

**JOINT FORUM FOR RESTORATION OF OLD PENSION SCHEME
(NJCA)**

4, State Entry Road New Delhi – 110055.

No.NJCA/2023/NC

January 23, 2023

**National Convention on Scrapping NPS and Restoring Old Pension Scheme a Gand Success!
Pension is our Fundamental Right to have a dignified livelihood during Old Age!
Clarian call given by National Convention to fight to achieve Guaranteed Old Pension Scheme
More than 700 delegates from more than 50 Organizations unanimously adopted the declaration.**

Dear Comrades,

The "National Convention" on Scrapping NPS and Restoring Old Pension Scheme, organized under the banner of the Joint Forum for Restoration of Old Pension Scheme(NJCA), was held successfully at New Delhi on 21.01.2023.

More than 700 Delegates, representing Central Government Employees(Railways, Defence, Postal and Income Tax etc.), State Government Employees, Autonomous Bodies and Teachers, participated in the Convention with lot of enthusiasm.

Welcoming the leader and the Delegates, Com. Shiva Gopal Mishra, Convener explained in detail about the implementation of the No Guaranteed NPS by the Government and the struggle of the Central Government and State Government Employees for the past more than 18 years. Time was now come to unitedly fight against NPS and to achieve OPS, and for that purpose NJCA has taken the initiative to bring all likeminded organizations of both the Central and State Government Employees, Teachers and others who are affected by the NPS. This Convention will adopting an historical declaration drafted by the Steering Committee. He requested the Delegates to consider the Declaration and adopt the same so as to carry forward the movement against NPS.

Com. M. Raghaviah, Co-Convener, also extended warm welcome to all the participate and he informed the house the historical Supreme Court Judgment of 1982 in the case of D.S. Nakra and others Vs Union of India which has established that the Pension is a Fundamental Right of the Government Employees. He also mentioned about the commitment given by the Government in the National Council JCM meeting held during December, 2007. However, assurance has been completely violated and the retiring employees from the NPS are getting very meager pension from NPS. Therefore, it has become essential for all of us to unitedly fight against the NPS in the coming days.

Com. Shiva Gopal Mishra placed the Draft Declaration(both in Hindi and English languages) for consideration and approval of the house. Copies of the Declaration in Hindi and English are enclosed with this proceedings.

Thereafter, the following comrades from the different organization have participated in the discussions on the Draft Declaration and all of them supported and endorsed the Declaration.

Thereafter, Com. S.N. Pathak, President/AIDEF, Com. R.N. Parashar, Secretary General/NFPE, Com. Ashok Singh, President/INDWF, Com. Guman Singh, President/NFIR, Com. J.R. Bhosale,

Working President/AIRF, **Com. Rampal Singh**, President/AIPTF, **Com. Hari Kishore Tiwari**, State President/UPRKSP, **Com. Ranbir Singh**, General Secretary/Confederation of Ex. Paramilitary Forces, **Com. C. Srikumar**, General Secretary/AIDF, **Dr. Dinesh Sharma**, State President/UPPSS, **Com. Ravi Nayak**, President/CCGEW, **Com. Kuldeep Kumar**, General Secretary/INEWF, **Com. Ajay**, General Secretary/CDRA, **Com. R. Srinivasan**, General Secretary/INDWF, **Com. Sushil Tripathi**, State President/UPCS, **Com. Ganesh Khajuria**, Chairman/J&KTF, **Com. Mukesh Sharma**, Secretary General/AIHE&WC, **Com. Tasleem Ali Beg**, Org. Secy./J&KGLTF, **Com. Jasbir Singh Talwara**, National Convener/PPBSC, **Com. Prashant Chaturvedi**, Chairman/AIPEF, **Com. I.S. Dabas**, Asstt. Secy. Genl./NCCPA and **Com. Champa Verma**, Zonal Secretary/AIRF/WCREU.

Afterwards, the House in one voice adopted the **Declaration** unanimously.

Com. M. Raghaviah, Co-Convener thanked all the leaders and Delegates for making the **National Convention** a historical and memorable.

