Restrictions on Government Servants

Why in news?

- With a notification dated May 31, 2021, the Centre has amended its pension rules.
- It has put new restrictions on officials of intelligence and security organisations after retirement.

What are the changes made?

- The government has amended the CCS (Central Civil Services) Pension Rules-1972.
- Amended Rule-8(3)(a) talks about officials retired from any intelligence or security-related organisation included in the Second Schedule of the RTI Act.
- With the new provision, they are barred from writing anything about their organisation without permission.
- [The Second Schedule of the RTI Act covers 26 organisations.
- These include the Intelligence Bureau, R&AW, Directorate of Revenue Intelligence, CBI, NCB, BSF, CRPF, ITBP and CISF.]

What are the existing provisions after retirement?

- **Pension** - The pension of government servants is already subject to their good conduct after retirement.
- The appointing authority may, by order in writing, withhold or withdraw a pension or a part thereof.
- This applies if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.
- The expression 'grave misconduct' includes the communication or disclosure of any sensitive information obtained while holding office.

- **Employment** - Rule 26, Death-cum-Benefits Rules, restricts a pensioner from any commercial employment for one year after retirement.
- This cooling-off period was 2 years until 2007, when an amendment reduced it to one year.
- Exceptions are allowed with previous sanction of the central government.
- Non-compliance may have implications on receiving pensions.

What are the restrictions while in service?

- The CCS (Central Civil Services) Conduct Rules deal with this.
- Rule 7 restricts government servants from resorting to or abetting any form of strike or coercion.
- Rule 8 restricts them, except with government sanction, from owning or participating in the editing or management of any newspaper.
- It applies to other periodical publication or electronic media as well.
- They can publish book or participate in public media.
- But, they shall at all such times clarify that the views expressed are their own and not that of the Government.
- Rule 9 restricts them from making statements or opinion that adversely criticize any current or recent policy or action of the Central Government or a State Government.
- Rule 9 of the CCS Pension Rules deals with any government official committing any misconduct and retiring.
- In that case, he or she may face departmental proceedings only until 4 years of the date of committing that misconduct.

What about involvement in political activity?

- **While in service** - The Conduct Rules bars government servants from being associated with any political party or organisation.
- They can also not take part or assist any political activity.
- Every government employee shall at all times maintain political neutrality.
- **After retirement** - There is no rule to stop them from joining politics after retirement.
- In 2013, the Election Commission wrote to the DoPT and Law Ministry in this regard.
- It suggested a cooling-off period for bureaucrats joining politics after retirement.
- But this was rejected, saying "it may not stand the test of valid classification under Article 14 of the Constitution."

Why is the amendment now?

- Some high-profile retired officers had written books on their tenure as officials.
- Some of these had revealed some confidential information.
- The move was thus prompted by concerns arising out of these.
- The Committee of Secretaries recommended, and the amendment was in process for around 4 years.
- It was approved recently and notified on May 31, 2021.

Source: The Indian Express

