

Report of the Dearness Allowance
Commission on the Question of
Adequacy of the Dearness
Allowance Admissible to the
Central Government
Employees as from
Ist December, 1965

Government of India
Ministry of Finance
Department of Expenditure

REPORT OF THE DEARNESS ALLOWANCE CUMMISSION ON THE QUESTION OF ADEQUACY OF THE DEARNESS ALLOWANCE ADMISSIBLE TO THE CENTRAL GOVERNMENT EMPLOYEES AS FROM 1ST DECEMBER 1965

Introductory

By their resolutions Nos. F. 1(8)-EII/66 (I) and (II), dated the 26th July 1966, the Government of India have appointed the present Commission to consider the two matters covered by the two resolutions respectively. By the first resolution (Appendix "A") the Commission is required to consider the question as to whether the revised rates of dearness allowance granted to the Central Government employees from 1st December 1965 are adequate and, if not, to recommend at what rates and from what date revised dearness allowance should be granted to the said employees. By the other resolution (Appendix "B") the Commission is required to examine the principles which should govern the grant of dearness allowance to Central Government employees in future, having regard to relevant factors mentioned in it. The present report is in regard to the reference made by the first resolution.

- 2. The Commission held its sitting on 7th August 1966, 20th August 1966, 21st August 1966 and 10th September 1966 to consider preliminary matters in regard to certain points raised by the employees in connection with the respective terms of reference.
- 3. On the 18th August 1966, the Commission called for clarifications from the Government on two points (Appendix "C"). On the 19th and 30th August 1966, the Government sent their clarification (Appendices "C-1" and "C-2"). Written memoranda were received from the respective associations/unions of the employees and from the Government before the 1st October 1966. The list of associations which sent their written memoranda is Appendix "D" to this report.
- 4. On 1st October 1966, the formal hearing began before the Commission. The hearing lasted for three days (1st, 2nd and 3rd October 1966). The list of associations/unions which were represented at the said hearing is Appendix "E" to this Report.

Background of the present Reference

5. One of the points which the Second Pay Commission (hereinafter referred to as "the Pay Commission") considered was in relation to the dearness allowance payable to the Central Government employees (hereinafter referred to as "the employees"). The recommendations of the Pay Commission on this point are contained in Chapter IX of the Report. The Pay Commission recommended the rates at which the dearness allowance should be paid to the employees, after dividing the said employees into two categories: (a) employees whose basic pay was below Rs. 150 and (b) employees whose basic pay was below Rs. 300. The Pay Commission directed that Rs. 10 and Rs. 20 per mensem should be paid as dearness allowance to the two categories of the employees respectively. These rates were fixed in relation to the All India Working Class Consumer Price Index (hereinafter called "the Index") at 115 points (1949=100).

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- 6. On the 1st July 1959, the Government of India (hereinafter referred to as "the Government") accepted the recommendations made by the Pay Commission and gave effect to them. Accordingly, the employees began to receive the dearness allowance at the rates prescribed by the Pay Commission from 1st July 1959.
- 7. The Pay Commission had also recommended that if during a period of twelve, months the Index rose on an average by 10 points, the Government should review the position and decide whether an increase in the dearness allowance should be allowed to the employees and, if yes, at what rate. Acting on this formula, the Government reviewed and increased the dearness allowance from time to time whenever the twelve-monthly average of the Index had risen by 10 points.
- 8. Meanwhile, representations were made on behalf of the employees to the Government that the recommendations of the Pay Commission were less liberal than those of the First Pay Commission and it was urged that neutralisation of the rise in the cost of living should be to the extent of 100 per cent. This demand was vigorously reiterated during the general strike of some of the Government employees in 1960. On the 8th August 1960, in the course of the debate in Parliament, the then Home Minister Gobind Ballabh Pant made a policy statement on behalf of the Government. "It (the Government)", said the Home Minister, "has also accepted the proposal for review of the position when there is a persistent rise of 10 points in the index of prices for 12 months and it is possible that the Government may take a decision that at least half of such rise or loss or hardship due to it should be neutralised automatically, and for the rest, if necessary, a reference may be made to an impartial body". The Government thus undertook to compensate the employees at least to the extent of half the loss or hardship or rise within the meaning of the formula prescribed by the Pay Commission. If the employees were to claim higher compensation, the Home Minister stated that, if necessary, a reference would be made to an impartial body.
 - 9. Thereafter, revision of the dearness allowance was made on 1st November 1961, 1st July 1963 and 1st February 1964, respectively. The increase granted by the Government on these three occasions did not satisfy the employees and they asked for an impartial settlement in terms of the assurance given by the Home Minister.
 - 10. Accordingly, an independent body consisting of Mr. S. K. Das, a retired Judge of the Supreme Court, (hereinafter called "the Das Commission"), was appointed on the 31st August 1964. This Commission was asked to examine within the framework of the principles laid down by the Pay Commission, the question of adequacy of the rates of dearness allowance then admissible. On the 1st January 1965, the Das Commission made its report. It recommended the revision of the rates from the 1st October 1964 at the rates indicated by it.

- 11. For the purpose of determining the rates at which the revised dearness allowance should be paid to the employees, the Das Commission divided the employees into four pay-ranges:—
 - (1) Rs. 70 to Rs. 109;
 - (2) Rs. 110 to Rs. 149;
 - (3) Rs. 150 to Rs. 209;
 - (4) Rs. 210 to Rs. 399.

For these four categories respectively, the Das Commission recommended neutralisation at the rates of 90 per cent., 85 per cent., 80 per cent. and 70 per cent., on the basis of the lowest paid employee of the range. The rates thus prescribed by the Das Commission were related to the twelve-monthly average of the Index at 145.

- 12. After the Das Commission made its report, the Index was still rising higher and higher. In consequence, when the average reached 155 in February 1965 and later reached 165 in November 1965, the Government revised the rates of dearness allowance. Roughly stated, the revised rates involved 75 per cent. neutralisation in respect of the rise of the average Index from 145 to 165 for the lowest pay slabs of Rs. 70 to Rs. 109, Rs. 110 to Rs. 149 and Rs. 150 to Rs. 209; and 70 per cent. neutralisation at the average Index 155 and 60 per cent. neutralisation at the average Index 165 for the pay slab of Rs. 210 to Rs. 399.
- 13. The terms of reference state that the revision of the dearness allowance made by the Government on 1st December 1965 did not satisfy the employees and on their behalf a persistent demand was made for the due revision of the dearness allowance at least according to the pay ranges recommended by the Das Commission. It appears that an effort was made to reach an agreement on this point and with that object discussions were held between the Secretary, Department of Expenditure, and representatives of the larger Federations/Associations of Central Government employees during May and June 1966. These discussions, however, did not lead to any amicable settlement and that has led to the appointment of the present Commission.

