

**Views of the Confederation of Central Government Gazetted Officers Organisations (CCGGOO) on Lokpal and Lokayuktas and other Related Law (Amendment) Bill 2014 submitted for Examination by the Department related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice**

The Lokpal and Lokayuktas Act, 2013, provides for the establishment of Lokpal by the Union and enables establishment of Lokayukta by the States to inquire into allegations of corruption against certain public functionaries was enacted and brought into force with effect from 16.1.2014.

It is now proposed to amend Section 44 of the Act. As per the proposed amendment to sub-section (2) of Section 44 a public servant shall furnish to the competent authority the information relating to:

- (a) All his assets, including 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 owned, acquired or held by him.
- (b) All his debts and other liabilities, incurred by him directly or indirectly.

In this regard our submissions are as follows:

1. Declaration of movable property is not warranted at all. Under CCS (Conduct) Rules Group 'A' and 'B' officers are required to obtain permission of the competent authority when the value of movable property exceeds the prescribed limit. Similar requirement is prescribed for a non-gazetted government servants also.
2. Group 'A' and 'B' Officers are required to file an immovable property return in the prescribed format as per Rule 18(1) of CCS (Conduct) Rules on the 1<sup>st</sup> of January every year.
3. Declaring movable property poses certain difficulties such as valuation of the movable property on the prescribed date.
4. The cash balances/bank balances of a Government servant do not remain as such due to its floating nature.
5. The declaration of movable property in whatsoever manner to the public may, it is apprehended, endanger the life of the Government servant. For example, genuine accumulation in GPF account/Bank account and consequent declaration will pave the way for criminal elements to target the Government servants/and family members for monetary gain.
6. The existing checks and balances already available under CCS(Conduct) Rules are sufficient to take care of the issue and hence declaration of movable property is not warranted.

Objection on declaration of assets owned by the spouse of the Govt. Servant:

- 1) The spouse of a Govt. Servant has got a separate entity most of the time and holds an independent respectable position in the society. In a case where one of the spouses is not financially dependent on the other, asking him/her to declare assets along with the assets declared by the other of the spouse is detrimental to the honour/prestige he/she enjoys in the society. This may also lead to unwarranted turbulence in his/her family life.
- 2) In case both the spouses have financial independence, declaring assets jointly may induce family litigations causing disturbances in the unitary family structures.

- 3) The ornaments acquired by the woman during marriage (Stridhan) are considered as the personal belonging of the wife and it serves a sense of security to the women who are not working or self-employed. Declaration of those assets even to her spouse may go against the social security she enjoys.
- 4) In case of family disputes, one of the spouses will not have the details of the assets of the other spouse and he/she will have no means to collect such details.
- 5) In case of marital disputes, declaration of assets of the spouse may attract litigation against the declarer.

Similarly the proposed amendment to subsection(6) enables the Central Government to prescribe the manner in which information furnished by the Government servants of different categories is to be published, keeping public interest in view, by the respective competent authorities.

In this regard we submit the following:-

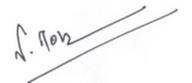
1. The proposed amendment is in no way different from the existing provision that enable publication of the statements on the website of the Ministry or Department.
2. As explained earlier publication of information in whatsoever manner may prove to be detrimental to the Government servant's life and property.
3. Therefore, in our considered view, sub section (6) of section 44 needs removal.

It is our submission that:-

- A. The details of the immovable property may be collected from all the employees irrespective of classification and kept in the office concerned for record purpose.
- B. As regards movable property the existing provision in the CCS Conduct rules will suffice and hence need not fall under the purview of the Act.
- C. As regards the declaration of assets in the name of spouse, the spouse of a Government servant is a separate entity, need not pre -disclose under the purview of the Act

We have no objection in furnishing the information as required to the authorities concerned for record purpose. But publication of information needs to be dispensed with for the reasons cited earlier.

We have no specific remarks to offer with respect to amendments to other provisions of the Lokpal and Lokayuktas Act, 2013.



Secretary General