

PART F—ACQUISITION AND DISPOSAL OF IMMOVABLE  
AND OTHER VALUABLE PROPERTY BY JUDICIAL OFFICERS  
AND THE SUBORDINATE CIVIL COURTS ESTABLISHMENT.

1. Rules relating to the acquisition and disposal of immovable and other valuable property by Government servants under the rule making powers of the Punjab Government are contained in rules 8, 9 and 10 of the Government Servants Conduct Rules, 1955, which are reproduced below :-

Rules governing acquisition of immovable property.

*“8. Buying and selling houses and other valuable property.—*

Save in a case of transaction conducted in good faith with a regular dealer or when permitted under rule 9, a Government servant who intends to acquire or dispose of any movable or immovable property exceeding in value of Rs 200 from or in favour of any person residing, possessing immovable property or carrying on business within the local limits of the official authority of such Government servant shall declare his intention to the Government. The declaration shall state fully the circumstances, the price offered or demanded, and in the case of an acquisition or disposal otherwise than by purchase or sale, the method of acquisition or disposal, and the Government servant shall thereafter act in accordance with such orders as may be passed by the Government.

Provided that a Government servant who is about to leave the local limits of his official authority may, without reference to the Government, dispose of any of his movable property by circulating lists of it among the public generally or by causing it to be sold by public auction.

*9. Acquiring immovable property.—*No Government servant shall, directly or indirectly acquire any immovable property except with the previous sanction of the Government.

10. *Control over movable and immovable property held or acquired by Government servant.*—Subject to any general or special order of the Government every Government servant shall make to the Government through the usual channel, a declaration of all movable and immovable property from time to time held, or acquired by him or by any member of his family as defined in rule 2(2). The declaration shall contain such information as the Government may by general or special order require. The term movable property shall mean the following items :-

- (1) Cash, jewellery, bullion, bank deposits, Insurance policies, shares, securities, and debentures.
- (2) Loans advanced whether secured or not. If secured, nature of the security, i.e., ornaments, simple pronote or mortgage deeds with or without possession.
- (3) Motor Cars, Motor Cycles, horses, and/or any other means of conveyance.
- (4) Refrigerators.
- (5) Milch cattle.”

Acquisition of property for making profit amounts to misdemeanour.

2. In connection with the acquisition of immovable property, it may be pointed out that if a person who is employed or concerned in the collection of revenue or the administration of justice buys one or more properties or the purpose of making a profit by selling or letting it to others, he is guilty of misdemeanour; and the State Government and authorities empowered by the State Government in this behalf, have been warned against the exercise of the discretion given by rule 9 of the Government Servants Conduct Rules, 1955, in such a way as to give their sanction to a misdemeanour. The previous sanction of the Punjab Government, or the authorities empowered by the Punjab Government in this behalf must, therefore, be obtained in all cases of acquisitions of property by Government servants, whether for residential or other purposes, in order that the sanctioning authority may satisfy itself that the proposed

action of the Government servant, in acquiring land or other property, would not amount to a misdemeanour.

*(Punjab Government Circular endorsement No. 28656-H-Gaz., dated the 9<sup>th</sup> October, 1928)*

3. Attention is drawn to rule 9 of the Government Servants Conduct Rules, 1955, which requires that the previous sanction of the Government shall be obtained before any immovable property is acquired by a Government servant. Subordinate Judges and members of all judicial establishments are, therefore, bound to obtain the previous sanction of the Honourable Judges in all cases of acquisitions of immovable property, the purpose of acquisition being clearly stated in the application. Officers holding listed posts serving in the Judicial Department must obtain the sanction of the Punjab Government through the High Court.

Previous sanction of the Hon'ble Judges to be obtained for acquisition of property.

*Note.*—Power to convey sanction in the cases of Subordinate Judges and judicial establishment has been vested in Honourable Judges (Punjab Government Notification No. 21175-Home Department-Gazette-Powers, dated the 17<sup>th</sup> July, 1928)

4. For the purpose of rule 9 of the Government Servants Conduct Rules, 1955, the Punjab Government has decided that the term "Immovable Property" includes a mortgage of a permanent nature, and, therefore, the acquisition of such a mortgage requires the previous sanction of the competent authority. A "mortgage of a permanent nature" is one in which there is no likelihood of the mortgaged property being redeemed by the mortgagor. Each case of this kind will be dealt with on its merit, and normally permission will be given. Where, however, there are suspicious circumstances, e.g., such as might suggest that undue influence has been brought to bear, or the conditions of the mortgage are unusually favourable to mortgagee or, if the mortgaged land is in the district in which an officer is serving or has recently served, permission will normally be refused.

Mortgages of a permanent nature on immovable property requires previous sanction.

