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#ARMY DOWNGRADED - NEED FOR URGENT INTERVENTION

Army downgraded is trending on the social media among most military veteran groups and also some others. The issue of status equivalence and pay parity is raised every time a pay commission is constituted, apprehending further degradation of the Armed Forces in pay allowances and parity. The narrative has been replicated from the second to the 7 Central Pay commission (CPC). Earlier, within a few months after the implementation of the CPC, it was always back to business as usual, and the armed forces went around performing their role and tasks to the best of their abilities, trusting the powers that be to recognise the rationale and resolve issues in their favour. However, since the 7th Central Pay Commission, the twin issues of pay parity and status equivalence continue to be part of routine discussions and debate leading to anguish, anger and unpleasantness among the veteran community and also some in the serving community. This does not portend well for the armed forces and the nation. The 46 odd anomalies of the 6CPC remain unresolved even after a decade plus. More than a few eminent senior veterans have written on the constant and continuous degradation of the armed forces including open letters to the Prime Minister.

There is no doubt that the soldier whose 'Need Izzat' is paramount has the respect and regard of the national polity and public alike. The Indian Armed Forces are by far one of the most professional, committed, battle hardened and combat rich forces in the world. They are also one of the most respected professions by most Indians. The driving force for the Armed Forces is 'Izzat', Unit Izzat, Regimental Izzat, Izzat of the Army and India, and of course a self belief on being the best. 'Naam Namak Nishan' is the motivation and this also includes 'Izzat' of the soldier. There is a general belief and a perception that the armed forces are being degraded in status in comparison to all other services and being pegged even below the Central Armed Police Forces (CAPF). This adversely impacts the motivation and morale and creates functional problems.

There are thirty pages of seemingly authentic documents relating to pay and status equivalence issues being circulated on the social media. These purportedly authentic documents detail the various instructions which have diluted the status of the armed forces. The main issues culled out of these letters are enumerated.

- Ministry of Finance has clarified that Anomalies Committee is not applicable to Defence personnel, since Armed Forces cannot form associations, hence there is no avenue available to them for their pay anomalies, (MoF Note to MoD No 7.10/4/2008-IC dated 22 Apr 2010). Thus the very authority of the anomalies committee of the 6CPC is suspect.

- Appointment letter of a JCO is personally signed by the President of India with an order for publication of Gazette. Appointments of JCOs is notified in Government Gazette, being Gazetted Officers.

- Junior Commissioned Officers (JCOs) and equivalent in Navy and Airforce have been accorded status of Gazetted Group B status, (Sec 3, The Army Act, 1950). MoD now equates them to Gp C employees.
- Page 144 of 7CPC Report explains how Assistants, who are non-Gazetted, have been granted higher pay through JCM mechanism, while JCOs, who are Gazetted have been degraded, hence a Naib Subedar (gazetted) is in lower Pay Level than a non-gazetted Assistant.

- Lifetime earnings of a Soldier are almost half that of a CAPF Constable as per 6 CPC. This gap has further increased with implementation of 7 CPC. (Para 11 (a) and Appx A compared with Para 11 (c) and Appx H of Study Report appended with 7CPC Report).

- Govt notification of 4 November 1987 equated Brigadiers with Chief Engineers, Colonels with Additional CE & Lt Cols with Superintendent Engineers, MoD now wants to equate Lt Cols with lowest Gp A designations.

- VI CPC unambiguously reiterated equivalence between Armed Forces Officers and IPS (Page 71 Chap 2.3 6CPC Report).

- Post War Committee in 1947 established equivalence between Defence Officers and Class 1 Civil Services, particularly IPS, based on responsibilities. (Meeting held on 17 Mar 1947 published vide 4/81/P WPC).

- Despite Chairman COSC instructions that correct equivalence of Lt Cols is with Directors, MoD letters continues to downgrade them. (Chairman COSC letter dated 19 Feb 1992).

- Though MoD itself laid down that Lt Cols are equivalent to Directors, as reported MoD now wants to equate them with lowest Gp A designations. (Military Wing MoD letter No DMW/35100/1/COS dated Jan 1993).

- GoM headed by Shri Pranab Mukherjee concluding in 2008 that Lt Cols had always been placed above Deputy Secretaries to GoI. (Para 2.10 of GoM Report).

- GoM in 2008 recommended placing Lt Cols in PB4 while keeping Jt Directors/Deputy Secretaries in PB3. (Para 3.1 of GoM Report). MoD reportedly wants to place Lt Cols below Joint Directors/Deputy Secretaries.

