

**The Foreign Contribution (Regulation) Bill, 2010**  
and  
**The Foreign Contribution (Regulation) Act, 1976**

**A Concordance with Comments**

| Section | FCRA 1976   | Section | FCRB 2010  | Comments  |
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|         | <b>PREAMBLE</b>   |         | <b>PREAMBLE</b>  |   |
|         | An ACT to regulate the acceptance and utilization of foreign contribution or foreign hospitality by certain persons or associations, with a view to ensuring that parliamentary institutions, political associations and academic and other voluntary organisations as well as individuals working in the important areas of national life may function in a manner consistent with the values of a sovereign democratic republic, and for matters connected therewith or incidental thereto. |         | A BILL to consolidate the law to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain individuals or associations or companies and to prohibit acceptance and utilisation of foreign contribution or foreign hospitality for any activities detrimental to the national interest and for matters connected therewith or incidental thereto. | The FCRA's emphasis is on the preservation of sovereign democratic and republican values – these are mentioned in the Preamble of the Constitution. FCRB has done away with this connection. Instead the test of 'detriment to national interest' is to be applied to the actions of persons covered by the Act. This is a term often undefined in the Act, often loosely used and differs from time to time depending upon the politics of the day. It has immense potential for abuse especially to get rid of any organisation that expresses dissent or criticizes the policies or actions of government. |
|         | <b>SHORT TITLE APPLICATION AND COMMENCEMENT</b>   |         | <b>CHAPTER I PRELIMINARY</b>   |   |
| 1(1)    | This Act may be called the Foreign Contribution (Regulation) Act, 1976.   | 1(1)    | This Act may be called the Foreign Contribution (Regulation) Act, 2010.  | <b>Obvious change in title</b>  |
| 1(2)    | It extends to the whole of India, and it shall also apply to--<br>(a) citizens of India outside India; and<br>(b) associates, branches or subsidiaries, outside India, of companies or bodies corporate, registered or incorporated in India.   | 1(2)    | It extends to the whole of India, and it shall also apply to--<br>(a) citizens of India outside India; and<br>(b) associates, branches or subsidiaries, outside India, of companies or bodies corporate, registered or incorporated in India.  | <b>No change</b>  |

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| 1(3) | It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint,  | 1(3)    | It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:<br>Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision. | No time limit is prescribed for enforcement. Government reserves the right to operationalise different provisions at different dates at its discretion. |
|      | <b>Definitions</b>  |         | <b>Definitions</b>  |   |
| 2(a) | "association" means an association of individuals, whether incorporated or not, having an office in India and includes a society, whether registered under the Societies Registration Act 1860 or not, and any other organisation, by whatever name called; | 2(1)(a) | "association" means an association of individuals, whether incorporated or not, having an office in India and includes a society, whether registered under the Societies Registration Act, 1860, or not, and any other organisation, by whatever name called;   | <b>No change</b>  |
| -    | <b>No comparative provision</b>   | 2(1)(b) | "authorised person in foreign exchange" means an authorised person referred to in clause (c) of section 2 of the Foreign Exchange Management Act, 1999;   | <b>New provision</b>  |
| -    | <b>No comparative provision</b>   | 2(1)(c) | "bank " means a banking company as referred to in clause (c) of section 5 of the Banking Regulation Act, 1949;  | <b>New provision</b>  |
| 2(b) | "candidate for election" means a person who has been duly nominated as a candidate for election to any Legislature;   | 2(1)(d) | "candidate for election" means a person who has been duly nominated as a candidate for election to any Legislature;   | <b>No change</b>  |
| -    | <b>No comparative provision</b>   | 2(1)(e) | "certificate" means certificate of registration granted under sub-section (3) of section 12;  | <b>New provision</b>  |
|      | <b>No comparative provision</b>   | 2(1)(f) | "company" shall have the meaning assigned to it under clause (17) of section 2 of the Income-tax Act, 1961;   | <b>New provision</b>  |
|      | <b>See 2(e)(iii) and Explanation below 2(k) at the bottom of the definitions clause</b>   | 2(1)(g) | "foreign company" means any company or association or body of individuals incorporated outside India and includes—<br>(j) a foreign company within the meaning of   | FCRA 2(e)(iii) corresponds to FCRB 2(1)(g)  |

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|      |  |         | <p>section 591 of the Companies Act, 1956;<br/> <i>(ii)</i> a company which is a subsidiary of a foreign company;<br/> <i>(iii)</i> the registered office or principal place of business of a foreign company referred to in sub-clause <i>(i)</i> or company referred to in sub-clause <i>(ii)</i>;<br/> <i>(iv)</i> a multi-national corporation.</p> <p><i>Explanation.</i>— For the purposes of this sub-clause, a corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation,-<br/> <i>(a)</i> has a subsidiary or a branch or a place of business in two or more countries or territories; or<br/> <i>(b)</i> carries on business, or otherwise operates, in two or more countries or territories;</p> | <p>Explanation below FCRA 2(k) corresponds to Explanation under FCRB 2(1)(g)</p>  |
| 2(c) | <p>"foreign contribution" means the donation, delivery or transfer made by any foreign source,—<br/> <i>(i)</i> of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, does not exceed one thousand rupees;<br/> <i>(ii)</i> of any currency, whether Indian or foreign;<br/> <i>(iii)</i> of any foreign security as defined in clause <i>(i)</i> of section 2 of the Foreign Exchange Regulation Act, 1973;</p> <p><b>[Explanation.</b>—A donation delivery or transfer of any article currency or foreign security referred to in this clause by any person who has received it from any foreign source, either</p> | 2(1)(h) | <p>"foreign contribution" means the donation, delivery or transfer made by any foreign source,—<br/> <i>(i)</i> of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, is not more than such sum as may be specified from time to time, by the Central Government by the rules made by it in this behalf;<br/> <i>(ii)</i> of any currency, whether Indian or foreign;<br/> <i>(iii)</i> security as defined in clause <i>(h)</i> of section 2 of the Securities Contracts (Regulation) Act, 1956 and includes any foreign security as defined in clause <i>(o)</i> of section 2 of the Foreign Exchange</p>  | <p>In FCRB 2(1)(h)(i) the Government wants to reserve for itself the power to determine the minimum limits of FC from time to time instead of laying it down in the law. This amounts to giving too much discretionary authority to officers which is liable to be abused.</p> <p>FCRA 2(c)(ii) = FCRB 2(1)(h)(ii)</p> <p>FCRB 2(1)(h)(iii) is an expansion over its mirror provision in FCRA due to the institution of FEMA.</p> |