(Punjab Government Circular letter Nos. 19431 (H-Gaz.), dated the 21<sup>st</sup> May, 1935, and No. 7990-A.G. 36/1940 (H-Gaz.), dated the 18<sup>th</sup> January, 1937).

Declarations of  
movable and  
immovable  
property.

5. Rule 10 of the Government Servants Conduct Rules, 1955, require every Government servant to make through proper channel, declaration of movable and immovable property acquired by him or any member of his family as defined in rule 2(2) *ibid* (See paragraph 6 below). The following instructions should be observed in the submission of returns of movable and immovable property so far as Government servants under the rule making powers of Punjab Government are concerned :-

(1) (a) *Declaration of movable property.*—The items which are included in the term ‘movable property’ have been detailed in rule 10 *ibid*. A declaration of movable property in the form prescribed at Annexure I should be made by every Government servant annually.

(b) *Declaration of immovable property.*—The declaration of immovable property was also required to be submitted by every Government servant under the old Government Servants Conduct Rules. A declaration of immovable property in the form prescribed at Annexure II should be made by every Government servant annually.

(2) According to rule 10 *ibid*, the declarations of movable and immovable property are to be submitted to Government through usual channel. It has been decided that these declarations should be maintained by the appointing authority. If the Head Office/Department is the appointing authority the declarations of the Government servants concerned should be collected by him by the 1<sup>st</sup> of May each year and should cover the preceding financial year. In case of those Government servants whose appointing authority is Government the declaration should be collected by the Head of Office/Department by the 7<sup>th</sup> April each year and

submitted to Government by the 1<sup>st</sup> of May. In the case of the P.C.S. Officers working in the districts the declarations should be submitted by the Deputy Commissioners on the 7<sup>th</sup> April each year to the Commissioners of Divisions and by the latter to Government by the 1<sup>st</sup> of May.

- (3) These declaration forms should constitute a separate file in respect of each Government servant which should be appended to the personal file of the official concerned.
- (4) These returns should be scrutinised as they are received so that particular enquiries if considered necessary, may be made from the Government servant concerned.

These instructions should be carefully observed by all concerned. The declarations both for movable and immovable property should be taken from all the Government servants covered by these instructions regularly and should be treated as confidential documents.

To be treated as confidential documents.

The declarations submitted by the members of the P.C.S. (Judicial) should be maintained in the High Court as heretofore.

Declaration of officers of P.C.S. (Judicial Branch).

The members of All-India Services are governed by the All-India Services (Conduct) Rules, 1954. Necessary instructions in respect of them for the submission of such declarations have been issued separately (*See paragraph 8*).

Members of all India Services governed by separate instructions.

*(Punjab Government circular letter No. 637-G-56/19033, dated the 16<sup>th</sup> March, 1956)*

6. Rule 2(2) of the Government Servants Conduct Rules, 1955, is as follows :-

“Members of a Government servant’s family” defined.

“2 In these rules—

\*                    \*                    \*                    \*

\*                    \*                    \*                    \*

(2) "Member of a Government Servant's family" includes—

(a) his wife, child or step-child, whether residing with him or not, and

(b) any other relative of his or his wife's dependant on and residing with him, but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him or of whose custody the Government servant has been deprived by law."

Annual declaration by Judicial officers and members of subordinate civil courts establishments.

7. The Punjab Government has decided that every officer serving in the Judicial Department and member of the subordinate Civil courts' establishments should write up his declaration annually or record certificate thereon that there have been no additions to his immovable property during the previous year or to that of his relative referred to in paragraph 6. Each District and Sessions Judge will, therefore, submit to the High Court not later than the 1<sup>st</sup> of May each year the prescribed declarations in respect of himself and of all judicial officers serving in his Sessions Division. He will obtain the declarations of members of the subordinate civil court's establishments serving under his control and keep them with the service books or the character rolls of the persons concerned.

All India Services Conduct Rules, 1954. Declaration under rule 15(3).

8. Sub-rule (3) of rule 15 of the All-India Services (Conduct) Rules, 1954, enjoins that every member of the Service, on first appointment to the service and thereafter at the interval of every twelve months shall submit a return of immovable property owned, acquired or inherited by him, in such form as the 'Government' may prescribe under this rule. The Government of India have accordingly prescribed the form given in annexure III of the declaration to be submitted under this rule by officers of the All-India Services serving in connection with the affairs of the Union or serving under a foreign Government or outside India.

The Government of India have decided in this connection that officers serving in connection with the affairs of the Union or serving under a foreign Government or outside India should submit their returns in duplicate, one copy of which will be forwarded to the State Government concerned. Officers serving in connection with the affairs of a State should also submit the return in duplicate, one copy being forwarded to the Government of India in the Ministry of Home Affairs.

