

No. 407/12/2014-AVD-IV(B)
Bharat Sarkar/Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 13th January, 2015

Office Memorandum

Subject: Declaration of Assets and Liabilities by public servants under section 44 of the Lokpal and Lokayuktas Act, 2013 – extension of last date for filing of revised returns by public servants who have filed property returns under the existing service rules - Clarification on filing of property returns in accordance with existing service rules for different categories of public servants –Reg.

The undersigned is directed to refer to this Department's notification G.S.R. No.918(E) dated 26th December, 2014, further amending the Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Amendment Rules, 2014, extending the time limit for filing of revised returns by all public servants from 31st December, 2014 to 30th April, 2015 (Annexure-I).

2. In this regard, several queries are being received from various Ministries/Departments/cadre authorities, as to whether there is any need for public servants to file property returns under the relevant provisions of the existing service rules, as applicable to them, since they are now required to file information and annual returns under the provisions of the Lokpal and Lokayuktas Act, 2013.

3. The provisions relating to filing of assets and liabilities by public servants are contained in section 44 of the Lokpal and Lokayuktas Act, 2013 (Lokpal Act). Under the said section, a public servant is required to furnish to the competent authority the information relating to –

(a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries; and

(b) his liabilities and that of his spouse and his dependent children.

As against this, the general requirement as contained in most of the applicable Conduct Rules for government servants (AIS Conduct Rules, CCS Conduct Rules, etc.) require the public servant to submit a return, giving the full particulars regarding :—

(a) the immovable property owned by him, or inherited or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures, postal Cumulative Time Deposits and cash including bank deposits inherited by him or similarly owned, acquired or held by him;

(c) other movable property inherited by him or similarly owned, acquired or held by him; and

(d) debts and other liabilities incurred by him directly or indirectly.

Thus, it may be seen that the scope of the information to be furnished under the Lokpal Act is substantially different from that of the information required to be furnished under the applicable Conduct Rules. Further, under the Conduct Rules, public servants are generally required to submit annual property returns as on the 1st January of the year, on or before 31st January of that year. The Lokpal Act [section 44(4)], on the other hand, requires the filing of annual returns as on the 31st March of the year by each public servant on or before 31st July of that year. Thus, the requirements of the Lokpal Act and the relevant Conduct Rules are different in the manner of filing information also. This being the case, the requirement of filing returns under the relevant Conduct Rules can be dispensed with only by amending such rules, both in regard to their substantial requirement and in regard to the manner of filing information, so as to bring them in harmony with the provisions of section 44 of the Lokpal and Lokayuktas Act, 2013 and the rules framed thereunder.

4. In this context, attention of various Ministries/Departments/cadre authorities is further invited to the provisions of section 56 of the Lokpal and Lokayuktas Act, 2013, which reads as under:-

“56. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.”.

The above provisions mandate that even if there are any provisions in any existing law (which, inter alia, includes relevant Conduct Rules framed under Article 309, etc.) which are inconsistent with the provisions of the Lokpal Act, the provisions of the Lokpal Act shall have effect, notwithstanding such inconsistency. Thus, the provisions regarding filing of information/annual returns regarding assets and liabilities by public servants under section 44 of the Lokpal Act shall have effect, notwithstanding anything inconsistent therewith in the applicable Conduct Rules. In other words, the filing of information/annual return under the Lokpal Act in the manner prescribed by rules made under that Act, is a mandatory requirement, and the same cannot be dispensed with under any circumstances, except by an amendment of the Act itself.

5. Attention in this regard is also invited to section 57 of the Lokpal Act which reads as under:-

“57. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.”.

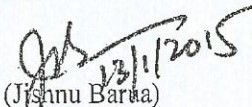
A combined reading of section 57, along with section 44 of the Act, would make it clear that the requirement of filing returns regarding assets and liabilities under the Lokpal Act is in addition to, and not in derogation/supersession of the requirement of filing similar returns under the existing Conduct Rules. In view of this, the requirement of filing of property returns under the existing Conduct Rules is an independent requirement under the applicable rules and the same can be dispensed with, only by amending those rules. In other words, the requirement of filing returns of assets and liabilities under the

applicable Conduct Rules has to continue, till such time as the provisions of those rules are harmonised with the relevant provisions of the Lokpal Act and the rules framed thereunder, by carrying out appropriate amendments in them.

