

## **CHAPTER - 06**

### **JOINT CONSULTATIVE MACHINERY IN ORDNANCE FACTORIES**

In 1967 Govt. of India introduced the 'Scheme for Joint Consultative Machinery and Compulsory Arbitration' for Central Govt. employees. The objective was to promote harmonious relation, securing greatest measure of cooperation between Govt. in its capacity as employer and the general body of its employees in matters of common concern and increasing the efficiency of the public service. The Scheme provides for setting up of Joint Councils at three levels viz. (i) National Council (JCM-I) functioning at Cabinet Secretariat (ii) Departmental Council (JCM-II) functioning at the concerned administrative Ministry and (iii) regional / office council (JCM-III) functioning at the lowest level of the administrative set-up. For Ministry of Defence Establishments, however, a four tier arrangement was agreed to and accordingly in the case of Ordnance Factories in addition to JCM-I (National) and JCM-II (Departmental), the following Joint Councils were set-up :-

JCM – III : functioning at OFB HQrs.

JCM – IV : functioning in each of the factories under OF  
organisation.

The Scheme clearly demarcates the jurisdiction of the Joint Councils at each level, the items and the circumstances in which these will qualify for compulsory arbitration by a Board of Arbitration consisting of these members, one from Official side,

one from Staff side and a Chairman who will be an independent person. Subject to the overriding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides. The Scheme, Constitution of Third and Fourth Level Councils for Defence Civilians, Draft Rules for the conduct of business of these Councils, Declaration of Joint intent regarding the common approach of Govt. of India and the employees organizations to work the machinery of Joint Council and Compulsory Arbitration and forms for nominations of Staff Side Members of the Departmental Council were forwarded to DGOF, amongst others, under Ministry of Defence letter No. 7(2)/66/D(Lab) dtd. 24-7-1967. The factories had been furnished with copies of these documents under DGOF Circular No. 652/A/W dated 3<sup>rd</sup> November 1967 and asked to forward copies thereof to the recognised Trade Union(s), recognised Associations and Works Committees functioning in the respective factories.

JCM-III at DGOF HQrs. and JCM-IV at the factories have been formed in accordance with the provisions laid down in the scheme and the constitution for these Councils. The special meeting(s) of the convened to transact the following business:-

- (i) Signing of Declaration of Joint Intent.
- (ii) Adoption of Draft Rules for Conduct of Business.

**2.** Salient features of the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Govt. 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, Govt. of India has decided to establish a machinery for joint consultation and arbitration of unresolved differences. The essential features are:-

(i) The scheme will cover all regular civilian employees of the Central Government except:-

- (a) the Group A services;
- (b) the Group B service, other than the Central Secretariat Services and the other comparable services in the headquarters organization of the Government;
- (c) persons in industrial establishments employed mainly in managerial or administrative capacity and these who being employed in supervisory capacity draw salary in scales going beyond Rs.8900/- per mensem;
- (d) employees of the Union Territories; and
- (e) Police Personnel.

(ii) 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 matter concerning their respective constituent services, grades etc.

(iii) There will be a joint council at the national level & usually at two lower levels - departmental, regional/ office.

(iv) The National Council will deal with matters concerning 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. Matter of interest to employees of a single Department will not be dealt with by the National Council.

(v) The Departmental Council will deal only with matters affecting Staff employed in the department concerned.

**3. CONSTITUTION OF THE THIRD LEVEL COUNCILS FOR  
DEFENCE CIVILIANS – UNDER THE JCM – at DGOF**

**(i) OBJECTIVE:** The objective of the Council(s) is to promote harmonious relation 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 further to increase the efficiency of public services combined with the welfare of those employees.

**(ii) SCOPE AND FUNCTIONS:** Discussions at the third level would be between the administration and the civilian employees of various Directorates, Departments and Establishments of the Ministry of Defence, excluding Public Sector Undertakings.

At third level, the matters on which no settlement could be reached or the discussion of which has been refused by the head of the installation, at the fourth level, and the following subjects may be discussed:

Consideration of general grievances regarding working conditions e.g. adjustments of surpluses and deficiencies, hours of employment, output of workers; training and trade test & trade testing; inter establishment transfers, promotions, confirmation and reversions.

