

(4)

F. No. 27012/2/2007-Estt.(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

New Delhi, the 9th April, 2008

OFFICE MEMORANDUM

Sub:- Guidelines to regulate the publications by retired officers on any sensitive information.

The undersigned is directed to draw the attention of the Ministries/Departments/Administrative Authorities to this Department's O.M. No. 11017/48/92-AIS (III) dated 4.2.1993 regarding the need to monitor the instances of retired officers publishing books/articles revealing sensitive information pertaining to the security of the State having a bearing on the sovereignty and integrity of India and to ensure that necessary follow-up action as envisaged in the relevant rules/instructions is taken in time as and when necessary.

2. The Government has further reviewed the above instructions in the context of national security concerns in regard to the publication of sensitive information in the case of officials who have worked in or are transferred out of the defined sensitive organizations. Accordingly, the Rule 8 and the Form 7 appended to the CCS (Pension) Rules, 1972 have been amended by this Department vide Notification No. G.S.R. 258(E) dated 31st March, 2008. The notification has come into effect on the date of its publication in the Gazette of India. The copy of the printed Gazette Notification is attached herewith.

3. The amended rule has provided for an undertaking to be obtained from Government servants retiring from any Intelligence/Security related organization included in the Second Schedule to the Right to Information Act, 2005 in the prescribed format incorporated as Form No. 26 in CCS (Pension) Rules, 1972. Form No. 7 in the Pension Rules has also been amended to provide an additional column therein, namely col. 16-A.

4. In the case of officials who are transferred out of the defined organizations after completion of deputation etc., such an undertaking, in duplicate, will be obtained at the time of their transfer. One copy of the undertaking will be kept in the service book of the official, with an entry to this effect in the service book and one copy will be kept in the defined Organization for records.

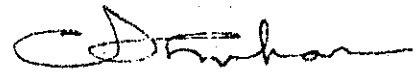
5. The failure to observe such an undertaking on the part of retired Government servants shall be treated as grave misconduct under the rule. The undertaking would further bind the concerned official with appropriate penalty in the form of reduction/withdrawal of pension and prosecution, in the event of their having violated the undertaking. The checklist and form for assessing pension/family pension and gratuity would henceforth contain a column to the effect as to whether the concerned individual had worked in any of the defined organizations and whether the

undertaking given by him has been kept in the records, before the pension etc., is approved by the Pay and Accounts office.

6. Ministry of Finance etc. are requested to note these instructions carefully for their guidance and compliance.

7. In so far as it relates to persons working in the IA&AD, this issues in consultation with the office of C&AG.

8. Hindi version will follow.



(C.A. Subramanian)
Director (E-II)
Tel. No. 2309-3180

To

(1) All Ministries/Departments of the Government of India.

(2) All organizations listed in the second schedule to the RTI Act, 2005

Copy to:

- (1) Comptroller and Auditor General of India.
- (2) Union Public Service Commission
- (3) Central Vigilance Commission, New Delhi
- (4) Central Bureau of Investigation, New Delhi
- (5) Lok Sabha/Rajya Sabha Secretariat
- (6) Special Secretary (S&V), DOPT.
- (7) All attached and subordinate offices of Department of Personnel & Training
- (8) All officers/ Sections in the Department of Personnel & Training
- (9) NIC (DoP&T) for placing this Office memorandum on the website of DoP&T
- (10) Hindi Section for Hindi version of the O.M.

**MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS**

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 31st March, 2008.

G.S.R. 258(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2007.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972,—

(1) in rule 8,—

(i) after sub-rule, (3), the following shall be inserted, namely:—

“(3A) (a) Without prejudice to the provisions of sub-rule (3), no Government servant who having worked in any Intelligence or Security related Organization included in the Second Schedule to the Right to Information Act, 2005; shall, without prior clearance from the Head of the Department in the aforesaid Organisations, make any publication after retirement of any material relating to sensitive information, the disclosure of which would prejudicially affect 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;

(b) The Government servants who have worked in any Intelligence or Security related Organization included in the Second Schedule to the Right to Information Act, 2005, shall give an undertaking in regard to the above restriction in FORM 26 appended to these rules and any failure to observe such an undertaking on the part of the retired Government servants shall be treated as grave misconduct under this rule;"

(ii) after sub-rule (5), in the Explanation, after clause (b), the following shall be inserted, namely :—

"(c) The expression "publication" includes communication to the press or electronic media or publish or publication of any book, letter, pamphlet, poster or other document, in any form.

