

OFFICE OF THE CHIEF JUDGE, CITY SESSIONS COURT, CALCUTTA

2& 3, Bankshall Street, Bichar Bhawan, Kolkata- 700 001.

ORDER

No.- 68

Dated: Calcutta, the 26th Day of February, 2024

In terms of rule 3(6) of the West Bengal Services (Duties, Rights and obligations of the Government employees) Rules, 1980, a Govt. employee (other than a Group-D employee) is required to submit, once in a year, in the prescribed form to the appointing authority a return of movable and immovable property and other assets owned, acquired or inherited by him or any member of his family.

As per Memorandum No. 1853-F(P) dated 02.03.2012 of Government of West Bengal, Finance Department, Audit Branch, all the employees (other than a Group-D employees) posted under the Judgeship of City Sessions Division, Calcutta are directed :-

a) *Until a separate form is prescribed as stated under rule 3(6) of the West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980, the Government employees other than Group – D employees shall continue to submit a Declaration of Assets as on the 1st January of the year by the 30th April of that year at the latest in the form prescribed in Annexure to the West Bengal Government Servants' Conduct Rules, 1959 (Copy enclosed).*

b) *While submitting a return of movable articles in the Declaration Form of Assets, articles costing less than two months Basic Pay (Band Pay + Grade Pay) as on 1st January of the concerned year for each item need not be mentioned. However, for articles or materials costing two months Basic Pay (Band Pay + Grade Pay) and above each item should be mentioned in the relevant column of the form.*

c) *Subject to the conditions laid down in the rule 5(2) of West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980, in the case of sale or purchase of movable property exceeding two months Basic Pay (Band Pay + Grade Pay) as on the date of such transaction a Government employee shall take prior sanction of his appointing authority, where necessary.*

Copy of the prescribed Proforma for submitting the Declaration of Assets can be downloaded from the official website of this Judgeship also.

Inform all concerned.

Sd/-
Chief Judge,
City Sessions Court, Calcutta.

Memo No.- 734(5)-S Dated: Calcutta, the 26th Day of February, 2024

Copy forwarded for information to :-

- 1) The Registrar, City Sessions Court, Calcutta.
- 2) The Chief Metropolitan Magistrate, Calcutta with a direction to inform all employees (other than a Group-D employees) posted in his establishment.
- 3) The Senior Municipal Magistrate, Calcutta with a direction to inform all employees (other than a Group-D employees) posted in his establishment.
- 4) Assistant Registrar, City Sessions Court, Calcutta to inform all employees (other than a Group-D employees) posted in this establishment.
- 5) System Assistant, City Sessions Court, Calcutta to upload this order in the Official website.

S.D.
Chief Judge,
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court
Calcutta

Declaration of Assets as they stood on _____

Name (in full) of Officer _____ Service _____

Designation _____ now appointed as _____

Substantive Pay _____

Special Pay _____

INSTRUCTIONS FOR FILLING UP THE DECLARATION

1. (a) Every Government employee employed under the administrative control of the Government of West Bengal, other than a person in inferior service, shall submit to the proper authority an annual return of the movable and immovable properties owned, acquired or inherited by him, or his wife or dependants or held on lease or mortgage either in his own name or in the name of any member of his family or of any other person. These orders will not apply to member of the All-India Services who are governed by sub-rule 1 of Rule 16 of the All-India Service (Conduct) Rules, 1968.

(b) This Declaration of Assets must always refer to the 1st January of the current year. Any asset acquired between the 1st January and the date of declaration should not ordinarily be entered in the declaration. But in case of doubt regarding the exact date of the assets in question may be entered for the current year but should be repeated in the declaration of the next year too. It is best to submit the Declaration of Assets as soon after New Year's Day as possible.

(c) A person who has entered Government Service for the first time should submit the return within three months of his joining Government Service and it should relate to his assets as they stood on the 1st of January immediately preceding his date of joining.

2. If there is no change of assets on the 1st January of the previous year the declaration should never be nil. There should be a fresh Declaration of Assets in full as on the 1st January of every year.

3. The Declaration of Assets must show the assets belonging to the Government employee even though they may stand in the name of his wife (in the case of a male Government employee), children, other dependants or beneficiaries, and must also show the assets belonging to the wife of a male Government employee or to his dependants even though they are acquired by the wife or dependants in their own right.

N.B. —If any difficulty arises regarding the declaration of assets of a Government employee's wife (in the case of a male Government employee) or dependants, the matter should be reported to Government with full particulars and further instructions sought.

4. Any officer making a declaration discovered to be materially incomplete, misleading or false will earn for himself the penalty of immediate suspension, drawing up of proceedings, which may ultimately result in dismissal from Government Service with forfeiture of pension and all other discretionary benefits. A subsequent explanation that the failure strictly to comply with the instructions or the presence of material defects in the declaration were by oversight or ignorance will not be accepted. Ambiguity in a declaration must be avoided as any ambiguity will be liable to be interpreted against him.

