

RAJYA SABHA

THE MEMBERS OF RAJYA SABHA (DECLARATION OF ASSETS AND LIABILITIES) RULES, 2004 (Updated on 6-6-2008)

**RAJYA SABHA SECRETARIAT
NEW DELHI
2008**

THE MEMBERS OF RAJYA SABHA (DECLARATION OF ASSETS AND LIABILITIES) RULES, 2004

In exercise of the powers conferred by sub-section(3) of section 75A of the Representation of the People Act, 1951(43 of 1951), the Chairman of the Council of States (Rajya Sabha) hereby makes the following rules, namely:

1. Short title

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

2. Definitions :

In these rules, unless the context otherwise requires:-

- (a) "Act" means the Representation of People Act, 1951 (43 of 1951);
- (b) "Bulletin" means the Bulletin of the Council of States (Rajya Sabha);
- (c) "Chairman" means the Chairman of the Council of States (Rajya Sabha);
- (d) "Committee" means the Committee of Privileges of the Council of the States (Rajya Sabha);
- (e) "Council" means the Council of the States (Rajya Sabha);
- (f) "Form" means a form appended to these rules;
- (g) "Member" means an elected member of the Council of the States (Rajya Sabha);
- (h) "Register" means the Register of Declaration of Assets and Liabilities of elected Members maintained under sub-rule (1) of rule 4;
- (i) "Secretary-General" means the Secretary-General of the Council of States (Rajya Sabha) and includes any person for the time being performing the duties of the Secretary-General;
- (j) "Section" means a section of the Act;
- (k) Words and expressions not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Furnishing of information regarding assets and liabilities by members

- (1) Every member of the Council 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-I the following information as required to be furnished by him to the Chairman in pursuance of sub-section (1) of section 75A, 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 Governments.*
- (2) Every member shall notify changes, if any, in the information so furnished by him ** [under sub-rule (1) as on the 31st day of March every year, by the 30th June of that year].

* The Committee on Ethics in its sitting held on 17 January, 2007 recommended that the expression “movable and immovable properties” should include assets owned in India as well as abroad. Likewise, the Committee also recommended that the term “liabilities” is inclusive of obligations in India and abroad. These recommendations of the Committee were accepted by the Hon’ble Chairman, Rajya Sabha and were enforced *w.e.f.* 25 April, 2007.

** The words “within ninety days of such changes occurring” substituted by the Members of Rajya Sabha (Declaration of Assets and Liabilities) (Amendment) Rules, 2005 published *vide* Gazette Notification No.R.S.18(i)/2005-CE dated 17th February, 2006.

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 members 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 made available to any person with written permission of the Chairman.

5. References to be by complaints:-----

- (1) No reference of any question as to whether a member has wilfully 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 Chairman by any other member or any citizen of India.
- (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 and where the complainant relies on any information furnished to him by any person, a statement containing the names and addresses of such persons 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 the 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 Chairman 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 Chairman shall not entertain the complaint and intimate the complainant accordingly.
- (3) If the complaint complies with the requirements of rules 5, the Chairman shall cause copies of the complaint and of the annexures thereto to be forwarded to the member in relation to whom the complaint has been made, and such member shall within fifteen days of receipt of such copies, or within such further period as the Chairman may for sufficient cause allow, forward his comments in writing thereon to the Chairman.
- (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 the sub-rule), the Chairman may---
 - (a) if he is satisfied that there has not been any wilful 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 Chairman 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 wilful contravention of the provisions of these rules by the member, treat the matter as closed; or
 - (b) on receipt of report from the Committee with a finding that there has been a wilful contravention of the provisions of these rules, cause the report of the Committee to be laid on the Table of the Council without any delay for a decision by the Council on the recommendations 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 Council 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 a 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

FORM I

(See rule 3)

A. Information regarding assets & liabilities of members

1. Name of the Member
(In block letters)
2. Father's/Husband's name
3. Permanent address
4. Delhi address
5. Party affiliation
6. Date of election
7. Date of taking oath/making affirmation in the House

I. Details of Immovable Property

- (1) Name of the State, District, Sub-division and Village in which property is situated
- (2) Details of property
 - (a) House and buildings and their present value
 - (b) Lands and their present value
- (3) Whether held as owner or beneficiary
- (4) Whether held jointly or severally. If property held jointly with another person share of property held
- (5) If not held in member's own name, state in whose name held and his/her relationship with the member
- (6) How acquired
(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)
- (7) Any other relevant information which the member may like to mention

