

Section
5
CENTRAL CIVIL SERVICES
(RECOGNITION OF SERVICE ASSOCIATION) RULES, 1993
(Copies of CSIR OMs/Letters)

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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 practicably 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**".

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/Instt. level. The Joint Council shall consist of representatives from official side nominated by the Vice-President, 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.

**[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]*

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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 co-operation 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./Instt. 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 Secretary. 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.

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 Secretary will include the same in the draft agenda for approval of the Chairman. The member whose item is not included in the agenda will be intimated of the facts and reasons therefor by the Secretary, Joint Council. 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;

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 disagreements:

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 panel 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.

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.

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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*M 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 re-iterate its commitment to all the Members of CSIR family of being a model employer by way of continued dialouge /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.

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Copy of CSIR letter No.1(50)/84-O & M dated 9.5.2000

Sub: Meetings /Conferences by Associations which are not recognised 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.

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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.