongst the honourably retired employees or ex-employees of that office/establishment who may be permitted by Government to be members of the Office Council. However, in order to enable the common service problems of each cadre of the decentralised Central Secretariat Services being discussed in the Office Council of the cadre authority (main Ministry/Department controlling the cadre), it was decided vide this Department's O.M. No 2/9/73-CS(IV), dated the 20th December, 1973 that the recognised staff Associations representing the CSS categories of staff, i.e. staff of Central Secretariat Service, Central Secretariat Stenographers' Service and Central Secretariat Clerical Service, may be allowed to nominate their representatives to the Office Council of the cadre authority from among the staff working in any of the offices included in the CSS cadre and not necessarily only from the staff working in the office of the cadre authority.

2. It has been represented by the Staff Side of the Departmental Council of the Department of Personnel and A.R. that the present procedure to discuss common service problems of each cadre of the CSS in the office council of the cadre authority has not been effective. In pursuance of the discussions held in that Departmental procedure to discuss common service problems of each cadre of the Council, it has now been decided that in partial modification of the existing procedure, wherever the C.S. cadre (C.S.S., C.S.S.S., C.S.C.S.) comprises offices other than those of the cadre authority itself, one representative each of the Staff Side of the Office Council of the Units participating in that cadre should be asked to attend the meetings of the office council of the cadre authority. Such special invitees would be allowed to participate in the discussions in the meetings of the Office Councils of the cadre authority only on items pertaining to that cadre of the CSS/CSCS/CSSS as a whole and not in respect of other matters which fall exclusively within the jurisdiction of the office Council of the cadre authority. For this purpose, as soon as the agenda for the meeting of the office Council of the office of the cadre authority is settled, the cadre authority may write to its individual units for obtaining the names of the representatives of the appropriate Staff Side of the respective office councils of the units who would be attending the meetings of the Office Council of the office of the cadre authority. The representatives in question would be chosen by the Staff Sides of the respective office Council, in the individual units and intimation of the names would be made to the administrative office of the cadre authority through the respective administration of the participating units. The Office Councils, if they so choose, can also nominate a representative, for such time till he is replaced later by another, instead of nominating a representative on each occasion to serve in the office council of the cadre authority when common service problems of the cadre are discussed in the office council of the office of the cadre authority.

Sd/-

K. L. RAMACHANDRAN

Deputy Secretary to the Government of India

No. 3/37/79-JCA

Government of India

Ministry of Home Affairs

(Department of Personnel and Administrative Reforms)

New Delhi, dated the 6th May, 1980

OFFICE MEMORANDUM

SUBJECT :—Meeting of the National Council (JCM)—
Preparation of Official Briefs on the items suggested
by the Staff Side.

The Ministry of Finance etc. are aware that according to the present practice, copies of Explanatory Notes on items suggested by the Staff Side for inclusion in the Agenda of the National Council meeting are sent in advance for preparation of the Official Briefs indicating the Official approach to the items. These Briefs are circulated to the members of the Official Side of the National Council in advance for discussing the Official Side approach at the meeting with the Staff Side. It has been noticed that Briefs are often prepared by different Ministries/Departments on the same item but without following a uniform pattern which affects facility of reference and creates confusion at times. The former Cabinet Secretary-cum-Chairman, National Council had commented on this aspect and desired uniformalised rationalisation of the Official Briefs. It has, accordingly, been decided that in future Official Briefs should be prepared uniformly in which the demand of the Staff Side should be reproduced and thereafter the Official views of the Government should be indicated. The Official Briefs should also indicate the conclusion of the Ministry/Department specifying whether or not the demand can be accepted either in full or in part. The proforma indicating the form in which the Briefs should be prepared is enclosed.

2. It has also been noticed that in Official Briefs prepared by different Ministry/Department on the same items, divergent views are expressed—one Department may agree, others may disagree with the proposal. This approach variance causes confusion, if not embarrassment. It has, therefore, been decided that hereafter, copies of the explanatory notes submitted by the Staff Side on each item will be forwarded to the main Ministry/Department concerned with the subject matter and it will be their responsibility to consult, if necessary, the other concerned Ministries/Departments and incorporate their views also in the Official Briefs. Thus only one Brief on each item will be circulated to the Official Side members of the National Council.

3. Ministry of Finance etc. are requested to keep the above in view while preparing Official Briefs on the items suggested by the Staff Side of the National Council.

Sd/-

BATA K. DEY

Deputy Secy. to the Govt. of India

NATIONAL COUNCIL

(———th ordinary meeting)

Item No. _____

Name of the Ministry/Department

SUBJECT :—Staff Side explanatory note (quote).

Brief

- (a) Existing position.
- (b) Comments on the Staff Side demand.
- (c) (i) views of the nodal Ministry/Department.
(ii) views of other Ministry/Department concerned.
- (d) final conclusion/stand.

(File No. _____)

No. 4/2/79-JCA
Government of India
Ministry of Home Affairs
(Department of Personnel and A.R.)

New Delhi, the 20th July, 1980

OFFICE MEMORANDUM

**SUBJECT :—Scheme for JCM—Departmental Councils—
Procedure regarding functioning of and recording
of Agreement/Disagreements.**

The undersigned is directed to say that the Staff Side of the National Council submitted the following for discussion during the 23rd Ordinary Meeting of the National Council which was held on the 2nd/3rd February, 1979 :—

- (i) The Official Side after having discussed the issues threadbare hesitate to record disagreement because under some instructions which are confidential from the Staff Side they had to consult the Department of Personnel before recording disagreement; and
- (ii) The Official Side refer the matter to the Ministry of Finance and convey to the Staff Side that the Finance Ministry does not agree. This type of reference makes mockery of the whole scheme under which discussions will have to take place across the table.

