

A messy picture

Sangeeta Goel and Gita Bajaj

Sangeeta Goel is based at the Management Development Institute – EFPM 11, Delhi NCR Gurgaon, India.

Gita Bajaj is a Professor and Chair PGPM based at the Management Development Institute – Business Communication, Gurgaon, India.

It was March 22, 2009. Ram Sharma, the General Manager (GM) at Defence Production Factory Timbaktu (DPFT) India, had thrown a party to celebrate Holi, the Indian festival of colours. A grand celebration had been organized in the sprawling lawns of his official bungalow. With a live band, songs, dances, piping hot food and a shallow water pool to play Holi, the mood was festive. Sharma had invited all officers and by 10.30 a.m., nearly 50 officers and their family members had gathered at his place. Sharma was a happy soul – waiting for a festive culmination of his eventful and successful contribution at DPFT.

Hem Bhardwaj[1], his friend and Chief Financial Officer (CFO), along with his pretty wife and his young college going son, also joined the party and graced the occasion. Once seated, Bhardwaj invited everyone's attention and declared that since his son was allergic to colours, everyone must refrain from applying colours on him. It was already 11.00 a.m.; the young officers and kids were singing and dancing to the tune of the band. The celebrations were in full swing; Sharma and some officers were busy greeting each other and warmly welcoming the guest, while other younger officers such as Ajay Yadav[1], Deputy GM (Personnel), and his friends were busy applying colours to one another in another corner of the lawns. This younger lot seemed to have consumed liquor and were a little drunk.

It was around 11.30 a.m. that a loud slap sound was heard from the corner where Bhardwaj was seated. Some chaotic noises and a scuffle followed and everyone gathered there, curious. Bhardwaj had slapped Yadav since he had put some Gulal (colour) on his son's face despite resistance. Reacting to Bhardwaj's act, Yadav had caught Bhardwaj by the collar of his shirt and in the process Bhardwaj fell from his chair with a loud thud. What followed was a hearty round of abuse and counter abuse between Bhardwaj and his family on one side, and Yadav and his friends on the other.

The band had stopped playing. Almost everyone in the crowd was stunned:

A senior officer from an external cadre, slapping our officer in full public view! In turn, our officer, bashing him like this! We, of course, had never seen, and never heard such an incident in the history of the organization – said an eyewitness later.

Soon, Anant Gupte[1] Additional GM (Administration and Personnel), assisted by the Chief Security Officer (CSO) pulled Yadav out and persuaded him to leave the venue. Yadav, escorted by his friends Anil Tomer[1] and Anurag Mishra[1], brusquely left the scene. They walked up to the exit gate of Sharma's house but abruptly took a U-turn and were back on the scene again. Sensing their tempers, Sharma gently held Yadav by his shoulders and requested him to calm down. He also took Bhardwaj aside in a corner and whispered

The case is based on a real incident; however, all the names and other details have been camouflaged while certain details have been added to protect true identities. It may be made clear that the views expressed here are that of the authors and not of the Government of India or any of its agencies. Further, the case is strictly meant for academic studies and related purpose.

Shri B.B. Sharma DDG EX OFBND0 New Delhi's contribution as company guide is deeply acknowledged.

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something in his ears. While both were moving back to their respective seats, Bhardwaj whispered, "sorry". Yadav also stood up from his seat and said "sorry"; both shook hands on the indication of Sharma and other senior officers. Thereafter, Yadav left the party along with his friends. The band resumed. And it was party atmosphere once again.

The row seemed to have settled but Sharma knew he had to be attentive. A slip could cause much harm but there was not much he could have done. He had done his bit and hoped the others too maintained their sanity. But it was only by the evening that he realized how wrong he was; that this was only the lull before the storm.

DPFT, India

Set up by the Government of India, DPFT was a key manufacturer of ammunition hardware namely, shells, cartridge cases, fuses and primers, castings and extrusion of special aluminium alloys and fabrication of floating and manually launched assault bridges. Being a strategic defence production unit, its performance was critical in the defence preparedness of the country. Its major customers were six other defence production factories, engaged in filling ammunition hardware with explosives. Among other things, the factory was also producing special aluminium alloys which was an import substitute for the aircraft industry and also for space application. In 2008-2009, for the first time, a few items were also being produced against strict timelines for export.

DPFT was located at a remote place far away from the city. The nearest railway station was about 50 kilometres and the airport was about 60 kilometres away. But its employees loved its beautiful self-sufficient residential township spread over 25,000 acres of land. It had its own schools, college, clubs, bank, and markets. About 90 per cent of its employees including 100 per cent of its officers resided in the township. The majority of the population in the factory and the township were local and it was generally believed that people from that area were by and large simple, peace-loving and docile. Almost all festivals were celebrated in the community spirit. Often, whatever happened in the factory had a bearing on the township life of the employees and vice versa.

