

SUBMISSIONS ON THE ISSUE OF PAY REVISION AND OTHER RELATED MATTERS

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

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New Delhi-110001

Sub: Submissions on the issue of pay revision and other related matters

Esteemed Sir,

Greetings from AIFUCTO.

We are grateful to you for granting us opportunity to make our presentation on the issue of Seventh Pay Commission, UGC Revised Pay Scales for teachers and other academic staff covered under the UGC Pay Scale. AIFUCTO is the sole Federation representing teachers' organizations of all the state universities, some Central University Teachers' Associations, government colleges and non-government colleges teachers' associations of the country and it voices the concerns of more than six lakh teachers, DPEs and librarians. The Federation has been playing a major role in the improvement of status of teachers, maintenance of standards of higher education and the policies concerning education in general since its inception.

TOR I : TO REVIEW THE IMPLEMENTATION OF THE PREVIOUS DECISION OF GOVERNMENT/UGC UNDER THE SCHEME OF REVISION OF PAY SCALES APPROVED FOR UNIVERSITY AND COLLEGE TEACHERS, LIBRARIANS, PHYSICAL EDUCATION PERSONNEL AND OTHER ACADEMIC STAFF IN UNIVERSITIES AND COLLEGES AND IN THE PROCESS TO EVALUATE THE EXTENT TO WHICH THE EARLIER RECOMMENDATIONS IN RELATION TO QUALIFICATIONS, SERVICE CONDITIONS, PAY SCALES ETC. HAVE BEEN IMPLEMENTED:

In the implementation, the scheme differs from state to state and at times between universities and colleges and also between government and non-government colleges. Although the Government of India took undertakings from the different states while meeting the financial liability on account of pay revision to the extent of 80 per cent for the period 1.1.2006 to 31.3.2010, problems have been created in the actual implementation of pay scales. To cite a few cases (a) **Odisha increased the time period of 3 years at stage 3 for CAS to Associate professor to 5 years**, b) even the limited positions of **professors in colleges have not been created in Tamil Nadu, West Bengal, Haryana, Himachal Pradesh, Rajasthan.**

In Punjab and Chandigarh, positions have been created in government colleges only and not in non-government colleges.

Implementation of Career Advancement Scheme: Sixth UGC Pay revision in 2006 has run into trouble in different states, primarily due to failure of the Government of India & UGC in taking right decisions on the important issue of appraisal of performance of teachers. The regulations of 2010 are required to be implemented by each and every university and the state. But neither the pay scales nor regulations become operative in state universities and colleges immediately after its notification by Government of India has not been appreciated by the government. There is always a time lag between Government of India notification and its operationalization in the states. At times, state governments make some modifications or changes in the light of the prevailing situation in the state. Therefore, any appraisal system requires step-wise introduction and roll out. Despite acknowledging the concept in the Regulations of 2010, things have not moved smoothly. Similarly, the API has come under criticism from almost the entire academics and teachers. The second amendment of Regulations and the subsequent third amendment, which was supposed to address the problems, has created numerous problems. The fourth amendment has also failed to address the issue and has virtually brought Career Advancement Scheme to a halt. **Therefore, now teachers are demanding that API should be scrapped.**

We would like to make it clear at this stage that we are for an objective, transparent and verifiable appraisal system.

Regarding qualifications, these have been implemented throughout the country. However, there are certain areas of concern: **a) it is obvious that any standards for the award of any degree can be only prospective in nature and none of the clauses should have any retrospective application.** The norms for award of M.Phil and Ph.D. degrees notified on 11 July 2009 created problems for those who acquired the degree prior to the notification or were already enrolled on that date. The same category is facing problem in the award of research degree incentives also because of the language of the notification of Government of India, dated 31 December 2008. It would have been better to follow the policy followed on 19 September 1991 while introducing the condition of NET and exemption for those who have already enrolled for M.Phil/Ph.D. **b) Qualifications for the post of Director-Sports have also been interpreted differently by universities and states. While academic qualification and API norms are the same, distinctions have been made on the basis of designation like DPE, Assistant DPE, Assistant Professor, etc. The entire category of Physical Education personnel having the identical qualification and API should have been considered for the post. c) The enhancement of retirement age to 65 years was done in 2007, keeping in mind the acute shortage of qualified**

faculty in the higher education system and the expected growth in gross enrolment ratio resulting into requirement of more faculty. However, the step has achieved only limited target is evident from the fact that one of the terms of reference of Arun Nigavekar Committee in 2015 was also addressing the same issue. Unfortunately, the state governments did not appreciate the need for raising retirement age and refused to enhance the retirement age but, at the same time, refusing to fill the existing vacancies. Only the states of Madhya Pradesh, Uttar Pradesh Bihar, Jharkhand, Chattisgarh, Uttarakhand have enhanced the retirement age to 65 years, while some states like Maharashtra, Karnataka, Goa, Arunachal Pradesh have increased the retirement age to 62 years. Other states like Punjab, Chandigarh, Haryana, Himachal Pradesh, Rajasthan etc. continue with retirement age of 58 years in government colleges and 60 years in non-government colleges. In Kerala, the retirement age is only 56 years. In Tamilnadu the retirement age for college teachers is 58 years & for university teachers it is 60. The shortage of faculty has been very well highlighted in a subsequent report of the taskforce on faculty shortage and design of performance appraisal system of UGC in 2011. **The committee estimated the existing strength of faculty in universities and colleges at 6,99,644 and estimated a shortage of 3,83,868 in 2008 and projected that the requirement of faculty by 2017 will be more than 13,17,000.** Since the number of regular faculty has gone down due to ban on recruitment and other policies of the state government, the system seems to be working with less than 40 per cent regular faculty and, thus, severely compromising the quality of higher education in the country.

There is an urgent need to ensure a uniform age of retirement of 65 years in all the states d) Service conditions in state universities and colleges have sharply deteriorated due to contractualization, ad hoc appointment, payment of consolidated salary during probation, delay and denial of retirement benefits like gratuity and leave encashment, etc.

TOR II:

SUGGESTIONS REGARDING REVISION OF PAYS CALES & RELATED ISSUES with reference to TOR (ii)

I. REVISION OF PAY STRUCTURE

With a view to attract talent to university and college teaching and the nature of the work involved, previous **Pay Review Committees gave slightly higher pay scales to university and college teachers vis-à-vis Central Services.** For example, in Fifth Central Pay Scales, the minimum basic of a lecturer were revised from Rs 2200 to Rs 8000 although the general multiplier was 3.25. Similarly in Sixth Pay Commission Scales, a higher grade pay (GP) under the nomenclature of academic grade pay (AGP) was given to university and college teachers. For example, at the entry point in Pay Band 3 (15600-39100), the initial grade pay for central government employees was 5400 while for Assistant Professor, it was 6000. At the next stage, for central government employees, it was 6600 while for Assistant Professor it was 7000. And, at the next stage, for central government employees, it was 7600 and for Assistant Professor it was 8000. Similarly, at the level of Associate Professor, that is in pay band 4 (37400-67000), the first two stages for central government employees were at grade pay of 8700 and 8900, while the AGP for Associate Professor is 9000. The same approach needs to be carried forward. This will require creation of a separate higher level for assistant professor at stage 1, 2 and 3 than the level 10,11, 12 for central government employees. **While working out this level, correction of anomaly arising out of missing minimum pay at stage 2 and 3 of Assistant Professor should be kept in mind.**

i. ASSISTANT PROFESSOR

During the Pay Revision of 1996, the pay of a Lecturer was revised from Rs. 2,200/- to Rs. 8,000/- considering the nature of work a teacher undertakes, although a general multiplier of 3.25 used for other employees. **During 2006 Pay Revision also, considering the working conditions, higher Academic Grade Pays were given to the university & college teachers.** In PB-3, they were given a higher AGP of Rs.6,000/- at the entry stage instead of Rs.5,400/- applicable for employees. In fact Prof. Chadda Committee recommended a grade pay of Rs.6600 for Assistant Professor at the entry level, Rs.7200 for stage 2.

In the 2006 pay revision the minimum pay for different Grade Pay were stipulated for employees as follows:-

Grade Pay	Minimum Pay in PB
5400	15600
6600	18750
7600	21900

But similar minimum pay were not fixed for College Teachers. Hence, the College Teachers whose AGPs are higher than the corresponding GPs applicable for employees, had to receive lesser pay than employees during each CAS. (The illustrations are given in the 2006 pay revision anomaly)

ii. ASSOCIATE PROFESSOR

The position of Associate Professor also suffered due to missing minimum pay in the pay band vis-à-vis central government employees, which is illustrated through the following example.

