

India

1. Fair	
Regulatory framework	For members of Parliament, disclosure requirements are established by two legal rules: the Declaration of Assets and Liabilities for Members of Lok Sabha Rules (2004) and the Declaration of Assets and Liabilities for Members of Rajya Sabha (2004). These Rules clearly indicates who, what, when and how public officials must disclose. As MPs, Ministers are bound by these laws. They also follow a Code of Conduct (2010).
Outreach to public officials about disclosure requirement	Member of Parliament i.e. Lok Sabha and Rajya Sabha are required to declare the Assets and Liabilities of self, spouse and dependent children which is entered in the register called “Declaration of Assets and Liabilities of Elected Members Register”. In case of Rajya Sabha, the Declaration of Assets and Liabilities of self, spouse and dependent children is entered in the register called “Declaration of Assets and Liabilities of Elected Members Register” by Secretary General of Rajya Sabha. The Rules are available on the respective websites, i.e. Loksabha.nic.in and Rajyasabha.nic.in
Type of information disclosed	Disclosure information focuses on income and assets as well as on business interests. Filers are required to disclose the following: <ul style="list-style-type: none"> • Properties: Movable and immovable properties (including personal residence). All the candidates filing nomination for the Lok Sabha, the Rajya Sabha and the Vidhan Sabha elections, etc. are required to file affidavits in respect of movable and immovable properties owned by him or her including the property jointly held, indicating the extent of share that property. • Investments and Liabilities: Financial Liabilities • Incomes: All incomes • Positions: • Gifts and funded travels: Beyond a ceiling ,Gifts to be declared by the public officials • Other: N/A
Other relevant information	The declaration made by the Members of Parliament not only covers the movable and immovable properties owned by them but also such properties held by their spouse and dependent children.
2. Transparent	
Public accessibility of disclosed information	According to the Lok Sabha Rules (2004), the information entered in the Register is to be treated as confidential and cannot be disclosed “except with written permission of the Speaker” of the House. The Speaker can order the publication of the MPs’ income, assets and liabilities. For this purpose, members are also required to file a summary of their financial disclosure statement, immediately after their election to the Lok Sabha. All Ministers are elected MPs, and follow the same rules.

	<p>For candidates only (non-elected officials) to the Lok Sabha elections, affidavits of income are available online, at: http://eci.nic.in/eci_main/CurrentElections/ge2009/Affidavits_fs.htm.</p> <p>All the candidates filing nomination for the Lok Sabha, the Rajya Sabha and the Vidhan Sabha elections, etc. are required to file affidavits in respect of movable and immovable properties owned by him or her including the property jointly held, indicating the extent of share that property. The information is accessible at http://eci.nic.in/eci_main1/LinktoAffidavits.aspx</p> <p>The public can also file a Right to information request (for a fee) to obtain “public information” if bonafide public interest is shown by the applicant.</p> <p>As per rule 4 of Lok Sabha Rules, 2004, and Rajya Sabha Rules, 2008, the declaration made by the MPs may be made available to any person on a written permission of the Speaker and Chairman, respectively.</p>
Public access to information concerning disclosure system functioning	
Other relevant information	The law indicates that the definition of family includes wife/husband, minor children, and any other person related by blood or marriage, who is entirely dependent on the elected representative of People. Hence, their assets are also to be declared by MPs.
3. Targeted at senior leaders and those in at-risk positions	
Legislative	Elected representatives (including when acting as Ministers), as well as MP candidates, are required to disclose their financial and business interests.
Executive	All the Govt. officials (Elected & Non-Elected have to declare their assets and liabilities)
Judiciary	<p>For judges and other officials of the judiciary, a proposal under consideration of the Government. In its current draft, the proposal lays down enforceable standards of conduct for judges, including compulsory declaration of their assets and liabilities, as well as those of their spouse and children.</p> <p>The proposal envisages the establishment of a National Judicial Oversight Committee to which any person may address his/her concern regarding misconduct.</p>
Other	The officials of All India Services, Central civil services, PSUs, State owned enterprises, and Autonomous Bodies Under Ministries/Departments are bound to declare their assets and liabilities under relevant Conduct Rules and Lokpal & Lokayukta Act, 2013.
Risk-based approach to the disclosure requirement	<p>Clause (g) of sub-section 1 of section 14 of the Lokpal and Lokayuktas Act, 2013 provides for inquiry into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint related to any person who is, or has been, a director, manager, secretary or other officer of every other society or association of persons or trust, wholly or partly financed by the Government and the annual income of which exceeds such amount as the Central Government may, by notification, specify.</p> <p>Similarly, the clause (h) sub-section 1 of section 14 of the said Act provides for inquiry in respect of any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust in receipt of any donation from any</p>

	foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify.
Other relevant information	Section 45 of the Lokpal and Lokayuktas Act, 2013 provides that if a public servant willfully or for reasons which are not justifiable, fails to declare his assets or gives misleading information, it will be presumed that such assets have been acquired by corrupt means unless otherwise proved. The Onus of proving his innocence lies on the public servant concerned.
4. Supported with adequate resources	
Main agency/agencies involved in disclosure	<p>Legislative: declarations are submitted to the Speaker (see http://speaker.lobksabha.nic.in/), whereas the Secretary-General (http://164.100.47.132/LssNew/Secretariat/secgen_sec.aspx) maintains the “Register of Declarations of Assets and Liabilities of Elected Members”. In case of Rajya Sabha, their web site - Rajyasabha.nic.in may be visited.</p> <p>Executive: Ministers and their family members disclose to the Prime Minister (http://pmindia.nic.in/). The Prime Minister’s Office (PMO), which includes the anti-corruption unit and the public office dealing with grievances, provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to Prime Minister. Public Servants other than elected ones, have to furnish their Returns of Assets and Liabilities within 30 days of their joining the public office on initial appointment and there after submit such returns annually, to their respective competent Authorities under the Conduct Rules of All India Services, CCS(Conduct) Rules and Lokpal and Lokayuktas Act, 2013.</p> <p>Judiciary: For Judicial officials a bill “Judicial Standards and Accountability Bill” is under consideration of the Government.</p>
Other entities	<ul style="list-style-type: none"> • For Central Civil Services and others there are relevant conduct rules. • In case of All India Services the following may be noted: <ol style="list-style-type: none"> 1. In case of All India Administrative Services, Annual Property Returns of Officers are to be filled online, and administered by the Department of Personnel & Training in a centralized manner as Cadre Controlling Authority. The Department of Personnel & Training (DoPT) is entrusted to take action under All India Services (Conduct) Rules in case of non-submission of information or furnishing incorrect information. Online system is administered with the help of National Informatics Centre (NIC) by the Establishment Officer Division. The information is accessible on the DoPT website http://persmin.nic.in. 2. In case of Indian Police Service, the Ministry of Home Affairs (MHA) is the Cadre Authority. Annual Property Returns in respect of immovable properties, filed by IPS Officers, are accessible on MHA website, i.e. http://mha.nic.in/ . The property return filed by the particular officer can be seen by filling up fields in respect of State Cadre, batch and year etc. The MHA has authority for controlling the cadre and is competent to take action under Conduct Rules.

	3. In case of India Forest Service, the Ministry of Environment Forest and Climate Change is the Cadre Authority, and is competent to receive the declarations.
Other relevant information	As per Rule 16 of the All India Services (Conduct) Rules, 1968, the Members of All India Services are required to furnish the Annual Property Return as on December 31 st of the year, on or before 31 st January of the following year. After the Lokpal and Lokayuktas Act, 2013, came into force (w.e.f. 16.01.2014) every public servant is required to file with the Competent Authority on, or before, July 31 st of every year, an annual return of such assets and liabilities as on March 31 st of that year as referred to in sub-section (2) of section 44 of the Act. The All India Services (Conduct) Rules, 1968, are to be amended in consonance with the provisions of section 44 of the Lokpal and Lokayuktas Act, 2013, for which necessary action has been initiated. Similar steps are to be taken in respect of Conduct Rules of other Services vis-à-vis the provisions of Section 44 of the Lokpal & Lokayukta Act, 2013.

5. Useful	
Frequency of filing requirement	Both MPs and Ministers must make declarations within 90 days of taking office, and must notify annually of all changes that occur. Besides MPs and Ministers, other public servants also are required to make a declaration of his assets and liabilities under the Lokpal and Lokayuktas Act, 2013 within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office. Thereafter such information is to be filed every year. This is to be placed in public domain and can be source of information for filing complaint on disproportionate assets and inquiry.
Validation & verification	
Uses of disclosed information	Compulsion of disclosing the assets and liabilities by the Public Servants acts as a deterrent against their indulging in corruption. In case a complaint is received against a public servant alleging amassing wealth by corrupt means, the disclosed information is used to examine if the assets of such public servant are disproportionate to the known source of his income.
Other relevant information	
6. Enforceable	
Types of applicable sanctions	Administrative sanctions exist for non-submission and submission of false or incomplete information, as per Lokpal and Lokayuktas Act, 2013. The officials/all India services, Central civil services, PSUs, State owned enterprises, Autonomous Bodies Under Ministries/Departments are bound to declare their assets and liabilities under relevant Rules (AIS conduct Rules/CCS conduct Rules/PSUs conduct Rules etc.)
Mechanism and entities responsible	For MPs, in accordance with the law, an appropriate process can be initiated. In other words, a report can be prepared and presented to the relevant House, for a decision.

for enforcing measures	<p>For Ministers sanctions are handled on a case by case basis.</p> <p>For public servants other than the elected representatives, action can be taken by the competent authority in their relevant Department / Ministry.</p>
Other relevant information	<p>Action can be initiated against the delinquent Public Servant under the relevant Conduct Rules, for not furnishing the information in respect of Assets and Liabilities/furnishing wrong or misleading information/ suppressing material facts about his Assets and Liabilities.</p> <p>Besides this, Section 45 of the Lokpal and Lokayuktas Act, 2013, provides that if a public servant willfully, or for reasons which are not justifiable, fails to declare his assets or gives misleading information, it will be presumed that such assets have been acquired by him/her through corrupt means, unless otherwise proved. The Onus of proving his innocence lies on Public servant concerned.</p>