

URGENT COMMUNICATION NO. 5 OF 2017

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

(1) Urgent Communication No. 5 of 2017 :- URGENT Communication dated 16.11.2017 is the Memorandum Addressed by AIFUCTO to the Hon'ble Prime Minister Govt. of India regarding "Request to Intervene for Removal of Anomalies in the Notification Of 7th UGC Pay Scale (MHRD notification No.1-7/2015-U.II(2) G.o.I dated 02-11-2017) for University & College Teachers of India and humble request for Appointment for AIFUCTO Delegation." was received on 16.11.2017 and was uploaded under "Urgent Communications" at "www.nuta.in" on 18.11.2017 at 04.30 pm which will be circulated on page 201 of 2017 NUTA Bulletin.

Instructions regarding submitting the memorandum signed by Teachers are also circulated here with on page 207 of 2017 NUTA Bulletin.

- Dr.Vilas Dhone, Secretary, NUTA

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

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 (Regd. Under Act XXI of 1860)

16.11.2017

To
Shri Narendra Modi,
Hon'ble Prime Minister,
Govt. of India,
New Delhi.

Sub: Request to Intervene for Removal of Anomalies in the Notification Of 7th UGC Pay Scale {MHRD notification No.1-7/2015-U.II(2) G.O.I dated 02-11-2017} for University & College Teachers of India and humble request for Appointment for AIFUCTO Delegation.

Esteemed Prime Minister Sir,

Greetings from AIFUCTO.

This is the second time in a span of few months that we are writing to you for your intervention. We are **extremely thankful to the government for bringing out the Notification on 7PRC and considering the demand of introducing the new pay scales for nearly eight lakh college and university teachers.** At the same time we are extremely disturbed that **the Notification is extremely incomplete, vague and omissions that are detrimental to the interests of the teachers at large.** We point out the various discrepancies of the Notification and seek your earliest intervention to rectify them. But before delving into that which will be a long discussion we once again express our extreme anguish at MHRD Minister Sri Jawadekar's announcement that **the new education policy will be rolled out very soon and finalisation on the same is underway.** We repeatedly watch with utter dismay and helplessness that the Government is bent on pushing through unilateral decisions. Our experiences reveal that ever since your government has assumed office all decisions on higher education are taken and announced without once consulting the stake holders. It seems that the government is not comfortable about placing and sharing its ideas and plan of action with AIFUCTO, FEDCUTA or any teachers' body.

1.1 The suggestion of the report of the 7th UGC PRC and decisions of the UGC taken in its meeting on 22 February 2017 PRC was not discussed with AIFUCTO or others. Even the Notification that came out was only an edited version while the full Report has been carefully put under wrap although it is clearly stated in first para of detailed instructions that, "I am directed to say that the Government of India have decided, after taking into consideration the recommendations made by the Pay Review Committee (PRC), constituted by the University Grants Commission (UGC), and decision of the UGC taken at the meeting of the Commission held on 22nd February, 2017, ...". **We do not want to reach any harm or jeopardise government's attempt to introduce changes or reforms in education. We want to state that we expect to be taken into confidence and trust in matters relating to higher education.** Moreover the long history of higher education has not witnessed anything rebellious or harmful that the government is so hesitant and even dismissive about consulting us. We are sorry that we reached this inference only after being repeatedly ignored by your Government. While that does not in any way tarnish our image but to the teachers at large your action is deemed undemocratic and authoritarian. **The persistent refusal of the Government to sit with AIFUCTO or representative bodies of the teachers reflects your government's extreme arrogance and anti- teacher attitude. We request you to please modify such a stance.**

2. You are aware that the central Cabinet announced the revised pay scales of university and college teachers by an official Press Statement on 11 October 2017 and captioned as "Press Information Bureau: Government of India: Cabinet approves revised pay scales of teachers and equivalent academic staff in Universities/Colleges & centrally funded technical institutions"; (referred to as "**Decision of the Central Cabinet**"). The Minister, MHRD himself announced this decision on the evening of 11 October 2017 at 19.43 p.m. The MHRD in a letter to UGC (No.1-7/2015-U.II (2) Government of India Ministry of Human Resource Development Department of Higher Education New Delhi, dated the 2nd November, 2017) has notified details of 7th UGC Pay revision scheme (referred to as "**Detailed Instructions**").

