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Government of Jammu and Kashmir
General Administration Department

NOTIFICATION
SRINAGAR, THE 29th June 1998

SRO 199. In exercise of the powers conferred by section 16 of the Jammu and Kashmir Public Men and Public Servants Declaration of Assets and Other Provisions Act, 1983 and in supersession of notification SRO 169 dated: 03.05.1983, the Government hereby make the following rules, namely:

1) Short title and commencement: (1) These rules shall be called ^{the} Jammu and Kashmir Public Servants Declaration of Assets and Other Provisions Rules, 1998.

(2) These shall come into force from the date these are published in the Government Gazettee.

2) Definitions: In these rules, unless the context otherwise requires:

(i) "Act" means the Jammu and Kashmir Public Men and Public Servants Declaration of Assets and Other Provisions Act, 1983 ;

(ii) "Form" means the form annexed to these rules.

(iii) "Prescribed Authority" means:

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- (a) General Administration Department(Vigilance) in relation to Gazetted Officers; and
- (b) Head of Department in relation to other public servants.
- (iv) Words and expressions used but not defined herein shall have the same meaning as assigned to them in the Act.

3) Declaration of assets and submission of annual returns by public servants

(1) Every public servant shall submit annual return in duplicate to the prescribed authority in Form "A" in respect of all the assets possessed by him and his family members which shall include the assets in respect of movable property the value of which exceeds Rs.20,000/- in each case, giving full particulars regarding:

- (a) cash balance, saving bank deposits, shares, cash certificates, fixed deposits, debentures, security bond;
- (b) jewellery / ornaments ; and
- (c) household items (electric and electronic items only)

(2) On receipt of a return under sub rule (1), the prescribed authority shall issue a receipt for the same in Form "B".

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4) Restriction to acquire and transfer of movable property: Every public servant shall bring to the notice of the prescribed authority the acquisition or transfer of movable property where the value of such property exceeds Rs.20,000/- in each case.

5) Penalty for non submission of returns: (1) In case a public servant fails to submit the return within the stipulated period, the prescribed authority shall serve a notice upon such public servant asking him to explain within a period of 21 days cause of non submission of returns.

(2) After considering the reply, if any, tendered by the public servant, the prescribed authority may, if cause shown is found justified, allow such public servant to file his returns within a period of seven days or proceed against him under section 11 of the Act in case the cause shown is found unjustified.

(6) Scrutiny of returns: (1) The prescribed authority shall scrutinize the return soon after their receipt and shall satisfy itself about the genuineness of the returns. In case the prescribed authority has reasons to believe that any item of property shown in the return is doubtful or disproportionate to the known sources of income of a public servant, it shall by a notice afford a reasonable opportunity to him in the matter.

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(2) The Public Servant shall explain his position to the prescribed authority within a period of twenty one days from the date of receipt of notice under sub rule(1).

(3) In case the prescribed authority is not satisfied with the explanation tendered by the public servant, it shall refer the matter to the Vigilance Organization for enquiry.

(4) The Vigilance Organization after conducting an enquiry into the matter shall submit its report to the prescribed authority.

7) Custody of returns: (1) The returns shall be treated as secret document and after scrutiny be kept under the custody of the prescribed authority in individual folders in respect of each public servant.

(2) The returns referred to in rule 3 shall not be open to scrutiny or inspection of any person other than the prescribed authority.

By order of the Government of Jammu and Kashmir.

Sd/-
(A. R. Parray)
Commr./ Secretary to Government,
General Administration Department

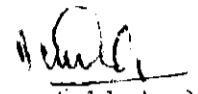
No: GAD(VIG)/Misc-1/Rules

Dated: 29 - 06 - 1998

Copy to the :

1. All Financial Commissioners and Secretaries to Government.
2. All Additional Chief Secretaries and Secretaries to Government.

3. Principal Secretary to Chief Minister
4. Principal Secretary to HEG.
5. All Commissioners and Secretaries to Government.
6. Divisional Commissioner, Jammu / Kashmir.
7. Resident Commissioner, J&K Government, New Delhi.
8. Commissioner of Vigilance, J&K, Srinagar.
9. All Heads of the Departments.
10. All Deputy Commissioners.
11. Director Information
12. All IAS / IPS / IFS officers of the State cadre with the remark that these rules shall equally apply to them.
13. Principal Private Secretary to Chief Secretary.



(Ahmadullah)
Deputy Secretary to Government