

:: HIGH COURT OF MADHYA PRADESH : JABALPUR ::

// MEMORANDUM //

No. B/3027

Jabalpur, dated 21 / 05/2025

To,

Principal District & Sessions Judge,

(M.P.)/

Principal Judge, Family Court,

(M.P.)/

Registrar, Industrial Court,

(M.P.)/

Member Secretary, M.P. State Legal Services Authority

(M.P.)

Director, State Judicial Academy,

(M.P.)

Sub :- Regarding compliance of Rule 14, Rule 17, Rule 19(2), Rule 19(2)(2-A), Rule 19(3) of M.P. Civil Services (Conduct) Rules, 1965.


Ref :- This Registry Memo No. C/4558 dt. 09-09-22 and B/1025 dt. 10-04-24

On the above subject and reference, it has been observed that despite directions to all concerned, vide the above referred letter, some of the judicial officers provide information regarding sale/purchase of immovable property, only after purchasing/selling the same. Such conduct is in violation of Rule 19(2) of the M.P. Civil Services (Conduct) Rules, 1965.

Therefore, as directed, I am to request you to direct all Judicial Officers posted under your control to strictly comply with the above Rules and Circulars relating to acquiring/disposing of properties and also ensure circulation of the attached Circular amongst all Judicial Officers posted in your district.

Further, for the sake of convenience to the Judicial Officers instructions are also being attached herewith for future prayer in respect of movable and immovable property they acquire/dispose of, for taking entry relating thereto in their service records, the information should be provided in the relevant proforma attached herewith, positively.

Encl:- As mentioned herein above.


21.5.25

(ASHUTOSH AGRAWAL)
REGISTRAR (VIGILANCE)

(1)

Regarding acquisition/transfer of movable and immovable property by Judicial Officer.

Instructions

Regarding acquisition/transfer of movable and immovable property by judicial officer it is necessary for the government servant to give details about his movable and immovable property and thereafter he has to submit annual details about his property every year. Along with this, it is also necessary to give information to the government about the acquisition/transfer of movable and immovable property during the service. In this way, it is necessary to give two types of information to the government servant regarding movable and immovable property -

1. Annual statement of movable and immovable property after joining the service, according to Rule 19 (1) of M.P. Civil Services (Conduct) Rules 1965
2. To give information regarding acquisition/transfer of movable/immovable property during service, according to Rule 19 (2) of M.P. Civil Services (Conduct) Rules 1965 (hereinafter Rule 1965)

Some important provisions related to acquisition and transfer of movable and immovable property have been made in Rules 1965, but due to lack of knowledge of the rules and procedures related to it, incomplete information is often presented by judicial officers regarding property transactions, which leads to unnecessary correspondence.

For this reason, relevant provisions [for the convenience of Judicial Officers] and some important circulars/memorandums issued by the M.P.

Government are being provided, which are necessary to be followed:

(2)

A. Provisions regarding transactions of immovable/movable property -

Rule 19 (1) provides as follows in respect of immovable property :-

Every Government servant shall on his appointment to any service or post and thereafter at such intervals as may be specified by the Government, submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding :-(a)the immovable property inherited by him, or owned or acquired 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;(b)shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him; (c)other movable property inherited by him or similarly owned, acquired or held by him; and(d)debts and other liabilities incurred by him directly or indirectly.Note. - Sub-rule (1) shall not ordinarily apply to Class IV servants but the Government may direct that it shall apply to any such Government servant or class of such Government Servants.In all returns, the value of items of movable property worth less than Rs. 1,000.00 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.Every Government servant who is in service on the date of commencement of these rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

Rule 19 (2) provides as follows in respect of immovable property :-

"No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Rule 19 (2) (2-A) provides as follows :-

If a Government servant or, with his consent, tacit or otherwise during the term of his employment, member of his family -

1 If a Government servant or, with his consent, tacit or otherwise during the term of his employment, any member of his family :-(1)purchases any immovable property or gets any house owned by him whether in his own name or benami in the name of any other person erected, or re-erected, or

2 Makes any. alteration or repairs exceeding Rs. 5000.00 in any of the immovable property already, owned by him, whether in his own name or benami in the name of any other person or as the case may be, by any member of his family, such Government servant shall give prior intimation of such erection, re- erection, alteration or repairs, as the case may be, to the prescribed authority, disclosing the total amount estimated for the said acquisition, erection, re-erection, alteration or as the case may be, repairs and also disclose the source from which he, or as the case may be, the member of his family, proposes to raise the required funds for the purposes. He shall further give prior intimation if during erection, re-erection, alteration or as the case may be, repairs, the revised estimates are likely to exceed by more than 10% , of the -original estimates. At the completion of the work, the Government servant shall furnish the final cost of such work and the source from which the funds were actually raised, with copies of documents, if any, in support thereof.