These points were discussed by the Official Side prior to the meeting of the Council. Cabinet Secretary and Chairman of the Council desired that the procedures for functioning of the Departmental Councils (the points mentioned above having emanated from the working of the Department Council) particularly for recording of agreement/disagreements, either in such Council or in their sub-committee, should be given a fresh look.

2. As regards (i) above, instructions¹ had been issued in 1967 wherein it was laid down that the Official Side should conclude matters at the meetings of the Councils and not reserve them for later decision by Government. For a proper discharge of this responsibility, the Official Side representatives are expected to consider the items on the Agenda well in advance of the meeting and obtain clearance/concurrence from the concerned authorities at the appropriate level before they attend the meetings of the Councils so that they can speak and commit themselves on behalf of the Government. On items submitted by the Staff Side of the Council which may have horizontal coverage the official Side should consult the concerned Ministries/Departments well before the meetings. If the various items on the Agenda are adequately examined before the meeting of the National/Developmental Council for which already a notice of 8 weeks is given by the Staff Side and Ministries/Departments also get in practice a notice of more than 4 weeks for taking Government decisions on the items and preparing official briefs on the subject—there should not be any difficulty for the Official Side to take a stand in the matter on behalf of Government and, if considered necessary, record disagreement. The prompt decision would remove the complaint of the Staff Side that the Official Side do not come equipped with the Government's decisions in the matter, or consult Deptt. of Personnel. As it is, the notice period available with the Departments should be considered adequate for obtaining the decision of the Govt. If for some reason it is not possible to project the final view of the Govt. in the Council meetings, the concerned Deptt. must commit a time-frame, usually not exceeding a month from the date of the meeting within which the Govt. could arrive at some finality on the subject. In the following meeting, there should arise no occasion for the Official Side to seek further postponement of recording of the disagreement, if the Staff Side so presses. All consultation with the concerned Deptts./approval of the Cabinet, where necessary, etc. should be completed within this period.

On items which are clearly arbitrable under Clause 16 of the JCM Scheme instructions² were issued in 1968, enjoining on the Ministries/Departments to make a report to the Cabinet as soon as reference for arbitration on items relating to "Pay and Allowance" was received. However, in order to ensure that the Cabinet got adequate opportunity to consider the matter, it was

¹OM No. 6/2/68—JCA, dated 21-9-68

²OM No. 5(1)-E(Coord)/67, dated 3-11-1967

decided in 1970 that on an item relating to "Pay and Allowance" before the Departmental/National Council on which there was no likelihood of agreement between the Official Side and the Staff Side either during discussion in the Council or in the Committee of the Council, the Administrative Ministry concerned should submit the matter¹ for consideration of the Cabinet before a disagreement was recorded.

Before submitting the Note for Cabinet, the Department of Personnel are required to be consulted. In regard to disagreements on items which are not arbitrable, under Clause (13) of the JCM Scheme Government is required to take action according to its own judgement. However, a convention has been established in the National Council² by which the staff Side of the National/Departmental Council if they so desire, can place their points of view before a committee of Ministers consisting of Home Minister, Labour Minister and the Minister administratively concerned with the subject. The sub-committee set up by the National/Departmental Council being subordinate to it, should submit their reports to the Council. Only after a final disagreement is recorded at the meeting of the Council, the procedure detailed above will apply depending on whether the items are arbitrable or non-arbitrable. Thus for recording disagreements on non-arbitrable issues, there are no instructions enjoining prior consultation with the Department of Personnel.

As regards the second point, the complaint of the Staff Side is that the Official Side often refer matters to the Ministry of Finance and then convey to the Staff Side that the Finance Ministry does not agree. In all such cases where approval of Ministry of Finance is required, the concerned Department is required to hold consultations with the Ministry of Finance before attending the meeting of the Council and decide the Official Side approach to the item of the Agenda, so that in the meeting itself whatever views have been decided upon may be transmitted to the Staff Side. When the Official Side takes a view or stand, it is done on behalf of the Government and any reference by the Official Side to the Ministry of Finance or the Department of Personnel or any other wing of the Government as the authority rejecting the proposals causes needless embarrassment and must be avoided.

Since the Department of Personnel is the nodal agency for JCM as a whole any doubt in regard to the arbitrability or otherwise of an item is required to be referred to this Department and its opinion sought before the Joint Council meetings take place

¹OM No. 6/2/68—JCA dated 25-2-70

²OM No. 4/2/77—JCA dated 1-11-1977

and, as stated, before submitting the Note for Cabinet, seeking approval to record disagreements on an arbitrable issue, whether it pertains to National or Departmental Council. But there is no need for further consultation with the Department of Personnel after recording disagreement, except that references to the Board of Arbitration will have to be routed through this Department.

4. In order to expedite the disposal of cases, especially in regard to arbitrable matter, attention is invited to the instructions* issued in 1968, which lay down the following :—

“From the National Council, the request for arbitration will be made directly to the Secretary, Ministry of Labour by the Home Ministry on behalf of the National Council. This will be in the form indicated in the Annexure.”

“From the Departmental Council the communication to the Ministry of Labour, as in the Annexure, may be routed through the Ministry of Home Affairs. The Ministry of Home Affairs will forward the reference to the Ministry of Labour and Employment within a period of 15 days. This time-limit will be strictly observed.”

