

A BRIEF NOTE ON THE ALL-INDIA ASSOCIATION OF CSIR EMPLOYEES / FEDERATION

Origin and Scope : The All-India Association of CSIR Employees (AIACE) *erstwhile* Federation of CSIR Employees' and Workers' Unions and Associations, has been in existence for the past 33 years and is functioning at the Central level as the sole bargaining agency representing all the non-gazetted staff members. At present, it has 36 affiliated units/branches (registered under the Indian Trade Union Act of 1926) in various CSIR Labs/Institutes spread throughout the country. The AIACE was accorded *de facto / ad hoc* recognition by the then DGCSIR from 1979 onwards. Besides holding periodical meetings both by DGCSIR and Directors at Central/Local levels, all the facilities such as providing office rooms/notice boards, granting special CL and TA/DA to the office bearers/WC members, etc. to the AIACE and its units were extended by CSIR authorities till January 1999. A highlighting feature of AIACE is that it is a non-political TU organization, wherein only the serving non-gazetted staff members could become the members and could hold the positions of Office Bearers and Working Committee Members including the post of President.

Activities : The AIACE/Federation has always been a symbol of peace and tranquility, with a possible very few exceptions wherein it had to overlook the spirit of cordial relationship and resort to protest movements. Many vital issues, for the past 20 years (till January 1999), have been discussed across the table with various past Director-Generals and got them settled. Needless to mention, these past DGs though never uttered in their speeches or lectures the key words such as passion, compassion and innovation including the lip statement "I will give blood for the CSIR and its staff members", were by far the great eminent and illustrious personalities who practiced in deeds and thoughts. The AIACE/Fed. not only did it work for the welfare of the CSIR staff members, but also contributed immensely to the cause of CSIR particularly in its moments of crisis. The CSIR which was termed as white elephant by a group of Parliamentarians in late 1980s was very toughly resisted by the staff members under the banner of Federation and SWA. The much needed inputs were provided by both Federation and SWA to CSIR in order to protect it. Besides, the former DGs nominated Federation/SWA representatives to various official Committees including the Committees which framed personnel/promotion policies to its Scientists/Engineers & other S&T/Admn. staff members, Eg. NRAS, IRAS, MANAS, Khushoo, etc.

After unilaterally adopting the CCS(RSA) Rules-1993 in CSIR in 1999 without discussing with the representatives of either AIACE or SWA, the CSIR authorities stopped holding periodical meetings. The Directors at many of the Lab/Institute levels (on the directive of CSIR) also discontinued holding periodical discussions with the representatives of affiliated units and withdrew all the facilities. The office space allotted to the AIACE/Federation at Maharani Bagh, New Delhi, was also proposed to be evicted. But, the timely action of the representatives who approached Bangalore High Court prevented CSIR from evicting the office as the HC granted a Stay Order. Virtually, right from January 1999 there has been a deadlock, and the representatives till date have not been given an opportunity to meet the DG and present their case relating to recognition and other vital issues pertaining to the staff.

Important Facts relating to CCS(RSA) Rules-1993 and blatant Violation of these Rules by the former DGCSIR : The CCS(RSA) Rules-1993 were implemented by Government of India and the same were adopted by the Governing Body of CSIR in the year 1999. The AIACE/Federation, *prima facie*, did not accept these rules on only one ground that CSIR is an Industry as per the judgement delivered by the CAT, Principal Bench, New Delhi and Supreme Court in 1978, and hence urged for the Trade Union rights to be guaranteed to the staff members of CSIR. Later, when the Supreme Court vide its judgement dated 18.07.2000, declared Ineffective the order of the Full Bench CAT, Principal Bench (New Delhi), the AIACE wholeheartedly accepted these rules. Since then, several requests were made to the incumbent DGCSIR to accord recognition to AIACE strictly as per CCS(RSA) Rules, but to of no avail.

Instead of adopting the CCS(RSA) Rules-1993 in toto as like adopting various other statutory rules, the CSIR has totally altered these Rules much to the disadvantage of the CSIR employees and great advantage to the CSIR Management and its Directors, and have implemented them in CSIR. As per CCS(RSA) Rules, the following provisions have been enunciated very clearly :

1. The Associations are to be recognized centrally on an all Department basis, facilitating for formation of branches at local levels.
2. The existing Associations/Federations including those recognized on ad-hoc basis shall also be accorded recognition as per CCS(RSA) Rules.
3. The responsibility of defining Distinct Category whose members have commonality of interest is left to the concerned Ministries/Departments, and there shall be no objection to the existing Associations retaining their entity or a Class or Group being treated as a Category.

Several Ministries/Departments have adopted these rules in its totality and have granted recognitions to the respective Associations at Central levels. For eg. the All-India CGHS Employees' Association, All-India Passport Employees' Association, etc. have all been accorded recognition at Central Level by the concerned Ministries/Departments and have facilitated for formation of branches at local levels. Copies of the letters of recognition have long back been provided to former DGCSIR several times.

