

[सोबत केंद्र शासन, वित्त मंत्रालय (आर्थिक व्यवहार विभाग), नवी दिल्ली, यांच्या क्रमांक एफ-३२/३८/इसी/८८, दिनांक ३ जानेवारी, १९८९ च्या "राज्य शासनाचे मंत्री व अधिकारी, राज्य विधानमंडळाचे सदस्य आणि सार्वजनिक क्षेत्रातील उपक्रम, महामंडळे इत्यादींचे पदाधिकारी यांच्या विदेश दौऱ्याविषयी मार्गदर्शक सूचना" याविषयीच्या गोपनीय पत्राची प्रत.]

गोपनीय

क्रमांक : सीडीआर. १०८९/११३२/३०/अकरा,
सामान्य प्रशासन विभाग,
मंत्रालय, मुंबई ४०० ०३२,
दिनांक १ ऑगस्ट, १९८९.

माहिती आणि मार्गदर्शनासाठी सादर अग्रेषित—

राज्यपालांचे सचिव,

मुख्य मंत्र्यांचे सचिव,

सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव,

शासनाचे सर्व सचिव,

*प्रबंधक, उच्च न्यायालय (मूळ न्याय शाखा), मुंबई,

*प्रबंधक, उच्च न्यायालय (अपील शाखा), मुंबई,

*प्रबंधक, लोकआयुक्त व उपलोकआयुक्त यांचे कार्यालय, मुंबई,

*सचिव, महाराष्ट्र विधानसभा सचिवालय, मुंबई,

*सचिव, महाराष्ट्र विधानपरिषद सचिवालय, मुंबई,

*सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,

सामान्य प्रशासन विभाग, कार्यासन १०, १२-अ व १९-अ,

गृह विभाग, पोल-१,

महसूल व वन विभाग, फ-७,

सर्व मंत्रालयीन विभाग,

सर्व मंत्रालयीन विभागांच्या नियंत्रणाखालील सर्व विभाग प्रमुख.

२. त्यांना विनंती करण्यात येते की, विदेश दौऱ्यातील छाननी करताना या मार्गदर्शक सूचनांचे न चुकता काटेकोरपणे पालन करावे. या मार्गदर्शक सूचना सर्व मंत्रालयीन विभागांनी त्यांच्या प्रशासकीय नियंत्रणाखालील सार्वजनिक क्षेत्रातील सर्व उपक्रम, सर्व मंडळे व महामंडळे आणि सांविधिक संस्था यांच्या निदर्शनास आणून द्याव्यात.

मीना करंदे,

अबर सचिव, महाराष्ट्र शासन.

*पत्राने.

No. F. 32/38/EC/88
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
Department of Economic Affairs

New Delhi, the 3rd January, 1989.

To
 The Chief Secretaries to the
 State Governments/Union Territories.

Subject.—Guidelines regarding foreign travel of Ministers of State Governments/Union Territories, Members of State Legislatures/Union Territories and State Government officials.

Sir,

I am directed to invite a reference to the Cabinet Secretariat's letter No. 21/1/1/81-Cab, dated the 16th August 1982 (copy enclosed) and also this Department's letter No. F. 1/67/EC/84, dated the 17th December, 1985 (copy enclosed) on the subject mentioned above. As provided therein all proposals for foreign visits on official account by Ministers/officials of State UT Governments are to be considered in the Department of Economic Affairs in accordance with the prescribed procedure and proposal in this regard should be sent to the Department of Economic Affairs atleast three weeks in advance.

2. In spite of the detailed guidelines on the subject and the time-frame prescribed for submitting proposals, instances have come to notice where Ministers/officials have undertaken foreign visits without obtaining prior clearance of this Department. The visits undertaken without the prior approval of the Department of Economic Affairs are clearly in violation of the above mentioned guidelines/instructions and lead to avoidable embarrassment.

3. It is, therefore, once again requested that the guidelines contained in the Cabinet Secretariat's letter of 16th August, 1982 and this Department's letter of 17th December, 1985 should be scrupulously adhered to and the proposals should invariably be sent atleast three weeks in advance to this Department for consideration. It will not be possible to consider the proposal which do not follow the guidelines and are not sent atleast three weeks before the date of proposed departure to a foreign country.