He then concluded the proceedings of the Convention.

Comradely yours,


(Shiva Gopal Mishra)
Convener

Encl: Declaration.

ins.com

JOINT FORUM FOR RESTORATION OF OLD PENSION SCHEME (NJCA)

4, State Entry Road New Delhi – 110055.

DECLARATION

Declaration on "SCRAP NPS" and "RESTORE THE DEFINED OLD PENSION SCHEME" adopted by the National Convention on "Scrap NPS" and "Restore the defined Old Pension Scheme" held at New Delhi on the 21st of January 2023

The National Convention on **"SCRAP NPS" and "RESTORE THE DEFINED OLD PENSION SCHEME"** held at **New Delhi on the 21st day of January 2023** hereby adopts the present declaration on the aim and purpose of this historic convention with the ultimate objective to strive for Scrapping the National Pension System and to restore the defined Old Pension Scheme to the Central Government Employees, Employees of Various Autonomous bodies and Authorities, State Government Employees, Para Military Forces, and Teachers etc.

The National Convention believes that the experience of 18 years has fully demonstrated the truth that the National Pension System implemented by the Government of India unilaterally during the year 2003 for those Central Government Employees recruited on or after 01.01.2004 and subsequently by various State Governments, Autonomous Bodies and authorities, etc. has deprived Social Security to the Retiring Employees and has violated the following written assurance given by the Government of India in the Standing Committee meeting of the National Council JCM held on 14.12.2007. The relevant portion of the minutes of the meeting is given below.

"Under the NPS, pension system of the employees who entered government service prior to 01.01.2004 is not altered in any way hence, the NPS has no implication for this category of employees. For employees who has entered w.e.f. 01.01.2004 are not likely to be worse off vis-à-vis the current pension system in force, as the replacement rate would match to the present one. Thus, NPS is a win-win situation for employees and the government."

However the above written assurance of the Government of India has been clearly violated which is evident from the following table/illustration wherein it is clearly proved that the pension under NPS is not at all matching with the Pension rate under the Old Pension Scheme.

NPS Employees retired from one of the Defence Ordnance Factory

<u>Name</u>	<u>T.No./Per. No.</u>	<u>Basic Pay</u>	<u>Total Service</u>	<u>NPS Pension</u>	<u>Pension if under Old Pension Scheme</u>
R.Ramachandran	21048/9728	30500	13y/05m/01d	2417/-	15,250/-+DR
K.BhaskarRao	101755	34300	15y/06m/16d	2506/-	17,150/-+DR
S. Sivasankaran	881916	56900	17y/06m/11d	4900/-	28,450/-+DR

From the above it is now amply clear that the NPS Employees despite their contribution during their entire service period are getting only a very meager pension when compared to the employees governed under old pension scheme.

Old Pension Scheme under CCS(Pension) Rules 1972 (at present CCS(Pension) Rules 2021

The old Pension Scheme is a Defined Benefit Scheme. Employees who have put in 10 years minimum qualifying service are eligible for Pension. 50% of the last pay drawn is granted as monthly pension subject to a minimum guaranteed pension of Rs.9000/- per month + DR increase. Out of this monthly pension an amount equal to 40% of the Pension can be commuted while on superannuation (i.e. can be withdrawn in advance and which will be recovered and restored back after 15 years) and can get a lump-sum payment in advance. After commutation, the residual pension and DR on full pension will be paid for 15 years. If the Pensioner dies before 15 years, then there is no need for repayment of the balance commuted pension. Apart from this the Pension increases after 80 years of age by 20%, 30% after 85, 40% after 90, 50% after 95 and 100% after 100 year of age. Whenever pay scales of the employees are revised by the Pay Commissions, the Pension also are simultaneously revised. Under this scheme Family pension is granted for spouses (Wife/Husband), unmarried/widowed/divorced daughters and crippled son /daughter who is not able to earn his/her livelihood. An employee who becomes medically unfit and boarded out from service are entitled for invalid pension and gratuity and employee who are crippled due to accident are eligible for extraordinary pension. Payment of gratuity or commutation amount do not attract any income Tax.