6. Attention in this regard is also invited to the Central Government's notification, S.O. 3272(E) dated 26th December, 2014 (Annexure-II), further amending the Lokpal & Lokayuktas (Removal of Difficulties) Order, 2014, for the purpose of extending the time limit for carrying out necessary changes in the relevant rules relating to different services from "three hundred and sixty days" to "eighteen months", from the date on which the Act came into force, i.e., 16th January, 2014. In view of this, all Ministries / Departments/cadre authorities are required to complete the necessary exercise for harmonising the provisions of relevant Conduct Rules with the provisions of the Lokpal Act and the rules made thereunder, within this extended time of eighteen months. All Ministries/Departments and other cadre controlling authorities have been appraised about this requirement separately through D.O. letters of even number dated 8th September, 2014 and 29th December, 2014 issued by this Department. In view of this, it is incumbent upon all Ministries / Departments/cadre controlling authorities to ensure that the relevant conduct rules relating to services administered/controlled by them are brought in harmony with the provisions of the Lokpal Act and rules made thereunder within this extended time limit of eighteen months.

7. All Ministries/Departments/cadre authorities are, therefore, requested to ensure that -

- (a) necessary follow-up action for harmonising the provisions of the relevant rules relating to all categories of public servants (as defined in the Act) falling under their respective jurisdiction/administrative/cadre control is completed within the revised time limit of 18 months from the date of coming into force of the Act, i.e., 16.01.2014, as now provided in the Order dated 26th December, 2014 (i.e., on or before 15th July, 2015), positively; and
- (b) all public servants falling under their respective jurisdiction / administrative/cadre control, continue filing their annual property returns under the existing provisions of the applicable Conduct Rules [such as the AIS (Conduct) Rules, CCS (Conduct) Rules, etc.,] till such time as the exercise as indicated in (a) above is completed and the relevant service rules are brought in line with the provisions of the Lokpal and Lokayuktas Act, 2013 and the rules framed thereunder.


(Jishnu Barua)

Joint Secretary to the Govt. of India
Tel: 23093591

To

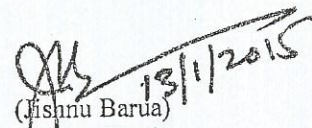
1. All Secretaries to the Govt. of India (as per standard mailing list)
2. All Chief Secretaries of State Governments
3. All Administrators of the Union Territories

Copy for information and with a request for similar action, forwarded to:

- (i) Secretary General, Lok Sabha
- (ii) Secretary General, Rajya Sabha
- (iii) Comptroller and Auditor General of India
- (iv) Secretary, Election Commission of India

Copy also to-

- (1) Special Secretary & Establishment Officer, DoPT, for kind information.
- (2) Joint Secretary (Estt.) with a request to take immediate necessary action for amendments/modification of CCS (Conduct) Rules, 1964 and their implementation.
- (3) Director (Services) (Shri Diwakar Nath Mishra), DoPT, with a request to take immediate necessary action for amendments/modification of AIS (Conduct) Rules and their implementation.


(Jishnu Barua)
Joint Secretary to the Govt. of India
Tele: 23093591



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 694]

नई दिल्ली, शुक्रवार, दिसम्बर 26, 2014/पौष 5, 1936

No. 694]

NEW DELHI, FRIDAY, DECEMBER 26, 2014/PAUSHA 5, 1936

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 26 दिसम्बर, 2014

सा.का.नि. 918(अ).—केंद्रीय सरकार, लोकपाल और लोकायुक्त अधिनियम, 2013 (2014 का 1) धारा 59 की उपधारा (2) के खंड (ट) और खंड (ठ) के साथ पठित उपधारा (1) धारा 44 और धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए लोक सेवक (सूचना और आस्तियों तथा दायित्वों की वार्षिक विवरणी देने तथा विवरणियाँ फाइल करने में आस्तियों की छूट के लिए सीमाएं) नियम, 2014 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम लोक सेवक (सूचना और आस्तियों तथा दायित्वों की वार्षिक विवरणी देने तथा विवरणियाँ फाइल करने में आस्तियों की छूट के लिए सीमाएं) दूसरा संशोधन नियम, 2014 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. लोक सेवक (सूचना और आस्तियों तथा दायित्वों की विवरणी देने तथा विवरणियाँ फाइल करने में आस्तियों की छूट के लिए सीमाएं) नियम, 2014 जिसे इसमें इसके पश्चात् मूल नियम कहा गया है) के नियम 3 के उपनियम (2) के परंतुक में "31 दिसंबर, 2014 को या उसके पूर्व" शब्दों और अंकों के स्थान पर "30 अप्रैल, 2015 को या उसके पूर्व" शब्द और अंक रखे जाएंगे।

(ख) प्ररूप सं. IV के स्थान पर, निम्नलिखित प्ररूप रखा जाएगा, अर्थात् :-

"प्ररूप सं. 4

पहली नियुक्ति पर या 31 मार्च, 20.....को यथाविद्यमान ऋणों और अन्य दायित्वों का विवरण

| क्रम सं० | ऋणी (स्वयं/पति या पत्नी या आश्रित बालक) | लेनदार का नाम और पता | ऋण/दायित्व की प्रकृति और रकम | टिप्पणियां |
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तारीख.....

