



CENTRAL WAREHOUSING CORPORATION

(A Government of India Undertaking)

4/1, Siri Institutional Area, Hauz Khas, New Delhi - 110016

Ph: 011-26515178, Telefax 26967256, E.mail: warehouse@nic.in

No.CWC/APR-Review/Admn.

Dated 29.01.2015

All RMs/CC Heads
Central Warehousing Corporation
Regional Office/ Const. Cells

Sub: Submission of Declaration of assets & liabilities by the public servants as given in the Lokpal and Lokayukt Act, 2013 – reg.

Sir,

In continuation to this office letter of even no.585D dated 09.01.2015, please find enclosed herewith revised guidelines received from the Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training vied OM No. 407/12/2014-AVD-IV(B) dated 13.01.2015 on the subject cited above. As may please be observed from these guidelines, the annual property return as was required to be submitted as on 1st January of every year by 31st January shall be in addition to the return prescribed under Lokpal and Lokayukt Act, 2013.

You are therefore requested to bring the above guidelines to the notice of all the employees under your control and ask them to file the return as on 01.01.2015 by 31.01.2015 in the format as earlier prescribed by Corporation and continue to file the same every year in addition to the returns to be filled under Lokpal and Lokayukt 2013.

Yours faithfully,

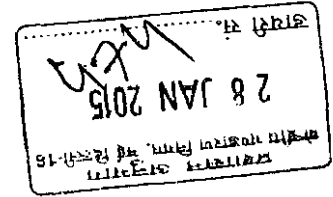
(Pawan Kant)

General Manager (Personnel)

Copy to:

1. All HoDs, CWc CO New Delhi alongwith enclosures for similar action.
2. PPS to Chairman/MD, AM to DF, SAM to DP, PS to CVO, CWC, CO New alongwith enclosures.

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

Gom(B)
General
20.1.15

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.

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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.”.

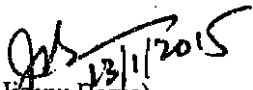
A combined reading of section 57, along with section 44 of the Act, would make it clear that the requirement of filing returns regarding assets and liabilities under the Lokpal Act is in addition to, and not in derogation/supersession of the requirement of filing similar returns under the existing Conduct 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
: Tele: 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.


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

PERSONAL FILE NO.

EMP.CODE NO.

FORM NO.1

STATEMENT SHOWING DETAILS OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT AND ALSO ON 1st JANUARY OF EACH CALENDAR YEAR (2015) (e.g.Lands, House, Shops, other Buildings, etc.)

NAME						
DESIGNATION						
PLACE OF POSTING						
REGION / CC						
DATE OF BIRTH						
DATE OF JOINING IN CWC						
DATE OF JOINING AT PRESENT POST						
BASIC PAY					Rs.	
S. No.	Details/ Description of property and its location (See notes 1 & 5 below) House / Building / Land No.	If not in own name, state in whose name held and his / her relationship, if any to the employee	How and when acquired (See Notes 2 & 6 below)	Value of the Property (See Note 3 below)	Total annual income for the property	Remarks (Particulars of sanction of Competent Authority, if any. Attache photocopy of permission and regularization letters / Memo.
1	2	3	4	5	6	7

Note: 1 If the property is not wholly owned the extent of share may also be indicated.

Note: 2 For the purpose of Col. 4 the term 'lease' would mean a lease of immovable property from year to year or for any term exceeding one year of reserve yearly rent. When, however, the lease of immovable property is obtained from a person having official dealings with the employee, such a lease should 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: 3 In Col. 5 should be shown:

(a) Where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition.

(b) Whether 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.

Note: 4 The annual return in respect of immovable property may also be submitted in this form as on 1st January.

Note: 5 Name of District, Division, Taluks & Village in which the property is situated and also its distinctive number etc. will be given in Col. 2

Note: 6 Whether by purchase, mortgage, lease, inheritance, gift or otherwise & name with details of person./persons from whom acquired. Address & connection, if any with the person/persons concerned are also to be given in Column.

Signature

Date

FORM NO. 3

STATEMENTS OF ASSETS & LIABILITIES

DETAILED STATEMENT IN RESPECT OF SHARES / DEBENTURES PURCHASED UNDER PROMOTERS (EMPLOYEES QUOTA AS ON 1st JANUARY OF EACH CALENDAR YEAR IN OFFICERS OWN NAME AND ALSO THOSE HELD IN THE NAMES OF SPOUSE AND DEPENDENT CHILDREN 2014 .

NAME	
DESIGNATION	
PLACE OF POSTING	
REGION / CC	
DATE OF BIRTH	
DATE OF JOINING IN CWC	
DATE OF JOINING AT PRESENT POST	
BASIC PAY	
P.F.INDEX NO.	

S. No	Name of the Company	No. of Shares	Face Value	Cost of acquisition	Whether promoters / employees quota	How acquired	Position held at the time of acquisition and if the company had any borrowing or other facilities at that time
1	2	3	4	5	6	7	8

A. Self

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B. Spouse and Dependent Children

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(2) Any additions / deletions to this statement as on 1st January 2014 and the profit / loss incurred by me are given below :

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Place

Date

Signature

(To be submitted alongwith the Assets & Liabilities Statement as on 1st January of every year)

Form for giving information where total transactions in shares, securities, debentures and investment in mutual fund schemes etc. exceed Rs.25,000/- during the calendar year as on 1st January 2014.

1 Name and designation

2 i) Scale of pay and present pay

ii) P.F. Index No.

3 Details of each transaction made in shares, securities, debentures, mutual funds scheme etc. during the calendar year

4 Particulars of the party/firm with whom transaction is made.

a) Is party related to you?

b) Did you have dealings with the party in your official capacity at any time or is the applicant likely to have any dealings with you in the near future?

5 Source or sources from which financed

(a) Personal savings

(b) Other sources giving details

6 Any other relevant fact which you may like to mention.

Declaration:

I hereby declare that the particulars given above are true.

Place

Signature

Date

Designation