

Members of Lok Sabha (Declaration of Assets and Liabilities) Rules, 2004

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Members of Lok Sabha (Declaration of Assets and Liabilities) Rules, 2004

On expiry of stipulated period of thirty days, while in session, after being laid on the Table of Lok Sabha, the following Rules takes effect on 4th August, 2004 in terms of sub-section (4) of Section 75-A of the Representation of People Act, 1951 and are hereby published for general information :-

1. Short title :-

These rules may be called the Members of Lok Sabha (Declaration of Assets and Liabilities) Rules, 2004 .

2. Definitions :-

In these rules unless context otherwise requires.-

- (a) "Act" means the Representation of People Act, 1951 (43 of 1951);
- (b) "Bulletin" means the Bulletin of the House of the People (Lok Sabha);
- (c) "Committee" means the Committee of Privileges of the House of the People (Lok Sabha);
- (d) "Form" means a form appended to these rules;
- (e) "House" means the House of the People (Lok Sabha);
- (f) "Member" means the an elected member of the House of the People (Lok Sabha);

(g) "Register" means the Register of Declaration of assets and liabilities of elected members maintained under sub-rule (1) of Rule 4;

(h) "Secretary-General" means the Secretary-General of the House of the People (Lok Sabha) and includes any person for the time being performing the duties of the Secretary-General.

(i) "Section" means a Section of the Act;

(j) "Speaker" means the Speaker of the House of the People (Lok Sabha);

(k) words and expressions not defined herein but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Furnishing of information regarding assets and liabilities by members :-

Every elected candidate for the House of the People shall, within ninety days from the date on which he makes and subscribes an oath or affirmation for taking his seat, furnish as in Form 1 the following information as required to be furnished by him to the Speaker in pursuance of sub-section (1) of S.75A of the Representation of People Act, 1951 namely:-

(i) the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;

(ii) his liabilities to any public financial institution; and

(iii) his liabilities to the Central Government or to the State Government.

4. Register of declaration of assets and liabilities :-

(1) The Secretary General shall maintain a register to be called the Register of Declaration of Assets and Liabilities of Elected Member as in Form II.

(2) The Secretary-General shall cause entries to be made in the Register based on the information furnished by every member under Rule 3.

(3) The information in relation to each member, his spouse and dependent children shall be recorded on a separate page in the Register.

(4) The information contained in the Register shall be treated as confidential and it shall not be made available to any person except with the written permission of the Speaker.

5. Reference to be by complaints :-

(1) No reference of any question as to whether a member has willfully contravened any provision of these rules shall be made except by a complaint in relation to such member made in accordance with the provisions of these rules.

(2) Every complaint referred to sub-rule (1) in relation to a member shall be made in writing to the Speaker by any other member or any citizen of India; Provided that a complaint in relation to the Speaker shall be made to the Deputy Speaker and in that case these rules shall be applicable as if for the word "Speaker the words "Deputy Speaker" were substituted.

(3) Before making any complaint in relation to any member, the complainant shall satisfy himself that there are reasonable grounds for believing that such member has wilfully contravened these rules.

(4) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous or vexatious and it is made in good faith.

(5) Every complaint made under Rule 5-

(a) shall contain a concise statement of the material facts on which the complainant relies upon; and

(b) shall be accompanied by-

(i) an affidavit duly affirmed by the complainant stating that the complaint is not false, frivolous or vexatious and that it is made in good faith; and

(ii) copies of the documentary evidence, if any, on which the complainant relies upon and where the complainant relies on any information furnished to him by any person, a statement containing the names and addresses of such person and the gist of such information as furnished by each such person.

(6) Every complaint shall be signed by the complainant and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for verification of pleadings.

(7) Every annexure to the complaint shall also be signed by the complainant and verified in the same manner as the complaint.

6. Procedure :-

(1) On receipt of a complaint under Rule 5, the Speaker shall consider whether the complaint complies with the requirements of that rule.

(2) If the complaint does not comply with the requirements of Rule 5, the Speaker shall not entertain the complaint and intimate the complainant accordingly.

(3) If the complaint complies with the requirements of Rule 5, the Speaker shall cause copies of the complaint and of the annexures thereto to be forwarded to the member in relation to whom complaint has been made,; and such member shall within fifteen days of receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.

(4) After considering the comments, if any, in relation to the complaint, received under sub-rule (3) within the period allowed (whether originally or on extension under that sub-rule), the Speaker may-

(a) if he is satisfied that there has not been any willful contravention of these rules, reject the complaint; or

(b) if he is satisfied, having regard to the nature, and circumstances of the case that it is necessary or expedient so to do, refer the complaint to the Committee for making an inquiry and submitting a report to him.

(5) Where the Speaker makes a reference under sub-rule (4) to the Committee, he shall-

(a) on receipt of the report from the Committee with a finding that there has not been any willful contravention of the provisions of these rules by the members, treat the matter as closed; or

(b) on receipt of the report from the Committee with a finding that there has been a willful contravention of the provisions of these rules, cause the report of the Committee to be laid on the Table of the house without any delay for a decision by the House on the recommendation contained in the report of the Committee.

(6) The procedure which shall be followed by the Committee for the purpose of making an inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the House by a member, and the Committee shall come to any finding that a member had wilfully contravened the provisions of these rules only after affording reasonable opportunity to such member to represent his case and to be heard in person.

(7) Every decision referred to in sub-rules (4) and (5) shall be published in the Bulletin.