CHAPTER -2

INTRODUCTION OF JOINT CONSULTATIVE MACHINERY

In India, the Joint Consultative Machinery (JCM) is almost based on Whitleyism. It is, therefore, necessary to know what exactly are the Whitleyism and the reasons for its adoption in India in the form of Joint Consultative Machinery (JCM). A brief description of Whitleyism would serve as a background for the introduction of JCM in India.

During the First World War, there was a total labour unrest in almost all the British industries which was beyond control. To find out the solution, the then Government appointed a Committee under the Chairmanship of the Right Hon’ble J.H. Whitley, with the below mentioned references:

1. To make and consider suggestion for securing a permanent improvement in the relations between employers and workmen, and

2. to recommend means for securing those industrial conditions affecting the relationship between employers and workmen shall be systematically reviewed by those, concerned with the view to improving conditions in the future.

This Committee, after extensive exercise, submitted various Reports which were published between 8, March 1917 and 1 July 1918, and recommended the introduction of Machinery to regularize relations between employers and employees. Its main objective can be described as the joint co-operation of workers and employers in the management and control of industry and trade accordingly. The Committee further proposed that in each organized industry a Joint Standing Industrial Council should be set up on national basis, with equal representation for both workers and employers, and also there should be district council and works committee to deal with matters of trade or local interest. The underlying

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ideas had long existed in the social environment, and it is one of the virtues of Whitleyism that it proposed suitable machinery for their encouragement².

It was proposed in the second report of the Whitley Committee that the scheme of the joint councils should be applied to government and municipal authorities, employing industrial labour staff. On the lines of the general scheme for outside industry, two types of organizations were designed for these establishments, namely Departmental Joint Council which was meant to deal with matters relating to industrial staff in the separate Departments, and the Trade Joint Councils meant to deal with questions for which the Departmental Councils would not be suitable, e.g. wages and other matters, customarily settled on a trade basis. By the end of 1920 Industrial Council on these lines had been set up in the office of works, the Admiralty, Ministry of Munitions, Air Ministry, war Office and Stationery Office³.

2.1 ORIGINS OF WHITLEYISM

In 1917, the Government appointed Committee (Whitley Committee) suggested for the establishment of a “National Joint Standing Industrial Council” with the aim and objective that this body would consider problems pertaining to conditions of service, principle of wage determination, allowances and disciplinary action etc⁴.

Interestingly the recommendations of the Whitley report were intended for private industry. However, a little later, the Civil Services Alliance and the Civil Service Federation demanded that in a similar fashion such Joint Consultative bodies may also be appointed to look after the matters concerning government employees. However, since the Whitley report was not applicable to the Civil Services, the government appointed an inter-departmental Committee (May 1918) under the Chairmanship of Mr. Roberts. In October, 1918, the Roberts Committee recommended the setting up of a Joint Industrial Council for the industrial civil servants. The Roberts Committee also appointed a sub-Committee under the Chairmanship of Sir Thomas Heeth. The Sub Committee was asked to consider the Whitley Council for non-industrial civil servants too⁵. The Heeth Committee, in turn,

² Ibid.
recommended the appointment of Whitley Councils for the non-industrial Civil Servants too at various level i.e. National, Departmental, State and District levels.

2.2 NATIONAL WHITLEY COUNCIL

The Civil Service National Whitley Council was set up in the year 1919. The Council consisted of fifty four (54) members, a half of them appointed by the Government to form the official side and another half appointed by the staff side associations to form the staff side. This Council concerns itself with the problems which affect the entire civil services or the matters affecting grades common to the services. The decision of the Council is arrived at by the agreement between the two sides, i.e., official side and staff side.

Objectives of the National Whitley Council

The following are the objectives of the Council:-

- To secure greatest measure of cooperation between the state as employer and its employees.
- To increase the efficiency of the public service & to promote the wellbeing of the employees.
- To redress the grievances of the employees with regard to the conditions of services and working conditions.
- To provide for an effective participation of the employee associations in the decision making-process with regard to the issues which affect them.
- To encourage the employees to undergo further training and education.
- To consider the suggestions from the employees as regards reforms in administrative machinery.
- To consider the legislative proposals having a bearing on personnel management.
- To provide a forum for exchange of opinion between the representatives of the government and the different categories of its employees.
To provide best means for utilising ideas and experiences of the staff.  

It is clear from the above mentioned objectives that the Council has indeed a fairly wide area of operation. Nevertheless, its actual limit is determined by the attitude and approach of the representatives of the government and the employees associations. Initially there was lack of confidence and the government side used to be treated suspiciously. The representatives of the association also used to criticize the official side on one or other very petty issues. However, the condition has improved and there is a drastic change over the year. A mutual confidence has now been built up which has overtaken the suspicion and lack of confidence it earlier had. On the other hand, the government side, through its own initiatives, tries to find out a solution by placing the serious problems before the Council, prior to taking a decision in the matter.

Structure of the Council at the National Level

• Official Side

The Official Side of the National Whitley Council generally have the Treasury Officials and one representative of the Ministry of Labour. However, as per the past practice, it is filled by departmental Heads. The remaining 24 members of the Official Side include the permanent Secretary to the Treasury, the Heads (Permanent Secretary) of the major Civil Service Departments and Senior Civil Service Department Officials, who are concerned with the establishment matters. They continue to serve, until they resign or retire. For the Civil Service Department and Department of Employment representatives, members are appointed in their personal capacity. From 1822 to 1930, the official side also had Members of the Parliament, but later on, this practice was discontinued and now a days vacancy are filled by the civil Service Department.

• Staff Side

The Staff Side of the National Whitely Council was originally appointed by the major groups of staff association as they existed in 1919.

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The Seats on the Staff Side are allocated as under:\(^8\).

<table>
<thead>
<tr>
<th>Association</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union of Post Office Workers</td>
<td>6</td>
</tr>
<tr>
<td>Post Office Engineering Union</td>
<td>2</td>
</tr>
<tr>
<td>Association of Post Office Controlling Officers</td>
<td>1</td>
</tr>
<tr>
<td>Group of Smaller Post Office bodies</td>
<td>1</td>
</tr>
<tr>
<td>Civil Services Alliance</td>
<td>6</td>
</tr>
<tr>
<td>The society of civil Servants</td>
<td>2</td>
</tr>
<tr>
<td>Customs and Excise Group</td>
<td>1</td>
</tr>
<tr>
<td>Association of Officers of the Ministry of Labour</td>
<td>1</td>
</tr>
<tr>
<td>Association of H.M. Inspectors of Taxes</td>
<td>1</td>
</tr>
<tr>
<td>Association of First Division Civil Servants</td>
<td>1</td>
</tr>
<tr>
<td>The Institute of Professional Civil Services</td>
<td>1</td>
</tr>
<tr>
<td>Professional and Technical Staff</td>
<td>1</td>
</tr>
<tr>
<td>Civil Services Union</td>
<td>1</td>
</tr>
</tbody>
</table>

In addition, the Chairman, Secretary General, Secretary, and Assistant Secretary of the Staff Side are members of the Council. Appointment of Members is done annually. Generally a substantial proportion of the members are full time staff association officials and rest is of civil servants.

The staff side is primarily responsible for the recruitment and for deciding the number of seats to be given to different associations representing in a given period of time. The Members are appointed once in a year. A substantial proportion of them are full time staff side members. The Constitution does not have any clause to prevent this.

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\(^8\) Richard Hayward, Op. cit., p.5
• **Chairman and Vice Chairman:** - Chairman of the National Whitley Council is a representative of Official side and the Vice-Chairman represents the staff side. However in the absence of Chairman, the Vice Chairman does not act as Chairman. Rather, a senior member from the official side presides over the meetings. The office of the Vice-Chairman is only a decorative one and does not have abundant power.

• **Secretaries:** - Besides the Chairman and the Vice Chairman, there are four secretaries in the Council. Two of them represent the official side and the other two represent the staff side. The Secretary General, who is the chief negotiating officer of the staff side, is appointed as Vice-Chairman of the Council.

**Working of the council at the national level**

**Decisions:** - The decisions of the council arrived at by an agreement between the two sides dully signed by the Chairman and Vice-Chairman, shall be reported to the cabinet and there upon shall become operative.