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|      | directly or through one or more persons, shall also be deemed to be foreign contribution within the meaning of this clause;]  |         | <p>Management Act, 1999.</p> <p><i>Explanation 1.</i>— A donation, delivery or transfer of any article, currency or foreign security referred to in this clause by any person who has received it from any foreign source, either directly or through one or more persons, shall also be deemed to be foreign contribution within the meaning of this clause.</p> <p><i>Explanation 2.</i>— The interest accrued on the foreign contribution deposited in any bank referred to in sub-section (1) of section 17 or any other income derived from the foreign contribution or interest thereon shall also be deemed to be foreign contribution within the meaning of this clause.</p> <p><i>Explanation 3.</i>— Any amount received, by any person from any foreign source in India, by way of fee ( including fees charged by an educational institution in India from foreign student) or towards cost in lieu of goods or services rendered by such person in the ordinary course of his business, trade or commerce whether within India or outside India or any contribution received from an agent of a foreign source towards such fee or cost shall be excluded from the definition of foreign contribution within the meaning of this clause.</p> | <p><b>No change in Explanation 1</b></p> <p>Explanation 2 is a new provision and really amounts to overkill. Under the Bill the FC must be received in a Scheduled Bank. They use it to give out loans to all and sundry or invest it in the foreign exchange or debt or equity market and earn profit/interest. In what manner can this also be called FC? This may have a bearing on the general pool of money for NGOs that put away interest for a rainy day, or to build a corpus fund. If FCRB becomes law even this pool of money is open for confiscation.</p> <p>Explanation 3 is a new provision</p> |
| 2(d) | "foreign hospitality" means any offer, not being a purely casual one, made by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free board, lodging, transport or medical treatment; | 2(1)(i) | "foreign hospitality" means any offer, not being a purely casual one, made in cash or kind by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free boarding, lodging, transport or medical treatment.  | FCRB clarifies that the contribution made in cash and kind are both concluded under this definition. This clarity is lacking in the FCRA. However, it is not clear what constitutes a 'purely casual' offer.   |
| 2(e) | "foreign source" includes--<br>(i) the Government of any foreign country or territory and any agency of such Government,  | 2(1)(j) | "foreign source" includes, —<br>(i) the Government of any foreign country or territory and any agency of such   | FCRA 2(e)(i) = FCRB 2(1)(j)(i)   |

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|  | <p>(ii) any international agency, not being the United Nations or any of its specialised agencies, the World Bank, International Monetary Fund or such other agency as the Central Government may, by notification in the Official Gazette, specify in this behalf,</p> <p>(iii) a foreign company within the meaning of section 591 of the Companies Act, 1956, and also includes--</p> <p>(a) a company which is a subsidiary of a foreign company, and</p> <p>(b) a multi-national corporation within the meaning of this Act,</p> <p>(iv) a corporation, not being a foreign company, incorporated in a foreign country or territory,</p> <p>(v) a multi-national corporation within the meaning of this Act,</p> <p>(vi) a company within the meaning of the Companies Act, 1956 if more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely:--</p> <p>(a) Government of a foreign country or territory,</p> <p>(b) citizens of a foreign country or territory,</p> <p>(c) corporations incorporated in a foreign country or territory,</p> <p>(d) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory,</p> | <p>Government;</p> <p>(ii) any international agency, not being the United Nations or any of its specialised agencies, the World Bank, International Monetary Fund or such other agency as the Central Government may, by notification, specify in this behalf;</p> <p>(iii) a foreign company;</p> <p>(iv) a corporation, not being a foreign company, incorporated in a foreign country or territory;</p> <p>(v) a multi-national corporation referred to in sub-clause (iv) of clause (g);</p> <p>(vi) a company within the meaning of the Companies Act, 1956, and more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely:—</p> <p>(A) the Government of a foreign country or territory;</p> <p>(B) the citizens of a foreign country or territory;</p> <p>(C) corporations incorporated in a foreign country or territory;</p> <p>(D) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory;</p> <p>(E) foreign company;</p> | <p>FCRA 2(e)(ii) = FCRB 2(1)(j)(ii)</p> <p>FCRA 2(e)(iii)-(vi) = FCRB 2(1)(j)(iii)-(vi) and 2(1)(g)(iv) above</p> |
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|      | <p>(vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory,</p> <p>(viii) a foreign trust by whatever name called, or a foreign foundation which is either in the nature of trust or is mainly financed by a foreign country or territory.</p> <p>(ix) a society, club or other association of individuals formed or registered outside India,</p> <p>(x) a citizen of a foreign country, but does not include any foreign institution which has been permitted by the Central Government, by notification in the Official Gazette, to carry on its activities in India;</p>   |         | <p>(vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory;</p> <p>(viii) a foreign trust or a foreign foundation, by whatever name called, or such trust or foundation mainly financed by a foreign country or territory;</p> <p>(ix) a society, club or other association of individuals formed or registered outside India;</p> <p>(x) a citizen of a foreign country;</p>   | <p>FCRA 2(e)(vii) = FCRB 2(1)(j)(vii) on previous page</p> <p>FCRA 2(e)(viii) = FCRB 2(1)(j)(viii)</p> <p>FCRA 2(e)(ix) = FCRB 2(1)(j)(ix)</p> <p>FCRA 2(e)(x) = FCRB 2(1)(j)(x)</p>  |
| 2(f) | <p>"Legislature" means--</p> <p>(i) either House of Parliament,</p> <p>(ii) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State,</p> <p>(iii) Legislative Assembly of a Union territory constituted under the Government of Union Territories Act, 1963,</p> <p>(iv) the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966,</p> <p>(v) Municipal Corporations in metropolitan areas as defined in the Code of Criminal Procedure, 1973,</p> <p>(vi) District Councils and Regional Councils in the States of Assam and Meghalaya and in the</p> | 2(1)(k) | <p>"Legislature" means —</p> <p>(A) either House of Parliament;</p> <p>(B) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State;</p> <p>(C) Legislative Assembly of a Union territory constituted under the Government of Union Territories Act, 1963;</p> <p>(D) Legislative Assembly for the National Capital Territory of Delhi referred to in the Government of National Capital Territory of Delhi Act, 1991;</p> <p>(E) Municipal Corporations in metropolitan areas as defined in the Code of Criminal Procedure, 1973;</p> <p>(F) District Councils and Regional Councils</p> | <p><b>No change in this provision save the recognition of the changed administrative status of Delhi and the inclusion of Panchayats. Panchayats were not included in the FCR Bill of 2006. Without adequate devolution of powers panchayats cannot be equated with legislatures by any stretch of imagination.</b></p> |

