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IMMEDIATE

No.33011/1(s)/2019-Estt.(B-II)
Government of India

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 4 February, 2019

Q
JS (Admin)

OFFICE MEMORANDUM

Subject: **Proposed joint protest by various organisations under banner of 'India Unites' (January 30-February 7, 2019).**

The undersigned is directed to inform that various like-minded organisations/ groups of farmers, trade unions, Ex-servicemen, SC, women, youth/ students, teachers, journalists and civil societies at the initiative of All India Kisan Sabha (AIKS/ pro- CPI- M), have proposed to organise joint protest at Jantar Mantar, Delhi from January 30 to February 7, 2019 under the banner 'India Unites'.

2. The participants will organize dharnas on different dates highlighting their respective issues from January 30 to February 6, 2019 followed by a joint march from 'Red Fort to Parliament Street' on February 7, 2019. Details of proposed programme is enclosed as Annexure 'A'.

3. On concluding day (February 7, 2019), the joint march is scheduled to be led by Young India National Coordination Committee (YINCC), a banner recently formed by various student organisations of various institutions across the country, at initiative of All India Students' Association (AISA/ pro-CPML-Liberation).

4. The instructions issued by the Department of Personnel & Training prohibit the Government servants from participating in any form of strike including mass casual leave, go-slow, sit-down etc. or any action that abet any form of strike in violation of Rule 7 of the CCS (Conduct) Rules, 1964. Besides, in accordance with the proviso to Rule 17 (1) of the Fundamental Rules, pay and allowances is not admissible to an employee for his absence from duty without any authority. As to the concomitant rights of an Association after it is formed, they cannot be different from the rights which can be claimed by the individual members of which the Association is composed. It follows that the right to form an Association does not include any guaranteed right to strike. There is no statutory provision empowering the employees to go on strike. The Supreme Court has also agreed in several judgments that going on a strike is a grave misconduct under the Conduct Rules and that misconduct by the Government employees is required to be dealt with in accordance with the law. Any employee going on strike in any form, including protest, would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action. In this connection, your kind attention is also drawn to this Department's OM No. 33012/1(s)/2008-Estt (B) (pt) dated 12th September, 2008 (copy enclosed).

5. A Joint Consultative Machinery for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and for securing the greatest measure of co-operation between the Government, in its capacity as employer, and the general body of its employees in matters of common concern, and with the object, further of increasing the efficiency of the public service. The JCM at the different levels have been discussing issues brought before it and the consultative process is still functioning with the active cooperation from the staff side.

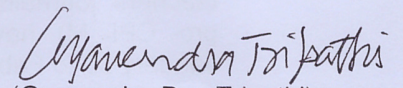
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6. The Central Government Employees under your Ministry/Departments may, therefore, be suitably informed of the aforesaid instructions under the Conduct Rules issued by this Department and other regulations upheld by the Hon'ble Supreme Court and dissuaded from resorting to strike in any form including protest. Instructions may be issued not to sanction Casual Leave or other kind of leave to employees if applied for, during the period of the proposed protest/strike and ensure that the willing employees are allowed hindrance free entry into the office premises. For this purpose, Joint Secretary (Admn) may be entrusted with the task of coordinating with security personnel. Suitable contingency plan may also be worked out to carry out the various functions of the Ministry/Department.

7. In case the employees go on dharna/protest/strike/rally, a report indicating the number of employees who took part in the proposed dharna/protest/strike/rally may be conveyed to this Department on the evening of the day.



(Gyanendra Dev Tripathi)

Joint Secretary to the Government of India

Tel: 23094010

To

The Secretaries of all Ministries/Departments of Government of India

Copy to:

Deputy Secretary (Admin), DoPT, North Block, New Delhi.