Terms of Reference of the present Commission

- 14. The present Commission was appointed on the 26th July 1966. On this date, two resolutions were passed by the Government, making two different, through related, references to the Commission. The first resolution (Appendix "A") requires the Commission "to examine whether the rates of dearness allowance now admissible to Central Government employees drawing pay below Rs. 400 per month are adequate keeping in view the broad principles formulated by the Second Pay Commission in Chapter IX of their Report and if they are not adequate in its opinion, to recommend at what rates and from what date revised dearness allowance should be granted to the said employees". The resolution further requires that the Commission will make its recommendations within three months from the said date.
- 15. The other reference is of a much broader and comprehensive character. Para 2 of the resolution passed in that behalf (Appendix "B") requires the Commission to examine the principles which should

govern the grant of dearness allowance to Central Government employees in future, having regard, among other relevant factors, to the repercussions on the finances of State Governments, public sector undertakings, local bodies etc. In considering the said principles, the Commission has been asked specifically to report on the four issues specified in paragraph 2 (4), sub-clauses (a) to (d). Paragraph 3 of this resolution requires the Commission to take into account the historical background, the various causes of the rise in prices, the impact of increased emoluments on prices, the state of the economy with particular regard to the requirements of developmental planning and national security, and other relevant circumstances such as the benefits admissible in addition to dearness allowance and the capacity of the low-paid employees to bear price rise burdens. Sub-para (2) of paragraph 2 requires the Commission to consider and recommend alternative forms of assistance which might be given to ensure real benefit to Government employees without necessarily increasing inflationary pressures on the economy; and sub-para (3) authorises the Commission to review the existing formula for the grant of dearness allowance as recommended by the Pay Commission and to recommend what changes, if any, in this formula are desirable and feasible.

Scope of the present enquiry

16. The present report deals with the reference made by the first resolution (Appendix "A") and it relates to the narrow question as to the adequacy or otherwise of the rates of dearness allowance now admissible to the employees. In deciding the scope of this enquiry it is necessary to bear in mind that the second reference specifically requires the Commission to consider all relevant factors in evolving principles which should govern the grant of dearness allowance to the employees in future and in dealing with the said problem, the Commission is not bound by the recommendations made by the earlier Pay Commissions or the principles evolved by them in that behalf. In fact, it is open to this Commission to consider alternative forms of assistance and to recommend, if it so decides what changes should be made in the formula prescribed by the Pay Commission in regard to the payment of dearness allowance.

17. Having regard to the fact that two resolutions were passed by the Government, on the same day, making the present two references to the Commission-one of a very limited, and the other of a very comprehensive, character-it would not be unreasonable to assume that the Government intend that all general considerations which are relevant in determining the principles governing the grant of dearness allowance should be examined by the Commission in dealing with the larger reference. In dealing with the narrower reference, on the other hand, the Commission is expected to confine itself to the broad principles formulated by the Pay Commission and deal with the matter in the light of those principles. That being so, it would, we think, not be competent to the Commission in dealing with this narrow reference to take into account considerations which, though relevant to the problem of dearness allowance, would not be admissible unless they are found within the broad principles formulated by the Pay Commission.

18. This conclusion receives corroboration from the fact that the terms of reference by which the Das Commission was appointed are much broader than the terms of reference by which this narrow reference has been made to the present Commission. The Das Commission was asked to consider the same problem "subject to the recommendations and general observations made by the Pay Commission in Chapter IX of their Report and having regard to the various causes of the rise in prices, the state of the economy, the impact of increased pays on prices and other relevant oircumstances". In other words, though the Das Commission was asked to consider the problem subject to the recommendations and general observations of the Pay Commission, it was also required expressly to have regard to the other factors mentioned in the resolution appointing the Das Commission. As we have already observed, the resolution by which the narrow reference has been made to the present Commission does not refer to any consideration other than the broad principles formulated by the Pay Commission. We are, therefore, satisfied that in dealing with the problem covered by this reference, we must confine our attention to the broad principles formulated by the Pay Commission and deal with the question of the adequacy of the rates of dearness allowance now admissible to the employees in the light of those principles alone.

Broad Principles formulated by the Second Pay Commission

- 19. In dealing with the problem of dearness allowance, the Pay Commission rejected the employees' demand that the minimum wage of the employees should be determined in the light of the Fifteenth Labour Conference recommendation which referred to the need-based minimum; it held that the said recommendation was not feasible economically and financially. The only relief to which, according to the Pay Commission, the employees were entitled was that the minimum wage which was then paid to the lowest class of employees at the rate of Rs. 75 per month should be increased to Rs. 80. It is in the light of this conclusion recorded by the Pay Commission in Chapter VII that they proceeded to deal with the problem of dearness allowance in Chapter IX.
- 20. The Pay Commission came to the conclusion that "a dearness allowance is a device to protect, to a greater or lesser extent, the real income of wage earners and salaried employees from the effects of rise in prices"; and in view of the fact that the cost of living index was continuously rising it felt no difficulty in agreeing with the general conclusion of the First Pay Commission that so long as the cost of living continued to be substantially higher, a system of dearness allowance must continue in operation. Their final conclusion on this point was that the dearness allowance should continue as a separate element in the remuneration of the employees and that for the reasons which they have mentioned, this should be limited for the time being to employees whose salaries were below Rs. 300 per mensem. With regard to the problem of employees whose salaries were above Rs. 300 per mensem, they indicated their views in paragraph 9 of Chapter IX of the Report.