The Hon'ble Supreme Court in its historic judgement dated 18.04.2002, has declared CSIR as a "State", signaling CSIR to be a Central Government Organization. In this judgement the SC has ensured that the "employees of CSIR would not only have the right not to be discriminated against but also protection against any arbitrary or irrational act of the Management". In both letter and spirit, the CSIR has blatantly discriminated AIACE with that of the Service Associations of other CG Organizations like All-India CGHS employees' Association, All-India Passport Employees' Association, etc. wherein the concerned Ministries/Departments have already granted recognition to them at the central level. Therefore, it is mandatory on the part of the CSIR to implement these CCS(RSA) Rules-1993 in its totality.

On the other hand, the DGCSIR in a bid to totally destroy this AIACE/Federation at the Central level has violated the guidelines contained in these CCS(RSA) Rules, and started granting recognition (categorywise) to a few newly formed local based Associations, which are either Director patronage Associations or those Associations who do not even fulfil the minimum strength of 15% of members. The AIACE which has been existing for the past 30 years is being totally ignored much to the chagrin of a sizeable majority of the staff members of CSIR. The CSIR in writing has communicated that "formation of a Service Association at the Central Level in the present structure of AIACE/Federation is not advisable", which is very much against the CCS(RSA) Rules-1993. Besides this judgement, the Supreme Court in its another judgement dated 12.5.2002, has clearly held that the "Employer or the Management of any Institute is bound to hold discussions with un-recognized Employees' Associations also even if they have lesser number of members to settle their individual problems related to the service matters & other matters".

Request : Hon'ble Director-General of CSIR is requested to kindly examine the issue putforth by the AIACE/Federation vis-à-vis CCS(RSA) Rules-1993 and prima facie invite the representatives of AIACE/Federation for a meeting at the very earliest convenience so that the matter relating to Recognition as per CCS(RSA) Rules can be discussed across the table for a permanent solution. This benign act on your part will help both the CSIR authorities and the employees in removing the stalemate that has been existing for the past seven years and also hopefully will pave the way for building cordial relationship between the CSIR and the AIACE/Federation as before.

BULLET POINTS FOR SUBMITTING TO DGCSIR

ON AIACE/FEDERATION

- ❖ ALL-INDIA ASSOCIATION OF CSIR EMPLOYEES (erstwhile FEDERATION OF CSIR EMPLOYEES' AND WORKERS' UNIONS AND ASSOCIATIONS) – AIACE/FEDERATION FUNCTIONING IN CSIR AT THE CENTRAL LEVEL FOR THE PAST 32 YEARS. A NON-POLITICAL BODY COMPRISING OF ALL THE NON-GAZETTED STAFF MEMBERS TILL THE LEVEL OF TECHNICAL OFFICER-A.
- ❖ AIACE/FEDERATION HAS AT PRESENT 36 AFFILIATED UNITS – ALL REGISTERED UNDER THE INDIAN TRADE UNION ACT OF 1926 AND ITS MEMBERSHIP STRENGTH IS AROUND 9000, WHICH IS APPROXIMATELY 85% OF THE TOTAL NON-GAZETTED STAFF OF CSIR.
- ❖ CSIR ACCORDED de facto RECOGNITION TO AIACE/FEDERATION FROM 1979 – EXTENDED ALL FACILITIES LIKE OFFICE SPACE, SPECIAL CL, NOTICE BOARD, etc BESIDES HOLDING PERIODICAL MEETINGS BOTH AT CENTRAL AND LOCAL LEVELS
- ❖ THIS SYSTEM/PROCESS CONTINUED TILL 1999, AFTER WHICH THE CSIR UNILATERALLY DE-RECOGNIZED (defacto) AIACE/FEDERATION AND ITS UNITS – STOPPED HOLDING DISCUSSIONS, WITHDREW ALL FACILITIES AT MANY PLACES AT LOCAL LEVELS
- ❖ THE AIACE/FEDERATION'S OFFICE AT MAHARANI BAGH GUEST HOUSE, NEW DELHI, WAS ALSO PROPOSED TO BE FORCIBLY WITHDRAWN BY CSIR, BUT FOR THE TIMELY GRANT OF STAY ORDER FROM KARNATAKA HIGH COURT HELPED IN MAINTAINING THE STATUS QUO
- ❖ AIACE/FEDERATION HAS WRITTEN SEVERAL LETTERS (SINCE 1999) TO DGCSIR FOR HOLDING ATLEAST ONE MEETING TO HIGHLIGHT ON THE FINER POINTS RELATING TO CCS(RSA) RULES-1993 – BUT TILL DATE NO MEETING HAS BEEN HELD. AT MANY PLACES DIRECTORS ARE ALSO NOT HOLDING ANY MEETINGS WITH THE REPRESENTATIVES

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- BULLET POINTS FOR SUBMITTING TO DG CSIR
- ❖ DGCSIR IS ENCOURAGING ASSOCIATIONS FORMED AT LOCAL LEVELS AND RECOGNIZING THEM FOR THE PAST FOUR YEARS. THESE ASSOCIATIONS AT MANY PLACES DO NOT FORM THE MINIMUM 15% STRENGTH ALSO. AT NO PLACE (EXCEPT ONE OR TWO), THE AFFILIATED UNITS OF FEDERATION AT LOCAL LEVELS HAVE APPLIED AND SOUGHT RECOGNITION FROM CSIR.