5. While reiterating the above instructions, this Department would emphasize that the following steps may be kept in view for processing the agenda items in the meetings of the Departmental Council of the JCM :—

- (i) The agenda items for the next meeting should be obtained from the Staff Side at least six weeks in advance and should be scrutinised to see that the items are admissible and do not have repercussions on other Departments; if they do the correct forum to discuss such items would be National Council, and a reference may be made to the Department of Personnel & A.R. at that stage itself so that the issue gets sorted out in time.
- (ii) The Agenda items which are not proposed to be admitted should be discussed with the representatives of the Staff Side so that the items can either be modified or dropped after such discussions.
- (iii) The items should thereafter be processed with a view to deciding the stand to be taken by the Government on these items and where necessary the concurrence of Internal Finance/Ministry of Finance/Department of Personnel & A.R. should be obtained well in time so that a decision can be taken in the meeting itself.

*OM No. 6/2/67—JCA. dt.2-2-68

In case of doubt whether a demand is arbitrable under Clause 16 of the JCM Scheme or not, the Department of Personnel & A.R. may be consulted in advance.

- (iv) The items on which it is proposed to record a disagreement and which can be referred to the Board of arbitration should be placed before the Cabinet for their consideration and/or orders before a disagreement is recorded. Earlier instructions stipulated seeking prior Cabinet approval on only some selective items out of array of arbitrable items. Those instructions were issued under certain circumstances which have changed with the time. In the light of experience it has now been considered that on all arbitrable items, prior Cabinet approval may be taken if it is felt that disagreement is likely to be recorded.
 - (v) The items which have some impact on other Departments or pertain to their field should be considered in consultation with such Ministries/Departments. If considered necessary a formal brief from those Ministries/Departments should also be obtained so as to ensure that it receives proper consideration in so far as it relates to their sphere of responsibility.
 - (vi) Before a demand is accepted in the meeting of the Departmental Council, prior consultations should take place with the authorities concerned e.g. the Ministry of Finance, Department of Personnel etc. so as to avoid embarrassing situations subsequently. It may once again be emphasised that the Official Side in a Departmental Council represents the Government and whatever final view is taken, either in consultation with others or without, represents the view of the Government. Therefore, it would be inappropriate to take the position later that an item cannot be accepted because a particular Ministry or Department did not agree to the same.
 - (vii) As soon as a disagreement is recorded, it should be referred to the Board of Arbitration through the Department of Personnel without any delay and in any case within two weeks of finalising the terms of disagreement.
-

6. The Ministry of Finance etc. are requested to bring the above procedure to the notice of all concerned and to advise the Official Side members to prepare themselves well in advance before the meeting of the Departmental/National Council and take Government's orders at the appropriate level on the items with which they are concerned so that they could take decision on the items in the Departmental/National Council.

Sd/-

BATA K. DEY

Deputy Secretary to the Govt. of India.

No. 4/2/79-JCA
Government of India
Ministry of Home Affairs
(Department of Personnel and A.R.)
New Delhi, dated the 11 Nov., 1981

OFFICE MEMORANDUM

SUBJECT :—Scheme for JCM—Department Councils—Procedure regarding functioning of and recording of agreements/disagreements.

The undersigned is directed to refer to this Department's O.M. No. 4/2/79-JCA, dated the 20th July, 1980, in which consolidated and comprehensive instructions were issued about the procedures to be followed regarding functioning of, and recording of agreements/disagreements in the Departmental Councils. In spite of these instructions, several cases have of late come to the notice of this Department where the procedures laid down therein have been found to have not been followed. It is, therefore, again emphasised that the following instructions should be borne in mind for strict observance and compliance :—

- (i) Items suggested by the Staff Side of the Departmental Councils are sometimes not scrutinised properly in advance, and after discussion of the item in the Departmental Council the staff side is told to take it up in the National Council as the item merited to be discussed only there. Subsequently, if the staff side do not accept this contention of the official side, this Department is requested to advise about the course of action to be taken. Such a situation is embarrassing to this Department apart from giving the staff side a justifiable cause for complaint about improper functioning of the JCM at the Departmental level. It is, therefore, imperative that the demands of the staff side made in the Departmental Council should be scrutinised in

advance, and the Ministries/Departments concerned should take a view in the first instance if considered necessary in consultation with Deptt. of Personnel & A.R., as to whether they fall within the jurisdiction of the Departmental Council or in the National Council. In the latter case, the staff side should be advised suitably. After admission of an item, it would not be proper for the official side to disown the item or for the Chairman to disallow discussion on the ground of conflict of jurisdiction.

- (ii) If the staff side of the Departmental Council do not accept the official side view about the arbitrability of an item under the Scheme for JCM, the matter should be referred to Deptt. of Personnel and A.R. by name to the Joint Secretary or Deputy Secretary in-charge of JCA Section. Till such advice is available, no final disagreement on the disputed item should be recorded, and, the staff side in the Council/Committee asked to await the advice of the Deptt. of Personnel and A.R. as the final authority for deciding on the arbitrability of the issues under the JCM Scheme. There, indeed, would be positive advantage in consulting the Deptt. of Personnel in cases of anticipated disagreement.
- (iii) It has been observed in many cases that on the staff side contesting the view of the official side about the arbitrability of a particular item under Clause 16 of the JCM Scheme, the Ministries/Departments concerned consult the Ministry of Law directly and this Department is kept in the dark. Law Ministry have opined that the Department of Personnel and A.R. alone is competent under the Government of India (Allocation of Business) Rules to decide on all matters relating to the Scheme for JCM including the arbitrability of the item for Joint Councils. It is only proper that such consultation with the Ministry of Law, if necessary, should be done by this Department, who, thereafter, on the basis of uniform policy followed, practice adopted, and precedent cases, will advise the Ministries/Departments suitably. The practice of various Departments seeking direct advice from their

accredited legal advice branches giving rise to expression of different legal opinion on the arbitrability of similar or same items in different Councils is not only irregular but also creates an embarrassing situation for this Department. It may be ensured that such situations do not arise in future.