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|      | Union territory of Mizoram as provided in the Sixth Schedule to the Constitution, or<br><br>(vii) any other elective body as may be notified by the Central Government, as the case may be;   |         | in the States of Assam, Meghalaya, Tripura and Mizoram as provided in the Sixth Schedule to the Constitution;<br>(G) Panchayat as defined in clause (d) of article 243 of the Constitution; or<br>(H) any other elective body as may be notified by the Central Government, as the case may be;   |   |
| -    | <b>No comparative provision</b>   | 2(1)(l) | "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;   | <b>New provision</b>  |
| -    | <b>No comparative provision</b>   | 2(1)(m) | "person" includes—<br>(i) an individual;<br>(ii) a Hindu undivided family;<br>(iii) an association;<br>(iv) a company registered under section 25 of the Companies Act, 1956;   | <b>New provision</b><br><br>By virtue of the definition of association contained in 2(1)(a) of FCRB a body registered under the <i>Societies Registration Act, 1860</i> is also included in the definition of 'person'.   |
| 2(g) | "political party" means--<br>(i) an association or body of individual citizens of India--<br><br>(1) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being; or<br><br>(2) which has set up candidates for election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968;<br><br>(ii) a political party mentioned in column 1 of Table I to the notification of the Election Commission of India No. 56/J&K/84, dated the 27th September, 1984, as in force for the time being; | 2(1)(n) | "political party" means—<br>(i) an association or body of individual citizens of India—<br><br>(A) to be registered with the Election Commission of India as a political party under section 29A of the Representation of the People Act, 1951; or<br><br>(B) which has set up candidates for election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968;<br><br>(ii) a political party mentioned in column 2 of Table 1 and Table 2 to the notification of the Election Commission of India No.56/J&K/02, dated the 8th August, 2002, as in force for the time being; | FCRA 2(g)(1) is expanded in FCRB 2(1)(n)(i)(A) to include bodies that have applied for registration as a political party with the Election Commission of India (ECI) but have not been registered yet.<br><br>FCRB 2(1)(n)(ii) refers to the more recent ECI notification of political parties. |

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| 2(h)        | "prescribed" means prescribed by rules made under this Act;   | 2(1)(o) | "prescribed" means prescribed by rules made under this Act;   |   |
|             | <b>No comparative provision</b>   | 2(1)(p) | "prescribed authority" means an authority specified as such by rules made by the Central Government under this Act;   | <b>New provision</b>  |
| 2(i)        | "registered newspaper" means a newspaper registered under the Press and Registration of Books Act, 1867;  | 2(1)(q) | "registered newspaper" means a newspaper registered under the Press and Registration of Books Act, 1867;  | <b>No change</b>  |
|             | <b>No comparative provision</b>   | 2(1)(r) | "relative" has the meaning assigned to it in clause (41) of section 2 of the Companies Act, 1956;   | This is similar to the Explanation given in Section 8 in FCRA. However the definition of 'relative' under the <i>Companies Act</i> does not include aunts and uncles which is a glaring lacuna. |
|             | <b>No comparative provision</b>   | 2(1)(s) | "scheduled bank" shall have the meaning assigned to it under clause (e) of section 2 of the Reserve Bank of India Act, 1934;  | <b>New provision</b>  |
| 2(j)        | "subsidiary" and "associate" have the meanings, respectively, assigned to them in the Companies Act, 1956;  | 2(1)(t) | "subsidiary" and "associate" shall have the meanings, respectively assigned to them in the Companies Act, 1956;   | <b>No change</b>  |
| 2(k)        | "trade union" means a trade union registered under the Trade Unions Act, 1926.  | 2(1)(u) | "trade union" means a trade union registered under the Trade Unions Act, 1926.  | <b>No change</b>  |
|             | <b>Explanation.</b> —For the purposes of this Act, a corporation incorporated in a foreign country or territory shall be deemed to be a multinational corporation if such corporation—<br>(a) has a subsidiary or a branch or a place of business in two or more countries or territories; or<br>(b) carries on business, or otherwise operates, in two or more countries or territories. |         | See 2(1)(g) above on pages 2 and 3  | FCRA Explanation corresponds to Explanation under FCRB 2(1)(g) above  |
| 2(2)<br>and | Words and expressions used herein and not defined but defined in the Foreign Exchange Regulation Act, 1973, have the meanings respectively assigned to them in that Act.  | 2(2)    | Words and expressions used herein and not defined in this Act but defined in the Representation of the People Act, 1950 or the Representation of the People Act, 1951 | <b>No significant change</b>  |



