

No. 11013/3/2014-Estt(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi- 110 001
Dated March 20, 2014

OFFICE MEMORANDUM

Subject: The Lokpal and Lokayuktas Act, 2013 - Submission of declaration of assets and liabilities by the public servants for each year and placing the same in public domain on the websites of the Ministries/ Departments

The undersigned is directed to say that the Lokpal and Lokayuktas Act, 2013 has come into force on 16.01.2014. Section 44 of the Act requires making of a declaration of assets and liabilities by the public servant to the competent authority in the manner provided under the said Act. Section 44 of the said Act also requires furnishing of information relating to assets and liabilities, (i) by the public servant on the occasion of entering upon office within thirty days from the date of assumption of office, and (ii) by a public servant holding his office as such within a period of thirty days from the date of coming into force of the Act. It also requires the filing of annual return of such assets and liabilities with the competent authority, on or before the 31st day of July every year; and the competent authority in respect of each Ministry or Department shall ensure such statements are published on the website of such Ministry or Department by the 31st day of August of that year.

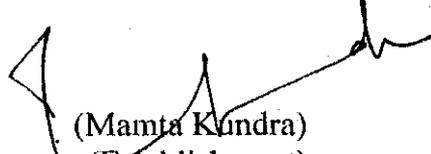
2. As per the Lokpal and Lokayuktas (Removal of Difficulties) Order, 2014 notified on 15.02.2014, a time period of 180 days from the date of coming into force of the provisions of the said Act i.e., 15.07.2014 has been allowed for modification or amendment of the relevant rules and also for framing of appropriate rules under section 44 of the Act. The public servants who have filed the declarations, information and returns under the provisions of the relevant rules shall file revised declarations, information or returns, as the case may be, in compliance of the rules framed under Section 44 of the said Act within the period specified therein.

3. The Act and the Order dated 15.02.2014 are available on this Department's website at <http://persmin.nic.in/dopt.asp> --> Gazette Notifications --> Services → Others. Extracts from the Lokpal and Lokayuktas Act, 2013 relating to the following are enclosed for ready reference:

- (i) Section 2(1)(c) relating to 'competent authority' (Annexure-I);
- (ii) Section 2(1)(o) relating to definition of 'public servant' (Annexure-II); and
- (iii) Section 14(1) relating to categories of persons to whom the jurisdiction of Lokpal extends (Annexure-III).

4. The Rule 18 of the Central Civil Services (Conduct Rules), 1964 contain provisions relating to Movable, immovable and valuable property. The Rule stipulate that every Government servant shall on his first appointment to any service or post submit a return of his assets and liabilities, giving the full particulars regarding (a) the immovable property inherited by him, or owned 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 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. The Rule also stipulates that every Government servant belonging to any service or holding any post included in Group 'A' and Group 'B' shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him or owned 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. Similar provisions exist in the Conduct Rules governing other civil services.

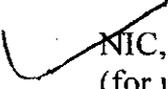
5. With the enactment of the Lokpal and Lokayuktas Act, 2013, it is necessary to obtain disclosures from public servants as defined in the Act and bring the existing formats for disclosures, if any, in sync with the Section 44 of the said Act. A draft format, based on the forms prescribed in the Central Civil Services (Conduct Rules), 1964 for declarations of assets and liabilities, is annexed (Annexure-IV). It is requested that comments/ suggestions with respect to 'Public Servants' falling in the jurisdiction of your Ministry/ Department/ Organisation may be provided to this Department. The approved format will then be formally issued by this Department. It is further requested that the comments may kindly be provided positively by 04.04.2014, with a soft copy sent by email to Director(Establishment) at dse@nic.in.


(Mamta Kundra)
Joint Secretary (Establishment)

To

1. The Secretaries of all Ministries/ Departments
2. The Secretary General, Lok Sabha
3. The Secretary General, Rajya Sabha
4. The Secretary (Coordination), Cabinet Secretariat
5. The Secretary, Election Commission of India
6. The Secretary, Union Public Service Commission
7. The Secretary, Central Vigilance Commission
8. Office of the Comptroller & Auditor General of India

Copy to:

 NIC, Department of Personnel & Training, North Block, New Delhi
(for uploading the same on the website of this Department)

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title,
extent,
application
and
commencement.