**Minutes:** - Each side of the council have two secretaries. The minutes are normally drafted by official side Secretary, but must be agreed to by both the sides, before they are acted upon. The council shall keep minutes of its proceeding.

**Meetings:** - The Council is required to meet once in a year and has its own constitution and standing orders.

**Procedures:** - Each Side in its preliminary meeting goes over the agenda and decides upon its attitude, which is stated by the chairman and Vice-Chairman as spokesman for the Official Side and Staff Side respectively. Fresh point of view arising in the course of discussion is considered by the members of the two sides in informal pauses or in formal adjournments, and the decision so reached is communicated through the spokesmen.

**Committees:** - It was in 1927 that the constitution of the council was amended to insert a provision that the council may appoint committees, for its specialised guidance. It may appoint standing committees, special committee and grade committee and may delegate special power to any committee so appointed.

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9 **Civil Services Department, Op.cit.,P.10.**
Accordingly, most of the work is now handled by its various committees. The member of the standing committee shall be member of the council. The council may also appoint on special committee such persons not essential being members of the council as may serve the special purposes of the council. Grade committee shall consists of representative of the grade concerned and official representatives, such persons not necessary being members of the council.

**Publication:** - Only statement issued under the authority of the council shall be published and such statement shall be full and informative to the extent possible.

**Finances:** - Each side of the council shall be responsible for its own expenses: the common expenses shall be paid in equal proportions by the government and the staff association.

**Amendment of the constitution:** - Only in the annual meeting the constitution of the council may be amended. Notice of amendment of the constitution must be given and circulated to member of the council at least one month before the meeting.

**Scope of the Council**

The Scope of the National Council comprises all such matters which affect the conditions of service of non-industrial staff at its all levels. The industrial staff and the staff of the Foreign Officers do not come under the purview of National Whitley Council.

**Limitations of National Whitley Council**

1. It does not include the pay of the higher civil servants. However, a Committee is constituted on the recommendations of Priestly Commission, which would advise the Prime Minister in this matter.

2. The matters of high policy are excluded, such as equal pay for women (in those days) and staff claim for the removal of certain restrictions on civil rights. However, the ultimate responsibility to the Parliament remains undisturbed.

3. Individual cases are not entertained.

4. The provision of the Council that the decision of Council shall first be reported to the Cabinet and thereupon the same will become operative, is inappropriate and
thus misstatement of the position. In fact, the decisions are authorised by the Minister before they can be reached.

5. The staff association remains the direct negotiator and as such the existence of the council does not displace the staff association. Further, the National Council deals with the matters which are of common interest, to grade in more than one department and the departmental council deal with the affairs common to various grades within one department. Whereas, the association pursue the interest of grade or grades, for which it has been formed.

**Staff Aids to the National Council**

The Council is having a secretariat to help its Secretary General of the staff side. There is a Pay Research Unit, which is appointed on the recommendations of the Priestly Commission, which helps in the implementation of principle of fair compensation. This Pay Research Unit not only investigates the rates of pay outside the Civil Service, but also, monitors the work done for that pay. Thus, it functions as a fact finding body.

**Issues handle by National Whitley Council**

The following are the issues which are generally discussed in the National Council and cover almost every aspect of the civil service condition: - Starting Pay on promotion, Dispersal of office staffs from London, Central Pay claim for the civil services, Further opportunities for candidates who miss an examination owing to illness, etc., Recruitment at Principal level from ex-regulars and ex-overseas civil servants, Probation- conditions, Entry to the Clerical Assistance Grade, Un-established services to be counted in full for superannuation, widow’s and children’s Pension Scheme, Sick Leaves – Temporary Staff, Detached Duty, Night Subsistence and Temporary Staff, Detached Duty, Night Subsistence and Lodging Allowances, Maternity Leave – Established Staff, Temporary Staff-Anticipated Annual Leave, Language Allowances, Excusal of Sick Leave, Night Duty and Shift Allowances, Lodging Allowances for Lowly-Paid Staff, Overtime Pay-Shift Workers, Pay in First Week of Service, Residential Training Courses, Legal, etc., Expanses on House Purchases and sale, Assistance towards House Purchase, Medical Retirement-Length of the Notice, Excess Fares on Permanent Transfer, Equipment of First Aid rooms, Car Parking Facilities, Mass Radiography, Air Conditioning, Heating of Drying Rooms,
Lighting Standards, Furnishing Standards, Juvenile Mean Vouchers, Noise Abatement in Work Places, Management Training, Training of New Entrants, etc.

Transaction of Business

The National Whitley Council has not adopted any standing order or rules of procedure. In the present time, the full Council seldom meets regularly (once in a quarter), as per the provisions of the Constitution. In fact, the council has met only very infrequently since the war broke out in 1939. The transaction of Whitley business by Committee or between individuals proceeded so efficiently and harmoniously throughout the war and the years that followed that it seems likely to continue indefinitely as its normal way of doing National Whitley Council business. This business is transacted in a number of ways.

There are standing joint committees dealing with superannuation, training and education and welfare. They meet as and when required. Recruitment from time to time becomes the subject of a joint report of a Whitley Committee specially created for the purpose. Some other lend themselves for treatment by committees specially set up for the purpose. The day-to-day negotiations of the council are undertaken through the committee of the Staff Side which meet the Official Side whenever the nature of the business requires a formal meeting. Much of the negotiating work is, however, of an informal character between the Officers of the Staff side and members of the Official Side.

The most important feature of the working of the National Whitley Council is the role of informal methods of negotiation. The formalities of joint meeting and other constitutional procedures, which heads of departmental found tiresome, have been rarely used. These have largely been dispensed with. There is a good deal of informal discussion and a good deal of putting card on the table behind the sense. The Chairman of the Official Side and Secretary General of the Staff side usually meet informally and “off the record” to explain to each other how matters stand on a particular claim or give information which is best given privately.

The spirit of Whitleyism is a willingness on both sides to make the machinery of joint discussion work, to aim at reaching the best possible settlements amicably and to the

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satisfaction of both sides\textsuperscript{12}. The Official Side always tries to convince the Staff Side of the fair – mindedness of the discussion taken. Whitleyism is really a study of human relations in which each side is to give away something to take away something.

\textbf{2.3 DEPARTMENTAL WHITLEY COUNCILS}

These bodies concern themselves with such problems which are of departmental significance only. At present, there are ninety such councils. The government have established a departmental Whitley council in every big department. Like the National Whitley Council, in the Department Council also, both the sides have equal representation. These councils have their constitution. However, the constitution of the department councils comes into force only once it has been endorsed by the National Whitley council. The department council are free to function within their departmental spheres. A Departmental Council may not discuss matters which do not concern its own staff. It cannot deal with National Civil Service questions expect in so far as a National Whitley Council agreement requires departmental application.

It would be wrong to assume that the department councils function under the National Whitley Council. Thus National Whitley Council is not an appeal court for the Departmental Whitley Council and neither Departmental Whitley Council is an appeal court for the Local Whitley Council.

There are over 70 Departmental Whitley Councils, varying in size, according to the number of staff in the Departmental concerned. All Departmental Councils have the similar constitutions. It is circulated as a handbook to every member of the Departmental staff, when he or she joins.

\textbf{Objectives of the Departmental Whitley Council}

The following are the objectives of Departmental Whitley Council:-

- To utilize the experience and ideas of the employees.
- To provide opportunity for the effective participation of the representatives of employees in matters concerning the general body of the employees.

To discuss the principles relating to conditions of the services, etc.

To encourage the employees for further training and education.

To consider the suggestions emanating from employees regarding improvements in the office machinery.

To discuss the principles and procedure underlying promotion and disciplinary actions.

To discuss the principles regarding determination of retirement benefits.

To consider the legislative proposals having a bearing on the personnel employed in the department.

**Structure of the Council at the Departmental level**

- **Official Side:** The official side consists of top officers or senior civil servants of the department. The representatives of the official side are nominated by the secretary of the department. Normally the second permanent secretary, establishment officer, deputy secretary and other senior officers are nominated to represent the official side.

