JOINTS CONSULTATIVE MACHINERY (JCM) :-

Objectives
In 1967 Government of India introduced the ‘Scheme for Joint Consultative Machinery and Compulsory Arbitration’ for Central Government employees. The objective was to promote harmonious relation, securing greatest measure of cooperation between Government in its capacity as employer and the general body of its employees in matters of common concern and increasing the efficiency of the public service. The Scheme provides for setting up of Joint Councils at three levels viz. (i) National Council (JCM-I) functioning at Cabinet Secretariat (ii) Departmental Council (JCM-II) functioning at the concerned administrative Ministry and (iii) regional / office council (JCM-III) functioning at the lowest level of the administrative set-up.

To Whom Applicable
Applicable to all central Govt. civilian employees except
- Group A officers
- Group B officers other than central secretariat and other compatible services in HQs organisation of the Govt.
- Officers in industrial establishments in managerial capacity and supervisions drawing pay exceeding Rs. 2000/- pm
- Employees of the union territories
- Police Personnel

Composition of National Council

Official Side :-
Total Members – 25 including cabinet secretary, secretaries of Ministries of Home, Labour, Communication, Defence, Finance (Deptt.of Expenditure) and Ministry of Railways. All members nominated by the Govt.

Staff Side :-
Total Members -60 Members nominated by recognized unions, associations.

Chairman of the National Council – Cabinet Secretary
Staff side represented by electing ITS leaders
Both sides (official /staff sides) may appoint ITS own secretary /secretaries.

Standing Committees under National Council
Standing Committees for Industrial Employees
Standing Committee for Non-Industrial Employees
Periodicity of Meetings:
a) Ordinary Meetings: At least one in four months-Notices to members 15 Days before meeting.
b) Special Meetings: Chairman on his own on at the request of members can call for special meetings. Notice 10 days before meetings.
Quorum should be 1/3 on both sides.

Procedures for meetings of National Council: Members’ sends explanatory memorandum to the secretary staff side/official side eight weeks before meeting.
Secretary place the item before chairman for approval for inclusion in the agenda.
Points not included in the agenda communicated to the member concerned with the reason for non-inclusion.
Agenda for ordinary meeting circulated 30 days before the meeting- special meeting for notice and agenda circulated together.
Items outside agenda can only be taken up with the permission of the chairman.

Minutes circulated after approval by the council.

**Departmental Council:**
Functions at the Hqrs. of the departmental /Ministry.

Official side 5 to 10 members with the head of the ministry/department as chairman, others members nominated by the govt. Staff side 20 to 30, members depending on the strength of the employees- members nominated by the recognized unions/associations

Matters relating to the departmental only discussed.

Periodicity and conducting of business similar to national council.

**Regional Office Councils:**
Composition of staff/Official side members based on the strength of the employees.
Council deals with regional/local problems.
Periodicity of the meeting at lease once in 2 months.

**Membership in Council (Staff Side)**
Employees on the effective strength can become a member.

Govt. may permit an Ex-employee as a member.

**Compulsory Arbitration**
The council referred to arbitration could not settle pay & allowances, weekly hours, leave etc..

No individual cases are referred to.

Matters first referred to DPT. DPT refer to Attorney General. Staff side/official side present then views-opinion of the AG is final and binding on the both sides.
If decided for arbitration- Home Ministry on behalf of national council refers the case to secretary- Min. of labour references to board of arbitration.

Govt. finalize the terms of references to the board with in four weeks.
Board will consists of 3 members – one drawn from the panel of 5 members submitted by official side-one drawn from the 5 members submitted by the staff side-independent officer appoint as chairman by min. of labour.
Award delivered by the board binding on both sides.
Award may be modified by the Govt. with the approval of parliament in the national interest.
Arbitration award orders issued by govt. cannot be modified for three years unless otherwise specified or modified by mutual agreement.

**Facilities for Attending JCM Meetings**
Members are eligible or TA/DA special CL etc. as per laid down rules for attending the JCM meetings.
Objectives of the Joint Consultative Machinery

The redressal of reasonable grievances of public servants is important because if they are not attended to in time they may lead to hostility, disputes, non-work and long range bitterness, damaging the very notion of public service. The Constitution of India provides for judicial review and the disciplinary rules if abused, the civil servant can seek judicial redressal. But this being dilatory, expensive and procedure based new methods of adjudication have been suggested by the Constitution itself.

The all India services normally use this channel in case of gross misuse of administrative laws by the ministers. But for group A and group B services, the Government of India introduced a scheme in 1966 for joint consultation and arbitration for the Central government employees on the lines of the Whitley Councils in the United Kingdom. This is a non-statutory and voluntary scheme.

The main objectives of the joint consultative machinery (JCM) are to promote harmonious relations between the government and its employees; to secure the maximum cooperation between them; and to increase the efficiency of the public services through a collaborative endeavor to narrow the area of unresolved differences. The scheme applies to all the Central government employees except the groups A and B services, employees in industrial establishments, union territories and police personnel.

(a) The scheme provides for a three-tier machinery:

(1) The National Council as the apex body,

(2) Departmental councils at the level of individual ministries/departments, and

(3) Regional office/councils to deal mainly with the local problems.

An important feature of the JCM scheme is the provision for compulsory arbitration in cases of disagreement between the official and the staff sides on matters relating to pay and allowances, weekly hours of work and leave of a class or grade of employees.

(b) A Board of Arbitration (BOA) under the administrative control of the ministry of labour has been set up with a chairman, and two other members. The awards of the BOA are binding on both sides except in cases in which the government proposes to modify the award. In the latter
case, the government has to place the award before the Parliament explaining the reason for modifying or rejecting the award.

Matters determined by the government in accordance with the recommendations of a Commission of Inquiry are not subject to arbitration for a period of five years from the date of recommendation. Orders issued by the government in pursuance of the recommendations of the BOA are operative for three years.

(c) In cases of disagreement, issues which are not covered under the dispensation for compulsory arbitration can be referred to a committee of three ministers, if the staff side makes a request for this. Whenever, there is a dispute between the official side and the staff in regard to the eligibility for arbitration, the issue is referred to the Attorney General of India for his opinion.

The National Council has been holding meetings since the inception of the scheme. Besides the formal meetings, its standing committees also meet from time to time.

(d) Efforts have been made to set up departmental councils in ministries/departments and to set up office council in various offices.

The administrative tribunals have become a part of the constitutional machinery of the country. As a system of adjudication their number is on the increase. Administrative tribunals determine the questions of a judicial or quasi-judicial nature of an administrative agency or department. Like a regular court, administrative bodies hear the parties, shift evidence, pronounce decision in cases where legal rights or duties are involved.

Administrative adjudication is a process by which administrative agencies settle issues arising in the course of their work when legal rights are in question. They represent authorities outside the ordinary court system which interpret and apply the laws when acts of public administration are attacked in formal suits or by other established methods.