1. (1) This Act may be called the Lokpal and Lokayuktas Act, 2013.
- (2) It extends to the whole of India.
- (3) It shall apply to public servants in and outside India.
- (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

PART II

LOKPAL FOR THE UNION

CHAPTER I

DEFINITIONS

Definitions.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) "bench" means a bench of the Lokpal;
 - (b) "Chairperson" means the Chairperson of the Lokpal;
 - (c) "competent authority", in relation to—
 - (i) the Prime Minister, means the House of the People;
 - (ii) a member of the Council of Ministers, means the Prime Minister;
 - (iii) a member of Parliament other than a Minister, means—
 - (A) in the case of a member of the Council of States, the Chairman of the Council; and
 - (B) in the case of a member of the House of the People, the Speaker of the House;
 - (iv) an officer in the Ministry or Department of the Central Government, means the Minister in charge of the Ministry or Department under which the officer is serving;
 - (v) a chairperson or members of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the Minister in charge of the administrative Ministry of such body or Board or corporation or authority or company or society or autonomous body;
 - (vi) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
 - (vii) in any other case not falling under sub-clauses (i) to (vi) above, means such Department or authority as the Central Government may, by notification, specify;

Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a member of Parliament, then, the competent authority shall be—

(A) in case such member is a member of the Council of States, the Chairman of the Council; and

(B) in case such member is a member of the House of the People, the Speaker of the House;

(d) "Central Vigilance Commission" means the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003;

45 of 2003.

(e) "complaint" means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;

49 of 1988.

(f) "Delhi Special Police Establishment" means the Delhi Special Police Establishment constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946;

25 of 1946.

(g) "investigation" means an investigation as defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;

2 of 1974.

(h) "Judicial Member" means a Judicial Member of the Lokpal;

(i) "Lokpal" means the body established under section 3;

(j) "Member" means a Member of the Lokpal;

(k) "Minister" means a Union Minister but does not include the Prime Minister;

(l) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(m) "preliminary inquiry" means an inquiry conducted under this Act;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "public servant" means a person referred to in clauses (a) to (h) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;

45 of 1950.

46 of 1950.

62 of 1957.

30 of 1978.

(p) "regulations" means regulations made under this Act;

(q) "rules" means rules made under this Act;

(r) "Schedule" means a Schedule appended to this Act;

(s) "Special Court" means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.

49 of 1988.

49 of 1988.

(2) The words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.

(3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

CHAPTER III

INQUIRY WING

11. (1) Notwithstanding anything contained in any law for the time being in force, the Lokpal shall constitute an Inquiry Wing headed by the Director of Inquiry for the purpose of conducting preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988:

Inquiry Wing.

49 of 1988.

Provided that till such time the Inquiry Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting preliminary inquiries under this Act.

(2) For the purposes of assisting the Lokpal in conducting a preliminary inquiry under this Act, the officers of the Inquiry Wing not below the rank of the Under Secretary to the Government of India, shall have the same powers as are conferred upon the Inquiry Wing of the Lokpal under section 27.

CHAPTER IV

PROSECUTION WING

12. (1) The Lokpal shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act:

Prosecution Wing.

Provided that till such time the Prosecution Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting prosecution under this Act.

(2) The Director of Prosecution shall, after having been so directed by the Lokpal, file a case in accordance with the findings of investigation report, before the Special Court and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988.

49 of 1988.

(3) The case under sub-section (2), shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

2 of 1974.

CHAPTER V

EXPENSES OF LOKPAL TO BE CHARGED ON CONSOLIDATED FUND OF INDIA

13. The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India and any fees or other moneys taken by the Lokpal shall form part of that Fund.

Expenses of Lokpal to be charged on Consolidated Fund of India.

CHAPTER VI

JURISDICTION IN RESPECT OF INQUIRY

14. (1) Subject to the other provisions of this Act, the Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:—

(a) any person who is or has been a Prime Minister:

Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Prime Minister,—

(i) in so far as it relates to international relations, external and internal security, public order, atomic energy and space;

Jurisdiction of Lokpal to include Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.

(ii) unless a full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry and at least two-thirds of its Members approves of such inquiry:

Provided further that any such inquiry shall be held *in camera* and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone;

(b) any person who is or has been a Minister of the Union;

(c) any person who is or has been a member of either House of Parliament;

(d) any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served, in connection with the affairs of the Union;

49 of 1988.

(e) any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served in connection with the affairs of the Union subject to the provision of sub-section (1) of section 20;

49 of 1988.