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| 2(3) | Words and expressions used herein and not defined in this Act or in the Foreign Exchange Regulation Act, 1973, but defined in the Representation of the People Act, 1950, or the Representation of the People Act, 1951, have the meanings respectively assigned to them in such Act.   |      | or the Foreign Exchange Management Act, 1999 shall have the meanings respectively assigned to them in those Acts.  |  |
|      | <b>Application of other laws not barred.—</b>   |      | <b>Application of other laws not barred</b>  |  |
| 3    | The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.  | 52   | The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.   | <b>No change</b>   |
|      |   |      | <b>CHAPTER II</b>  |  |
| -    | <b>Candidate for election, etc., not to accept foreign contribution.—</b>   | -    | <b>REGULATION OF FOREIGN CONTRIBUTION AND FOREIGN HOSPITALITY</b>  |  |
| 4(1) | No foreign contribution shall be accepted by any--<br>(a) candidate for election,<br>(b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper;<br>(c) Judge, Government servant or employee of any corporation,<br>(d) member of any Legislature,<br>(e) political party or office-bearer thereof.<br><br><b>Explanation.—</b> In clause (c) and in section 9, "corporation" means a corporation owned or controlled by Government and includes a Government company as defined in section 617 of the Companies Act, 1956. | 3(1) | No foreign contribution shall be accepted by any—<br>(a) candidate for election;<br>(b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper;<br>(c) Judge, Government servant or employee of any corporation or any other body controlled or owned by the Government;<br>(d) member of any Legislature;<br>(e) political party or office-bearer thereof;<br>(f) organisation of a political nature as may be specified under sub-section (1) of section 5 by the Central Government;<br>(g) association or company engaged in the production or broadcast of audio news or audio visual news or current affairs programmes through any electronic mode, or any other electronic form as defined in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 or any other mode of mass communication; | FCRA 4(1)(c) is expanded in FCRB 3(1)(c) to include any body owned or controlled by the Government.<br><br><b>FCRB 3(1)(f)</b> is a new provision and includes any organisation that the Central Government may notify to be a political organisation. This will place unbridled power in the hands of the Central Government to choke funds to bodies that it considers to be a threat.<br><br><b>FCRB 3(1)(g) and (h) are new provisions</b> meant to cover electronic |

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|      |  |      | <p>(h) correspondent or columnist, cartoonist, editor, owner of the association or company referred to in clause (g).</p> <p><i>Explanation.</i>— In clause (c) and section 6, the expression “corporation” means a corporation owned or controlled by the Government and includes a Government company as defined in section 617 of the Companies Act, 1956.</p>  | <p>news channels and their journalists.</p> <p><b>Explanation is the same.</b></p>  |
| 4(2) | <p>(a) No person, resident in India, and no citizen of India resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any currency from a foreign source, on behalf of any political party, or any person referred to in subsection (1), or both.</p> <p>(b) No person, resident in India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to any political party or any person referred to in sub-section (1), or both.</p> <p>(c) No citizen of India resident outside India shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to--</p> <p>(i) any political party or any person referred to in sub-section (1), or both, or</p> <p>(ii) any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to a political party or to any person referred to in sub-section (1), or both.</p> | 3(2) | <p>(a) No person, resident in India, and no citizen of India resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any currency from a foreign source, on behalf of any political party, or any person referred to in sub-section (1), or both.</p> <p>(b) No person, resident in India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to any political party or any person referred to in sub-section (1), or both.</p> <p>(c) No citizen of India resident outside India shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to—</p> <p>(i) any political party or any person referred to in sub-section (1), or both; or</p> <p>(ii) any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to a political party or to any person referred to in sub-section (1), or both.</p> | <p><b>No change</b></p>   |
| 4(3) | <p>No person receiving any currency, whether Indian or foreign, from a foreign source on behalf of any association, referred to in sub-section (1) of section 6, shall deliver such</p>  | 3(3) | <p>No person receiving any currency, whether Indian or foreign, from a foreign source on behalf of any person or class of persons, referred to in section 9, shall deliver such</p>  | <p><b>Only minor change in phrasing of the opening sentence of section 3(3) of FCRB. Also see Section 7 of FCRB below on pages 16 and 17. FC cannot</b></p> |

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|      | <p>currency--<br/>(i) to any association or organisation other than the association for which it was received, or<br/>(ii) to any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an association other than the association for which such currency was received.</p>  |      | <p>currency —<br/>(a) to any person other than a person for which it was received, or<br/>(b) to any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to a person other than the person for which such currency was received.</p>  | <p><b>be transferred to any person who does not have such a registration certificate.</b></p>   |
|      | <p><b>Organisation of a political nature not to accept foreign contribution except with the prior permission of the Central Government.—</b></p>  |      | <p><b>Procedure to notify an organisation of a political nature</b></p>   |   |
| 5(1) | <p>No organisation of a political nature, not being a political party, shall, accept any foreign contribution except with the prior permission of the Central Government.</p> <p><b>Explanation.—</b>For the purposes of this section, "organisation of a political nature, not being a political party" means such organisation as the Central Government may, having regard to the activities of the organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the organisation with the activities of any political party, by an order published in the Official Gazette, specify in this behalf.</p> | 5(1) | <p>The Central Government may, having regard to the activities of the organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the organisations with the activities of any political party, by an order published in the Official Gazette, specify such organisation as an organisation of a political nature not being a political party, referred to in clause (f) of sub-section (1) of section 3.</p>  | <p>Section 5 of FCRB completely changes the character of Section 5 of FCRA. Under FCRA an organisation officially notified as a political one could get FC with prior permission. However there is no such provision under FCRB. For example, an organisation receiving FC and conducting human rights education or legal literacy or litigation on behalf of the underprivileged may be labeled and notified as being political in nature. It will never be eligible to receive FC thereafter.</p> |
| 5(2) | <p>(a) Except with the prior permission of the Central Government, no person, resident in India, and no citizen of India, resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any foreign currency, on behalf of an organisation referred to in sub-section (1).<br/>(b) Except with the prior permission of the Central Government, no person, resident in India, shall deliver any foreign currency to any person if he</p>   | 5(2) | <p>Before making an order under sub-section (1), the Central Government shall give the organisation in respect of whom the order is proposed to be made, a notice in writing informing it of the ground or grounds, on which it is proposed to be specified as an organisation of political nature under that sub-section:<br/>Provided that the Central Government may, by rules made by it, specify the ground or grounds on which an organisation shall be specified as an organisation of a political nature.</p> | <p>FCRB does not provide for the process by which the Government may collect/receive information to proceed against an organisation under this provision. Similarly there are no time limits within which the Government may refer the representation to an authority for a report. There is no mention of the minimum rank of such authority and could even be the District Collector or the Block Development Officer of the area where the organisation is working.</p>                          |
|      |   | 5(3) | <p>The organisation to whom a notice has</p>  |   |