- **Staff Side:** The staff side comprises of the representative of the associations, whose member might be employed in the department of common agreement between themselves. Like the National Staff Side it fill its own vacancies and decides how many seats are to be held from time to time by the different associations. The association first have to decide among themselves upon an allocation of seats to associations: this is necessary, because the association vary so greatly in size, and also because there are more associations than there are seats. Then each association so selected nominates the person or persons, from among its members or officers, for the seats allocated to it. The Staff Side is solely responsible for the filling of its vacancies and for the allocation of seats between the associations represented on it.

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- **Chairman & Vice Chairman:** The departmental councils are chaired by the head of official side. The Vice Chairman comes from staff side. The Chairman of the Staff Side is also the Vice-chairman of the council.

**Working of the Council at Departmental Level**

**Decisions:**

Decisions are taken with the concurrence of both the parties in the Departmental Council. After both the sides have reached to an agreement, the Chairman and the Vice Chairman sign the document. This document is then put before the head of department for endorsement. Only thereafter it is put into effect. It is obvious that like National Whitley Council, the Departmental Whitley Councils also discusses and negotiates within its prescribed limits and reaches at a final agreement. None of them is in a position to exceed their limits prescribed as per the guidelines. The final agreement is thus arrived at within their bilaterally agreed upon limits.

**Meetings:**

i.) The ordinary meeting of the council will be held as per the requirement, but not less than once in a quarter. The meeting in closest to April will be the Annual General Meeting.

ii.) The agenda papers will be circulated to all the members between 7 and 14 days before the meeting of the Council. It is expected that the Secretaries for both Sides will call for and identify the necessary items for inclusion in the agenda of meeting prior to this. Both the sides are encouraged to submit their items.

iii.) Business not included on the agenda will only be taken up with the permission of the Chair and Vice-Chair. A special meeting/Emergency Meeting of the Council may be called by the Chair or Vice – Chair. The business to be discussed at such special meeting will be limited to the matters given as grounds for convening such meeting.

iv.) The council will draw up any additional standing orders and rules for the conduct of its business it may deem necessary, subject to the term of this constitution.
v.) Matters peculiar to the members of only one union should be dealt with outside the Whitley Council at the separate meeting held between members of the management Side and representatives of the union in question\(^{14}\).

**Procedure:**

A Departmental Whitley Council is entirely concerned only with the domestic affairs of the Department. It cannot in any way deal with the national civil services matters, except in so far as the National Whitley Council agreement requires the departmental application. It is through a Departmental Whitley Council that the great majority of the day-to-day work, which affects the serving civil servant, is done. The range of subjects, though different from that of the National Council, is no less. Amongst the subjects generally discussed, some are as:- promotion procedures, training schemes for the various grades, appointments and allocation of welfare Officers, span of the summer holidays, leaves, lighting and heating, planning of building, new methods of mechanization, problem of redundancy, dispersal of staff from one town to another.

**Committee:**

The Chairman may invite temporary members and experts to the meetings as special invitee for their expert advice. Most of the business is handled informally by its committees and sub committees. Sometime there are as many as 50 committees (both standing and ad hoc). These committees meet regularly and formally, depending upon the subject matter. There is a considerable degree of informality as at the National Whitley Council level. Informal method referred to above have become increasingly important and go great deal beyond occasional contact. Before the war, most Whitley business was transacted in council or committee or sub-committee, but during the war year’s informal methods and frequent personal contacts between members of the two sides was used, and only in this way have proved their worth, and they have been retained and developed even further).

**Publication:**

Only statement issued under the authority of the council shall be published and such statement shall be full and informative to the extent possible.

\(^{14}\) [http://www.cps.govt.uk/publication/humanrescourse/pnm/section6/chapter_1_app_3.html#a01](http://www.cps.govt.uk/publication/humanrescourse/pnm/section6/chapter_1_app_3.html#a01)
Finances:

Each side of the council shall be responsible for its own expenses: the common expenses shall be defrayed in equal proportions by the government and the staff association.

Amendment of the constitution:

The constitution of the council may only be amended at the annual meeting. Notice of amendment of the constitution must be given and circulated to all the members of the Council at least one month prior to the meeting.

Promotion and discipline:

Without prejudice to the responsibility of Head of the Department for making promotions and maintaining discipline, it shall be within the competence of the Council:

a) to discuss any promotion in whose reference it is represented by the Staff Side that the principles of promotion have been violated; and
b) to discuss any case in which disciplinary action has been taken, if it is represented by the staff side that such a course is desirable.

Limitations of Departmental Council

- The overriding authority of the Parliament and responsibility of the head of the department.
- The responsibility of staff side to its constituent bodies.
- The authority of the National Council as the only Whitley body competent to deal with general questions.

Although, it is the duty of the National Council to see that national agreement are not violated at departmental level, it must be said that departmental system constitutes a different layer, without hierarchic connection with the National Council. The National Council is not a court of appeal for departmental council\(^\text{15}\).

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2.4 LOCAL WHITLEY COUNCILS

In the big departments there are regional, local and office Whitley Councils. These bodies are intended to tackle local problems only which are confined within their jurisdiction. All local condition of services can be discussed on a local council. In this category clearly fall such issues as canteens, lighting, welfare arrangement, annual leaves arrangement, overtimes attendances, bank holidays and Christmas arrangements\textsuperscript{16}. If a new office is to be built, the plans are discussed in detail at the Local Whitley committee, where the Official Side is able to obtain the full benefits of the practical working knowledge of the staff. The staff side, for their part, are able to secure the best possible working conditions at the planning stage where it is obviously much easier to get something done rather than after a building has been erected.

So that they are wholly concerned with local questions, but nevertheless play a most important part in dealing with the day to day matters which affect working conditions. They work as subordinate agencies of the departmental Whitley councils. They meet regularly and are much more formal than those at the national level. This is probably due to the fact that there is a close “supervisor and supervised” relationship in a Local office\textsuperscript{17}.

Structure of the Council at the Official level

**Official Side:** The Chairman of the Local Committee is the Local manager.

**Staff Side:** The staff side is composed entirely of serving civil servants who work in the office; they are usually nominated by the organizations representing both rank and file grades and their supervisors\textsuperscript{18}.

**Chairman and Vice Chairman:** The chairman of the Local Committee is the local head. He has on the Official Side heads of the different section of the office.

In a Whitley Council, the representatives of the government and employees associations worked together to resolve various personnel problems. Where, the problems which are not settled by vote, each side speaks formally as a whole and if the two sides disagree, a decision cannot be reached within the ambit of Whitley machinery.

\textsuperscript{16} Richard Hayward, Op.cit., P.13
\textsuperscript{17} Ibid.
\textsuperscript{18} Ibid.
In the beginning, the Whitley Councils faced a lot of difficulties. They were, however, gradually overcome. In the beginning the official side was not attuned to the spirit of Whitleyism. But, the contribution of the staff side in the war time and in reorganization of civil services helped to change the official attitude. Moreover, with the decline in economic conditions staff Association also strengthened themselves, the official side helped in this\textsuperscript{19}.

Having explained Whitleyism and its functioning, let us also briefly discuss the final method of the conflict resolution through arbitration.

Arbitration under Whitleyism is compulsory on three counts viz:

\begin{itemize}
  \item \textbf{a)} Conditions of service
  \item \textbf{b)} Hours of work
  \item \textbf{c)} Leaves
\end{itemize}

\textbf{2.5 ARBITRATION}

The procedure of arbitration is based on the National Whitley Council Act 1925. If two sides in the National Whitley Council fail to agree then any of them could take the matter to a tribunal. The tribunal has extensive powers and its decision is final.

Some managerial problems have been, however, placed beyond the purview of the tribunal. For instance, matters pertaining to retirement benefit, working hour in the offices, number of available positions, etc. are not within the purview of the tribunal. Matters pertaining to employees, beyond a particular salary level, also cannot be taken to the tribunal. Earlier it was the responsibility of the treasury to decide if any particular issues could be taken to tribunal or not. Now this authority has been vested in the personnel department. Matters concerning individual employees cannot be taken to tribunal\textsuperscript{20}.