The agencies for administrative adjudication usually comprise the minister; the head of the department; a ministerial tribunal; a special committee or commission like independent regulatory commissions; specialized courts of law; single member tribunal or a composite tribunal. The legislative output being enormous gives rise to more litigations, and more
restrictions on the liberty of the individual. In a welfare state, the infringement of authority on the common man is infinitely great. Disputes occur between individuals and authority.

The administrative tribunals are becoming popular and are fast proliferating in all countries. The Chief Administrative Tribunals in England are the Railways and Canal Commissioners, the Railway Rates Tribunals and the London Building Tribunal. The Chief Federal Administrative Tribunals in the United States are the Federal Trade Commission, the Interstate Commerce Commission and the Court of Customs and Patent Appeals.

In India, their growth has been rather haphazard and they have come into existence as or when required. Over 3,000 such courts exist in India. Income Tax Appellate Tribunals, Railway Rates Tribunals, Labour Courts, Industrial Tribunals, National Tribunals, Wage Boards, Election Tribunals, Rent Tribunals are some of the examples of such tribunals.
1. What is Joint Consultative Machinery?
The scheme of Joint Consultative Machinery is a platform for constructive dialogue between the representatives of the staff side and the official side for peaceful resolution of all disputes between the Government as employer and the employees. The scheme was introduced in 1966 with the objectives of promoting harmonious relations and securing the greatest measure of cooperation between the Central Government as the employer and the employees in matters of common concern and with the object of further increasing the efficiency of the public service combined with the well being of those employed. The scheme is a non statutory one mutually agreed upon between the staff side and the official side.

2. What is the applicability of the JCM Scheme?
The scheme covers all regular civil employees of the Central Government, except: (a) The Class-I services; (b) The Class-II services, other than the Central Secretariat Services and the other comparable services in the headquarters organisation of the Government; (c) Persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity drawing salary going beyond grade pay of Rs.4200/- per month; (d) Employees of the Union Territories; and (e) Police personnel.

3. What is the structure of the Joint Councils under the JCM Scheme?
The scheme provides for setting up of Joint Councils at the National, Departmental and Regional / Office levels. The National Council, chaired by the Cabinet Secretary, is the apex body.

4. How are staff side members selected for various Joint Councils?
The representatives of the staff side for various Joint Councils are chosen / selected from members of the recognized service associations/ unions.

5. What is the time schedule for holding meetings of the National/Departmental Councils?
As per the JCM Scheme, ordinary meeting of the National Council/ Departmental Council may be held as often as necessary as but not less than once in four months.

6. How recognition is granted to the staff associations?
The Department of Personnel & Training being the nodal department for matters relating to Joint Consultative Machinery and Compulsory Arbitration, has notified Central Civil Services (Recognition of Associations) Rules, 1993 for the purpose of granting recognition to various service associations. Recognition is actually granted by the concerned Ministry/ Department in accordance with the CCS (RSA) Rules, 1993. In case of any doubt or confusion, the matter is referred to the JCA Section of the Department of Personnel & Training for clarification/ advice.

7. What are the facilities available to recognised associations?
The recognized associations/ unions enjoy certain facilities like: (a) Negotiations with the employer; (b) Correspondence and meetings with the head of the administrative departments; (c) Provision of accommodation for the associations subject to availability; (d) Facility of special casual leave up to 20 days in a year to the office bearers of the associations. (e) Payment of T.A/ D.A for attending officially sponsored meetings; and (f) Facility of seeking transfer of Chief Executive of the Union / association to the Headquarters of the appropriate head of administration.

8. What will happen if there is no agreement between the staff and the official side?
If there is no agreement between the staff and the official side on an arbitrable issue, then the matter is to be referred to the Board of Arbitration if so desired by the staff side.

9. What are the issues on which arbitration is possible?
The arbitration is limited to the following issues: (a) Pay and allowances; (b) Weekly hours of work; and (c) Leave

10. Is the award given by the Board of Arbitration binding on the parties?
The award given by the Board of Arbitration is binding on the Government as well as the staff side subject to the overriding authority of the Parliament. The award can be modified/ rejected only with the approval of the Parliament through a formal resolution on grounds affecting national economy or social justice.
Joint Consultative Machinery

Joint Consultative Machinery or JCM as it is colloquially called, is a mechanism by which goal congruence is achieved in government departments through consultation with their employees. This helps in developing harmonious relation between government and its staff and improving the working environment so that the objectives of government department is achieved since a satisfied lot of employees enhances productivity and helps in achieving its aim.

The concept of the scheme is very simple i.e. joint consultation and it is similar to whitley council in Britain.

The scheme was proposed by Govt of India in 1960 following recommendation of IInd Pay Commission and employees demand thereafter. The scheme envisaged an arbitration council with limited compulsory arbitration alongwith three tier structure of joint consultation. However, employees expressed their doubts over some of the points of the scheme and only after a long discussion between staff union and government, the scheme was finally announced on 28 October 1966 which opened a new chapter in the history of staff relation in public services.

Salient Features

The objective of the scheme is "promoting harmonious relations and securing the greatest measure of cooperation between the government and its employees in matters of common concern so that the public service becomes more efficient and employees become more satisfied."

The Scheme is voluntary. The government and the employees unions and associations who participate in the scheme are required to subscribe to a Declaration of Intent. Accordingly, both the sides agreed to a full and frank discussions on all matters in the Joint Councils.

The Scheme covers both industrial and non-industrial establishments of the government. It differs from the Whitley System in two aspects, the first is, whitely system is concerned only with non-industrial civil services and the second is that the JCM scheme excludes Group 'A', Group 'B' services and police personnel.

JCM scheme provides for a three-tier structure and Joint Councils at the National, Departmental and Regional/Office levels.

The JCM scheme is a bi-partite body consisting of the representatives of the government (official side) and the representative of the recognised employees organisations (staff side). The official side is nominated by the government and the staff side seats allocated to different associations/unions/federations recognised by the government as per their representation in various government departments/establishments.

Though the Indian J.C.M. Scheme was modelled after the Whitley System in U.K., the Indian Scheme could not the spirit and the long experience of the Whitley system. It is more a joint consultative machinery than a bi-partite participative agency.
National Council

The National Council is the apex body. It is one of the largest joint councils consisting of 85 members. The official side with a maximum membership of 25 is nominated by the government. The staff side is nominated by the recognised federations/unions/associations of the employees. The seats are distributed between the federations/unions/associations by the Chairman of the council. The distribution of seats is based on the numerical strength of staff employed in each Ministry Department. The Cabinet Secretary is the Chairman of the Council. He is the leader of the official side and is connecting link between the government and the employees. The staff side elects one of its members as a leader by simple majority for a term of one year. The official and staff sides appoint Secretaries from amongst their representatives. There is a permanent secretariat of the council, which functions under the control of the Chairman. The National Council deals with matters generally affecting Central Government Employees, such as minimum remuneration, dearness allowance, and pay of certain common categories like the office clerks, peons, and the lower grade of workshops and matters relating to categories of staff common to two or more departments but not grouped into one departmental council. The National Council would not deal with matters pertaining to a single department. The National Council ordinarily may meet as often as necessary but not less than once in four months. A special meeting may be convened by the Chairman on his own or at the request of either official or staff side. The quorum for a meeting is one-third of the individual strength of the official and staff side. The National Council may constitute two Standing Committees one for the industrial employees and the other for the non-industrial staff to deal with their respective matters. The Council may delegate any of its powers to the Standing Committees for the quick disposal of its business. The Council and the Committees may also appoint Sub-committees from amongst their members to study and report on any matters falling within its jurisdiction. A matter once disposed of by the council cannot be brought to the agenda during the following 12 months, unless the Chairman permits it for any special reason. All matters should be decided by the council without reserving them for a later decision by the government.

