

ALL INDIA DEFENCE EMPLOYEES' FEDERATION
INDIAN NATIONAL DEFENCE WORKERS' FEDERATION
BHARTIYA PRATIRAKSHA MAZDOOR SANGH
(RECOGNIZED FEDERATIONS OF DEFENCE CIVILIAN EMPLOYEES)

Joint Circular No. : 59/2020

Date : 22.09.2020

To,

All the affiliated Unions of
AIDEF, INDWF, BPMS

**MOD ASKS FEDERATIONS TO GIVE THEIR ISSUES / AGENDA POINTS AS
PER THE TERMS OF REFERENCE OF THE EMPOWERED GROUP OF MINISTERS!**

**Federations responds that EGoM terms of reference is not acceptable to
the Federations! Discussions with the EGoM will be only on our Strike
Demands!**

After the Joint discussion held with the Deputy CLC (C) on 15-9-2020, the MoD / DDP vide its Letter dated 18-9-2020 have requested the Federations to give their issues / agenda points as per the Terms of Reference of the Empowered Group of Ministers (EGoM) constituted under the Chairmanship of Defence Minister, so as to arrange a meeting with the EGoM. Federations vide their Joint letter dated 22-9-2020 have responded to the above letter of the MoD / DDP. The Federations have categorically stated that vide Joint letter dated 09/09/2020 addressed to the Defence Minister, we have already rejected the Terms of Reference of the EGoM, since its speaks only about conversion of OFB into a single Defence PSU or as multiple DPSU's. The Federations have further stated that if the EGoM is ready to discuss on the agenda points put forth by the Federations in their Strike Notice on 04/08/2020, we are ready for a fruitful discussion with EGoM, and expressed our inability to attend the meeting of EGoM with the existing Terms of Reference which clearly speaks about the Government's decision to convert OFB into a Corporation against which the Strike Notice has been served. Apart from this the Federations have given an additional agenda points that "*DDP should desist from unfair labour practice.*"

A copy of the Joint letter dated 22/09/2020 addressed to Secretary (DP) is enclosed as **Annexure-I** of this Joint Circular.

Federations lodged complaint against unfair labour practice by the Employer viz. DDP.

You are aware that the DDP is adopting unfair means to disturb / sabotage the Indefinite Strike of the Ordnance Factory Employees against Corporatization. DDP have issued advisories/ guidelines to the OFB to handle the Strike situation. OFB in turn have circulated the same to the Factories. Many provisions of this instructions amounts to unfair labour practice. Therefore the Federations have lodged a complaint to the CLC (C) to take appropriate legal action against DDP for adopting unfair labour practice. A copy of the Joint letter addressed to the CLC (C) dated 22/09/2020 is enclosed as **Annexure-II** of this Joint Circular.

AFFILIATED UNIONS MAY INFORM ALL THE ABOVE DETAILS TO THE EMPLOYEES DURING THEIR MEETINGS AND CAMPAIGNING PROGRAMMES, SO THAT THE EMPLOYEES ARE UPDATED ABOUT THE VARIOUS DEVELOPMENTS WITH REGARD TO OUR INDEFINITE STRIKE.



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Copy also to :

The General Secretaries

CDRA, NPDEF, AIBDEF,

DGOF HQ. Employees Associations & IOFSA

} For your kind information please

ALL INDIA DEFENCE EMPLOYEES' FEDERATION
INDIAN NATIONAL DEFENCE WORKERS' FEDERATION
BHARTIYA PRATIRAKSHA MAZDOOR SANGH
(RECOGNIZED FEDERATIONS OF DEFENCE CIVILIAN EMPLOYEES)

Ref. No. : 43/AIDDEF/INDWF/BPMS/ 20

Date : 22.09.2020

To,

The Secretary (DP)

Department of Defence Production

South Block. New Delhi.

SUBJECT : JOINT DISCUSSION HELD BY CLC(C) HQ(IR) ON 15/09/2020 REG. JOINT NOTICE FOR COMMENCING INDEFINITE STRIKE FROM 12/10/2020 OVER THE ISSUE OF GOVERNMENT DECISION TO CORPORATIZE ORDNANCE FACTORIES – REG.