हस्ताक्षर.....

टिप्पण 1 : उधारों की व्यष्टिक मदों को जो दो मास के मूल वेतन से अधिक नहीं हैं (जहां लागू हों) और अन्य दशाओं में 1.00 लाख रुपये हैं, सम्मिलित किए जाने की आवश्यकता नहीं है।

टिप्पण 2 : विवरण में बैंकों, कंपनियों, वित्तीय संस्थाओं, केन्द्रीय सरकार/राज्य सरकार से और व्यष्टियों से लिए गए विभिन्न ऋणों और अभिदायों (एडवांसें) को सम्मिलित करना होगा।

[फा. सं. 407/12/2014-एबीडी-IV (बी)]

जिष्णु बरुआ, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण में अधिसूचना संख्यांक सा.का.नि. 501(अ), तारीख 14 जुलाई, 2014 द्वारा प्रकाशित किए गए थे और उनका भारत के राजपत्र असाधारण, तारीख 8 सितंबर, 2014 में प्रकाशित अधिसूचना सं. सा.का.नि. 638(अ) द्वारा संशोधन किया गया था।

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 26th December, 2014.

G.S.R. 918(E).—In exercise of the powers conferred by sub-section (1) read with clause (k) and clause (l) of sub-section (2) of section 59, section 44 and section 45 of the Lokpal and Lokayuktas Act, 2013 (1 of 2014), the Central Government hereby makes the following rules further to amend the Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Rules, 2014, namely:—

1. (1) These rules may be called the Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Second Amendment Rules, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Rules, 2014 (hereinafter referred to as the principal rules), in rule 3, in the proviso to sub-rule (2), for the words "on or before the 31st day of December, 2014", the words "on or before the 30th day of April, 2015" shall be substituted.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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सं. 2635]

No. 2635]

नई दिल्ली, शुक्रवार, दिसम्बर 26, 2014/पाँच 5, 1936

NEW DELHI, FRIDAY, DECEMBER 26, 2014/PAUSHA 5, 1936

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 26 दिसम्बर, 2014

का.आ. 3272(अ).—केन्द्रीय सरकार ने लोकपाल और लोकायुक्त अधिनियम, 2013 (2014 का 1) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 62 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस तारीख से जिसको लोकपाल और लोकायुक्त अधिनियम, 2013 के उपबंध लागू होते हैं, अर्थात् 16 जनवरी, 2016 से एक सौ अस्सी दिन से अनधिक अवधि के भीतर, लोकसेवकों द्वारा संपत्ति विवरणियों की फाइलिंग को और आस्तियों की घोषणा विनियमित करने के प्रयोजन के लिए, जिससे कि उन्हें उक्त अधिनियम के उपबंधों के अनुरूप लाया जा सके, सभी विद्यमान नियमों में उपांतरण और संशोधन करने के प्रयोजन के लिए 15 फरवरी, 2014 से, लोकपाल और लोकायुक्त (कठिनाइयों को दूर करना) आदेश, 2014 (जिसे इसमें इसके पश्चात् उक्त आदेश कहा गया है) किया था ;

और केन्द्रीय सरकार ने विभिन्न प्राधिकारियों जैसे भारत के नियंत्रक और महालेखा परीक्षक, निर्वाचन आयोग, लोकसभा सचिवालय, राज्यसभा सचिवालय, विधि और न्याय विभाग (विधि कार्य विभाग और विधायी विभाग) विस्तीय सेवाएं विभाग, लोक उद्यम विभाग और राज्य सरकारों के परामर्श से लोकसेवकों द्वारा वार्षिक विवरणी फाइल करने और आस्तियों की घोषणा करने से संबंधित विषय वस्तु से ब्यौहार करने वाले सभी विद्यमान नियमों के उपांतरण और संशोधन की प्रक्रिया प्रारंभ की ;

और उपरोक्त प्राधिकारियों से प्राप्त टिप्पणियों और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया था तथा उक्त अधिनियम के अधीन नियमों को अंतिम रूप देने की प्रक्रिया को पूरा करने में कुछ और समय लगना था और विद्यमान नियमों को उक्त अधिनियम और तद्धीन बनाए गए नियमों के अनुरूप करने की प्रक्रिया में उक्त आदेश में अधिसूचित अवधि के परे समय लग रहा था और इसलिए केन्द्रीय सरकार ने 14 जुलाई, 2014 को उक्त आदेश को संशोधित करके एक सौ अस्सी दिन की उक्त अवधि को दो सौ सत्तर दिनों तक विस्तारित कर दिया था;