In the 2006 pay revision, the Minimum Pay in PB and GP/AGP are as follows :

	Government Employee	Teacher
GP/AGP	8700	8900
Minimum Pay in PB	37400	40200
BP at the entry	46100	49100

This anomaly has to be rectified by fixing the proportionate higher minimum pay in the Pay Band **before creating the new level in the Pay Matrix for Associate Professor.**

Teachers were at higher AGP 9000 but no commensurate higher minimum pay in pay band has been given. Instead they were given the same minimum pay as for GP 8700. Because of non-fixation of commensurate higher minimum pay in Pay Band, the Associate Professors with AGP 9000 had to get lesser pay than the employees whose GP is 8900/-. **This anomaly has to be rectified by fixing the proportionate higher minimum pay in the Pay Band before creating the new level in the Pay Matrix for Associate Professor.**

It may be noted that in the 1996 Pay Revision, the pay scale of Rs. 12,000-420-18300 was given after merging the scales of S-23, S-24 and S-25 that is Rs. 12000-375-18000, Rs. 14,300-400-18300 and Rs. 15100-400-18300. While S-23 has been kept in Pay Band 3, the others S-24 and S-25 have been included under Pay Band 4. The parity is not maintained. In other words the Lecturer (SG) /Reader categories in 1996 pattern should have been placed in pay band 4 with a designation of Associate Professor. In fact, the Prof. Chadha committee recommended Associate Professor designation for these categories of teachers.

Hence it is requested that all those incumbent Assistant Professors who reached stage – 3, i'e AGP 8000 should be designated as Associate Professor instead of waiting for another 3 years to reach that designation. It is also requested that their pay should also be raised to the level of Pay Band 4 before recommending appropriate level in the pay matrix during this pay revision.

iii. PROFESSOR

In the last pay revision the minimum pay in PB for directly recruited Professor was fixed at Rs. 43000/- with the AGP of Rs. 10000/- But for CAS Professors the minimum was kept at Rs. 37400 (minimum of PB-4) with AGP of RS. 10000/-. **This dual emolument created a serious anomaly between directly recruited Professors and CAS promoted Professors.** During this pay revision the minimum pay in PB-4 should be raised to Rs. 43000/- for CAS promoted Professors also and pay of the individual Teachers as on 1-1-2016 should be re-fixed accordingly. **Then their pay should be revised fixing their pay in the respective cell in level 14.**

More over all the incumbent Assistant Professors who have completed 3 years in the AGP of 8000 should be designated as Professor along with the pay. All the incumbent Associate Professors should be re-designated as Professors along with

the Professor's pay and then their pay be revised in the level applicable to Professors giving due weightage for the increments they have earned in Associate Professorship in the Professor's level.

A suitable designation should be devised to grant equivalent grade to senior teachers without Ph.D. degree.

In the 2006 pay revision, there was a serious restriction on the number of Professor Posts in Colleges. Each PG department was granted only one Professor. Only 10% of the Associate Professors were given Professorship in the remaining UG departments. This unreasonable restriction greatly demoralizes the qualified teachers who are seriously pursuing research. **All the incumbent Associate Professors who have completed 3 years as associate professor should be promoted to the professor cadre.** This is very relevant in view of very large number of project works being carried out in colleges and considering more number of Ph.D. holders, number of Ph.D. Scholars who are pursuing their Ph.D. degree and the number of PhDs awarded in Colleges. There are lot of post-doctoral research works are also going on in colleges. This move will greatly help in retaining the talent in colleges so that students from rural backgrounds and downtrodden will get benefitted and also the quality of teaching and research will be improved.

MINIMUM PAY IN PAY MATRICES FOR ASST. PROFESSOR, ASSOCIATE PROFESSOR & PROFESSOR

(a) Assistant Professor- entry stage (stage-1)

Keeping in view of the necessity of attracting talents & retaining them in the teaching profession & considering the higher minimum qualifications & acquiring higher qualification meant that the teachers would enter the profession at an age older than those entering civil services, earlier commissions have consistently recommended higher pay for university & college teachers at all stages. They are needed to go for extra years in getting the eligibility for teaching jobs and nowadays many of the teachers are entering into regular services after serving several years as temporary, self financing, ad hoc. Contractual & part time teachers. Even there are plenty of cases where the teachers are being appointed at the age of 40 plus. In many cases more than 50 per cent of their service life is over before joining the regular services in universities & colleges.

Hence in line with the earlier PRC recommendations, taking into account the above said factors, the minimum pay in the pay matrix applicable to the entry stage of Asst. professor should be fixed at not less than Rs.75000.

(b) Asst. Professor (stage 2)

Taking into account the minimum pay for stage 1 of asst. Professor & the number of years they spent in stage 1 the minimum pay in the ppay matrix applicable for stage 2 of Asst. Professor should be fixed at not less than Rs.90000.

(c) Associate Professor

In the 2006 pay revision though the associate professors were granted the AGP of rs.9000, their pay in pay band was fixed at the minimum of pay band 4, i.e, Rs.37400. But in contrast the employees with the GP of Rs.8900 were given the assured minimum of 40200. This has to be rectified before fixation in the revised pay. The Associate professor AGP of Rs.9000 is higher than GP Rs.8900 (level 13A). Hence AIFUCTO demands that a separate pay matrix with a minimum of not less than Rs.140000 should be in place.

(d) Professor

In commensurate with higher AGP of Professors, a separate pay matrix with a minimum of not less than 1,50,000 should be recommended.

(e) Senior Professor

All the eligible professors should be granted senior professorship without any restriction. Those professors who put in certain number of years as Professor with requisite qualification should be granted professorship. The 6th pay cap of 10 % be discontinued.

The minimum pay of the senior professor in the new pay

matrix should be fixed at not less than 1,90,000.

Rationale for higher pay

i. Civil Servants get 5 assured promotions.

ii. Teachers fall behind their counterparts in Civil services during the course of their service life.

iii. All the Civil servants are able to get all the assured promotions.

iv. The higher minimum pay granted to civil servants in every promotional stage was denied to the teachers.

v. The teachers stagnate for several years in their service life.

Fitment factor (multiplier) for existing teachers in universities & colleges

As the DA percentage is 125 as on 1.1.2016, the existing pay plus DA works out to the factor of 2.25. It is widely accepted that the increase of 40 per cent would be reasonable considering the various economic factors including the inflationary trends. Hence it is only reasonable that the increase in salary should be 40 per cent. Adding 40 per cent to the existing salary the fitment factor works out to 3.15 (2.25+0.9).

Hence AIFUCTO strongly demands that the fitment factor for the calculation of revised pay of all categories of teachers in the pay matrix should be fixed at 3.15.

iv. DPEs & LIBRARIANS

Total parity not only in pay but also in allowances, CAS, incentive increments for Ph.D & M.Phil, terminal benefits, Age of retirement etc. should be maintained on a par with teachers.

The cadre of DPEs existed right from the beginning, although in some states like Madhya Pradesh the designation used is Sports Officer. At that time, the subject of Physical Education was not offered as an elective subject at undergraduate level at most of the places. A Diploma of Physical Education (DPEd) was the qualification.

However, in post-1973 period, elective subject of Physical Education was introduced all over the country. For financial concentrations, most of the states included the classroom teaching in the job profile of a DPE. Thus, same person is discharging the duties of original job profile of DPE as well as that of Assistant Professor. The distinction between a position of an Assistant Professor of Physical Education and DPE virtually became non-existent. In some of the court judgments, imparting instructions in the playground or in classroom have been described as teaching. However, there continues to be confusion at times in their qualifications in the UGC regulations, their academic qualifications are identical, therefore their experience under any designation should be counted in Career Advancement Scheme as well as Open Positions like Director-Sports, etc.

v. PRINCIPAL

The principal level should be fixed at par with Professor along with Principal Allowances.

vi. TUTORS/DEMONSTRATORS

While prescribing the Pay Scales, the pay of Tutors/ Demonstrators were given the Pay Scale of 500-900, 1740-3000 and 5500-9000 in 1974, 1986 and 1996 pay revisions respectively. But the above category has been left out from 2006 revision leading to very heavy loss to the Tutors/Demonstrators category. There are large number of Tutors/Demonstrators still working in Odissa, Bihar, West Bengal, Jharkhand, Andhra Pradesh & Tamil Nadu. Hence AIFUCTO requests the UGC Pay Review Committee to recommend an appropriate Scale commensurate with the Scales recommended in 1974, 1986 & 1996 pay revisions to maintain uniformity among different States.

vii. WEIGHTAGE FOR Ph.D. AND M.Phil.