REFERENCE : DDP LETTER NO.1(5)/2019/OFB/DP(PLG-V) DATED 18/09/2020.

Sir,

At the outset we would like to place on record that the minutes of the meeting on the subject of Joint discussion issued by the CLC (C) HQ vide F.No.21(33)/2020 – IR dated Nil was issued without our vetting / approval / signature . This we have already informed the Deputy CLC who Chaired the meeting vide our Joint Letter dated 18-9-2020 and we have proposed that the major points raised by us in the meeting on our strike demands should be properly incorporated in the minutes of the meeting (Copy of the letter No.42/AIDDEF/INDWF/BPMS/20, dated 18/09/2020 addressed to Deputy CLC (C) is enclosed for ready reference).

After the receipt of the gist of the Cabinet Secretariat letter No. 143/1/3/2019-TS dated 7-8-2020 the 3 Federations vide their Joint Letter dated 9-9-20 addressed to the Honourable RM, the Chairman of the EGoM have categorically mentioned that we reject the terms of reference i.e "*Conversion of OFB into a single Defence PSU or as multiple DPSU's*". We have also appealed to the Honourable RM that the above terms of reference may be withdrawn and

instead the EGoM may be empowered to discuss with the stakeholders / Federations to implement the suggestions given by the Federations for strengthening and further improving the functioning of the Ordnance Factories and transforming OFB into a solution provider for the Armed Forces in the existing setup itself.

As regards the agenda points asked by the DDP to discuss with the EGoM, we wish to state that we have already brought out through innumerable correspondence with the Hon'ble PM, RM and Secretary(DP), that our only Agenda is to strengthen and transform OFB in to a viable modern Defence Production entity catering to the ever challenging requirements of the Armed Forces in the existing setup as a Government Organisation itself and are not ready for accepting the change of status of Ordnance Factories as a Corporation/PSU. This was clearly given in our charter of demands in the Annexure of our strike notice dated 04/08/2020. It was only a suggestion/advise given by the Dy.CLC(C) as a conciliation officer to the DDP to arrange a meeting with EGoM. However as far as the Federations are concerned the meeting with EGoM should be on our Strike demands and not on the Terms of Reference given to the EGoM, since our Strike Notice itself is against Corporatisation of Ordnance Factories.

Therefore we once again reiterate that if the EGoM is ready to discuss on the Agenda points put forth by the Federations in their Strike Notice 04/08/2020, we are ready for a fruitful discussion with EGoM. However, since the Federations have already decided to go for an Indefinite strike from 12/10/2020 against the Government's decision to Corporatize the Ordnance Factories, we express our inability to attend the meeting of EGoM with the existing Terms of Reference, which clearly speaks about the Government's decision to convert OFB in to a Corporation.

In addition to the three Strike demands, we would also like to deliberate with the EGoM the following Agenda also.

DDP should desist from unfair labour practice.

Failure to implement any agreement entered with the Federations / Trade Unions by the employer is an unfair labour practice under the ID Act 1947. The Government / DDP as an employer has violated the written assurance given to the Federations in the past by 4 Defence Ministers and also in the Parliament. Moreover based on the conciliation proceedings held on 21-8-2019 under the Chairmanship of the then CLC, the then Secretary (DP) convened a meeting with the 3 Recognized Federations on 23-8-2019 to discuss on our strike demand and in that meeting the Secretary (DP) has categorically stated that the Government has not taken any decision to convert OFB into a Corporation and that an HLOC meeting will be constituted to further discuss with

the Federations. The Federations have rejected the terms of reference and have represented to the Honourable RM, and the dispute on the terms of reference given to the HLOC is still pending. We fail to understand whether this factual position has been brought to the notice of the Honourable PM, RM and the Cabinet Committee on Security which has approved the DDP's proposal to convert the OFB into a Corporation.