The Arbitration Tribunal consists of a chairman, who is a practising Barrister; one member selected for each seating of the Tribunal from chancellor of Exchequer’s panel; one from staff sides’ panel. Both the panels are appointed by Minister of Labour, after consultation with respective sides. Both panels exclude all civil servants and serving officials of civil services Staff Associations. They both consist of men and women with

\textsuperscript{20} W.J. Mekenzie & J.W. Grove, “Central Administration in Britain” P.146.
experience in variety of walks of life. The Chairman is appointed after consultation with the members of both the sides.

There is no doubt that Tribunal serves as the key to conflict management. It has given the opportunity to both the sides to prove the reasonableness of the case. The system has also helped Treasury to developed better relations with the staff indirectly, as the immediate responsibility is shifted to the Tribunal\textsuperscript{21}.

2.6 EMERGENCE OF JOINT CONSULTATIVE MACHINERY (JCM) IN INDIA

It was the introduction of ‘Whitleyism’ in 1919 in the British civil services staff relations which was hailed as the most effective system of joint consultation and negotiation as well as a method in the area of human relations. The Whitley system which involves formal as well as informal consultations and negotiations has been adopted with or without modifications by a host of member countries. The success of Whitleyism in the United Kingdom also prompted the Government of India to adopt the system for its employees, although it began only after a long struggle\textsuperscript{22}.

The employee’s organizations in India struggled hard for long for the introduction of consultative machinery on the analogy of whitely Councils of England. In this direction, it was in 1928 that the first attempt was made to set up the Whitely Councils for the imperial secretariat. The second such attempt was made in 1942. However, on both the occasions, the proposal did not have the nod from the Home Department. In 1931, the Royal Commission on Labour although recommended the establishment of work committees for the Railways,\textsuperscript{23} the Home Department turned down the proposals, in spite of favourable attitude of the Labour Department.

The commission did not examine the feasibility of introducing whitely councils in spite of the fact that the Chairman of the Commission was none else than the Honourable J.H. whitely, the father of Whitelyism in England. For the first time, the official representatives at the seventh Indian Labour Conference advocated the introduction of whitley Councils in India\textsuperscript{24}. In 1946, the Committee on Re-organisation of Central Government re-iterated similar

\textsuperscript{21} Ibid, P.146.
recommendation\textsuperscript{25}. But no steps were taken to set up any machinery. As a result, the relations between the Government and its employees further deteriorated. The employees of the Departments of Railways and Posts and Telegraph threatened to go on strike. This alarmed the Government which announced its intention to appoint a Pay Commission.

In 1946, the First Pay Commission under the Chairmanship of the Honourable Sir Srinivasa Varadachariar, an ex-Judge of the Federal Court was appointed which was required by its terms of reference to enquire into and report on: \textit{“The machinery of negotiating and settling questions relating to conditions of service which may arise out of differences between the Government and its employees”}\textsuperscript{26}. The Commission decided to examine, in the light of the then prevailing conditions, the feasibility of establishing Whitley type machinery in India. The Commission deputed K.R.P. Aiyangar, Secretary of the Commission was sent to England to study the working of the Whitley System. He submitted his report on 31 July, 1946, which was then circulated among officers of the government to elicit their views on Whitleyism\textsuperscript{27}. The officials were not in favour of introducing Whitleyism in India. It was generally argued that the creation of the Whitley spirit was more important than the establishment of the machinery and that Whitleyism would not work well because of the weak organization of the staff unions. However, the commission was not impressed by these arguments. It felt that in the absence of such machinery, the relations between the Government and its employees would further worsen and as such would pose serious problems in the coming years.

The Commission pointed out that trade union in India had not developed on proper lines and were regarded as anti-state organizations. Hence it believed that only Whitley type machinery could secure co-operation, consultation, discussion and negotiation between the staff and the Government, so essential for harmonious, employer-employee relations The Commission was of the view that the success of such a machinery would depend on how far it was able to ventilate the grievances of staff; to act as a brake on official arbitrariness, and to prevent impulsive action on the part of the staff\textsuperscript{28}.

\textsuperscript{27} A. R. Tyagi, “Right and Obligations of Civil Servants in India”, Atam Ram & Sons, Delhi, 1961, p.38.
The commission emphasised the need to create a conductive atmosphere for the development of sound employer–employee relations. It did not specify any particular machinery for this purpose but opined that the machinery that may be evolved must be elastic enough to suit the needs of the employees. Class I and Class II employees could be excluded from the scheme since they could easily present their grievances to the Government. The Commission expressed its grave concern for class III and Class IV employees who, in its view, constituted a source of discontent in the services. For the redressal of their grievances, the commission recommended joint councils and enunciated the following four main principles:

i. Every attempt should be made to prevent the differences between the Government and its employees from developing into disputes.

ii. In case a dispute could not be avoided, it should be settled by negotiations between the two sides, rather than by any external machinery.

iii. If, however, it becomes necessary to secure outside help, it must rather be for the purpose of mediation and consultation, than for adjudication.

iv. If all attempts at consultation fail, adjudication should be sought by voluntary settlement rather than by compulsory reference.

The commission submitted its report in 1947. But, as usual, the Government virtually slept on the report and took no action on these recommendations almost for about seven years. During this period, the Ministry of Home Affairs held several rounds of discussion on the nature of action to be taken on the recommendations of the Commission.

Finally, the ministries were advised to make a beginning in Whitleyism if they thought it proper. They were left free to draw up details of the proposed machinery. The Ministries of Finance, External Affairs and Works Housing and Supply, set up their Staff Committees on an experimental basis. In 1954, The Government reviewed the work of these Committees and felt encouraged to extend them further to other Ministries.

Meanwhile the Home Ministry through a Circular, urged the Ministries to establish two separate staff committees. If a Ministry had more than one division, they should set up two Committees, one for Class IV employees and the other for Class II and III employees.

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29 Ibid, p.119.
30 A.R.Tyagi, OP. cit., p.51.
The staff representatives were to be elected while the representatives of the Ministry/Department were to be through nomination by the Government.

2.7 STAFF COMMITTEES

The staff committees were set up in a majority of Ministries. Now, each Ministry had two staff committees – senior staff committee meant for class II and III employees and junior staff committee for Class IV employees. However, Class I employees were excluded from the scheme. The purpose of all the staff committees was to secure the greatest measure of co-operation between the Government and its employees and to increase efficiency in the public service combined with the welfare of Government employees31

Structure of Staff Committees

The Staff Committee for all classes, except for class IV employees consisted the following:

a) A Chairman, who was Secretary or Joint Secretary in the Ministry and was nominated by the Ministry.
b) Government representatives were nominated by the Ministry from amongst its officers, not below the rank of Under Secretary. In addition, the head of each attached office or an officer nominated by the government representative was placed as member of the Committee.
c) The staffs was to be represented by one member each representing for every 20 members employed in the Ministry in the grade of Section Officer, Assistant, Stenographer and Clerk, and was elected from amongst the members of that grade for a period of one year.
d) The Secretary of the Committee was nominated amongst one of them by the Chairman, in consultation with the representatives of the staff.

The Staff Committee of Class IV employees

a) This Committee was headed by a Deputy Secretary of the Ministry, nominated to act as the Chairman of the Committee.

31 Ibid., p.53.
b) The Ministry nominates a person/staff, not below the rank of an Assistant. In addition, there was an officer nominated as member of the Committee by each head of an attached office.

c) The members of the staff were represented by one representative each for every 20 members from the various groups consisting of Record Sorters, Jamadars, Peons, Farrash, Chowkidars and Sweepers. These staff representatives were elected for a period of one year from amongst the members of relevant grades in each group employed in the Ministry.

d) The Secretary of the Committee was nominated for a period of one year by the Chairman from amongst the selected staff representatives.

Both the Staff Committees were required to meet at least once in three months. However, the chairman had power to call a special meeting on a demand from one-fifth of the total staff representatives. Minutes of the proceedings of meetings were recorded and drafted by the secretary and the same was approved by the Chairman before they were finally circulated to the members of the Committee. The quorum required for a meeting was one-third of the representatives of the members of staff.

