



New Pension Rules for Civil Servants

Why in News

Recently, the **Central Government has amended its pension rules** putting new restrictions on officials of intelligence and security organisations after retirement.

- The government has **amended Rule-8(3)(a) of the CCS (Central Civil Services) Pension Rules-1972.**
- The Centre has notified **Central Civil Services (Pension) Amendment Rules, 2020.**

Key Points

▪ Background:

- The said rules were **first drafted in 1972** and have been **amended 47 times.**
- In **2008, Rule 8** pertaining to **“pension subject to future good conduct”** was first **amended** by inserting the condition that **retired intelligence and security officials will not publish any material that affects the “sovereignty and integrity of India,** the security, strategic, scientific or economic interests of the State, or relation with a foreign State or which would lead to incitement of an offence”.

▪ Amended Rule-8(3)(a):

- **Officials retired from certain intelligence or security establishments (included under 2nd schedule of RTI Act) will not be allowed to write anything about their organisation** without permission.
 - The **Second Schedule** of the [Right to Information \(RTI\) Act 2005](#) covers **26 organisations** including the Intelligence Bureau, R&AW, [Directorate of Revenue Intelligence](#), [CBI](#), [NCB](#), [BSF](#), [CRPF](#), [ITBP](#) and [CISF](#).
- Requires the **retired officials to sign an undertaking - Form 26** - and **declare that without the prior approval of the competent authority they will not publish any information** related to the “domain of the organisation and obtained by virtue of my working in the said organisation”.
- The **amendment expands the scope** to include any information related to “domain of the organisation, any reference or information about any personnel and his designation, and expertise or knowledge gained by virtue of working in that organisation.”

▪ Purpose of the Amendment:

- The amendment was in process for around four years after the **Committee of Secretaries recommended it.**
- The move was **prompted by concerns** arising out of the fact that some high-profile retired officers had written books on their tenure, and some of these had revealed information.

▪ Implications:

- This amendment to Rule 8 means that **pension can be withheld or withdrawn if the pensioner disobeys the rules.**

- This change in rules is **likely to impact retired officials of security and intelligence organisations who write in newspapers** and magazines or author books on their former organisations and experiences.

Rules Pertaining to Government Servants

▪ Rule 9 of CCS Pension Rules-1972 (Departmental Proceeding after Retirement):

- It says that if any government official has **committed any misconduct and retires**, he or she **may face departmental proceedings only until four years** after the date of committing that misconduct.

▪ Central Civil Services (Conduct) Rules, 1964:

- It puts **some restrictions on Government Employees while in Service.**
 - **Rule 7:** It restricts government servants from resorting to or abetting any form of **strike or coercion.**
 - **Rule 8:** It restricts them, except with government sanction, from **owning or participating in the editing or management of any newspaper** or other periodical publication or electronic media.
 - **Rule 9:** It restricts a government servant from **making statements of fact or opinion** in writing or in a telecast or a broadcast “which has the effect of an **adverse criticism of any current or recent policy** or action of the Central Government or a State Government”.
- **Restriction on Political Activity while in Service:**
 - The **Conduct Rules bars government servants** from being associated with any political party or organisation, and from taking part or assisting any political activity.
 - An **amendment in 2014** said, “Every government employee shall at all times maintain political neutrality” and “commit himself to and uphold the supremacy of the Constitution and democratic values”

▪ Rule 26, All India Services (Death-cum-Retirement Benefits Rules) 1958 (Employment after Retirement):

- It **restricts a pensioner from any commercial employment for one year** (until 2007 it was 2 years) after retirement, except with previous sanction of the central government.
- **Non-compliance** can lead the central government declaring that the employee “shall not be entitled to the whole or such part of the pension and for such period as may be specified”.

▪ Joining Politics after Retirement:

- There is **no rule** to stop government servants from joining politics after their retirement.
- In 2013, the **Election Commission** had written to the **DoPT** (Department of Personnel and Training) and **Law Ministry**, suggesting a **cooling-off period** for bureaucrats joining politics after retirement, but it was rejected.
 - The Legislative Department of the Ministry of Law advised “that **any such restriction** (against officials joining politics or contesting polls) **may not stand the test of valid classification under Article 14** (equality before the law) **of the Constitution of India**”. And the DoPT told the EC that its suggestions “may not be appropriate and feasible.”