Recruitment, set-up and functioning of the factory

DPFT had a total of 8,000 employees, with four categories: groups A-D. Group A, which constituted the top rung of its management, was recruited through two different countrywide competitive examinations: engineering public service (EPS) and administrative public service (APS) exams. The exams were held annually by National Public Service Commission (NPSC) which followed a rigorous recruitment procedure consisting of a preliminary exam, a main exam and an interview. Group B officers were fresh engineering graduates selected through NPSC. They were normally assigned the responsibility of head of the section or the shop floor in the factory. The Group C employees called the charge-men formed the next line of supervisors. They were normally recruited through promotion from Group D workmen on the basis of seniority and a competency test in their respective skill set areas. The workmen were placed in the group D category and were recruited at local level. (An illustrative organizational chart is given in Exhibit 2.)

The pay scales of all the categories of employees were decided by the government based on nation-wide comprehensive evaluation of different factors. It was only in the middle of 2008 that the Pay Commission had implemented its report and revised pay scales. (A brief note on the Pay Commission and its implication is given in Exhibit 3 and 4.)

The average age of the workman in the factory was around 50 or higher. Since 1997, there had been a ban on recruitment except for the group A category. In 2007, the ban was lifted and Sharma had immediately carried out recruitment for all vacant groups C and D posts. The senior managers were happy since, after a long time, "some young blood was infused in the factory".

The factory had three major wings – production, maintenance and administration (which included estate management). The other wings like quality control, security, marketing,

finance and accounts, R&D, IT and marketing provided support services. Each wing had its own vertical reporting hierarchy; the GM, Sharma, was the head of the entire factory as well as the officer in charge of the residential estate attached to it.

Industrial relations, grievance handling and disciplinary actions

Three workers' unions affiliated to major political parties of the country operated at the factory. Each union was headed by a president who was assisted by the general secretary and a few other office bearers. They were by and large cooperative though at times inter-union rivalry caused problems for DPFT management. Each union aspired to increase its hold and membership and was always on a lookout for a hot issue. Still, so far, all three unions had never joined together against management on any issue. The leadership of all three unions was by and large mature and seasoned. They believed in settling issues through discussion and dialogue. The factory was known as a very favourable work environment. However, of late, a few young recruits were attempting to assert and take over the reins of their respective unions.

The chief welfare commissioner (CWC) regularly met the unions and also listened to individual grievances every Saturday to take those up with concerned officials. DPFT also had a workers committee which met once a month. The production, maintenance and welfare issues were discussed between workers' elected representatives on one side and the management's nominated members on the other. The Industrial Act too provided for conciliation and arbitration by specially appointed officers at regional and national level, if the management failed to resolve the dispute at their level.

None of the above mechanisms were available to officers as it was expected that "officers would behave like officers" as per official conduct rules (Exhibit 5). Any violation of the conduct rules attracted departmental enquiry and disciplinary action. GM was the disciplinary authority for groups D and C officials. For group B, the chairman, headquarters and for group A officers, the federal ministry was the disciplinary authority. GM could call for explanation of group A or B officers or issue reprimands and advisory notes. He could also recommend to authorities at headquarters for their transfer to some other factory. However, the officers of other cadres like finance had their respective cadre authorities as their disciplinary authorities.

Officers were not supposed to subscribe to any of the unions; in fact they were expected to maintain neutrality in their dealings with them. Though there existed an officers' association too, according to most officers, "it did not do anything except to bring out an officers-diary, on New Year Eve". However, of late, the so far dormant association also had got a set of young and dynamic members of DGM rank.

The journey so far

Ram Manohar Sharma, the GM at DPFT India, had assumed charge of the factory in April 2008. As the head of the organization, he had taken upon himself the task of revamping and reinvigorating the factory.

He undertook a number of teambuilding initiatives for his officers like introducing weekly officers' meetings in which all officers including the CSO, chief medical officer (CMO), chief finance officer (CFO) and chief labour commissioner (CLC) were invited. The discussions therein ranged from production-target review to opening a gym on the estate. On Sharma's initiative, an officers' retreat in a wildlife sanctuary, was also organized that year, for the first time, with the help of a corporate team-building company.

Another important agenda for him was cost cutting. He brought in the concept of outsourcing to the private sector, work done by unskilled staff and routine services. This though made the unions apprehensive about the intention of management; the unions wondered if this was a clever first step towards privatization.