It was the secretary’s job to prepare the agenda for the meeting, which was to be approved by the Chairman. The agenda of the meeting was circulated to the members of the Committee at least three days prior to the meeting. Items from the members invited who wished to have any particular matter/issues to be included in the agenda and were required to be informed to the secretary well in advance. Discussions were held in the meetings on agenda circulated in advance. The decisions were recorded and sent to the concerned Ministry for necessary action.32

**Objectives and functions of Staff Councils**

The following were the objectives and functions of the Staff Councils:-

1. To consider suggestions for improving the standard of work;
2. To provide to members of the staff a machinery for making their points of view known to the Government on matters affecting their conditions of service; and

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3. To provide means of personal contact between officers and staff with a view to developing cordial relations between them and encouraging the staff to take a keen interest in their work."  

The main functions of the Committees were to discuss the matters relating to conditions under which the staffs was required to work, general principles regulating conditions of service, welfare of the staff and improvement of efficiency and standards of work. As no other matters regarding personal administration were allowed to be discussed, the questions of discipline, grade, etc. were beyond the scope of the powers of the Committees. The committee was having only advisory powers. They could only make recommendations which were to be agreed to by a majority of the representatives on both sides. Discussions on individual cases were not permitted. 

Until 1958, 19 staff committees had been set up in the various ministries. The working of these committees was reviewed by a sub-committee appointed by the cabinet to look into causes of unrest among the employees. The sub-committee submitted its report and in the light of the report, the government issued the following instructions to the ministries:

1. Re-name the Staff Committees as Staff Councils. 
2. Dispose quickly the references emanating from the Staff Councils by the House Keeping Ministries. 
3. Refer unresolved matters to a Coordinating Committee consisting of representatives of Ministries of Home Affairs, Finance, Works, Housing and Supply. 
4. Submit the proceedings of the council to the Minister inviting his attention to the point of disagreement between the representatives for the staff and the senior officers in the council. 
5. Explore the possibilities of delegating more powers to the administrative Ministries to avoid delay in making references to house-keeping agencies. 

Office Memorandum No 11/1/53 RE, Ministry of Home Affair, New Delhi, June 1954
Official Memorandum No. 11/8/57-Ests. (B), Ministry of Home Affair, September, 1957.
6. Appoint a Chief Welfare Officer in the Home Ministry and a Welfare Officer in each Ministry.

On the basis of a decision taken by the sub-committee of cabinet the Staff Committees were renamed as **Staff Councils**. However no change was made in the constitution, objects and the rules of procedure of the staff committee. A Coordinating Committee consisting of representatives of the Ministry of Home Affairs, Finance, and Works Housing and Supply and the concerned ministry was constituted to decide matters which remained unresolved in the Staff Councils\(^{35}\). The Administrative Ministry concerned with the staff council have been authorised to decide what matters should be brought before the Coordinating Committee\(^{36}\).

During the period 1954-59, Staff Councils made many recommendations which were accepted and implemented by the respective Ministries. However, they were very insignificant item like water coolers, transport facilities, grant of leave, office uniforms, canteen facilities, dispensaries and first aid boxes etc. With these decisions neither the administrative machinery was improved nor the important grievances of the employees were redressed\(^{37}\).

The Second Pay Commission in its report observed that due to lack of will on the part of the Government to accept the principles of joint consultation, it has failed as an effective instrument for prevention of employee disputes. The Second Pay Commission therefore proposed establishment of machinery which should be best on whitley mechanisms of United Kingdom. In fact mechanisms prevalent at the other time at very little in common with a machinery suggest by a Whitley and it could not successed to redressed the grievances in the real Whitley spirit\(^{38}\).

The government civil employees in India have not shown any remarkable preference for joint consultative machinery even the mechanisms of the government did not consult the employees association at the time of introduced the Staff Committees and Councils. This was a unilateral decision of a government for a bilateral purpose. Therefore, Whitley cause also

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\(^{35}\) Office Memorandum No. 40/13/57- AIS (I), Ministry of Home Affair, November, 1957.

\(^{36}\) Office Memorandum No. 40/13/57- AIS (I), Ministry of Home Affair, January, 1958.


could not be served in the absence of proper arbitration machinery for resolving the disputed
of the employees.

Since the decision of the Staff Committees/Councils were advisory in nature the scope
of and their activities were restricted and the manner in which they were handled by the
officers further limited their utility in its implantation. On the pattern of National Whitley
Commission there was no Central Joint Staff Council to consider issues of common and
general application to all the employees of the Ministries. Since the Civil Service Unions
/Associations were not involved at the time of taking decision for establishment of staff
council/council, therefore, the employees were having no faith in this council and
rejected them and considered them as "merely eye-wash. The top level management of the
government were responsible for the poor and ineffective functioning of Staff Councils due
to lack of Whitley thinking. There was lack of the leadership quality in the staff
representatives on the Committees/Councils and they could not present their view effectively.
In actual practice, these representatives on the staff committee/council merely acted as
forums for the staff to express their grievances and put forward to the government side
nominees of in the Staff Councils.

The Government of India had established the Joint Consultative Machinery during
1966 for the smooth progress of the mutual communication and cooperation between the
government and its employees. The main objective of Joint consultative machinery (JCM)
Scheme is to encourage harmonious relations and securing the greatest measure of co-
operation between the Government in its capacity as employer and the general body of its
employees in matters of common concern as well as increasing the efficiency of public
service39. The Scheme is a structure of joint consultation between Government and unions/
associations. 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 others Ministries. It operates through a system of Joint Councils made up
of Government and staff representatives, which are respectively known as the Official Side
and the Staff Side respectively40.

39 Brochure on Joint consultative machinery & compulsory Arbitration for Central government
2.8 OBJECTIVES OF JOINT CONSULTATIVE MACHINERY

Basically JCM provides the forum where staff demands and grievances, in congruencies in rules, regulations and procedures, rationalization and improvement in the conditions of service, etc., can be raised, discussed, debated and decided. As mentioned in the scheme itself, the objectives are:

1. To promote harmonious relations between the government and its employees.

2. 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.

3. To increase the efficiency of the public services, through a collaborative endeavour, to narrow the area of “unresolved differences and widen the ambit of agreement on substantive issues of common concern.

The outstanding features of the scheme are:

a) The membership is confined to persons who are highly knowledgeable and do not suffer from a sense of inequality or inferiority of status in initiating or conducting discussions with senior officers representing the Government at meetings. They are very different from the workers’ representatives on the joint bodies in industries.

b) The political activists, who play a role in Trade Union organizations, have muted voice in this set-up. No outsider can participate in the discussions in these bodies.

c) The scheme is a voluntary one. The government as well as the staff associations/ unions participating in the scheme are required to subscribe to a Declaration of Joint Indent.

d) The unique feature of the scheme is its coverage of both industrial and non-industrial employees of the government.

e) No person who is not an employee or an honourably retired employee of the central government can represent on the stall side. The staff side seats are distributed by the
government between the ministries/ departments instead of between federations/ unions and associations.

f) The staff side has no power to distribute its seats to different associations.

2.9 APPLICATION OF JCM

The Scheme covers all regular civil employees of the Central Government, except:

a) Class-I (now Group A) services;

b) Class-II (now Group B) services, other than the Central Secretariat Services and the other comparable services in the headquarters organization of the Government;

c) Persons in industrial establishments engaged mainly in managerial or administrative capacity; those employed in supervisory capacity; and those who being employed in supervisory capacity drawing salary in pay scales acceding Rs.2900/- per mensem;

d) Employees of the Union Territories; and

e) Police personnel.

2.10 SCOPE OF JCM SCHEME

1. Conditions of service and work,

2. Welfare of the employees.

3. Improvement of working conditions, efficiency and standard of work, provided.

4. In regard to recruitment, promotion and discipline, consultation is limited to matters of general principles; and individual cases are not considered.

2.11 STRUCTURE OF JCM

The J.C.M. provides for a three-tier structure namely Joint Councils at the National, Departmental and Regional/Office levels. The Council is a bi-partite body consisting of the

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41 Ibid P.1.
42 Clause 5 (i) C of the Scheme.
representatives of the government (official side) and the representations of the recognised employees’ organisations (staff side). The official side is nominated by the government and the staff side seats are allocated to different associations/unions/federations duly recognised by the government.