और केन्द्रीय सरकार ने मंत्रालयों/विभागों, जिसके अंतर्गत वित्तीय सेवाएं विभाग, लोक उद्यम विभाग, विधि और न्याय मंत्रालय तथा भारत के नियंत्रक और महालेखा परीक्षक के कार्यालय हैं, से परामर्श करने के पश्चात् लोक सेवक (सूचना और आस्तियों तथा दायित्वों की विवरणी देने तथा विवरणियाँ फाइल करने में आस्तियों की छूट के लिए सीमाएं) नियम, 2014 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) लोकपाल और लोकायुक्त अधिनियम, 2013 की धारा 44 और धारा 45 के साथ पठित धारा 59 की उपधारा (2) के खंड (ट) और खंड (ड) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त नियमों को, 14 जुलाई, 2014 को, उनमें उन प्ररूपों को विहित करते हुए जिनमें प्रत्येक लोकसेवक द्वारा सूचना और वार्षिक विवरणियाँ प्रस्तुत की जानी हैं, अधिसूचित किया था;

और केन्द्रीय सरकार ने उक्त नियमों को अंतर्विष्ट करने वाली अधिसूचना की प्रतियों को केन्द्रीय सरकार के सभी मंत्रालयों और विभागों को यह अनुरोध करते हुए अग्रेषित किया था कि वे उक्त नियमों के निबंधनों के अनुसार अनुवर्ती कार्रवाई करें और संबंधित मंत्रालयों, विभागों और संगठनों तथा उनके नियंत्रण के अधीन पब्लिक सेक्टर उपक्रमों के सभी अधिकारियों और कर्मचारिवृंद द्वारा अनुपालन सुनिश्चित करें;

और केन्द्रीय सरकार ने उक्त नियमों को अंतर्विष्ट करने वाली अधिसूचना की प्रतियों को सभी राज्य सरकारों और संघ राज्यक्षेत्रों के मुख्य सचिवों को यह अनुरोध करते हुए अग्रेषित किया था कि वे उक्त नियमों के निबंधनों के अनुसार राज्य सरकारों के कार्यों के संबंध में अखिल भारतीय सेवाओं के सभी अधिकारियों और उनके नियंत्रणाधीन विभिन्न संगठनों और पब्लिक सेक्टर उपक्रमों में कार्य कर रहे अधिकारियों और कर्मचारिवृंद द्वारा उन सभी से उक्त नियमों का अनुपालन के सुनिश्चित करने की अपेक्षा करें;

और कुछ मंत्रालय और विभागों, संगठनों और व्यष्टियों ने लोकसेवक द्वारा प्रस्तुत प्रत्येक सूचना को लोक डोमेन में रखने पर तथा विहित प्ररूपों में ऐसे व्यौरों को प्रस्तुत करने में और संबंधित मंत्रालयों और विभागों की वेबसाइट पर उनके प्रकाशन में अंतर्वर्तित जटिलताओं तथा ऐसे व्यौरों को विशेषकर जंगम संपत्ति के, भरने के पश्चात् लोकसेवकों की भेद्यता की प्रचंडता पर चिंताएं और आशंकाएं उठाई गईं, जिस लोकसेवक के पारिवारिक सदस्यों विशेषकर बालकों की सुरक्षा और संरक्षा पर आशंका व्यक्त की गई;

और केन्द्रीय सरकार ने, पूर्वोक्त वास्तविक चिंताओं और आशंकाओं को मद्देनजर रखते हुए उन प्ररूपों और प्रक्रिया का सरलीकरण करने के लिए, जिनमें लोकसेवक उक्त अधिनियम के अधीन अपेक्षित आस्तियों और दायित्वों की घोषणा करेंगे, जैसा कि अधिनियम के अधीन और उसके तद्धीन बनाए गए नियमों द्वारा अपेक्षित है, 28 अगस्त, 2014 को एक समिति का गठन किया और समिति से उक्त नियमों के अधीन विहित प्ररूपों की जांच करने और उनमें ऐसे परिवर्तनों का जो आवश्यक समझे जाएं, पैतालीस दिन की अवधि के भीतर सुझाव देने की अपेक्षा की;

और उक्त अधिनियम तथा उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार विभिन्न सेवाओं और पदों से संबंधित विद्यमान नियमों के पुनरीक्षण का कार्य, केन्द्रीय सरकार और राज्य सरकारों के विभिन्न मंत्रालयों और विभागों द्वारा अनुवर्ती कार्रवाई की प्रक्रिया को पूरा करने तथा उन प्ररूपों और प्रक्रिया के सरलीकरण के कार्य, जिनमें लोकसेवक आस्तियों और दायित्वों की घोषणाएं करेंगे, में उक्त आदेश में यथाविनिर्दिष्ट दो सौ सत्तर दिन की अवधि से परे समय लगने की संभावना थी (जैसा कि 14 जुलाई, 2014 के आदेश द्वारा संशोधित किया गया है) उक्त दो सौ सत्तर दिन की अवधि को विस्तारित करना आवश्यक हो गया था और केन्द्रीय सरकार ने तदनुसार उक्त अधिनियम की धारा 44 के प्रयोजनों के लिए उक्त दो सौ सत्तर दिन की अवधि को तीन सौ साठ दिन की अवधि तक विस्तारित करने के लिए उक्त आदेश को 8 सितंबर, 2014 को संशोधित किया।