- 21. The Pay Commission then examined the question as to the relevance and utility of the Index and they held that on the whole it would be preferable to use the said Index rather than any other index. The Pay Commission determined the basic salaries of the employees in terms of the requirement of an index of 100, which represented the working class consumer price level of 1949.
- 22. In paragraphs 10 to 15, the Pay Commission examined the question as to whether a provision should be made for an automatic adjustment of the rates of dearness allowance by reference to the rise in the cost of living index. They thought that an arrangement for such automatic adjustment would introduce an element of inflexibility which was not desirable and so they rejected the argument that such automatic adjustment should be directed to be made from time to time so long as the cost of living moved upwards.
- 23. In dealing with this question, the Pay Commission made some observations which amount to broad principles formulated by them. "If the minimum remuneration is just enough for subsistence," said the Pay Commission, "at a particular price level, full neutralisation is obviously an essential social requirement when the prices rise; otherwise, the employee would be pushed below the subsistence level". The Pay Commission also observed that "the progressive improvement of the real wages throughout the economy being a declared objective of the Government, it should be the Government's endeavour at least to maintain the real value of the wages and salaries of the lowest grades of their own employees". They, however, took the precaution of adding that they were unable to support the view that this should be done irrespective of the situation in which the prices rise or of the broader national requirements. According to them, while it may not be right to provide for full compensation irrespective of the circumstances when the rise in prices occurred, it would not be right also to rule out such compensation in advance.
- 24. The Pay Commission then referred to certain other factors. There are occasions, said the Pay Commission, such as severe crop failure when no section of the community (except, perhaps, speculators) benefits at the cost of the others; and the agricultural prices rise and the real income of the country is reduced by the extent of the fall in agricultural production from its previous level. If in such a situation the real wages and salaries of Government servants are maintained by money increase in the shape of dearness allowance or otherwise, it would simply mean that the Government servants would not have to share in the hardship imposed by a national misfortune. In this connection, they also refer to factors such as adverse terms of trade caused by rise in the prices of imports in the countries of origin or by other world factors. The problem of indirect taxes also received the attention of the Pay Commission; but in relation to this problem they observed that though they tried to have an estimate made of the element in the rise of the Index during recent years attributable to indirect taxes, the effort proved fruitless. These observations were made by the Pay Commission primarily to consider the propriety and validity of the argument urged before them by the employees for an automatic adjustment in the payment of dearness allowance. Their final conclusion on this issue was that

"the cause of the rise in prices should at any time be a material factor in deciding whether the Central Government employees should be compensated; and if so, to what extent". According to the Pay Commission, "such a freedom of decision will not be possible if a link is established between prices and dearness allowance".

- 25. Having rejected the argument for automatic adjustment, the Pay Commission concluded their discussion with this observation:
 - "But we do consider at the same time that a substantial and persistent rise normally creates a prima facie case for compensation and to a greater extent in the case of the employees in the lower ranges of remuneration than of others; and it should be the Government's endeavour not to allow the standard of living of such employees to fall".
- 26. Having thus considered the theoretical aspect of the payment of dearness allowance, the Pay Commission proceeded to divide the employees into two pay ranges and prescribed the rates of dearness allowance as already indicated. In this connection the Pay Commission also directed that if during a period of twelve months the Index remains on an average 10 points above 115, the Government should review the position and consider whether any increase in the dearness allowance should be allowed and, if so, at what rate. A corresponding recommendation was made for reducing the dearness allowance if the Index fell by the same margin and for the same period.
- 27. These, in brief, are the broad principles formulated by the Pay Commission in Chapter IX of their Report.

Clarification of the Terms of Reference

- 28. After the Commission began its work, a query was addressed by the Commission to the Government on the 18th August 1966 (Appendix "C"), asking for clarification on two points in regard to the exact scope of the terms of reference. Thereafter the Government sent their replies to the said query on the 19th and the 30th August 1966, respectively (Appendices "C-1" and "C-2"). The clarification made by the Government by these two replies shows that the Commission is required to recommend at what rates and from what date revised dearness allowance should be granted if in its opinion the rates of dearness allowance now admissible are not adequate and that in determining the quantum of revised dearness allowance the method of calculation to be adopted has been left to the Commission. It is clear that if during the course of the Commission's deliberations the twelve-monthly average of the Index rises by 10 points beyond 165, it is within the competence of the Commission to determine the relief to be given to the employees with reference to that average, subject, of course, to the broad principles formulated by the Pay Commission.
- 29. In making our report, the question which we have, therefore, to consider is whether or not the dearness allowance admissible to the employees as from 1st December 1965 is adequate or not. The resolution appointing the Commission states that the Government had received representations on behalf of the employees that the revised

rates of dearness allowance granted from 1st December 1965 were inadequate in respect of employees drawing pay below Rs. 400 per month, and since the employees were dissatisfied with the rates of dearness allowance granted as from 1st December 1965, the dispute between them and the Government in relation to the said rates has been referred to this Commission for an impartial settlement. Thus the point which calls for our determination is: Were the rates payable to the employees on 1st December 1965 adequate or not? If we find that they are not adequate, we shall have to recommend higher rates of dearness allowance and indicate from what date the said rates should be adopted, i.e. whether they should be adopted from 1st December 1965 or from any date subsequent thereto.

The Government's Case

- 30. Let us now briefly indicate the points made by the Government before us in the present enquiry. The Government contended that in determining the quantum of neutralisation it should be borne in mind that it is not wholly appropriate to utilise the Index, because, among other things, a large majority of the employees cannot be said to belong to the manual working class. In support of this plea, the Government gave several reasons. One of these reasons was that the cost of several items like housing, medical care and education was reflected in the compilation of the said Index, and since the Government themselves made provision for housing, medical care and education in the case of their employees, it was reasonable to exclude these items from calculation in determining the cost of living according to the Index. The Government also relied upon the fact that they granted compensation in other ways to their employees in the form of compensatory allowances and social security benefits.
- 31. The Government then relied upon certain general considerations in support of their plea that the recommendations made by the Das Commission in respect of the payment of dearness allowance should not be accepted. They relied on the fact that in the year 1965-66 the nation had faced the worst of droughts in recent history and that naturally led to a sharp decline in the production of foodgrains, resulting, inter alia, in the price rise of agricultural and other commodities. The Government strongly relied on their plea that the burden of shortage which is borne by the rest of the community must similarly be borne by the employees as well. According to the Government, the upward movements in the cost of living during the last 4 or 5 years had been, partly, policy-induced, that is to say, due to measures devised to draw more resources for defence and development and to support agricultural prices so as to stimulate agricultural production. These elements, according to the Government, could not be precisely quantified; but clearly these should not be neutralised.
- 32. The current year's budget, according to the Government, already contained an uncovered deficit of about Rs. 32 crores. Since then certain major developments had taken place affecting the budgetary position, including the devaluation of the rupee. The continuing threat of external aggression which had led to a phenomenal rise in defence expenditure had also to be taken into account. The rise in the defence expenditure, according to the Government, was going to be a feature of the Indian budget for some years to come.

