

No.1/50/2/2018-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 21st March, 2018


OFFICE MEMORANDUM

Subject: Timely submission of Cabinet/ Cabinet Committee notes seeking *ex-post-facto* approval or for information- reg.

The undersigned is directed to refer to instructions issued by Cabinet Secretariat from time to time regarding notes seeking *ex-post-facto* approval of the Cabinet/ Cabinet Committees or for its information, within the stipulated period of one month. In cases of delay in submitting the note, Ministries/ Departments have also been advised to incorporate specific reason(s) and justification for the delay. A copy each of relevant instructions dated 29.06.2011, 24.06.2015, 14.08.2015, 10.11.2016, 06.02.2017 and 08.09.2017, are enclosed for reference. Despite these instructions, it is observed that timelines for submission of such notes are not being adhered to in some cases.

2. As procedural requirements have already been complied with at the stage of seeking approval under Rule 12 of the Government of India (Transaction of Business) Rules, 1961, there should ordinarily be no delay in finalizing the notes seeking *ex-post-facto* approval. Similarly, the notes for information of the Cabinet can also be finalized without any delay as MoUs in these cases have already been signed under delegated powers after obtaining requisite approvals. For all such MoUs entered into under delegated powers, an intimation may also be given to this Secretariat as soon as the MoUs are signed, along with a copy of the signed MoU.

3. Ministries/ Departments are, therefore, requested to ensure that such notes are sent to this Secretariat within the stipulated period of one month. These instructions may please be disseminated to all concerned for strict compliance.


(Rajesh Bhushan)
Additional Secretary
Tele No. 2301 2697

All Secretaries to the Government of India

No. 1/50/1/2016-Cab.
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 8th September, 2017

OFFICE MEMORANDUM

Subject: Placing note for information of Cabinet/ Cabinet Committees within the stipulated time of one month.

The undersigned is directed to refer to the Government of India (Transaction of Business) Rules, 1961, Second Schedule, first proviso below entry (d), which provides that "*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*".

2. Reference is also invited to this Secretariat OM of even no. dated 6.2.2017 (copy enclosed), wherein the Ministries/ Departments were advised to inform this office, as soon as such agreements/ MoUs are entered into, along with a copy of the signed agreement/MoU. Thereafter, all such agreement/MoUs must also be brought before the Cabinet for information within one month of the signing of the agreement/MoU, as instructed vide Cabinet Secretary's D.O. dated 14.08.2015 and reiterated vide this office O.M. dated 10.11.2016 (copies enclosed).

3. Despite the said specific instructions, this Secretariat is not being informed about signing of Agreements/MoUs, which are required to be placed before the Cabinet/ Cabinet Committees for information. Besides, the timelines for circulating note for information of the Cabinet/ Cabinet Committees are also not being adhered to in some cases.

4. Therefore, the above instructions are reiterated for strict compliance, and dissemination to all concerned.



(Rajesh Bhushan)
Additional Secretary
Tele No. 2301 2697

All Secretaries to the Government of India

No.1/50/1/2016-Cab.
GOVERNMENT OF INDIA/BHARAT SARKAR
CABINET SECRETARIAT/MANTRIMANDAL SACHIVALAYA
RASHTRAPATI BHAWAN

New Delhi, the 6th February, 2017

OFFICE MEMORANDUM

Subject: Placing note for information of Cabinet/Cabinet Committees within the stipulated period of one month.

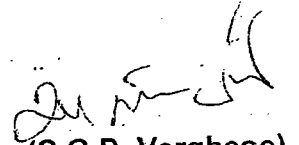
The undersigned is directed to refer to the Government of India (Transaction of Business) Rules, 1961, Second Schedule, first proviso below entry (d), which provide that "Cultural Agreements and Agreements on Science and Technology not impacting the national security or our relations with other countries 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".

2. Attention is also drawn to this Secretariat's O.M. of even no. dated 10.11.2016 wherein Ministries/ Departments have been requested to forward notes seeking *ex-post-facto* approval of Cabinet/ Cabinet Committee or for information, well within the stipulated period of one month so as to enable this Secretariat to place the note for consideration of Cabinet/ Cabinet Committees.

3. In this regard, it has been observed that in many cases, Ministries/ Departments which have entered into Agreements covered in terms of the proviso mentioned above are finalizing notes for information of the Cabinet/ Cabinet Committees well beyond the stipulated period of one month.

4. In view of the above, Ministries/ Departments are requested to send an intimation to this Secretariat as soon as such Agreements are entered into along with a copy of the signed Agreement. Ministries/ Departments may also ensure that notes for information are forwarded to this Secretariat well within the stipulated period of one month for timely consideration of such notes by the Cabinet/ Cabinet Committee.

5. The above instructions may please be disseminated to all concerned for strict compliance.


(S.G.P. Verghese)

Director

Tel: 2301 1791

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All Secretaries to the Government of India (as per list).

No.1/50/1/2016-Cab.
GOVERNMENT OF INDIA/BHARAT SARKAR
CABINET SECRETARIAT/MANTRIMANDAL SACHIVALAYA
RASHTRAPATI BHAWAN

New Delhi, the 10th November, 2016

OFFICE MEMORANDUM

Subject: Seeking timely ex-post-facto approval of the Cabinet/Cabinet Committees.