- Cabinet Secretariat in an advertisement of 2017 (for deputation posts) laying down eligibility conditions equated Colonels with Deputy Directors with 5 years' service. Deputy Director is the lowest Gp A designation. (Advt 11/16 of 11 Feb 2017).

- CAO/MoD letter of 2016 clarifies that equivalence of Colonels with Jt Directors has been approved by Defence Minister and pay is not a measure of status equivalence for Armed Forces. (CAO MoD letter No A/24577/CAO/CP dated 6 Jan 2016).

- MoD instructions of 2015 regarding authorisation of Stenographer staff, equating Directors with 2nd Gp A posts and Lt Cols with lowest Gp A designations. (Appx A to GoI letter No A/24577/Steno/CAO/CP dated 12 Jan 2015).

- Extract of CAO/MoD instructions of 2013 disallowing Colonels from writing of Confidential Reports of Jt Directors and Brigs that of Directors and equating JCOs with Non-Gazetted Gp C employees. (Para 15 of MoD letter No A/48052/AI/2012-2013/CAO/APAR CELL dated 26 Mar 2013).

- MoD hospitality Instructions equating Majors with Gp B Section Officers and Lt Cols with lowest Gp A posts, issued based on a purportedly MHA letter of 1968. MoD office instructions of 2008 equating Colonels with Jt Directors and Lt Cols with lowest Gp A designations. (Para 12 of Manual of Security Instructions 2008 and MoD letter No 1465/NDC/Sectt-I&M/HG/15 dated 29 May 2005 to NDC).

- MoD issued letter No 1304D (Mov)/2010 dated 12 May 2010 equating Majors with Gp B Section Officers and Lt Cols with lowest Gp A posts.

- CAO/MoD letter dated 18 Oct 2016 equating Brigadiers with Directors, Cols with Jt Directors and implying equivalence of Lt Cols with Deputy Directors which is lowest Gp A designation.

- PMO Note of 2008 directing the setting up of High Powered Committee (HPC) for establishing equivalence between Defence Officers, CAPF & Civilians. Reportedly MoD has not allowed setting up of HPC and instead set up an Equivalence Committee under the additional secretary. (PMO letter No 1176973/PMO/2008 dated 27 Dec 2008).

- MoD Press Release of Oct 2016 states that equivalence of Defence Officers is actually reiteration of their existing status, and there is no degradation. (PIB MoD Press Release dated 27 Oct 2016 and PIB MoD Press Release dated 29 Nov 2016).

- RRM statement in Parliament of Nov 2016 stating that equivalence of Defence Officers is reiteration of their existing status. (MoD letter No A-62011/03/2016-D(Est I/Gp I) dated 17 Nov 2016).

These letters adversely impact the motivation and moral of the military leaders and the rank and file as also create major functional issues in all conjointly manned organisations functioning under the MoD. The MoD does not comprise of the three services alone, an extremely important component of effective functioning are also the nearly six lac civilian employees. All organs and organisations need to function in sync to ensure national security.

It is the authority of the Central Government under Section 115 of the State Recognition Act, 1956 to determine the principles governing equation of posts and prepare common gradation list by integration of services. The Central Government is mandated to ensure fair and equitable treatment to all employees in the matter of integration of services and preparation of gradation list and give opportunities to the parties affected to make their representations. The armed forces who by their very nature and role, rightly so are not permitted to form unions or associations and hence lose out. The MoD which should be fighting for the armed forces is in fact perceived to be fighting against them. The case in point is the grant of NFU which is at present in the supreme court.

Views of Central Pay Commission

The Central Pay Commissions including 5th CPC as well as the 7th CPC have categorically maintained "*the pay structure of defence services is not intended to determine the status of the persons vis-à-vis their counterparts*

on the civil side" and also have mentioned "*pay alone cannot be a determining factor for drawing functional equivalence between two sets of employees, more so when, the comparison is between defence and civil employees who are guided by different service conditions*". The GoI / MoD issued a Resolution vide letter No 1(30)/2008/D(Pay/Services) dt 30 Aug 2008 post implementation of 6th CPC stating "*Grade pay to determine seniority of posts only within a cadre's hierarchy and not between various cadres*," however, the fact on ground remains that after implementation of 5th CPC, MoD/D(MS) unilaterally vide their ID No. 19(19)/99-D(MS) dt 04 May 2000 categorically stated "the rank pay will not be taken into account for determination of status"(despite the fact that rank pay was part of basic pay for all purposes) thereby not only creating undue anomaly but also jeopardized existing equivalence of functional status.

