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#### **NOTIFICATION**

NO.C.12013/1/91-P&AR(ARW), the 13th November, 1996. The Governor of Mizoram is pleased to order the introduction and implementation of the Scheme of Joint Consultative Machinery with a view to promoting harmonious relations and securing the greatest measure of cooperation between the Government and its employees in the matter of common concern as enunciated in the Scheme of Joint Consultative Machinery for Mizoram Government Employees at Annexure appended herewith with immediate effect and until further order.

Vanhela Pachuau,  
Secretary to the Government of Mizoram.

#### **SCHEME FOR JOINT CONSULTATIVE MACHINERY FOR MIZORAM GOVERNMENT EMPLOYEES**

With the object of promoting harmonious relations and of securing the greatest measure of co-operation between the Government in its capacity as employer, and the general body of its employees in the matter of common concern, and with the object, further, of increasing the efficiency of the public service, the Government of Mizoram have decided to establish a machinery for Joint Consultation of unresolved matters of common concern. The essential features of the scheme are described below :-

#### **CONSTITUTION AND PROCEDURE :**

1. The scheme will cover all regular employees of the State Government except those employed in the Police, Home Guard and Prisons Departments but not excepting the civilian employees employed in these Departments.

2. The Machinery will supplement, and will not replace, the facilities provided to the employees to make representations on matters concerning their constituent services, grades etc.

3. There shall be a State Council at the State level. The State Council will deal with matters affecting Government employees of Mizoram generally and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council. The State council may have one or more Standing Committees to deal with matters concerning certain categories of employees. Each Standing Committee will consist of an equal number of Government representatives and of representatives of employees to be nominated by each side from amongst the representatives of their respective sides.

4. The State Council will consist of an official side and staff side. The official side will be appointed by the Government and may be equal to the number of Administrative Secretaries from time to time. The staff side will consist of one and a half time the members on the official side. The members on the staff side will be nominated by the General Headquarters of Federation of Mizoram Government Employees & Workers. The Chief Secretary to the Government of Mizoram will be the Chairman of the State Council. The staff side will elect its own leader. The Chairman will appoint the Secretary to the Council on the Government side who will also act as Secretary to the State Council and the staff side may appoint their own Secretary.

5. No person who is not an employee or retired Government servant of the State Government will be appointed a member of a State Council.

6. The Federation will nominate their representatives for a period of 2 years but there will be no bar to re-nomination. Vacancies caused by death, retirement, resignation, transfer etc. will be filled for the un-expired term. The Federation may, however, replace for the un-expired term such of its nominees if and when considered necessary.

## SCOPES AND FUNCTIONS

7. The scope of the Council will include, all matters relating to the conditions of services and work, welfare of the employees, and improvement of efficiency and standard of works, provided however, that :-

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

(d) individual cases will not be considered.

8. The official side will conclude matters at the meetings of the Council as far as practicable and will not reservice them for later decision by the Government.

9. A Council may appoint adhoc Committees/Committee to study report on any matters falling within its scope.

10. Subject to the final authority of the Council of Ministers, agreements reached between the two sides of the Council will become operative.

11. 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. If, however, final disagreement is recorded the matter shall be referred to a Committee appointed by Chief Minister. The decision of the Committee will be final.

12. The Council will frame its own rules for conduct of its business.

## CONSTITUTION OF THE STATE COUNCIL

### 1. SHORT TITLE:

This constitution may be called the Constitution of the State Council under the scheme for Joint Consultative Machinery for the Mizoram State Government employees.

### 2. APPLICATION :

Subject to the provisions of the scheme for Joint Consultative Machinery, this constitution shall cover, as far as may be, all Departments of the State Government.

### 3. OBJECT:

The object of the Council is to promote harmonious relations and to secure the greatest measure of cooperation between the Government in its capacity as employer, and the general body of its employees in matters of common concern and with the object, further, of increasing efficiency of public services combined with the welfare of those employed.

### 4. SCOPE AND FUNCTIONS:

(1) The scope of the Council will include all matters relating to conditions of service, work, welfare and improvement of efficiency and standards of work of all regular civil employees of the State Government except those employed in the Police, Home Guard and Prisons Departments but not excepting the civilian employees employed in these Departments.

Provided, however, that :-

- (i) in regard to recruitment, promotion and discipline consultation will be limited to matter of general principles.
- (ii) individual cases will not be considered.

(2) The Council will deal with matters affecting States Government employees generally, such as minimum remuneration, dearness allowances etc. and matter relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council.

## 5. MEMBERS OF THE COUNCIL :

(1) The Council shall consist of :-

(A) Chairman - Chief Secretary to the Government, Mizoram.

(B) (i) Government Representatives- (State the number) Development Commissioner, Financial Commissioner and Administrative Secretaries to the Govt. of Mizoram.

(ii) Expert Advisers:- The Chairman may invite experts to the meetings of the State Council, whenever he considers that for discussion of particular item(s) their advice would be of value.