(d) The expression "information" includes any material in any form including records, documents, memos, e-mails, opinion, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models and data material in any electronic form held or accessed by the Government servant while in service."

(2) In FORM 7, after column 16, the following shall be inserted, namely :—

"16-A. Has the retiring Government servant worked in any of the Organizations mentioned in Sub-rule (3A) of Rule 8 of the Central Civil Services (Pension) Rules, 1972 and whether the undertaking given by him in Form 26 has been placed on record?"

[F. No. 27012/2/2007-Estt. (A)]

C. B. PALIWAL, Jt. Secy.

Note : The principal rules were published in the Gazette of India Part II, Section 3, Sub-section (i) vide number S. O. 934, dated 1-4-72 and subsequently amended vide—

1. S.O. 254 Dated the 4th February, 1989.
2. S.O. 970 Dated the 6th May, 1989.
3. S.O. 2467 Dated the 7th October, 1989.
4. S.O. 899 Dated the 14th April, 1990.
5. S.O. 1454 Dated the 26th May, 1990.
6. S.O. 2329 Dated the 8th September, 1990.
7. S.O. 3269 Dated the 8th December, 1990.
8. S.O. 3270 Dated the 8th December, 1990.
9. S.O. 3273 Dated the 8th December, 1990.
10. S.O. 409 Dated the 9th Decmeber, 1990.
11. S.O. 464 Dated the 16th February, 1991.
12. S.O. 2287 Dated the 7th September, 1991.
13. S.O. 2740 Dated the 2nd November, 1991.
14. G.S.R. 677 Dated the 7th December, 1991.
15. G.S.R. 399 Dated the 1st February, 1992.

16. G.S.R. 55 Dated the 15th February, 1992.
17. G.S.R. 570 Dated the 19th December, 1992.
18. S.O. 258 Dated the 13th February, 1993.
19. S.O. 1673 Dated the 7th August, 1993.
20. G.S.R. 499 Dated the 11th September, 1993.
21. S.O. 1984 Dated the 25th September, 1993.
22. G.S.R. 389(E) Dated the 18th April, 1994.
23. S.O. 1775 Dated the 19th July, 1997.
24. S.O. 259 Dated the 30th January, 1999.
25. S.O. 904(E) Dated the 30th September, 2000.
26. S.O. 717(E) Dated the 27th May, 2001.
27. S.O. 4000 Dated the 28th December, 2002.
28. S.O. 860(E) Dated the 28th July, 2003.
29. S.O. 1483(E) Dated the 30th December, 2003
30. S.O. 1487(E) Dated the 14th October, 2005.
31. G.S.R. 723(E) Dated the 23rd November, 2006.

FORM 26

[(See Rule 8 (3A)]

UNDERTAKING

I,, who have worked in (Name of the Organization, [Organizations as included in the Second Schedule to the Right to Information Act, 2005]), in the post of for the period from to hereby solemnly declare that, save with prior approval of the Competent Authority, I shall not publish in any manner, while in service or after my retirement from service, any information which I have obtained by virtue of my working in the aforesaid Organization and which is likely to prejudicially affect the (i) sovereignty and integrity of India, (ii) the security, (iii) strategic, (iv) scientific, or (v) economic interests of the State, or (vi) in relation with a foreign State, or (vii) which would lead to incitement of an offence. This declaration is notwithstanding my responsibilities and liability, in terms of the relevant Conduct Rules, Pension Rules, Laws dealing with offences relating to official secrets or national security and the Intelligence Organizations (Restriction of Right) Act, as the case may be. I further agree that in the event of any failure of the above undertaking by me, the decision of the Government as to whether it was likely to prejudicially effect any of the seven aspects stated above shall be binding on me.

2. I am aware that the pension which may be granted to me after retirement, in terms of the relevant pension Rules, can be withheld or withdrawn, in full or part, for any failure of this undertaking given.

Signature of the Government Servant

Place.....

Dated.....