Sharma had a supportive team of senior officers especially additional GMs (AGMs) who followed all his policies without any questioning. When Bhardwaj joined DPFT as the CFO,

he too started instituting some cost-cutting measures. He placed an objection on overtime (paid extra working) claims being given by management to workmen for outstation duties like testing finished products, quality inspection of raw material, etc. He was of the opinion that as per the applicable Factories Act, overtime was meant only for extra working hours rendered inside the factory premises (relevant provisions of the Factories Act are given at Exhibit 6). Unions did not quite like this measure since all workmen working in the factory were getting a regular overtime payment (calculated at double their hourly rate) to the tune of 18 hours per week. They were of the view that the workmen, as long as they were doing factory work whether inside or outside the factory, had to be given overtime once it exceeded normal limits. Bhardwaj held a series of meetings to convince the unions but they were far from being convinced. They could not work out why the workmen going on outstation duties should be losers in terms of overtime.

These measures, Sharma believed, were essential to remain competitive and were in no way meant to cut down the benefits of workers. He was genuinely concerned about the welfare of the workers. In fact, one of the first tasks he undertook was to refer to the headquarters the concerns of workers with respect to the newly implemented pay scales or pay bands (PBs). The Pay Commission's report had recommended a sizable increase in the salary of a number of categories and sub-categories of employees, making most of them very happy. But there were a few categories which felt left out and unfairly treated, for example in DPFT itself, Dy. general managers (DGMs) were one such sub-category of group A officers. Earlier, these DGMs were placed in S 23 scale, however after the Pay Commission introduced revised pay scales (now PBs), they were placed in PB-3. On the other hand their immediate seniors namely, Jt GMs previously placed in S 24 scale were now placed in PB-4. The successive pay scales of these categories (Jt GM and DGM) had significant gaps and caused much concern. The factory management had no role in resolving the issue except forwarding the concerns or recommendations to the Federal ministry through the headquarters, where data relating to all the services was being invited, compared and compiled for re-examination. But the reality was that there were heartaches and especially officers in PB-3 were distressed by the inequality introduced into the system. It was only because of amicable relations in the past that these people had continued to maintain semblance.

Sharma followed an open door policy; even a workman could approach him directly. In fact, a union leader had once sarcastically said to Sharma, "Good for workers; though you are rendering us almost jobless!" According to Sharma, they had a very congenial work environment in the factory as well as in the residential estate.

His wholehearted efforts and 25 years' experience of working in various positions in different factories had at last paid off when, in January 2009, DPFT won the national excellence award, for the first time in its history. But the journey was not an easy one. This had significantly added to Sharma's profile as he was due for his next promotion in May-June 2009. Everything had been sailing his way and now in March 2009, he was a confident leader all set to show exemplary results.

Celebrating Holi, the festival of colours

Unfortunately, the squabble proved far too difficult than apparent initially and ironically, it happened on the occasion of Holi, the Indian festival of colours. Holi is a major Hindu festival; celebrated in the spirit of community and brotherhood (Exhibit 7). On the occasion, downplaying individual differences and animosity, people of different castes and communities come together; they burn pyres of wood symbolizing destruction of evil intents and triumph of good over bad. They play Holi with fragrant colours and Gulal (dry coloured powder), soak each other in water, and sing and dance while sharing sweets and savouries.

But that is not how it was to be that year. The squabble between the two officers took an ugly turn, much beyond the expectations of Sharma.

The aftermath – moves and countermoves

It was in the afternoon of March 22, at about 4.00 p.m., that Sharma's afternoon nap was broken by an irritating ring of his phone. It was the CSO, informing him that Yadav had gone to the police station accompanied by Minority Communities' Union's President and General Secretary and a few other office bearers of officers' association and had filed a first investigation report (FIR) against Bhardwaj. It was under Section 156 of the Code of Criminal Procedure Act (Exhibit 8) along with Section 3(1) of Scheduled Castes and Scheduled Tribes (SC and ST) (Prevention of Atrocities) Act, 1989 (Exhibit 9) for humiliating, harassing and assaulting Yadav, an ST community member. They had also implicated Sharma for being a silent spectator while all this was happening in his (GM's) official premises.

A small showdown between the two GM team members was taking an ugly turn. The financial year was coming to an end. There was last-minute rush to complete production targets in the factory. Sharma knew this event, if not contained forthwith, could impact the atmosphere inside the factory. B.B. Ahuja, the GM of neighbouring defence production factory (falling under the same headquarters), who was also one of the guests at the Holi party, had also offered to talk to both sides. Sharma knew that besides being a friend and a well-wisher, Ahuja commanded special respect among the officers' community but he was not sure if an outsider could be trusted with the internal matter of the factory.

However, before Sharma could take any action, things took a bizarre turn. By the evening, Bhardwaj's wife Sonali had also filed an FIR under Indian Penal Code (IPC) Section 294 and Section 509 (Exhibit 10) in the same police station alleging that Yadav and his friends, having got badly drunk at the party, had attempted to molest her. In the circumstances, her husband had no option but to slap Yadav.