- (iv) It has also been observed that at the meetings of the Joint Council and its Committees, the official side, in order to project a favourable image before the staff side, has sometimes the tendency to say that though it is favourably inclined to the demand, other Departments of the Government are responsible for its non-acceptance. Such indication of individual stand on the staff side demand would not only be embarrassing but also premature and creates, in the long run, difficulties for the Government. In no case should it be indicated the stage at which, and the Department where, the proposal is under consideration. As emphasised earlier, vide our O.M. dated the 20th July, 1980, when the official side takes a view on the staff side demand, after consultation with the Ministry of Finance etc., if necessary, in advance, it is done on behalf of the Government as a whole and it is not proper to take the stand at the meeting with the staff side that the Ministry of Finance, etc. do not agree to the proposal. This causes unnecessary and avoidable embarrassment and should not arise in future.

2. The Ministry of Finance etc., are requested to follow the procedures mentioned above strictly.

Sd/-

BATA K. DEY

Deputy Secretary to the Govt. of India

No. 4/2/79-JCA

Government of India

Department of Personnel and A.R.

(Ministry of Home Affairs)

North Block, New Delhi, Feb. 3, 1982

OFFICE MEMORANDUM

Please refer to this Department's Office Memorandum No. 4/2/79-JCA, dated the 20th July, 1980 and 11th November, 1981, laying down the procedures relating to functioning and recording of agreements/disagreements in the Departmental Councils set up under the Scheme for JCM.

2. According to the instructions, referred to above, prior approval of the Cabinet should be obtained in all matters which are compulsorily arbitrable under Clause 16 of the JCM Scheme, before a disagreement is recorded in the National or Departmental Council. Recently, a case has come to notice in which prior approval of the Cabinet was sought for recording a disagreement in a Departmental Council. The Note submitted to the Cabinet gave the impression that at the meeting of the Committee, which was set up by the Council to consider the particular demand of the Staff Side, the Official representatives in the Committee expressed themselves as inclined to accept the justifiability of the demand of the Staff Side. While discussing the Note the Cabinet felt that the Official Members of the Committee of the Departmental Council should not have expressed their inclination to accept the proposal having financial implication without obtaining the necessary clearance from the Ministry of Finance.

3. As already stated in para 1 above, instructions exist where it has been emphasised that items which have impact on other Departments or which pertain to their field should be considered in consultation with such Ministries/Departments in advance and, if, considered necessary, a formal brief from these Ministries/Departments should also be obtained so as to ensure that such items receive proper consideration in so far as they relate to their spheres of responsibility. Further, before a demand is accepted in the meeting of the Departmental Council (which includes Committees also), prior consultations should take place with the authorities concerned e.g., Ministry of Finance, Department of Personnel and A.R. etc., so as to avoid embarrassing situations subsequently.

4. I am writing to you again to request that these instructions should be complied with strictly in future by the Official Members of a Departmental Council or its Committees during deliberations therein.

Sd/-

A. C. BANDOPADHYAY

Secretary to the Govt. of India

No. 6/26/82-JCA

Government of India

Ministry of Home Affairs

(Department of Personnel and A.R.)

New Delhi, dated the 17th November, 1982

OFFICE MEMORANDUM

SUBJECT :—Board of Arbitration—Model Note for Cabinet for obtaining approval of Cabinet before recording disagreement with the Staff Side on matters which qualify for arbitration.

In accordance with the instructions contained in this Department's O.M. No. 4/2/79-JCA, dated the 20th July, 1980 and 11th November, 1981, before a final disagreement between the staff side and the official side of the National/Departmental Council of the JCM is recorded in the Joint Councils on an item which is arbitrable under Clause 16 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration, prior approval of the Cabinet is required to be sought. It has also been enjoined that the Note for Cabinet for this purpose should be got approved from this Department (JCA Division), as the nodal agency for JCM as also from the Ministry of Finance, Ministry of Law etc. as may be required.

2. It has been found that often the Draft Cabinet Notes received from various Ministries/Departments do not bring out in clear terms the provisions of the Scheme and the instructions under which Cabinet's approval is being sought before recording disagreement on an arbitrable item; the format of the Cabinet Note and the presentation of the case also vary widely from Department to Department. In certain cases, the objective of preparing the Cabinet Note and putting it up to the Cabinet

is not made clear. It has also been seen that, in many cases, staff side demand is not projected fully or in its proper perspective, nor is the text of the demand reproduced with the result that the thrust of the staff side demand cannot be appreciated adequately.

3. In order to avoid deficiencies of the kind mentioned above, and also to ensure uniformity of presentation, a model format of the Cabinet Note has been prepared by this Department and is enclosed. It is requested that the Cabinet Note prepared for obtaining approval from Cabinet before signing disagreement with the staff side on arbitrable matters under Clause 16 of the JCM scheme may henceforth be prepared on the lines of the model format enclosed.

Sd/-

(BATA K. DEY)

Deputy Secy. to the Govt. of India

MODEL FORMAT OF THE NOTE FOR CABINET FOR OBTAINING ITS APPROVAL BEFORE RECORDING DISAGREEMENT ON ARBITR- ABLE ITEMS UNDER JCM SCHEME

SUBJECT :—(Specify)

1. In accordance with the instructions contained in the Department of Personnel and Administrative Reforms' O.M. Nos. 4/2/79-JCA, dated the 20th July, 1980, and 11th November, 1981 prior approval of the Cabinet is required to be sought before a final disagreement between the staff side and the official side of the National*/Departmental* Council of the JCM is recorded on any item(s) which is/are arbitrable under Clause 16 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration. The Staff Side of the National/Departmental Council has raised a demand in the (Number of meeting)* Ordinary/Special meeting of the _____ National/Departmental Council of the Ministry/Department on _____ regarding _____ (Title of the demand) which is arbitrable. Since it is not considered possible to agree to this demand, when it comes up for consideration in the Joint Council during its next meeting, formal disagreement may have to be recorded, if the Staff Side so insists. Accordingly, approval of the Cabinet is solicited for the purpose of recording of such a disagreement.