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|  | <p>knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).</p> <p>(c) Except with the prior approval of the Central Government, no citizen of India, resident outside India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to—</p> <p>(i) any organisation referred to in sub-section (1), or</p> <p>(ii) any person, if he knows or has reasonable cause to believe that, such person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).</p> | <p>5(4)</p> <p>5(5)</p> <p>5(6)</p> | <p>been served under sub-section (2), may, within a period of thirty days from the date of the notice, make a representation to the Central Government giving reasons for not specifying such organisation as an organisation under sub-section (1):<br/>                 Provided that the Central Government may entertain the representation after the expiry of the said period of thirty days, if it is satisfied that the organisation was prevented by sufficient cause from making the representation within thirty days.</p> <p>The Central Government may, if it considers it appropriate, forward the representation referred to in sub-section (3) to any authority to report on such representation.</p> <p>The Central Government may, after considering the representation and the report of the authority referred to in sub-section (4), specify such organisation as an organisation of a political nature not being a political party and make an order under sub-section (1) accordingly.</p> <p>Every order under sub-section (1) shall be made within a period of one hundred and twenty days from the date of issue of notice under sub-section (2):</p> <p>Provided that in case no order is made within the said period of one hundred and twenty days, the Central Government shall, after recording the reasons therefor, make an order under sub-section (1) within a period of sixty days from the expiry of the said period of one hundred and twenty days.</p> | <p>Invariably information on the basis of which the Government will initially issue notice to the organisation will be based on the reports of such authorities and/or the Intelligence Bureau. As this is a completely opaque process conducted by the intelligence gathering authorities of the Government this provision has high potential for abuse in the hands of vindictive officers.</p> <p>No time limits were prescribed for the completion of this process in the FCR Bill, 2006. The current Bill stipulates a deadline and allows for a one time extension of this deadline.</p> |
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|      |   |       | <b>CHAPTER III</b>   |   |
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|      | <b>Certain associations and persons receiving foreign contribution to give intimation to the Central Government.—</b>   |       | <b>Registration of certain persons with Central Government.</b>  |   |
| 6(1) | <p>No association [other than an organisation referred to in sub-section (1) of section 5] having a definite cultural, economic, educational, religious or social programme shall accept foreign contribution unless such association,—</p> <p>(a) registers itself with the Central Government in accordance with the rules made under this Act; and</p> <p>(b) agrees to receive such foreign contributions only through such one of the branches of a bank as it may specify in its application for such registration,</p> <p>and every association so registered shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of each foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by it:</p> <p><b>Provided</b> that where such association obtains any foreign contribution through any branch other than the branch of the bank through which it has agreed to receive foreign contribution or fails to give such intimation within the prescribed time or in the prescribed manner, or gives any intimation which is false, the Central Government may, by notification in the Official Gazette, direct that such association shall not, after the date of issue of such notification, accept any foreign contribution</p> | 11(1) | <p>Save as otherwise provided in this Act, no person having a definite cultural, economic, educational, religious or social programme shall accept foreign contribution unless such person obtains a certificate of registration from the Central Government: Provided that any association registered with the Central Government under section 6 or granted prior permission under that section of the Foreign Contribution (Regulation) Act, 1976, as it stood immediately before the commencement of this Act, shall be deemed to have been registered or granted prior permission, as the case may be, under this Act and such registration shall be valid for a period of five years from the date on which this section comes into force.</p> <p><b>(provisions relating to bank branch are given below in Section 17 on page 27)</b></p> <p><b>The remaining clauses of Section 11 are</b></p> | <p>This is a new regime introduced by FCRB. Under FCRA, registration of an organisation with the Central Government was adequate for receiving FC. There was no limitation on the validity of the registration. But under FCRB an organisation will have to renew its certificate every five years. This amounts to instituting a license-permit raj in the NGO sector and has immense potential for abuse. The validity period of five years subjects every organisation receiving FC to the mercy of the government of the day for its survival. This amounts to unreasonable restriction on the freedom of association.</p> <p>Students receiving scholarships from foreign sources could be dubbed as persons with educational programme and required to obtain a certificate before accepting the foreign scholarship. [See comment on section 7(1) of FCRA below.]</p> <p>The FCRB allows receipt of FC through one or more bank accounts and through more than one branch of the chosen Scheduled Bank. This is an improvement over FCRA which allowed receipt of FC only through one bank and branch.</p> |

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| 6(1-A) | without the prior permission of the Central Government.<br><br><b>See section 11(1) below at page 19</b>   |    | <b>given below at page 19</b>  |  |
|        |  |    | <b>Intimation by candidate for election</b>  |  |
| 6(2)   | Every candidate for election, who had received any foreign contribution, at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate, shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by him, the source from which and the manner in which such foreign contribution was received and the purposes for which, and the manner in which, such foreign contribution was utilised by him. | 21 | Every candidate for election, who had received any foreign contribution, at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate, shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government or prescribed authority or both as to the amount of foreign contribution received by him, the source from which, and the manner in which, such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by him. | FCRA 6(2) = FCRB 21  |
|        | <b>Recipients of scholarships, etc., to give intimation to the Central Government.—</b>  |    |  |  |
| 7(1)   | Every citizen of India receiving any scholarship, stipend or any payment of a like nature from any foreign source shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of the scholarship, stipend or other payment received by him and the foreign source from which, and the purpose for which, such scholarship, stipend or other payment has been, or is being, received by him.   |    | <b>No comparative provision</b>  | There is no corresponding provision in FCRB about intimation of receipt of foreign scholarship or stipend. This will create problems for Indian citizens studying in Indian or foreign academic institutions and receiving scholarships from a foreign source. In the absence of a procedure for accepting foreign scholarships and stipends, any Indian student who accepts such a scholarship or stipend will be violating FCRB according to sections 11(1) & 11(2). So all students receiving foreign scholarships and stipend will have to apply for registration to seek prior permission of the Central Government |
| 7(2)   | Where any recurring payments are being received by any citizen of India from any foreign source by way of scholarship, stipend or other payment, it shall be sufficient if the intimation  |    |  |  |

