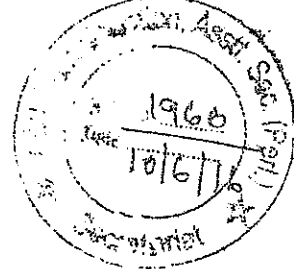


Secretary (Personnel) 1/30
2010 Date 8/6/16



के.स. का गोपनीय प्रमु- 01
CS' Confidential Cell
प्रा.प्रे.सं./RD No. 4850
दिनांक/Date 8/6/16
Terminal Responsibility.....
Disposal by date.....

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

Secy (Per) [Signature]
Secy (Law) [Signature]
2/6/16

North Block, New Delhi
Dated: the 19th May, 2016

OFFICE MEMORANDUM

Subject: Declaration of Assets and Liabilities by Public Servants under Section 44 of Lokpal and Lokayuktas Act, 2013 -filing of Returns by public servants-regarding.

The undersigned is directed to refer to this Department's O.M. of even number dated 12th April, 2016 on the subject mentioned above and to enclose a copy of the relevant portion of the 'FAQs with replies/information in respect of Lokpal and Lokayuktas act, 2013' available on website of this Department wherein it has been clarified that the Section 44 of the Act mandates that the information regarding assets and liabilities is to be submitted by each public servant to his/her own competent authority (as defined in the Act). There is no requirement for submission of or enclosing copies of such information by individual officers to this Department.

2. All Ministries/Departments and cadre authorities are requested to bring to the notice and impress upon the officers under their administrative control that the relevant declaration/annual returns required to be filed under the Lokpal and Lokayuktas Act, 2013 are to be submitted to the respective competent authorities as stipulated under the said Act.

Encl: As above.

Rakesh
(Rakesh Kumar)
Director
Tel. 23093180

To

- 1. The Secretary
All Ministries/Departments of the Government of India
(as per standard mailing list)
- 2. The Chief Secretary
All State Government/Administrators, UTs (as per standard mailing list)

3993 10/46
4/6/16
[Handwritten notes and signatures]

<p>8. (a) Whether Government has prescribed any formats for the submission of information regarding assets and liabilities by public servants under the Lokpal law?</p> <p>(b) Where can the forms be accessed?</p> <p>(c) What are the timelines for furnishing such information specific to the years 2014 and 2015, as also for subsequent years?</p>	<p>The form and manner in which information regarding assets and liabilities are required to be furnished by public servants have been prescribed under the Public Servants (Furnishing of information and Annual Return of Assets and Liabilities and Limits for exemption of assets in filing Returns) Rules, 2014, as amended from time to time. A complete set of the formats and clarifications as regards the timelines for filing of such declaration and returns have been provided in this Department's <u>OM No.407/12/2014-AVD-IV-B dated 18-03-2015</u>. The timelines for annual returns required to be filed for different years is as follows:</p> <p>(a) The first return (as on 1 at August, 2014) under the Lokpal Act should be filed on or before the 15th October, 2015;</p> <p>(b) The next annual return under the Lokpal and Lokayuktas Act, 2013 for the year ending 31st March, 2015 should be filed on or before the 15th October, 2015; and</p> <p>(c) The annual return for subsequent years as on 31st March every year should be filed on or before 31st July of that year.</p>
<p>9. To whom is the information in respect of assets and liabilities required to be furnished? Is it necessary to forward copies of such information to the Lokpal or to the DoPT?</p>	<p>Section 44 of the Act mandates that the information regarding assets and liabilities is to be submitted by each public servant to his/her own competent authority (as defined in the Act). There is no requirement for submission of copies of such information by individual officers to the Lokpal or to DoPT other than those working in DoPT or Lokpal.</p>
<p>10. Is there any requirement that all applicable Conduct Rules for different categories of public servants have to be amended in line with the provisions of the Lokpal and Lokayuktas Act? Please provide complete details.</p>	<p>Section 56 of the Lokpal and Lokayuktas Act, 2013 reads as under:-</p> <p>“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.”.</p> <p>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 and Lokayuktas Act, the provisions of the said 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 and Lokayuktas 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 law 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. Attention in this regard is also invited to section 57 of the</p>