II. Details of movable property

- (1) Description of the property (i.e. car/motorcycle/jewellery/investments in banks/stocks market/companies/financial institutions/insurance policies etc.)
- (2) Make, model (and also registration No. in case of vehicles) where necessary
- (3) Mode of acquisition (purchase/gift/mortgage lease or otherwise)
- (4) Purchase price of the property
- (5) In case of purchase, source or sources from which financed
 - (a) personal savings
 - (b) other sources
- (6) Any other relevant information which the member may like to furnish

III. Details of Liabilities of the member to public Financial Institutions/Central Government and State Government

- (1) Details of loans raised from Banks/Companies/Financial Institutions/Central/State Governments
- (2) Amount of loans raised in each case
- (3) The period for which these loans were raised in each case.

B.Information regarding immovable and movable properties held by member's spouse

1. Name of the Member's spouse
(in block letters)
2. Father's/Husband's name
3. Permanent Address
4. Delhi Address

I. Details of Immovable Property

- (1) Name of State, District, Sub-Division and Village in which Property is situated
- (2) Details of property
 - (a) House and buildings and their present value
 - (b) Lands and their present value
- (3) Whether held as owner or beneficiary
- (4) Whether held jointly or severally. If property held jointly with member, share of property held
- (5) If not held in spouse's own name, state in whose name held and his/her relationship with the spouse
- (6) How acquired
(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)
- (7) Any other relevant information which the member may like to mention

II. Details of movable property

- (1) Description of the property
(i.e. car/motorcycle/jewellery/investment in banks/stock markets/ companies/financial institutions/insurance policies etc.)
- (2) Make, model (and also registration No. in case of vehicles) where necessary
- (3) Mode of acquisition (purchase/gift/mortgage lease or otherwise)
- (4) Purchase price of the property
- (5) In case of purchase, source or sources from which financed.
 - (a) personal savings
 - (b) other sources
- (6) Whether held as owner or beneficiary
- (7) Whether held jointly or severally
- (8) Any other relevant information which the member may like to furnish

C. Information regarding immovable and movable properties held by member's dependent children

1. Name of the member's dependent children
(in block letters)
2. Father's/Husband's name
3. Permanent Address
4. Delhi Address

I. Details of Immovable Property

- (1) Name of State, District, Sub-division and Village in which Property situated
- (2) Details of property
 - (a) House and buildings and their present value
 - (b) Lands and their present value
- (3) Whether held as owner or beneficiary
- (4) Whether held jointly or severally. If property held jointly with member, share of property held
- (5) If not held in the child's own name/State in whose name held and his/her relationship with the child
- (6) How acquired
(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)
- (7) Any other relevant information which the member may like to mention

II. Details of movable property

- (1) Description of the property
(i.e. car/motorcycle/jewellery/investments in Banks/stock markets/companies/financial institutions/insurance policies etc.)
- (2) Make model (and also registration No. in case of vehicles) where necessary
- (3) Mode of acquisition
(purchase/gift/mortgage lease or otherwise)
- (4) Purchase price of the property
- (5) In case of purchase, source or sources from which finance.
 - (a) personal savings
 - (b) other sources
- (6) Whether held as owner or beneficiary
- (7) Whether held jointly or severally
- (8) Any other relevant information which the member may like to furnish

DECLARATION

I,hereby declare that the information given above is true and correct to the best of my knowledge and belief.

Yours faithfully,

Date :

**Signature/thumb
Impression of
member**

FORM II

[(See rule 4(1)]

PART A

1. Name of the member
(in block letters)
2. Father's/Husband's Name
3. Permanent Address
4. Delhi Address
5. Details of immovable properties with value
6. Details of movable properties with value
7. Details of liabilities
8. Remarks

PART B

1. Name of member's spouse
(in block letters)
2. Permanent Address
3. Delhi Address
4. Details of immovable properties with value
5. Details of movable properties with value
6. Remarks

PART C

1. Names of member's dependent children
2. Permanent Address
3. Delhi Address
4. Details of immovable Properties with value
5. Details of movable Properties with value
6. Remarks