# Political Clearance

## Why in news?

Delhi Education Minister who was invited by Cambridge University to speak at a conference, has been cleared by the Centre to travel to the UK.

## What is political clearance?

- The *Ministry of External Affairs* (MEA) issues political clearance.
- It is required for *any government servant* including public servants who is seeking to go abroad.
- Without this clearance, no public servant can travel overseas.

## What is the process?

- The government servants apply for political clearance to Ministry of External Affairs (MEA).
- Since 2016, applications can be made on the portal epolclearance.gov.in.
- Applications are processed and cleared after coordination among various divisions of the Ministry.
- **Decision -** The decision on political clearance is taken based on several factors, including
    - The nature of the event.
    - Level of participation from other countries.
    - Nature of the invitation.
    - India's relations with the host country.
- **Rejection -** The requests by CMs (and ministers) for political clearance can be denied based on above such factors by the MEA.
- **Issues -** Dilatory system of MEA
- MEA's sole right to decide on the suitability, desirability, and level of participation of Indian officials in engagements abroad.

## Who needs political clearance?

- **Public Servants -** *All Chief Ministers* and *Ministers of states and Union Territories* are required to obtain political clearance from the Centre before their travel abroad.
- Prior political clearance and FCRA (Foreign Contribution Regulation Act) clearance are mandatory for them.
- The Cabinet Secretariat and the Ministry of External Affairs should be kept informed of their proposed *official and private* foreign visit.
- A copy of the application must be sent to the Secretary, Department of Economic Affairs (DEA).

- **Judges -** For official visits, a judge of the Supreme Court or a state High Court has to obtain clearance *from the Chief Justice of India*.
- Then the proposal is send to the *Department of Justice (DoJ)* in the Union Ministry of Law and Justice.
- The DoJ issues approval after taking
    - Political clearance from the MEA and
    - In some cases FCRA clearance from the Home Ministry (where FCRA is involved).
- However, the *personal travel* of judges of the higher judiciary *do not require* such clearances.

*The MEA issued an office memorandum that required Supreme Court and high court judges to seek political permission for private visits abroad in 2021. The court quashed the office memorandum in 2022.*

## Do government servants need any additional clearances?

- **Ministers -** Union ministers need clearance from the Prime Minister's Office in addition to the political clearance from the MEA for both official and personal trips.
- **Non-executive MPs** - Only for the *official trips*
    - Members of Lok Sabha need clearance from the Speaker
    - Rajya Sabha need clearance from the Chairperson (Vice President of India)
- **Bureaucrats -** For government employees, all foreign trips, official or personal, need approval.
- For officers up to the rank of Joint Secretary, clearance is given by the Minister concerned, after the MEA's political clearance.
- For officers above that rank, the proposal is approved by a screening committee of secretaries.
- **FCRA -** Rules for clearance vary according to the duration of the visit, the country being visited, and the number of members in the delegation.
- If the visiting Indian official is hosted by organisations other than those of the United Nations, Foreign Contribution Regulation Act (FCRA) clearance is needed from the Home Ministry.

### References


1. IE - Why do state Ministers need Centre's OK to travel abroad?
2. Office Memorandum - 2014 - pdf



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