The success or failure of the J.C.M. Schemes mainly depends upon the success or failure of the functioning of the National Council. For, the National Council is expected to function as a machinery to redress grievances at the national level dealing with matters affecting all the employees of the Central Government. Since its inception in 1966 it had held 25 meetings till the end of 1988. Over a period of 22 years of its existence it could withstand all the problems though it had some failures. In the initial years, the council could not reach certain agreements and the employees went on a day's token strike in September 1968 protesting against unhelpful attitude of the government. Due to the strike many of the employees organisations were de-recognised for a couple of years. Therefore, the National Council could not meet with full strength. However, the council and its Committees were very active during 1974-76 to consider the recommendations of the Third Pay Commission. Though the National Council could not succeed in achieving all its objectives, it acted effectively as a machinery for dealing with the grievances of the employees and reduce the amount of conflict with the government. However, the National Council has come to stay and has taken roots to provide a system of joint consultation and cooperation.
Departmental Council

Government of India conduct its business through various ministries and departments. Each Ministry and departments have been allocated business areas as per Allocation of Business Rules 1961. Therefore, each department has its own Departmental Council under JCM scheme. The scope and functions of these councils include all matters relating to the conditions of service and work, welfare of the employees, improvement of efficiency and standard of work. However, in regard to recruitment, promotion and discipline, consultation is limited to matters of general principles only and individual cases are not considered. The Councils deal with the problems of employees working in a Ministry/Department and the subordinate and attached offices of the department.

According to the J.C.M. Scheme 21 Departmental Councils are to be constituted in various departments. Till 1974, only 14 Departmental Councils were constituted. In the initial period it became difficult to constitute the Departmental Councils for want of recognised unions/associations. The Secretary of the Ministry represents the official side and is the Chairman of the Departmental Council. The official side is nominated by the government or the Head of the Department. The strength of the official side is Ten. The Chairman may invite temporary members and experts to the meetings for their advice. The Associations/Unions recognised by the Department nominate their representatives for a term of three years on the staff side. The staff side selects one of its members as its leader for a period of one year. There is a permanent secretariat of the council under the control of the Chairman. The membership of the staff side varies from Twenty to Thirty depending on the total strength of the employees and the number of grades and services in the department. The Departmental Councils ordinarily meet as often as necessary and not less than once in three or four months. The quorum is one-third of each of the strength of the official and staff sides. The Councils may appoint Committees on ad hoc basis.
Regional/Office Councils

The JCM scheme permits the departments for the setting up of Regional/office Councils, where it is possible. The Councils deal with only regional or local matters. The strength of a regional/office council is determined by the size of the staff in a region or office. The Head of the region or office is the Chairman of the Council. The JCM Scheme is silent about the constitution and the number of councils. Much progress is not recorded in the establishment of the councils, as there are some doubts in the minds of the Departmental authorities. The matters to be discussed are limited to subjects within the competence of Joint Secretary (Administration) of a Ministry/Department such as revision of duty hours, distribution of work, accommodation, amenities, holiday duties, etc.

The Office Council consists of not more than five members on the official side and eight members on the staff side. The Joint Secretary (Administration) is the Chairman of the Council and the Under-Secretary (Welfare) is the Secretary of the official side. The staff side is nominated by the recognised associations of the staff. The staff side elects its leader for a period of one year and appoints a Secretary from amongst its members. The office council meets at least once in two months.

The quorum is 1/3 of the members of each side. It may appoint committees to study and report. If the council cannot arrive at an agreement on any issue it may be brought before the Departmental Council concerned. Arbitration is not available at office council level in case of disagreement between two sides.

To realise the full objectives of JCM Scheme, setting up of regional/office councils is very important. For, they are the training fields to the representatives of the staff and official sides and provide grassroots to the J.C.M. Scheme. However, much progress is not achieved in establishing these councils for want of organisation of employees and positive attitude of officials at the local levels.
JOINT CONSULTATIVE MACHINERY

JOINT CONSULTATIVE MACHINERY  JCM – I , JCM – II , JCM – III , JCM – IV

In 1967 Govt. of India introduced the ‘Scheme for Joint Consultative Machinery and Compulsory Arbitration’ for Central Govt. employees. The objective was to promote armonious relation, securing greatest measure of cooperation between Govt. in its capacity as employer and the general body of its employees in matters of common concern and increasing the efficiency of the public service.

The Scheme provides for setting up of Joint Councils at three levels viz.

(i) National Council (JCM-I) functioning at Cabinet Secretariat

(ii) Departmental Council (JCM-II) functioning at the concerned administrative Ministry and

(iii) regional / office council (JCM-III) functioning at the lowest level of the administrative set-up. For Ministry of Defence Establishments, however, a four tier arrangement was agreed to and accordingly in the case of Ordnance Factories in addition to JCM-I (National) and JCM-II (Departmental), the following Joint Councils were set-up :- JCM – III : functioning at HQrs.

JCM – IV : functioning in each command organisation.

The Scheme clearly demarcates the jurisdiction of the Joint Councils at each level, the items and the circumstances in which these will qualify for compulsory arbitration by a Board of Arbitration consisting of these members, one from Official side, one from Staff side and a Chairman who will be an independent person. Subject to the overriding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides.

The Scheme, Constitution of Third and Fourth Level Councils for Defence Civilians, Draft Rules for the conduct of business of these Councils, Declaration of Joint intent regarding the common approach of Govt. of India and the employees organizations to work the machinery of Joint Council and Compulsory Arbitration and forms for nominations of Staff Side Members of the Departmental Council were forwarded to DGOF, amongst others, under Ministry of Defence letter No. 7(2)/66/D(Lab) dtd. 24-7-1967.

The factories had been furnished with copies of these documents under DGOF Circular No. 652/A/W dated 3rd November 1967 and asked to forward copies thereof to the recognised Trade Union(s), recognised Associations and Works Committees functioning in the respective factories. JCM-III at DGOF HQrs. and JCM-IV at the factories have been formed in accordance with the provisions laid down in the scheme and the constitution for these Councils. The special meeting(s) of the convened to transact the following business:-

(i) Signing of Declaration of Joint Intent.