3. We noted with satisfaction that, though belatedly, the unambiguous declaration that pay revision will be implemented w.e.f. 1.1.2016 has ended the uncertainty on this issue.

However despite a clear decision by the Central Cabinet that "**The Central Government will bear the additional burden of the States on account of revision of pay scales**", the teaching community is shocked to see the reference "(a) Financial assistance from the Central Government to Stateshall be limited, by way of reimbursement, to the extent of 50% (fifty percent) of the additional expenditure." in para 16 (i) of the Detailed Instructions and severely condemn this. **The detailed instructions issued by HRD make a mockery of the term "Additional Burden" employed by the Cabinet by changing its dictionary meaning to mean "50 percent of the Additional Burden"**.

4. The GOI wilfully reduced the assistance from 80% for 51 months to 50% for only 39 months. Considering the reduction in share of percentage, early period of assistance (01.01.2016 to 31.03.2019), the central assistance will be worked out to only 1/3 of the assistance meted out during the earlier pay revisions. Even when the assistance was 80%, many states could not implement the scheme of pay revision citing financial crunch. Now the decision of the Central Government to reduce the funding to 1/3rd will certainly pave way for denial of pay scales to teachers in many states. **We, therefore, stick to our demand of 100 percent financial assistance for uniform and simultaneous implementation of Seventh Pay Scale. You may please note the Centre's role in the previous Pay Commissions:**

In 1974, 3rd pay scale 80 percent for 6 years.

In 1986, 4th pay scale 80 percent for 5 years.

In 1996, 5th pay scale 80 percent for 5 years.

In 2006, 6th pay scale 80 percent for 4 years 3 months.

In this scale from 2016, only 50 percent for 39 months.

5. **The teaching community is gravely dissatisfied that the detailed instructions of the MHRD have no mention of implementation of the clause "The decision will benefit 7.58 lakh teachers and equivalent academic staff in the 106 Universities / Colleges which are funded by the UGC/MHRD and also 329 Universities which are funded by State Governments and 12,912 Govt. and private aided colleges affiliated to State Public Universities" in para 2 of the Cabinet decision."**

In this connection Clause (iv) in the detailed instructions

“This Scheme may be extended to universities, Colleges and other higher educational institutions coming under the purview of State legislatures, provided State Governments wish to adopt and implement the Scheme subject to the following terms and condition,” is extremely unfortunate. By this the Central government has completely shrugged off the obligation placed on it by the Constitution and the UGC ACT 1956 to bring mandatory provisions. The Central government cannot ignore its constitutional and legal responsibility to promulgate mandatory provisions.

We demand arrangement of Mandatory Provisions issued by UGC in accordance with the powers conferred on it by the Constitution of India and UGC Act.

It is to be noted that the detailed instructions issued by MHRD contradict crucial clauses of the Cabinet decision. No functionary of MHRD has the authority to modify Cabinet decisions.

6. The subject “Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.” is the constitutional responsibility of the Central government as it is Entry 66 in the Union List (List I of Seventh Schedule of the Constitution of India). Similarly, in view of the fact, that the subject “Education, including technical education, medical education and universities,” is included as Entry 25 in the Concurrent List (List III of Seventh Schedule of the Constitution of India), the powers regarding administration and procedure as well as implementation of mandatory system have been bestowed upon the central government. It is wholly inappropriate on the part of central government to beg before the state governments for implementation of Central scheme approved by the Cabinet. Moreover, it is also unconstitutional and illegal.

7. Misleading Information about the Pay Hike: It is shocking that the Government has misled the nation about the actual quantum of increase in pay for teachers across the country. Instead of the 22% to 28% increase as touted by the Government in the PIB release, the actual increase for different levels of teachers is the following:

| S. N. | Designation | Pre-revised AGP | Hike on 1.1.16 | Hike on 2.11.17 | Hike on VI CPC |
|-------|---------------------|-----------------|----------------|-----------------|----------------|
| 1 | Assistant Professor | 6000 | 18.72% | 17.35% | 45.16% |
| 2 | Assistant Professor | 7000 | 18.92% | 17.38% | 38.65% |
| 3 | Assistant Professor | 8000 | 11.21% | 9.93% | 42.87% |
| 4 | Associate Professor | 9000 | 25.86% | 24.41% | 88.13% |
| 5 | Professor | 10000 | 20.92% | 19.53% | 73.74% |
| 6 | Senior Professor | HAG 67000 | 20.86% | 19.47% | 60.81% |
| 7 | Vice-Chancellor | HAG+ 75000 | 24.44% | 23.01% | 61.29% |