(f) any person who is or has been a chairperson or member or officer or employee in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or wholly or partly financed by the Central Government or controlled by it:

Provided that in respect of such officers referred to in clause (d) who have served in connection with the affairs of the Union or in any body or Board or corporation or authority or company or society or trust or autonomous body referred to in clause (e) but are working in connection with the affairs of the State or in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, the Lokpal and the officers of its Inquiry Wing or Prosecution Wing shall have jurisdiction under this Act in respect of such officers only after obtaining the consent of the concerned State Government;

(g) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed by the Government and the annual income of which exceeds such amount as the Central Government may, by notification, specify;

(h) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify.

42 of 2010.

Explanation.—For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses:

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

49 of 1988.

Return of Assets and Liabilities on first appointment or as on the 31st March, 20...

1. Name of the Government servant in full.....

(in block letters)

2. Service to which he belongs.....

3. Total length of service upto date.....

(i) in non-gazetted rank.

(ii) in gazetted rank.

4. Present post held and place of posting.....

5. Total annual income from all sources during the Calendar year immediately preceding the 1st day of January 20...

6. Declaration

I hereby declare that the return enclosed namely, Forms I to V are complete, true and correct as on.....to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of(state the Rule).

Date..... Signature.....

Note 1. This return shall contain particulars of all assets and liabilities of the Government servant either in his own name or in the name of any other person.

Note 2. If a Government servant is a member of Hindu Undivided Family with coparcenary rights in the properties of the family either as a 'Karta' or as a member, he should indicate in the return in Form No. 1 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.

FORM NO. I

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

Sl. No.	Description of property	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 own name, state in whose name held and his/her relationship, if any to the Government servant
1	2	3	4	5	6	7

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)	Value of the property (see Note 2 below)	Particulars of sanction of prescribed authority if any	Total annual income from the property	Remarks
8	9	10	11	12	13

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.

Note (2) In Column 10 should be shown -

- (a) where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition;
- (b) where it has been acquired by lease, the total annual rent thereof also; and
- (c) where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

FORM NO. II

Statement of liquid assets on first appointment or as on the 31st March, 20...

- (1) Cash and Bank balance exceeding 3 months' basic pay.
 (2) Deposits, loans, advances and investments (such as shares, securities, debentures, etc.)

Sl. No.	Description	Name & Address of Company, Bank etc.	Amount	If not in own name, name and address of person in whose name held and his/her relationship with the Government servant	Annual income derived	Remarks
1	2	3	4	5	6	7

Date.....Signature.....

Note: In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

FORM NO. III

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

Sl. No.	Description of items	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or instalment basis	If not in own name, name and address of the person in whose name and his/her relationship with the Government servant	How acquired with approximate date of acquisition	Remarks
1	2	3	4	5	6

Date.....Signature.....

Note 1. In this Form information may be given regarding items like (a) jewellery owned by him (total value); (b) silver and other precious metals and precious stones owned by him not forming part of jewellery (total value), (c) (i) Motor Cars (ii) Scooters/Motor Cycles; (iii) refrigerators/air-conditioners, (iv) radios/radiograms/television sets and any other articles, the value of which individually exceeds two months basic pay of the officer (d) value of items of movable property individually worth less than two months basic pay of the officer, other than articles of daily use such as cloths, utensils, books, crockery, etc., added together as lumpsum.

Note 2 : In column 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

Note 3 : In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

FORM NO. IV

Statement of Provident Fund and Life Insurance Policy on first appointment or as on the 31st March, 20.....

S. No.	Policy No. and date of policy	Name of Insurance Company	Sum insured date of maturity	Amount of annual premium	Type of Provident Funds /GPF / CPF, (Insurance Policies) account No.	Closing balance as last reported by the Audit/ Accounts Officer alongwith date of such balance	Contribution made subsequently	Total	Remarks (if there is dispute regarding closing balance the figures according to the Government servant should also be mentioned in this column)
1	2	3	4	5	6	7	8	9	10

Date..... Signature

FORM NO. V

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

Sl. No.	Amount	Name and address of Creditor	Date of incurring Liability	Details of Transaction	Remarks
1	2	3	4	5	6

Date Signature.....

- Note 1. Individual items of loans not exceeding three months basic pay, need not be included.
 Note 2. In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.
 Note 3. The statement should also include various loans and advances available to Government servants like advance for purchase of conveyance, house building advance, etc. (other than advances of pay and travelling allowance), advance from the GP Fund and loans on Life Insurance Policies and fixed deposits.