Rule 19 (3) provides as follows in respect of movable property :-

Every Government servant shall report to the prescribed authority every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property, if the value of such property exceeds two months basic pay of the Government servant, who holds any post of class-I, class-II, class-III or class IV:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government Servant, if any such transaction is with a person having official dealings with him."

B. In respect of gifts (Rule 14)

(1) Save as otherwise provided in these rules, no Government servant shall accept, or permit any member of his family or any other person acting on his behalf to accept, any gift.

Explanation.-The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

Note.-(I) A casual meal or other social hospitality shall not be deemed to be a gift,

(II) A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gifts from his near relatives but he shall make a report a period of one month from the date of receipt of the gift to the Government if the value of any such gift exceeds-

(i) Rs. 1500.00, in the case of the Government servant holding any Class I or Class II post;

(ii) Rs. 700.00, in the case of a Government servant holding any Class III post, and

(iii) Rs. 250.00, in the case of a Government servant holding any Class IV post

(3) On such occasions as are specified in sub-rule (2), a Government servant may accept gift from his personal friends having no official dealings with him, but he shall make a report within a period of one month from the date of receipt of the gifts to the Government if the value of any such gift exceeds-

(i) Rs. 500.00, in the case of a Government servant holding any Class I or Class II posts;

(ii) Rs. 260.00, in the case of a Government servant holding any Class III posts; and

(iii) Rs. 100.00, in the case of a Government servant holding any Class IV post.

(4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds-

(i) Rs. 200.00, in the case of a Government servant holding any Class I or Class II post; and

(ii) Rs. 50.00, in the case of a Government servant holding any Class III or Class IV post.

C. In respect of lending and borrowing (Rule 17)

1. No Government servant shall speculate in any stock, share or investment.

2. -----

3. -----

4. (I) No (4) (i) No Government servant shall save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct, banking, business, either himself or through any member of his family or any other person acting on his behalf.-

(a) lend or borrow money as principal or agent to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner where by return in

money or in kind is charged . or paid :

Provided that a Government servant may, give to, or accept from, a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance:

Provided further that nothing contained in this sub-rule shall apply to any transactions done by the Government servant with the prior approval of the Government.

(5) No Government servant shall borrow money exceeding Rs. 2000.00 except through a payee account cheque.

Important circular/notification issued by M.P. Government/Hon'ble High Court-

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Reporting gifts received from close relatives The State Vigilance Commission has drawn the attention of the Government to a case in which some Government servants received a large sum of money as gifts from their close relatives such as father, mother, brother but as per sub-rule (4) of Rule 14 of M.P. Civil Services Conduct Rules, 1965, those persons did not obtain permission from the competent authority before receiving the gifts. Those Government servants clarified that as per the interpretation of Conduct Rule 14, if a Government servant receives any amount as gifts from his close relatives, it does not come under the purview of Rule 14 (4). This kind of assumption of the Government servants is not correct. The true position is that the limit of "pecuniary advantage" mentioned in the interpretation of Rule 14 will be the same as mentioned in sub-rule (4) of Rule 14. Before receiving pecuniary advantage in excess of that limit, it is necessary to obtain prior permission from

their competent authority as per the rules.

You are requested to inform all the government servants under you about the above situation. In future, government servants violating the above rule will be liable for disciplinary action.

[M.P. Government, Govt. No. 375/CR 309/1 (3) dated 30 June, 1972)

--(2)--

Subject : Procedure for purchase and sale of movable and immovable property by Government servants.

Reference : This Department's Memorandum No. 615-1131-A(3), dated 27.02.1961.

The question has been raised whether the procedure laid down by the Government under Rule 18 (1) and 18 (2) of the Madhya Pradesh Government Servants (Conduct) Rules, 1959 in respect of transactions of movable and immovable property by Government servants in the memorandum referred to shall be deemed to have been given under Rule 18 (1) and 18 (2) of the M.P. Civil Services (Conduct) Rules, 1965 or not. The position in this regard is that Rule 25 of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 clearly provides that any rule in conformity with these rules, which was in force immediately before the commencement of these rules, those rules are repealed and in the proviso to it it has been laid down in an undisputed form that any order made or action taken under such repealed rules shall be deemed to have been given or taken under the corresponding provisions of these rules. It is, therefore, clear that the order contained in this Department's Memorandum No. 614-1131-A(3), dated the 27th February, 1961 is an order issued under Rule 18(1) and (2) of the 1959 Rules and falls within the words "proviso" used above and shall, therefore, be deemed to be an order issued and in force under the corresponding Rule 18 of the Conduct Rules, 1965.