4. Hindi version will follow.

Yours faithfully,

Sd.

(K. G. GOEL)

Director.

Copy also forwarded to all Secretaries of the Ministries/Departments of the Government of India (By name).

It is requested that enclosed guidelines may kindly be followed specially in respect of the following points :—

(i) Since all such proposals are required to be carried out in the Department of Economic Affairs, other Ministries/Departments are to convey their views to the DEA only and in no circumstances this may be conveyed to the concerned State/UT Government.

(ii) The Administrative Union Ministries/Departments concerned with the purpose of the visit should certify the essentiality of the visit in an unambitious way instead of conveying their 'No Objection' in a routine manner within a week of the receipt of reference from DEA.

(iii) The administrative Ministry certifying the essentiality of the visit will process the tour report to be submitted by the concerned State/UT Government. They are requested to call for the tour report if it is not received by them within the stipulated period of three weeks from the date of return.

(iv) All Union Ministries/Departments would nominate an Officer in their respective Ministry/Department for the purpose of co-ordinating the views/comments of that Ministry/Department. The information in this regard in respect of your Ministry/Department may kindly be sent to the undersigned urgently.

Sd.

(K. G. GOEL)

Director.

ANNEXURE I
No. 21/1/81-Cab.

GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 16th August, 1982
25th Sravana, 1904 (S)

To
The Chief Secretaries to the
State Governments/Union Territories.

Subject.—Guidelines regarding foreign travel of Ministers of State Governments and Union Territories, Members of State Legislatures and Union Territories and State Government officials.

Sir,

I am directed to say that references are received from time to time from State Governments for giving clearance to visits abroad of Ministers of State Governments in their official capacity or of Members of State Legislatures or of officials as members of official delegations or on invitation by foreign Governments or organisations. In this connection the following guidelines are being indicated which may be followed in the future in all such cases in respect of travel abroad of the aforesaid categories of persons :—

(i) All proposals for visits of members of State Governments abroad in their official capacity will be sent by the State Government addressed to Secretary to Government of India in the Ministry of Finance, Department of Economic Affairs for approval and release of foreign exchange, and copies of the letter would be endorsed to :—

- (1) Ministry of External Affairs ;
- (2) Central Administrative Ministry concerned with the subject matter of the visit ; and
- (3) Ministry of Home Affairs.

It may be noted that MHA have also to consider applications under FCRA specifically when foreign hospitality or financial assistance is involved. It is the responsibility of the person concerned to obtain this clearance where such hospitality is involved.

This procedure will be applicable even in the case of proposals where the expenditure is borne by State Public Sector Undertakings or Corporations.

(ii) In case of official delegations, their composition and background of the members may be indicated.

(iii) The work proposed to be transacted in each place of visit together with duration may be indicated, specially where official meetings are to take place with functionaries of foreign Governments. It would be appreciated that keeping in view the need for conserving foreign exchange, the duration of stay abroad should be the minimum necessary.

(iv) On receipt of recommendations from the different concerned Ministries, Department of Economic Affairs will consolidate the case and issue final orders regarding clearance of the visit, the number of persons to go abroad, the places to be visited and duration of visit at each place.

(v) Department of Economic Affairs will thereafter issue instructions to the Reserve Bank of India for release of foreign exchange towards personal incidentals. Simultaneously, Ministry of External Affairs would be advised to issue instructions to the Missions for release of Daily Allowance and other allowances as per rates prevalent in the country of visit and also for extending appropriate courtesies to the official delegation.

(vi) On the basis of formal clearance from the Department of Economic Affairs, State Government would issue necessary formal deputation orders endorsing copies thereof to all concerned Ministries of the Central Government and our Missions in the places to be visited. The number and date of clearance received from the Department of Economic Affairs should be quoted in the deputation orders. Without the Department of Economic Affairs' reference number, the Missions will not be in a position to honour these deputation orders.