Lowest Hike for Incumbent Teachers: The fitment formula for incumbent teachers on 1.1.2016 is retained at 2.57 which amount to a measly 14.27% increase: the lowest in independent India. This is starkly in contrast to the last two pay revisions where the minimum increase across all categories of teachers was 40% in basic pay (Refer to the table above).

8. DISCRIMINATORY POLICY TOWARDS PRINCIPALS:

The Principals have been downgraded from the level of the Professor to that of the Associate Professor after the completion of their tenure according to Point 4, Clause I of the MHRD notification. Principals of undergraduate colleges, as per the new notification, will now be treated at par with the Associate Professors. **All the principals working in colleges whether it is UG or PG college were placed in the Professor’s grade though**

the qualifications prescribed for the post of Principal was uniform for both UG and PG colleges. This surely is a divisive move designed to create rift and tension among the administrative heads vying for the same post in undergraduate and post graduate colleges. Moreover even the quantum of special allowance Rs.2000/- & Rs.3000/- for principals remain the same without any increase.

9. DENIAL OF INCENTIVES FOR M.PHIL, PH.D: AIFUCTO has been consistently demanding both the service benefits and incentives at the entry level and also while in service for higher degrees like M.Phil., Ph.D., etc. Considering the teachers higher qualification, efforts they put in to acquire the degrees, time spent on to do research and get degrees, usefulness of these degrees to their teaching, **the various pay commissions gradually increased the incentive increments from three in 1986 to four in 1996 and five in 2006.** This was done to attract talent and interested people to teaching with a view to improve the quality of education. **The denial of incentive increments will, not only seriously go against attracting talent to the teaching profession but also devalue the significance of the prestigious research degrees.** More importantly, the advance increments at the entry level were meant to reward higher qualifications and to offset late entry into the teaching profession in order to attract talent. **The withdrawal of the provision of the PhD/M.Phil increments has created an anomalous situation where the teacher with the maximum qualification (PhD) draws the least pay in his/her entire career profile**

10. RAW DEAL TO ASSISTANT PROFESSOR CADRE:

Even in the 2006 pay revision the pay scales of assistant professors (AGP 6000, 7000 & 8000) were disproportionately lower when compared to other grades. This has been represented many times by AIFU CTO. **Adding fuel to the fire MHRD notification dt.02.11.2017 prescribed very low pay scales for these categories. As per the notification, when an assistant professor in the AGP level of 7000 moves to AGP 8000, adding (5 + 1) increments, he/she automatically reaches a level higher than the minimum pay of 79,800/- fixed for AGP 8000. The teacher does not get any benefit when he moves to AGP 8000 level after spending 9 years with Ph.D., 10 years with M.Phil., or 11 years, with NET/SLET. Similar is the case when a teacher moves from AGP 6000 to 7000. AIFUCTO has been consistently demanding the pay of college and university teachers should be on a par with IIT/IIM. Now comparing and college and university teachers with IIT/IIM, discrimination is shown only in the AGP of 8000/-.** In the IIT notification the minimum pay for AGP 8000 is fixed at 1,01,500/- while for college and university teachers it is fixed at 79,800/-. The quantum of 1,01,500/- fixed for AGP 8000 is a well thought out decision considering the 9-11 years of assistant professor service and also the pay 1,31,400/- fixed for Associate Professor. But in contrary, this MHRD notification prescribed a much lower pay. **This is a clear discrimination particularly when, in all other stages, parity is maintained between IIT/IIM and college and universities. This will be a great disappointment to the AGP 8000 teachers.** This particular move of the government leads us to suspect that the conditions to be prescribed by way of regulation may be very stringent with a view to denying even the Associate Professorship to many Assistant Professors in colleges.

