

No. 25/37/65-Ests.(A)
Government of India
Ministry of Home Affairs.

....

New Delhi-11, the 30 August, 1965.
8 Bhadra, 1887.

OFFICE MEMORANDUM

Subject:- Central Civil Services (Conduct) Rules, 1964- Acceptance of dowry by Government servants.

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As the Ministry of Finance etc. are aware, it is provided in this Ministry's O.M. No. 25/8/57-Ests.(A) dated the 25th March, 1957 (copy enclosed) that dowry should be regarded as a customary gift which a Government servant may accept without prior sanction, and that, subject to the provisions of the rules relating to gifts and transactions in immovable and movable property, all such gifts should be reported to the Government or other prescribed authority.

2. The matter has been reviewed in the context of the provisions contained in the Dowry Prohibition Act, 1961. Section 2 of this Act defines dowry as 'any property or valuable security given or agreed to be given directly or indirectly by one party to a marriage to the other party to the marriage, or by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahar in the case of persons to whom the Muslim Personal Law (Shariat) applies.' For removal of doubts, Explanation 1 below Section 2 declares that 'any presents made at the time of marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties'. Persons who are guilty of giving or taking or abetting the giving or taking of dowry, or demanding any dowry, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, are liable to the punishments prescribed in Sections 3 and 4 of the Act. In the circumstances, Government servants should not give or take or abet the giving or taking of dowry; nor should they demand dowry, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be. Dowry can, therefore, no longer be treated as a 'customary gift' as has been stated in this Ministry's O.M. of 25.3.57, referred to in para 1 above. Any violation of the provisions of Dowry Prohibition Act, 1961 by a Government servant will constitute a good and sufficient reason for instituting disciplinary proceedings against him, in addition to such legal action as may be taken against him in accordance with the provisions of the Act.

3. Receipt of presents by Government servants at the time of their marriage, in the form of cash, ornaments, clothes or other articles, otherwise than as consideration for marriage, from relatives and personal friends, will be regulated by sub-rules (2) and (3) of rule 13 of the Central Civil Services (Conduct) Rules, 1964. The receipt of such presents, from persons other than relatives and personal friends, will be regulated by sub-rule (1) of rule 13 ibid read with sub-rule (4) thereof. Purchases of items of movable property for giving presents at the time of marriage will be regulated by rule 18(3) of the Central Civil Services (Conduct) Rules, 1964, like any other transaction in moveable property.

Contd..2.

4. This Ministry's O.M. No. 25/8/57-Ests. (A), dated 25.3.57 may be treated as cancelled.

H. C.
(HARI SH CHANDRA)
UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

To All Ministries/Departments of the Government of India etc.

No. 25/37/65-Ests. (A), New Delhi-11, the ³⁰ August, 1965.
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2. The Union Public Service Commission, New Delhi.
3. The Central Vigilance Commission, New Delhi.
4. The Commissioner for Linguistic Minorities, Allahabad.
5. The Department of Administrative Reforms, New Delhi.
6. All Union Territories.
7. All Zonal Councils.
8. All Attached and Subordinate offices of the Ministry of Home Affairs.

H. C.
(HARI SH CHANDRA)
UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

Copy to all officers and sections.

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