New Pension System/National Pension System(NPS – why employees oppose NPS)

The New Pension Scheme which is now called as National Pension system is not a Defined benefit scheme. However it is a Defined contributory Scheme. While the contribution is defined, the benefit is not defined. It is uncertain. However under the old Pension Scheme there is no contribution from the employees and the benefits available in the old Pension Scheme like Pension, commutation and its restoration, enhancement of pension after 80 years etc., are well defined. The Government of India by an executive order on 22/12/2003 introduced NPS w.e.f. 01/01/2004. Subsequently during the year 2013 the PFRDA Act 2013 was passed in the parliament. Legally it came into effect from 01/02/2014 through a Gazette notification, which means legally the NPS has come in to force only w.e.f. 31/01/2014. However as mentioned above it was given effect 01/01/2004 by Executive Instructions.

In accordance with the NPS the employees have to contribute 10% of basic pay + DA and Government also contributes an equal amount as matching grant. However subsequently the Government has increased its contribution to 14 percent. The total amount is distributed to three Pension Fund Managers of LIC, SBI & UTI. They invest 15 percent in share market and 85 percent in bonds, both Government and private. In the NPS there is no guarantee for the returns on investments. There is a risk of loss of principle element also. The employee at the time of retirement on attaining the superannuation age, 60 yrs., in the case of Central Government Employees, a sum equal to 60 percent of the total available amount is given to the employee / retiree. Remaining 40 percent has to be invested in annuities and the retiree is given option to choose the company in which he/she can invest in annuity. This 40 percent investment of pension wealth in annuities is mandatory. In case an employee retires voluntarily from service before attaining 60 years of age, he will also be paid only 60 percent of pension wealth and balance 40 percent of pension wealth will be invested in annuities. For all other exit from service, the employee will get 20 percent and 80 percent has to be invested in an annuity for pension.

Though it is stated that this 40 percent or 80 percent does not attract any Tax to the actual amount of investment, 18 percent GST is imposed. A comparative statement as given above on pension of the recently retired NPS employees under the National Pension System(NPS), and in case they are in the old pension scheme, what pension they must have received has given a clear picture of how the NPS employees are being discriminated and left to the mercy of the market.

Pension is a Fundamental Right of the Employees

The historic judgement, delivered on 17.12.1982 by the 5 Member Bench of the Hon'ble Supreme Court of India, consisting of Hon'ble Chief Justice. V.D.Chandrachud, Hon'ble Mr. Justice V.D.Tulzaprukar, Hon'ble O.Chinnappa Reddy and Hon'ble Justice M. Baharul Islam, declared as follows in the case treated as Writ Petition Nos.5939-41 under Article 32 of the Constitution of India, known as D.S.Nakra and others Vs. Union of India has established that Pension is a fundamental right of the Government Employees.

"Para 31: from the discussion three things emerge (i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it creates a vested right subject to 1972 Rules which are statutory in character, because they enacted in exercise of powers conferred by the proviso to Art. 309 and Clause(50 Of Art. 148 of the Constitution, (ii) that pension is not an ex-gratia payment, but it is a payment for the past service rendered, and (iii) it is a social welfare measure rendering socio-economic justice to those who in the heyday of their life ceaselessly toiled for the employer on an assurance that in their old age, they would not be left in the lurch."

Appeal to the Government of India and State Governments

In view of all the above mentioned facts, this National Convention on **"SCRAP NO GUARANTEE NPS" and "RESTORE THE DEFINED GUARANTEED OLD PENSION SCHEME"** held at New Delhi on the 21st day of January 2023 on behalf of the entire Central Government Employees, Employees of Various Autonomous bodies and authorities, State Government Employees, Para military Forces and Teachers, etc appeals to the Govt. of India and the Various State Governments to consider the following genuine demands:

- (1) To withdraw the National Pension System implemented to the employees who are recruited on or after 01/01/2004 and to bring them all under the coverage of old pension scheme under CCS(Pension) Rules 1972.
- (2) To implement the GPF scheme to the employees who are recruited on or after 01/01/2004 by depositing the accumulated employees contribution along with the returns to the GPF Account of the employees.