- 33. The impact of the increase in dearness allowance to the employees on similar claims made by the State employees, according to the Government, had also to be borne in mind. Similar impact on the claims of the employees of public undertakings could not also be ignored. The Government contended that in dealing with the claim for increased dearness allowance made by the employees, we should not overlook the fact that Government employment has obvious advantages over employment in the private sector. Ultimately, in dealing with this problem the Commission must consider what the national economy can afford to pay and the economy can at present ill afford repeated increases in dearness allowance to employees of the Central and State Governments and public sector undertakings. That, broadly, stated was the case made out by the Government before this Commission.
- 34. In substance, the Government placed reliance on the several fringe benefits which they give to their employees and on several general considerations which according to them have a material bearing on the decision of the issue referred to us. Their case was that the revision made by them in the matter of payment of dearness allowance to the employees on 1-12-1965 was not inadequate.

The Employees' Case

- 35. On the other hand, in the written memoranda filed before us, several Unions of the employees contended that the revision made by the Government on the 1st December 1965 was wholly inadequate and that in view of the sharp and continuous rise of prices, their claim for 100 per cent. neutralisation of the rise in the cost of living index was justified. They argued that the class of employees with whom we are dealing in the present reference receives a salary scale which is below the subsistence level and they relied on the principle that in the case of this class of employees in the event of a sharp and continuous rise in the cost of living, dearness allowance must provide 100 per cent. neutralisation against such a rise.
- 36. According to the employees the general considerations on which the Government relied were wholly irrelevant to the present enquiry. They said that these factors may be relevant and will have to be considered when the Commission embarks upon the large and more comprehensive enquiry contemplated by the other reference. Besides, they strongly urged that the employees should not be punished for the failure of the Government to control the rise in the working class cost of living.
- 37. As to the fringe benefits on which the Government relied, the employees had several comments to make. They urged that the relevance and materiality of the so-called fringe benefits are doubtful in the extreme; it was not clear how many employees received these fringe benefits. In regard to the assistance by way of medical care, they contended that a large number of them were unable to avail themselves of this help. The same comment they made in regard to housing. The assistance given in the matter of education, they urged, was negligible as compared to what the employees had to spend on the education of their children. In regard to the compensatory

allowances, according to them, these were relevant in fixing the wage structure; they have no relevance to the problem of dearness allowance. Besides they urged that some of these fringe benefits were available at the time of the enquiry by the Pay Commission and yet no mention was made of them by the Government before the Pay Commission.

38. The employees were also dissatisfied with the All India Working Class Consumer Price Index. Some of them objected to the pay ranges evolved by the Das Commission on the ground that the grant of dearness allowance by reference to the said pay ranges in some cases worked inequitably. Many of the employees' Unions claimed 100 per cent. neutralisation in regard to the whole class of employees before us; they, however, unanimously made the same claim in regard to the class of employees who receive salaries of Rs. 70 to Rs. 109 per month.

The Das Commission-Relevance of its Report

39. Before we proceed to deal with the points raised on behalf of the Government and the employees respectively, it is necessary to refer to the Report made by the Das Commission. No doubt, the first resolution appointing the present Commission does not refer to the Das Commission and it requires this Commission to deal with the problem in the light of the broad principles formulated by the Pay Commission. But while applying the said principles in deciding the dispute before us, we cannot ignore the report made by the Das Commission. It will be recalled that Das Commission was appointed because certain associations of Government employees represented to the Government that the increase of dearness allowance which the Government had sanctioned from time to time was not adequate; and the dispute arising from the said representations was referred to the One-Man Independent Body consisting of Mr. Das. Most of the points which have been urged before us by both the parties appear to have been urged before the Das Commission, which made its report recommending the payment of dearness allowance at the rates which we have already indicated. It is true that in dealing with disputes like the present, technical considerations like res judicata or estoppel may not be appropriately applied. Nevertheless, considerations of propriety and fairplay require that where a high power commission appointed by the Government deals with a dispute of this kind, examines it elaborately, and makes a well considered and reasoned report, in the absence of any new and substantial material, the findings recorded by such a body and the recommendations made by it deserve to be considered with respect. That is the approach which we propose to adopt in dealing with the dispute before us.

All India Working Class Consumer Price Index and Pay Ranges evolved by the Das Commission accepted

40. We have already indicated that the Government set out in their written memorandum several objections against accepting as wholly appropriate the All India Working Class Consumer Price Index of 1949. Some of the employees' Unions also contended that the said Index does not afford a proper basis for dealing with the claim of dearness allowance made on behalf of a large majority of employees.

We do not accept these contentions. As we have already mentioned, both the Pay Commission and the Das Commission have adopted this Index. We are not prepared to depart from the base supplied by the said Index.

- 41. The employees have also argued that the adoption of the pay ranges evolved by the Das Commission in some cases works inequitably. That, no doubt, is true. The Das Commission itself has recognised this fact. However, the method of evolving pay ranges has been accepted by the Pay Commission; and with some modifications the same method has been followed by the Das Commission. The Government have also accepted the pay ranges evolved by the Das Commission. We are, therefore, not prepared to disturb the said pay ranges for the purpose of this enquiry.
- 42. In this connection, we may also point out that the employees and the Government are generally agreed that in principle neutralisation must be higher for the lowest slab and then should taper down for the higher pay slabs.

Difficulties in accepting the Government's case

- 43. Reverting to the general considerations raised by the Government in resisting the employees' claim for higher dearness allowance, it may be conceded that some of them can be said to be included in the broad principles formulated by the Pay Commission. But though the Pay Commission referred to some of the said general considerations, they had no occasion to consider their impact on the quantum of dearness allowance, nor have they laid down any guide-lines for determining the degree of such an impact. They have mentioned the said considerations primarily with a view to repelling the argument of the employees that a provision should be made for an automatic increase of dearness allowance, corresponding to a given rise in prices. Moreover, it was not urged before the Pay Commission that the said general considerations had a bearing on the task actually before them. This is one aspect of the matter which has to be borne in mind in dealing with the case made out by the Government before us.
- 44. Besides, in so far as we are able to derive assistance from the broad principles laid down by the Pay Commission, it appears that in dealing with the problem of indirect taxation, the Pay Commission tried to have an estimate made of the element in the rise of the Index during recent years attributable to indirect taxes and they observed that their effort in that direction had proved fruitless. This observation shows that if the Pay Commission had been called upon to consider the materiality of any of the general considerations enumerated by them, they would have required the Government to show by satisfactory evidence the quantitative impact of the said considerations on the general rise in prices. Whether or not such a quantitative impact can be shown even approximately is a matter which has not been considered by them; but they have indicated that they expected some evidence of that kind. This is another aspect of the matter which cannot be ignored.

