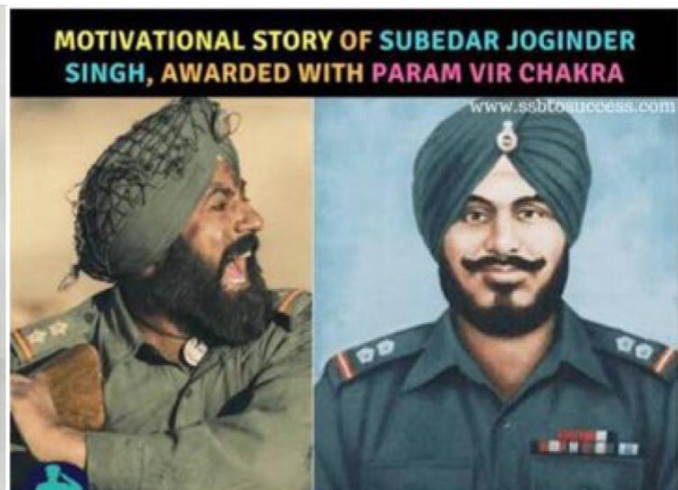


DOWNGRADATION OF JCOs & NCOs :
SIMMERING DISCONTENTMENT WITHIN ARMED FORCES,
NO ONE WANTS TO ACKNOWLEDGE

Who are Junior Commissioned Officers (JCOs) of Indian Armed Forces.

JCO is a term describing a group of junior military officer ranks found in the Indian Army, Pakistan Army, Bangladesh Army and Nepal Army. During British rule, these Officers were known as Viceroy's Commissioned Officers (**VCOs**). Until 1866, VCOs were the highest ranks that Indians could achieve, with most Commissioned Officers being British. VCOs were senior in rank to Warrant Officers in the British Army, and held a Commission issued by the Viceroy. Also known as "**Indian Officers**" or "**Native Officers**", they were treated in almost all respects as Commissioned Officers, but only had authority over Indian troops and were subordinate to all British King's (and Queen's) Commissioned Officers and King's Commissioned Indian officers. Even a British Officer would address a VCO with respect as, for instance, "Subedar Sahib"

Post independence, they were re-designated as JCOs. Presently Naib Subedars, Subedars & Subedar Majors constitute JCOs of Armed Forces. Senior Non-Commissioned Officers (NCOs) are promoted to JCO rank on the basis of merit and seniority, restricted by the number of vacancies. Due to their long years of service and experience, Officers accord JCOs great respect and influence, especially in cases involving the enlisted ranks, their welfare and morale. JCOs are the ones who lead Platoons into battle. A number of JCOs have earned glory & laurels for Armed Forces & the Nation.



(x) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to military law to act;

(xi) "the Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

Extracts from Section 3 of Army Act 1950

(xii) "junior commissioned officer" means a person commissioned, gazetted or in pay as a junior commissioned officer in the regular Army or the Indian Reserve Forces, and includes a person holding a junior commission in the Indian Supplementary Reserve Forces, or the Territorial Army, ³* * * who is for the time being subject to this Act;

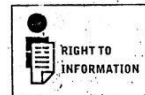
(xiii) "military custody" means the arrest or confinement of a person according to the usages of the service and includes naval or air force custody;

(xiv) "military reward" includes any gratuity or annuity for long service or good conduct, good service pay or pension, and any other military pecuniary reward;

(xv) "non-commissioned officer" means a person holding a non-commissioned rank or an acting non-commissioned rank in the regular Army or the Indian Reserve Forces, and includes a non-commissioned officer or acting non-commissioned officer of the Indian Supplementary Reserve Forces or the Territorial Army ⁴* * *, who is for the time being subject to this Act;

Status of JCOs. JCOs wear stars on their shoulders and lead Platoons into battle. They have been accorded status of Gazetted Officer by an Act of Parliament, vide Section 3 (xii) of Army Act 1950. Same has been affirmed in Defence Services Regulations 1987 (Revised). They are granted Commission by President and their Appointments & Promotions are notified by Govt in its Gazette. However, some lower level bureaucrats in MoD somehow have mischievously started to state that JCOs are Non Gazetted and have deliberately misrepresented to Pay Commissions to get them placed in lower Pay levels, presumably with malafide intentions. This has been causing considerable anger amongst the Armed Forces personnel. Despite efforts to keep it under the carpet, the symptoms of simmering discontentment have started to become more & more pronounced, causing discomfort in Army HQ.