11. NO PROFESSORSHIP IN COLLEGES: The MHRD notification contains no provision of Professorship in colleges, despite AIFUCTO/DUTA demanding the same for the last three decades and the UGC Pay Review Committee accepting the same in the last two Pay Revisions. **This has left thousands of Associate Professors stagnating in the same level for years without any promotion.**

12. PARITY OF LIBRARIANS AND DPES & OTHER ACADEMIC STAFF WITH TEACHERS: There is no mention of parity of Librarians/DPE & others with teachers in terms of designation, service conditions and the age of retirement.

13. LEFT OUT CATEGORIES: AIFUCTO in its representation dated 21.09.2016 to the Professor Chauhan Committee specifically demanded recommendation of pay scales of Tutors/Demonstrators, coaches, accompanists etc. **But to our dismay, the notification is silent and left out these**

categories.

A significant omission is the complete absence of the pay scale and other issues related to Ad-hoc, Part time and Contractual teachers. AIFUCTO has been highlighting the plight of fully qualified and experienced teachers working in self-financed/unaided institutions and guest lecturers. Though they are in possession of the required qualification and doing the job of UGC governed teachers not only their position is ad-hoc but also they are paid very meagre salary. AIFUCTO launched struggles to protect these categories of teachers, and has been vociferously demanding reasonable service conditions and pay. The unwillingness of the Central Government to address their issues is an indicator of irresponsible, insensitive and callous attitude of the government towards unhindered progress of higher education of the country. The land mark judgement of the Hon'ble SC/Allahabad HC/Patna HC is also in favour of justice to them.

14. Our analysis regarding **Constitutional obligation** of the Central government as stated in Para 6 above is strengthened further by the following clauses of the landmark Order dated 05/01/2017 of the **Hon'ble Supreme Court** in Civil Appeal Nos. 115 -116 of 2017, in the matter of regulation of salary disbursement system for teaching and non-teaching staff of unaided professional colleges: -

“51. The expression ‘education’ occurring under Entry 25 of List III to the Seventh Schedule of the Constitution takes within its sweep the authority to legislate with respect to every aspect of education including establishment and administration of educational institutions such as schools, colleges etc. Administration of an educational institution has mainly two facets (i) imparting of knowledge, and (ii) maintaining the necessary infrastructure for providing the venue and other facilities for imparting of knowledge. To perform the twin functions, manpower is required. Such manpower consists of two classes of persons, teaching staff and non-teaching staff.”

14.1 The Hon'ble SC has ruled in para 89 of this Judgement that the management (of the unaided college) will bear the financial obligation to pay the revised pay scales of the staff. At the same time, the power to regulate the said mechanism will be that of the government (Union/ State).

“52. Therefore Entry 25 must necessarily take within its sweep inter alia the power to regulate the activity of employment by educational institutions, whether they are established by the State, or its instrumentalities or non-State actors.

53. In view of the fact Entry 25 occurs in the Concurrent List of the Seventh Schedule, both the Parliament and State legislatures are competent to make laws regulating inter alia the establishment and administration of colleges either by the governments (Union or State) or their instrumentalities or by non-State actors (private sector).”

14.2 In view of the above SC Order, we demand:

(i) Issuance of a clear declaration that the 7th UGC Pay revision scheme is also applicable to unaided institutions

(ii) Well-regulated Salary scheme for disbursement of salaries through managements of unaided institutions as per para 89 of Hon'ble SC Order in CA 115 – 116 of 2017.

15. ANOMALIES NOT RECTIFIED: The rectification of anomalies consequent to the pay revision is equally important as pay revision. Many anomalies arose during 1996 and 2006 pay revisions have not been rectified so far leading to differentiation of pay between individual teachers. AIFUCTO in its representation to PRC elaborately explained the anomalies with many illustrations so that the PRC can easily understand the issue. Infact the committee specifically appreciated AIFUCTO for this particular elaboration during our discussion on 21.09.2016. But the notification postponed the rectification even after taking nine months to peruse the recommendations of PRC.

16. STAGNATION ISSUE : The proposed pay matrix, at all levels from Associate Professors and above, end abruptly in a manner that amounts to stagnation at these levels very soon,

may be as early as 2020. As per the notification, Associate Professors and Professors stagnate at 18th and 15th stage respectively. There is every possibility that Associate Professors and Professors stagnate within 4 or 5 years.