- 45. Moreover, in considering the relevance and significance of the general considerations in question, it would also become necessary to examine the validity of the employees' argument that the Government cannot press into service their own failure to control the rise in the working class cost of living against the claim of the employees for increased dearness allowance. The employees urged before us that such failure was due to several factors which should be within the control of the Government. They also argued that in the face of sharp and continuous rise of prices, there was no evidence of the determination of the Government to avoid extravagant expenditure and to take effective remedial measures to arrest the rise in the working class cost of living. These factors also will have to be weighed in determining the significance of the general considerations on which the Government relied.
- 46. In this context we must mention one more point. The reference before us is related to the categories of employees who draw salaries within the range of Rs. 70 to Rs. 399 per month. The lowest category of these employees draws salaries of Rs. 70 to Rs. 109. It is common ground that a substantially large proportion of the employees before us falls within this lowest category and, in the words of the Pay Commission, when prices are rising so rapidly and the rise is substantial and consistent, prima facie this class of employees is entitled to compensation. While dealing with the claim for increased dearness allowance made by this class of employees, we would require satisfactory evidence about the relevance and significance of the general factors on which the Government relied. In the present enquiry, besides enumerating the grounds seriatim in their written memorandum, no effort has been made by the Government to establish their case that the general considerations on which they relied, in fact. had contributed to the rise in prices. Obviously, the rise in prices is the result of several contributory factors and even for the purpose of making a finding as to the impact of the general considerations on which the Government relied, we must have some data to justify such a finding.
- 47. It would also be relevant to emphasise the fact that the wages and salaries, of which dearness allowance has now become an incidental and supplemental adjunct in India, must be based on the ethical postulate that State employees, like employees in the industrial sector, at the lowest level, must be paid wages and salaries at least a little above the subsistence level. This makes it incumbent on the Government to produce satisfactory evidence to justify their claim that the employees of the lowest category are not entitled to neutralisation against the rise of prices at the percentages specified by the Das Commission.

Conclusions of the Das Commission—Their significance and materiality

48. Whilst we are considering this aspect of the matter, it is necessary to refer to the conclusions of the Das Commission on this point. It is noteworthy that most of the general considerations on which the Government relied before us were urged by them before the Das Commission. It is, of course, true that before the Das Commission

reference was made to the Chinese aggression, whereas before us reference was made to the armed conflict with Pakistan; but the rise in the defence expenditure was very strongly urged before the Das Commission as it was done before us. The Das Commission was also told that the employees enjoy special privileges in the form of medical assistance, the new family pension scheme, educational assistance, house rent allowance and city compensatory allowance. Some of the experts examined on behalf of the Government had also drawn the attention of the Das Commission to the repercussions which an increase in dearness allowance of Central Government employees may have on the employees of State Governments and local authorities, as also the employees in industrial undertakings of the public or semipublic sector. The pressures arising from developmental expenditure and the vicious circle which was likely to result from the impact of increased pays strengthening the inflationary forces were also cited before the Das Commission in support of the Government's case that the employees' claim for additional dearness allowance was not justified. In other words, most of the points which were raised before us by the Government in the present enquiry appear to have been urged before the Das Commission and were examined by it as far as they could be, in the absence of specific evidence, and it recorded its conclusion thus:

"Taking all these factors into consideration as also the privileges which Central Government employees enjoy in the matter of medical attendance etc., I have come to the very definite conclusion that a just and adequate neutralisation must start at 90 per cent, in the lowest category and descend progressively in the higher pay ranges."

The Das Commission felt no doubt that anything less would be inadequate and unreal as a compensation for the fall in income due to the abnormal rise in prices. It is significant that it expressed the apprehension that if the price line is not held in future, even a 90 per cent. neutralisation may prove illusory.

Is Basic Pay of Rs. 70 above the Subsistence Level?

49. In appreciating the effect and significance of the recommendations made by the Das Commission it is necessary to refer to another finding made by it. We have already indicated that the Pay Commission had taken the view that Rs. 80 should be treated as the minimum basic wage of the employees instead of Rs. 75. It appears to have been urged before the Das Commisson that the basic pay of Rs. 70 per month was well above the subsistence level, having regard to the national per capita income in India, and that even the lowest category of employees could not ask for a very high neutralisation. The Das Commission felt no difficulty in rejecting this contention. According to it, on the data tabulated in the Report on the Middle Class Family Living, 1958-59, the lowest category employees were then really below the subsistence level. The Das Commission was, presumably, impressed by the employees' plea that in regard to the employees who receive salary below the subsistence level, neutralisation of the consistent and substantial rise in prices must be 100 per cent. Even so, it took into account the several factors on which the Government relied and awarded neutralisation at the rate of 90 per cent.

to the employees in the lowest category drawing a salary of Rs. 70 to Rs. 109 per month. This is particularly significant because the Das Commission knew that the Pay Commission had awarded 95.2 per cent. neutralisation to the category of employees drawing a salary of Rs. 70 to Rs. 150 and yet in regard to this lowest category of employees the Das Commission made an allowance in favour of the Government by reducing the neutralisation from 95.2 per cent. to 90 per cent.