और केन्द्रीय सरकार द्वारा 28 अगस्त, 2014 को उन प्ररूपों और प्रक्रिया के सरलीकरण, जिनमें लोकसेवक, उक्त अधिनियम तथा उसके अधीन बनाए गए नियमों द्वारा यथाअपेक्षित, आस्तियों और दायित्वों की घोषणा करेंगे, के लिए गठित समिति ने 1 अक्टूबर, 2014 को अपनी प्रथम रिपोर्ट प्रस्तुत की जिसमें समिति ने पूर्वोक्त नियमों के अधीन लोक सेवकों द्वारा जंगम संपत्तियों से संबंधित कथन प्रस्तुत करने के लिए विहित प्ररूप तथा ऋणों और दायित्वों से संबंधित कथन प्रस्तुत करने के लिए विहित प्ररूप के सरलीकरण का सुझाव दिया;

और पूर्वोक्त नियमों में आवश्यक संशोधन को प्रक्रियागत करना जिससे जंगम संपत्ति से संबंधित कथन तथा ऋणों और दायित्वों से संबंधित कथन फाइल करने के लिए पुनरीक्षित प्ररूप सम्मिलित किया जा सके तथा केन्द्रीय सरकार के सभी मंत्रालयों और विभागों तथा सभी राज्य सरकारों और संघ राज्यक्षेत्र प्रशासनों के सभी मुख्य सचिवों को, राजपत्र में सम्यक् प्रकाशन के पश्चात् पुनरीक्षित प्ररूपों के प्रचालन तथा उक्त नियमों के निबंधनों के अनुसार राज्य सरकारों के कार्यों के संबंध में

अखिल भारतीय सेवाओं के सभी अधिकारियों और उनके नियंत्रणाधीन विभिन्न संगठनों और पब्लिक सेक्टर उपक्रमों में कार्य कर रहे अधिकारियों और कर्मचारियों द्वारा उन सभी से पुनरीक्षित नियमों का अनुपालन सुनिश्चित करने की अपेक्षा करने की अनुवर्ती कार्रवाई की और प्रक्रिया समय खपाने वाली प्रक्रिया है और इस प्रकार उक्त प्रक्रिया तारीख 8 सितंबर, 2014 के आदेश द्वारा यथा संशोधित मूल आदेश में यथा अनुध्यात तीन सौ साठ दिनों की सीमा में पूर्ण नहीं की जा सकती;

और केन्द्रीय सरकार ने उक्त अधिनियम में जानकारी में आई विभिन्न कमियों को दूर करने के लिए लोकपाल और लोकायुक्त अधिनियम, 2013 को संशोधित करने का विनिश्चय किया है, और इस संदर्भ में उक्त अधिनियम की धारा 44 के उपबंधों को संशोधित करने की भी आवश्यकता महसूस की गई है जिससे उक्त धारा के उपबंधों लोक प्रतिनिधित्व अधिनियम, 1951 तथा उसके अधीन विरचित नियमों, अखिल भारतीय सेवा अधिनियम, 1951 तथा उसके अधीन विरचित नियमों। केन्द्रीय सरकार द्वारा संविधान के अनुच्छेद 148 और अनुच्छेद 309 के अनुसरण में, विरचित नियम तथा स्वायत्तशासी निकायों और पब्लिक सेक्टर उपक्रमों की स्थापना करने वाले विभिन्न कानून और उनके अधीन विरचित नियमों के सुसंगत उपबंधों को समन्वित किया जा सके;

और, लोकपाल और लोकायुक्त अधिनियम, 2013 का संशोधन करने के लिए विधेयक के पुरःस्थापन और इसे संसद द्वारा पारित करने तथा इसके प्रवर्तन में समय लगने की संभावना है; और इसलिए तीन सौ साठ दिनों की उक्त अवधि को विस्तारित कर अठारह मास की अवधि करना आवश्यक हो गया है, तथा तदनुसार, केन्द्रीय सरकार ने इस प्रक्रिया को पूर्ण करने के लिए इस अवधि को विस्तारित करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, लोकपाल और लोकायुक्त अधिनियम, 2013 (2014 का 1) की धारा 62 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोकपाल और लोकायुक्त (कठिनाइयों को दूर करना) आदेश, 2014 का और संशोधन करने के लिए निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त आदेश के पैरा 2 के उप पैरा (1) में, "तीन सौ साठ दिन से अनधिक अवधि के भीतर", शब्दों के स्थान पर, "अठारह मास से अनधिक अवधि के भीतर" शब्द रखे जाएंगे।