In the present system, the service weightage of one year and two years is given for M.Phil & Ph.D. respectively only in Stage-1 of Assistant Professor. Those who acquire M.Phil/Ph.d in Stage-2 of Assistant Professor are not getting any service benefit for

their M.Phil/Ph.D. This creates an anomaly between the teachers who possess the same qualification. They have to spend uniformly 5 years in Stage-2 of Assistant Professor to move into Stage -3 even though they acquired M.Phil/Ph.D during Stage-2 of Assistant Professor. To rectify this anomaly the service weightage for M.Phil/Ph.D. may be given as and when they acquire degree irrespective of the Assistant Professors Stage in which they acquire the degree.

Considering the efforts one puts in to do Ph.D & M.Phil, 4 & 2 increments may be granted to those who acquire these degrees while in service. Incentive increment should be granted to M.Tech / LLM degree also.

Counting of past services

All past services should be counted for promotion, seniority and retirement benefits. In the 1996 pay revision there was a categorical clause for counting of past services which read as follows-

“ If the number of years required in a feeder cadre are less than those proposed above, thus entitling hardship to those who have completed more than the total number of years in their entire service for eligibility in the cadre, should be placed in the next higher cadre after adjusting the total number of years.”

But during 2006 pay revision the above said provision was left out which led to lot of hardship to the experienced persons. Hence AIFUCTO demands that the above said class should be recommended to be included while issuing orders on pay revision.

While recommending the counting of past services, the unreasonable conditions of Minimum of one year duration, appointed on the recommendations of duly constituted selection committee & absorption in permanent posts in continuation with temporary services without any break should be scrapped. The past services should be counted if the incumbent processes the required minimum qualification.

Financial grants for teachers for performing their duties and up gradation of knowledge

Financial assistance should be given to teachers for computer along with other peripherals & 24x7 internet accessibility for academic exercises and for interaction with students. The present importance of ICT requires active support from the Govt.

Differently abled persons' issue

Despite many hurdles, the differently abled persons pursue higher studies, pass eligibility tests, acquire higher degrees & get into the job with much difficulty. As the recruitment of blind & impaired hearing teachers now become more & more, it is our bounden duty that they should be adequately protected. Hence AIFUCTO demands that the PRC should recommend suitable measures to ensure their appointments and to protect them.

TEACHERS WORKING IN UNAIDED COLLEGES / COURSES

The unaided colleges are run without any regulations. Though the managements agree to give UGC pay scales to teachers at the time of getting affiliation, very low salary is paid for teachers. Fees are not uniform in colleges. There are no proper service conditions like pay, allowances, leave, PF, security, terminal benefits etc., for teachers. Though the teachers are fully qualified, doing more work than they are expected to do and even after more than 30 years of the existence of unaided college/ courses, it is unfortunate that the state/central government have not taken any affirmative steps to regulate the unaided institutions. It is urged that the 7th UGC Pay Review Committee should give concrete recommendations to ensure proper service conditions for teachers working in unaided institutions.

In many aided colleges, the number of teachers working in unaided courses outnumber the teachers working under aided pattern. But their service conditions are very poor. While framing guidelines to regulate self-financing institutions, steps should also be taken to ensure proper service conditions for the teachers working in unaided courses in aided institutions.

V.CONTRACTUALAND GUEST/PART-TIME FACULTY

Prof. Chadha Committee itself expressed shock on the plight

of fully qualified teachers working as contractual teachers in regular vacancies. The committee noted that the salary of the contractual teachers is as low as Rs.3000/- per month and their take home salary is lesser than even that of the class IV employees working in the same institution. But the situation is not improved even after a decade of the Chadha committee report. The fully qualified contract teachers should be paid not less than the salary of a regular teacher. A better service conditions be prescribed.

The Guest/part-time teachers are paid on hourly basis. Again Prof. Chadha committee elaborated on the poor salary of the Guest/part-time teachers. But no positive affirmative steps have been taken by the Government. The Government of India should take urgent steps to ensure reasonable salary and service conditions of these categories of teachers working in colleges and universities. The Guest/part-time teachers should be paid salary proportional to their work.

VI. OTHER ISSUES

- During CAS promotions, there should not be any Selection. Only Screening System be followed.

- For Promotion to the post of Principal, the minimum requirement of 55% should not be insisted upon for those who are already in the University system.

- For language subjects the minimum requirement of 55% can be reduced to 50% for appointments.

- During the counting of past services the condition of “without break” should be waived. Even the broken services should be counted for CAS. Similarly the condition of minimum one year for counting past services should also be dispensed with. Even less than one year service should be counted.

- Incentive increment should be granted to Ph.D. holders in the concerned/allied/relevant/interdisciplinary subjects. The condition of concerned subject shall be removed.

- Similarly recruitment eligibility also be given to Ph.D. in concerned/allied/relevant/interdisciplinary subjects

- The provision for counting total number of years during promotion should be given i.e. “if the number of years required in a feeder cadre are less than those stipulated thus entailing hardship to those who have completed more than the total number of years in their entire service for eligibility in the cadre, may be placed in the next higher cadre after adjusting the total number of years”- This provision should be incorporated.

- Time should be given to complete the requirement of Refresher Course/Orientation Course.

- All those appointed after 1-1-2004 should also be made eligible for the defined pension and must not be covered by the NPS.

- Annual increment shall be given at the rate of 5%.

- Incentive increments granted should be kept separately to avoid merger. The merger of incentive increment with the pay often leads to anomaly of Junior getting more pay than senior. Incentive increments should be considered for all terminal benefits.

- Transport allowance, Children Education allowance, Academic Allowance, Hill Area Allowance, Remote Locality allowance shall be granted.

- Special duty allowance for Teachers serving in North Eastern Region including Sikkim and Ladakh should be granted.

- Medical Insurance, Group Insurance schemes should be devised and granted to teachers.

- Study leave should be granted to the Teachers to pursue their research programmes. Such period should be counted for increment, CAS, pensionary benefits etc.

- Leave not due shall be granted to the teachers and the same can be adjusted against the leave subsequently earned.

- Sabbatical Leave/Academic leave may be granted to whole time teachers to write books to pursue research.

- Grievance redressal mechanism should be devised and

installed in all Colleges/Universities.

- Incentive increments shall be awarded to post - doctoral research work

- Three advance increments shall be awarded for NET/SET.

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VII. PENSIONERS ISSUE

The JAC put forth the following before the UGC Pay Review Committee on Pensioners issue.

- Presently there is a lot of discrepancy in the pension of the pre and post 2006 retirees in spite of the fact that these pensioners have the same length of service and same qualification. To rectify this, weightage equivalent to the number of increments one had earned in the existing scale should be given in the revised pay Matrix i.e OROP should be ensured.

- In its judgment in D.S. Nakara and others Vs Union of India (AID 1983 SC130) the Supreme Court held that a pension Scheme must provide that a pensioner would be able to live free from want, with decency, independence and Self-respect and Standard equivalent at the preretirement level and also held that the pension is not an ex-gratia payment but payment for past services rendered. The Supreme Court Judgment in Vasant Gangaram Sathandan Vs State of Maharashtra & others (1996 10SSc 148) case also reiterated the same. These judgments greatly support our demand for Defined Pension Scheme for post 1-1-2004 appointees. **The NPS will not serve the purpose. Hence NPS should be scrapped. Defined Pension Scheme should be restored to post 1-1-2004 appointees also.**

- The Commutation period should be reduced from 15 years to 12 years. For a commuted amount of Rs.10000/- an employee gets a commutation amount of Rs.10 Lacs. But he/she repay an amount of 18 lacs in the course of 15 years, which is more than a Bank Loan repayment. When the commutation factor was reduced in 2006, the commutation period has not been reduced.

- The Minimum Pension should be fixed at Rs.13,000/- (50% of Rs.26000/- as demanded by the Unions).

- The upper limit of Gratuity should be increased by Rs. 1 Lakh every year. The present system of increasing it once in 10 years or 25% increase when DA rises by 50% (7th CPC) is detrimental to the employees, particularly for those who retire just before the raise.

- Additional pension of 15% should be granted every 5 years starting from the age of 65 years subject to the maximum of 100%.

- Pension should be exempted from Income Tax since the ability to repay tax gets reduced as one gets older and older.

- Pensioners should be assured of cashless treatment in Hospitals near to their places of living. Further to meet the regular medical expenses, a fixed medical allowance of Rs.1000/ per month should be paid.

- Revision of pension should be based on length of service and not on the basis of designation as the designation changes in every pay revision.

