



No. 1635/Secy(W)/2023

10th April 2023

Dear Colleagues (Secretary / Chief Secretary)

It has been adversely noticed that some Foreign Diplomatic and Consular Missions, resident in India, have been misusing their diplomatic privileges by seeking information or access to destinations that are sensitive in nature. Foreign Missions/Posts are also increasingly dealing with multiple Indian agencies, bypassing established channels of communication. Unfettered access to government representatives/officials, to places, and information that have sensitivities associated with them can compromise our natural interests.

2. To present a coherent and unified policy approach in dealing with foreign countries, it is essential that all Central and State Government agencies in India scrupulously follow the established processes and channels of communication while dealing with foreign representatives.
3. Foreign affairs and all matters which bring the Union into relation with any foreign country are, in the Seventh Schedule of the Constitution (Article 246), placed under List I (Union List). The Schedule further places in the Union List matters of Diplomatic, Consular and trade representation, matters pertaining to United Nations Organisation, participation in International Conferences, Associations and other bodies and implementing of Treaties, Agreements and Conventions with foreign countries, Foreign jurisdiction, Citizenship, naturalisation and aliens, extradition, admission into, and emigration and expulsion from India and passports and visas.
4. Further, the Government of India (Allocation of Business) Rules, 1961, as amended upto Amendment Series No. 370, dated 23rd December, 2022, allocate to the Ministry of External Affairs all matters relating to external affairs of India, including relations with foreign States and Commonwealth Countries, as well as all matters affecting Foreign Diplomatic and Consular officers, U.N. Officers and its specialised agencies in India, all consular functions and ceremonial matters relating to foreign and Commonwealth Visitors and Diplomatic and Consular Representatives.

5. On the specific issue of Human Rights, these Rules provide that, such functions, namely (a) interaction with Human Rights Organisations abroad; (b) International Declarations, Treaties, conventions and conferences; references received from the United Nations and other specialised agencies and organisations thereof; (c) implementation of reporting obligations, in coordination with the Ministries concerned, required under the United Nations and International Conventions, to which India is a State Party, will be exercised by the Ministry of External Affairs in close coordination with the Ministry of Home Affairs, which shall be the nodal Ministry for policy and for coordination of all matters relating to Human Rights.

6. Rules also provide that the Ministry of External Affairs will be consulted by the Ministries concerned in all matters concerning Overseas Indians handled by them, such as PIO Card Scheme, dual citizenship issues, Foreign Contribution (Regulation) Act and matters of Non-Governmental Organizations of Overseas Indians.

7. In order to give effect to the above regulations, channels of communications have been prescribed for Foreign Diplomatic and Consular Missions to interface with the Ministries and Departments of the Government of India and States and Union Territories. These are listed under Chapter – XVIII, Channel of Communication, in the Protocol Handbook published by the Ministry of External Affairs, which is available at https://meaprotocol.nic.in/new_forms/Protocol%20Handbook%202018.pdf.

8. The channel of communication between Foreign Diplomatic Missions in India and the Government of India on matters of substance and of more than ephemeral interest, as distinct from normal routine matters, is through the Ministry of External Affairs. Only routine economic and commercial queries/issues, may be pursued by the foreign Missions directly with the Ministries of the Government of India concerned. Even in such matters, the Ministries concerned and the foreign Missions have to ensure that the Territorial/Economic Division of the Ministry of External Affairs is kept informed of such approaches.

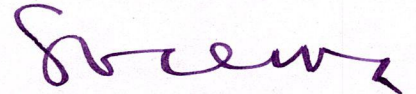
9. Similarly, Foreign Missions in India are not authorised to establish direct contacts with State Governments or Union Territories on matters of substance, including foreign trade, external aid and project collaboration. Instead, they are required to conduct all official business with the Ministry of External Affairs. Consuls General, Consuls, and Trade Representatives and Deputy High Commissioners of Commonwealth countries in India may communicate directly with State Governments, but only on routine matters such as requests for factual information on technical subjects.

10. I would like to request your cooperation in the implementation of these guidelines. In the interest of maintaining diplomatic protocol and ensuring consistency in the communication process, I request that Ministries and Departments of the Government of India and the States and Union Territories of India should not engage directly with Foreign Diplomatic Missions on any matter of policy or public interest or give foreign diplomatic representatives any meetings or authorize any trips or visits to locations in States without the express approval of the Ministry of External Affairs.

11. It is requested that these instructions may kindly be conveyed to all Departments and Agencies under your charge, and officials sensitized on the need for exercising caution and following the prescribed channel of communication while dealing with Foreign Diplomatic Missions. Together, we can enhance the effectiveness of communication between Foreign Diplomatic Missions and Government agencies on matters of substance and interest, while safeguarding our national interests. May I also mention that our diplomats abroad too work under such standard protocol guidelines.

Best Wishes,

Yours sincerely,



(Sanjay Verma)

To:

1. All Secretaries in Government of India.
2. All Chief Secretaries in State Governments.
3. All Chief Secretaries in Union Territories.

Copy to:

1. Cabinet Secretary.
2. Foreign Secretary.
3. Joint Secretary (Prime Minister's Office).