Things did not remain the same in the factory and the estate, thereafter. The entire factory got divided into two camps. The CFO led by his accounts and finance team of 40 officials was backed by all other establishments like medical, security, quality and even some senior factory officers and their families. Yadav was backed by all PB-3 officers and the officers' association. All the unions also decided to champion the cause of a young ST officer against management's atrocious policies as well as the CFO's "anti-factory behaviour". DPFT officers' association too gave a memorandum to GM to make the CFO tender a written apology and thereafter transfer him out.

Tomer and Mishra were at the forefront of doing everything they could do to vitiate the atmosphere including writing hate mails, gathering support from all the union leaders and threatening to go to the media. The unions were also rallying one by one at the factory gates at opening and closing time and were leaving no stone unturned to incite the members of different minority communities. Their advice was:

[...] to not be taken for granted and also not to cooperate with management on any count till GM succumbed and agreed to throw atrocious CFO and his like out of DPFT.

The CFO's office was reacting equally and had asked for his own as well as his family's protection and security till GM suspended Yadav and the others involved in the incident.

It was the end of March. The financial year was coming to a close. The production targets were to be completed and the work in progress was to be wound up soon. The federal ministry was asking the headquarters to finalize annual production reports. In turn, headquarters had told GM, DPFT to make a presentation on achievements of the factory, in the first week of April. The Finance and Accounts Department had meanwhile adopted a completely non-cooperative approach till Yadav was set right (Exhibit 11) and apologized publicly. Almost all files, on which financial approvals or concurrence was required before taking action, were held up. Yadav had put in for indefinite leave which was yet to be sanctioned by GM. Daily security reports of CSO were mentioning the increasing tension inside as well as outside the factory. From some hush-hush sources, it was gathered that unions and associations were preparing a common charter of demands to be met by DPFT management or else they were ready for a serious showdown.

Intervention by Anant Gupte

Anant Gupte had also left no stone unturned to sort the problem out. He had immediately called meetings with all the parties including Yadav and his gang. The president and secretaries of all the three unions and associations were separately called. He discussed it with the CFO and his team too. He made an earnest request to all concerned to withdraw FIRs since no one was going to gain in that dirty game. The logic extended by him was that since both charges were so serious, things might really turn very ugly, not only for those directly involved but also for the factory and the management.

GM's worry

“Things were already so messy [. . .] and what if the policeman, too started his action, who at that moment was rather going slow,” was GM's chief worry as in that case it would require a lot of explaining to higher authorities. The entire episode was not only going to put a question mark over his own performance as CEO but also entailed serious implications under the law of the land about the protection of vulnerable sections of society.

Each passing day was adding to GM's worry. Finally, using his contacts in the police department, GM organized a meeting of the concerned policeman and Anant Gupte asking if the matter could be sorted out by them. The police official informed him that the stakes were high since the offences in both cases were of a criminal nature under the law of the land and could not be hushed up like that, more so when the union leaders were closely following it and media had also got a sniff of it:

Well, you have to act fast, or else we would go ahead with our investigation and based on prima facie evidence, police may make a couple of “arrests” in the matter too. You know how sensitive the matter is, besides we are also accountable – The policeman had warned.

GM was wondering what to do while vainly attempting to rub the ugly graffiti off the wall of his official premises. Meanwhile someone had quietly slipped in a big envelope through the arched doors of his lawns. GM quickly picked it up and opened it. It was an advance copy of the unions' common charter of demands (Exhibit 12).

The picture had become messier.

- Why did Ajay register a complaint? What could be the possible implications?
- Was CFO's behaviour in making his wife register the false complaint ethical?
- Who is on a stronger footing?
- What could Sharma do now?

Keywords:

Negotiations,
HR,
Mediation,
Business ethics,
Organizational conflict
and conflict management,
Policy implementation

Notes

1. See Exhibit 1 for introduction.
2. The SCs and the STs in India are two groupings of historically disadvantaged people that had been subjected to social atrocities. During the period of *British rule in the Indian sub-continent* they were known as the depressed classes. They have been given expressed recognition in the *Constitution of India*. The constitution provides a framework for safeguarding their interests and ensuring their inclusion and socio economic development.

Exhibit 1

Anant Gupte, AGM (Administration and Personnel), PB-4 (pre-revised S 29) grade

Anant Gupte held number 2 position in the management hierarchy and was responsible for maintaining industrial relations and peace. He also had the authority to initiate disciplinary actions. Gupte commanded the confidence of one of the unions since its president was from his native town. However, of late, the other two unions did not like his growing proximity to that particular union and had once pointed this out to Sharma too.

