

No. 1/50/1/2023-Cab.
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 16th November, 2023

OFFICE MEMORANDUM

Subject: Matters to be placed for consideration of Cabinet/ Cabinet Committee in respect of international instruments, to be entered into with foreign countries/ agencies - reg.

Cabinet Secretariat has, in terms of Government of India (Transaction of Business) Rules, 1961 (ToB Rules), issued instructions/ guidelines to Ministries/ Departments from time to time regarding matters which are to be brought before the Cabinet/ Cabinet Committee for approval or *post facto* approval or information in respect of Memoranda of Understanding (MoUs), Agreements, etc. to be entered with foreign countries/ agencies. ToB Rules and relevant instructions/ guidelines on the subject may be accessed on this Secretariat's website.

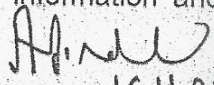
2. A number of references have been received from various Ministries/ Departments seeking clarification whether the proposal(s) for signing certain forms of international instruments, which essentially demonstrate only an intent to cooperate in a specified field like Letters of Intent (LoI)/ Statement of Intent (SoI)/ Joint Declaration of Intent (JDI), are required to be placed before Cabinet/ Cabinet Committee.

3. In this regard, attention is invited to the updated Standard Operating Procedures (SoPs) with respect to MoUs/ Agreements with foreign countries, circulated by Ministry of External Affairs (MEA) *vide* letter no. 312/AS(MD)/17 dated 02.04.2018. These SoPs *inter alia* refer to various forms of international instruments like Treaty/ Convention/ Agreement/ Protocol/ Memorandum of Understanding / Memorandum of Cooperation / Memorandum of Association including the less formal agreements like LoI, etc.

4. It is clarified that Lols and JDIs are forms of international instruments covered under the generic nomenclature of 'Treaty' or 'Agreement'. Depending upon its nature, a JDI/LoI is required to be placed before Cabinet/Cabinet Committee for prior approval/ post-facto approval or information, as the case may be. For instance, in terms of Government of India, ToB Rules, 1961, cultural and science and technology agreements (which includes JDIs and Lols) not impacting national security or our relations with other countries may be circulated to the Cabinet/ Cabinet Committee for information only.

5. However, in cases where a LoI or JDI is expected to lead to a MoU/ Agreement, etc., Ministry/Department sponsoring the note is advised to seek approval only once i.e. at the stage of final MoU/ Agreement. Further, Ministries/ Departments are also advised to use the appropriate nomenclature for the instrument proposed to be signed in consultation with Legal and Treaties Division of MEA.

6. The aforesaid instructions may be disseminated to all concerned for information and compliance.


16.11.2023
(Ashutosh Jindal)
Additional Secretary
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All Secretaries to the Government of India.