In violation of all the above agreements / assurances on the basis of which the previous strikes were withdrawn / deferred, the Government have arbitrarily announced its decision to Corporatize the Ordnance Factories, to appoint a consultant and to constitute the EGoM with terms of references which are against the past agreements. This is a clear case of unfair labour practice on the part of Government / DDP as an employer. Therefore the decision taken by the Cabinet Committee on security to Corporatize the Ordnance Factories is a clear violation of the ID Act 1947 and hence a clear case of unfair labour practice by the Employer. It is therefore requested that the decision taken by the Government to Corporatize the Ordnance Factories should be withdrawn.

Apart from the above the DDP vide its ID No. 1(18)/02/SOP OFB / DP (Plg-ES)909 dated 2-9-2020 have issued directions to the OFB in the name of Advisory / Guidelines regarding strike. The OFB without informing the DDP that some of the provisions given in the DDP ID dated 2-9-2020 are violation of the provisions of ID Act 1947, as these provisions amounts to unfair labour practices, have simply circulated the DDP instructions vide OFB letter dated 14-9-2020 to all the Ordnance Factories for implementation.

The following provisions given in the DDP ID dated 2-9-2020 are nothing but unfair labour practice on the part of the DDP as Employer.

Para No. 2.1. III. In addition, employees to be informed about the consequences of participation in, instigating or abetting strike of any form and persuade them not to resort to any kind of strike.

Para No. 2.5 VI. Similarly a separate meeting with all Associations be also called wherein the representatives of the Associations be informed of the provisions of the CCS (Conduct Rules – Rule-7(ii)) and consequences of participating in, instigating or abetting Strike of any form and to persuade them not to participate in the strike.

Para No. 2.7.2 III Civil police department for drone coverage, mob control measures, quick reaction teams and adequate police bandobast at the factory gates during the

time of mustering-in/mustering out for each shift and also to ensure safe movement of employees and material between factory and estate.

Para No. 3.1 V. General timings of operations may be revised as per the local conditions to enable maximum employee turnout.

Para No. 3.1 VIII. All places where food is cooked, food testing to be done to obviate any possibility of food poisoning due to use of improper raw material, etc.

Para No. 3.3 VII. Provision to lockdown the entire factory in minimum time, if required.

All the above provisions given in DDP letter dated 2-9-2020 is not only "Unfair labour practice" but also an insult on the committed and devoted work force of Ordnance Factories and their Trade Unions. Therefore the DDP ID dated 2-9-2020 may please be withdrawn.

Hope the Secretary(DP) will consider all the above issues raised by us and put up the same to the Honourable PM and RM for a favourable decision please.

Awaiting for your favourable response please.

Thanking You,


Yours Sincerely,



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Copy to :

- 1) **The Deputy CLC(C)**
Office of the CLC (C) HQ
Ministry of Labour and Employment
Shram Shakti Bhawan. New Delhi.
- 2) **The DGOB and Chairman**
Ordnance Factory Board
10-A, S.K.Bose Road,
Kolkata - 700 001.

For kind information
and favourable action
please.

ALL INDIA DEFENCE EMPLOYEES' FEDERATION
INDIAN NATIONAL DEFENCE WORKERS' FEDERATION
BHARTIYA PRATIRAKSHA MAZDOOR SANGH
(RECOGNIZED FEDERATIONS OF DEFENCE CIVILIAN EMPLOYEES)

Ref. No. : 44/AIDDEF/INDWF/BPMS/ 20

Date : 22.09.2020

To,

The Chief Labour Commissioner (C)
Office of Chief Labour Commissioner (C)
Shram Shakthi Bhawan, New Delhi.

(Kind Attn: Shri.K.S.Guru, Dy.CLC(C)HQ(IR))

**SUBJECT : COMPLAINT AGAINST UNFAIR LABOUR PRACTICE BY
THE EMPLOYER.**

Sir,

The three recognized Federations of the Defence Civilian Employees working in the 41 Ordnance Factories wish to submit the following complaint to your kind notice for appropriate remedial action under the Provisions of ID Act 1947.