Government's contention for reduction of the percentages laid down by the Das Commission in the matter of neutralisation not accepted

50. It is in the light of this conclusion recorded by the Das Commission that we have asked ourselves whether on the same general grounds we would be justified in making a further allowance in favour of the Government and in reducing the extent of neutralisation allowed by the Das Commission to the employees in the lowest category of the pay range, Rs. 70 to Rs. 109. We are unable to answer this question in favour of the Government. It seems to us, that, having regard to the terms of reference and the narrow limits within which the present enquiry has to be conducted, and particularly having regard to the absence of any concrete, definite, reliable and new material, we would not be justified in interfering with the recommendation made by the Das Commission for the neutralisation at 90 per cent, in regard to the lowest category of employees. Whether or not the general considerations on which the Government base their case are relevant and, if yes, what is their significance in the matter of evolving principles for payment of dearness allowance in future, are questions which we shall have to consider carefully in the other enquiry. For the purpose of the present enquiry, we do not find any justification for reducing the quantum of neutralisation recommended by the Das Commission in regard to the lowest category of employees. If the 90 per cent. neutralisation allowed in respect of that class of employees is not disturbed, there would be no justification for disturbing the rate of dearness allowance in terms of the percentages fixed by the Das Commission in respect of the other three categories as well.

Employees' contention for 100 per cent. neutralisation not accepted

51. That leaves for consideration the employees' claim for 100 per cent. neutralisation generally in regard to all the employees before us or at least in regard to the employees falling in the lowest category within the pay range of Rs. 70 to Rs. 109. It has been strenuously urged before us by the employees that in view of the definite finding made by the Das Commission that the lowest category employees were really below the subsistence level, it would be unfair not to allow 100 per cent. neutralisation at least in regard to them. The argument is that it is a well settled principle universally applied in industrial adjudication in dealing with disputes of this kind between employers and employees that no employer would be allowed to employ workmen without giving them basic minimum wages; if the wages received by the employees in the lowest category of the pay range are shown to be below the subsistence level, it would be unfair not to allow them 100 per cent. neutralisation. In support of this plea reliance was placed on the observations made by the Pay Commission

in that behalf. We do not propose to decide what could now be regarded as wages below the subsistence level in the present state of the national economy. That is a matter which may fall to be considered in the other enquiry. For the purpose of the present enquiry we shall, as we must, proceed on the assumption that the view taken by the Pay Commission in this behalf is valid. The terms of reference made it possible for the Das Commission to consider the said point afresh; but our terms of reference do not permit the adoption of such a course.

52. But for the sake of argument even if we were to accept the finding made by the Das Commission in this behalf, we would be reluctant to interfere with the percentage of neutralisation directed by the Das Commission in respect of the employees falling in the pay range of Rs. 70 to Rs. 109, because it seems to us that the Das Commission has taken into account some factors which were urged before it by the Government and has deliberately reduced the percentage of neutralisation allowed by the Pay Commission as a result of the said general considerations. We have already noticed that the Das Commission has specifically pointed out that the percentage of neutralisation allowed by the Pay Commission in respect of the lowest category of employees was about 95 per cent., and yet, having taken all the factors urged before it into consideration, the Das Commission definitely found that 90 per cent. neutralisation would be just and fair in regard to the said category of employees. In this view of the matter, what we have said while refusing to reduce the said percentage applies, we think, with equal force to the employees' claim for increasing the said percentage.

Recommendations

- 53. We have carefully considered the question as to the date from which we should recommend the payment of dearness allowance at the rates which we are recommending. The terms of reference leave it open to us to decide from what date our recommendations should take effect. Having considered all the relevant circumstances to which our attention has been drawn by both the parties in the present reference, we think it would not be just and fair to the employees, for us to recommend that the dearness allowance should be paid to them at the new rates from a date later than the 1st December 1965. We, therefore, recommend that the dearness allowance admissible to the employees should be paid to them at the rates which we recommend from the 1st December 1965. Having reached this conclusion, we wish to make it clear that in our opinion the adequacy of the rates of dearness allowance payable to the employees for the period prior to 1st December 1965 should not be reopened.
- 54. In the result, by way of an impartial settlement of the dispute referred to us by the Government, we recommend that the rates of neutralisation prescribed by the Das Commission be adopted. It is common ground that the average of the Working Class Consumer Price Index reached the level of 165 in November 1965. That being so, we recommend that dearness allowance be paid to the employees at the percentages specified by the Das Commission in regard to the four categories of pay ranges respectively with effect from 1st December 1965 for the entire rise of 65 points.

- 55. It is also common ground that the average of the Working Class Consumer Price Index reached the level of 175 in July 1966. For the reason we have just given for recommending the payment of increased dearness allowance from 1st December, 1965, we also recommend that for the entire rise of 75 points, dearness allowance be paid at the percentages specified by the Das Commission to the four categories of pay ranges respectively with effect from 1st August 1966.
- 56. We would like to add that in making calculations, the actual dearness allowance for each pay range should be adjusted to the nearest rupee.

Word of Caution

57. Before we part with this report, we wish to make it clear that in making the present recommendations we have deliberately not expressed any opinion on the merits of the respective contentions raised by the parties in the present dispute. As we have already indicated, the Government rely on several general considerations and urge that before the problem of dearness allowance is rationally resolved, the impact and significance of these considerations must be carefully weighed. On the other hand, the employees contend that some of the considerations on which the Government rely are not relevant and they urge that the significance and impact of such of the considerations as may be relevant is by no means great. These are matters which fall to be considered in the other reference. It would thus be plain that the recommendations made by us in the present report and the reasons on which they are founded would have no relevance or materiality in the other enquiry.

Acknowledgments

58. We wish to place on record our appreciation for the assistance we received from the representatives of several Associations and Unions of employees as well as from the representatives of the Government during the course of the present enquiry.

(Sd.) P. B. GAJENDRAGADKAR Chairman

(Sd.) M. V. RANGACHARI

Member

(Sd.) B. N. GANGULI

Member

(Sd.) T. R. S. MURTHY Secretary

New Delhi, 8th October, 1966.

APPENDIX A

MINISTRY OF FINANCE

(DEPARTMENT OF EXPENDITURE)

RESOLUTION

No. F. 1(8)-E.II(B)/66(I)

New Delhi, the 26th July, 1966.

Whereas representations have been received on behalf of the employees of the Central Government that the revised rates of dearness allowance granted from 1st December 1965 on the 12-monthly average of the All India Working Class Consumer Price Index having reached 165 are inadequate in respect of employees drawing pay below Rs. 400 per month;

AND WHEREAS the Government had announced its intention that if the employees are dissatisfied with the extent of neutralisation of the rise in the price index effected by the grant of dearness allowance, the Government would refer the matter for impartial settlement;

Now, therefore, the Government of India have decided to set up a Commission (consisting of Shri P. B. Gajendragadkar as Chairman and Shri M. V. Rangachari and Dr. B. N. Ganguli as Members) to examine whether the rates of dearness allowance now admissible to Central Government employees drawing pay below Rs. 400 per month are adequate keeping in view the broad principles formulated by the Second Pay Commission in Chapter IX of their Report and if they are not adequate in its opinion, to recommend at what rates and from what date revised dearness allowance should be granted to the said employees.