The scheme provides for setting up joint councils at the following levels:

1) **National Council** (JCM-I) functioning at Cabinet Secretariat.

2) **Departmental Council** (JCM-II) functioning at the administrative Ministry concerned and.

3) **Regional/ office council** (JCM-III) functioning at the lowest rung of the administrative set-up.

The National Council deals generally with matters affecting Central Government employees and a Departmental Council deals with matters affecting only the employees of the Ministry/Department concerned. The Office Councils merely taken up regional or local issues⁴³.

The most vital functioning of these different councils is that they work at various levels independently and are one is not subordinate to other⁴⁴.

There is no prescribed link between the National Council and Departmental Councils or between the Departmental Councils and Office Councils. Besides, the National Council is not a court of appeal for the Departmental Councils. It has no power to intervene authoritatively in the affairs of the departments.

Similarly the Departmental Councils are free to resolve their own problems, and in the event of a deadlock, it goes to the **Board of Arbitration**. Further, although there is no formal relation between staff sides of the National Council and the Departmental Staff Sides. These can have informal consultation/diagnosis as and when required.

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⁴³ Clause 4,5 & 6 of the Scheme for Joint Consultative Machinery & Compulsory Arbitration.

2.12 COMPOSITION OF JOINT CONSULTATIVE MACHINERY

Composition of various Joints Councils is as follow

<table>
<thead>
<tr>
<th>Joint Council</th>
<th>Maximum Number of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Official Side</td>
</tr>
<tr>
<td>National Council</td>
<td>25</td>
</tr>
<tr>
<td>Departmental Council</td>
<td>10</td>
</tr>
<tr>
<td>Office Council</td>
<td>5</td>
</tr>
</tbody>
</table>

Source:- Brochure on Joint Consultative Machinery & Compulsory Arbitration for central Government

National Council

The National Council is the apex body of which was set up in 1966. It has only advisory power.

Scope and functions

The scope of the National Council includes all matters relating to conditions of service and work, welfare of employees and improvement of efficiency and standards of work. The Council deals with matters affecting Central Government employees generally, such as minimum remuneration, dearness allowance and pay of certain common categories, and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council. The discussions on recruitment, promotion and discipline are limited to general principles. Further, matters pertaining to a single department do not come within the purview of the National Council. Individuals case will not be consider.

Composition of National Council

The National Council consists of an official side and a staff side.

1. Official Side

It is one of the largest joint councils consisting of total 85 members out of which 25

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45 Brochure on Joint Consultative Machinery & Compulsory Arbitration for central Government OP.Cit.,p.3.
46 I bid., clause 4.
are from official side, who will be appointed by the government. The Official Side includes the Cabinet secretary, Secretaries of the Ministries of Home Affairs Labour, communication, Defence, Finance, Railways and Department of Expenditure or Revenue.

- **Chairman**
  The Cabinet Secretary is the Chairman of the Council. He is the leader of the official side and is a link between the government and the employees.

- **Secretaries**
  They are all senior servants many of them are Deputy Secretaries/ Directors of Ministries dealing with JCM matters and play a pivotal role in the administration not only of the National Council but the entire scheme of JCM.

- **Expert Advisor**
  The Chairman may invite experts to the meeting of National Council, whenever he considers that for the discussion of particular items their advice would be valuable.

- **Temporary Member**
  The Chairman may, from time to time, nominate such member of temporary members belonging to any Ministry/Department of the Government of India as, together with the chairman and the permanent members will not exceed 25.

**Membership of National Council**

The National Council at present consists of 85 members. Twenty Five of them are the nominees of the Government. They are all very senior civil servants, many of them Secretaries of Departments. The representatives on the Official Side have been allocated as follows\(^4\).  
1. Cabinet Secretary — Chairman  
2. Chairman or Member (Staff) or Additional Member (Staff), Ministry of Railways (Railway Board).  
3. Financial Commissioner or Additional Member (Finance), Ministry of Railways (Railway Board).  
4. Secretary, (Defence), Ministry of Defence  
5. Secretary, (Defence Production) Ministry of Defence

6. Secretary, Communications, Department of communication.

7. Senior Member (Posts) or Senior Member (Telecommunication operations), Posts and Telegraphs Board.

8. Senior Member (Finance), Posts and Telegraphs Board. Ministry of Finance

9. Finance Secretary, Ministry of Finance.


11. Secretary, Agriculture. Ministry of Agriculture.

12. Secretary, Ministry of Education and Social Welfare.

13. Secretary, Ministry of Tourism and Civil Aviation.

14. Home Secretary, Ministry of Home Affairs.

15. Secretary, Ministry of Works and Housing.

16. Secretary, Department of Personnel.

17. Secretary, Department of Labour and Employment.

18. Joint Secretary, Establishment Wing, Department of Personnel.

19. Joint Secretary, Personnel, Ministry of Finance.


22. Director, JCA, Department of Personnel, Member-Secretary.

**Staff sides:**

The staff side comprises up to 60 members to be nominated by the respective recognized federations/ unions / associations of the employees. Chairman of the council the seats are distributed between among the aforesaid units. The distribution of seats is based on the numerical strength of staff employed in each Ministry/Department. For the purposes of nomination only those federations/associations/unions are recognized which had enjoyed recognition in the past and adequately represent all the categories of employees of a Department.

There are certain categories of staff holding isolated posts that 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. However, such staff may be allowed to join service association of another comparable category of employees. No person, who is not an employee or an honorary retired
employee of the Central Government, can be a member of the Council. The members of the National Staff Side are responsible only to the unions they represent and, as delegates, speak and vote always within the instructions of the Executive Committees of those unions.

- **Staff Leader**
  The Staff Side elect by simple majority, one of its members as its Leader, who shall hold that office for a period of one year but is eligible for re-election; a vacancy caused by death, retirement, resignation, transfer etc. is filled for the unexpired term. The Staff sides speak through their Leader and they are supposed to iron out their differences, if any, before they go to the meeting of the council.

- **Term of Membership:**
  The employee’s organisation nominates their representatives for a term of three (3) years: but there is no bar for re nomination. 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. Vacancies caused by death, retirement, resignation, transfer etc. are filled for the unexpired term.

- **Secretaries**
  Staff Side may appoint its Secretary or Secretaries from amongst its representatives.

### DISTRIBUTION OF STAFF SIDE MEMBERSHIP MINISTRIES/DEPARTMENTS

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Ministry/Department</th>
<th>No. of seats allotted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ministry of Railways</td>
<td>26</td>
</tr>
<tr>
<td>2.</td>
<td>Ministry of Communications</td>
<td>7</td>
</tr>
<tr>
<td>3.</td>
<td>Ministry of Defence</td>
<td>6</td>
</tr>
<tr>
<td>4.</td>
<td>Ministry of Finance</td>
<td>4</td>
</tr>
</tbody>
</table>

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49 Office Memorandum No. 1/2/64-JCA, 1 January 1964, Ministry of Home Affairs, New Delhi.
50 Ibid., Pg 35.
<table>
<thead>
<tr>
<th>No.</th>
<th>Department</th>
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<tbody>
<tr>
<td>5.</td>
<td>Department of Works &amp; Housing</td>
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<tr>
<td>6.</td>
<td>Department of Supply</td>
</tr>
<tr>
<td>7.</td>
<td>Indian Audit &amp; Accounts Department</td>
</tr>
<tr>
<td>8.</td>
<td>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</td>
</tr>
<tr>
<td>9.</td>
<td>Ministry of Agriculture</td>
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<tr>
<td>10.</td>
<td>Ministry of Education</td>
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<tr>
<td>11.</td>
<td>Ministry of Labour</td>
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<tr>
<td>12.</td>
<td>Ministry of Tourism &amp; Civil Aviation</td>
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<tr>
<td>13.</td>
<td>Ministry of Information &amp; Broadcasting</td>
</tr>
<tr>
<td>14.</td>
<td>Department of Mines</td>
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<tr>
<td>15.</td>
<td>Department of Atomic Energy</td>
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<tr>
<td>16.</td>
<td>Ministry of Health &amp; Family Planning</td>
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<tr>
<td>17.</td>
<td>Planning Commission and Cabinet Secretariat</td>
</tr>
<tr>
<td>18.</td>
<td>Ministry of Foreign Trade</td>
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<tr>
<td>19.</td>
<td>Ministry of Industries and Department of Steel</td>
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<tr>
<td>20.</td>
<td>Ministry of Irrigation and Power</td>
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<tr>
<td>21.</td>
<td>Ministry of Shipping &amp; Transport</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>
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 numeric 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 of Union / Association.