(ii) Adoption of Draft Rules for Conduct of Business.
31 Section 5 CENTRAL CIVIL SERVICES (RECOGNITION OF SERVICE ASSOCIATION) RULES, 1993 (Copies of CSIR OMs/Letters) 1 CSIR O .M. No. 1(50)/84-O&M Dated: 13.1.1999 Sub:-Adoption of Central Civil Services (Recognition of Service Associations) Rules 1993 & Establishment of JCM. CSIR had been following Central Civil Services (Recognition of Service Associations) Rules 1959 and some of the Service Associations formed in CSIR were also accorded recognition under the said rules. As a result of a judgement given by the Supreme Court, sometime in 1965, the said Rules were rendered inoperative and the Govt. of India had advised that pending framing of the revised Rules, concerned Deptts./Organisations may deal with the Service Associations without insisting upon formal recognition provided the Associations which were formed fulfilled the major features of the said Rules. In order to look into the matters of common interest of its employees and to take steps to the extent practically feasible, CSIR, accordingly started dealing with CSIR Scientific, Workers’ Association and Federation of CSIR employees and Workers’ Unions, even though these were operating as Trade Unions distinct from Service Associations, in addition to dealing with Service Associations formed in a few Labs. By its employees which had been accorded recognition under the 1959 Rules ibid. In the wake of promulgation of revised Central Civil Services (Recognition of Service Associations) Rules 1993 by the Govt. of India, the matter of adoption of these Rules and establishment of Joint Consultative Machinery as formulated by the Govt. of India for employees of Central Government had been under consideration of CSIR for sometime. With a view to promote harmonious relations and secure maximum amount of co-operation from the Council employees to maximum amount of co-operation from the council employees to attain the R&D goals of CSIR with greater efficiency, the Governing Body considered the matter in its 145th meeting held on 27.7.1998 and accorded its approval to the adoption of CCA (RSA) Rules 1993 and introduction of Joint Consultative Machinery with necessary changes as are required in relation to CSIR system. The CCA (RSA) Rules 1993 have been approved by the Governing Body with the following modifications :- Reference to the ‘Government’ : In these Rules except Rules, 5,8,9 & 10 shall be construed as reference to “CSIR Society”. Reference to the ‘Government’ in Rules 5,8,9 & 10 of these Rules should be construed as reference to ‘Vice President’, CSIR. Reference to the “Government Servant” in these Rules shall be construed as reference to “CSIR employees”. 32 2. (I) As per Rule 4 of CCA (RSA) Rules, 1993, the Service Associations which had been accorded recognition under Rules 1959 such as NCL, Ministerial (Non-Gazetted Staff Association), CSIR Ministerial Staff Association etc. will continue to be recognised for a period of one year from the date of issue of this notification or till the date on which such recognition is withdrawn whichever is earlier. (2)CSIR Hqrs. & CSIR Labs/Instts. henceforth will not be able to deal with Service Associations which are not accorded recognition under these Rules. 3. Recognition will be accorded by the Vice-President, CSIR to an Association on fulfilling the conditions prescribed in Rule 5 (d) (I) of these Rules in respect of the central associations as well as local Associations in the labs./instts. The Associations which would be recognised centrally can have their subordinate formulations in CSIR Labs/Instts. 4. In the detailed procedure regarding verification of membership for the purpose of recognition under these Rules and recovery of subscription for the Associations from the pay rolls and other matters on the subject shall be governed by the provisions in the said Rules and the Govt. of India’s Orders issued from time to time thereunder shall be followed by CSIR to the extent
possible. 5. The Joint Consultative Machinery for joint consultation and arbitration of unresolved problems of CSIR employees will supplement and not replace the facilities provided to the Council employees to make individual representations or to Associations/Unions to make individual representations on matters concerning their respective constituents Services, Grades etc. The machinery envisages the formation of a Joint Council at the central level and Lab./Instts. Councils at the Lab/Instit. level The Joint Council shall consist of representatives from official side nominated by the VicePresident, CSIR and representatives from staff side nominated by the recognised Central Associations. The Labs/Instts. Councils shall consist of representatives from the official side nominated by the Vice President, CSIR and representatives from the staff side nominated by the recognised Local Associations/Branches of Centrally Associations. The detailed scheme of Joint Consultative Machinery is being notified separately. 6. A copy of the CCS (RSA) Rules 1993* is enclosed which may be provided to all existing Associations/Federations as also given wide publicity amongst the staff members. A circular calling for applications from the Associations for seeking recognition under these Rules and regarding conduct of verification of membership of Associations is being issued simultaneously. Receipt of this O.M. may kindly be acknowledged. 33 *[Notification No2/10//80-JCA (Vol. IV dated 5.11.93 from Ministry of Personnel, Public & Pension (Department of Personnel and Trg) is printed as Annexure to DOPT O.M.No.20/10/80-JCA dated 9.11.93 appearing at order No.67 Swamys Annual, 1993] 2 Copy of CSIR circular letter No.1(50)/84-O&M dated 3.2.1999 Sub-(i) Adoption of Central Civil Services(Recognition of Service Association) Rules, 1993 &(ii) Establishment of JCM I am directed to invite your kind attention to the CSIR O.M. of even No.dated 13.1.99 on the above cited subject and to enclose a copy of the detailed Scheme of Joint Consultative Machinery and Arbitration as approved by the Governing Body,CSIR in its meeting held on 27.7.98. A copy of the scheme may kindly be provided to all existing local Associations/Unions in the Labs/Instts. Wide and instant publicity may kindly be given to the scheme amongst the staff members. Annexure JOINT CONSULTATIVE MACHINERY AND ARBITRATION SCOPE In order to promote harmonious relations and securing the maximum amount of cooperation to attain the R&D objectives of CSIR with greater efficiency CSIR establishes a Joint Consultative Machinery for its employees with immediate effect for joint consultative and arbitration of unresolved problems. CONSTITUTION AND PROCEDURE The Scheme will cover all the regular Council employees of CSIR Hqrs. and its constituents National Labs./Instts. upto the level of Scientist E-I, Grade IV (3) and equivalent in the S&T category and upto the level of Under Secretary and equivalent in the Administrative category. The machinery will supplement and not replace the facilities provided to employees to make individual representations or to recognized Associations/Unions to make representations on matters concerning their respective constituent service, grades, etc. There will be a Joint Council at the CSIR Central level and Local Councils at the Lab./Instit. levels. JOINT COUNCIL The Council will consist of (I) official side and (ii) staff side. The official side will consist of upto 10 members who will be nominated by the Vice-President, CSIR which will include Directors of the Labs/Instts., Joint Secretary (Admn.),CSIR, Financial Adviser, CSIR, Legal Adviser CSIR, and such other senior Officers from the CSIR Hqrs. The staff side will consist of upto 20 members who will be nominated by the recognised Unions/Associations. DGCSIR will be the Chairman of the Joint Council and staff side will elect its own leader. Each side may appoint its own
The Joint Council will deal with the matters affecting Council employees generally which can be settled only at the CSIR level and those which remain unresolved at the Labs/Instts. level. 34 PROCEDURE FOR NOMINATION OF THE STAFF SIDE OF THE JOINT COUNCIL The CSIR will address the recognised Associations participating in the Joint Council to send nominations/re-nominations of their staff side members of the Joint Council within a stipulated period of one month. MEETINGS OF THE JOINT COUNCIL The meetings of the Council shall be held as often as necessary and not less than twice in a year for which a notice shall be sent to all members at least fifteen days in advance of the date of such meeting. A special meeting of the Council may be convened by the Chairman on his own or on a request from either the official side or from the leader of the staff side by giving a minimum of 10 days notice for such meetings. The quorum shall be one third of the strength of the official and staff side. An item proposed to be included in the agenda should have to be sent by a member with explanatory memorandum to the Secretary, Joint Council at least eight weeks in advance of the meeting. The proposal from staff side will come through the Secretary staff side. The agenda of the ordinary meeting shall be circulated thirty days before such meeting and for the special meeting it shall be circulated simultaneously with the notice of such meeting. Any item not on the agenda will be taken up only with the permission of the Chairman under whose direction the minutes of the meeting will be drafted and circulated to the members after getting them approved by the Joint Council. Only those statements issued under the authority of the Council shall be notified.