Hem Bhardwaj, CFO, PB-4 (pre-revised S 30) grade

In his mid-1950s, Hem Bhardwaj was a very senior officer. He had about 25 years of work experience in various important offices of the Federal Government. Since his posting at DPFT had coincided with the posting of Sharma as GM on the station, and since both shared their love for billiards and had their houses nearby, they both had become family friends.

“Hem is an out and out gentleman, though a bit rule minded,” was the observation of BB Sharma, the GM of another defence production factory situated at merely 10km distance.

B.B. Ahuja, GM of neighbouring factory, PB-4 (pre-revised S 30) grade

B.B. Ahuja was GM of another defence production factory which shared the residential estate with DPFT. Ahuja's factory was about half of DPFT in size, turnover and manpower strength. So, it had to depend on DPFT for many things. Their finance and accounts set-up was also common. Ahuja was a very friendly and approachable person and was considered to be an HR expert due to his long and successful innings at a management academy for officers. He was heavily into academics and commanded a very special respect among young officers who looked up to him for guidance in service matters. He was a regular weekend visitor to Sharma's house.

Ajay Yadav, DGM (Personnel), PB-3 (pre-revised S 23) grade

Ajay Yadav belonged to APS and was posted in DPFT about two months back. He, after obtaining an engineering degree from a prestigious college, wrote APS exam. Based on his merit, he was recruited as works manager against a post reserved for ST[2] category. After two years of rigorous training in management and securing a gold medal for being an outstanding probationer, Ajay was first posted in a small factory for three years. DPFT was his second posting.

Within a week of his joining, Yadav had proved his administrative skills and acumen. Having solved workers' day-to-day problems with ease and élan, he had earned the goodwill of the unions too. Incidentally, Manja Ram, the newly elected young Secretary of the biggest union in the factory, happened to be a distant cousin of Yadav. In the first week of his joining, Yadav had called on each and every officer except Bhardwaj and had left a very good impression on one and all. He had attempted to meet Bhardwaj also, a couple of times, but on both occasions, Bhardwaj expressed his inability to entertain him, being awfully busy. During one such visit, he found Bhardwaj caught up in heated meetings with office bearers of unions for not allowing overtime payment to workers on their outstation duties. Thereafter Yadav decided not to disturb Bhardwaj further. Meanwhile, Manja Ram had spared no effort in feeding Yadav about how arrogant, snobbish and elitist the CFO was. Yadav, of course, believed in equality of all irrespective of case, class and status.

“Smart, suave and very promising young officer!” This is how the CMO had described Yadav to Sharma during one of his meetings.

“A gentleman and very well-behaved young man; why don't you use him for PR jobs?” Sharma's wife had advised her husband after Yadav visited them a month back, over a tea party thrown by Sharma to celebrate their only daughter's engagement.

Anil Tomer and Anurag Mishra, both in PB-3 (pre-revised S 23) grade

Anil Tomer and Anurag Mishra, both were group A EPS officers. According to Anant Gupte, Tomer had a very domineering personality and used to be at loggerheads with his bosses on one pretext or another. Once, he was even reprimanded by Sharma for this. As for Mishra, “he behaved more like a union leader than an officer at times,” according to Gupte. Perhaps, he owed this trait to his college days when he was president of the student union. He commanded an extraordinary influence over all the three unions. Union office bearers would often look up to him whenever stuck up in a difficult situation. Anurag always wanted to be a politician; however, it was under parental pressure that he joined government service. Nevertheless, championing the cause of the downtrodden was still his passion. And, of course, they both were Yadav's club pals.

Exhibit 2

Figure E1 Organizational chart of DPFT (group a category officers)