TOR III : WAYS & MEANS FOR ATTRACTING AND RETAINING TALENTED PERSONS IN TEACHING PROFESSION, FURTHERANCE OF RESEARCH IN THE UNIVERSITY SYSTEM, CAREER ADVANCEMENT IN TEACHING AND EQUIVALENT POSITIONS IN ORDER TO IMPROVE THE QUALITY OF HIGHER EDUCATION (TOR III):

It is a well acknowledged fact that the quality of higher education determines the destiny of a nation. Without more and better higher education, a developing country will find it increasingly difficult to benefit from the global knowledge-based economy. As knowledge becomes more important, so does higher education. Countries need to educate more of the young people to higher standards. The quality of knowledge generated within higher education institutions and its availability to wider economy is increasingly critical to national competitiveness. This, in turn, will depend upon quality and talent of the faculty. Attracting talent to teaching profession has been the concern

of every Pay Review Committee as talented youth is more attracted towards high salary pay packages of the corporate world and administrative services for status and power. Opting for teaching profession is not the prioritised option of the youth today. Previous two decades have created serious problems on this issue, particularly in state universities and colleges. A number of states, in complete violation of minimum standards prescribed by the UGC relating to different aspects to ensure quality of higher education, have taken decisions that are seriously impairing the quality of higher education. A number of states have imposed ban on recruitment of teachers. Continued ban on recruitment of teaching positions goes as a message to the talented youth to look for a career elsewhere. One example that is of state of Punjab will be enough to underscore the point. In government colleges of Punjab there has not been any cadre review during the last 25 years and out of the existing sanctioned strength of 1800-plus, only 600 teachers are working on regular basis. New government colleges are added without creating additional positions and the system is being managed through guest faculty teachers who are paid only partly by government and a part of the meagre salary is being paid by the parents. In government aided colleges, a ban on recruitment on the positions determined on the student enrolment of 1991 was imposed in July 2005 and was lifted in 2014 only after the court orders in the public interest litigation. There also the ban continues for the positions falling vacant after 31 March 2013. Teachers are again being recruited on consolidated salary of Rs 21,600 on a contract of three years. The government of Punjab, through an amendment of civil service rules, is offering a consolidated salary of Rs 15,600 during two years of probation. Guru Nanak Dev University, Amritsar, recently advertised the teaching positions with this salary and it has been stayed by the Punjab and Haryana High Court. Punjabi University, Patiala, has also advertised positions on the same salary. There has not been any cadre review in the last 35 years. Similar is the position in Himachal Pradesh, Rajasthan and many other states. The UGC gives a higher scholarship to JRF or SRF than the salary being offered to regular teachers, especially during probation. ***To attract the talent, it is imperative that the UGC prescribed pay scales be made legal right of each and every teacher working in the university system across all the institutions, including private universities.*** A speedy grievance redressal machinery at the level of the university/state/UGC should be created. Any less payment should be recognized as a ***'deferred salary' recoverable through an appropriate mechanism. In case of unaided institutions, it has been observed that institutions to comply with the conditions of affiliation with the university on paper show that full UGC pay scales and allowances are being paid, while actually a share of the salary is taken back through various means by the employers. It needs to be included in the category of economic offences as it generates unaccounted money. There should be harsh punishment to check such malpractices.***

The UGC regulations 2010 attempted to increase the research output from the our university system. Regulation of 11 July 2009 while prescribing the norms for maintenance of quality of research treated universities and colleges on almost the same footing. Since the qualification of the university and college teachers are the same, the only difference is regarding facilities. However, numerous universities have been blocking research in colleges by creating artificial barriers and hurdles and not bothering about the UGC regulations. Example, GNDU, Amritsar, does not allow college teachers to be research supervisors. It is an acknowledged fact that India produces half the number of Ph.Ds in USA. It is also an important fact that in this regard, in 2002, position of India was not too far apart from China. However, by 2007 China surged rapidly and almost now rivalling USA. India needs to expand in production of research degrees as well as work to compete with other developing economies. The regulations should ensure that research work is encouraged in colleges and UGC should make budgetary provision to incentivize research. ***The recent decision of the UGC to allow only regular teachers to be research supervisors is a regressive step as it excludes the pool of research supervisors who are working in reemployed capacity or retired teachers who are willing to continue research in postretirement period. In the past, eminent teachers continued to be research supervisors many years after retirement. Such regulations need to be amended.***

TORIV

In our opinion, for the furtherance and improvement in the quality of research in the university system, we need to look at two aspects. **The Research Scholars**, leading to the award of doctorate degree and the research By the **Faculty** on the on-going basis. It is imperative for the long-term sustainable growth of Indian economy that the system should improve in both the areas. The Government of India documents acknowledge that with this large population, India produces only half the number of PhDs in USA, whereas our immediate neighbour China, our number was almost same in 2002, but by 2007, China doubled its production of PhD degrees. Thus, it is acknowledge that India needs to expand its production of research degrees to compete with other economies. The concern is quality of research at PhD level. The UGC regulations regarding minimum standards for award of MPhil/PhD degree, dated 11 July 2009, was a step in this direction. However, realistically speaking it only adopted the regulations prevailing at that time in Delhi University and in JNU. The change essentially related to entrance test, course work of at least one semester and research publications during PhD. This cannot be considered as a major improvement in doctoral research at this level. In fact, some of the universities have been doing better even before this notification. However, other provisions do regulate the process of award of degree. If these regulations are complied by in universities and research centres in colleges then the research output should almost be the same in all the universities. However, this does not seem to be so. And it also indicates that the quality of research depends upon many other factors. However, this ensures certain minimum norms also. *The existing faculty in universities is not in a position more research students, having exhausted the limit under these norms. The quantitative increase can take place only by involving college faculty as per these norms. Since the rest of the process is under the supervision of university, there should not be any hesitation in involving college faculty without compromising the quality. Nevertheless, there should not be any unjustifiable resistance to this expansion.*

The other aspect is the research by the faculty with or without funding by the agency concerned or industry. The expenditure by industry on R&D in India is one of the lowest. It indicates lack of interest of the industry to engage with universities for longtime research. The mismatch in effort and expectation may be an area requiring attention. Therefore, we are still far away from the point where industry and universities collaborate in the field of research as it happens in the developed countries. *Thus, the dependence upon funds from the government for research is inevitable. One area which can be explored is spending by corporate sector under CSR. So far Indian corporate sector is willing to spend CSR funds on primary education, primary health, environment, etc. It may be worthwhile to persuade big public sector corporates to focus on research for CSR spending. As far as directly engaging with the industry is concerned, universities have to establish their credentials to win the trust of industry for engaging in commercially viable research.*

TORV

It is observed that the use of IT is increasing in the entire higher education system without any incentivisation scheme. With the rapid advancement of technology, the increase in use of technology in education will take place in normal course. What needs to be ensured is regular faculty and prescribed student teacher ratio.

TORVI

To look into the cases of anomalies, if any, in the matter of pay structure and/or career advancement opportunities for any categories of academic staff, consequent on revision of pay scales based on the recommendations of the preceding Pay Review Committee and to suggest remedial measures.

As a matter of routine, after implementation of every pay scale an anomaly committee is appointed to address the anomalies which are noticed during the course of implementation of the revised pay scales. Addressing the anomalies has been very appropriately carried out in all the pay revisions of Central

Government employees. However, the same has not happened under the UGC Pay Scales in the previous two pay scale revisions. Something that should have happened as a matter of routine has not happened despite our repeated representations and similar representations from the Federation of Central University teachers' associations (FEDCUTA). *We would like to draw your attention to 'clause n' of 'point number 8' of MHRD notification dated 31 December 2008 which concerns the anomalies of the last PRC. It stated that "anomalies and unimplemented recommendations of the last Pay Review Committee, if any, shall be examined by the University Grants Commission in consultation with the Ministry of Human Resource Development".* Unfortunately, this exercise has not been completed till date. UGC did appoint an anomalies committee which examined all the issues and had a detailed interaction with us on the issue. To the best of your knowledge, the recommendations of the committee were examined and approved by UGC and sent to MHRD for necessary approval, which is still awaited. We are sure that you will agree with us that these anomalies identified and agreed upon by UGC should be implemented without any further delay. In fact, these anomalies should be removed before recommending the pay scales under the Seventh Pay Commission otherwise these anomalies may further create more anomalies in the implementation of the new pay scales. It will be appropriate for the PRC to address the anomalies which remain even after the implementation of previous anomalies committee. *In fact, the anomalies of Fifth Pay Commission and Sixth Pay Commission are yet to be fully addressed and needs urgent attention.*

a) Anomaly in 1996 Pay Revision (Fifth Pay Revision)

The Fifth Pay Revision was implemented from 1-1-96. But the revised CAs was implemented only from 27-7-1998, the date of issuance of notification. In the earlier 1986 Scheme one can reach the LSG only after 16 years of service. In the 1996 scheme the requirement of no of years for Readers Grade/ Lecturer Selection Grade (LSG) is reduced to 11 years. But this benefit was given only from 27-7-98 and not from 1-1-96. Due to this a serious anomaly arose.

