

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.2021/PL/57/2

New Delhi, dated: 16.09.2022

The Chairman & Managing Director / Managing Director,

Container Corporation of India Ltd., New Delhi.  
Indian Railway Catering & Tourism Corporation, New Delhi.  
IRCON International Ltd., New Delhi.  
RITES Ltd., Gurgaon.  
Rail Vikas Nigam Ltd., New Delhi.  
Braithwaite and Company Ltd., Kolkata  
Konkan Railway Corporation Ltd., Mumbai  
Mumbai Railway Vikas Corporation Ltd., Mumbai  
Railtel Corporation of India Ltd., New Delhi  
Indian Railway Finance Corporation Ltd., New Delhi  
Dedicated Freight Corridor Corporation of India Limited, New Delhi.  
Kolkata Metro Rail Corporation Limited, Kolkata.

**Sub: Policy for grant of permission to Railway CPSEs for export of Railway Products.**

**Ref: Railway Board's letter No.2000/PL/68/18 dt: 26.05.2008.**

In supersession of earlier Presidential Directive under reference above, on the subject matter, Ministry of Railways (MoR) hereby issue the following Presidential Directive:

**"All PSUs are permitted to undertake all kinds of businesses as deemed suitable/ appropriate by them with a view to maximize their revenue and profits"**

2. This is subject to compliance of following conditions;
- The PSUs are expected to fulfill all the legal obligations for their area of operations as per various Acts/DPE Guidelines applicable from time to time.
  - Action required in case interpretation of any clause leading to conflict of interest :-

Two or more CPSEs of MoR shall be free to participate in any foreign bid as per the above recommendations. However, there may be a specific clause of conflict of interest (or may be interpreted as such) in bidding documents of foreign country due to which two or more participating CPSEs of same promoter i.e. Ministry of Railways (Govt. of India) may attract the disqualification of participating CPSEs. In such a scenario, it is expected that the interested CPSEs will mutually consult themselves to avoid disadvantages to them and in the eventuality of non-settlement among the

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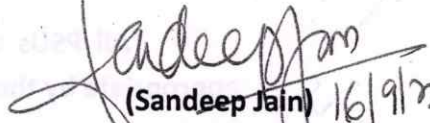
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CPSEs, the matter may have to be referred to the Ministry for approval on case-to-case basis.

iii. Indemnification of Ministry of Railways (GoI):-

CPSEs are advised to insert the following clause in their agreements while entering into contract with foreign countries:

"It is expressly understood and agreed by and between (the corporation) and \_\_\_\_\_ (the Indian PSU) that \_\_\_\_\_ (the Indian PSU) is entering into this agreement solely on its own behalf and not on behalf of any other person or entity. In particular, it is expressly understood and agreed that the Government of India is not a party to this agreement and has no liabilities, obligations or rights hereunder. It is expressly understood and agreed that \_\_\_\_\_ (the Indian PSU) is an independent legal entity with power and authority to enter into contracts solely in its own behalf under the applicable Laws of India and general principles of Contract Law. The (corporation) expressly agrees, acknowledges and understands that \_\_\_\_\_ (the Indian PSU) is not an agent, representative or delegate of the Government of India. It is further understood and agreed that the Government of India is not and shall not be liable for any acts of omissions, commissions, breaches or other wrongs arising out of the contract. Accordingly, (corporation) hereby expressly waives, releases and foregoes any and all actions or claims, including cross claims, impleader claims or counter claims against the Government of India arising out of this contract and covenants not to sue the Government of India as to any manner, claim, cause of action or thing whatsoever arising out of or under this agreement".

  
(Sandeep Jain) 16/9/12

**Executive Director Planning (Civil & PSU)**

Railway Board

e-mail: edpsurb@gmail.com

**Copy forwarded to:-**

**General Managers of all Production Units of Ministry of Railways.**

**Copy to:**

1. Chairman & CEO, M(F), M(O&BD), M(T&RS), M(I), Secy/RB
2. Advisor/MR, OSD/MR, OSD/Co-ord/MR and Addl PS/MR
3. All AMs, PEDs of Railway Board

.. for kind information