2. The Staff Side has made the following demand:—

(Here, the full text of the demand as given in the self explanatory Memorandum may be quoted if it is not too long. If it is considered long, the gist of it may be given in this para by bringing out the substance of the demand, but enclosing the full text of the explanatory memorandum submitted by the staff side in support of their demand, in the Annexure, after suitably referencing it in this para.)

3. In this paragraph, the historical perspective, that is, the background and evolution of the demand (if any), may be indicated.

4. The merits and demerits i.e. the arguments for and against the demand may be brought out in this para.

5. The views of the Ministry of Finance Department of Personnel and A.R., Ministry of Law etc. may be stated here.

NOTE: The official side being one, an impression should not be created that while the Ministry/Department concerned substantively with the Staff Side demand is willing to accept it but they are being forced to disagree because of the opposition from the Finance Ministry or Department of Personnel and A.R. etc., the idea to be projected is that official side as a whole has considered the staff side demand and have come to the conclusion, through mutual consultation, not to agree to the demand. Due care is, therefore, necessary to strike a balance and project a common view of the official side as a whole, though arguments advanced for rejection of the demand as also those considered in favour by the Ministry/Department may be suitably incorporated in the Note.

6. In this paragraph, the final stand of the official side on the demand may be indicated for which approval of the Cabinet is being sought.

7. It may be stated that Ministry of (concerned Ministry/ Department) has seen and approved the Note.

8. It may be mentioned that Minister of Home Affairs and the Minister of Finance have also seen and approved the Note.

*Please strike off which is not applicable

D.O. No. 3/23/85-JCA

Government of India

(Department of Personnel and Administrative Reforms)

New Delhi, the 7th Oct., 1985.

OFFICE MEMORANDUM

In the last meeting of the National Council held on 10th/11th July, 1985, the Staff Side Secretary had referred to certain procedural difficulties leading to delay in implementing the recommendations of the Board of Arbitration. Though no time-frame for implementation of these recommendations has been specified in the JCM Scheme, the Staff Side felt that this need not be taken as an excuse for delaying any arbitration recommendation beyond any reasonable limit of time. He, therefore, urged that the Scheme needed to be clarified in this regard.

2. As you are already aware, Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees provides for remittance of disputes on items specified in Clause 16 of the JCM Scheme to the Board of Arbitration, if either of the parties so desire. In case, however, there is any doubt about the arbitrability or otherwise of an item raised by the Staff Side for discussion in the Joint Councils, instructions already exist that advice of this Department (JCM Division) should be obtained at the earliest possible stage. When the Staff Side cannot be persuaded in the first meeting to the official-line of thinking, action may also simultaneously be taken for obtaining approval of the Cabinet for recording final disagreement (if the item is arbitrable) after following the prescribed procedure (e.g. obtaining prior approval of the Cabinet after getting the Cabinet Note cleared by this Department (JCM Division)). This ensures the recording of formal disagreement without much delay.

3. After recording the formal disagreement, and if requested by the Staff Side, immediate action may be taken to finalise

the terms of reference for the Board of Arbitration, which need not take more than four weeks or so and the same may be forwarded to this Department without much delay for onward transmission, after necessary scrutiny at this end, to the Ministry of Labour for setting up of the Board of Arbitration.

4. On the receipt of the recommendations by the Administrative Ministry/Department concerned, expeditious action may also be taken to examine the implications of the recommendations in consultation with this Department, and the Ministry of Finance if necessary, to decide whether the recommendation could be implemented straight away or rejected/modified as required under Article 21 of the JCM Scheme. If it is decided to reject/modify the recommendation of the Board of Arbitration, Cabinet approval must be taken after going through the procedure of consulting this Department (JCM Division) or Ministry of Finance (if necessary) and taking suitable steps to obtain Parliament's specific directions on the suggested rejection/modification. This action should be initiated within four weeks or so of the receipt of the recommendation of the Board of Arbitration.

5. I am sure if the steps are taken at every stage with required urgency, the Staff Side misgiving on this score will be largely if not substantively, dispelled.

With regards.

Yours sincerely,
(BATA K. DEY)
Director (JCA)

Immediate

No. 3/33/85-JCA

Government of India

(Department of Personnel & Training)

New Delhi, the 29th October, 1985

OFFICE MEMORANDUM

SUBJECT:—JCM—Cases referred to the Board of Arbitration—expeditious disposal of the cases.

As required under the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government employees, items discussed in the Departmental Councils in various Ministries/Departments as also in the National Council which are arbitrable and on which disagreement is recorded in the Joint Councils are required to be referred to the Board of Arbitration, if so requested by the Staff Side. Such cases are referred to the Ministry of Labour for onward transmission to the Board of Arbitration through this Department.

2. The Staff Side of the National Council have for some time past, been complaining about the delay in the disposal of the arbitration cases by the Board of Arbitration.

3. The Ministry of Finance etc. are requested that they may keep a watch over the cases relating to their Ministry/Department which have been referred to the Ministry of Labour for arbitration and they may remind Ministry of Labour (Adm. I Section) for expeditious finalisation of the pending cases, through the Board of Arbitration, under intimation to this Department. If necessary, even the Board of Arbitration may be politely and discretely requested for prompt hearing of the cases pending before them. Needless to say, all the Ministries will no doubt arrange for effective and adequate advocacy of Government cases. It should be enjoined upon officers who

argue on behalf of the Government that they must prepare the case well in advance with reference to all relevant data, requisite documents and required answers to the possible supplementaries/questions that may be raised by the Hon'ble members of the Board of Arbitration.