It is also the intention of the Government of India that there will be no regular and continuous scrutiny of the returns received by them. The returns will be preserved, and the returns of a particular officer will be scrutinised only when an occasion for such scrutiny arises. The State Governments may consider adopting the same course in respect of the returns of officers serving under them. In order to ensure this, officers should submit the returns in separate sealed covers superscribed as follows :-

“Statement of immovable property furnished under rule 15(3) of the All-India Services (Conduct) Rules, 1954, on first appointment/for the year \_\_\_\_\_”.

“ Name (in block letters)

Service, Cadre and designation of the officer.”

---

*(Government of India, Ministry of Home Affairs, letter No. 8/2/54-A. I. S. (II), dated the 8<sup>th</sup> November, 1955, and Punjab Government letter No. 15355-G-55/1521, dated the 7<sup>th</sup> January, 1956).*

9. The Punjab Government have decided that benami transactions in which Government servant appears as the nominal purchaser should also be reported to Government or the authorities competent to sanction such acquisitions, and sanction obtained from them in accordance with the orders in paragraphs 2 to 4. Any acquisition of property which a Government servant makes in another's name should also be similarly reported. All such transactions

Benami  
transactions.

should also be shown in the annual declarations mentioned in paragraphs 5 and 7.

*(Punjab Government circular letter No. 6123-G-40/40509 (H-Gaz.), dated the 15<sup>th</sup> October, 1940).*



ANNEXURE I.

[See paragraph 5(l) (a)]

DECLARATION FORM FOR MOVABLE PROPERTY UNDER RULE 10 OF THE GOVT. SERVANTS CONDUCT RULES, 1955.

Name and designation of the Government servant \_\_\_\_\_

Address \_\_\_\_\_

Statement made on \_\_\_\_\_ (date.)

- (a) (i) Cash, jewellery, bullion, Bank deposits, Insurance Policies, shares, securities and debentures.
- (ii) Motor Cars, Motor cycles, horses, and/or any other means of conveyance.
- (iii) Refrigerators.
- (iv) Milch cattle.

Serial No.	Description of Items	Value	*Name of the member of the Government servant's family and Benamidar (if any) in whose name the asset is held	Date and manner of fresh acquisition during the year	REMARKS

(b) Loans advanced, whether secured or not. If secured nature of the security, i.e., ornaments, simple pronote or mortgage deeds with or without possession.

Serial No.	Amount of loan	If loan is a secured one, nature of the security with its approximate value	*Name of member of the Government servant's family who has advanced the loan	Name with description of the loanee	State with other particulars of the loan	REMARKS

\*NOTE.—The expression “member of a Government servant’s family” is to be interpreted according to the definition in rule 2(2) of the Government Servants Conduct Rules, 1955.

ANNEXURE II

[See paragraph 5(1)(b).]

DECLARATION BY \_\_\_\_\_ of the immovable property held by him and members of his family \_\_\_\_\_.

*Notes.*—(1) All interests in land of a permanent nature, whether ownership, mortgage, or hereditary, occupancy, should be entered ; also dwelling houses in towns.

(2) Members of a Government servant’s family are those mentioned in rule 2(2) of the Government Servant’s Conduct Rules, 1955 ; and in showing the holding of each, if a holding is Benami, the name of the Benamidar should also be mentioned.

(3) Particulars in regarding to family holdings should be indicated separately.

In what district, tehsil and village situated	Description of holding with area and assessment	How and when acquired (e.g., by inheritance, regift, purchase, etc.)

**ANNEXURE III**

[See paragraph 81]

**FORM**

Statement of immovable property on \*first appointment/for\* the year\_\_\_\_\_

1. Name of officer (in full)\_\_\_\_\_ and service to which the officer belongs

3. Cadre of the State on which borne\_\_\_\_\_

2. Present post held\_\_\_\_\_

4. Present pay\_\_\_\_\_

Name of district, sub-division, tehsil and village in which property is situated	Name and details of property+		Present value	If not in own name. state in whose name held and his/her relationship to the member of the service	How acquired whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name with details of person/ persons from whom acquired	Annual income from the property	REMARKS
	Housing and other buildings	Lands					
1	2	3	4			7	8

Signature\_\_\_\_\_

Date\_\_\_\_\_

\*Inapplicable to be struck out.

In cases where it is not possible to assess the value accurately the approximate value in relation to present conditions may be indicated.

+Includes short-terms lease also.

NOTE.—This declaration form is required to be filled in and submitted by every member of the I.A.S./I.P.S. under rule 15(3) of the All-India Service (Conduct) Rules, 1954, on first appointment to the Service, and thereafter at the interval of every twelve months giving particulars of all immovable property owned, acquired or inherited 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 or in the name of any other person.