5. In declaring shares and stocks and other securities, jewellery, motor cars, motor cycles, refrigerators, other valuable movable articles and immovable property, the actual price paid by an officer must be mentioned, whatever the face value or depreciation might be. Movable articles costing less than Rs. 500 for each item need not be mentioned. In columns 8 of Part A(1), 6 of Parts A(2) and A(3), and 5 of Parts B(1) and B(2) of the form of Declaration of Assets, the manner of acquisition of the property must be clearly and unambiguously given, i.e., whether the property was acquired by means of savings from the Government employee's salary or from income from any other source, or by loan in cash or kind, or by inheritance or by any other means to be specified. If an immovable or movable property is in the process of acquisition, for example, a piece of landed property which is being purchased in installments or under one of the various mortgage schemes, or a car or a refrigerator or other pieces of furniture or jewellery are being

paid for under a hire-purchase scheme in installments or are mortgaged while being acquired, the full particulars of such properties should be given even though the title to the property may not yet have devolved upon the Government employee making the declaration. It is incumbent upon the declarant in such cases to state the amount paid up to the relevant date for the purchase of the particular property.

6. In declaring Insurance Policies, the number of policy or policies, the amount of insurance, the name and address of the Company, the number of years during which premia have to be paid must be mentioned. Fully or partly paid-up Policies, Single or Limited Payment Policies must be described as such. Any omission in this respect will be liable to be interpreted as an attempt to conceal real assets. The names and addresses of the Banks of the declarant and his dependants together with the nature and number of the accounts should be given.

7. Every declaration must be made in the prescribed printed form and the prescribed declaration at the foot of every page must be signed.

8. If in the declaration it is not possible to give a correct statement of every asset as it stood exactly on the 1st January, the statement should be correct to the nearest date and that date should be mentioned. (Sometimes it is difficult to get a precise statement of Bank-Accounts, for example, as they stood on the 1st January.)

9. A Government employee whose service is placed temporarily at the disposal of the Central or any other State Government or any other authority should be required to submit the Declaration of Assets to the Government of West Bengal.

10. The categories of assets mentioned in brackets in the printed declaration form are merely illustrative and not meant to be exhaustive.

11. In declaring precise location in column 2 of Schedule A-Immovable Property-(1) Lands, (2) Houses, record correct and full address including the number of municipal holding with street and lane in municipal areas and C.S. Plot numbers, C.S. Mouza number, village, union, thana, subdivision and district in rural areas.

12. In column 6 of A1 and column 4 of A2, please state the full value of the land and the house. If the value has not yet been determined please state how much has generally been paid. In case of a building, state the actual amount of money that has been spent up to 1st January or as near that date as possible even if the construction may be incomplete or just started. In the case of land, please state the amount of loan, if any taken in cash, and in the case of house the amount of such loan in cash or kind including the value of materials purchased on credit.

13. The last date of submission of this Declaration of Assets is the 30th April every year for assets as they stood on the previous 1st January of that year. Gazetted Officers will submit these declarations by registered post at Government expense in double sealed covers direct to their appointing authorities / Secretaries in charge of the administrative department concerned. The outer sealed cover will be addressed to the appointing authorities/ Secretaries in charge of administrative department concerned and should not contain any indication of the contents. The inner sealed cover should contain the name of the officer, his service, rank and address and a certificate of the date for which the declaration stands (in the form: Declaration of Assets as they stood on 1st January, 19). On receipt of the declarations the appointing authorities subordinate to Government should send them to the Secretary of the administrative department concerned who will maintain the declarations under his custody. Non-gazetted officers will submit their declarations in sealed cover to their respective heads of offices for safe custody, the above instructions being followed *mutatis mutandis*. Government employees are not required to supply more than one copy of the return, and instructions for submission of returns in duplicate, triplicate, etc., are unauthorised.

A—Immovable Property

(1) LANDS

Serial No. 1	Precise location 2	Area 3	Nature of land 4	Extent of interest 5	Value 6	In whose name (wife, child, dependant, other relation or <i>benamdar</i>) the asset is 7	Date and manner of Acquisition 8	Remarks 9

(2) HOUSES

Serial No. 1	Precise location 2	Extent of interest 3	Value 4	In whose name (wife, child, dependant, other relation or <i>benamdar</i>) the asset is 5	Date and manner of Acquisition 6	Remarks 7

(3) IMMOVABLE PROPERTIES OF OTHER DESCRIPTION
(Including mortgages and such other rights)

Serial No. 1	Precise location 2	Extent of interest 3	Value 4	In whose name (wife, child, dependant, other relation or <i>benamdar</i>) the asset is 5	Date and manner of Acquisition 6	Remarks 7

Signature of Declarant

B—Movable Property**(1) CASH, BANK BALANCE, CREDIT, INSURANCE POLICIES, SHARES, DEBENTURES, ETC.**

Serial No. 1	Description of Items 2	Value 3	In whose name (wife, child, dependant, other relation or <i>benamdar</i>) the asset is 4	In the case of, loan the name of the person from whom the loan was taken and the relationship of the loanee with that person 4A	Date and manner of Acquisition 5	Remarks 6

(2) OTHER MOVABLES

(Including jewellery and other valuables, motor vehicles, refrigerators and other articles or materials of Rs. 500 and over for each item)

Serial No. 1	Description of Items 2	Value 3	In whose name (wife, child, dependant, other relation or <i>benamdar</i>) the asset is 4	Date and manner of Acquisition 5	Remarks 6

I hereby declare that the Declaration made above is complete, true and correct to the best of my knowledge and belief.

Date.....

Signature of Declarant.....