The Commission will devise its own procedure. It may call for such information and take such evidence as it may consider necessary. The Ministries and Departments of the Government of India will furnish such information and documents as may be required by the Commission. The Government of India trust that the Staff Associations and others concerned will also extend to the Commission their fullest cooperation and assistance.

The Commission will make its recommendations within 3 months from the date hereof.

ORDER

Ordered that the Resolution be published in the Gazette of India, Part I. Section 1.

Ordered also that a copy of the Resolution be communicated to the Ministries and Departments of the Government of India, State Governments and all others concerned.

(Sd.) G. C. KATOCH

Joint Secretary to the Government of India

APPENDIX B

MINISTRY OF FINANCE

(DEPARTMENT OF EXPENDITURE)

RESOLUTION

No. F. 1(8)-E.II(B)/66(II)

New Delhi, the 26th July, 1966

The Government of India have decided to set up a Commission composed of the following:—

Chairman

Shri P. B. Gajendragadkar.

Members

- 1. Shri M. V. Rangachari.
- 2. Dr. B. N. Ganguli.
- 2. The terms of reference of the Commission will be as follows: -
 - (1) To examine the principles which should govern the grant of dearness allowance to Central Government employees in future, having regard among other relevant factors to the repercussions on the finances of State Governments, public sector undertakings, local bodies etc.
 - (2) To consider and recommend alternative forms of assistance which might be given to ensure real benefit to Government employees without necessarily increasing inflationary pressures on the economy.
 - (3) To review the existing formula for the grant of dearness allowance as recommended by the Second Pay Commission, and to recommend what changes, if any, in this formula are desirable and feasible.
 - (4) Specifically, to report on the following issues:—
 - (a) Considering that the non-plan Revenue expenditure of State Governments gets reflected in the financial assistance given by the Centre on the recommendations of the Finance Commissions and in the annual plan allocations, and having regard to the existing disparities between the pay scales of Central and State employees, is it justifiable to follow a different policy at the Centre from the States and to treat the employees of the former more liberally in the matter of dearness allowance?
 - (b) Any relief which the Central Government gives to its employees entails a burden on the rest of the community, particularly other vulnerable sections with fixed incomes. To what extent should Government give preferential treatment to that section of the community which is directly under its employ?

- (c) Is it justifiable to compensate Government employees for rise in prices due to taxation and other policy-induced causes, or to occasions such as a severe crop failure or a threat to national security necessitating higher levels of expenditure?
- (d) Should the capacity of Government, and therefore of the community, to pay be the determining factor for granting relief to Government employees? To what extent can this be reconciled with the concept of dearness allowance as a device to protect, to a varying degree, the real income of salaried employees from the effects of rise in prices?
- (5) To examine and report on such further questions as may be referred by Government.
- 3. In making its recommendations, the Commission will take into account the historical background, the various causes of the rise in prices, the impact of increased emoluments on prices, the state of the economy with particular regard to the requirements of developmental planning and national security, and other relevant circumstances such as the benefits admissible in addition to dearness allowance and the capacity of the low-paid employees to bear price rise burdens.
- 4. The Commission will make its recommendations as soon as practicable. It will devise its own procedure and may appoint such advisers as it may choose for any particular purpose. It may call for such information and take such evidence as it may consider necessary. Ministries/Departments of the Government of India will furnish such information and documents and render such assistance as may be required by the Commission. The Government of India trust that the State Governments, Public Sector Undertakings, Staff Associations and others will extend to the Commission their fullest cooperation and assistance

ORDER

Ordered that the Resolution be published in the Gazette of India, Part I, Section 1.

Ordered also that a copy of the Resolution be communicated to the Ministries and Departments of the Government of India, State Governments and all others concerned.

> (Sd.) G. C. KATOCH Joint Secretary

APPENDIX C

No. F. 3(1)-DAC/66

GOVERNMENT OF INDIA

DEARNESS ALLOWANCE COMMISSION

L-I BLOCK, NEW DELHI

New Delhi, the 18th August, 1966.

To

THE SECRETARY (E). MINISTRY OF FINANCE. NEW DELHI.

Subject: - Clarification of the scope of terms of reference contained in Resolution No. F. 1(8)-EII(B)/66(1) dated 26. 7. 66.

DEAR SIR.

Kindly refer to the communication No. F. 12(DA) dated 16. 8. 66 from the National Federation of P&T Employees regarding the terms of reference of the D. A. Commission. The Commission has examined the submissions made by the Federation contained in the Note attached to the letter referred to above, with reference to Resolution No. F. 1(8)-EII(B)/66(I) dated the 26th July, 66 on the question of the rates of Dearness Allowance now admissible to the Central Government employees drawing pay below Rs. 400 p.m. The Commission is of the view that both the points contained in the submission referred to above are within the scope of the terms of reference pertaining to this matter. In particular, the Commission is of the view that if during the course of deliberations of the Commission, the 12-monthly average of Consumer Price Index rises by 10 points beyond 165, it is within the competence of the Commission to determine the relief to be given to the employees with reference to that level of the Index within the framework of the broad principles formulated by the Second Pay Commission in Chapter IX of their Report.

- 2. They are also of the view that consideration can also be given to the representation that D.A. to be determined by the Commission can take into account the entire 65 points (or more) of rise over 100 points of Consumer Index.
- 3. The Commission would be grateful for the confirmation of the Government of their understanding of the terms of reference as clarified above.

Yours faithfully. (Sd.) T. R. S. MURTHY Secretary

APPENDIX C.1

No. 1(8)-EII(B)/66 GOVERNMENT OF INDIA MINISTRY OF FINANCE

New Delhi, the 19th August, 1966.

To

THE SECRETARY,

DEARNESS ALLOWANCE COMMISSION, NEW DELHI.

Subject: —Clarification of the scope of terms of reference contained in Resolution No. F. 1(8)-EII(B)/66(I), dated the 26th July 1966.