The teachers who reach LSG in the 1986 scheme spending 16 years before 1-1-96 were given the benefit of fixation of Rs 14940 in the 12000-18300 scale when they complete five years from the date of LSG. In effect, at the completion of 21 years one can reach the scale of 14940. Those who attain LSG between 1-1-96 and 27-7-98 after spending full 16 years as per the same Scheme are not able to get Rs 14,940/- due to the mention of 1-1-96 as cut-off date. In other words those who attain LSG between 1-1-96 and 27-7-98 got Rs.14940/- after spending (16+7) 23 years. Those who attain LSG after 27-7-98 can reach the pay of Rs.14940/- when they complete (11+7) 18 years. Hence the middle category neither got the benefit of Rs 14,940/- fixation after completing 5 years in LSG nor he reduced number of years to attain LSG as per 1996 scheme.

Further those teachers who were granted Lecturer(SG) / Reader on 27-7-1998 as per the then existing formula had to spend more number of years to reach Rs.14,940/- stage when compared to those who attain Lecturer(SG)/Reader after 27-7-1998. In total, four different formulas had been used to fix Rs.14,940/-

To rectify this anomaly the effective date of revised CAS should be advanced to 1-1-96 as intended at the time of issuance of original notifications on 27-7-1998 and 6-11-98. It should be noted that the clarifications issued much later on 24th March 1999 only created this anomaly.

It is unfortunate that this anomaly is not rectified even after the specific direction of MHRD to UGC to formulate necessary procedures to rectify the same in consultation with MHRD.

b) Para 7.8.0 of the UGC Regulations of 2000 has not been implemented uniformly throughout the country and has created an anomaly in the pay scale of those who completed the requisite number of years of service between 1.1.1996 to 27.7.1998 and those who completed it on or after 27.7.1998. Failure to count feeder scale service has created an anomaly in many states, for example Punjab, Himachal Pradesh and Chandigarh.

ANOMALIES OF THE 6TH PAY REVISION (2006)

i. Anomaly due to no assured minimum in Pay Band at AGP 7000 and AGP 8000

A serious anomaly arose as no assured minimum in the Pay Band at AGP 7000 and AGP 8000 was prescribed. It is noteworthy that under the Sixth Pay Commission for Central government Employees for similar movements under CAS some minimum was prescribed. However, this aspect was missed by the UGC PRC under the Sixth Pay Commission. As a result, a teacher who was ahead in terms of pay as compared to a government employee on 31.12.2005 fell behind on the revision of pay scales on 1.1.2006. The Anomaly is being explained with the help of an example:

	Teacher A	Teacher B	Government Employee
First Promotion	28-12-2005	02-01-2006	02-01-2006
Basic Pay 27-12-05	9100	9100	9100
28-12-05	10000	9100	9100
01-01-06	1.86 x 10000 + 7000 = 25600	1.86 x 9100 + 6000 = 22930	1.86 x 9100 + 5400 = 22330
02-01-06	25600	22930 + 690 + 1000 = 24620	18750 + 6600 + 670 = 26020

Teacher A was ahead of Government employee on 1-1-2006 but fell behind the next day when the Government employee was promoted (although AGP 7000 is higher than GP 6600)

Teacher B was at the same level as the Government employee before Pay Revision and ahead on pay revision (since AGP 6000 is higher than GP 5400) but fell behind after promotion.

Similar is the case with AGP 8000 also.

ii. Anomaly in the case of Associate Professors

	Government Employee		Teacher
GP/AGP	8700	8900	9000
Minimum Pay in PB	37400	40200	37400
BP at the entry	46100	49100	46400

Teachers were at higher AGP 9000 but no commensurate higher minimum pay in Pay Band. Instead they were given the same minimum pay as for GP 8700. If this anomaly is not rectified, teachers may be downgraded to GP 8700 (i.e. level 13 in the Pay matrix of VII CPC)

iii. Dual emoluments for Professors at AGP 10000.

Government Employees	Professors	
GP	AGP	
10000	10000	10000
	(Direct Recruitment)	(Promoted)
Minimum Pay in PB 43000	43000	Not given

In the case of promoted Professors, the assured minimum pay of Rs.43000/- in PB is not given.

II. The Ph.D. incentive increments were granted only from 1-9-2008. Due to this, those who got Ph.D. between 1-1-2006 and 31-8-2008 were given the incentive increments only from 1-9-2008. There is a huge loss for those who were awarded Ph.D. during this period. Moreover, those who were awarded Ph.D. in 2006 were getting lower benefit than who were awarded in 2007 & 2008 because the quantum of increments were calculated on the basis of the pay at the time of award and arithmetically added to the pay in 1-9-2008.

III. Incentive for Pre-2006 M.Phil & Ph.D.

Several Pre-2006 M.Phil and Ph.D holders who have not received any incentive increments in the 1996 pay revision are denied the incentive increment even in the 2006 pay revision. In 2006 pay revision, there is a provision for one incentive increment for M.Phil acquired after 1-1-2006 while in service. Similarly 3 increments are given for Ph.D. acquired while in service. **Hence those pre-2006 M.Phil and Ph.D. holders, who have not availed any incentive benefit during 1996 scheme shall be granted one and three increments respectively on a par with post-2006 degree holders.**

In the case of DPEs and Librarians there is no provision for the incentive increments for acquiring M.Phil and Ph.D. in 1996 Scheme and they could not get the same. But for those who acquire after 2006 got the incentive increments. This is a serious anomaly. Hence all the pre-2006 M.Phil and Ph.D. Holders shall be given one and three increments respectively in the 2006 scheme.

IV. Anomaly of Junior getting more pay than seniors due to incentive increments.

In the MHRD Scheme dt. 31-12-2008, the benefit of three increments is given to teachers who acquire Ph.D. while in service. Those Associate Professors who are awarded Ph.D. after 1.1.2006 got three increments in the scale of pay of 37400-67000. At the same time, those pre-2006 Ph.D. holders who:

- a. have not availed any incentive for their Ph.D. in the existing scheme at the time of award
- b. have availed Ph.D. incentive and subsequently merged during the fixation of Rs.14940/-
- c. have availed Ph.D. incentive and continue to get at the time of moving into Associate Professor in PB-4

were fixed at the minimum of the PB of 37400-67000. **Even those teachers getting bunching benefits are also fixed at a lower pay than their juniors who acquire Ph.D. after 1-1-2006.**

The following illustrations are provided for the perusal

ILLUSTRATION 1

Year of Appointment	Date of Reader/LSG	Revised Pay as on 1-1-2006
1984- Ph.D	1997	37400+ 1 Bunching
1986-Ph.D	27-7-1998	37400+ 1 Bunching
1988-Ph.D	27-7-1998	37400+ 1 Bunching
1990-Ph.D	1999	37400
1992-Ph.D	2001	37400
1992-M.Phil	2002	37400

If the 1992-M.Phil holder gets Ph.D. after 1-1-2006, his pay on acquiring Ph.D. will be fixed at Rs.37400/- plus three increments. This pay will be higher than all those Ph.D. holders appointed since 1984 with Ph.D. i.e. a teacher appointed 8 years later (1984/1992) and awarded Ph.D. 22 years later (1984/2006) will be getting the same pay

ILLUSTRATION 2

Particulars	Teacher X	Teacher Y
Year of appointment	October 1988	1980
Qualification	M.Phil	M.Phil
LSG	1998	1995
Acquired Ph.D (Teacher Y)	----	1999 and availed two Increments
14940 Fixation (Y)	----	14940 fixed in the year 2000. During which the incentive merged
Pre revised Pay as on 1-1-2006	14940	17040
Revised Pay on 1-1-2006	37400+ 1 Bunching	37400+ 3 Bunching

If teacher X acquires Ph.D. in 2006, his pay will be raised by three increments which will be higher than the pay of Teacher Y appointed 8 years earlier and got Ph.D. 7 years earlier.

ILLUSTRATION 3

Particulars	Teacher X	Teacher Y	Teacher Z
Year of appointment	1980	1980	1980
Qualification	M.Phil	M.Phil	M.Phil
LSG	1995	1995	1995
Acquired Ph.D.(X)	1997 and Availed 2 increments	----	----
14940 Fixation	2000 in which Ph.D Increments merged	2000	2000
Acquired Ph.D.(Y)	----	2002	----
Pay as on 1-1-2006	17040	17880	17040
Revised Pay on 1-1-2006	37400+ 3 Bunchings	37400+ 4 Bunchings	37400+ 3 Bunchings

If teacher Z acquires Ph.D. after 1-1-2006 his pay will be raised to 37400 + 3 Bunching and 3 incentive increments. The Pay of Z will be more than X and Y. To rectify this anomaly, 3 increments to teacher X and 2 increments to Teacher Y (after adjusting 1 bunching benefit he got for his 2 Ph.D. are to be sanctioned).