4. The Ministry of Finance etc. are also requested to prepare a list of such cases on which the Board of Arbitration have not yet completed their hearings till date, and forward the same to this Ministry (JCM Division) and to the Ministry of Labour (Admn. I Section) for getting such cases expedited at the Board level.

Sd/-
(BATA K. DEY)
Director, (JCA)

No. 1/1/87-JCA

Government of India

Ministry of Personnel, P.G. & Pensions

(Department of Personnel & Training)

New Delhi, the 21st May, 1987

OFFICE MEMORANDUM

SUBJECT :—Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees—Raising the limit of pay from Rs. 900—Rs. 2,900 per mensem. for eligibility.

As the Ministries/Departments are aware, the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees covered all regular civil employees of the Central Government except *inter alia* persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in Supervisory capacity draw salary in scales going beyond Rs. 900/- per mensem. *vide* Clause 1(c) of the JCM Scheme.

2. With the revision of the scales of pay on the recommendations of the Fourth Central Pay Commission, the limit of Rs. 900/- referred to in para 1 above, has correspondingly to be increased in order to ensure that employees who were already covered by the Scheme still continue to be so covered. The matter has been examined and it has been decided that, as under the new revised scales of pay etc., the limit of Rs. 900/- would correspond to Rs. 2,900/- the Scheme should be treated as amended to this extent. Accordingly, Clause 1(c) of the JCM Scheme may now be deemed to read as under:—

(115)

"Persons in Industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity draw salary in scales going beyond Rs. 2,900/- per mensem".

3. This may be brought to the notice of all concerned.

Sd/-
BATA K. DEY
Director

IMMEDIATE
J.C.M. MATTER

No. 3/42/87-JCA

Government of India

Ministry of Personnel, P.G. & Pensions

(Deptt. of Personnel & Training)

New Delhi, the 25th Jan., 1988

OFFICE MEMORANDUM

SUBJECT:—Introduction of new technology in various
Ministries/Departments.

The undersigned is directed to say that in the last meeting of the National Council (JCM) held on 18th/19th August, 1987, the Staff Side had demanded that they should be consulted whenever there was a proposal for introduction of new technology.

2. The Ministry of Finance etc. are therefore requested that whenever there is a scheme/proposal for introduction of new technology in a Ministry/Deptt., the Staff Side in the concerned Departmental Council may please be consulted before taking a final decision in the matter.

Sd/-
Smt. K. N. K. KARTHIAYANI
Director (JCA)

IMMEDIATE

No. 1/7/87-JCA

Government of India

Ministry of Personnel, P.G. & Pensions

(Department of Personnel & Training)

New Delhi, the 15th April, 1988

OFFICE MEMORANDUM

SUBJECT :—Joint Consultative Machinery for Central Govt. employees—Procedure for recording disagreements on arbitrable issues.

- | | |
|---|--|
| 1. OM No.
6/2/68-JCA dt.
25-2-70 | The undersigned is directed to refer to the instructions contained in this Department's earlier communications mentioned in the margin on the above subject and to say that the question of determining the authority who should take a final decision in regard to the arbitrability of an issue under para 16 of the JCM Scheme has been under consideration. The matter was placed before the Group of Ministers who have decided that :— |
| 2. OM No.
4/2/79-JCA dt.
20-7-80 | |
| 3. OM No.
4/2/79-JCA dt.
11-11-82 | |
| 4. OM No.
6/26/82-JCA dt.
17-11-82 | (i) the dispute whether any particular issue is arbitrable under para 16 of the JCM Scheme may be referred to the Attorney-General for his opinion. |
| 5. DO No.
3/23/85-JCA dt.
7-10-85
(Reproduced on
pages 66-67, 98-
102, 105-107,
110-113 & 118-
119 in the
JCM Brochure) | (ii) each side may present its views in writing to the Attorney-General and there may be no hearing.
(iii) the opinion of the Attorney-General will be binding on both the parties. |

2. In view of the aforesaid decision, the following procedure may now be followed in the Departmental Councils before signing disagreements :—

2.1 If there is a dispute in the Departmental Council on the arbitrability of an issue after it has been decided to sign a disagreement on the issue, the matter may first be referred to the Department of Personnel & Training to ascertain whether the item would be arbitrable.

2.2 If the Department of Personnel & Training is also of the view that the item is not arbitrable, the issue will further be processed by the Department of Personnel & Training as per the decision taken by the Group of Ministers mentioned in Para 1 above.

3. The approval of the Cabinet may be obtained for recording disagreement in the Departmental Councils as and when it is finally decided that the item is an arbitrable one.

4. While adopting the procedure outlined in the preceding paragraphs it should be ensured that there is no unavoidable delay at any stage so that the disagreement could be recorded in the concerned Departmental Council without giving any cause of grievance for delay to the Staff Side.

Sd/-

Mrs. K. N. K. KARTHIAYANI

Director (JCA)

IMMEDIATE

No. 3/23/85-JCA

Government of India

Department of Personnel & Training

New Delhi, dated the 10th June, 1988

OFFICE MEMORANDUM

SUBJECT :—Joint Consultative Machinery—Procedure for processing the cases relating to arbitrable issues on which disagreements are recorded in the National Council/Departmental Council.

In a recent meeting they had with Cabinet Secretary, some members of the Staff Side of the National Council had expressed their concern over the delay in the implementation of the Awards given by the Board of Arbitration under the JCM Scheme.

