

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No.E(D&A) 2007/GS 1-2

New Delhi, dated: 18.6.2009

The General Manager (P),
All Indian Railways and
Production Units etc.,
(As Per Standard List).

Sub: Acceptance of gift by the members of family of the railway servant regarding.

Recently a railway servant had intimated booking of a flat by his wife in her own name and in her own right. The entire cost of the flat was to be borne by the mother-in-law of the railway servant and had to be given to his wife as gift. In other words, it was a case of acceptance of gift by the wife of the railway servant from her own mother. A question has arisen whether the railway servant concerned was required to seek permission from the Government before his wife accepted gift from her own mother. A related question is whether the railway servant was also required to make a report to or seek permission of the Government, as the case may be, under rule 18(2) before his wife made the aforesaid transaction in immovable property.

2. The matter has been examined in consultation with the Department of Personnel And Training. Ministry of Railway's decision No.10 below rule 18 of Railway Services (Conduct) Rules, 1966 stipulates that the transaction in immovable property entered into by the spouse or any other member of family of a railway servant out of his or her own funds (including stridhan, gifts, inheritance etc.) as distinct from the funds of the railway servant himself, in his or her own name and in his or her own right, would not attract provision of sub-rule (2) of rule 18. A railway servant thus, is not required to give previous knowledge or seek prior sanction under rule 18(2) if the transaction in immovable property is made by any member of his family in his or her own right and from his or her own funds including by way of gifts received, independent from the funds of the railway servant.

3. However, rule 13 of Railway Services (Conduct) Rules, 1966 provides that a railway servant shall neither accept himself nor permit any member of his family or any other person acting on his behalf to accept any gift except in certain circumstances as specified in this rule. For the purpose of exceptions and monetary limits, the railway servant and his (or her) family has been treated as one unit. Therefore, while the provisions of rule 18(2) of Railway Services (Conduct) Rules, 1966 will not be attracted in respect of a transaction in immovable property made by the member of family of a railway servant in his or her own name, in his or her own right and out of his or her own fund including by way of gifts received, the

railway servant concerned will have to make a report to or seek previous sanction of the Government, as the case may be, under rule 13, if the value of the gift received by the member of family of the railway servant, which was used to finance the transaction, exceeds the monetary limits laid down in rule 13, irrespective of the person making the gift.

4. Please acknowledge receipt.

Sd/-
(Harish Chander)
Dy. Director Establishment(D&A)
Railway Board