The above illustrations clearly explain the existence of anomaly due to Ph.D. increments. To rectify this anomaly, a clause be introduced granting three advance increments for all those Ph.D. holders after fixing their pay in PB-4 irrespective of whether they have availed the incentive benefits earlier or not. A Provision can be made to adjust one bunching benefit, if obtained, for their two Ph.D. increments in the 1996-Achme.

To support this demand, we bring to the notice that in the 1996 Scheme, two advance increments were granted for those Lecturers with Ph.D. when they move into Reader. At that time UGC further clarified that the two advance increments at the time of Readership can be availed even by those who were benefited by four incentive increments at the entry level. **Introduction of similar clause alone can rectify this anomaly.**

ENHANCED RESEARCH DEGREE INCREMENTS WITH EFFECT FROM 1.1.2006 under the Pay Scale notification of Government of India dated 31.12.2008 has been made effective with effect from 1.9.2008. This creates an anomaly that the teacher who joined on 31 August 2008 with Ph.D. gets four increments and a teacher who joined on 1.9.2008 with Ph.D. gets five increments. Does a junior start on a higher pay as compared to the senior? Similar anomaly occurs in the case of M.Phil degree holder and those who acquire research degree during service.

ANOMALY REGARDED NON-COMPOUNDED INCREMENTS

It is understandable that under Sixth CPC, the rate of increment

is given as 3 per cent instead of a particular amount due to the structure of the pay scales. This 3 per cent is calculated on compounded basis as it is based on the previous basic. Research degree increments which are to be given at a single point of time were declared as non-compounded advance increments. There is no problem with this. However, some states created a problem by keeping these increments outside the basic pay. ***Unless these are treated as part of the basic pay, it will not be possible to calculate a revised basic pay in the pay matrix.*** Therefore, this needs an urgent solution. The two states in our knowledge are Punjab and UT of Chandigarh.

ANOMALY IN IMPLEMENTATION OF RESEARCH DEGREE INCENTIVES Under paragraph 7 of MHRD notification dated 31.12.2008.

The research degree incentives under this paragraph have created serious anomalies for a wrong linkage to the process of course work, registration, evaluation, etc. Prior to the notification dated 11.7.2009, which laid down the minimum standards for the award of M.Phil/Ph.D, the course work was not compulsory for the enrolment for these degrees in colleges & universities except DU, JNU & few others. These regulations after process of adoption by the universities became effective in almost all the universities in 2010. It is irrational to apply any of these regulations retrospectively for any purpose whether exemption from NET or incentive increments and create an artificial classification of pre-July 2009 and post-2009 Ph.D. degrees. ***The problem could have been solved had the regulations of 11 July 2009 made a provision that all those who have enrolled prior to the notification are deemed to have met the standards notified on 11 July 2009.***

Similar problem exists for the cadre of other academic staff, namely librarians and DPEs also.

To conclude, we summarize our submissions and requests as given below:

TORI (Summary)

a) Implementation of the Sixth UGC Pay Scale is only partial in number of ways, like in most cases, the benefit has not reached properly to teachers working on unaided posts and in unaided colleges (which in part of the country are known as self-financed colleges). While the Government of India was willing to provide 80 per cent fund as per the scheme, some of the states, to escape their own liability of 20 per cent, did not do the needful.

b) Implementation of the Career Advancement Scheme has faced many problems, particularly due to API, including the 4th Amendment, which has failed to address retrospective nature of the appraisal.

c) No alternative to the scheme of senior professor with AGP of Rs 12,000 was given.

d) Some states have created the position of Professor in colleges, while in some other these have not been created

e) Relaxation for date of completion of OC/RC has not been adopted universally by all the states and in numerous cases, the college principals do not grant permission to attend these courses on the ground of shortage of staff.

e) Regulations for award for MPhil and PhD degrees dated 11 July 2009 have created problems for those who have acquired

In the affidavit filed on behalf of the Higher Education Department in this proceedings, it has been contended that, the Higher Education Department are of the view that, the petitioners are entitled to be incentives in terms of the UGC Regulation 2000 and UGC Regulation 2010.

(See High Court of Calcutta Judgment Dated August 02, 2016 on page 166 of 2016 NUTA Bulletin)

the degree before the date of notification or were already enrolled on that date. The 4th Amendment is only a partial solution as it has failed to relate with problems arising out of the language of MHRD notification, dated 31 December 2008. *An appropriate amendment of 11 July 2009 can only provide a solution.*

f) Implementation of research degree incentives finds no uniformity across the country despite an undertaking by each and every state in implementing it in total. For example, Punjab and UT are treating research degree incentives outside the basic pay, which will create serious anomaly in the implementation of the new pay scales. The clarifications issued by the UGC have not been followed by all the states. *In some of the states, research degree increments are being denied on the ground of exemption from NET while the issue was settled in 1991 itself and again clarified by UGC in July 2003.* Similarly, the provision in 1996 Pay Scales of two increments while moving to Readers Scale has been denied in some of the states despite a ruling by the Supreme Court on the issue.

g) Qualification for the post of Director-Sports has been interpreted differently and in an arbitrary fashion. All the personnel from the discipline of Sports and Physical Education irrespective of the designation should be considered eligible.

h) In case of Colleges of Education, too many changes in the qualification without making any transitory provision (in the spirit of 19 September 1991 notification) has been creating problems for the candidates. For example, UGC Regulation 2010 had prescribed under regulation 4.4.7(ii) qualification as Masters Degree with 50 per cent marks and MEd with at least 55 per cent marks as MEd is the relevant Masters Degree for teaching of the subject of Education. However, suddenly NCT (NCT notification of July 2014) changes the qualification for Masters Degree also from 50 to 55 per cent, making many candidates ineligible after they had qualified the degree, NET and acquired PhD, jeopardising their careers. It is earnestly requested that no qualification shall be changed abruptly and there should always be a transitory provision for those who are about to complete their relevant degree. Anyone who is already working in the system and is an approved teacher by the university shall be allowed to move within the university system without applying the new conditions. The transitory provisions of September 1991 should also be a part of the regulation.

i) Enhancement of retirement age has not been implemented by many states. The service conditions within the higher education system should be identical.

j) Regulation 13.1 of UGC Regulations 2010, despite being mandatory in nature, has been ignored by universities, government and colleges. Despite the fact that MHRD, through a DO letter, dated 18 April 2006, had highlighted that "in the absence of regular teachers, good universities and colleges are irreversibly sliding back to mediocrity and worse". *Regulation 13.1 should be enforced without any compromise.*

TOR II (Summary)

1) The approach of previous Pay Review Committees of granting higher AGP/grades vis-à-vis Central Service needs to carry forward which requires creation of separate higher levels for assistant professors at stage 1,2, and 3 than the level 10,11, and 12 applicable to Central Government Employees.

2) On the pattern of 1986 Pay Scales, along with research degree incentives, service benefit equivalent to the number of increments should be given. The service benefits should be available irrespective of the stage at which the incumbent is working at the time of acquiring degree.

3) A new level also needs to be created for associate professor keeping in mind the fact that AGP of Rs 9000 is higher than the Central Government Employees whose GP is Rs 8900.

4) There should not be any distinction in the pay of a professor under CAS scheme and directly recruited professor, and those who on account of this anomaly got lower pay, their pay should be stepped up before revising their pay.

5) A new level of professors be created after 8 years of service to prevent stagnation.

6) On similar terms and conditions, promotion to college

teachers to the post of professors be made personal on pattern of university teachers.

7) The equivalent academic cadre of DPs and librarians are required to acquire identical and sometimes more qualifications in comparison to assistant professors. Therefore, they should be given complete parity in all respects.

8) The principal level should be fixed at par with professor, with special allowance for administrative duty.

9) Tutors/demonstrators shall be given an appropriate scale keeping in mind the Pay Scales of 1973, 1986 and 1996, as they suffered in 2006 due to absence of appropriate recommendation.