DEAR SIR,

I am directed to refer to your letter No. F. 3(1)-DAC/66 dated August 18, 1966 on the above subject and to point out that the terms of reference required the Commission, if in its opinion the rates of dearness allowance now admissible are not adequate, to recommend at what rates and from what date revised dearness allowance should be granted. In determining the quantum of revised dearness allowance the method of calculation to be adopted has thus been left to the Commission.

2. As regards the first point relating to the competence of the Commission to determine the relief in the event of the average of the Consumer Price Index rising by 10 points beyond 165, I am to say that this situation was not visualised when the terms of reference were finalised. The matter is now under active consideration of Government and a further communication will follow within the next few days.

Yours faithfully, (Sd.) G. C. KATOCH Joint Secretary

APPENDIX C. 2

No. F. 1(8)-EII(B)/66
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)

New Delhi, the 30th August, 1966.

To

THE SECRETARY,

DEARNESS ALLOWANCE COMMISSION, NEW DELHI.

Subject: Clarification of the scope of terms of reference contained in Resolution No. F. 1(8)-EII(B)/66(I), dated the 26th July 1966.

SIR.

In continuation of this Ministry's letter dated 19th August, 1966, on the above subject, I am directed to say that the Government of India agree with the view that if during the course of deliberations of the Commission the 12-monthly average of the All India Working Class Consumer Price Index rises by 10 points beyond 165, it is within the competence of the Commission to determine the relief to be given to the employees with reference to that level of the Index subject, of course, to the broad principles formulated by the Second Pay Commission in Chapter IX of their Report being kept in view.

Yours faithfully. (Sd.) G. C. KATOCH Joint Secretary (Per)

APPENDIX D

LIST OF ASSOCIATIONS WHICH HAVE SENT MEMORANDA TO THE COMMISSION

- 1. All India Defence Employees Federation.
- 2. Indian National Defence Workers' Federation.
- 3. All India Railwaymen's Federation.
- 4. National Federation of P&T Employees.
- 5. National Federation of Indian Railwaymen.
- 6. Civil Aviation Department Employees' Union.
- 7. Income Tax Employees' Federation.
- 8. All India Audit & Accounts Employees Association.
- 9. C. P. W. D. Workers' Union.
- 10. Federation of Central Secretariat and Allied Office Employees.
- 11. Bhartiya Railway Mazdoor Sangh.
- 12. Defence Accounts Association (C. B.) Poona.
- 13. All India E.M.E. Civilian Personnel Association.
- All India Association of the Non-Gazetted Officers of the Ordnance and Clothing Factories and Inspectorates.
- 15. Eastern Railwaymen's Union Calcutta.
- All India Association of Clerical Employees of Ordnance Factories, Kanpur.
- 17. Rashtriya Press Kamgar Union.
- All India Posts & Telegraphs (including RMS) Administrative Offices Association, Central Headquarters, Ambala.
- 19. The Southern Railwaymen's Union.
- 20. The Central Secretariat Stenographers' Service Association.
- 21. All India Defence Civil Clerks' Association.
- 22. A.O.C. Clerks' Association.
- 23. India Security Press Ministerial Union, Nasik Road.
- 24. Uttar Railway Karamchari Union.
- 25. The Cochin Port Trust Association.
- 26. The Coordination Committee of Defence Employees Union.
- 27. All India Defence Medical Employees' Union.
- 28. India Security Press Staff Association.
- 29. Coffee Board Employees' Association.
- All India Federation of Central Excise and Land Customs Officers.
- 31. Madhya Railway Karamchari Sangh.

- 32. Central Railway Swatantra Kamgar Sangh.
- 33. Rail Mazdoor Sahayak Sabha, Yamuna Nagar.
- 34. All India Railway Stenographers' Association.
- 35. Western Railway Employees' Union.
- 36. Loyal Workers Association (Class IV and Mail Guards).
- Port Khalasis Union, National Port Trust Employees' Union and Hindustan Shipyard Labour Union (INTUC).
- O. N. G. Commission Employees' Union Eastern Region, Sibsagar.
- The Mysore Customs and Central Excise Class IV Employees' Association.
- 40. All India Guards' Council Bezwada Division.
- The Poona Central Excise Collectorate Ministerial Officers' Union.
- The Madras Port Trust Subordinate Officers Supervisory & Staff Association.
- 43. Western Railway Mazdoor Sangh.
- 44. Government Metallurgical Employees' Union.
- 45. Staff Council of All India Radio Tirunelveli.
- Bombay Central Excise non-gazetted Executive Officers Union.
- 47. Southern Railway IVth Class Staff Committee.
- 48. Indian Railways Foremen Association.
- 49. All India Archaeological Service Association.
- 50. Western Railway Employees, Bombay.
- 51. Madhya Pradesh Colliery Workers Federation (INTUC).
- 52. All India Guards' Council S. Railway.
- 53. Central Excise Ministerial Officers Association.
- 54. Ordnance Karamchari Union (Regd.).
- 55. All Assam Military Engineer Service Workers Union.
- Divisional Ministerial Staff Association Works, Br. S. Railway.
- 57. Technical Staff Association, Labour Bureau, Simla.
- Central Excise and Land Customs Ministerial Officers Association, Shillong.
- 59. Southern Railway Brakesmen's Association.

APPENDIX E

LIST OF ASSOCIATIONS WHICH WERE REPRESENTED AT THE HEARINGS FROM 1ST TO 3RD OCTOBER 1966

- 1. All India Defence Employees' Federation.
- 2. Indian National Defence Workers' Federation.
- 3. All India Railwaymen's Federation.
- 4. National Federation of P&T Employees.
- 5. National Federation of Indian Railwaymen.
- 6. Civil Aviation Department Employees' Union.
- 7. Income Tax Employees' Federation.
- 8. All India Audit & Accounts Employees' Association.
- 9. C.P.W.D. Workers' Union.
- 10. Federation of Central Secretariat and Allied Office Employees.
- 11. Bhartiya Railway Mazdoor Sangh.
- 12. Defence Accounts Association (C.B.) Poona.
- 13. Eastern Railwaymen's Union Calcutta.
- All India Association of Clerical Employees of Ordnance Factories, Kanpur.
- All India Posts & Telegraphs (including RMS) Administrative Offices Association, Central Headquarters, Ambala.
- 16. The Central Secretariat Stenographers' Service Association.
- 17. All India Defence Civilian Clerks' Association.
- 18. A.O.C. Clerks' Association.

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