Tele: 011-23019585



REGISTERED SDS/POST
RTI Cell, Addl DG MT (AE)
G-6, D-1 Wing
Sena Bhawan, Gate No 4
IHQ of MoD (Army)
New Delhi - 110 011

A/810027/RTI/OL-3133

27 Feb 2017

Shri Sudheer Kumar
C/o Shri Dharmveer
VPO-Tint, Teh & Distt - Rewari
Haryana-123 401

RIGHT TO INFORMATION ACT 2005 INFORMATION ON INTER SENIORITY

- Please ref this office letter No A/810027/RTI/OL-3133 dated 14 Feb 2017 and your letter No 1521/SK/Pers dated 15 Feb 2017 vide which you have forwarded information material/charges.
- Information as available with concerned agency of this Headquarters and permissible under RTI Act 2005 is given as under:-
 - Information on Para 1.** It has been intimated by the concerned agency that all JCOs of Armed Forces are Gazetted Officers and are granted commission by President of India in accordance with Section 3 (xii) of Army Act 1950 and Para 151 of Defence Services Regulations (Regulations for the Army) 1987 (copies of relevant documents enclosed). Since an Asst Section Officer is Non Gazetted Group 'B' post, Naib Sub of Armed Forces are therefore senior in designation/rank to Asst Section Officers.
 - Information on Para 2.** It has been intimated by the concerned agency that as per provisions contained in Manual of Security Instructions 2008, the dealing Group 'A' Officer can authorize in writing any Group 'B' and 'C' Officials for opening or depositing of office keys.
 - Information on Para 3.** It has been intimated by the concerned agency that presently there exists no Govt documents establishing one to one equivalence between civil designations/posts and Armed Forces ranks. However, Asst Section Officer is the highest non gazette designation/post in AFHQ and CCS Cadre while Hav is the highest non-gazetted rank in Armed Forces.
 - Information on Para 4.** The JCO being a Gazetted Officer will always be senior in designation to Asst SO and NCO Hav which are non-gazetted designations/posts.
- This disposes off your online RTI application dated 03 Jan 2017.
- The address of First Appellate Authority of this HQ is Provost Marshal & Appellate Authority, Integrated HQ of MoD (Army), Room No 421-A, 'B' Wing, Sena Bhawan, New Delhi-110 011. For further details, in case of preferring an appeal, please refer Sec 19(1) of the RTI Act 2005.

BR/FR
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(ABS Jasrotia)
Lt Col
GSO-1 (RTI)
For CPIO of Indian Army

Enclosures:- As above (05 pages only)

PART B**Level of ranks:**

Sl. No.	Rank	Level in Pay Matrix
(a)	Sepoy	3
(b)	Naik	4
(c)	Havildar	5
(d)	NaibSubedar	6
(e)	Subedar	7
(f)	Subedar Major	8
(g)	Honorary Lieutenant	10
(h)	Honorary Captain	10B

Gde Pays & Pay Levels of JCOs.

Due to deliberate misrepresentations by MoD bureaucrats, Naib Subedars were given Gde Pay of Rs 4200/- by 6 CPC & have now been placed in corresponding Pay Level 6 by 7 CPC. Subedars were given Gde Pay of Rs 4600/- by 6 CPC & now placed in Pay Level 7 by 7 CPC.

Comparative Gde Pays/ Pay Levels of Civilians.

The Civilian Non Gazetted employees were given Gde Pay of Rs 4600/- by 6 CPC. 7 CPC has now placed them Pay Level 7. Assistants & Steno Gde C are Non Gazetted posts. The Non Gazetted Civilians have thus been placed in higher Gde Pays/ Pay Levels than Gazetted JCOs of Armed Forces. This has created legally untenable & unsustainable anomaly, as no Gazetted Officer of Central Govt can be placed in lower Pay Levels than Non Gazetted employees.

Report of the Seventh CPC

Headquarters Organisations in Government of India and Office Staff in Field Offices**Chapter 7.1****Headquarters Services****Introduction**

7.1.1 The headquarters organisation comprises the Secretariats of the ministries and departments of the Government of India. Most of the middle level posts are held by the officers of Central Secretariat Service as also a few administrative posts at the senior level. In the Ministry of Railways, similar positions are held by the Railway Board Secretariat Service, in the Ministry of Defence they are held by the Armed Forces Headquarter Service and in the Ministry of External Affairs the same are held by the Indian Foreign Service (B) officers.