(vii) (1) In places of visit where there any no Missions, or if otherwise DA etc. is required to be released in India itself, a certificate of entitlement may be obtained from the Ministry of External Affairs and forwarded to the Department of Economic Affairs for release of foreign exchange.

(2) In making a reference to the Department of Economic Affairs the name of the branch of the Reserve Bank of India from where the foreign exchange is required to be released should be clearly indicated.

(viii) Within three weeks of the completion of the visit the leader of the delegation should send a report to the Ministry of Finance, Department of Economic Affairs with copies to the Ministry concerned the subject matter of the visit.

2. Attention is drawn in this connection to the provisions of the Foreign Contribution (Regulation) Act of 1976 which lays down certain restrictions on acceptance of foreign hospitality. Prior permission of the Central Government is necessary before such hospitality (which includes travel assistance or concession) can be accepted by a Minister, Member of Legislature, Office bearer of a political party, Government servant or employees of a Corporation. In cases where foreign hospitality is involved, including travel expenses, therefore, specific and prior clearance of the Ministry of Home Affairs is required before any acceptance is conveyed. A separate reference in the prescribed Form FC. 2 indicating the source from which the travel and stay expenses are proposed to be met should be made directly to that Ministry well in time.

3. The above instructions may be please be brought to the notice of the Chief Minister, all Ministers and other officials.

Yours faithfully,

Sd.

(PREM KUMAR)

Additional Secretary to the Cabinet.

(1) Copy forwarded for information and necessary action to all Secretaries of the Ministries and Departments of the Government of India (By name).

(2) Copy forwarded to the Secretary, Ministry of External Affairs, Secretary, Ministry of Home Affairs and the Secretary, Ministry of Finance (Department of Economic Affairs) with the remark that :—

(i) On receipt of the proposal from the State Government the Ministry of Finance (Department of Economic Affairs) will act as the nodal Ministry for processing it and a simultaneous reference would be made to the following :—

(a) The Administrative Ministry concerned with the subject matter of the visit for advice on the essentiality of the visit ;

(b) Ministry of External Affairs for clearance from the political angle ; and

(c) Ministry of Home Affairs for clearance from the security angle and, where applicable, for giving permission under FCRA.

(ii) Ministry of External Affairs would examine the proposal for political clearance and send their advice to Department of Economic Affairs with copies to Ministry of Home Affairs (FCRA Division) and another copy to Ministry of Home Affairs (Internal Security Division)—but not to State Government, to enable Ministry of Home Affairs to process the individual applications for grant of permission under FCRA and for giving security clearance.

(iii) Ministry of Home Affairs will communicate to the Department of Economic Affairs the security clearance (and not to State Government). However, as regards clearance under FCRA, a formal order will issue both in the name of prospective acceptors of hospitality with copy to State Governments and Department of Economic Affairs.

(iv) Before issuing final orders regarding clearance of the visit, the number of persons to go abroad, the places to be visited and duration of visit at each place, Ministry of Finance (Department of Economic Affairs), would refer *each proposal to the Prime Minister's Office for obtaining the clearance of Prime Minister.*

(v) The Administrative Union Ministry certifying the essentiality of the visit will be responsible for processing of the report to be submitted by the State Government/Union Territory Government in terms of the guidelines mentioned at para 2 of this letter.

Sd.

(PREM KUMAR)

Additional Secretary to the Cabinet.

No. F. 1/67 EC/ 84
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
Department of Economic Affairs

New Delhi, the 17th December, 1985.

To
 The Chief Secretaries to the
 State Govts./Union Territories.

Subject.—Guidelines regarding foreign travel of Ministers of State Govts./Union Territories, Members of State Legislatures/Union Territories and State Govt. Officials.

Sir,

I am directed to invite a reference to Cabinet sectt. letter No. 21/1/1/81-Cab, dated the 16th August, 1982 on the above mentioned subject. In this connection it has been decided to prescribe the following guidelines for considering the proposals regarding travel abroad by Ministers of State Governments/Union Territories, Members of State Legislatures/Union Territories and State Government Officials.