Reportedly a committee has been constituted by the MoD to look into the aspect of uniform designation . The members of the committee have also been unilaterally decided by the Ministry and even the terms of reference given do not factor the concerns of the services. The issue affects the Service officers and the functioning of the formations/ Service HQs, hence the Service members must be taken with the consent of the Service HQs.

Grade Pay/NFU/Equivalence is a major concern which has generated avoidable functional problems as also deprived the armed forces personnel of pay and allowances granted to all other group A services. During the 6th CPC, the Pay Scales of Military Officers were fixed one level below, whereas the Civilian Cadre Officers enjoyed upgradation from their previous pay scales. The introduction of the Grade Pay in the revised pay scales and the grant of non-functional upgradation (NFU) to Group 'A' organised services have compounded problems. Though the MoD's resolution vide Note No 1(30)/2008/D (Pay / Services) dated 30 Aug 2008, clearly states that the Grade Pay is to determine seniority of posts only within a Cadre hierarchy and not between various cadres, the same has been interpreted differently by civil services. Similarly, the grant of NFU to the civilian officers is only for monetary purposes, the Civilian Officers use the exaggerated ranks for official correspondence leading to perceived upgradation. For example, an EE (Major) level officer uses a designation of SE (NF) thereby establishing its equivalence with Lt Col and an SE (Lt Col) level officer uses a designation of CE (NF) to establish its equivalence with a Brigadier. The problem is further compounded with the implementation of 7th CPC where in the pay levels are different for military and civilian officers doing the same work. Further with the inclusion of NFU with the regular levels the difference is more glaring and unacceptable.

The services suffer on account of their organizational culture and lack of representation. The Ministry's recommendations and decisions overruling

the armed forces is not in consonance with established norms or aspirations of the services and needs to be addressed.

Impact of 7th CPC on Equivalence

In context to the 7th CPC it needs no mention that with the pay structures implemented for CGOs and recommendations for defence pers in uniform, which is yet to be implemented, the equivalence issue needs to be handled with care since Defence Personnel are already on a losing ground especially in terms of their status which is adversely impacting their functioning as well as morale. The very purpose of NFU is to give the pay and perks upgrade to officers to meet their aspirations, and not to use designation of higher post as clarified by MoD vide their ID No 9(14)/2014-D (Works-II) dt 24 Dec 2014 and 6(9)/2014-D (Works-II) dt 17 Apr 2015. Further if any such motivation is required, it should have been to Services first who have a very steep pyramidal structure with extremely limited vacancies at higher levels which unfortunately is an organisational need. The Pro rata vacancy (PRV) at every level is 30% at best, implying that only 30% will be promoted from Lt Col to Col and again 30 % of the Colonels promoted will be promoted to Brigadiers. After that the selection rates are even more stringent with .02% of the original batch likely to be promoted to Lt General.

The key question is what is the resolution.

Status of military officers should be kept unaltered as per the status commensurate with the Central Warrant of Precedence of 26 Jul 79 for Major General and above, and Warrant of Precedence issued on 03 Sep 63 as amended upto 22 Nov 66 for all military officers.

For all conjointly manned organisations of the MoD to deliver and meet the organisational and infrastructure development requirements, all components must function in synergy. The functional hierarchy and harmony in the organization which has been disturbed by the selective cadre reviews in violation of the Government directions as well as the equivalence and pay parity between the cadres needs to be addressed on priority.

Grade Pay / Level should not be accepted as status determinator since Defence Forces are at a loss in comparison on this account or else their Levels to should be upgraded to be at par with existing equivalence.

Grant of NFU to the armed forces is an imperative and the MoD should stop fighting their very own soldiers in court, which also leads to a distrust where the soldiers can not comprehend and reconcile to the fact that the very ministry to whom they look up to protect their interests is perceived to be against their genuine and legal aspirations. Considering the limited promotional avenues in the services due to its pyramidal structure, evolve

methods to ensure status protection when working in the mixed cadre organization. The pay protection must be granted related to the length of service.

The Armed Forces are being forced to fight a losing battle on the home front while they remain prepared to defend a two front war. The RM Mrs Nirmala Sitharaman has been proactive in visiting various field formations of the three services to understand them and their concerns and has made an honest endeavour to comprehend their problems and resolve these to the benefit of the soldiers. The armed forces rightly so have high expectations from her and given her focus on the well being of the soldiers and her decision making and implementation abilities there is hope still. The RM needs to address the concerns of the armed forces and meet the genuine and legal aspirations of the soldiers sailors and air warriors.

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Views expressed are personal

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