7.1.2 The organisational hierarchy of all the headquarter services by and large includes the following levels with corresponding GP:

Level	Grade Pay
Selection Grade	10000
Director	8700
Dy. Secretary	7600
Under Secretary	6600 Gp A
Section Officer	4800 Gazetted Gp B [after four years GP 5400 (PB-3)]
Assistant	4600 Non Gazetted Gp B

7.1.3 The headquarter services provide a permanent bureaucratic set up which assists in establishment and administration, policy formulation and monitoring and review of the implementation of policies/schemes of various ministries and departments.

Stenographers Services**The Central Secretariat Stenographer Service (CSSS)/ Armed Forces Headquarters Stenographers Service (AFHQSS)**

7.1.5 The CSSS/AFHQSS consists of the following grades:

Level	Grade Pay
Principal Staff Officer	8700
Sr. PPS	7600
PPS	6600 Gp A
PS	4800 Gazetted Gp B
Stenographer Grade-C	4600 Non Gazetted Gp B
Stenographer Grade-D	2400

How Gazetted JCOs of Armed Forces have got placed in lower Pay Levels than Non Gazetted Civilians. Placing of Gazetted JCOs of Armed Forces in lower Pay Levels than Civilian Non Gazetted is totally unacceptable & legally untenable anomaly, which has to be rectified earliest. But, how did it happen in the first place? It happened because of two main factors- firstly civilian employees have facility of Anomalies Committee which is set up after every Pay Commission; and secondly the Pay Commissions have no representative of Armed Forces and MoD babus have final say on all Pay issues. The Anomalies Committee is not applicable to Defence personnel because they do not have Associations to represent them, as clarified by Deptt of Expenditure, Ministry of Finance in their letter No 7.10/4/2008-IC 22 Apr 2010.

How the Civilian Anomalies Committees & Misrepresentations by MoD Babus have resulted in Downgradation of Armed Forces JCOs & NCOs. The Pay Scales/ Gde Pays of civilian Non Gazetted Assistants were increased by Govt through executive orders based on Anomalies Committee decisions, almost after every CPC. This has happened after notification of Pay Commission rewards. As a result, while the Pay Scales of Gazetted JCOs remain fixated to CPC award, Pay Scales of Non Gazetted civilian employees increased after every CPC. During next CPC, these enhanced Pay Scales of these Non Gazetted employees became the basis for further consideration. See below extracts from 7 CPC explaining how this has taken place :-

Report of the Seventh CPC

justified to grant complete parity because the hierarchy and career progression would need to be different. Although the recommendation of the VI CPC was accepted in the first instance, a year down the line the Grade Pay of Assistants was increased from ₹4200 to ₹4600, thereby squarely going back to the original position in which the Assistants in the Headquarters resided at one level higher than those in the field. In fact this latest modification follows a consistent pattern seen over the decades. This is elucidated in the table below:

Table 1: Upgradation of Pay of Assistant over Successive Pay Commissions				
Post: Assistant	Pay Scale as Initially Recommended		Pay Scale as Revised by Government	
	Date	Scale	Dates (when issued and when effective)	Scale
IV CPC	1.1.1986	1400-2660	31.7.90, but effective from 1.1.86	1640-2900
V CPC	1.1.1996	5500-9000	25.9.2006, effective from 15.9.2006	6500-10500
VI CPC	1.1.2006	GP 4200	August 2008, but effective from 1.1.2006	GP 4600

It may be seen from the above table that the recommendations of successive Pay Commissions with regard to pay of Assistants, even if initially implemented, has invariably been modified at a later point and they have been placed at one higher level.

Downgradation of Havildars. Similar is the case with Downgradation of Havildars. Havildars are the senior most Non Gazetted Officers in Armed Forces, having on an average about 18-24 years of service. While the Gde Pays of equivalent civilian employees were increased to Rs 4200/- through Anomalies Committee post 6 CPC, the Gde Pays of Havildars remained fixated at Rs 2800/-, which subsequently got translated into Pay Level 5 by 7 CPC. Thus, while the civilian counterparts moved into Pay Level 6, Havildars pay got fixed in Pay Level 5. See extracts from 7 CPC Report below :-

(ii) Havildar and equivalent scale due to changes in Master Craftsmen Scale

The Services have pointed out that the pay upgradation of Artisans has been effected by the Ministry of Defence in June 2014 whereby the following revised scales have been introduced:

Designation	From Grade Pay	To Grade Pay
Skilled (Artisan)	1800	1900
Highly Skilled (Artisan) Grade II	1900	2400
Highly Skilled (Artisan) Grade I	2400	2800
Master Craftsman	2800	4200

How do bureaucrats in MoD Downgrade Armed Forces personnel.