Note 3: If there has been change in the membership of the Association/ union proportional representative given could only be changed after verification of member to be done in the manner advised by the Chief Labour Commissioner.

Note 4: Distribution of the seat may also be done by the Chairman in consultation with the Associations/ Union in any other manner acceptable to Associations/ Unions\(^{51}\).

**Rules for Working of the National Council method\(^{52}\)**

- **Ordinary Meeting:**
  The ordinary meeting of the council has to be held as often as necessary as and not less than once in **four (4)** months. Accordingly, a notice has to be sent to all members not less than **fifteen (15)** days before the date of meeting. The date of the next ordinary meeting is usually fixed at each meeting of the council.

- **Special Meeting**
  A special meeting of the council can 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 has to be sent to all members not less than **ten** days before the date of stipulated meeting.

- **Quorum**
  The quorum for the meeting has to be 1/3\(^{rd}\) from each of the official and staff side.

- **Agenda**
  The agenda for the meeting is prepared by the Chairman.

  i) A member desiring inclusion of a subject in the agenda has to communicate the subject together with an explanatory memorandum where necessary, to the Secretary, official Side or staff side, as the case may be, at least **eight (8)** weeks in advance. The

\(^{51}\) Brochure on Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees op.cit., p. 32.

\(^{52}\) Ibid.,p.p 39-40.
secretary concerned has to make sure that the subject suggested falls within the purview of the council and, thereafter, places the draft agenda before the due date of the meeting, for approval of the Chairman. If any item suggested by the member is not included in the agenda, the member concerned has to be well informed together with detailed explanation.

ii) The agenda for an ordinary meeting has to be circulated to all the members not less than thirty (30) days before the meeting.

iii) The agenda for a special meeting has to be circulated simultaneously with the notice of the meeting.

iv) Business not on the agenda can only be taken up with the permission of the chairman.

v) A matter disposed of by Council in any manner will not be placed on the agenda during the following twelve months, unless for any reason the chairman of the council directs otherwise.

- Minutes
  The minutes of a meeting will be drafted under the direction of the chairman and later on approved by the council. These will thereafter be circulated to the members of the council.

- Decisions
  i) The official side has to conclude matters at the meetings of the council and will not reserve them for later decision by the governments reached between the two sides of the council will become operative.
  ii) 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 is referred to arbitration if so desired by either side. The Chairman of the council shall make a report to the Labour Minister for a reference to the Board of
Arbitration within a week of final disagreement being recorded. In other cases, the Government takes action according to its own judgement.

- **Publication of statements**
  Only statements issued under the authority of the council are be published and have to be as exhaustive and informative as possible.

- **Standing Committees**
  The National Council may constitute two (2) standing committees one for the industrial employees and the other for the non-industrial staff to deal with their respective matters. The Council may delegate any of its powers to the standing Committees for the quick disposal of its business.

  1) The standing committees are authorised to frame their own rules of procedure subject to the approval of the council. However, these cannot take final decision on any subject that come before them and transmit their conclusions to the council for decision expert 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 are not permitted to give publicity to their recommendations and such an authority is vested with the National Council.

- **Appointment of Sub-committee:**
  The council and its standing committees may appoint a committee from among their members to study and report on any matter within their scope.

Agreements between the two sides of the National Council are rarely reported to the Cabinet unless they impinge upon a matter of national importance, e.g., pay policy, etc. In fact, there are so many agreements reached, often on small matters, that reference to the Cabinet become both impracticable and unnecessary. Nevertheless, behind the Official Side of the National Council lies Cabinet authority on all major matters, prior Cabinet authority for the opening of discussions, and further Cabinet authority for the concluding of agreements.
Since its inception in 1966 it had held 25 meetings till the end of 1988. Over a period of 22 years of its existence it could withstand all the problems though it had some failures. In the initial years, the council could not reach certain agreements and the employees went on a day's token strike in September 1968 protesting against unhelpful attitude of the government. Due to the strike many of the employees organisations were derecognised for a couple of years. Therefore, the National Council could not meet with full strength. However, the council and its Committees were very active during 1974-76 to consider the recommendations of the Third Pay Commission.

Though the National Council could not succeed in achieving all its objectives, it acted effectively as machinery in reducing the quantum conflict with the government. That is why, the National Council has come to stay and has taken deep roots to provide a system of joint consultation and cooperation.

Departmental Council

Departmental council is the second layer of JCM. The National council is not the whole of the machinery. The fact is that Departmental councils taken collectively are of the highest importance to the whole system.

Every major Department has a council for its own DEPARTMENT. Usually, there is one Departmental Council for each Department but two or more small departments under a Ministry can have a single departmental council, particularly if the natures of duties in the departments are similar.

Scope and Functions

The scope of the council includes all matters relating to conditions of services and work, welfare of the employees, improvement of efficiency and standard of work, provided, however, that in regard to recruitment, promotion, and discipline consultation will be limited to matters of general principles. Individual cases are not considered. The Council deals with the problems of employees working in a Ministry/Department and the subordinate and attached office of the department.

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 are dealt with by the National Council. It means that a Departmental Council may not discuss matters which do not concern its own staff\textsuperscript{53}.

**Composition of Departmental Council**

On the analogy of National Council, Departmental council also consists of both Official Side and staff side\textsuperscript{54}.

**Official side**

The strength of the official side is limited to ten. They are nominated by the Government or by the Head of the Department.

- **Chairman**
  The Secretary of the Ministry is the Chairman of the Departmental Council.

- **Secretary**
  The official side may appoint its secretary or secretaries from among its representatives.

- **Official Side representative:**
  Besides the chairman, a Departmental council has senior civil servants of the Department concerned duly nominated by the Secretary of the Department.

- **Expert Advisers**
  The chairman may invite experts to the meetings of the Departmental council; whenever he considers that for discussing a particular item their expert advice would be of immense help.

- **Temporary Members**
  The Chairman, from time to time, can also nominate temporary members belonging to any Ministry/ Department/ Office of the Union of Indian.

**Staff side**

The Staff Side representatives are nominated by unions or groups of unions having members in the Department. The constitution of the council gives 20 to 30 seats to the Staff Side.

\textsuperscript{53} Sexena Pradeep, Personnel Administration & Management, Printwell publication, Jaipur, 1987, P. 54.

\textsuperscript{54} Brochure on Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees op.cit., P. 31.
• **Leader:**
  The staff side elects by a simple majority one of its member as its leader, who holds office for a period of one (1) year and is eligible for re-election as well. Any vacancy caused by death, retirement, resignation, transfer, etc. can be filled only for the unexpired term.

• **Secretary**
  The staff side can appoint its secretary or secretaries from among its representatives.

• **Permanent Secretariat**
  There is a permanent secretariat of the council under the control of the chairman.

*Note 1:* Where there are two are or more Unions/Associations representing different categories of staff the Chairman shall distribute the total permissible responsible 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/Union 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 change after verification of membership to be done in the manner advised by the chief Labour Commissioner.

*Note 4:* Distribution of the seat may also be done by the Chairman in consultation with Association/Union in any other manner acceptable to Associations/unions.

*Note 5:* For the purpose of nomination of staff side only those federation/Association/Union will be recognised which have enjoyed recognised 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 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. However the government may allow ex-
employee to be the member of the council after examining the merit of each individual case\textsuperscript{55}.

**Rule for working of Departmental Council\textsuperscript{56}**

- **Term of membership**
  The Unions nominate their representative for a term of three 3 year; but there no bar for re-nomination. Vacancies caused by the death, retirement, resignation, transfer, etc. can be filled only for the unexpired term.

  Besides; an association can replace on the council those of its representatives who have ceased to be its office-bearers at annual election or by exigencies such as a vote of no confidence.