ON CCS(RSA) RULES-1993

- ❖ AIACE/FEDERATION AT FIRST INSTANCE DID NOT ACCEPT THESE RULES IN ITS PRESENT FORM DUE TO THE ONLY REASON THAT CSIR IS AN INDUSTRY (AS PER THE ORDER OF THE FULL BENCH CAT, NEW DELHI IN 1978) AND HENCE TRADE UNION RIGHTS SHOULD EXIST TO THE STAFF MEMBERS. 8 SC
- ❖ LATER, WHEN THE SUPREME COURT ON 18.07.2000 DECLARED INEFFECTIVE THE ORDER OF CAT, THE AIACE/FEDERATION WHOLEHEARTEDLY ACCEPTED THESE RULES, AND SINCE THEN THE AIACE/FEDERATION HAS BEEN REQUESTING AND DEMANDING CSIR FOR GRANTING RECOGNITION TO IT AS PER CCS(RSA) RULES-1993.
- ❖ AFTER SEVERAL REQUESTS, THE JOINT SECRETARY (ADMN.) OF CSIR HELD ONE VERY INFORMAL MEETING WITH THE REPRESENTATIVES – OF COURSE IN THEIR INDIVIDUAL/OFFICIAL CAPACITIES – ON 27.9.2001. INSPITE OF CONVINCING THE CSIR OFFICIALS ON THE BONAFIDES OF OUR DEMAND FOR RECOGNITION, THE CSIR HAS COMMUNICATED IN WRITING THAT “FORMATION OF A SERVICE ASSOCIATION AT THE CENTRAL LEVEL IN THE PRESENT STRUCTURE OF AIACE/FEDERATION IS NOT ADVISABLE”
- ❖ IN THE MEANTIME, CSIR IS ENCOURAGING FOR FORMATION OF ASSOCIATIONS AT LOCAL LEVELS AND IS GRANTING RECOGNITION TO THEM – THOUGH MANY SUCH ASSOCIATIONS DO NOT EVEN CONSTITUTE THE MINIMUM 15% MEMBERSHIP STRENGTH THAT IS REQUIRED AS PER CCS(RSA) RULES

JUSTIFICATION FOR AIACE/FEDERATION TO SEEK RECOGNITION FROM CSIR

❖ THE CCS(RSA) RULES-1993 AS IMPLEMENTED BY GOVT. OF INDIA AND *mutatis mutandis* ADOPTED BY GOVERNING BODY OF CSIR IN 1999 HAS THE FOLLOWING PROVISIONS :

1. THE ASSOCIATIONS ARE TO BE RECOGNIZED CENTRALLY ON AN ALL-DEPARTMENT BASIS FACILITATING FOR FORMATION OF BRANCHES AT LOCAL LEVELS (PLEASE REFER DoPT OM No. 2/2/94-JCA DATED 22ND APRIL 1994
2. THE EXISTING ASSOCIATIONS/FEDERATIONS INCLUDING THOSE RECOGNIZED ON AD-HOC BASIS SHALL ALSO BE ACCORDED RECOGNITION AS PER CCS(RSA) RULES (PLEASE REFER DoPT OM NO. 2/10/89-JCA DATED 9TH NOVEMBER 1992
3. THE RESPONSIBILITY OF DEFINING CATEGORY WHOSE MEMBERS HAVE COMMONALITY OF INTEREST IS LEFT TO THE CONCERNED MINISTRIES/DEPARTMENTS, AND THERE SHALL BE NO OBJECTION TO THE EXISTING ASSOCIATIONS RETAINING THEIR ENTITY OR A CLASS OR GROUP BEING TREATED AS A CATEGORY (PLEASE REFER DoPT OM NO. 3/12/94-JCA DATED 10TH MARCH 1995 - APPEARED ALSO IN SWAMYSNEWS).

❖ BASED ON THE ABOVE POINTS THE AIACE/FEDERATION IS REQUESTING CSIR TO GRANT RECOGNITION TO IT, BY DECLARING ALL THE NON-GAZETTED STAFF MEMBERS OF CSIR AS ONE SINGLE GROUP/CATEGORY. IN AN R&D INSTITUTE LIKE CSIR, ALL THE NG STAFF MEMBERS ARE SUPPORT STAFF TO THE SCIENTISTS/ENGINEERS, AND THERE IS DEFINITELY COMMONALITY OF INTEREST BETWEEN EACH ONE OF THEM - WHETHER TECHNICAL OR NON-TECHNICAL OR ADMINISTRATIVE.

❖ OTHER MINISTRIES/DEPARTMENTS HAVE GRANTED RECOGNITION TO THE RESPECTIVE ASSOCIATIONS AT CENTRAL LEVELS - LIKE ALL-INDIA CGHS EMPLOYEES' ASSOCIATION, ALL-INDIA PASSPORT EMPLOYEES' ASSOCIATION, etc. (PLEASE REFER TO THEIR COPIES OF LETTERS).

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