2. The matter has been considered in great detail by the Committee of Secretaries in their meeting held on 8th April, 1988. The Committee have taken decisions on the procedure and time-schedule for processing the case relating to arbitrable issues which are enumerated below. The Ministries/Departments are requested to follow the same :—

*two months' time
for recording
disagreement.*

- (1) Before a disagreement is recorded, the concerned Ministry *must* obtain approval of the Cabinet for the same. The Draft Note for the Cabinet may be prepared on the lines of the *model Note* already circulated by this Department in O.M. No. 6/26/82-JCA (*), dated the 17th November, 1982 and the case may be processed further without any unavoidable delay. After obtaining the approval of the Cabinet, the disagreement could be recorded formally in the Departmental Council concerned/National Council. This procedure should be completed within two months' time from the date it is decided to record a disagreement.

*two months' time for
transmissions of cases
to Labour Ministry.*

- (2) If the Staff Side request for making a reference to the Board of Arbitration on the arbitrable item on which disagreement has been recorded, the

request for reference to the Board of Arbitration in the prescribed form (enclosed with the O.M. No. 6/2/67-JCA. (*), dated the 2nd Feb.. 68) along with an extract of the Cabinet decision for recording disagreement, may be forwarded to this Department (in duplicate), for onward transmission to the Ministry of Labour for making a reference to the Board of Arbitration. This should be done *within two month's* of such a request from the Staff Side.

*Seven days' time limit
for transmittal of case to
the Board of Arbitration
by Ministry of Labour.*

- (3) The Labour Ministry would submit it for arbitration, within **7 days** of the receipt of the case.

(4) It has also been felt that the case for the Govt. is not adequately argued before the Board of Arbitration and subsequently the Govt. is forced to reject the Award given by the Board of Arbitration. In order to ensure that all aspects of the case are fully and correctly presented to the Board of Arbitration, it has been decided that *before* the terms of reference are sent by the Ministry to this Department as envisaged in sub-para (2) above, the views of the Department of Personnel & the Ministry of Finance (Department of Expenditure) would be obtained as regards how the case should be presented before the Arbitrators.

(5) Before accepting/rejecting an Award, the case would be placed before the Committee of Secretaries after which the concerned Department or Ministry would submit the case to the Minister of State or Cabinet Minister in-charge of the Department for acceptance/rejection of the Award. It is, therefore requested that suitable action may please be taken to obtain the approval of the Committee of Secretaries before accepting/rejecting the Award. In the event of the Award being accepted with the approval of the Committee of Secretaries, the Orders may be issued straightaway under intimation to this Department. In the event of rejection of the Award, as approved by the committee of Secretaries necessary action may be taken according to the standing instructions for obtaining the approval of the Cabinet for placing suitable Statements on the Table of both Houses of Parliament as required under para 21 of the JCM Scheme.

*Six months' time for
laying Statements in
Parliament.*

- (6) After the decision (Award) of the Board of Arbitration is received, the Award would either be implemented or Statements laid on the Table of

both the Houses of Parliament within **six months** (proposing modification/rejection of the Award).

(7) As soon as Government have laid on the Table of both Houses of Parliament their Statement for modification/rejection of the Award, the Secretary of the Staff Side of the National Council or of the Ministry/Department concerned would be suitably informed.

(8) The JCM cell of the Department of Personnel would monitoring the National level JCM cases and individual Departments would monitor cases with which they are concerned. However, the Department of Personnel will collect information from all.

(9) Guidelines for monitoring the cases as above are being issued separately.

Sd/-

Smt. K. N. K. KARTHIAYANI

Director, JCA

No. 3/23/85-JCA

Government of India

Ministry of Personnel, Public Grievances
and Pensions

(Department of Personnel and Training)

New Delhi-110 001, dated. 20th February, 1989

OFFICE MEMORANDUM

SUBJECT :—Joint Consultative Machinery—Procedure for processing the cases relating to arbitrable issues on which disagreements are recorded in the National Council/Departmental Council.

The undersigned is directed to refer to this Department's O.M. of even number dated the 10th June, 1988 laying down the procedure and time schedule for processing the cases relating to arbitrable issues.

2. It has now been decided that in respect of awards of the Board of Arbitration (JCM) which are proposed to be rejected/modified after obtaining Cabinet approval a formal Resolution may be moved in Parliament to seek the approval of Parliament for rejection/modification of the award in question instead of just placing the statement of modification/rejection on the Tables of both the Houses. The instructions in paras 5, 6 and 7 of the O.M. of even number dated 10-6-1988 may be treated as suitably modified to the extent mentioned above.

3. The draft of the Resolution mentioned in para 2 above may please be shown to this Department.

Sd/-

(SMT. KNK KARTHIAYANI)

Director (JCA)

(123)

No. 2/95/78-CS. IV

Government of India

Ministry of Personnel, P.G. & Pensions

(Department of Personnel & Training)

Dated 28th September, 1989

OFFICE MEMORANDUM

SUBJECT :—Constitution of Office Council (JCM) in the Cadre Controlling Ministry in respect of CSS/CSSS/CSCS.

Clause 6 of the JCM Scheme provides for setting up of regional and/or Office Councils where the structure of a Department permits the setting up of such councils. The Staff representatives are to be nominated by the recognised Service Associations from amongst the staff of the office/establishment for which the office council has been set up. (O.M. No. 5/10/71-JCA dated 21st November, 1972). However, in respect of the office council of the cadre authority concerning CSS/CSSS/CSCS staff, such nomination may be accepted from amongst staff working in any of the offices included in the Office Council of the cadre authority. (O.M. No. 2/9/73-CS. IV, dated 20th December, 1973). In order to facilitate smooth and effective discussion on common cadre problems in respect of secretariat staff, *one representative each of the staff side of the Office Council of the cadre units* are invited to participate on the meetings of the office councils of the cadre authority only on items pertaining to that cadre of the CSS/CSSS/CSCS as a whole and not in respect of other matters which fall exclusively within the jurisdiction of the office council of the cadre authority. (O.M. No. 2/9/7-CS. IV, dated 17-1-1978).