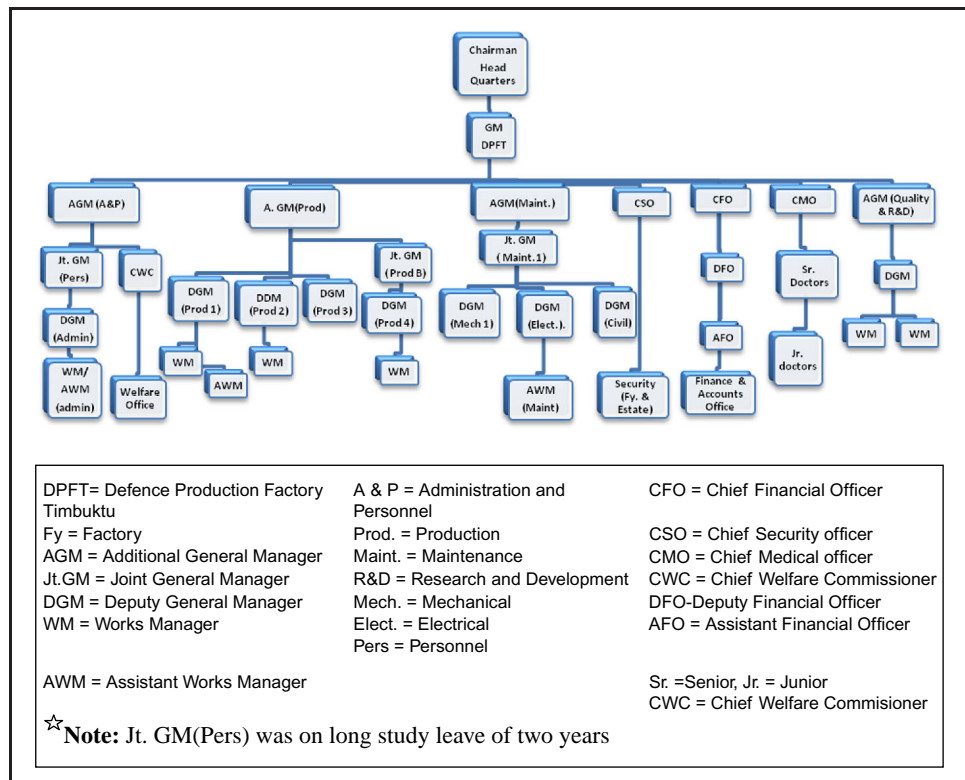


Exhibit 3. Pay Commission

A Pay Commission is an administrative arrangement set up periodically by government for review and revision of the salaries of government employees. So far half a dozen Pay Commissions have been implemented. The last Pay Commission mainly focused on removing ambiguity in respect of various pay scales and reducing the number of pay scales and introduced the idea of PBs. While the majority of government employees rejoiced at the hike in salary besides certain innovative and welfare measures introduced by the last commission, a few government services and a few categories of employees complained of downgrading due to the Pay Commission introducing anomalies in the relative scales of pay of government services. The government in response constituted an Anomaly Committee in March 2008 which invited representations for the removal of anomalies and discrepancies.

Excerpts from the preface to the report of the last Pay Commission

It is the first Central Pay Commission to be constituted in this century of rapid technological advances and after the coming into force of the Right to Information (RTI) and Fiscal Responsibility and Budget Management (FRBM) Acts. The government machinery, therefore, has to gear up for better performance under stricter fiscal discipline and delivery mechanisms. These imperatives are reflected in the Terms of Reference of the Sixth Central Pay Commission which made it incumbent on the commission to recommend systemic changes for:

- transforming the central government organizations into modern, professional and citizen-friendly entities that are dedicated to the service of the people; and
- harmonizing functioning of the central government organizations with the demands of the emerging global economic scenario.

The Pay Commission, therefore, had not only to evolve a proper pay package for the government employees but also to make recommendations rationalizing the governmental

structure with a view to improving the delivery mechanisms for providing better services to the common man.

The commission, in this report, has tried to achieve these objectives through reduction of layers within the governmental structure so that decision making and delivery is expedited. In the process, a number of superfluous levels, created merely to afford channels of promotion to government employees, have been removed. A system that primarily lays emphasis on delivery and end results and which continuously rewards performance has been put in place by incorporating features like performance related incentive (PRI) and variable increments in the basic scheme of pay scales. Flexibility is also inherent in the proposed scheme of running PBs. By incorporating systemic changes in the existing procedure of appointments, efforts have been made for ensuring a young and dynamic bureaucracy, with a result-oriented approach, where the best persons available are selected for holding specific posts. While proposing these changes, the commission also kept in view the capacity of the government to pay and the principle that every rupee spent on allowances, facilities and salaries of government employees has to translate into a specific measure for the public good. It is our belief that the report will lead to a realization that it is only the ultimate outcome and delivery to the last beneficiary which will justify the huge government edifice. The report will, therefore, not only increase the pay and allowances of government employees but will also prove beneficial for all the people in the country. (Source: <http://india.gov.in/govt/paycommission.php>; <http://pensionersportal.gov.in/sixthCPC>).

Exhibit 4. Pay structure of officials Before and after last Pay Commission Report