Piecework rates; wage structure; condition of service; security of service; delay in all sorts of payment; medical facilities. Subjects on which no settlement could be reached or the discussions of which was refused at the third level and all matters involving amendment of Govt. orders and policy questions which effect all civilian and general questions concerning enhancement of pay scales and allowances, etc. may be discussed only at the Departmental Council. The third level councils may also discuss any subject which has been referred to it specifically by the Departmental Council. No subject which has been considered at the Departmental Council may be discussed at the third level until a period of six months has elapsed.

Time limit for implementation of decisions may from part of discussions and negotiations. Decisions laying down such limit will be recorded in the minutes of the

meeting, according to the prescribed procedure.

**(iii) COMPOSITION:** At the third level DGOF negotiates with the representatives of the three recognised Federations and other recognised Associations jointly.

The membership of the Official side may not exceed six and the Staff Side are represented, as of now, by 4 seats each to the three recognised Federations and 4 seats each to the recognised Service Associations.

**Note – I:** *The Chairman of the Councils at the third level shall be the administrative head of the installation/unit or the formation covered by the particular Council.*

**Note – II:** *No person who is not an employee or an honorably retired employee of the Central Government shall be a member of Joint Councils. Government may permit an ex-employee to be a member of a Joint Council after examining the merits of each individual case.*

**Note – III:** *The Staff Side representatives will be nominated for a term of 3 years but there will be no bar to re-nomination. Vacancies caused by death, retirement, resignation, transfer, promotion to non-entitlement category etc. will be filled for the unexpired term.*

*An Association may replace on the Joint 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.*

**(iv) PERIODICITY:** The meetings at the third level are held once a quarter.

**(v) QUORUM:** The quorum shall be  $\frac{1}{3}$ <sup>rd</sup> of the strength of the Official and Staff Sides.

**(vi) LEADER & SECRETARY STAFF SIDE:** The Staff Side Members elect their Leader and Secretary by a simple majority.

**(vii) AGENDA :** (i) The agenda for a meeting are prepared under the orders of, and approved by, the Chairman.

(ii) the agenda for an Ordinary Meeting are circulated to all Members not less than one week before the meeting.

**(viii) MINUTES:** The Minutes of the meeting are finalised under the directions of the DGOF & Chairman, and copies thereafter are circulated to Members of the Council. The Minutes of the Meeting are not made public.

**(ix) GENERAL :** (a) During the pendency of negotiations status quo will be maintained by both sides with the proviso that in the matter of retrenchment action will be not questioned so long as adequate compensation is paid and procedure regarding the period of notice etc. is followed. Retrenchment like any other non-arbitable subject could also come up for discussion, generally.

(b) For the successful working of the Joint Councils, it is necessary that all approaches must be made at the appropriate level. Normally, it would not be open to any individual Union to address the third level or the Ministry Level Council directly.

#### **4. CONSTITUTION OF THE FOURTH LEVEL COUNCILS FOR DEFENCE CIVILIANS – UNDER THE JCM –at FACTORY LEVEL**

**(i) OBJECTIVE:** The objective of the Council(s) is to promote harmonious relation 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 further to increase the efficiency of public services combined with the welfare of those employees.

**(ii) SCOPE AND FUNCTIONS:** Discussions at the fourth level would be between the administration and the civilian employees of various Directorates, Departments and

Establishments of the Ministry of Defence, excluding Public Sector Undertakings.

The scope of the 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 the local conditions. Matters which have some local significance but which are essentially of a general nature may not be discussed at the fourth level.

**(ii) COMPOSITION:** At the fourth level, Defence Estt. will negotiate with representatives of the employees. The Council will consist of not more than 8 (eight) Members of the Staff Side and 5 (five) Members including the Chairman of the Official Side. The distribution of the Staff Side seats will be as under:

**(a)** In an installation where there are Unions affiliated to the three recognised Federations, each Union which is recognised or which though unrecognized fulfills the conditions of recognition, will be allowed to nominate two representatives each, and two representatives will be elected by the workers' representatives in the Works Committee.

