

To,
The Prime Minister of India
Govt of India, Prime Minister Office
South Block, Raisina Hills
New Delhi- 110011

Through: Head of Establishment

Subject: Memorandum

Respected Sir,

With due regards, it is submitted that on the call of Bharatiya Pratiraksha Mazdoor Sangh, an Industrial unit of Bharatiya Mazdoor Sangh, this union has observed an agitational programme from 16 Dec 2019 to 21 Dec 2019 by holding massive demonstration, Gate Meeting, Slogan-shouting, wearing black badges etc. to reflect our concern on various issues and redressal of long pending demands like introduction of anti-labour policies in proposed codification of labour laws, cascading effect on social security of employees recruited on or after 01.01.2004 on introduction of National Pension System, Calculation of Productivity Linked Bonus on ₹ 18000, Enhancement in financial benefit to ₹ 15,00,000 under CGEGIS etc.

The proposed Labour Laws have been/ are being codified in a manner that will lead to reduction in rights of workers/ trade unions on some of issues like-

- 1) The present provisions under proposed IR Code prohibiting strike will make industrial sector a conflict zone destroying industrial peace. It will create friction at floor level. The provision is titled in the code as "prohibition of strike". Giving notice of strike before 14 days and within 2 months is clearly a restraint on strike. Also penalty for "illegal" strike should be deleted.
- 2) The definition of "Fixed term employment" under proposed I R Code will lead to quality-less productive activities in Industrial Sector. This system will lead to total exploitation of workers.
- 3) The matters like fixing the rate of subscriptions for members of unions, prohibition on person holding an office of profit for holding a post as office bearer in union, restraining outsiders as office bearers, protecting members of trade unions who do not participate in strike thereby leading to rift amongst workers and weaken trade unions etc should not be interfered.
- 4) Many provisions in the proposed I R Code delegating power to the Govt for exempting provisions of the bill should be deleted. Purpose of codification of Labour Laws should be Industrial Peace and avoid Jungle Raj.
- 5) In the chapter IX and X of the proposed I R Code on the permission for retrenchment, closure and lay off, the strength of workers has been reduced/ retained to 50-100. The establishments having more than 100 workers in earlier times are being run with 20-30 workers due to high mechanisation. The above limit should be correlated as per present working scenario.

- 6) If each unit of an Industrial establishment or undertaking is considered as a separate unit. It is easy for the employer to split up his establishment/ undertaking into smaller units to avoid threshold limit to escape from complying provisions of labour laws.
- 7) Definition of “wages” in the proposed I R Code excludes a long list of allowances which will assist unscrupulous employers to avoid payment of ESI and EPF to workers.
- 8) Definition of “worker” in the proposed I R Code excludes apprentices.
- 9) Govt has been given arbitrary power to nullify the awards of Tribunals passed after a long trial in the proposed I R Code.
- 10) The time limit prescribed for the worker to apply for the execution of recovery of money as “within one year” in the proposed I R Code whereas general Civil Laws have prescribed 12 year for it.

- 11) **As per the Wages (Central) Rules under Section 67**, Nine hours working in a day has been prescribed as normal working hours in an establishment. Workers are very much agitated against this enhancement from 08 hours.

12) The 4th Draft “Code on Social Security, 2019”

The new draft of Social Security Code is highly disappointing. It is mere a short cut method of cut and paste of 8 labour laws. The visionary architecture of codification displayed in the first two drafts is miserably missing in the 4th draft. It is a poor abridged version of the 3rd draft which has already been rejected by BMS. Govt should show brilliance with vision and legislative skills as guided by Dr. Ambedkar through existing labour laws.

Labour laws should be drafted in a manner that it would resolve long pending issues of workers and trade unions, not in a manner that it would lead to more exploitation of them.

Further, long pending issues of employees are not being considered and it is leading to unrest amongst employees. The issues are as under-

13) Scrap NPS

National Pension System was introduced by the Government for the employees recruited on or after 01.01.2004. The pension system is based on Market related factors. Employees on their retirement are deprived of guarantee of a fixed pension and dearness allowance.

It is demanded to either scrap NPS or guarantee minimum fixed Pension which, in no case, should be less than 50 % of last pay of employees and Dearness Allowance based on CPI (IW) should be granted on pension to employees.

14) Compassionate Ground Appointments to the wards of all Defence Civilian employees die in harness

At Present, only 5% vacancies of DR may be filled by the wards of employees die in harness, but this system is inefficient to accommodate all the wards waiting for compassionate ground appointments. On the death of employees, their families suffer from penury conditions. To soothe their sufferings, appointments should be considered in all the cases and one time relaxation should be granted to accommodate all pending cases.

15) Enhancement of Nil tax slab limit from existing ₹ 2,50,000 to ₹ 8,00,000

At present, through section 87 A of the Finance Act 2019, the Govt has relieved the employees by providing rebate of ₹ 12,500 if total income does not exceed ₹ 5,00,000. In this way, all the employees having total income upto ₹5,00,000 have been exempted from tax liability. But if the total income of an employee exceeds ₹ 5,00,000 even by a single penny, he will not be entitled to benefit of section 87 A and he will have to pay tax as per concerned tax slab. By exceeding the limit under section 87A, Govt has relieved only a section of employees having total income upto ₹ 5,00,000.

Further, for reservation to OBC and Economically Weaker Sections, Government has fixed an income limit of ₹ 8,00,000. In line with this limit it will be appropriate to enhance nil tax slab limit from ₹ 2,50,000 to ₹ 8,00,000.

16) Enhancement in financial benefit to ₹15,00,000 under CGEGIS

Due to lethargic attitude of Govt and its machinery no improvement has been made in CGEGIS whereas reasonable and logical recommendations were made by various Pay Commissions. Neither subscription amount nor Insurance amount has been enhanced since fourth Pay Commission. At present, ₹30, ₹60 and ₹120 is contributed by the Group C, Group B and Group A employees respectively for insurance cover of ₹30,000, ₹60,000 and ₹1,20,000 which is very meagre at present.

Therefore, it is demanded to enhance the benefit under this scheme to minimum ₹15,00,000 as recommended by 7th CPC.

17) Productivity linked bonus/ Adhoc bonus should be granted calculating on ₹ 18,000 (minimum wages as recommended by 7th CPC) in place of ₹7,000.

18) JCM II & III Level Councils in MoD should be re-constituted on proportionate basis of secret ballot held on 03.02.2019 and BPMS should be allocated extended seats in the JCM II and III Level Councils on the basis of this secret ballot without any delay.

Further, employees have been seeking concrete resolution of their pending demands as mentioned above. They have submitted these grievances to your good self time and again but Govt is not paying any heed on the same.

This memorandum is submitted with expectations of constructive and personal intervention into the matter by your good self.

Thanking You

Sincerely Yours

(Name of General Secretary)

General Secretary

Copy to:

- 1) Shri Rajnath Singh
Hon'ble Minister of Defence
Govt of India, Ministry of Defence
South Block, DHQ PO
New Delhi- 110 011
 - 2) The General Secretary
BMS, New Delhi
 - 3) The Secretary General
GENC, Kanpur
 - 4) The General Secretary
BPMS, Kanpur
- With request to take appropriate action.