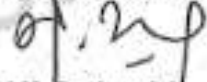
Action Programmes

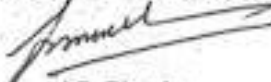
This convention accordingly formulates the following action programmes in the coming days by all the organizations who are in the field fighting relentlessly for withdrawal/Scrapping of NPS and for restoration of Old Pension Scheme.

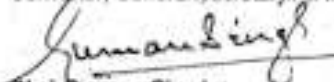
Revival of Old Pension Scheme – Tentative Action Plans	
10.02.2023 to 20.02.2023	Online Petition of JFROPS to President of India - Submission To be signed by maximum NPS employees and family members
21.02.2023	Rallies at Unit / Establishment / Office Level (Branch level in Railway)
21.03.2023	Rally at District Level by JFROPS
21.04.2023	National Steering Committee of JFROPS at New Delhi – To Review progress & decide future action plan. Gate Meeting at Units at Local Offices for awareness and sharing information
21.05.2023	Mashaal Juluos (Procession with Torch) at District Level – Involving Spouses and Wards
June 2023	Rally at State Level – In State Capital
July / August	Mega Rally at New Delhi – During Monsoon Session
September	Further precipitative action will be decided by steering committee
To give shape to the agitation organizing Padyatras, Jan-Jagran, Campaigning through Seminars, Village and Nukkad meetings should be organized.	

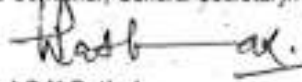
This National Convention gives a clarion call to the entire workforce of Government Sector both in Central Government and State Governments and also other organizations who are governed under NPS to come together and fight back with determination and commitment against the No Guarantee/Unassured NPS and to restore the defined Guaranteed Old Pension Scheme and to continue the battle till we achieve this goal.


Shri Shiva Gopal Mishra
Convener, General Secretary/AIRF


Shri M. Raghavaiah
Co-Convener, General Secretary/NFIR

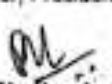

J.R. Bhosle
Member, Working President/AIRF

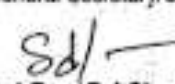

Shri Guman Singh
Member, President/NFIR

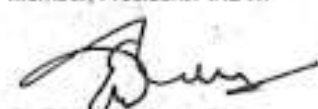

Shri S.N. Pathak
Member, President/AIDF


Shri R.N. Parasar
Member, General Secretary/CCGEW


Shri Ashok Singh
Member, President / INDWF

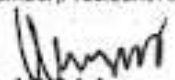

Shri Shailendra Dubey
Member, President/PEF

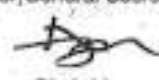

Shri Ram Pal Singh
Member, President, AIPTF

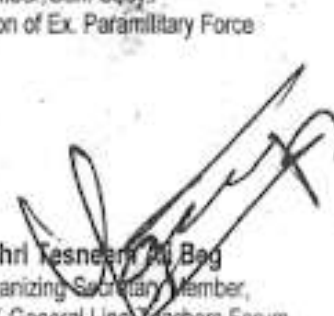

Shri Hari Kishore Tiwari
Member, President/VKSP


Shri C. Srikanth
Member, General Secretary/AIDF

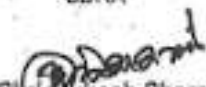

Shri Ranbir Singh
Member, Gen. Secy./
Confederation of Ex. Paramilitary Force


Shri R. Srinivasan
Member, General Secretary,
INDWF


Shri Ajay
Member, General Secretary
CDRA


Shri Reshmi A. Bag
Organizing Secretary, Member,
J&K General Line Teachers Forum


Shri Ganesh Khatwaria,
Member, General Secretary
J&K Teachers Forum


Shri Mukesh Sharma
Member, General Secretary/
AIHE&WConf