**(b)** In an installation, where there are Unions affiliated to only two recognised Federations, each Union which is recognised, or which though unrecognized fulfills the conditions of recognition, will be allowed to nominate 2 representatives each and 2 representatives will be elected by the workers representatives from the Works Committee. The remaining 2 seats will be allotted by the Chairman of the Council to the largest Union which is recognised or which though unrecognized fulfills the conditions of recognition and not affiliated with any of the recognised Federations/ largest branch (es) of the recognised Staff Association;

**(c)** In an installation where there is a Union affiliated to only one recognised Federation, which is recognised or which though unrecognized fulfills the conditions of recognition, will be allowed to nominate 2 representatives and 2 representatives will be elected by the workers representatives from the Works Committee. The remaining 4 seats will be allotted by the Chairman of the Council to the largest Unions which are recognised or which though unrecognized fulfill the conditions of recognition and not

affiliated with any of the recognised Federations/largest branches of the recognised Staff Association;

(d) In an installation where there is no Union which is affiliated to any of the three recognised Federations, 2 representatives will be elected by the workers representatives from the Works Committee and 2 seats each will be allotted by the Chairman of the Council to the two largest non-affiliated Unions which are recognised or which though unrecognised fulfill the conditions of recognition; and remaining 2 seats to the largest branches of the recognised Staff Associations;

(e) In an installation, if there is only one Union, affiliated to a recognised Federation or otherwise, which is either recognised or fulfills the conditions of recognition, it will be allowed to nominate 4 representatives and 2 representatives will be elected by the workers representatives from the Works Committee. The remaining 2 seats will be allotted by the Chairman of the Council to the two largest branch (es) of the recognised Staff Associations.

(f) In the case of an installation, where there is no Union at all, either independent or affiliated to either of the three Federations and there is also no eligible branch of any recognised Staff association, then representatives of the Staff Side, upto a maximum of 6 seats will be elected directly by the Staff Side Members from the Works Committee.

(g) In a Defence Union/Installation where no Works Committee functions, under the existing provisions, the distribution of seats meant for the representatives of the Works committee will be made by the Chairman of the Council to the existing branch(es) of recognised Association(s) and / or Unions which are recognised or which though unrecognised fulfill the conditions of recognition and are not affiliated with any of the three recognised Federations.

(h) In a Defence Union/Installation where is no Unions either recognised or fulfilling the condition(s) of recognition and there is also no Works Committee functioning, no Council will be constituted.

**Note – I:** *The Chairman of the Councils of the fourth level shall be the administrative head of the installation/unit or the formation covered by the Council.*

**Note – II:** *No person who is not an employee or an honourably retired employee of the Central Government shall be a member of Joint Councils. Government may permit an ex-employee to be a member of a Joint Council after examining the merits of each individual case.*

**Note – III:** *The Staff Side representatives will be nominated for a term of 3 years but there will be no bar to re-nomination. Vacancies caused by death, retirement, resignation, transfer, promotion to non-entitlement category etc. will be filled for the unexpired term.*

*Unions/branch Associations may replace on the Joint 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.*

**Note-IV:** *Vacancies , if any, arisen in the Council while complying with the aforesaid provisions will be kept unfilled.*

**Note V:** *An unrecognised Union which has already submitted its documents for recognition will only deem to be “fulfilling the conditions of recognition”.*

**Note VI:** *If an unrecognised Union allotted seats in terms of “fulfilling the condition of recognition” is not able to secure recognition during the currency of its term in the Council, it will not be considered “fulfilling the condition of recognition” during subsequent terms of the Council. However, if the Chairman of the Council is satisfied that the delay in according recognition to the Union was beyond the control of the Union, he may allot seats to the Union.*

**Note VII:** *In case of non-acceptance of the claim for recognition, the seats allotted to an unrecognised Union in terms of “fulfilling the condition of recognition” will be withdrawn forthwith and allotted to other eligible Unions / branch(es) of association(s) as per the aforesaid provisions. Such a Union will not be allotted seats in subsequent term till it is recognised by the Government.*

**(i) PERIODICITY:** The meetings at the fourth level shall be held once a month.

**(j) QUORUM:** The quorum shall be  $\frac{1}{3}$ <sup>rd</sup> each of the strength of the Official and Staff sides.

**(k) LEADER & SECRETARY STAFF SIDE:** The Staff Side Members elect their Leader and Secretary by a simple majority.

**(l) AGENDA :** (i) the agenda for a meeting are prepared under the orders of, and approved by DGOF & Chairman.

(ii) the agenda for an Ordinary Meeting shall be circulated to all Members not less than one week before the meeting.

**(m) 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. The Minutes of the meeting are not made public.

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