

ALL INDIA BANK OFFICERS' CONFEDERATION



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To All Affiliates (Please Circulate)

Dear Comrade,

HOLDING OF NATIONAL LOK ADALAT ON 2ND AND 4TH SATURDAYS (BANKING HOLIDAY)

We reproduce hereunder our letter No.AIBOC/2018/49 dated 17.07.2018 addressed to Justice Dipak Misra, Hon'ble Chief Justice of India, on the above captioned subject for your information.

With regards,

Yours Comradely,

Soumya Datta
General Secretary

Text of AIBOC Letter No.2018/49 dated 17.07.2018

Justice Dipak Misra
Hon'ble Chief Justice of India
The Supreme Court of India
New Delhi

Your Lordship,

HOLDING OF NATIONAL LOK ADALAT ON 2ND AND 4TH SATURDAYS (BANKING HOLIDAY)

I extend my sincere regards to the highest Judiciary of the Land and hearty greetings from All India Bank Officers' Confederation the largest apex organization of Bank Officers' representing over 3,20,000 members.

2. Your Lordship I am constrained to address this letter directly to you I deem you to be the ultimate authority to uphold and champion the principles of Natural Justice and equity in our country. Your Lordship, we are aware that the very survival of the nation state depends crucially on ensuring justice to its innocent citizens from all injustices. Bank Officers' are part of that matrix of innocent citizens, who are knocking at your doors with the firm conviction that they will get necessary relief with the kind intervention of your august Office.

3. We are approaching you, Your Lordship, at a time when the Indian Banking System is negotiating with one of the most serious crises that has ever befallen the Banking Industry in the form of humongous NPAs due to unscrupulous and unethical tendency of the bank borrowers mainly by corporate houses and unfortunately the Bank Officers' are being made the scapegoat for all the ills. I submit with deep humility that the bank officers' particularly from the Public Sector are upholding and furthering the National Economic Priorities in their daily discharge of duties. Whether it is attending to the banking requirements of the brave soldiers of the country serving in the remotest borders and

hostile terrains or taking care of a farmer's need in an arid area, it is the Bank Officers, who are in the forefront as soldiers defending the National Economic Priority and are contributing significantly to the growth of our economy.

4. Your Lordship is well aware that the Bank Officers' are subjected to unregulated working hours while discharging their duties due to humongous work load. With the changing paradigm of Indian Banking, an average bank officer is being forced to spend over 12 hours a day to meet his work commitment. This has increasingly resulted in alienation of the bank officer from his family in particular and society at large. Your Lordship will appreciate that such a work schedule has a devastating impact on both physical and mental health of a bank officer. All India Bank Officers' Confederation being conscious of the plight of the bank officers', could ensure after protracted negotiation and persuasion with the Indian Bank Association (IBA) and Government of India, a system of weekly off on two alternate Saturdays apart from the weekly off on Sundays by accepting the remaining 2 or 3 Saturdays as full day working in place of half working day. I would like to submit that necessary amendment to the explanation of Section 25 of the Negotiable Instrument Act (NI Act) 1881 has since been made by the Legislature, no doubt based on the rationale of weekly offs for Bank employees, in tune with most other financial organisations of the country.

5. Incidentally Your Lordship had been approached through a similar communiqué; by my immediate predecessor through his letter dated 5th April, 2017 requesting for convening Lok Adalats on days other than 2nd and 4th Saturdays following which such practice was restrained. Of late, however, it has become a regular practice to convene Lok Adalats either on second Saturdays or on fourth Saturdays, which are Bank Holidays under the N.I.Act.

6. May it be clarified that All India Bank Officers' Confederation (AIBOC) firmly favours the concept of Lok Adalat for quicker resolution of financial disputes between borrowers and the Banks, which ensures recovery of stressed assets. This issue is of paramount importance for the survival of the banking system without hurting the financial interest of the affected borrowers. In fact, one of the reasons for the formation of Lok Adalat or people's court is to provide fair, quick uncomplicated justice to the financially constrained section of our society. However, we are constrained to point out that the practice of convening Lok Adalats on holidays under NI Act, has deprived our members the right to spend the holiday with their families so vitally required for rejuvenation of their mental and physical health and to restore their work life balance to some extent. In this context, we would also like to draw your learned observation to the IBA Letter No. CIR/HR&IR/665/2015-16/2270 dated March 11, 2016 addressed to all the Organization heads who are the parties to the Bipartite Settlement. In the said letter, the IBA clearly stated to avoid calling the officers for duty on Sundays/holidays as far as possible.

7. President Kennedy once said "Peace is a daily, a weekly, a monthly process, gradually changing opinions, slowly eroding old barriers, quietly building new structures." Peace comes from the amount of time we spend with our families and the amount of time we devote to our brains for rest. Mental fatigue can be every bit as detrimental as physical fatigue and taking a rest day and spending quality time with family invigorates the body and soul. You will surely appreciate that working without rest is a dangerous trend that can affect the morale of the workforce and will act as an impediment to put in their best for their organisation. In fact, there has been in recent times a spate of suicides by Bankers, including young ones, specifically, being unable to bear the duress and strain.

8. Your lordship, a bank holiday in India is a public holiday, which is declared specially for the Banks and other Financial Institutions. However, all public holidays are not classified as Bank Holidays. India is a multicultural and multi-religious society and celebrates holidays and festivals of various religions. So, in addition to the national holidays, many states and regions have local festivals depending on religious and linguistic demographics. The Bank employees do not enjoy all the festival holidays as their counterparts in other Govt. offices / organizations. To maintain the CTS clearing service across the country, bankers are working on most of the festivals like Deepavali, Dusserah etc. declared as holiday under the N I Act. Banking sector, over the years, has played a crucial role in the economic progress of the nation and have also shouldered the burden of fulfilling the social obligations.

9. It may be within the context to draw your kind attention to the Article 24 of the Human Rights Convention which deals with Right to Rest for each and every human being. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being," and which are "inherent in all human beings" regardless of their nation,

location, language, religion, ethnic origin, their employment agreement and service rule or any other status. They are applicable everywhere and at every time in the sense of being universal and egalitarian in the sense of being the same for everyone. Hence, the bank officers cannot be an exception to this provision of this Right.

10. In view of the above state of affairs, we humbly solicit upon your good office to kindly issue suitable directions so that National Lok Adalat is not scheduled on 2nd and 4th Saturdays which are legitimate weekly off for the bank employees; instead, to convene the same on working Saturdays, i.e., 1st, 3rd and 5th (if any) of the month.

Bank Officers' pray for this judicial forbearance from your august Office and for which action I and our entire fraternity will remain grateful to you.

Yours sincerely,



(Soumya Datta)
General Secretary