LABS/INSTTS COUNCIL The Local Council will be constituted at each Laboratory. The Official side will be nominated by the Vice-President, CSIR, will consist of 5-10 members and the Director of the Lab/Instt. will be the Chairman of the Local Council. The staff side will consist of 5-10 Members, depending upon the strength of the lab./Instt. to be nominated by the recognized Associations/Unions. The Lab./Institute will deal with only those matters which can be resolved at the Lab./Instt. level. The periodicity of the meeting and the conduct of the business will be similar to those of the joint council except that a special meeting of the council may be convened by giving the minimum notice of 7 days and that the agenda for an ordinary meeting shall be circulated to all the Members not less than 3 weeks before such meeting. JURISDICTION AND FUNCTIONS The jurisdiction of the Joint Consultative Machinery includes all matters relating to the conditions of service and work, welfare of the employees and improvement of efficiency and standards of work provided that: In regard to recruitment, promotion, assessment and discipline consultation will be limited to the matters of general principles; and Individual cases will not be considered. When the matters cannot be settled by negotiations in the joint council/Lab./Instts. The arbitration will be provided in respect of the following: :- Pay & Allowances; 35 Weekly hours of work; and Leave of a class or grade of employees. For other items, which are not arbitrable action will be taken by the CSIR according to its own judgement in case of dis-agreement, the staff side if they so desire can place their view point before Sub-Committee of the GB constituted by the Vice-President, CSIR. ARBITRABLE ISSUES If no agreement is reached on arbitrable issues, the matter may be transmitted to a Committee at a Joint Council for further examination and report. Before a final disagreement is recorded, CSIR will obtain the approval of the GB for the same. The procedure
for recording the disagreement should be completed within 5 months from the date it is decided to record a disagreement. If final disagreement is recorded, the matter will be referred to arbitration if so desired by either side provided the matter relates to pay & allowances or weekly hours of work or leave. The Joint Council may appoint Committee to study and report on any matters falling within its jurisdiction. The agreement reached between the two sides of the council will become operative subject to final approval of the Governing Body of CSIR.

Procedure to be followed in the Lab./Instt. Councils before signing disagreement: When there is a dispute in the lab./Instt., Council on any issue which can be resolved at the local level, the matter may be referred by the either side, official or staff side to the CSIR to be processed in the Joint Council. COMPULSORY ARBITRATION Compulsory arbitration is permissible only in respect of (I) Pay & Allowances; (ii)Weekly hours of work; and (iii) Leave of a Class or Grade of employees. Individual cases will not be referred to arbitration. Before signing the disagreement, if there is any dispute regarding the arbitrability of an issue it will be referred to Department of Personnel & Training for advice. If it feels that the issue is not arbitrable, the matter will be further referred to the Sub-Committee of the GB to whom each side of the JCM will present its views in writing and the opinion of the Sub-Committee will be binding on both the parties. Approval of the Governing Body will be obtained for recording the disagreement in the joint council as & when the issue is decided to be an arbitrable one. The CSIR shall finalise the terms of reference and within a period of four weeks appoint a Board of Arbitration. The Board will consist of three members – one drawn from a penal of 5 names submitted by the official side, one from the similar panel submitted by the staff side and a Chairman who will be an independent person. The Members and Chairman of the Board will be selected by the Vice-President CSIR. The Board of arbitration will decide the disputes after examining the merits of the case and taking into account all other relevant factors. The Award delivered by the Board shall be binding on both official and staff sides subject to the authority of the Governing Body to modify or reject an award on grounds of financial constraints or social justice. Procedure for processing the cases where disagreement is recorded on non-arbitrable items of JCM/Compulsory Arbitration: In respect of non-arbitrable items, the staff side, if they so desire can place their view points before the Sub-Committee of the Governing Body for recommendations. The Recommendations of the Sub-Committee will be placed before the Governing Body, CSIR. Which will take action according to its own judgement. 36

Excepting/Rejecting an Award: Before excepting/rejecting an Award the case would be placed before the Sub-Committee of the Governing Body and its recommendations placed before the Governing Body, CSIR for acceptance/rejection of the Award. Date of effect of implementation of the Award: Where no date is indicated in the Award itself by the Board of Arbitration: The date of issue of the order will be the date of giving effect to the Award; Ordinarily, the CSIR will take a decision on the Award within five months. The staff side will be intimated immediately after a decision is taken to reject or modify the Award. 3 Copy of CSIR letter No. 17/67/20./95-PPS-445 dated 29.7.1999 addressed to Dr. S.N. Sharma, Scientist IIP Dehradun and copy endorsed to Directors of all the national Labs./Instts. I am directed to state that the several communications by the so-called CSIR Scientific Workers’ Associations are being received in CSIR on various matters of service conditions of CSIR employees. It has not been possible to take cognizance of such communications on account of the following: (i) CSIR has adopted
CCS (RSA) Rules, 1993, with effect from 13.1.1999, as notified vide OM No. 1(50)/84-O*OM dated 13.1.1999. (ii) With the coming into force of the CCS (RSA), Rules, 1993, CSIR can deal only with those Associations formed by its employees which are accorded recognition under the said rules. The position has been amply made clear in the CSIR circular letter dated 13.1.1999 which inter-alia stipulates as under “...CSIR hqrs. & CSIR Labs./Instts. henceforth will not be able to deal with the Service Associations which are not accorded recognition under these Rules.” CSIR will be happy to deal with the service associations which are formed by its employees in accordance with the norms set out in CCS (RSA) Rules, 1993 including the so-called CSIR Scientific Workers’ Association in case it is able to convert itself into a Service Association, like the five Service Associations that have been already formed with the approval of Vice-President, CSIR under the said Rules. A few more are already under processing. It may also be mentioned that the ultimate forum proposed to be given to the employees in the form of a Joint Consultative Machinery for redressal of collective grievance will have representatives only from the recognized service associations. You would, therefore, appreciate that the question of having any dialogue or dealing with the Unions or Associations which have not been formed and recognized under the CCS (RSA) Rules, 1993 does not arise. CSIR will again like to reiterate its commitment to all the Members of CSIR family of being a model employer by way of continued dialogue/discussions with the employees in the individual capacity. Towards this end, the Directors of the Labs./Instts. and the concerned Officers in the CSIR Hqrs will continue to meet employees in their individual capacities for any their individual problems/grievances etc.

