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Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi - 110001
Dated 27th December, 2006

To
Chief Secretaries of all the
State Governments/UTs

Chief Secretary
D.P.S.

SS, GAO

Subject : Guidelines for deputation of members of the All India Services under Rule 6(2)(ii) of the respective cadre rules.

Sir,

We are receiving proposals for consideration of deputation under Rule 6(2)(ii) of the respective cadre rules. For quite some time, necessity was felt to frame a proper guideline to assess/screen the proposals. After detailed deliberations, the guidelines to consider deputation proposal under Rule 6(2)(ii) of the respective cadre rules have been finalised. A copy of the same is enclosed for information and necessary action.

DS (A)

Yours faithfully,

(Smita Kumari)
Director (Services)

Encls: As above

Copy to:-

1. All Ministries/Departments of Government of India
2. All officers/Sections of Department of Personnel & Training

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GUIDELINES FOR DEPUTATION OF MEMBERS OF THE ALL INDIA SERVICES UNDER RULE 6(2)(ii) OF THE RESPECTIVE CADRE RULES

1. Deputation under rule 6(2)(ii) may be allowed to the following categories of organisations:
 - a. Constitutional bodies
 - b. Statutory bodies created by law of Parliament or State legislatures
 - c. Multilateral bodies, bilateral bodies, international financial institutions, international organisations and NGOs and multilateral organisations, defined as follows:-
 - International organisations notified by the MEA under the UN (Privileges and Immunities) Act, 1947:
 - (a) United Nations Organisations or Organisations under the UN.
 - (b) Bilateral bodies set up under the Vienna Convention i.e., Embassies and Bodies set up under them eg. USAID, DFID, NORAD etc.
 - (c) International financial institutions eg. The World Bank, IMF, Regional Banks like ADB, Afro-Asian Rural Reconstruction Organisation etc.
 - (d) Multilateral Organisations eg. International Court of Justice, IAEA etc. and bodies of Regional Cooperation eg. SAARC, EU etc.
 - (e) international NGOs eg. International Committee of the Red Cross.
 - (f) Other foreign NGOs from whom India receives Technical/financial assistance eg. Action Aid – clearance from Ministry of Home Affairs and MEA would be sought for such deputations.
 - (g) International organisations, which are private bodies.
 - d. Private bodies to be defined as follows:
 - (a) Non Profit organisations of repute working in the fields of research, social work social development, infrastructure etc.
 - (b) Organisations registered under the Societies Registration Act.
 - (c) Organisations registered under the Charitable Trusts Act.
 - (d) Apex bodies of Industries and Commerce under the various statutes
 - (e) Organisations registered under the Cooperatives Act.

e. Autonomous bodies not controlled by Government which are defined as follows:

(a) The following criteria may be taken into account – any of the three may be the basis:

- (i) **Structure of the Organisation** - Organisations covered by the Rule 6(2)(ii) may include Constitutional bodies, Statutory organisations, Commissions, Regulatory Authorities and organisations like Universities with functional autonomy created under Constitutional and statutory provisions. These organisations may opt for the Central Staffing Scheme or not opt for the same.
- (ii) **Financial Autonomy** – Organisations with less than 50% share of government funding or organisations where Government is not a majority shareholder.
- (iii) **Power to give directions** Organisations over which the Government has no power to give directions. The nature of byelaws and the power to guide would be important, for example, in the case of the Food Corporation of India (FCI). Organisations where Government officials hold ex officio positions cannot be considered as autonomous

2. Deputations to the international agencies shall be regulated in terms of Consolidated Instructions on Foreign Assignments issued from time to time.

3. The inclusion of organisations under the Registrations of Companies Act may be examined separately.

4. Deputations under rule 6(2)(ii) shall not be allowed to those private bodies:

- a. which are or have relations with organisations of a political, religious or sectarian nature.
- b. Against which any FIR has been lodged or charge sheet filed or case pending for a violation of any law of the land, including private bodies which have in the past been convicted in a court of law for violation of any law of the land. The borrowing private body shall have to give a mandatory certificate in this regard.

5. The general principle of public interest shall be the overriding factor in deciding deputations under this rule to private bodies. Factors such as general reputation of the private body and the nature of its business shall also be examined in each case. The competent authority shall also see whether there is any enrichment of the experience of the officer by such deputation.

6. FCRA clearance shall be required for deputation to an organisation receiving foreign donations.

7. All deputations under Rule 6(2)(ii) shall be considered only with the consent of the officer concerned and the approval of the cadre controlling authority. Cadre Controlling Authority would mean the State Government concerned if the officer is in his cadre. If the officer is with the Government of India, then it would mean the Ministry of Home Affairs in the case of IPS officers, MOEF in the case of IfoS officers. This approval is a precondition for the cases being placed in the Committee detailed in Para 8 below. In the case of IAS officers serving in the Government of India, since the Committee at Para 8 below also includes Secretary(P) the proposals would directly be placed before the Committee.

8. A Committee under the Chairmanship of Cabinet Secretary comprising Secretary(P), Finance Secretary may be set up to screen, on a case to case basis, applications/requests seeking deputation under 6(2)(ii). For officers below the Joint Secretary level to Government of India, the recommendations of the Committee shall be approved by the MOS(PP). For officers of the level of JS and above the recommendations of the Committee would be routed through MOS(PP) to PM for approval.