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| <p>7(3)</p> | <p>referred to in sub-section (1) includes a precise information as to the intervals at which, and the purpose for which, such recurring payments will be received by such citizen of India.</p> <p>It shall not be necessary to give such intimation as is referred to in subsection (1) or sub-section (2) in relation to scholarships, stipends or payments of a like nature, if the annual value of such scholarships, stipends or other payments does not exceed such limits as the Central Government may, by rules made under this Act, specify in this behalf.</p>  |          |  | <p>[See comment on Section 11(1) above].</p> <p>This will also create problems for foreign students studying in India who get scholarships or stipend from their government or some private source in their country or from some other part of the world. The FCRB is not restricted to the actions of Indian citizens only. Under FCRB such foreign students would also be committing violation if they accept scholarships or stipends from these sources without a certificate of registration or prior permission of the Central Government.</p> |
|             | <p><b>Persons to whom section 4 shall not apply.–</b></p>   |          | <p><b>Persons to whom section 3 shall not apply.–</b></p>  |  |
| <p>8</p>    | <p>Nothing contained in section 4 shall apply to the acceptance, by any person specified in that section, of any foreign contribution, where such contribution is accepted by him, subject to the provisions of section 10,--</p> <p>(a) by way of salary, wages or other remuneration due to him or to any group of persons working under him, from any foreign source or by way of payment in the ordinary course of business transacted in India by such foreign source; or</p> <p>(b) by way of payment, in the course of international trade or commerce, or in the ordinary course of business transacted by him outside India; or</p> <p>(c) as an agent of a foreign source in relation to any transaction made by such foreign source with Government; or</p> <p>(d) by way of a gift or presentation made to him as a member of any Indian delegation, provided that such gift or present was accepted in accordance with the regulations made by the Central Government with regard to the</p> | <p>4</p> | <p>Nothing contained in section 3 shall apply to the acceptance, by any person specified in that section, of any foreign contribution where such contribution is accepted by him, subject to the provisions of section 10,—</p> <p>(a) by way of salary, wages or other remuneration due to him or to any group of persons working under him, from any foreign source or by way of payment in the ordinary course of business transacted in India by such foreign source; or</p> <p>(b) by way of payment, in the course of international trade or commerce, or in the ordinary course of business transacted by him outside India; or</p> <p>(c) as an agent of a foreign source in relation to any transaction made by such foreign source with the Central Government or State Government; or</p> <p>(d) by way of a gift or presentation made to him as a member of any Indian delegation, provided that such gift or present was accepted in accordance with the rules made</p> | <p>Minor change in 4(c) of FCRB where State Government is added.</p> <p>4(d) of FCRA is modified in 4(d) of FCRB. Unlike the regulations, rules made by the Government under this section will have to be laid before</p>  |

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|          | <p>acceptance or retention of such gift or presentation; or<br/>(e) from his relative when such foreign contribution has been received with the previous permission of the Central Government:</p> <p><b>Provided</b> that no such permission shall be required if the amount of foreign contribution received by him from his relative does not exceed, in value, eight thousand rupees per annum and an intimation is given by him to the Central Government as to the amount received, the source from which and the manner in which it was received and the purpose for which and the manner in which it was utilised by him;<br/>(f) by way of remittance received, in the ordinary course of business, through any official channel, post office, or any authorised dealer in foreign exchange under the Foreign Exchange Regulation Act, 1973.<br/><b>Explanation.</b>—In this Act, the expression "relative" has the meaning assigned to it in the Companies Act, 1956.</p> |          | <p>by the Central Government with regard to the acceptance or retention of such gift or presentation; or<br/>(e) from his relative; or<br/>(f) by way of remittance received, in the ordinary course of business through any official channel, post office, or any authorised person in foreign exchange under the Foreign Exchange Management Act, 1999; or<br/>(g) by way of any scholarship, stipend or any payment of like nature:</p> <p>Provided that in case any foreign contribution received by any person specified under section 3, for any of the purposes other than those specified under this section, such contribution shall be deemed to have been accepted in contravention of the provisions of section 3.</p> | <p>Parliament. This is a good provision.</p> <p>4(e) of FCRB removes the need for seeking permission from Government to receive FC from a relative for any amount. (However, the definition of 'relative', as in the Companies Act, restricts relative, so that aunts, uncles and cousins are excluded.)</p> <p>4(f) of FCRB refers to foreign remittances in the context of FEMA.</p> <p><b>New proviso to section 4 of FCRB</b> makes it a contravention of the Act if any person mentioned in Section 3 receives FC for any purpose other than those given in this section.</p> <p>Explanation of the term 'relative' in FCRA is moved to the definitions section in FCRB.</p> |
|          | <p><b>Restrictions on acceptance of foreign hospitality.—</b></p>   |          | <p><b>Restrictions on acceptance of foreign hospitality</b></p>  |   |
| <p>9</p> | <p>No member of a Legislature, office-bearer of a political party, Judge, Government servant or employee of any corporation shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:</p> <p><b>Provided</b> that it shall not be necessary to obtain any such permission for an emergent medical aid needed on account of sudden illness contracted during a visit outside India, but, where such foreign hospitality has been received, the person receiving such hospitality</p>  | <p>6</p> | <p>No member of a Legislature or office-bearer of a political party or Judge or Government servant or employee of any corporation or any other body owned or controlled by the Government shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:<br/>Provided that it shall not be necessary to obtain any such permission for an emergent medical aid needed on account of sudden illness contracted during a visit outside India, but, where such foreign hospitality has been received, the person receiving</p>  | <p>Minor change to section 6 of FCRB to include any body owned or controlled by the Government.</p>   |