The undersigned is directed to refer to this Secretariat's O.M. No. 1/3/3/2011-Cab. dated 29.06.2011 which stipulates that in cases where approval of the Prime Minister has been obtained under Rule 12 of the Government of India (Transaction of Business) Rules, 1961, "the note for seeking ex-post facto approval of the Cabinet or concerned Cabinet Committee should be forwarded to Cabinet Secretariat latest within one month of the approval under Rule 12". Attention is also drawn to Cabinet Secretary's D.O. letter no. 1/48/6/2015-Cab. dated 14.08.2015 which conveyed the directions of the Prime Minister that "all MoUs that are signed by the Departments and are required to be brought before the Cabinet for post facto approval or information, under extant provisions, must be submitted within one month of the signing of the MoU. In case of any delay, the Note should detail the specific reason(s) and justification(s) in submitting the Note before the Cabinet after the prescribed time period".

2. In spite of the clear instructions on the subject, instances of delayed submission of notes by Ministries/ Departments have been observed. In many cases, the Ministry/ Department has not detailed reason(s) and justification(s) for the delay in submitting the note beyond the prescribed time period. This has been viewed seriously.
3. The undersigned has been directed to reiterate the above instructions and request the Ministries/ Department to forward notes seeking ex-post-facto approval of Cabinet/ Cabinet Committee or for information, well within the stipulated period of one month so as to enable this Secretariat to place the note for consideration of Cabinet/ Cabinet Committees.
4. It is requested that the above instructions may please be disseminated to all concerned for strict compliance.


(S.G.P. Verghese)

Director

Tel: 2301 1791

Fax: 2379 3504

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All Secretaries to the Government of India.

प्रदीप कुमार सिन्हा
PRADEEP K. SINHA



मंत्रिमंडल सचिव
भारत सरकार
CABINET SECRETARY
GOVERNMENT OF INDIA

D.O. No. 1/48/6/2015-Cab

August 14, 2015

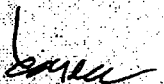
Dear Secretary,

Please refer to my earlier D.O. No. 1/48/6/2015-Cab dated June 24, 2015 regarding obtaining approval of the Cabinet for signing of MoUs. It is still being noticed that Cabinet Notes on MoUs are being brought before the Cabinet for its post facto approval or information after considerable delay from the date of signing of such MoUs. Prime Minister has expressed displeasure in this regard and directed that all MoUs that are signed by Departments and are required to be brought before the Cabinet for post facto approval or information, under the extant provisions, must be submitted within one month of the signing of the MoU. In case of any delay, the Note should detail the specific reason(s) and justification(s) in submitting the Note before the Cabinet after the prescribed time period.

2. You may like to personally ensure that the above instructions are strictly complied with.

With regards,

Yours sincerely,


(P. K. Sinha)

All Secretaries to the Government of India

प्रदीप कुमार सिन्हा
PRADEEP K. SINHA



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मंत्रिमंडल सचिव
भारत सरकार
CABINET SECRETARY
GOVERNMENT OF INDIA

D.O. No. 1/48/6/2015-Cab.

June 24, 2015

Dear Secretary,

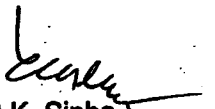
The Prime Minister has expressed concern that some Ministries/Departments are seeking approval under Rule 12 of the Government of India (Transaction of Business) Rules, 1961 for signing MoUs with foreign countries/organisations at the eleventh hour. You would appreciate that Rule 12 is invoked for situations of extreme urgency or unforeseen contingency. In most cases, the schedule of visits on which the MoUs are to be signed are known beforehand and it should be possible to take timely action and prepare a Note for consideration of the Cabinet. Therefore, I would urge you to ensure that the Cabinet Notes seeking approval for signing of MoUs are prepared sufficiently in advance of the proposed visits so as to preclude the need to seek approval under Rule 12.

2. Also, you may like to look into cases where approvals under Rule 12 have already been obtained for entering into an MoU and ensure that a Note seeking ex post facto approval of the Cabinet is sent to us positively within this week, if this has not already been done. This would also apply to cases where MoUs have already been signed by the Ministry/Department under delegated powers and a Note is required to be brought before the Cabinet for its information.

3. This may please be treated as urgent, as the Prime Minister has desired that all such cases may be brought before the next Cabinet meeting.

With regards,

Yours sincerely,


(P.K. Sinha)

MOST IMMEDIATE

No. 1/3/3/2011-Cab.
GOVERNMENT OF INDIA/BHARAT SARKAR
CABINET SECRETARIAT/MANTRIMANDAL SACHIVALAYA
RASHTRAPATI BHAWAN

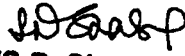
New Delhi, the 29th June, 2011

OFFICE MEMORANDUM

Subject: Seeking timely *ex-post-facto* approval of the Cabinet/ Cabinet Committees.

The undersigned is directed to refer to the above mentioned subject and to state that in cases where approval of the **Prime Minister** has been obtained under Rule 12 of the Government of India (Transaction of Business) Rules, 1961, the note for seeking *ex-post-facto* approval of the Cabinet or concerned Cabinet Committee should be forwarded to Cabinet Secretariat latest within one month of the approval under Rule 12.

2. It is requested that the above instructions may please be disseminated to all concerned for strict compliance.


(S.D. Sharma)
Deputy Secretary (Cabinet)
Tele: 2379 2204

All Secretaries to the Government of India (as per list attached).