Failure to implement any agreement entered with the Federations / Trade Unions by the employer is an unfair labour practice under the ID Act 1947. The Government / DDP as an employer has violated the written assurance given to the Federations in the past by 4 Defence Ministers and also in the Parliament. Moreover based on the conciliation proceedings held on 21-8-2019 under the Chairmanship of the then CLC, the then Secretary (DP) convened a meeting with the 3 Recognized Federations on 23-8-2019 to discuss on our strike demand and in that meeting the Secretary (DP) has categorically stated that the Government has not taken any decision to convert OFB into a Corporation and that an HLOC meeting will be constituted to further discuss with the Federations. The Federations have rejected the terms of reference and have represented to the Honourable RM, and the dispute on the terms of reference given to the HLOC is still pending. We fail to understand whether this factual position has been brought to the notice of the Honourable PM, RM and the Cabinet Committee on Security which has approved the DDP's proposal to convert the OFB into a Corporation.

In violation of all the above agreements / assurances on the basis of which the previous strikes were withdrawn / deferred, the Government have arbitrarily announced its decision to Corporatize the Ordnance Factories, to appoint a consultant and to constitute the EGoM with terms of references which are against the past agreements. This is a clear case of unfair labour practice on the part of Government / DDP as an employer. Therefore the decision taken by the Cabinet Committee on security to Corporatize the Ordnance Factories is a clear violation of the ID Act 1947 and hence a clear case of unfair labour practice by the Employer. It is therefore requested that the decision taken by the Government to Corporatize the Ordnance Factories should be withdrawn.

Apart from the above the DDP vide its ID No. 1(18)/02/SOP OFB / DP (Plg-ES)909 dated 2-9-2020 have issued directions to the OFB in the name of Advisory / Guidelines regarding strike. The OFB without informing the DDP that some of the provisions given in the DDP ID dated 2-9-2020 are violation of the provisions of ID Act 1947, as these provisions amounts to unfair labour practices, have simply circulated the DDP instructions vide OFB letter dated 14-9-2020 to all the Ordnance Factories for implementation.

The following provisions given in the DDP ID dated 2-9-2020 are nothing but unfair labour practice on the part of the DDP as Employer.

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Para No. 2.5 VI. *Similarly a separate meeting with all Associations be also called wherein the representatives of the Associations be informed of the provisions of the CCS (Conduct Rules – Rule-7(ii)) and consequences of participating in, instigating or abetting Strike of any form and to persuade them not to participate in the strike.*

Para No. 2.7.2 III *Civil police department for drone coverage, mob control measures, quick reaction teams and adequate police bandobast at the factory gates during the time of mustering-in/mustering out for each shift and also to ensure safe movement of employees and material between factory and estate.*

Para No. 3.1 V. *General timings of operations may be revised as per the local conditions to enable maximum employee turnout.*

Para No. 3.1 VIII. All places where food is cooked, food testing to be done to obviate any possibility of food poisoning due to use of improper raw material, etc.

Para No. 3.3 VII. Provision to lockdown the entire factory in minimum time, if required.

All the above provisions given in DDP letter dated 2-9-2020 is not only "Unfair labour practice" but also an insult on the committed and devoted work force of Ordnance Factories and their Trade Unions.

In view of the above, we request you to kindly intervene in the matter and issue instructions to the DDP to desist from such unfair Labour practices and not to violate the agreement reached with the Federations and assurances given to them in the past, that Ordnance Factories would not be Corporatised. In case the MoD, DDP is not coming forward to withdraw its decision to Corporatise the Ordnance Factories, then appropriate legal action against the Employer, DDP/MoD may be taken in accordance with the ID Act 1947 for adopting unfair Labour Practice. Similarly the directions given by the DDP vide its letter dtd. 02/09/2020 to OFB in the name of advisory/guidelines regarding strike also amounts to unfair Labour Practice by the Employer and the same may be withdrawn by the DDP.

Awaiting for your favourable action and response please.

Thanking you.

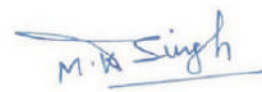
Yours Sincerely,



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