9. No deputation under Rule 6(2)(ii) can be considered, under any circumstances, as a mandatory posting.

10. A member of Service shall be eligible for deputation under Rule 6(2)(ii) only after he has served for at least 9 years in his/her cadre.

11. A member of Service shall be eligible for deputation under Rule 6(2)(ii) only if he is clear from vigilance angle.

12. For deputation under Rule 6(2)(ii) the officer should not have dealt with the borrowing organisation in the last five years.

13. An officer shall not be allowed to proceed on deputation to organizations in which he or any of his blood relations is connected with the setting up/management of the organization.

14. Mode of selection for the post may be based on advertisement, nomination or direct offer. For international organisations, these form part of the Consolidated Instructions.

15. An officer of service may be allowed deputation for an initial period of maximum of 5 years under Rule 6(2)(ii) and a maximum of 7 years of deputation can be allowed in the first 30 years of service. There shall be a minimum cooling off of three years between two stretches of deputation under Rule 6(2)(ii) in the first 30 years of service. Beyond 30 years of service, there shall be no limit to the period of deputation.

16. The limit of 5 years in one stretch and 7 years in the entire career shall not be extended under any circumstances. The officer shall be deemed to have resigned from service in case he/she fails to join the Government within one month of completion of his/her approved tenure with the concerned organisation.

17. In the first 30 years of service, an officer shall have to undergo a cooling off period of 3 years at the end of completion of deputation under Rule 6(2)(i). If an officer is on deputation under Rule 6(2)(ii) at the time of completing 30 years of service, he shall have to undergo a cooling period of one year. Beyond 30 years of service, there shall be no requirement of cooling off, for officers completing a period of deputation under Rule 6(2)(ii).

18. While serving in Constitutional/statutory/ multilateral or bilateral organisation/international financial organisations, the officer shall be eligible to draw pay and allowances as per the scheme of the borrowing organisation. In the other organisations, the officer may opt for his grade pay or the pay of the post, whichever is more beneficial to him. The concerned organisation would also be required to pay the cost of retirement benefits/leave salary etc. of the officer failing which the officer shall pay to the concerned State Government on whose cadre he is borne.

19. While on deputation, the service conditions of the officer shall continue to be regulated under the relevant All India Service Rules. Other terms and conditions may be in accordance with standard terms devised from time to time.

20. The provisions of paying to the Government 1/3rd of the amount of fee earned by the officer during short-term assignments with international organisations may also be removed. This distinction between international organizations and other national organizations under Rule 6(2)(ii) may be modified in this respect also.

21. Participation in the pension scheme - The officers deputed, except to Constitutional bodies, which may have their own regular pension schemes, shall not be permitted to join the pension schemes of the organization under any circumstances. A member may join the Pension scheme of the UN bodies in accordance with the relevant rules. On joining the same, the service rendered by the officer during the deputation period shall not be counted as qualifying for pension.

22. The entire expenditure in respect of pension and leave salary contribution for the period of deputation shall be borne by the borrowing organization, failing which by the member of the Service. However those allowed joining the pension schemes of the organizations mentioned above, shall not be required to make pension contributions.

23. Performance appraisal/ACRs during the period of deputation - The Competent Authority in the organisation accepting the officer shall provide an ACR/Performance appraisal written in such form as prescribed under rules. The report shall be placed in the PAR dossier and treated as mandatory input for empanelment and promotion.

24. The terms and conditions of deputation shall be finalised by the concerned State Government, if the officer is in the cadre. If the officer is in the Government of India, the Ministry concerned i.e. Ministry of Home Affairs in the case of IPS, MOEF in the case of IFOS and DOPT in the case of IAS shall finalise the same. However, this may be done in accordance with the standard terms and conditions prescribed by the DOPT.

25. Notwithstanding anything above, the Government shall have the absolute right to refuse permission or recall an officer from a period of deputation under Rule 6(2)(ii).

26. The above principles may be applied to other services and guidelines prepared for the Central Services.

27. An officer on deputation under Rule 6(2)(ii) shall be considered for empanelment on his turn by taking into account the ACRs/PARs written by the borrowing organisations during the period of deputation. In other words, empanelment shall not be postponed on the grounds that an officer is on deputation under Rule 6(2)(ii).

28. Deputation under Rule 6(2)(ii) or intercadre deputation or deputation under the Consolidated Instructions on Foreign Assignment shall not be allowed until an officer has completed 9 years of service in his cadre.

29. The total period of deputation under Rule 6(2)(ii), intercadre deputation and deputation under Consolidated Instructions on Foreign Assignments in the first 30 years of service shall not exceed 10 years.

30. In the first 30 years of service, there shall be a cooling off of three years after a period of deputation under Rule 6(2)(ii), intercadre deputation and deputation under Consolidated Instructions on Foreign Assignments.

31. In the first 30 years of service, absence from the cadre shall not exceed 7 years at a stretch as a result of deputation under Rule 6(2)(ii), intercadre deputation and deputation under Consolidated Instructions on Foreign Assignments.

32. The above (Paras 28-31) shall not apply to the North East cadres for which certain special dispensations have been made.