| Table E1 | | | | |
|------------------|---------------------------------------|------------------------------|---|------------------|
| <i>Pay scale</i> | <i>Pre revised Pay scale (in INR)</i> | <i>Pay band</i> | <i>Revised (post Pay Commission) Corresponding pay bands (in INR)</i> | <i>Grade pay</i> |
| Scale | 8,000-275-13,500 (group A entry) | PB-3 | 15,600-39,100 | 5,400 |
| S-16 | 9,000 | PB-3 | 15,600-39,100 | 5,400 |
| S-17 | 9,000-275-9,550 | PB-3 | 15,600-39,100 | 5,400 |
| S-18 | 10,325-325-10,975 | PB-3 | 15,600-39,100 | 6,600 |
| S-19 | 10,000-325-15,200 | PB-3 | 15,600-39,100 | 6,600 |
| S-20 | 10,650-325-15,850 | PB-3 | 15,600-39,100 | 6,600 |
| S-21 | 12,000-375-16,500 | PB-3 | 15,600-39,100 | 7,600 |
| S-22 | 12,750-375-16,500 | PB-3 | 15,600-39,100 | 7,600 |
| S-23 | 12,000-375-18,000 | PB-3 | 15,600-39,100 | 7,600 |
| S-24 | 14,300-400-18,300 | PB-4 | 37,400-67,000 | 8,700 |
| S-25 | 15,100-400-18,300 | PB-4 | 37,400-67,000 | 8,700 |
| S-26 | 16,400-450-20,000 | PB-4 | 37,400-67,000 | 8,900 |
| S-27 | 16,400-450-29,000 | PB-4 | 37,400-67,000 | 8,900 |
| S-28 | 14,300-450-22,400 | PB-4 | 37,400-67,000 | 10,000 |
| S-29 | 18,400-500-22,400 | PB-4 | 37,400-67,000 | 10,000 |
| S-30 | 22,400-525-24,500 | PB-HAG | 67,000 (annual increment @3%)-79,000 | Nil |
| S-31 | 22,400-600-26,000 | HAG + scale | 75,500 (annual increment @3%)-80,000 | Nil |
| S-32 | 24,050-650-26,000 | HAG scale | 75,500 (annual increment @3%)-80,000 | Nil |
| S-33 | 26,000 (fixed) | Apex scale | 80,000 (fixed) | Nil |
| S-34 | 30,000 (fixed) | Cabinet secretary/equivalent | 90,000 (fixed) | Nil |

Notes: Only select pay scales were applicable to DPFT; PB – pay band; HAG – higher administrative grade; HAG + – higher administrative grade plus

Exhibit 5. Conduct rules for officers – relevant provisions

General:

1. Every government servant shall at all times:

- maintain absolute integrity;
- maintain devotion to duty; and
- do nothing which is unbecoming of a government servant.

2A. Promptness and courtesy: no officer shall:

- in the performance of official duties, act in a discourteous manner; and
- in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.

2B. Observance of policies: every officer shall, at all times:

- act in accordance with the policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage; and
- observe the government's policies regarding prevention of crime against women.

2C. Prohibition of sexual harassment of working women:

- no officer shall indulge in any act of sexual harassment of any women at her work place; and
- every officer who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – for the purpose of this rule, “sexual harassment” includes such unwelcome sexually determined behaviour, whether directly or otherwise, as:

- physical contact and advances;
- demand or request for sexual favours;
- sexually coloured remarks;
- showing any pornography; or
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Consumption of intoxicating drinks and drugs

An officer shall:

1. strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
2. not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
 - refrain from consuming any intoxicating drink or drug in a public place;
3. not appear in a public place in a state of intoxication; and
4. not use any intoxicating drink or drug to excess.

Explanation – for the purpose of this rule “public place” means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

Exhibit 6. Section 59, The Factories Act, 1948

Extracts from law/act governing overtime working

59. Extra wages for overtime.

1. Where a worker works in a factory for more than nine hours in any day or for more than 48 hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages (www.indiankanoon.org/doc/920715/).

Figure E2 Social significance of Holi

Holi is an annual Indian Hindu festival of colours. It is celebrated in the true spirit of community and brotherhood. The festival is celebrated even by non-Hindus as everybody likes to be part of colourful and unbounded joyous gaiety. On this day, people do not differentiate between rich and poor and everybody celebrates the festival together with the spirit of bonhomie and brotherhood. People visit friends and relatives and exchange gifts, sweets and greetings. This helps in revitalising relationships and strengthening emotional bonds between people:

- Link to one minute U tube video depicting mood of Holi by Sanjeev Bhaskaron BBC worldwide: www.youtube.com/watch?feature=player_detailpage&v=fRC1H1VNAeA

Exhibit 8. The Code of Criminal Procedure, 1973 (CrPc)

Section 156. Police officer's power to investigate cognizable cases

- Any officer in charge of a police station may, without the order of a magistrate, investigate any cognizable case which a court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII[1].
- No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one, which such officer was not empowered under this section to investigate.
- Any magistrate empowered under Section 190 may order such an investigation as above mentioned.

Section 190. Cognizance of offences by magistrates

1. Subject to the provisions of this chapter, any magistrate of the first class, specially empowered in this behalf under sub-Section (2), may take cognizance of any offence:
 - upon receiving a complaint of facts which constitute such offence;
 - upon it police report of such facts; and
 - upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

2. The Chief Judicial Magistrate may empower any magistrate of the second class to take cognizance under sub-Section (1) of such offences as are within his competence to inquire into or try.

