



भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
कृषि भवन, नई दिल्ली--110001
KRISHI BHAWAN, NEW DELHI--110001



F.No.290/IR/Misc. Corr./2018

Dated: 8th May, 2019

To,

1. All Vice-Chancellors of Central/State Agricultural Universities
2. All Directors/Project Directors of ICAR Institutes and KVK Heads

The Competent Authority of the Council has approved the following set of instructions/rules for adoption/compliance by all with regard to submission of proposals for foreign-collaborations for research projects and/or signing of MoUs/MoAs with foreign Institutions/organizations/agencies in order to do away with arbitrary and variable practices in this connection and to bring parity into the process of examination of such proposals in order to adjudge their suitability. The standard procedure is as under:-

1. The draft MoU/MoA may emanate/originate either from DARE/ICAR/CAU/SAU or from a foreign University/Organization etc. interested in collaboration for agricultural research, education and extension.
2. It must be ensured that the proposed draft MoU/MoA conforms to the extant standard template MoU being adhered to by the Council in compliance of DARE's communication No.12-7/2011—IC (CG) dated 25/02/2011, including financial clauses and IPR issues (copy enclosed).
3. While preparing the draft MoU/MoA or any collaborative research project, it is advised that the parties involved shall read the respective country papers, as available in the Ministry of External Affairs, Govt. of India including any bilateral or multilateral agreement papers as appropriate to the proposal and/or any joint-statement between the countries involved to fit-in or align the MoU/MoA accordingly.
4. The proposal for any international collaboration with or without MoU/MoA should be sent to concerned DDGs/Independent ADGs by the ICAR Institutes.
5. The SMDs must vet the proposal and take required clearances from IP Cell, Legal Cell and IFD of the Council's Hqrs., and forward the proposals to the International Relations Division of ICAR Hqrs.
6. The International Relations Division of ICAR will check all clearances on such matters and refer the case to the International Cooperation Section of DARE along with its strategic comments/views that will provide a final technical clearance for the MoU/MoA or research proposal.

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7. Subsequently, the IC Section of DARE will solicit approvals of Ministry of External Affairs (to the concerned Territorial Division) for clearance from Political and Legal Angles; Ministry of Home Affairs (to the Policy Planning Division) for clearance from Policy Planning angle; Department for Promotion of Industry and Internal Trade (erstwhile "Department of Industrial Policy and Promotion/DIPP") for clearance from IPR angle; and Ministry of Environment, Forests and Climate Change for prior approval of the MoU/MoA or any research proposal where exchange of germplasm is involved.
8. After obtaining requisite clearance/suggestions from the concerned appraisal agencies, the proposed draft of the MoU/MoA will be returned to the concerned SMDs/Instt./SAUs from where it originated, requesting them to consider the suggestions, if any, and wherever necessary, alter or add appropriately as suggested by the concerned appraisal agencies. Accordingly, the revised draft MoU/MoA will be then re-submitted to DARE for obtaining approval of the Competent Authority.
9. After approval by the Competent Authority, a letter of approval will be issued by DARE to both the proposing parties who would then agree on the terms and sign the mutually agreed MoU/MoA, and/or bid a research proposal either.
10. Prior approval of DARE is a mandatory for all ICAR Institutes and Central/State Agricultural Universities/other Departments/Institutions for signing of a MoU/ MoA or for any foreign collaboration in research, education and extension including projects and academic programs with foreign Universities/ Organizations etc.
11. In case of proposals emanating from Central/State Agricultural Universities for any foreign collaboration with or without MoU, the proposals shall be directly made to the Director, DARE.

This Circular is being issued with approval of the Competent Authority for information, guidance and compliance of all concerned.


Sushil Kumar 8/5/19.

Addl. Secretary, DARE & Secretary, ICAR

Copy to:

1. Secretary, DARE and Director General, ICAR for information
2. Deputy Secretary (IC & Estt.), DARE for information



भारत सरकार
कृषि विभाग
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F. No. 12-7/2011-IC(CG)
Dated the 25th Feb. 2011

To,

1. All Vice-Chancellors of State Agricultural Universities
2. All Directors/Project Directors/NRCs/Zonal Coordinators

As you are no doubt aware, item No.10 of the Union List, given in the VII Schedule of the Indian Constitution, provides that foreign affairs, including all matters which bring the Union into relation with another foreign country, is the exclusive jurisdiction of the Central Government. In other words, no State/organ of the State in India can deal directly with foreign countries or its organisations.

2. As you are also perhaps aware, Government of India's Allocation of Business Rules, made under Article 77(3) of the Constitution of India, allocate the following amongst others, to Department of Agricultural Research & Education (DARE):

International cooperation and assistance in the field of agricultural research and education including relations with foreign and international agricultural research and education institutions and organisations.

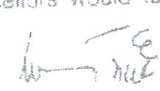
3. Read together, it can be seen that any relationship that an agricultural university wants to establish with an entity abroad, would require to be "gateway-ed" through DARE, Govt. of India.

4. In recent past, it has come to notice that certain agriculture universities signed agreements with international organisations directly, including even allotment/earmarking of land without consulting DARE. Not only are such agreements ab initio void, as they are in violation of the provisions of Constitution of India.

5. All agricultural universities are requested to take note that:

- i. They may not enter into any agreement with any foreign or international organisation nor even organise international conferences, without the approval of DARE.
- ii. In cases where universities have already done so, such agreements should not be acted upon, and should either be ended, or got regularized by getting permission of DARE before they are acted upon.
- iii. In future, whenever there is doubt about how an agricultural university should deal with foreign countries or organisations or international organisations, it is best to refer the matter to DARE seeking clarification from them.

6. As this is an important matter, it is hoped that the Vice-Chancellors would take particular care at their level.


(RAJIV MEHRISHI)
Joint Secretary DARE