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Anil Malik, IAS



संयुक्त सचिव (विदेशी)
गृह मंत्रालय
भारत सरकार
JOINT SECRETARY (FOREIGNERS)
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

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319/Imm/2018
16/8/18

D.O. F. No.20022/18/2017-Imm

Dated: 8 .01.2018

Dear Sir,

Please refer to this Ministry's letters No.20022/06/2005-Imm(part) dated 23.08.2010, 12.05.2011, 25.10.2011, 29.08.2013, 05.01.2015 and 06.04.2017 regarding "Reimbursement of expenditure incurred by the State Governments and UTs for performing agency functions on behalf of the Central Government".

2. The functions of the Central Government under The Foreigners Act, 1946, The Passport (Entry into India) Act, 1920 and The Registration of Foreigners Act, 1939 and the Rules and Orders framed under these enactments have been entrusted to State Governments and UTs with their prior consent under Articles 258 & 239 of the Constitution of India. The Foreigners Division of the Ministry of Home Affairs deals with reimbursement of expenditure claimed by the State Government for performing agency functions on behalf of the Central Government under the following Acts:

- i) The Foreigners Act, 1946;
- ii) The Passport (Entry into India) Act, 1920;
- iii) The Registration of Foreigners Act, 1939 and
- iv) The Citizenship Act, 1955.

3. Initially, the State Governments and UTs incur appropriate expenditure and subsequently claim reimbursement of this expenditure for performing the agency functions on behalf of the Central Government. Reimbursements are made by the Central Government for claims which are duly accompanied by Audit and Utilization Certificates issued by the concerned Accountant General of the State.

4. Such reimbursement is done under the Major Head 3601- Grants in aid to the State Governments and UTs under the Sanctioned Budget Grant of the Ministry of Home Affairs. Expenditure can be incurred under the following three sub-heads:

- i) Other Acts and Regulations
- ii) Registration and Surveillance of Foreigners
- iii) Administration of Citizenship Act

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5. Under 'Other Acts and Regulations', reimbursements to State Governments and UTs are made on the establishment of office and staff in the State Secretariat who are performing duties relating to the three enactments mentioned in para 2. Under 'Registration and Surveillance of Foreigners', reimbursements for expenditure incurred at the field levels under these enactments are made. Further, under the sub-head 'Administration of Citizenship Act', expenditure incurred on matters related to grant of citizenship are considered for reimbursement.

6. It has been observed that some State Governments and UTs are irregular in sending their proposal for reimbursements. Some States do not send any reimbursement claims at all while some States bunch the claims of a few years wherein reimbursement claims for small amounts (say, for deportation of a foreigner) are received in piecemeal. The reimbursement claim for a particular financial year should be comprehensive including all the expenditure incurred by the concerned State in performing agency functions.

7. Therefore I would request your personal intervention in the matter & request submission of reimbursement proposals, if any, along with Audit Certificates and proper justification in respect of the expenditure incurred your Government for performing the above-mentioned agency functions.

With warm regards,

Yours Sincerely,


(Anil Malik)

Shri S.C. Gupta, IAS
The Addl. Chief Secretary (Home),
Govt. of Sikkim,
New Secretariat, Development Area,
Manan Bhavan, Gangtok -737101.