

Bill No. 185 of 2016

THE LOKPAL AND LOKAYUKTAS (AMENDMENT) BILL, 2016

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BILL

to amend the Lokpal and Lokayuktas Act, 2013.

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

1. (1) This Act may be called the Lokpal and Lokayuktas (Amendment) Act, 2016.

Short title and commencement.

(2) It shall be deemed to have come into force on the 16th day of January, 2014.

5 **2.** On and from the date of the commencement of the Lokpal and Lokayuktas Act, 2013 (hereinafter referred to as the principal Act), for section 44, the following section shall be substituted, and shall be deemed to have been substituted, namely:—

1 of 2014.

Amendment of section 44.

10 "44. On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed."

Declaration of assets.

Amendment of
section 59.

3. On and from the date of the commencement of the principal Act, in section 59, in sub-section (2), for clause (k), the following clause shall be substituted, and shall be deemed to have been substituted, namely:—

"(k) the form and manner of declaration of assets and liabilities by public servants under section 44:

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Provided that the rules may be made under this clause retrospectively from the date on which the provisions of this Act came into force;".

STATEMENT OF OBJECTS AND REASONS

The Lokpal and Lokayuktas Act, 2013 (1 of 2014), was enacted and brought into force with effect from 16th January, 2014.

2. A Bill, namely, the Lokpal and Lokayuktas and other related law (Amendment) Bill, 2014 was introduced in Lok Sabha, *inter alia*, to streamline and harmonise the provisions relating to furnishing of information on assets and liabilities by public servants under section 44 of the said Act with the applicable Acts, rules and regulations. The said Bill was referred to the Department Related Parliamentary Standing Committee which submitted its report on 7th December, 2015. The Standing Committee has given some recommendations.

3. However, keeping in view the concerns expressed by different categories of public servants and in line with one of the recommendations of the Standing Committee, a need has been felt to amend section 44, with a consequential amendment, so as to provide that on and from the commencement of the said Act, every public servant shall make declaration of his assets and liabilities in such form and manner as may be prescribed.

4. In view of the aforesaid, it is now proposed to introduce a new Bill, namely, the Lokpal and Lokayuktas (Amendment) Bill, 2016 to provide for substitution of section 44 with effect from the date of the commencement of the said Act.

5. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 26th July, 2016.

DR. JITENDRA SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to substitute clause (k) of sub-section (2) of section 59 of the Lokpal and Lokayuktas Act, 2013, so as to empower the Central Government to make rules for the purpose of prescribing the form and manner in which declaration of assets and liabilities is to be made by public servant under section 44. The proviso to the said clause (k) empowers the Central Government to make rules with retrospective effect.

2. The matters in respect of which rules may be made under the proposed amendments are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE LOKPAL AND LOKAYUKTAS ACT, 2013

(1 OF 2014)

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CHAPTER XIII

DECLARATION OF ASSETS

44. (1) Every public servant shall make declaration of his assets and liabilities in the manner as provided by or under this Act. Declaration of assets.

(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.

(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in sub-section (2), to the competent authority within thirty days of the coming into force of this Act.

(4) Every public servant shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31st March of that year.

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.

(6) The competent authority in respect of each Ministry or Department shall ensure that all such statements are published on the website of such Ministry or Department by 31st August of that year.

Explanation.—For the purposes of this section, "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.

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59. (1)* Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

* * * * *

(k) the form of annual return to be filed by a public servant under sub-section (5) of section 44;

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LOK SABHA

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BILL

to amend the Lokpal and Lokayuktas Act, 2013.

*(Dr. Jitendra Singh, Minister of State in the Ministry of Personnel,
Public Grievances and Pensions)*