कार्यवाही, लोक शिक्षक और पैशान मंत्रालय

(कार्यवाही और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 15 फरवरी, 2014

का.आ. 409(अ)—लोकपाल और लोकायुक्त अधिनियम, 2013 (2014 का 1) (जिसे इसमें परचाट उक्त अधिनियम कहा गया है) 16 जनवरी, 2014 को प्रस्तुत हुआ था;

और उक्त अधिनियम की धारा 44 में लोक सेवक से उक्त अधिनियम के अधीन उपबंधित रीति में, सभी प्रशिक्षकों और दायित्वों की घोषणा किए जाने की अपेक्षा की गई है;

और उक्त अधिनियम, की धारा 44 में (i) लोक सेवक द्वारा पद के क्रमांक किए जाने की तारीख तीस दिन के भीतर पदभार प्राप्त किए जाने के अवसर पर; और (ii) लोक सेवक द्वारा, उक्त अधिनियम के प्रस्तुत होने की तारीख से तीस दिन के भीतर उस रूप में पद धारण करने पर, आदेशों और दायित्वों से संबंधित सूचना देने की अपेक्षा की गई है;

और अधिनियम की धारा 44 में ऐसी आदेशों और दायित्वों की कार्यवाही सत्संग प्रकाशकों के पास प्रवेश वर्ष जूनाइ के इकतीलस्वयं दिन को या उसके पूर्व फाइल किए जाने की अपेक्षा की गई है और सभी प्रशिक्षक प्रवेश मंत्रालय या विभाग के संबंध में यह सुनिश्चित करें कि ऐसे प्रवेश उस मंत्रालय या विभाग को वेबसाइट पर उक्त वर्ष के अगस्त के इकतीलस्वयं दिन तक प्रकाशित कर दिए जाएं;

और प्रवेश—प्रवेश नियम, जैसे कि—

(i) केंद्रीय सिविल सेवा (आचरण) नियम, 1964;
(ii) अखिल भारतीय सेवा (आचरण) नियम, 1968;
(iii) रेल सेवा (आचरण) नियम, 1966,

तथा प्रवेश लोक सेवा द्वारा संपत्ति की विवरण प्राप्त किए जाने और आदेशों की घोषणा किए जाने के संबंध में लोक सेवक के संबंध में विभाग का अनुशंसित नियमों का, जो दक्षिणी लोक सेवा द्वारा संबिधान या संसद के सुरुसंग अधिनियमों के अधीन विषयी किए गए हैं, प्रवेश सरकारी सेवक द्वारा अनुपालन किया जा रहा है;

और उपर्युक्त उक्त नियमों तथा अन्य सुरुसंग नियमों का उक्त अधिनियम की धारा 44 के उपवर्धों के अनुसूच प्रवत्तन या संशोधन किए जाने में, ऐसी संविधानीक और अन्य कानूनी अपेक्षाओं को, जिनका कि ऐसे नियमों का, जो प्रत्यय में हैं, उपवर्तन या संशोधन करते समय पालन किया जाना होगा, बनाए रखने के लिए कुछ समय की आवश्यकता होगी;

और केंद्रीय सिविल सेवा (आचरण) नियम, 1964 का संशोधन किए जाने में संविधानिक उपवर्तों के अनुसार भारत के निर्माण—महालेखाप्रवेशक के साथ पामयों करना अपेक्षित होगा और अखिल भारतीय सेवा (आचरण) नियम, 1968 के मामलों में उक्त नियमों
New Delhi, the 15th February, 2014

S.O. 409(E).—Whereas the Lokpal and Lokayuktas Act, 2013 (1 of 2014) (hereinafter referred to as the said Act) came into force on the 16th day of January, 2014;

And whereas Section 44 of the said 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;

And whereas Section 44 of the said Act 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 said Act;

And whereas Section 44 of the said Act 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;

And whereas different set of rules such as—

(i) the Central Civil Services (Conduct) Rules, 1964;
(ii) the All-India Services (Conduct) Rules, 1968;
(iii) the Railway Services (Conduct) Rules, 1966,

and other relevant rules exist with respect to public servants on filing of property returns and making of declaration of assets by every public servant which have been framed by the President or the Central Government in exercise of powers under the Constitution or the relevant Acts of Parliament and are being complied with by each and every Government servant;

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 15th February, 2014

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And whereas Section 44 of the said 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;

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And whereas Section 44 of the said Act 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;

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MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 15th February, 2014

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And whereas Section 44 of the said 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;

And whereas Section 44 of the said Act 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 said Act;

And whereas Section 44 of the said Act 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;

And whereas different set of rules such as—

(i) the Central Civil Services (Conduct) Rules, 1964;
(ii) the All-India Services (Conduct) Rules, 1968;
(iii) the Railway Services (Conduct) Rules, 1966,
And whereas the modifications or amendments of the above said rules and other relevant rules in consonance with the provisions of Section 44 of the said Act will need some time keeping the constitutional and other statutory requirements which are to be followed while modifying or amending of such rules which are in force;

And whereas the amendment of the Central Civil Services (Conduct) Rules, 1964 shall require consultation with the Comptroller and Auditor-General of India as per the constitutional provisions, and in case of the All-India Services (Conduct) Rules, 1968, the amendment or modification of the said rules shall require consultation with the Governments of the States concerned in terms of Section 3 of the All-India Services Act, 1951 (61 of 1951);

And whereas after following the above procedure, it is unlikely and may not be possible to complete the process of harmonising the provisions of section 44 of the said Act with other relevant Acts and the Constitutional provisions within the timeframe provided in Section 44 of the said Act;

And whereas difficulties have arisen in giving effect to the provisions of Section 44 of the said Act and harmonising its requirement with the above referred Constitutional provisions, Acts and the rules made thereunder before the rules are made by the Central Government for prescribing the form and manner of furnishing information and filing of annual returns by public servants under the said Section 44;

Now, therefore 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), hereby makes the following Order to remove the difficulties in respect of making of declaration of assets by public servants and filing of property returns in terms of Section 44 of the said Act, namely:—

1. Short title and commencement.—(1) This Order may be called the Lokpal and Lokayuktas (Removal of Difficulties) Order, 2014.

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

2. Modification or amendment of relevant rules in consonance with Section 44 of said Act.—(1) The modification or amendment to the relevant rules referred to in this Order shall be carried out within a period not exceeding one hundred and eighty days from the date on which the provisions of the said Act came into force.

(2) 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.

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

DEEPTI UMASHANKAR, Jt. Secy.