TOR III (Summary)

Attracting talent to teaching profession has been the concern of every PRC. Previous two decades have created serious problems on this issue in state universities and colleges. Regulatory authority has completely failed to implement its mandate for maintaining standards in the system seriously impairing the quality of education. Ban on recruitment, ad hoc, contractual, guest faculty appointments with low salary, no salary during vacation, have played havoc with the entire higher education system. *All mandatory minimum standards have been violated with impunity. The condition of service in unaided colleges and also private universities are completely at variance from UGC regulations.* Those who dream of being teachers and enter the profession after some years feel trapped and humiliated. Denial of basic service conditions on account of leave rules, maternity leave, etc., in addition to salary is a matter of serious concern. *The Supreme Court in the case of Hargurpratap Singh and other versus State of Punjab (SLP 8745 of 2003) had laid down the law that a part-time teacher must be paid minimum basic salary.* However, a large number of full-time teachers are denied even basic salary. Under the circumstances, every talented person is shying away from the profession. This is bound to create serious issues for the society particularly the next generation and sustainable economic development.

1) It is imperative that UGC prescribed pay scales be made *legal right of each and every teacher working in the university system across all institutions including private universities.*

2) All ad hoc, contractual, part-time teachers should get salary for the *period of vacation as a matter of right.* Any break including extended break due to examination or admission activity should be considered as notional break only and shall not be the basis for denial of any legitimate dues.

3) All ad hoc and contractual teachers shall be allowed to continue in the new academic session till the appointment of the regular faculty without any fresh interview unless and until the work is unsatisfactory.

4) *Any less payment should be recognized as a 'deferred salary' recoverable through an appropriate mechanism.* In case of unaided institutions it has been observed that institutions to comply with the conditions of affiliation with the university on paper show that full UGC pay scales and allowances are being paid, while actually a share of the salary is taken back through various means by the employers. **It needs to be included in the category of the economic offences as it generates unaccounted money. There should be harsh punishment to check such malpractices.**

5) It is important that to attract talent reasonable remuneration and working conditions must be ensured. UGC pay scales should be the minimum salary in the profession and a legal right and any deviation should be firmly dealt with.

A very important point needs to be mentioned here that for uniform implementation of revised UGC scales of pay in all the states simultaneously, the GOI must provide 100 % financial assistance of the additional expenditure to all the states for ten years.

Thanking you,

Yours truly

Prof. Kesab Bhattacharya
President, AIFUCTO

Prof. Arun Kumar
General Secretary, AIFUCTO

HIGH COURT OF CALCUTTA**APPELLATE SIDE****WP 5685 (W) OF 2016 : ORDER : DATED TUESDAY, AUGUST 02, 2016**

Prof. Debasis Mahapatra & Ors.

VERSUS

The State of West Bengal & Ors.

Mr. N.C.Bihani Mrs. Papiya Banerjee Bihani Mrs. Anuradha Sengupta... **for the petitioner** Mr. Tapan Kumar Mukherjee Mr. R.N.Dutta ... **For the State** Mr. Anil Kumar Gupta ... **For the UGC**

The petitioners complain that incentives given to them by the University Grant Commission (UGC) has not been extended by the State.

Learned advocate for the petitioners submits that the petitioners are working as Assistant Professors. They are entitled to incentives granted by the UGC Regulation, 2000. The UGC has introduced a new Regulation in 2010 by which the incentives were enhanced. **The State Government had sought clarification from the UGC with regard to the enhanced incentives.** The UGC has clarified that the Assistant Professors as that of the petitioners are entitled to the incentives as given in the UGC Regulations. Learned advocate for the petitioner has referred to the various memoranda and the Government Orders issued by the State Government from time to time in this regard and the UGC Regulation, 2000 as well as the UGC Regulation, 2010.

Learned advocate for the State submits that the State requires sometime to look into the issue. The State will consider the request of the petitioner in accordance with law provided some more time is granted.

Learned advocate for the UGC submits that, the UGC are binding on the State. **The petitioners are entitled to the incentives as provided for in the UGC Regulation, 2000 as well as UGC Regulation, 2010.**

I have considered the rival contentions of the appearing parties and the materials made available on record.

The petitioners before me are Assistant Professors.

The UGC had introduced a Regulation, 2010 which provides for the following incentives so far as the petitioners and persons similarly situated as that of the petitioners are concerned.

“6.0.0 incentives for Ph.D./M.Phil

6.1.0 Four and two advance increments will be admissible to those who hold Ph.D and M.Phil degrees, respectively, at the time of recruitment as Lecturers. Candidates with D.Litt/D.Sc. should be given benefit on par with Ph.D and M.Litt on par with M.Phil.

6.2.0 One increment will be admissible to those teachers with M.Phil who require Ph.D within two years of recruitment.”

The State Government by a Government Order dated February 04, 1999 has provided as follows :-

“3. In order to attract and retain better talent in teaching professions

(a) four and two advance increments will be admissible to those who hold Ph.D and M.Phil degree respectively at the time of recruitment as Lecturer. Candidates with D.Litt/ D.Sc should be given benefit on par with Ph.D and M.Litt on par with M.Phil.”

As rightly pointed out by the learned advocate for the petitioner, the State Government has accepted the UGC Regulation 2010 so far as the incentives are concerned.

The State Government by an order dated January 01, 2010 and referring to the clarification sought by the State

from the UGC has stated that **UGC has clarified that an incumbent who was appointed after January 01, 1996 and possess Ph.D or M.Phil at the time of recruitment would be eligible to draw 4 or 2 advance increment respectively.**

By an Government Order dated November 26, 2001 the State has recognised that the UGC scale of pay, 2000 was required to be paid. It had provided that teachers who acquired Ph.D during service prior to January 1, 1996 and who were not given the benefit of any advance increments as per the earlier Career Advancement Scheme should be given the benefit of two advance increments with effect from July 27, 1998.

The UGC has introduced the 2010 Regulation by a gazette notification dated September 18, 2010. The UGC Regulation, 2010 has enhanced the incentives. It has provided as follows :-

“9.1 Five non-compounded advance increments shall be admissible at the entry level of recruitment as Assistant Professor to persons possessing the degree of Ph.D awarded in a relevant discipline by the University following the process of admission, registration, course work and external evaluation as prescribed by the UGC.....”

9.4 (i) Teachers who complete their Ph.D. Degree while in service shall be entitled to 3 non-compounded increments if such Ph.D. is in a relevant discipline of the discipline of employment and has been awarded by a University complying with the process prescribed by the UGC for enrolment, course work, evaluation, etc.”.....”

By a Government Order dated February 25, 2011 the State has stated that from June 30, 2010 onwards the UGC Regulation, 2010 shall be effective.

The Government had issued an order dated June 08, 2010 which is as follows :-

“.....The matter was referred to the UGC. Following response received from them, further clarifications, as below, are issued, in partial modification of Above mentioned Memorandum of this Department :-

(i) All promotions/ CAS related matters will be processed following extant UGC regulations and the redesignation of teachers and equivalent grades subsequent to revision of their pay will be as per stipulations of MHRD'S order no. 1-32/2006-U.II/U.I(i) dated 31st December, 2008.

(ii) Direct recruitment at Associate Professor level with AGP of Rs. 9,000/- cannot be done till new guidelines/ regulations are issued by the UGC in this regard.

(iii) As and when UGC modifies existing Regulation, 2000 or issues new relevant regulations dealing with this matter, the same would apply and cut-off for any purpose will apply accordingly.”

The UGC has clarified its position by a writing dated August 17, 2015. According to UGC, the incentives as recognised under the UGC Regulation 2000 and UGC Regulation 2010 are payable to the petitioners and persons similarly situated and circumstanced as that of the petitioner.

In the affidavit filed on behalf of the Higher Education Department in this proceedings, it has been

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

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aifucto.generalsecretary@gmail.com; Website : www.aifucto.org (Regd. Under Act XXI of 1860)

CIRCULAR : 09/2015-16
09.09.2016

Dear Friends,

Warm Greetings,

Thanks for making the nationwide strike called by the central trade unions and supported by the AIFUCTO, DUTA & JNUTA against the anti-labour policies of the central government a great success. The spontaneous response of people to the strike call manifested the sentiment of people against the continuing anti-worker, anti -people policies of the government. All attempts were made by the trade unions to enter into a dialogue so that the policies are reversed. But the government failed to start a dialogue to resolve the protracted problems. The strike is a warning to the government to come to the dialogue with the central trade unions. Our affiliates joined the strike in most states and expressed solidarity with the central trade unions.

THE MASS CASUAL LEAVE PROGRAM ON 5TH OCTOBER, 2016-THE INTERNATIONAL TEACHERS' DAY : You have been informed that the last NEC meeting decided that the teachers across the country will take Mass Casual Leave on 5th October, 2016- the International Teachers' Day. You are to ensure that the program is a grand success in each & every state. Please send us the report of the preparations and campaign for the success of the program. The AIFUCTO will have to think about accelerating the movement unless our demands are fulfilled.

