

No.1/50/3/2014-Cab.
Government of India (Bharat Sarkar)
Cabinet Secretariat (Mantrimandal Sachivalaya)
Rashtrapati Bhavan

सचिव डी पी टी
Secretary DBT
Dy. No. V.P. 84
Date 11/2/15

New Delhi, the 9th February, 2015

OFFICE MEMORANDUM

Subject: Memorandum of Understanding (MoU) signed with other countries - matters to be brought for consideration before the Cabinet regarding

Attention is invited to the Second Schedule to the Government of India (Transaction of Business) Rules, 1961 which provide that cases which shall be brought before the Cabinet include:

(d) Cases involving negotiation with foreign and Commonwealth countries on treaties, agreements and other important matters:

Provided that-

(i) Cultural Agreements and Agreements on Science and Technology not impacting the national security or our relations with other countries which are duly approved by the Minister-in-Charge of the Department concerned and the Minister of External Affairs and where requisite inter-Ministerial consultations in terms of rule 4 have been carried out may only be circulated to the Cabinet for information;

(ii) such foreign aid agreements and commercial agreements as are duly approved by the Minister-in-Charge of the concerned Department and as are within the broad framework already approved by the Cabinet need not be formally placed before the Cabinet.

2. It has been decided that while seeking the approval of Cabinet for entering into Memorandum of Understandings (MoU), in terms of the provisions of the Government of India (Transaction of Business) Rules, 1961, Ministries/ Departments must provide the rationale of opting for the MoU route. Ministries/ Departments should also enclose a list and status of existing MoUs while seeking approval of a new MoU.

3. These instructions may be brought to the notice of all concerned for compliance.

Bhaskar
(Dheeraj Bhaskar)
Under Secretary
Tele. 23019170

To
All Secretaries to the Government of India.

कार्यालय संयुक्त सचिव सी. एस. आई. ऑफ.
डी. एस. आई. ऑफ.
पत्र सचिवी से.
पाइल ऑफिस से.
दिनांक. 12/02/15

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No.1/48/6/2015-Cab
Government of India (Bharat Sarkar)
Cabinet Secretariat (Mantrimandal Sachivalaya)
Rashtrapati Bhavan


Dated the 2nd April, 2015

OFFICE MEMORANDUM

Subject: Memorandum of Understanding (MoU) signed with other countries- matters to be brought for consideration before the Cabinet - regarding.

Reference is invited to the instructions issued vide this Secretariat's O.M. No.1/50/3/2014-Cab. dated 09.02.2015 on the subject cited above. A number of references have been received in this Secretariat, seeking clarification on the applicability of these instructions on various Departments, Ministries, Constitutional /Statutory Bodies, etc.

2. It is clarified that the instructions contained in this Secretariat's O.M. dated 09.02.2015 *ibid* are applicable to all Ministries/ Departments/ offices concerned in accordance with Rules 2 and 3(1) of the Government of India (Allocation of Business) Rules, 1961. It is accordingly advised that prior approval of the Cabinet is required to be obtained by the concerned Ministry/ Department in all cases involving treaties, agreements and other important matters including MoUs to be signed by any agency with any foreign agency/ country, except in case of provisios (i) and (ii) under para (d) of the second Schedule of Government of India (Transaction of Business) Rules, 1961, for which the procedure is separately given in the Second Schedule of the said rules.


(Dheeraj Bhaskar)
Under Secretary
Tele: 2301 9170

To:
All Secretaries to the Government of India

Dated the 3rd June, 2015

OFFICE MEMORANDUM

Subject: Memorandum of Understanding (MoU) signed with other countries- matters to be brought for consideration before the Cabinet - regarding.

Reference is invited to the Second Schedule to the Government of India (Transaction of Business) Rules, 1961 which provide the types of cases which have been brought before the Cabinet including para (d) Cases involving negotiation with foreign and Commonwealth countries on treaties, agreements and other important matters. Instructions issued in this matter vide this Secretariat's O.M. No.1/50/3/2014-Cab. dated 09.02.2015 and OM of even number dated 24.04.2015 are reiterated herewith as various Ministries/Departments have sought clarification.

2. It has been decided that:

(i) while seeking approval of the Cabinet for entering into Memorandum of Understanding (MoU), in terms of the provisions of the Government of India (Transaction of Business) Rules, 1961, Ministries/Departments must provide the rationale of opting for the MoU route. Ministries/Departments should also enclose a list and status of existing MoUs while seeking approval of a new MoU;

(ii) prior approval of the Cabinet is required to be obtained in all cases involving treaties, agreements and other important matters including MoUs to be signed with any foreign agency/country except provisos as defined under para (d) in the Second Schedule of the Government of India (Transaction of Business) Rules, 1961; and

(iii) these instructions are applicable to all subordinate/attached offices including Statutory bodies and authorities of Ministries/Departments and the various Commissions under the Constitution.


(Dheeraj Bhaskar)
Under Secretary
Tele: 2301 9170

To:
All Secretaries to the Government of India