Source: www.delhicourts.nic.in/CrPC.htm – the complete act could be accessed on this or any Indian Law related web site.

Note

1. Chapter XIII of CrPc lays down the jurisdiction of the criminal courts in inquiries and trials.

Exhibit 9

The SC and ST (Prevention of Atrocities) Act, 1989.

Chapter II: offences of atrocities

3 Punishment for offences of atrocities

1. Whoever, not being a member of a SC or a ST:

- Forces a member of a SC or a ST to drink or eat any inedible or obnoxious substance.
- Acts with intent to cause injury, insult or annoyance to any member of a SC, or a ST by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood.
- Forcibly removes clothes from the person of a member of a SC or a ST or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity.
- Wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a SC or a ST or gets the land allotted to him transferred.
- Wrongfully dispossesses a member of a SC or a ST from his land or premises or interferes with the enjoyment of his rights over any land, premises or water.
- Compels or entices a member of a SC or a ST to do “beggar” or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by government.
- Forces or intimidates a member of a SC or a ST not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law.
- Institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a SC or a ST.
- Gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a SC or a ST.
- Intentionally insults or intimidates with intent to humiliate a member of a SC or a ST in any place within public view.
- Assaults or uses force to any woman belonging to a SC or a ST with intent to dishonour or outrage her modesty.
- Being in a position to dominate the will of a woman belonging to a SC or a ST and uses that position to exploit her sexually to which she would not have otherwise agreed.
- Corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the SCs or a STs so as to render it less fit for the purpose for which it is ordinarily used.
- Denies a member of a SC or a ST any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to.
- Forces or causes a member of a SC or a ST to leave his house, village or other place of residence.

Shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

- Whoever, not being a member of a SC or a ST – gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a SC or a ST to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a SC or a ST be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death.
- Gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a SC or a ST to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine.

Note: For complete act, one could refer to Delhi Government's web site: http://delhi.gov.in/wps/wcm/connect/DoIT_Welfare/welfare/list+of+acts-rules/the+scheduled+castes+and+the+scheduled+tribes

Source: <http://socialjustice.nic.in/poa-act.php?pageid=2>; <http://tribal.nic.in/writereaddata/linkimages/poaact989E4227472861.pdf>

Exhibit 10. Indian Penal Code

Section 294 – obscene acts and songs

1. Whoever, to the annoyance of others:

- does any obscene act in any public place; or
 - sings, recites or utters any obscene song, balled or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.
- Subs. by Act 3 of 1895, Sec. 3 for the original section.

Section 509 – word, gesture or act intended to insult the modesty of a woman

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, of that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Source: <http://indianlawcases.com/act-Indian.Penal.Code, 1860-1975>.

Exhibit 11. National Public Service officers' service rules-relevant extracts

Suspension

1. The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the president, by general or special order, may place a government servant under suspension:

- where a disciplinary proceeding against him is contemplated or is pending; or
 - where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the state; or
- where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

2. A government servant shall be deemed to have been placed under suspension by an order of appointing authority:

- with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours; and

- with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Exhibit 12. Unions' combined charter of demands

- Immediately punish all those harbouring discriminatory attitudes against SC/ST.
- Give 100 per cent appointments to wards of those die in harness.
- Expedite disposal of representation of pay anomalies and remove huge gaps created between two successive scales.
- Constitute new Pay Commission forthwith.
- Amend Trade Apprentice Act 1961 to provide employment to Ex Trade apprentices up to 50 per cent without any competition along with outsiders on batch wise seniority in workmen category.
- Integrate finance and accounts department with factory management and till then transfer all those having anti – factory attitudes.
- Give scholarships to the wards of employees from the profit margins of canteen sales.
- Open one more public library.
- Make available factory buses for those wards of the employees who go to city for taking coaching classes for competitive examinations for engineering and medicine.
- Open a coaching centre for engineering and medical entrance exams in the factory estate.
- Democratize Women's Welfare Association, include workers wives to be the office bearers.
- Restore all the posts abolished arbitrarily in quality assurance, security and finance.
- Revise all the allowances like night duty shift, risk allowance, etc.
- Open Yoga and Naturopathy Centres in factory clubs.
- Establish skill development centres in all the units to fulfil the national requirement under the National Skill Development Mission.
- Ratify ILO convention 87 and 98 to provide Trade Unions Rights to all class of employees.
- Stop privatisation and outsourcing forthwith.
- Scrap the new pension policy and introduce general provident fund scheme for the employees recruited on or after January 30, 2004.

Corresponding author

Sangeeta Goel can be contacted at: goel_sangeeta@yahoo.co.in