(C) Representatives on the staff side :- There shall be [State the numbers] staff representatives [not more than one and a half time, the members on the official side] nominated by the Federation of Mizoram Government Employees & Workers for the purpose of representation, on the State Council.

(D) Secretaries :- The official side and the staff side may each appoint its Secretary from amongst its representatives. The Secretary of the official side shall be appointed by the Chairman.

(E) Leader :- The Staff representatives will elect one of their members as their Leader.

(F) No person who is not a member of the State Government employees will be a member of the Council.

(1) At the commencement of the constitution and thereafter when occasions arise the Federation will be intimated in Form 'A' the number of members it may nominate on the Council.

(2) On receipt of intimation in clause (1) the Federation will intimate in Form 'B' the names of its representative(s) nominated by its Executive Committee.

(3) In the event of resignation, death, etc. of a representative of an employees' organisation such organisation may nominate a representative in his place in Form 'C.'

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

## 6. TERMS OF MEMBERSHIP

(1) The Federation will nominate their representatives for a term of 2 years; but there will be no bar for re-nomination. The Chairman may, however, permit a change of representative once in a year, if and when considered necessary.

(2) Vacancies caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term. The Federation may, however, replace on the council such of its representatives as have ceased to be its office bearers at annual elections or by exigencies such as a vote of no-confidence. An intimation to this effect will have to be sent to the official Secretary in Form 'C' for consideration of the Chairman.

## 7. STANDING COMMITTEE :

The State Council may have one or more Standing Committees to deal with matters concerning certain specified categories of employees. The Standing Committees will consist of equal number of Government and staff representatives to be nominated/elected by each side from amongst the representatives of their sides.

## 8. APPOINTMENT OF COMMITTEES

The Council may appoint an adhoc committee or Committees from amongst their members to study and report on any matters falling within their scope.

## RULES FOR CONDUCT OF BUSINESS OF THE STATE COUNCIL.

The following rules shall govern the conduct of business of the State Council under the scheme for Joint Consultative Machinery for the Mizoram Government Employees.

### 1. SHORT TITLE :

These rules may be called the 'Rules for the Conduct of Business of the State Council';

### 2. MEETINGS :

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

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

(2) A special meeting of the Council may be called by the Chairman on his own or on a request from either the Government representative or from the Leader of the staff side. A notice for a special meeting shall be sent to all members not less than seven days before the date of meeting.

### 3. QUORUM :

The Quorum shall be one fourth each of official and staff sides.

#### 4. AGENDA :

(1) A member desiring inclusion of a subject in the agenda of meeting will communicate the subject together with an explanatory memorandum where necessary, to the Secretary, official or staff side, as the case may be, atleast six weeks in advance of the meeting. The Secretary concerned shall make sure that the subject(s) suggested fall within the purview of the Council and thereafter, place the draft agenda before the Chairman not less than 4 weeks before the date of the meeting, for his approval for inclusion in the agenda. If any item suggested by a member is not included in the Agenda, the member concerned shall be informed of the fact and the reason thereof.

(2) The agenda for an ordinary meeting shall be circulated to all the members not less than 15 days before the meeting.

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

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

#### 5. MINUTES :

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

#### 6. DECISIONS :

The official side will conclude matters at the meetings of the Council as far as practicable and will not reserve them for later decision by the Government. Subject to the final authority of the Council of Ministers, agreements reached between the two sides of the Council will become operative. If there is no agreement between the two sides they may be transmitted to the Board of Arbitration whose decision will be final.

#### 7. PUBLICATION OF STATEMENTS :

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

#### 8. STANDING COMMITTEE/ADHOC COMMITTEE :

(1) Standing Committee/Adhoc Committee shall frame their own rules of procedures subject to the approval of the Council. The Standing/Adhoc Committee shall not, however, take final decisions on any subject that come before them and shall transmit their inclusions to the Council for consideration and decision.

# DECLARATION OF JOINT INTENT REGARDING THE COMMON APPROACH OF THE GOVERNMENT OF MIZORAM AND THE FMGE&W TO WORK THE MACHINERY OF JOINT CONSULTATION AND COMPULSORY ARBITRATION.

This is a declaration of Joint Intent regarding the common approach of the Government of Mizoram on the one hand and the representation of FMGE&W on the other to the creation of the machinery for Joint Consultation and compulsory arbitration and its smooth working and full utilisation.