2. It has been represented by the Staff Side of the Departmental Council of the Department of Personnel & Training that the present procedure to discuss the cadre problems of CSCS/CSS/CSSS in the Central Secretariat in each Ministry and Department under the main Office Council has not been effective, as there is no mechanism available to them in case a problem arises with regard to issues affecting more than one Department/Office under the same Cadre Controlling Authority. This is particularly so in Ministries/Departments where there are more than one Office Councils functioning and the common cadre issues were not getting appropriately reflected in the Main Office Council in respect of other Office Councils functioning in the same Ministry/Department.

3. The matter has been discussed with the Staff Side and after detailed examination, it has been decided that, in partial modification of the existing instructions laid down in this Department O.M. No. 2/9/77-CS. IV, dated 17-1-1978, the "Special Invitees" permitted in the Main Office Council (representing each of the other Office Councils functioning under the same Cadre Controlling Authority) will enjoy the status of regular members for the specific purposes of discussion on issues relating to common cadre problems. In addition, one more member, to be nominated jointly by all the CSCS/CSSS/CSS Associations, will also be permitted in the Main Office Council enjoying the status of regular members with the same stipulation as provided for other special invitees. Thus, if there are four Office Councils functioning under one cadre controlling authority viz. ministry/department, of which one happens to be the main Office Council, besides staff members of the Main Office Councils, there will be three members, one each from the remaining three Office Councils *plus* one more member to be nominated jointly by all the said Associations who would participate in discussions in the Main Office Council. While these additional members will enjoy the status of the regular members of the Main Office Council, their field/scope of the activities will be confined to the common cadre problems only.

NOTE : Copies of all the instructions mentioned above are included in the Brochure on JCM for Central Government Employees brought out by this Department and is available on sale with Kitab Mahal, Baba Kharag Singh Marg, New Delhi.

Sd/-

(J. S. SINHA)

Deputy Secretary to the Government of India.

No. 1/1/90-JCA
Government of India
(Department of Personnel and Training)

New Delhi, the 3rd March, 1990

OFFICE MEMORANDUM

**SUBJECT :—Joint Consultation & Compulsory Arbitration—
Procedure for processing the cases where disagreement is recorded on non-arbitrable items—
regarding—**

In terms of para 13 of the Scheme for Joint Consultative Machinery (JCM), the Government is required to take action according to its own judgement on the items which are non-arbitrable. As per the established convention, the Staff Side, if they so desire, can place their view points before a Committee of Ministers, consisting of the Minister, administratively concerned with the subject, the Labour Minister and the Home Minister (now the Minister in-charge of the Ministry of Personnel, Public Grievances & Pensions). This Department had issued instructions, as contained in the O.M. No. 3/72/82-JCA, dated the 16th January, 1983, wherein it was provided that all references for arranging the meetings of the Committee of Ministers to discuss the non-arbitrable items may be routed through the JCA Division of this Department.

2. The matter has since been considered afresh and it has been decided that instead of routing their references through the JCA Division of the Department of Personnel & Training, the concerned Ministries/Departments would arrange meetings of the Committee of Ministers on the non-arbitrable items concerning their Departmental Councils.

Sd/-
(MRS. KNK KARTHIAYANI)
Director (JCA)

(126)

No. 3/4/90-JCA

Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, the 19th/23rd April, 1990

OFFICE MEMORANDUM

SUBJECT :—Non-receipt of important circulars in the Secretariat of the National Council (Staff Side), JCM.

It has been brought to the notice of this Department that copies of important Circulars issued by the various Ministries/Departments are not received in the Secretariat of the National Council (Staff Side), JCM. It appears that some of the Ministries/Departments have not placed the Secretariat of the National Council (Staff Side) JCM on their regular mailing list.

2. It is accordingly requested that the Secretariat of the National Council (JCM) Staff Side may please be placed on their regular mailing list for the purposes of sending the important Circulars issued by the concerned Ministries/Departments. Such Circulars may please be endorsed to Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi-110 001.

Sd/-
(MRS. K. N. K. KARTHIYANI)
Director (JCA)

(127)

No. 3/59/89-JCA
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)
New Delhi, the 6th September, 1990

OFFICE MEMORANDUM

SUBJECT :—Joint Consultative Machinery—Procedure for processing the cases relating to arbitrable issues on which disagreements are recorded in the National Council/Departmental Council.

The undersigned is directed to refer to this Department's O.M. No. 3/23/85-JCA, dated the 10th June, 1988 and 20th February, 1989 on the above subject, which *inter alia* provides that the approval of the Parliament would be sought in respect of Awards of the Board of Arbitration which are proposed to be rejected/modified by way of moving a Resolution in both the Houses of Parliament.

2. The Staff Side had been demanding that they may be informed about the Government's proposal to modify or reject an Award. The issue had been considered in the Standing Committee meeting of the National Council (JCM) held on 7th March, 1990 wherein it was decided that the Staff Side would be intimated immediately after a decision is taken to reject or modify the Award. However, it would not be possible to inform the Staff Side the exact date on which the Resolution would be moved in Parliament as it would not be possible to anticipate the business before the Parliament, well in advance.

3. The above decision of the Standing Committee is brought to the notice of all concerned for information and necessary action.

Sd/-
(SMT. K. N. K. KARTHIAYANI)
Director (JCA)

In substitution of DOPT O.M. No. 3/77/91-JCA, dated 4-2-92.