Every Ministry/ Deptt looks after the interests of their employees. Unfortunately, MoD bureaucracy while progressing civilian employees aspirations on one hand, have always opposed even genuine concerns of Uniformed personnel. They have actively started competing with the status, pay & privileges of Services personnel, unmindful of their hardships & special working conditions. See the extracts from 7 CPC Report placed opposite, wherein MoD babus have opposed removal of even unacceptable anomaly regarding lower Gde Pays of JCOs & NCOs by citing frivolous reasons, which unfortunately were accepted by CPC, as there was no Member from Services HQ during deliberations. Similarly a number of illegal communications have been issued by lower level bureaucrats in CAO/ MoD comparing JCOs with Gp C employees.

Part of the Seventh CPC

Prior to this, Master Craftsman, at GP 2800 was at par with Havildar and the unilateral upgradation of Master Craftsman has created an anomaly, as stated by the Services. They have accordingly sought GP 4200 for Havildar and equivalent.

Analysis and Recommendations

The Commission sought the views of Ministry of Defence in this regard. The Ministry has stated that an upgrade in respect of one set of employees cannot be cited as a basis for similar upgrade for other employees especially where conditions of service rendered are entirely different and the services functions and duties are not comparable. It was further stated that in many cases armed forces may have a higher pay scale/grade pay which cannot be a criterion for upgradation of pay of civilian personnel.

The Commission notes that subsequent to the recommendations of the VI CPC the cadre structure of Artisan/Workshop staff was reviewed by the government and new levels were created in the cadre structure. This *inter alia* entailed upgradation in the scale of Master Craftsmen. The Commission is also of the considered view that pay alone cannot be a determining factor for drawing functional equivalence between two sets of employees, more so when the comparison is between defence and civilian personnel who are guided by different service conditions. These service conditions have been further altered for civilian personnel since 01.01.2004, who have been moved from a defined benefits system of Pension to a defined contribution one. In view of the above the Commission does not agree with the demand for upgrade of Havildar and equivalent to GP 4200.

(iii) Naib Subedar and equivalent scale due to changes in Assistant Scale

The Services have sought parity between Naib Subedar and Assistants serving in the Central Secretariat Headquarter and in the Armed Forces Headquarters. It has been stated that the pay of Assistants of the CSS were upgraded with effect from 15 September, 2006, without waiting for the report of the VI CPC. They further note that the VI CPC recommended merger of four civil pay scales (S-9 to S-12) and fixed the same Grade Pay of ₹4,200 for both Naib Subedar and Assistants in CSS and Armed Forces Headquarters. Post VI CPC, the Grade Pay of Assistants in CSS was upgraded to ₹4,600. This was also extended to Assistants in AFHQ, thereby affecting the pay parities with Naib Subedar.

Analysis and Recommendations

As stated earlier, the Commission is of the considered view that pay alone cannot be a determining factor for drawing functional equivalence between two sets of employees, more so when the comparison is between defence and civilian personnel who are guided by disparate service conditions, as already detailed above. **In view of the above, the proposal is not found justified.**

Restoration of Status of JCOs & NCOs - Way Ahead. Above anomalies have resulted in lower Pay Levels to JCOs & NCOs of Armed Forces, and have seriously Downgraded their Status, as Pay Levels are taken as Status determinant for Central Govt employees. This is resulting in lowering of morale & disgruntlement in Armed Forces as JCOs & NCOs are the functional backbone of Armed Forces. In the absence of Associations & with MoD acting as Ministry Opposed to Defence, they feel they have no recourse to redressal of even genuine concerns. The Govt may call it by any name but a High Powered Committee (HPC), comprising of Parliamentarians, has to be set up to look into the Pay Anomalies of Defence personnel as well. This is the only way ahead if Anomalies of Defence personnel have to be addressed. Since MoD itself has been responsible for creation of these Anomalies, no solution can be found from within MoD. Presently there are about 47 main Anomalies which are outstanding, but not being considered by Govt in the absence of any mechanism to resolve these.