Annexure 'A'

Delhi: Proposed joint protest by various organisations under the banner of 'India Unites' (January 30-February 7)

Date	Name of Organisations	Leaders likely to participate in programme	Issues /demands	Likely participation
January 30, 2019	Indian Ex-Servicemen Movement (IESM)	Major General (Retd.) Satbir Singh, IESM	Implementation of One Rank One Pension (OROP).	600-700
January 31, 2019	Dalit Shoshan Mukti Manch (DSMM/pro-CPI-M)	Nathu Prasad (General Secretary, DSMM)	Against alleged atrocities on Dalits across the country and to express anger of Dalit community against the Central Government	300-400
February 01, 2019	All India Kisan Sabha (AIKS/pro-CPI-M) and CITU	Hannan Mollah (General Secretary, AIKS)	To highlight alleged agrarian and rural distress in the county.	300-400
February 02, 2019	All India Pearls Grahak Sangharsh Association and Ail Investors Safety Organisation	Ashutosh Kumar Pandey (Secretary) Prithvi Raj (National President)	Demanding payment of investors' money to those who were allegedly cheated by various chit fund companies	900-1000

February 03, 2019	Act Now for Harmony and Democracy (ANHAD)	-	Against alleged rise in hate crimes	200-300
February 04, 2019	pro-left journalists	-	To highlight issues like environment, breach of privacy involving Aadhaar and ethics in journalism.	100-200
February 05, 2019	All India Democratic Women's Association (AIDWA/pro-CPI-M)	Mariam Dhawale (AIDWA) and Kavita Krishnan (All India Progressive Women Association pro-CPI-ML)	Demanding passage of Women Reservation Bill and to highlight alleged crime against women. is likely to join the protest.	150-200
February 06, 2019	Various pro-left Students and teachers organisations including AISA, SFI, Delhi University Teachers Association and JNU Teachers Association		Against alleged saffronisation of education and on rising unemployment.	150-200
February 07, 2019	all like-minded organisations (mentioned above)	Sucheta De (National President, AISA)	-	1500-2000

EsttB/strike matters
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File No. 33012/1(s)/2008-Estt(B) (Pt)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

Dated the 12th September, 2008

OFFICE MEMORANDUM

Subject:- Participation in any form of strike/mass casual leave/boycott of work etc. by Government servants - CCS(Conduct) Rules - regarding.

The undersigned is directed to say that the instructions issued by the Department of Personnel & Training prohibit the Government servants from participating in any form of strike including mass casual leave, go-slow etc. or in any way abet any form of strike which will be in violation of Rule 7 of the CCS(Conduct) Rules, 1964. The Supreme Court has also agreed in several judgements that going on a strike is a grave misconduct under the Conduct Rules and that misconduct by the Government employees is required to be dealt with in accordance with law. Any employee going on strike in any form would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action.

2. A Joint Consultative Machinery (JCM) for Central Government employees is already functioning. This scheme has been introduced with the object of promoting harmonious relations and of securing the greatest measure of cooperation between the Government, in its capacity as employer, and the general body of its employees in matters of common concern, and with the object, further of increasing the efficiency of the public service.

3. Therefore, apart from the fact that any form of strike/mass casual leave/boycott of work would be in violation of the CCS(Conduct) Rules, going on any form of strike will also not be in the interest of the employees. Accordingly, the undersigned is directed to convey that if any employee or an association/group of employees, under any nomenclature, indulge in any form of strike/boycott of work in pursuance of any alleged demands, or send any letter conveying of their intention to organize any such event, in terms of the provisions mentioned in para-1 above, the salary of such employees for the day/days in question shall not be paid and the details of such employees shall have to be intimated by the concerned office where such an event took place to the Administrative Ministry/Department concerned, within 15 days of such incident for a decision on how to treat the unauthorized absence occasioned by such an action by the employees. This will be without prejudice to any disciplinary action that may be initiated against such employees. All Ministries/Departments are requested to bring the contents of this O.M. to the notice of all concerned offices under them.

(Suneel K. Arora)
Under Secretary to the Government of India

To

All Ministries/Departments.