Copy of CSIR letter No.1(50)/84-O & M dated 9.5.2000 Sub: Meetings/Conferences by Associations which are not recognized by VP, CSIR under the CCS (RSA) Rules, 1993, as adopted by CSIR vide OM of even number dated 13.1.99. In continuation of the CSIR Circulars letter of even number dated 5.7.99, 31.8.99 and 18.2.2000, I am directed to state that the matters regarding Associations, are governed strictly by the provisions of the CCS (RSA) Rules, 1993, as adopted by CSIR vide CSIR OM of even number dated 13.1.1999. In terms of the said provisions, any Association which is not recognized by the VP, CSIR, has no right to represent on staff matters or undertake any activity on their behalf. CSIR or its labs. can not provide any facility to any such Association including meetings and conferences. xxx xxx xxx I am writing this letter specially to request you to widely publicize the aforesaid position that NAL is not providing the facilities, as permission or facilities to such conference by an Association not recognized by the VP, CSIR would be a contravention of the aforesaid Rules.
OFFICE MEMORANDUM
Subject:- Central Civil Services (Recognition of Service Association) Rules, 1993

The undersigned is directed to say that the question of framing fresh Rules for recognition of Service Associations of Central Government employees has been under consideration of the Government for quite sometime. Accordingly the Government have framed the Central Civil Services (Recognition of Service Association) Rules, 1993. These Rules have been notified in part (II), Section 3, Sub-Section (I) of the Gazette of India extraordinary dated 5th November, 1993, as GSR No. 689 (E). The Rules will, therefore, take effect from 5th November, 1993. A copy of the Rules is enclosed.

2. These Rules shall apply to all Service Associations of Central Government employees including civilian employees in the Defence services, but shall not apply to industrial employees of Ministry of Railways and workers employed in Defence installation of Ministry of Defence for whom separate Rules for Recognition exist.

3. The status of existing recognized Associations / Federations including those recognized on ad-hoc basis, shall be regulated in terms of rule 4 of the said Rules.

4. Recognition will be accorded by the Ministry / Department of an Association on fulfilling the conditions prescribed in Rule 5 (d) (i) of the rules in respect of the entire Ministry / Department. The Association so recognized at the Central level may have branches in the lower formation. In respect of Secretariat staff belonging to the Central Secretariat Service, Central Secretariat Stenographers Service, Central Secretariat Clerical Service, the recognition will be on all Secretariat basis as at present. Such Associations will have branches in respective Ministries / Departments.

5. Detailed procedure regarding recovery of subscription for the associations from the pay-rolls shall be prescribed by the Controller General of Accounts.

6. 1 Relaxation of any of the provisions of the CCS (RSA) Rules, 1993 under Rule 9 of the said Rules should be done only with the prior approval of the Department of Personnel and Training.

6. 2 Doubts regarding the interpretation of CCS (RSA) Rules 1993 should be referred to the JCA Division of the Department of Personnel and Training for clarification.
In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, after consultation with the comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, and in suppression of the Central Civil Services (Recognition of Service Associations) Rules, 1959 except as respects things done or omitted to be done before such super session, the president hereby makes the following rules, namely:

1. **Short title and commencement:** (1) These rules may be called the Central Civil Services (Recognition of Service Associations) Rules, 1993.

2. They shall come into force on the date of their publication in the official gazette.

2. **Definition:** In these rules, unless the context otherwise requires, -
   (a) “Government” means the Central Government.
   (b) “Government servant” means any person to whom the Central Civil Services (Conduct) Rules, 1964, apply.

3. **Application:** These rules shall apply to Service associations of all Government servants including civilian Government servants in the Defence Services but shall not apply to industrial employees of the Ministry of Railways and workers employed in Defence Installations of Ministry of Defence for whom separate Rules of Recognition exist.

4. **Service Associations already recognized:**

   A Service Association or a federation which has been recognized by the Government before the commencement or these rules and in respect of which the recognition is subsisting at such commencement, shall continue to be so recognized for a period of one year form such commencement or till the date on which the recognition is withdrawn, whichever is earlier.

5. **Conditions for recognition of Service Associations:**
A service Association which fulfills the following conditions may be recognised by the Government, namely:

(a) An application for recognition of Service Association has been made to the Government containing Memorandum of Association, Constitution, Bye-laws of the Association, Names of Office-Bearers, total membership and any other information as may be required by the Government;

(b) the Service Association has been formed primarily with the object of promoting the common service interest of its members;

(c) membership of the Service Association has been restricted to a distinct category of Government servants having common interest, all such Government Servants’ being eligible for membership of the Service Association;

(d) (i) The Association represents minimum 35 percent of total number of a category of employees provided that where there is only one Association which commands more than 35 per cent membership, another Association with second highest membership, although less than 35 per cent may be recognised if it commands atleast 15 per cent membership;

(ii) The membership of the Government Servant shall be automatically discontinued on his ceasing to belong to such category;

(e) Government employees who are in service shall be members or office bearers of the Service Association;

(f) the service Association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination;

(g) the Executive of the Service Association has been appointed from amongst the members only; and

(h) the funds of the Service Association consist exclusively of subscriptions from members and grants, if any made by the Government, and are applied only for the furtherance of the objects of the Service Association.