## GENERAL OBJECTIVES:

2. Both the parties are in agreement with the objectives of promoting harmonious relations and securing the greatest measure of cooperation between the Government of Mizoram in its capacity as employer and the general body of its employees in matters of common concern and with the object, further of increasing the efficiency of the public service combined with the well-being of those employed.
3. Both parties agree further that there should be full and frank discussion on all matters that come up before the joint councils and that every endeavour should be made to reach agreement on such matters.
4. The Government:
  - (a) are desirous of promoting healthy development of organisations of Government employees, and
  - (b) have noted the fear of victimisation expressed by certain representatives of the Government employees' organisations and purpose to make suitable provision in the rules, etc. to ensure that no office bearer of union/association is victimised for legitimate association/trade union activities.
5. The FMGE & W:
  - (a) agree to give a fair trial to the scheme of joint consultation and compulsory arbitration for a minimum period of 2 years.
  - (b) agree that during this period or trial all disputes shall be resolved through the machinery of joint consultation and compulsory arbitration.
6. Both the parties are agreed:
 

that where there is failure to agree on a claim falling within the limits set out below the case shall be reported by or on behalf of either of the parties to the Department of Personnel & Administrative Reforms (Administrative Reforms Wing) for reference to arbitration by a Board of Arbitration consisting of 3 members.

7. The rights of either party to take a claim to arbitration shall be as follows:-
- (a) it shall cover only those FMGE & W to whom the scheme for joint consultation and compulsory arbitration is applicable;
  - (b) it shall be limited to:
    - (i) day and allowances
    - (ii) weekly hours of work, and
    - (iii) leave;  
of a class or grade of employees;
  - (c) cases of individuals shall not be subject to compulsory arbitration;
  - (d) a dispute shall not be referred to arbitration unless it has been considered by the State Council and final disagreement between the two sides has been recorded;
  - (e) (i) while considering a dispute referred to it, the Board of Arbitration shall examine the merits of the cases presented by both the official and the staff sides, and take into account all other relevant factors including the principles enunciated in any recent report of a commission of enquiry etc. appointed by the Government;
  - (ii) matters determined by the Government in accordance with the recommendations of a Commission will not be subject to arbitration for a period of 3 years from the date of the recommendations, after which they will become arbitrable again;
  - (f) subject to the over-riding authority of Legislative Assembly, recommendations of the Board of Arbitration will be binding on both sides. If, for reasons to be recorded in writing the State Government is of opinion that all or any of the recommendations of a Board of Arbitration should on grounds affecting national economy or social justice be modified, the State Government shall, as soon as may be, lay before the Legislative Assembly the report of the Board containing such recommendations together with the modification proposed and the reasons therefore, and thereupon Legislative Assembly may make such modifications in the recommendations as it may deem fit; and
  - (g) orders made by Government in pursuance of recommendations of the Board of Arbitration shall unless otherwise specified in those recommendations or modified by mutual agreement, remain in operation for a period of 3 years.
8. Both the parties agree that any provisions of this declaration or of the scheme could be amended by mutual agreement at any time.

Sd/-  
President/Secretary,  
FMGE & W.

Sd/-  
Chairman,  
J.C.M.



## FORM — 'A'

No. .... Date.....

To,

The President/Secretary,  
Federation of Mizoram Govt. Employees  
and Workers, General Headquarters,  
Aizawl, Mizoram.

Subject :- Nomination of staff representatives on the State/Departmental/  
Council.

Sir,

In accordance with the scheme for Joint Consultative Machinery for Mizoram Government Employees, your Federation is required to nominate .....(state the number) member(s) on the staff side of the State/Council. A copy each of the scheme and the Declaration of Joint Intent to which your Federation will have to subscribe are enclosed.

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

Yours Faithfully,

State/Secretary, Council.

## FORM — 'B'

(To be furnished in duplicate)

From: President/Secretary,  
Federation of Mizoram Government Employees  
and Workers, General Headquarters, Aizawl.

To,

The Secretary, State Council,  
\_\_\_\_\_  
\_\_\_\_\_

Subject:- Nomination of staff representatives on the State Council.

Sir,

With reference to your letter No. .... Dated ..... on the above subject, I am directed to say that the Executive Committee of the Federation of Mizoram Government Employees & Workers has considered the

scheme for Joint Consultative Machinery for the State Government Employees and subscribes to the Declaration of Joint Intent and nominates the following person(s) to represent it on the staff side of the Council :—

Name	Office and appointment held.	Address

An authenticated copy of the resolution Executive Committee\* of the Federation is enclosed.

2. Declaration of Joint Intent duly signed is also returned.
3. Please acknowledge this communication.

Yours faithfully,

President/Secretary,

\*Note : As applicable according to the constitution of the Association/Union/Federation.

### FORM - 'C'

From : President/Secretary,  
Federation of Mizoram Government Employees  
and Workers, General Headquarters, Aizawl.

To,  
The Secretary, State Council,

Subject :- Nomination of staff representative on the State Council.

Sir,

I am directed to say that the Executive Committee of the Federation of Mizoram Government Employees & Workers have nominated Pu/Pi..  
.....(name and designation) of.....

.....(office address) as its representative for the un-expired term on the State Council in place of Pi/Pu..... who has been transferred/has retired/resigned/died on..... or has lost the confidence of the Federation. An authenticated copy of the resolution of the Executive Committee \* is enclosed.

2. Please acknowledge this communication.

1

Yours faithfully,

President/Secretary.

\* Note : - As applicable according to the constitution of the Federation.