[सं. 407/12/2014-एवीडी-IV(ब) I]

जिष्णु बरुआ, संयुक्त सचिव

टिप्पण : लोकपाल और लोकायुक्त (कठिनाइयों को दूर करना) आदेश, 2014, भारत के राजपत्र, असाधारण में अधिसूचना संख्यांक का.आ. 409 (अ) तारीख 15 फरवरी, 2014 द्वारा प्रकाशित किया गया था और अधिसूचना संख्यांक का.आ. 1840 (अ) तारीख 15 जुलाई, 2014 द्वारा प्रकाशित आदेश तारीख 14 जुलाई, 2014 तथा अधिसूचना संख्यांक का.आ. 2256(अ), तारीख 8 सितंबर, 2014 द्वारा प्रकाशित आदेश तारीख 8 सितंबर, 2014 द्वारा संशोधित किया गया था।

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 26th December, 2014

S.O. 3272(E).— Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 62 of the Lokpal and Lokayuktas Act, 2013 (1 of 2014) (hereinafter referred to as the said Act), made the Lokpal and Lokayuktas (Removal of Difficulties) Order, 2014 (hereinafter referred to as the said Order) with effect from the 15th February, 2014 for the purpose of carrying out modifications and amendments in all existing rules regulating the filing of property returns and making of declaration of assets by public servants so as to bring them in conformity with the provisions of the said Act, within a period not exceeding one hundred and eighty days from the date on which the provisions of the Lokpal and Lokayuktas Act, 2013 came into force, i.e., the 16th January, 2014;

And whereas, the Central Government initiated the process of modifications and amendments of all existing rules dealing with the subject matter of filing of annual returns and making of declaration of assets by public servants in consultation with various authorities, such as, the Comptroller and Auditor General of India, the Election Commission,

the Lok Sabha Secretariat, the Rajya Sabha Secretariat, the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department), the Department of Financial Services, the Department of Public Enterprises and the State Governments;

And whereas, the comments and suggestions received from above said authorities had been under consideration of the Central Government and the completion of the procedure of finalising the rules under the said Act was likely to take some more time and the process of harmonisation of the existing rules with the provisions of the said Act and the rules made thereunder was taking time beyond the period notified under the said Order, and, therefore, the Central Government amended the said Order on 14th July, 2014, extending the said period of one hundred and eighty days to a period of two hundred and seventy days;

And whereas, the Central Government, after consulting the Ministries/Departments, including the Department of Financial Services, the Department of Public Enterprises, the Ministry of Law and Justice and the office of the Comptroller and Auditor General of India, made the Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Rules, 2014 (hereinafter referred to as the said rules), in exercise of the powers conferred by sub-section (1) read with clause (k) and clause (l) of sub-section (2) of section 59 read with section 44 and section 45 of the Lokpal and Lokayuktas Act, 2013, and notified the said rules on 14th July, 2014, prescribing therein the forms in which information and annual returns are to be filed by every public servant;

And whereas, the Central Government forwarded the copies of the notification containing the said rules to all Ministries and Departments of the Central Government requesting them to take the follow-up action in terms of the said rules, and for ensuring compliance with the said rules by all officers and staff in the respective Ministries, Departments and organisations and public sector undertakings under their control;

And whereas, the Central Government also forwarded the copies of the notification containing the said rules to the Chief Secretaries of all State Governments and Union territories, requesting them to take the follow-up action in terms of the said rules requiring all officers of the All India Services working in connection with the affairs of the State Governments and the officers and staff working in various organisations and public sector undertakings under their control so as to ensure due compliance with the said rules by all of them;

And whereas, concerns and apprehensions were raised by some Ministries and Departments, Organisations and individuals about the posting of every information provided by the public servant on public domain and the complexities involved in posting such details in the prescribed formats and also about exacerbation of vulnerabilities of the public servants after filing such details, specifically of movable property and their publication on the websites of respective Ministries and Departments giving rise to the apprehension of the safety and security of the members particularly children of the public servant;

And whereas, keeping in view the genuine concerns and apprehensions aforesaid, the Central Government constituted a Committee on 28th August, 2014 to simplify the forms and the process in which public servants shall make declaration of assets and liabilities as required under the said Act and the rules made thereunder and the Committee was required to examine the forms prescribed under the said rules and suggest changes therein as may be considered necessary within a period of forty-five days;