6 Conditions subject to which recognition is continued:

Every Service Association recognized under these Rules shall comply with the following conditions, namely:-
(a) the Service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the Service Association;

(b) the Service Association shall not espouse or support the cause of individual Government servants relating to service matters;

(c) the Service Association shall not maintain any political fund or lend itself to the propagation of the view of any political party or a member of such party;

(d) all representations by the Service Association shall be submitted through proper channel and shall be addressed to the Secretary to the Government / Head of the Organisation or head of the Department or office;

(e) a list of members and office hearers, and up-to-date copy of the rules and an audited statement of accounts of the Service Association shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st day of July each year;

(f) the Service Association shall abide by, and comply with all the provisions of its constitution / bye-laws;

(g) any amendment in the constitution / bye-laws of the Service Association, after its recognition under these Rules, shall be made only with the prior approval of the Government;

(h) the Service Association shall not start or publish any periodical, magazine or bulletin without the previous approval of the Government;

(i) the Service Association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so, on the ground that the publication thereof is prejudicial to the interests of the Central Government, the Government of any state or any Government authority or to good relations between Government servants and the Government or any Government authority, or to good relations between the Government of India and the Government of a foreign State;

(j) the Service Association shall not address any communication to, or enter into correspondence with, a foreign authority except through the Government which shall have the right to withhold it;

(k) the Service Association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the central Civil Services (Conduct) Rules, 1964; and
communications addressed by the Service Association or by any office-
bearer on its behalf to the Government or a Government authority shall not
contain any disrespectful or improper language.

7 Verification of Membership:
(1) The verification of membership for the purpose of recognition of a
Service Association shall be done by the check-off-System in pa-rolls at such intervals
and in such manner as the Government may by order prescribe.

(2) The Government may, at any time, order a special verification of
membership if it is of the opinion, after an enquiry, that the Service Association
does not have the membership required under sub-clause (i) of clause (d) of rules 5.

8 Withdrawal of Recognition:
If, in the opinion of the Government, a Service Association recognized under these
rules has failed to comply with any of the conditions set out in rule 5 or rule 6 or rule
7 the Government may after giving an opportunity to the service Association to
present its case, withdraw the recognition accorded to such Association.

9 Relaxation:
The Government may dispense with or relax the requirements of any of these rules to
such extent and subject to such conditions as it may deem fit in regard to any Service
Association.

10 Interpretation:
If any question arises as to the interpretation of any of the provisions of these rules or
if there is any dispute relating to fulfillment of conditions for recognition it shall be
referred to the Government, whose decision thereon shall be final.

Sd/-
(J.S.Mathur)
Joint Secy. to the Govt. of India
Subject: Procedure for verification of membership of Associations for the purpose of recognition under the Central Civil Services (Recognition of Service Associations) Rules, 1993.

This is in continuation of this Department’s O.M. of even number dated 9th November, 1993 forwarding a copy of the CCS (Recognition of Service Association) Rules, 1993 for recognition of Service Associations of Central Government employees.

2. 1 In terms of Rules 7 of the above mentioned Rules, the verification of membership for the purpose of recognition of a Service Association shall be done by the check-off system in pay-rolls.

2. 2 Check-off system is a means to verify the membership of an Association on the basis of deduction of subscription from the pay-rolls. Under this system each Government employee, who is a member of an association is required to apply, in writing, to the DDO or any other designated authority, his consent, for the deduction of annual subscription, for the financial year, from the pay-roll in favour of a particular Association. A specimen of the application is enclosed at Annexure-I. On receipt of the application, the Association is required to confirm the membership, and thereafter pass on the application to the DDO for effecting recoveries.

2. 3 Consent for deduction of annual subscription shall remain valid till altered or withdrawn. The revised option for deduction, if any, can be exercised only in the month of April each year to be effective from July of that year.

2. 4 Under the check-off system a Government Servant may subscribe to only ONE Association. For the purpose of fulfillment of the requirement of minimum membership under Rule 5 ( d ) ( i ) of the CCS (RSA) Rules, 1993 only such of the members who have paid the subscription through the check-off system shall be taken into account.

2. 5 Recoveries of annual subscription from pay roll in favour of a particular Association shall be made by the DDO once a year in the month of July.
3. The conduct of the verification of Membership to be completed by 30th September, 1994. This procedure is to be adopted for recognition of Associations at the initial stage. The guidelines are by no means exhaustive and Ministries / Departments may make such changes as they deem fit provided the changes do not infringe any of the provisions of CCS (RSA) Rules, 1993.

4. Detailed procedure regulating recovery of subscription from the pay-rolls, accounting and the consolidation of accounts, has been prescribed by the controller General of Accounts vide their O.M. No. 9 ( 4 )/93/TA/Vol.II/4 dated 9.1.2001. Doubts regarding the above mentioned OM may be addressed to Ms.T.R.Padmavathy Sr. Accounts Officer(TA), 7th Floor, Office of the Controller General of Accounts ,Lok Nayak Bhavan , New Delhi-110003.

5. The procedure for crediting the subscription deducted by the DDO to the Association’s account may be finalized by each Ministry / Department in consultation with the concerned Association.

6. Each Ministry / Department should give wide publicity to all the instructions / information / schedule regarding the verification of membership so that the entire exercise is carried out in a smooth manner.

Sd/-
(BIR DATT)
DIRECTOR (JCA)

To,

1. All Ministries/Departments of the Govt. of India.
Master The Art Of Negotiation

Many people believe that negotiations are "all or nothing", and that there has to be one winner and one loser. Nothing could be farther from the truth. While the goal of negotiation is most certainly getting what you want, the fact is that the best deals (the ones that stick) incorporate terms and ideas from both parties.

In this article, we'll provide some tactics and tips that good negotiators use to get what they want. These suggestions may be used in virtually any negotiation process.

Before the Negotiation

Prior to entering any formal negotiation, it is important for an individual to think about what he or she wants to achieve from the process. To that end, it makes sense to put on paper specific goals or desirable outcomes. Be optimistic. Ask yourself what would be a "home run" in your deal? This could be as simple as the other party conceding entirely to your wishes. Next, individuals should identify several fall-back positions that they'd be comfortable with that would still get the deal done. The idea is to have thought out as many scenarios as possible.

The next task should be to identify (or try to identify) any potential weaknesses in the opposing party's position. For example, if in a real estate transaction one party knows that the other party has to sell a certain property or face a liquidity crisis, this is valuable information that can be used in negotiation. Identification of weaknesses is important because it may allow the party that has done its homework to capitalize on the other party's weaknesses and turn negotiations in its own favor, or at the very least help both parties to better identify an area of middle ground.

Another pre-negotiation exercise, and it is something that most people don't do but should, is to come up with a list of reasons why their proposal would also be beneficial to the opposing party. The logic is to then bring up the key points of this list in the actual negotiation with the counterparty in the hope that the points will advance the cause and/or help to identify some common ground. Again, using real estate as an example, perhaps one party - in this case a company - could argue that its bid for a particular property is more favorable than others (even though it's lower in terms of dollars) because it is an all-cash offer, as opposed to a riskier financing or a stock swap. By specifically pointing out the advantages to both parties, the negotiator increases the odds of getting the deal done.

The Negotiation

In Person

Ideally, each party should identify its goals and objectives at the outset. This allows each participant in the negotiation to know where the other stands. It also establishes a basis for a give-and-take conversation. At this point, each party may then offer its fall-back proposals and counter proposals in order to hammer out a deal.