[M.P. Government, S.P.V.C. 24930/2992/A (3) dated 22nd November, 1968)

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- (3) ---

Subject : Regarding tax sale of movable and immovable property by Government servants.

Instructions related to purchase and sale of movable and immovable property by Government servants have been issued by this Department's Circular No. 61-A/1131/1(3)/60, dated 27.02.61 and No. 204/49/1(3), dated 25.01.62. It has been brought to the notice of the Government that the above mentioned circulars are prior to the issuance of the present M.P. Civil Services Conduct Rules, 1965, therefore, most of the departments are under the impression that the above mentioned circulars are no longer applicable, and hence they are ignoring the instructions and violating them. Therefore, it is requested to kindly bring these instructions to the notice of all your subordinate employees by enclosing a copy of the above mentioned circulars and ensure their strict compliance.

[M.P.S.P.V.K. F. No. C-5-1/85/3-1 dated 6 May 1986]

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Subject : Regarding granting approval to Government servants under the Conduct Rules for acquisition or construction of movable and immovable property.

Rule 19 of M.P. Civil Services (Conduct) Rules, 1965 has detailed provisions regarding giving information to the competent authority/obtaining prior permission of the competent authority regarding acquisition and transfer of movable, immovable and valuable property by government servants.

2 It has come the notice of the Government that the competent authority grants approval to the concerned Government servant on the basis of the application submitted by him without properly investigating the sources of

investment in property, due to which the very purpose of making such provisions in the conduct rules is defeated. The very purpose of making such provisions in the conduct rules is that the sources of income invested in any movable or immovable property should be thoroughly examined so that corruption is not encouraged.

3 Therefore, in future under the Conduct Rules, when a Government servant seeks permission to acquire/construct property, it will be the responsibility of the authority to thoroughly examine/enquire about the sources of income of the Government servant concerned before granting such approval.

[M.P.S.P.V. No. C-5-1/2002/3/A, dated 4-5-2022)

Subject : Instructions regarding transactions of movable property by Government servants through their subordinate officers.

1. Some such cases have come before the Governor in which the officers of the State Government have transacted movable property through their subordinate officers or employees. In this regard it is necessary to clarify that a subordinate officer or employee cannot be considered a regular or reputed businessman. According to Rule 19(3) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965, if a Government servant transacts movable property with a person who has official dealings with the Government servant or is not a regular or reputed businessman, then it is necessary for him to take prior approval of the prescribed officer, if the value of such property is more than Rs. 1000 in the case of a first and second class officer and more than Rs. 500 in the case of a third and fourth class employee.

2. Anyway, it is not a good thing for an officer to transact any movable property through his subordinate employee or officer, no matter how much its value is, because by doing such transactions, the government officer becomes a

victim of criticism of the public that he has misused the government position. Therefore, the government instructs that no government servant should transact any movable property through a government servant working under him. If at any time it becomes necessary to do such a transaction, then, he must obtain prior approval of the prescribed authority mentioned in Explanation No. (2) of the said rule.

3. You should issue instructions to all the government servants under you to strictly follow this instruction.

(Government of MP, S.P.V. No. 420/1019/1(3) dated 09 June, 1969)

B. Proforma for ready reference regarding prior information regarding property and information to be sent after completion of transaction

Two types of information are required regarding acquisition and transfer of property. First, information should be given before acquisition and transfer of property. Second, detailed information should be given after acquisition/transfer of property.

Requirement of prior permission in respect of acquisition/transfer of immovable property/movable property

Under the following circumstances permission of judicial officer would be required before acquiring or transferring immovable/movable property.

- 1- "with whom there is any official relationship" or
- 2- As per Rule 14 (4) of M.P. Civil Services Conduct Rules, 1965, if a gift of more amount than the amount mentioned in the said rule is received from close relatives, then prior permission of the competent authority is necessary for receiving the said financial benefit.

Other instructions.

1. If a loan has been taken for the acquisition of the property, then information about it should also be given after the loan is paid. All relevant documents related to the payment of the loan should also be attached with the information.
2. Information regarding acquisition / transfer of property should be sent as soon as possible after the transaction is completed.

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Proforma for prior information regarding acquisition and transfer of property -

A	Name and designation of officer	
B	Property details	
C	Price/Approximate Price	
D	Details of Transferor / Transferee	
E	Information regarding official relationship with the transferor/transferee	
F	Mode of transaction (verbal/written) (Exceptional)	

If any property is acquired through a will, then the legatee should be informed about it as soon as possible (within three months) from the day on which the information about the will is received,

In the event of inheritance or partition of family property, information regarding the said transfer should be given as early as possible (three months) from the date of the transfer.