And whereas, the exercise of reviewing the existing rules relating to various services and posts with the provisions of the said Act and the rules made thereunder, the process of completion of follow-up action by various Ministries and Departments of the Central Government and the State Governments and the exercise of simplification of forms and the process in which public servants shall make declarations of assets and liabilities, was likely to take time beyond the period of two hundred and seventy days as specified in the said Order (as amended by the Order, dated 14th July, 2014), it had become necessary to extend the said period of two hundred and seventy days and, accordingly, the Central Government amended the said Order on 8th September, 2014, extending the said period of two hundred and seventy days to a period of three hundred and sixty days for the purposes of section 44 of the said Act;

And whereas, the Committee constituted by the Central Government on 28th August, 2014 to simplify the forms and the process in which public servants shall make declaration of assets and liabilities as required under the said Act and the rules made thereunder, submitted its first Report to the Government on 1st October, 2014, wherein the Committee suggested simplification of form prescribed for submission of statement regarding movable assets and the form prescribed for submission of statement regarding debts and liabilities by public servants, under the aforesaid rules;

And whereas, the processing of necessary amendments to the aforesaid rules so as to incorporate the revised forms for filing statement regarding movable properties and the statement regarding debts and liabilities and the circulation of the revised formats, after their due notification in the Official Gazette, to all Ministries and Departments of the Central Government and the Chief Secretaries of all State Governments and Union territory administrations and the further process of follow-up action in terms of the said rules requiring all officers of the All India Services working in connection with the affairs of the State Governments and the Offices and Staff working in various Organisations and Public Sector Undertakings under their control so as to ensure due compliance with the revised rules by all of them, is a time consuming process and as such the said process cannot be completed within the limit of three hundred and sixty days as contemplated in the principal order as amended by the order dated 8th September, 2014;

And whereas, Central Government has decided to amend the Lokpal and Lokayuktas Act, 2013, to address various deficiencies noticed in the said Act and, in that context, a need has also been felt to amend the provisions of section 44 of the said Act so as to harmonise the provisions of the said section with the relevant provisions of the Representation of the People Act, 1951 and rules framed thereunder, the All India Services Act, 1951 and rules framed thereunder, the rules framed by the Central Government in pursuance of article 148 and article 309 of the Constitution and also various statutes setting up autonomous bodies and Public Sector Undertakings and the rules framed thereunder;

And whereas, the introduction of a Bill to amend the Lokpal and Lokayuktas Act, 2013, and its passing by Parliament and enforcement is also likely to take time; and hence it has become necessary to extend the said period of three hundred and sixty days to a period of eighteen months, and the Central Government has accordingly decided to extend the period to complete this process;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 62 of the Lokpal and Lokayuktas Act, 2013 (1 of 2014), the Central Government hereby makes the following amendment further to amend the Lokpal and Lokayuktas (Removal of Difficulties) Order, 2014, namely:--

In the said Order, in paragraph 2, in sub-paragraph (1), for the words "within a period not exceeding three hundred and sixty days", the words "within a period not exceeding eighteen months" shall be substituted.

[F. No. 407/12/2014-AVD-IV(B)1]

JISHNU BARUA, Jt. Secy.

Note : The Lokpal and Lokayuktas (Removal of Difficulties) Order, 2014 was published in the Gazette of India, Extraordinary, vide notification number S.O. 409(E), dated 15th February, 2014 and amended by Order, dated 14th July, 2014 published vide notification number S.O. 1840(E) dated 15th July, 2014; and by Order dated 8th September, 2014 published vide notification number S.O. 2256(E) dated 8th September, 2014.

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APPENDIX-I**[Rule 3(1)]**

Return of Assets and Liabilities on First Appointment or as on the 31st March, 20.....*
(Under Sec 44 of the Lokpal and Lokayuktas Act, 2013.)

1. Name of the Public servant in full.....
(in block letters)
2. (a) Present public position held
(Designation, name and address
of organisation)
- (b) Service to which belongs
(if applicable)

Declaration:

I hereby declare that the return enclosed namely, Forms I to IV are complete, true and correct to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of section 44 of the Lokpal and Lokayuktas Act, 2013.

Date.....

Signature.....

* In case of first appointment please indicate date of appointment.

Note 1. This return shall contain particulars of all assets and liabilities of the public servant either in his/her own name or in the name of any other person. The return should include details in respect of assets/liabilities of spouse and dependent children as provided in Section 44 (2) of the Lokpal and Lokayuktas Act, 2013.

(Section 44(2):A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—

- (a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;
- (b) his liabilities and that of his spouse and his dependent children.)

Note 2. If a public servant is a member of Hindu Undivided Family with co-parcenary rights in the properties of the family either as a 'Karta' or as a member, he should indicate in the return in Form No. III the value of his share in such property and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added wherever necessary.