That said, beyond the initial volley of proposals, there are also other things that negotiators can do to enhance their chances of turning the deal in their favor. Let's use body language analysis as an example.
Was your proposal well received? Positive signs include nodding of the head and direct eye contact. Negative signs include folding of the arms (across the chest), aversion of the eyes or a subtle head shake as if to say "no". Pay attention next time you ask someone a question. You'll see that more often than not, a person's body language can yield a lot of information regarding his or her underlying feelings.

**By Phone**
If a negotiation is done by phone, body language can't be determined. This means that the negotiator must do his best to analyze his counterpart's voice. As a general rule, extended pauses usually mean that the opposing party is hesitant or is pondering the offer. However, sudden exclamations or an unusually quick response (in a pleasant voice) may indicate that the opposing party is quite favorable to the proposal and just needs a little nudge to seal the deal.

**By Mail**
Negotiations done through the mail (such as residential real estate transactions) are a different animal altogether.

Here are some tips:

- Words or phrases that leave ambiguity may signal that a party is open to a given proposal. Look specifically for words such as "can", "possibly", "perhaps", "maybe" or "acceptable". Also, if the party uses a phrase such as "anxiously awaiting your reply" or "looking forward to it", this may be a signal that the party is enthusiastic and/or optimistic that an agreement may soon be reached.
- When the opposing party makes an initial offer or a counter proposal, see if you can incorporate some of those ideas with your own and then ink a deal on the spot. If compromise on a particular issue is not possible, propose other alternatives that you think would be favorable to both parties.
- Finally, while all agreements should be sealed with a hand shake, a more formal contract memorializing the negotiation is a must. To that end, have an attorney draft a formal contract soon after the negotiation process is completed and make certain that it is signed by all parties in a timely manner.

**No Agreement? No Worries**
If an agreement cannot be reached in one sitting or one phone call, leave the door open to future negotiations. If possible, schedule further meetings. Don't worry - if worded appropriately, your request won't appear overly anxious. To the contrary, it will come across as though you sincerely believe that a deal can be worked out and that you are willing to work to make that happen. In between negotiations, try to mentally review what took place during the initial meeting. Did the opposing party reveal any weaknesses? Did he or she imply that other factors may have an impact on the deal? Pondering these questions prior to the next meeting can give the negotiator a leg up on his or her counterpart. Finally, if an agreement simply can't be reached, agree to part as friends. Never, under any circumstances, burn your bridges.
4 Basic Principles of the Art of Negotiation

Something surprising: better negotiators focus more on the other side, than they do on themselves.

Instead of telling other people what to think, they ask questions, and really listen.

Following are some basics:

1. Once someone says yes, shut up!

You’d be surprised how often smart people make this mistake. What usually happens is that they are trying to prove their point, not to negotiate. Great negotiating is more about listening than talking. Once you’ve said something, you can’t take it back. Be careful with your words. I’ve gone into negotiations prepared to give the other side something, only to have them talk me out of it.

2. Be respectful

When you get an objection, don’t get defensive. Instead, ask for clarification. For example, if someone says they don’t like the strategy, ask them why. Ask for specifics. Seize objections as an opportunity to listen carefully, not to fight back. Don’t interrupt. Trying to win an argument rarely gets you what you want. Don’t be rude or pushy. Don’t negotiate if you are feeling emotional. Similarly, if the person you are negotiating with is in a bad or unreceptive mood, table the conversation. Respect people’s time.

3. Focus on common ground

Don’t assume you know what matters to the other person. They may view the situation completely differently than you expect them to. And great negotiators craft their negotiation based on what the other person wants, not on what they want. Do your research. However, don’t shove all your opinions down your counterparties’ throat. They may disagree with most of your analysis, and that’s fine. It doesn’t mean you’ve lost. Focus on where you agree. Changing somebody’s mind is difficult and exhausting. And it rarely works. Spend energy building on where you already have agreement.

4. Know what you want

I once managed someone who was very charismatic and likable. People wanted to help him. However, he rarely collected on this goodwill because he didn’t know what he wanted. Good opportunities are missed when you are unprepared. It’s hard to get what you want if you don’t know what it is. The best negotiators know what they want at every step. Negotiations are often give and take, so aim high.
NEGOTIATION SKILL

Problem Analysis

Effective negotiators must have the skills to analyze a problem to determine the interests of each party in the negotiation. A detailed problem analysis identifies the issue, the interested parties and the outcome goals. For example, in an employer and employee contract negotiation, the problem or area where the parties disagree may be in salary or benefits. Identifying the issues for both sides can help to find a compromise for all parties.

Preparation

Before entering a bargaining meeting, the skilled negotiator prepares for the meeting. Preparation includes determining goals, areas for trade and alternatives to the stated goals. In addition, negotiators study the history of the relationship between the two parties and past negotiations to find areas of agreement and common goals. Past precedents and outcomes can set the tone for current negotiations.

Active Listening

Negotiators have the skills to listen actively to the other party during the debate. Active listening involves the ability to read body language as well as verbal communication. It is important to listen to the other party to find areas for compromise during the meeting. Instead of spending the bulk of the time in negotiation expounding the virtues of his viewpoint, the skilled negotiator will spend more time listening to the other party.

Emotional Control

It is vital that a negotiator have the ability to keep his emotions in check during the negotiation. While a negotiation on contentious issues can be frustrating, allowing emotions to take control during the meeting can lead to unfavorable results. For example, a manager frustrated with the lack of progress during a salary negotiation may concede more than is acceptable to the organization in an attempt to end the frustration. On the other hand, employees negotiating a pay raise may become too emotionally involved to accept a compromise with management and take an all or nothing approach, which breaks down the communication between the two parties.

Verbal Communication

Negotiators must have the ability to communicate clearly and effectively to the other side during the negotiation. Misunderstandings can occur if the negotiator does not state his case clearly. During a bargaining meeting, an effective negotiator must have the skills to state his desired outcome as well as his reasoning.

Collaboration and Teamwork

Negotiation is not necessarily a one side against another arrangement. Effective negotiators must have the skills to work together as a team and foster a collaborative atmosphere during negotiations. Those involved in a negotiation on both sides of the issue must work together to reach an agreeable solution.

Problem Solving

Individuals with negotiation skills have the ability to seek a variety of solutions to problems. Instead of focusing on his ultimate goal for the negotiation, the individual with skills can focus on solving the problem, which may be a breakdown in communication, to benefit both sides of the issue.

Decision Making Ability

Leaders with negotiation skills have the ability to act decisively during a negotiation. It may be necessary during a bargaining arrangement to agree to a compromise quickly to end a stalemate.

Interpersonal Skills

Effective negotiators have the interpersonal skills to maintain a good working relationship with those involved in the negotiation. Negotiators with patience and the ability to persuade others without using manipulation can maintain a positive atmosphere during a difficult negotiation.

Ethics and Reliability

Ethical standards and reliability in an effective negotiator promote a trusting environment for negotiations. Both sides in a negotiation must trust that the other party will follow through on promises and agreements. A negotiator must have the skills to execute on his promises after bargaining ends.