A. Study tours/exploratory visits

(i) Visits abroad for gathering general information or knowledge which are in the nature of general purpose study tours need not be approved in any circumstances.

(ii) If, however, the study tour abroad is related to any pending scheme of development in the State, such a visit may be approved for a period not exceeding 10 days provided some specific issue or aspect need to be studied. In such cases, the visit abroad will be approved only if the development project is an approved one and is covered by Plan allocation.

(iii) Pre/post conference study tours would be restricted to six days duration only. Such pre/post conference study tours would be allowed only when they are of the nature indicated at (ii) above.

(iv) In the case of delegates participating in the Commonwealth Parliamentary Conferences, the duration of study tours would be restricted to six days and three countries, excluding travel time.

B. Visits abroad on hospitality basis

Visits abroad on an invitation from a private source/organisations would not be encouraged/approved. Visits on hospitality basis will, however, be regulated keeping in view the following criteria.—

(i) Invitations should have been received either from a foreign Government or from an international body (like UN and its specialised agencies, recognised international organisations, regional groups or any other such body with the approval of the Ministry of External Affairs, etc.). These should have been received through Ministry of External Affairs.

(ii) In case of national political parties, the expenditure relating to international travel should be borne by the concerned political parties/individual, etc., as the case may be, and not by any foreign government/organisation etc:

(iii) In the case of Ministers, the invitations should bear a relationship to their portfolio.

(iv) Invitation should have been extended on some important occasion like National Day, or an anniversary, etc. being celebrated by the host country. The period should not exceed normally 2 weeks.

C. Visits abroad for attracting NRI investment/external assistance/finalising collaboration agreement.

(a) NRI Investment

(i) The projects (promoted) by the State Governments in the State Sector should be approved plan projects covered by the plan allocations.

(ii) Sufficient advance planning should have been made before delegations are sent for attracting NRI investment for specific projects.

(iii) It would be necessary to send projects profile to the concerned offices abroad of the Indian Investment Centre to enable them to locate potential investors, etc.

(iv) Chief Ministers/Ministers need not be excluded from undertaking the visits.

(b) External Assistance

Separate visits abroad by Ministers of State Governments/Officials to negotiate external assistance for such projects need not be approved as this subject is within the purview of the Central Government which co-ordinates all external assistance.

(c) Collaboration agreements

Collaboration agreement proposals both from the Public sector and Private sector are considered on merits of each case. Among other things, profitability aspect of the proposal is to be justified fully in each case. Negotiations with foreign parties in connection with collaboration agreements are matters which are required to be carried out by technical authorities connected with the project. While giving its approval in principle, in these cases, Government of India indicate broad parameters within which agreement has to be finalised with the overseas parties. In cases where any change is sought by the project authorities they have to seek Government of India's approval first. It is, therefore, proposed that the visits abroad by Ministers/Chief Ministers for discussions/negotiations in connection with collaboration agreements need not be encouraged.

4. It is requested that the above guidelines may please be kept in view while forwarding the proposals to the Department of Economic Affairs. It is hereby clarified that unless all procedural requirements are met and proposals are submitted to the Department of Economic Affairs, at least three weeks in advance, it would be difficult for this Department to clear such proposals in time.

Yours faithfully.

Signed

(J. L. BAJAJ)

Joint Secretary to the Government of India.

Copy forwarded for information and necessary action to all Secretaries of the Ministries/Departments of the Government of India (By name).

Although the Cabinet Sectt. in their guidelines of 16th August, 1982 had prescribed that the administrative Ministries/Departments of the Government of India should go into the essentiality aspect of such proposals for tours abroad our experience hitherto has been that there was a tendency on the part of the Administrative Ministries/Departments to convey their 'No Objection' in a routing manner without really going into the essentiality aspect of the visit.

The Administrative Ministries/Departments are again requested to examine all such proposals carefully and certify the essentiality of the visit in an unambitious manner.

As mentioned in the Cabinet Sectt. guidelines, the Administrative Ministries/Departments are also requested to send their views only to this Department (and not to the concerned State/Union Territory Governments).

Signed

(J. L. BAJAJ)

Joint Secretary to the Government of India.