UGC pay Review Committee regional consultations : We have informed you that the regional consultations of the UGC 7th Pay Review Committee with the regional states

contended that, the Higher Education Department are of the view that, the petitioners are entitled to be incentives in terms of the UGC Regulation 2000 and UGC Regulation 2010 and that proposal in respect thereof has been submitted with the Finance Department.

Learned advocate for the State has prayed for time for the Finance Department to consider the issue.

The regulations of UGC of which implementation is sought in the present proceedings are of 2010. **Admittedly long period of time has elapsed for the State to react. In such circumstances any prayer for adjournment or grant of time to the State to consider the issue would not be the interest of justice.** The Higher Education Department is of the view the petitioners are entitled to reliefs sought for.

In such circumstances W.P.No. 5685(W) of 2016 is allowed.

The authorities will grant the incentives to the petitioners as extended to them under UGC Regulation 2000 and UGC Regulation 2010.

It is expected that the benefits extended by the two regulations are made available to the petitioners within a period of six weeks from date.

There will be, however, no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Debangsu Basak, J.)

have begun.

The first consultation was held in Chennai on 19th August, 2016. Our office bearers & affiliates in Tamilnadu, Kerala, Andhra Pradesh, Karnataka & Pondicherry participated in the consultations. Our affiliates had drawn the attention of the Committee to all aspects of the pay revision and the anomalies of the 5th & 6th pay revisions. They argued with facts & figure the demand for a justified pay scale for attracting & retaining talented students in the teaching profession. We have received the report from all those participated in the consultations. The implementations of the previous pay scales and issues related to service conditions were presented by the teachers. Our Vice Presidents Prof. S. Subbaraju & Prof. T. Arivudai Nambi, National Secretary Prof. Vivekanandan & our Zonal Secretary Prof. M. Ravichandran along with state leaders led the presentations. The memorandum presented to the committee by JAC comprising AUT, MUTA & TNGCTA has been posted in the facebook account of AIFUCTO- Aifucto Gs and also has been printed in our journal "Teachers' Movement".

The second regional consultation was held in Chandigarh on 29th August, 2016. Prof. Jagwant Singh, our Vice President along with the other Punjab leaders, leaders from J & K, Haryana including Prof. Iqbal Singh Sindhu, Prof. Kayastha & leaders from Himachal Pradesh &

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT
AUDIT BRANCH

NO. 8430-F (P2) Dated, the 14th December, 2015

MEMORANDUM

SUBJECT : GRANT OF DEARNESS ALLOWANCE TO THE STATE GOVERNMENT EMPLOYEES AND FURTHER AD-HOC INCREASE IN THE WAGES OF DAILY RATED WORKERS UNDER THE GOVERNMENT WITH EFFECT FROM JANUARY 01, 2016.

The Governor is pleased to decide that the whole time State Government Employees drawing basic pay (i.e Band Pay + Grade Pay, NPA, if any) up to Rs. 80,000/- **shall draw Dearness Allowance @ 75% with effect from 1st January, 2016.** The calculation of Dearness Allowance shall be made taking into account the revised Band Pay, Grade Pay & NPA , if any , but shall not include any other types of Pay.

2) The Dearness Allowance sanctioned herein above shall be rounded off to the nearest rupee in each case.

3) The Governor has also been pleased to decide that there will be a further ad-hoc increase in the existing daily rate of wages by Rs. 21/- (Rupees twenty one) only with effect from January 01, 2016 for the daily rated workers under the Government whose wages are not regulated by any statutory provisions like the Minimum Wages Act, etc.

Sd/- A.K. Das
O.S.D & Ex-Officio Joint Secretary to the
Government of West Bengal.

No. 8430-F dated 14.12.2015, Source

Uttarakhand presented the memorandum & wanted the 7th PRC to resolve the anomalies of the previous pay revisions. They suggested that a suitable pay scale to justify the higher qualification & later entry must be given proper weightage must be recommended in the interest of higher education in India. The meetings also highlighted the issue of **unscientific and irrational API & hence must be scrapped**. The pension issue was also raised by the leaders & noted the absence of pension for teachers in non-government college teachers.

Third consultation meeting with PRC was held on 8th September 2016 in the auditorium hall of IISER in Bhopal. Teachers' representatives of MP, Chhattisgarh and Rajasthan participated in the meeting and submitted their memorandum to PRC. The leaders put their views & opinions on almost all the issues related to the service conditions and anomalies of the teachers and other academic staffs. Those who represented before PRC were Prof. D Kumar-our Treasurer, Prof. Kailash Tyagi, Prof. Anand Sharma, Prof. Prabhat Pandey and Prof Anil Shivani.

THE PRC COMMITTEE MEETING WITH CENTRAL TEACHERS' ORGANIZATIONS DEFERRED : A PRC consultation meeting was scheduled to be held in UGC, New Delhi with AIFUCTO & other national teachers' federations on 13th September, 2016 due to the gazette holiday declared by the central government. We received a mail from UGC that the meeting has been postponed. We are waiting for a new date for the meeting. In the mean time our committee on PRC has finalized the memorandum. All the letters and suggestions from our affiliates & members have been taken care of in preparing the document. Since the meeting has been deferred you can send further suggestions to the General Secretary, AIFUCTO.

THE REGIONAL CONSULTATION MEETING AT JADAVPUR ON 23RD SEPTEMBER, 2016 : The next meeting of the regional consultation is at Jadavpur University, Kolkata on 23rd September, 2016. This will cover states in eastern and north-eastern regions. Our affiliates are preparing for the meeting. The JAC-Tamilnadu and PCCTU memorandums will be useful to preparing the documents. As per the directions given earlier the state level conditions, the extent of implementation of previous pay scales and other state specific issues needs to be included in the presentations to PRC. Please send a copy of the memorandum to PRC to : aifucto.gs@gmail.com

DOCUMENT ON NEW EDUCATION POLICY DRAFT : We requested you to reflect & send your comments on the inputs on new higher education policy. We have received some communications from our members and affiliates. **Two documents as per the NEC decisions have been prepared by Prof. Asok Barman & Prof. Tapati Mukhopadhyay.** We shall upload the documents on 10th September, 2016. You are also requested to hold seminars and discussions on the draft. As we have noted, the Draft shows that the public funded education is being diluted and commercial education is being promoted. There are proposals to completely centralize the governance of higher education

and destroy autonomy.

ACADEMIC CONFERENCE AT GUWAHATI : I have already informed you that the next Academic Conference of AIFUCTO will be organized by Assam College Teachers' Association. We requested ACTA through Prof. Biswajit Bhuyan to hold the Conference. We are thankful to ACTA leadership and Prof. Naren Changmai, President & Prof. Biswajit Bhuyan, General Secretary, ACTA for accepting our request. The dates of Conference are 7th, 8th, 9th December, 2016.

TOPIC OF SEMINAR OF ACADEMIC CONFERENCE : The topic of the seminar is - **"Higher Education in New Education Policy"**. The sections of the topics will be on website and facebook in next ten days.

THE LATEST DEVELOPMENTS REGARDING THE DEMAND FOR SCRAPPING OF API : It is a matter of great concern that the UGC is silent on our demand to scrap API. We have conveyed many times to the UGC & MHRD that the API for CAS has been damaging the quality of higher education. The arbitrary, impractical and inequitable API must be scrapped immediately from the date of the notification of new Regulations in 2010. We are determined to intensify our movement to achieve this goal. You know that this issue was presented to the Hon'ble Minister, HRD in the meeting on 5th August, 2016. We explained how API is doing great disservice to the higher education and affecting teachers' promotions.

NEWS FROM AFFILIATES : We congratulate the new elected president Dr Imtiwati Jamir and General Secretary Dr Phyoenthung of All Nagaland Government College Teachers' Association (ANGCTA). For the tenure 2016-2018. We hope the new leadership will look forward for maintaining the status of teachers as well as the higher education of the state.

STRUGGLE FUND CONTRIBUTIONS : We have been regularly informing you in all circulars & communications about the necessity to collect from our affiliates the struggle fund contributions. A number of affiliates are yet to pay the struggle fund. Please take early steps to collect and send the same to General Secretary/Treasurer as we are in urgent need of funds.

ANNUAL SUBSCRIPTION : We are yet to receive the annual subscription from most of the affiliates. It has been very difficult to meet the regular expenses of AIFUCTO including printing & posting of our journal, Teachers' Movement. As the financial position AIFUCTO is very bad, we request the affiliates to send the annual subscription as early as possible.

Thanking you
Warm regards,


Prof. Arun Kumar
General Secretary

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