Note 3. "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood. (*Explanation below Section 44(3) of Lokpal and Lokayuktas Act, 2013*).

APPENDIX-II
[Rule 3(1)]

FORM No. I
 Details of Public Servant, his/ her spouse and dependent children

| No. | | Name | Public Position held, if any | Whether return being filed by him/her, separately |
|-----|-------------|------|------------------------------|---|
| 1 | Self | | | |
| 2 | Spouse | | | |
| 3 | Dependent-1 | | | |
| 4 | Dependent-2 | | | |
| 5 | Dependent-3 | | | |

Add more rows, if necessary.

.....

Signature.....

3. In the principal rules, in Appendix II, —

(a) for Form No. II, the following Form shall be substituted, namely:—

“FORM No. II

Statement of movable property on first appointment or as on the 31st March, 20...

(Use separate sheets for self, spouse and each dependent child.)

Name of public servant/spouse/dependent child: _____

| S.No | Description | Remarks, if any |
|--------|--|-----------------|
| (i) * | Cash and bank balance: | |
| (ii)** | Insurance (premium paid) : | |
| | Fixed /Recurring Deposit(s) : | |
| | Shares/Bonds : | |
| | Mutual Fund(s) : | |
| | Pension Scheme/Provident Fund | |
| | Other investments, if any : | |
| (iii) | Personal loans/advance given to any person or entity including firm, company, trust, etc. and other receivables from debtors and the amount (exceeding two months basic pay or Rupees one lakh, as the case may be): | |
| (iv) | Motor Vehicles (Details of Make, registration number, year of purchase and amount paid): | |
| (v) | Jewellery [Give details of approximate weight (plus or minus 10 gms. in respect of gold and precious stones; plus or minus 100 gms. in respect of silver).] | |
| | Gold: | |
| | Silver: | |
| | Precious metals and precious stones: | |
| | Composite items: (indicate approximate value)*** | |
| (vi) | Any other assets [Give details of movable assets not covered in (i) to (v) above] (a) Furniture (b) Fixtures (c) Antiques (d) Paintings (e) Electronic equipments (f) Others [Indicate the details of an asset, only if the total current value of any particular asset in any particular category (e.g. furniture, fixtures, electronic equipments, etc.) exceeds two months' basic pay or Rs. 1.00 lakh, as the case may be.] | |

Date

Signature.....

* Details of deposits in the foreign Bank(s) to be given separately.

** Investments above Rs. 2 lakhs to be reported individually. Investments below Rs. 2 lakhs may be reported together.

*** Value indicated in the first return need not be revised in subsequent returns as long as no new composite item had been acquired or no existing items had been disposed of, during the relevant year.”;

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FORM NO. III

Statement of immovable property on first appointment or as on the 31st March, 20....
(e.g. Lands, House, Shops, Other Buildings, etc.)

[Held by Public Servant, his/her spouse and dependent children]

| Sl. No. | Description of property (Land/ House/ Flat/ Shop/ Industrial etc.) | Precise location (Name of District, Division Taluk and Village in which the property is situated and also its distinctive number, etc.) | Area of land (in case of land and buildings) | Nature of land in case of landed property | Extent of interest | If not in name of public servant, state in whose name held and his/her relation-ship, if any to the public servant | Date of acquisition | How acquired (whether by purchase, mortgage, lease, inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Government servant, if any, with the person/persons concerned) (Please see Note 1 below) and cost of acquisition. | Present value of the property (If exact value not known, approx value may be indicated) | Total annual income from the property | Remarks |
|---------|--|---|--|---|--------------------|--|---------------------|---|---|---------------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

Date.....

Signature.....

Note (1): For purpose of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

(a) for Form No. IV, the following Form shall be substituted, namely:—

"FORM No. IV

Statement of Debts and Other Liabilities on first appointment or as on 31st March, 20.....

| Sl. No. | Debtor (Self/ Spouse or dependent children) | Name and address of Creditor | Nature of debt/liability and amount | Remarks |
|---------|---|------------------------------|-------------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Date

Signature.....

Note 1: Individual items of loans not exceeding two months basic pay (where applicable) and Rs. 1.00 lakh in other cases need not be included.

Note 2. The statement should include various loans and advances (exceeding the value in Note 1) taken from banks, companies, financial institutions, Central/State Government and from individuals."

[F. No. 407/12/2014-AVD-IV(B)]

JISHNU BARUA, Jt. Secy.

Note.—The principal rules were published in the Gazette of India, Extraordinary, vide notification number G.S.R. 501(E), dated the 14th July, 2014 and amended vide notification No. G.S.R. 638(E) published in the Gazette of India, Extraordinary, dated 8th September, 2014.

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