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|  | <p>shall give, within one month from the date of receipt of such hospitality an intimation to the Central Government as to the receipt of such hospitality and the source from which, and the manner in which, such hospitality was received by him.</p> |             | <p>such hospitality shall give, within one month from the date of receipt of such hospitality an intimation to the Central Government as to the receipt of such hospitality, and the source from which, and the manner in which, such hospitality was received by him.</p>   |   |
|  | <p><b>No comparative provision but see 4(2)(a) and 4(2)(b) above</b></p>   | <p>7</p>    | <p>No person who –<br/>                 (a) is registered and granted a certificate or obtained prior permission under this Act; and<br/>                 (b) receives any foreign contribution, shall transfer such foreign contribution to any other person unless such other person is also registered and granted the certificate or obtained the prior permission under this Act:<br/>                 Provided that such person may transfer, with the prior approval of the Central Government, a part of such foreign contribution to any other person who has not been granted a certificate or obtained permission under this Act in accordance with the rules made by the Central Government.</p> | <p>Many NGOs receiving FC use the funds to support projects undertaken by other organisations or individuals on consultancy basis. In the absence of an Explanation that provides examples of what transactions may constitute ‘transfer’ this provision can be misused. If stretched to the extreme FCs cannot be used to pay salaries to staff as that may constitute ‘transfer’. The FCR Bill, 2006 completely disallowed transfer. The FCR Bill, 2010 permits transfer if prior approval of the Central Government is obtained. This change places enormous discretion in the hands of the Government to determine what it will allow a CSO to do and what not.</p> |
|  | <p><b>No comparative provision</b></p>   | <p>8(1)</p> | <p>Every person, who is registered and granted a certificate or given prior permission under this Act and receives any foreign contribution,—<br/>                 (a) shall utilise such contribution for the purposes for which the contribution has been received:<br/>                 Provided that any foreign contribution or any income arising out of it shall not be used for speculative business;<br/>                 Provided further that the Central Government shall, by rules, specify the activities or business which shall be construed as speculative business for the purpose of this section.</p>  | <p>Again the FCR Bill 2010 places enormous powers in the hands of the Government to determine what activities will constitute “speculative business”. Until these Rules are made it will not be clear whether ‘speculative business’ would include investment in government securities and mutual funds, as allowed by the <i>Indian Trusts Act, 1882</i>.</p>  |

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|    |   | 8(2) | <p>(b) shall not defray as far as possible such sum, not exceeding fifty per cent of such contribution, received in a financial year, to meet administrative expenses:<br/>                 Provided that administrative expenses exceeding fifty per cent of such contribution may be defrayed with prior approval of the Central Government.</p> <p>The Central Government may prescribe the elements which shall be included in the administrative expenses and the manner in which the administrative expenses referred to in sub-section (1) shall be calculated.</p>   | <p>The Government cannot claim for itself the power to determine what portion of the FC will be used for administrative expenses or prescribe the elements that may constitute such expenses or determine the manner in which such expenses will be calculated. This amounts to unwarranted interference in the working of the organisation Similarly there are no time limits within which the Government may refer the representation to an authority for a report.</p> |
|    | <b>Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.—</b>  |      | <b>Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.</b>  |   |
| 10 | <p>The Central Government may--<br/>                 (a) prohibit any association, not specified in section 4, or any person, from accepting any foreign contribution;<br/>                 (b) without prejudice to the provisions of sub-section (1) of section 6, require any association specified in that sub-section, to obtain prior permission of the Central Government before accepting any foreign contribution;<br/>                 (c) require any person or class of persons or any association, not being an association specified in section 6, to furnish intimation within such time and in such manner as may be prescribed as to the amount of any foreign contribution received by such person or class of persons or association, as the case may be, and the source from which and the manner in which such contribution was received and the purpose for which and the manner in which such foreign contribution was utilised;<br/>                 (d) require any person or class of persons, not specified in section 9, to obtain prior permission</p> | 9    | <p>The Central Government may—<br/>                 (a) prohibit any person or organisation not specified in section 3, from accepting any foreign contribution;<br/>                 (b) require any person or class of persons, not specified in section 6, to obtain prior permission of the Central Government before accepting any foreign hospitality;<br/>                 (c) require any person or class of persons not specified in section 11, to furnish intimation within such time and in such manner as may be prescribed as to the amount of any foreign contribution received by such person or class of persons as the case may be, and the source from which and the manner in which such contribution was received and the purpose for which and the manner in which such foreign contribution was utilised;<br/>                 (d) without prejudice to the provisions of sub-section (1) of section 11, require any person or class of persons specified in that</p> | <p>FCRA 10(a) = FCRB 9(a)</p> <p>FCRA 10(b) = FCRB 9(d)</p> <p>FCRA 10(c) = FCRB 9(c)</p> <p>FCRA 10(d) = FCRB 9(b)</p>   |

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|           | <p>of the Central Government before accepting any foreign hospitality;<br/>                 (e) require any person or class of persons, not specified in section 9, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received:</p> <p><b>Provided</b> that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such association or person or class of persons, as the case may be, the acceptance of foreign hospitality by such person, is likely to affect prejudicially--</p> <p>(i) the sovereignty and integrity of India; or<br/>                 (ii) the public interest; or<br/>                 (iii) freedom or fairness of election to any Legislature; or<br/>                 (iv) friendly relations with any foreign State; or<br/>                 (v) harmony between religious, racial, linguistic or regional groups, castes or communities.</p> |           | <p>sub-section to obtain prior permission of the Central Government before accepting any foreign contribution;<br/>                 (e) require any person or class of persons, not specified in section 6, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received:</p> <p>Provided that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such person or class of persons, as the case may be, or the acceptance of foreign hospitality by such person, is likely to affect prejudicially —</p> <p>(i) the sovereignty and integrity of India; or<br/>                 (ii) public interest; or<br/>                 (iii) freedom or fairness of election to any Legislature; or<br/>                 (iv) friendly relations with any foreign State; or<br/>                 or<br/>                 (v) harmony between religious, racial, social, linguistic or regional groups, castes or communities.</p> | <p>FCRA 10(e) = FCRB 9(e)</p> <p><b>Except for a minor change in the order of the subsection there is no substantial change in section 9 of FCRB</b></p> |
|           | <p><b>Power to prohibit payment of currency received in contravention of the Act.—</b></p>   |           | <p><b>Power to prohibit payment of currency received in contravention of the Act.</b></p>   |  |
| <p>12</p> | <p>Where the Central Government is satisfied, after making such inquiry as it may deem fit, that any person has in his custody or control any article or currency, whether Indian or foreign, which has been accepted by such person in contravention of any of the provisions of this Act, it may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing</p>   | <p>10</p> | <p>Where the Central Government is satisfied, after making such inquiry as it may deem fit, that any person has in his custody or control any article or currency, whether Indian or foreign, which has been accepted by such person in contravention of any of the provisions of this Act, it may, by order in writing, prohibit such person from paying,</p>  | <p><b>No change</b></p>  |

