

No. 2/10/80-JCA

Government of India

Department of Personnel & Training

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New Delhi, the 9th November, 1993.

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OFFICE MEMORANDUM

Subject:- Central Civil Services (Recognition of Service Association) Rules, 1993

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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.

To be published in part-II, Section 3, Sub-Section (i) of the Gazette of India)

No. 2/10/ 80-JCA (Vol. IV)

Government of India

Ministry of Personnel, Public Grievances & Pensions

(Department of Personnel & Training)

New Delhi, the 5th November, 1993.

NOTIFICATION

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 of 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 from 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 bearers , 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
- (l) 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

No. 2/10/80-JCA

Government of India

Department of Personnel and Training

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New Delhi, the 31st Jan, 1994

OFFICE MEMORANDUM

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.