Note:- The above format may be used as per the requirement -

Proforma for information after completion of Immovable property transaction

1	Officer's Name	
2	Name of the post held	
3	Place of posting	
4	Date of purchase	
5	property details A. location of property B. property description C. price of property (including stamp, registrartion, taxes)	information should be given
6	Name and details of the seller/buyer (if the property is sold, name and details of the buyer are to be given)	Full information should be given about the person from whom the property is being transferred/acquired
7	Official relation with officer	Yes/No.
8	Source of payment for purchase of property	
9	Whether loan has been taken for purchasing the property (If yes, the following information may be given along with relevant documents) A. Name of Bank./Relative. B. Amount of loan C. Method of payment - D. Installment E. Source of payment of loan	
10	Information regarding salary (attach Pay-slip) A. gross salary B. total discount C. net salary	

11	Details of the amount paid by the officer for purchase of property i.e. from which source the amount has been paid.	
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Format of information after completion of movable (vehicle) property transaction.

1	Officer's Name	
2	Name of the post held	
3	Place of posting	
4	Date of purchase	
5	property details A. vehicle type B. value of vehicle C. Registration fee including road tax D. Insurance Fees	information should be given
6	Name and details of the dealer/seller (if the property is sold, name and details of the buyer are to be given)	Full information should be given about the person from whom the property is being transferred/acquired
7	Official relation with officer	Yes/No.
8	Source of payment for purchase of property	
9	Whether loan has been taken for purchasing the property (If yes, the following information may be given along with relevant documents) A. Name of Bank/Relative B. Amount of loan C. Method of payment - D. Installment E Installment amount	
10	Information regarding salary (attach P-slip) A. gross salary B. total discount C. total salary	

The following documents should also be attached with the application -

1. Photocopy of savings account in bank – which mentions the amount given or received.
2. Documents related to the loan.
3. Photocopy of sale deed.
4. Photocopy of documents related to immovable property.
5. Photocopy of Registration Certificate of purchased vehicle.
6. Copy of payment slip.
7. Photocopy of affidavit as per requireme**Format of information after completion of movable (vehicle) property transaction.**nt.
8. If the amount has been taken from family members or friends as loan or gift or help, then a photocopy of the affidavit given by the concerned person in this regard and a photocopy of his/her bank account document where the details of transaction of money are there.

Declaration

I _____ hereby declare that the above personal information provided by me is true and I will be responsible for any future dispute in this regard.

Signature -----

dated -----

:: HIGH COURT OF MADHYA PRADESH : JABALPUR ::

// MEMORANDUM //

No. B/1025

Jabalpur, dated 10/04/2024

To,

Principal District & Sessions Judge,

(M.P.)/

Principal Judge, Family Court,

(M.P.)/

Registrar, Industrial Court,

(M.P.)/

Member Secretary, M.P. State Legal Services Authority

(M.P.)

Director, State Judicial Academy,

(M.P.)

Sub :- Regarding compliance of Rule 19(2) of M.P. Civil Services (Conduct) Rules, 1965.

Ref :- This Registry Memo No. C/4558 dt. 09-09-22

On the above subject and reference, it has been observed that despite directions to all concerned, vide the above referred letter, some of the judicial officers provide information regarding sale/purchase of immovable property, only after purchasing/selling the same. Such conduct is violation of Rule 19(2) of the M.P. Civil Services (Conduct) Rules, 1965, which reads as under :-

"No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family."

Therefore, as directed, I am to request you to direct all Judicial Officers posted under your jurisdiction to follow the aforesaid Rule mandatorily and also inform them that non-compliance of the said rule shall be viewed seriously.


(HEMANT JOSHI)
PRINCIPAL REGISTRAR
(VIGILANCE)

: HIGH COURT OF MADHYA PRADESH: JABALPUR ::

// MEMORANDUM//

No. C/4558

Jabalpur, dated 09/09/2022

To,

Principal District & Sessions Judge,

(M.P.)/

Principal Judge, Family Court

(M.P.)

Sub:- Regarding compliance of Rule 19 (2) of M.P. Civil Services (Conduct) Rules, 1965

It has been observed that some of the Judicial Officers generally used to provide the information to the High Court after purchasing or selling the immovable property. But, generally they don't prefer to send the said information prior to purchasing or selling the same, which is violation of Rule 19(2) of M.P. Civil Services (Conduct) Rules, 1965, as under :-

*"No Government servant shall, except with the **previous knowledge** of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family."*

As directed, I am to request you to direct all the Judicial Officers posted under your jurisdiction to strictly adhere to the said Rule, while purchasing or disposing of immovable property, and if any of the Judicial Officer will not comply with the same, then it may be dealt seriously and get the acknowledgement receipt from each and every Judicial Officer and send the same to the Vigilance Cell of the High Court, Jabalpur at the earliest.

8/9/2022

(LALIT KISHORE)
REGISTRAR (VIGILANCE)