- **Ordinary Meetings**
  The ordinary meetings of the council are to be held as often as necessary, and not less than once in **four (4) months**. A notice of an ordinary meeting has to be sent to all members not less than **fifteen days (15)** before the date of meeting. As far as may be possible, the date of next ordinary meeting is fixed at such meeting of the council.

- **Special Meeting**
  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.

- **Quorum**
  The quorum shall be 1/3 each of the strength of the Official and staff sides.

- **Agenda**
  1. The agenda for meeting is be prepared under the orders of and approved by the Chairman.
  2. The agenda for an ordinary meeting is being circulated to all the members not less than **three (3) weeks** before the meeting.
  3. The agenda for a special meeting is being circulated with the notice of the meeting.
  4. Matters of interest to employees of single Department are not be dealt with by the National Council but by the Departmental Council. The Departmental

\textsuperscript{55} Ibid., p. 44.
\textsuperscript{56} Ibid., p. 49-50.
Council deals only with matters affecting the staff employed in the Departmental or Department covered by it. If a disputes arises in a council at a lower level the chairman of such council records such disputes with a brief statement of the case and after securing the council’s approval remits the matters to the Chairman of the Departmental Council for the consideration.

- **Publication of the statement**
  The statement issued under the authority of the Council is published; such statement has to be as full and informative as possible.

- **Committees**
  The Council may appoint Committees
  
  1. A Council may appoint committee from amongst its member to study and report on any matter falling within its scope. The committee however do not have authority to 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 are not authorised to give publicity to their recommendations.

Thus Departmental council resulting in increase of efficiency and promoting the wellbeing of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience of various staff and different points of view on conditions of service.

**Regional/ Official Council**

The third tier of the joint Consultative Machinery is the Office Council. The J.C.M. scheme permits the departments to set up of Regional/ office council wherever it is possible. Every ministry/department is responsible for considering proposals to set up Local councils in offices where the staff desire to have this machinery. The objective of the Joint Consultative Machinery cannot be achieved fully without setting up this tier at the grass-roots.

**Scope and Functions**

i. The Scope of the office Councils includes all local matters relating to condition of work, welfare of employees, improvement of efficiency and standards of work with particular reference to local conditions.
ii. Matters which are within the competence of the National/Departmental Council cannot be taken-up in the meetings of the Official Council. Matters relating to individuals too cannot be discussed.

The matters to be discussed are limited to subject within the competence of Joint secretary (Administration) of a ministry/Department such as revision of duty hours, distribution of work, accommodation, amenities, holiday duties, etc.

**Composition of official council**

The strength of a regional office council is determined by the size of the staff in a region or office. Like the National Council and Departmental Council the Official Council consists of both Official & Staff Sides.

**Official sides:**
The upper limit for the composition of official sides is 5 member, they are:-

i. Joint Secretary

ii. Deputy Secretary

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).

- **Chairman**
The Joint Secretary (Administration) is the Chairman of the office council.

- **Secretary**
  Under-Secretary (welfare) is the Secretary of the Official Side.

- **Temporary Member**
The Chairman may be nominated, as required, any temporary Member to the Official side in connection with any particular items to be discussed at the meeting of the Council.
Staff Side:

The Staff Side should not have more than eight (8) Members representing.

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

- Leader

The Staff Side elects by a simple majority, one of its members as its Leader, Who holds the office for a period of one (1) year, but he is eligible for re-election. A vacancy caused by death, retirement, resignation, transfer, etc. is filled for the unexpired term.

- Secretary:

The staff side may appoint its Secretary from its members.

The representatives of the Staff side of the Council have to be the employees of the ministry/ department concerned and those who would be able to discuss local problems and appreciate the difficulties of the Official Side.

Note1: In case of C.S.S. categories of the staff nomination to the staff from amongst the staff of the Ministry will be made by the concerned Association/ Unions/ Federations recognised by Government.

Note2: Where there are two or more Unions/ Associations/ representing different categories of staff, the chairman shall disturb the total permissible representation on the Council on the basics of respective numerical strengths of the categories concern.

Note3: Where there is 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 4: If there has been change any membership of the Associations/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 5: Distribution of seats may also be done by the chairman in consultation with the Associations/Unions in any other manner acceptable to associations/unions\textsuperscript{57}.

Rules for the Working of Official Council\textsuperscript{58}

- **Term of Membership**
  The Staff Side representatives are nominated for a term of three years, but with no bar for re-nomination. Vacancies caused by death, retirement, resignation, transfer, etc. are filled for the unexpired term only.

- **Periodicity**
  The meeting of the Official Council are to be held at least once in two months.

- **Quorum**
  The quorum is 1/3\textsuperscript{rd} each of the strength of the Official and Staff Sides.

- **Agenda**
  As usual, agenda for a meeting has to be prepared under the order of, and approved by the Chairman.

- **Minutes**
  The minutes of a meeting are finalised under the directions of the Chairman in the usual manner and copies thereof are thereafter circulated to members of the Council.

- **Appointment of committees**
  The Office Council can also appointing Sub-Committees from amongst its members to study and report on any matter falling within its purview.

In cases where the Council is unable to arrive at an agreement on any issues, the said issue has to be placed before the Departmental Council concerned. Practically, the arbitration would not be available at office Council level and the concept of Office Council has not been a successful tool for attaining the desired objective leading to the goal.

In order to achieve complete goal and objective of JCM scheme, the organisation has to set up Regional/Office Councils. It is important that the representatives of the Staff and

\textsuperscript{57} Ibid., Pg 54.
\textsuperscript{58} Ibid., Pg 55.
Official side would get their basic training in Regional/Office Councils to provide grassroots support to the scheme of JCM. However, the required progress has not been achieved by establishing these Councils due to lack of organisation of employees and the negative attitude of Officials and regional and local levels. The scheme could be made more effective and successful in case Regional/Office Councils try to solve their local problem to maintain their cordial and harmonious relations at local level as majority of the employees work at various levels in local offices.

In the existing situation, the introduction of Joint Consultative Machinery at local and grassroots level takes lot of time as the employees of the organisation at Branch level are not very strong as they fear victimisation by the local officials. In fact, the employees are discouraged by the lower level officials to form any association or organisation so that they could not participate in any JCM activity. This attitude of the Government Officials hinders the progress of the scheme in achieving the desired objectives.

The concept and the objectives of the Regional/Official Councils could work more satisfactorily if the local problems are addressed at the local level as majority of the problems are local problems and this could result in harmonious relations in the organisation. There are inherent obligations on the part of the Government to maintain harmonious relations and the Government should take positive steps to establish these Councils and should ensure that these Councils work properly.

This study has revealed that there are intrinsic and extrinsic factors which lead to create hurdle for a proper liaison between various tiers of the JCM scheme.

(a) There is no provision of any constitutional or formal linkage between the national departmental, regional/office council in the scheme of Joint Consultative Machinery.

(b) There is no authority or power vested in the National Council to intervene in the working of Departmental Council.

(c) As Chairman of the National Council, the Cabinet Secretary of the Government of India mainly acts as a spokesperson of the Government to convey the official channel of communication between National and Departmental Councils.

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59 Bhaskara Rao, op., cit., P. 68
In order to mitigate all these problems, it would be appropriate to constitute a Joint Standing Committee with members from both sides. The Committee should consist of Chairman of two or three important Departmental Councils with equal numbers of leaders of the Staff Side in the Departmental Council as representative of the Staff Side. The Standing Committee should look into complaints of the Staff Side and the problems faced by the Departmental Councils and to suggest remedial steps to the Government.

The present scheme of JCM provides for a three tier structure at the National, Departmental and the regional or office level. However, there is lack of formal hierarchical link to supervise and coordinate the functioning of three tiers. There is no guarantee that the present joint consultative machinery could solve all the grievances of its employees. The first Pay Commission recommended the idea of settling disputes in civil services through external machinery, if negotiation failed. However, the Government had not taken any action. Similarly, the Second Pay Commission recommended the Government for acceptance of Compulsory arbitration as a process of settling disputes which could not be settled by negotiation as a necessary complement to a joint machinery to make the Whitley machinery work more equitability.\textsuperscript{60}

\textsuperscript{60}Report of second pay commission, Govt. of India, p.p.549-550.