17. NO REFERENCE TO PENSION BENEFITS: The MHRD notification does not give any reference to the revised pension benefits for teachers in accordance to the provisions of the VII Pay Revision. This is again in sharp contrast to the earlier pay revisions where the revised rates of pension, family pension and other pecuniary benefits were notified in the same notification of revised pay structures.

18. ALLOWANCES: Point 11 of the MHRD notification stipulates that till the Ministry of Finance decides on the revised allowances of teachers, all allowances will be paid according to the pre-revised pay structure.

19. SERVICE CONDITIONS: Recruitment and Promotion: Point no 15 of the notification categorically states that the service conditions of teachers according to the revised pay revision, namely the new regulations on Recruitment and Promotion, will be notified after the requisite changes on a later date. The lesson from the past experiences of the last pay revision clearly suggests that delinking the service conditions of teachers from the notification of the revised pay structure is a half-hearted exercise which does not reveal the real conditions attached with the VII Pay Revision. During the VI Pay Revision, while the MHRD notification on the pay revision of teachers was notified on 31.12.2008, the promotion scheme of teachers, Career Advancement Scheme 2010, including the atrocious system of API/PBAS, was notified by UGC on 30.06.2010, thus creating a situation where the promotion scheme was implemented retrospectively for teachers.

20. FINANCIAL ASSISTANCE TO UNIVERSITIES: Point 18 of the MHRD Notification categorically suggests that the revised pay of teachers in the colleges and the Universities is subject to the guidelines issued by the Ministry of Finance (Dept of Expenditure) vide OM No. 1/1/2016-E.III(A) dated 13.01.2017. The said Office Memorandum underlines the fact that the Central Universities are 'autonomous institutions' and hence are supposed to get only 70% of the enhanced financial burden on account of the Pay Revision, the rest to be met by the Universities through self-generation of resources. This is a frontal attack on the character of the public-funded institutions as it threatens to reduce funds to institutions of higher learning.

This issue of reduction of funds is further underlined in Point 16, Clause (iv) where the State Universities have been allocated only 50% of Central assistance, and that too for a reduced period of 39 months, i.e. till 31.03.2019, as opposed to the Central assistance of 80% for 51 months in the last pay revision. **This is part of a policy assault launched by successive Governments to withdraw funding from Higher Education and also to starve Universities into penury and extinction.**

21. AIFUCTO/DUTA is alarmed by both point 18 pertaining to Central Universities and point 16 pertaining to the State Universities since both suggest the destruction of higher education in the country. The denial of funds to the States will inevitably lead to the collapse of their Universities and will eventually put more pressure on the Central Universities to accommodate students from the states.

22. Sir, unless these issues are amicably settled by MHRD we have drawn out our programme of agitation which runs as follows:

(i) A country wide **“Save Higher Education Day”** will be observed on **November 30, 2017** with a sit in dharna staged by all affiliate members. Teachers will organise signature campaigns in their respective units in support of their demands/grievances. It will be sent to MHRD with a copy to AIFUCTO.

(ii) At every state headquarter teachers will organise a protest Dharna/Procession Rally on **December 12, 2017** against the apathetic attitude of the Govt.

(iii) **Immediately after the AIFUCTO Statutory Conference, during the winter session of the Parliament a protest programme will be launched for which approval will be sought**

from the general council at the time of the conference.

We once again request you and MHRD to invite delegation from AIFUCTO to discuss these matters at the earliest and make the full text of the Recommendations of Prof.Chouhan Committee public. We hope that Central government will send a letter to Ministers in charge of Education in every state for implementation of the revised UGC pay scale uniformly & simultaneously. With due respect to the office of the Prime Minister and the MHRD, we place before you our grievances

on the Notification. We expect your early intervention and resolution of the crises.

Thank you.

With high regards,

Prof. Kesab Bhattachrya
President

Dr.Arun Kumar
General Secretary

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NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

We, the teachers within the jurisdiction of Nagpur University Teachers Association, having observed “Save Higher Education Day” on November 30, 2017 with a sit in dharna at our unit and participated in a country wide campaign launched by AIFUCTO, do hereby solemnly support the memorandum submitted by the President and the General Secretary of AIFUCTO to the Hon’ble Prime Minister of India.

SIGNED IN TOKEN THEREOF

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| Name & Address of College : |
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| S.N. | Name of Teacher | Designation | Signature |
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