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|       | with, in any manner whatsoever, such article or currency save in accordance with the written orders of the Central Government and a copy of such order shall be served upon the person so prohibited in the prescribed manner, and there upon the provisions of sub-sections (2), (3), (4) and (5) of section 7 of the Unlawful Activities (Prevention) Act, 1967 (17 of 1967) shall, so far as may be, apply to, or in relation to, such article or currency and references in the said sub-sections to moneys, securities or credits shall be construed as references to such article or currency.        |       | delivering, transferring or otherwise dealing with, in any manner whatsoever, such article or currency save in accordance with the written orders of the Central Government and a copy of such order shall be served upon the person so prohibited in the prescribed manner, and thereupon the provisions of sub-sections (2), (3), (4) and (5) of section 7 of the Unlawful Activities (Prevention) Act, 1967 shall, so far as may be, apply to, or in relation to, such article or currency and references in the said sub-sections to moneys, securities or credits shall be construed as references to such article or currency.   |   |
|       | <b>Application to be made in prescribed form for obtaining prior permission to accept foreign contribution or hospitality.—</b>   |       |  |   |
| 6(1A) | Every association referred to in sub-section (1) may, if it is not registered with the Central Government under that sub-section, accept any foreign contribution only after obtaining the prior permission of the Central Government and shall also give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by it] | 11(2) | Every person referred to in sub-section (1) may, if it is not registered with the Central Government under that sub-section, accept any foreign contribution only after obtaining the prior permission of the Central Government and such prior permission shall be valid for the specific purpose for which it is obtained and from specific source: Provided that if the person referred to in sub-sections (1) and (2) has been found guilty of violation of any of the provisions of this Act or the Foreign Contribution (Regulation) Act, 1976, the unutilised or unreceived amount of foreign contribution shall not be utilised or received, as the case may be, without the prior approval of the Central Government. | Procedure for obtaining prior permission to receive FC in the absence of registration will continue in FCRB. A rider is added to 11(1) & 11(2) of FCRB regarding stoppage of FC if any provision of FCRB is violated. There is no reference to submission of a report under FCRB 11(1) & 11(2) unlike in FCRA 6(1) & 6(1A).<br><br>The deemed permission provision under 11(2) of FCRA has been done away with in FCRB. In the absence of a time limit the applicant may be made to wait endlessly for securing prior permission to receive FC. This provision has potential for misuse where the Government may just sleep over an application without any remedy for the applicant. |
| 11(1) | Every individual, association, organisation or other person, who is required by or under this Act to obtain the prior permission of the Central Government to accept any foreign contribution or foreign hospitality, shall, before the acceptance of any such contribution or hospitality, make an application for such  |       |  |   |

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| 11(2) | <p>permission to the Central Government if such form and in such manner as may be prescribed.</p> <p>If an application referred to in sub-section (1) is not disposed of within ninety days from the date of receipt of such application, the permission prayed for in such application shall, on the expiry of the said period of ninety days, be deemed to have been granted by the Central Government:</p> <p><b>Provided</b> that, where in relation to an application, the Central Government has informed the applicant the special difficulties by reason of which his application cannot be disposed of within the said period of ninety days, such application shall not, until the expiry of a further period of thirty days, be deemed to have been granted by the Central Government.</p> | 11(3) | <p>Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, specify—</p> <p>(i) the person or class of persons who shall obtain its prior permission before accepting the foreign contribution; or</p> <p>(ii) the area or areas in which the foreign contribution shall be accepted and utilised with the prior permission of the Central Government;</p> <p>(iii) the purpose or purposes for which the foreign contribution shall be utilized with the prior permission of the Central Government; or</p> <p>(iv) the source or sources from which the foreign contribution shall be accepted with the prior permission of the Central Government.</p> | <p>Section 11(3) of FCRB is another provision with a lot of potential for abuse. Under the FCRA any person could apply for prior permission to receive FC. There were no restrictions. Under FCRB the Government can limit the instances in which it will grant permission as it will have the power to determine- the areas and purposes for which and the sources from which FC may be received with prior permission of the Central Government. Furthermore no person may get prior permission at all to receive FC if the Government simply refuses to issue a notification under Section 11(3).</p> |
|       |   |       | <b>Grant of certificate of registration.</b>  |  |
|       | <b>No comparative provision</b>   | 12(1) | An application by a person, referred to in section 11 for grant of certificate or giving prior permission, shall be made to the Central Government in such form and manner and along with such fee, as may be prescribed.   |  |
|       | <b>No comparative provision</b>   | 12(2) | On receipt of an application under sub-section (1), the Central Government shall, by an order, if the application is not in the prescribed form or does not contain any of the particulars specified in that form, reject the application.  |  |
|       | <b>No comparative provision</b>   | 12(3) | If on receipt of an application for grant of certificate or giving prior permission and after making such inquiry as the Central Government deems fit, it is of the opinion that the conditions specified in sub-section  |  |

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|  |  |              | <p>(4) are satisfied, it may, ordinarily within ninety days from the date of receipt of application under sub-section (1), register such person and grant him a certificate or give him prior permission, as the case may be, subject to such terms and conditions as may be prescribed:<br/>                 Provided that in case the Central Government does not grant, within the said period of ninety days, a certificate or give prior permission, it shall communicate the reasons therefore to the applicant:<br/>                 Provided further that a person shall not be eligible for grant of certificate or giving prior permission, if his certificate has been suspended and such suspension of certificate continues on the date of making application.</p>   |  |
|  | <p><b>No comparative provision</b></p> | <p>12(4)</p> | <p>The following shall be the conditions for the purposes of sub-section (3), namely:—<br/>                 (a) the person making an application for registration or giving of prior permission under sub-section (1),—<br/>                 (i) is not fictitious or <i>benami</i>;<br/>                 (ii) has not been prosecuted or convicted for indulging in activities aimed at conversion through inducement or force, either directly or indirectly, from one religious faith to another;<br/>                 (iii) has not been prosecuted or convicted for creating communal tension or disharmony in any specified district or any other part of the country;<br/>                 (iv) has not been found guilty or diversion or mis-utilisation of its funds;<br/>                 (v) is not engaged or likely to engage in propagation of sedition or advocate violent methods to achieve its ends;<br/>                 (vi) is not likely to use the foreign</p> | <p>12(4) is a considerable improvement over the corresponding section 12(3) in the FCR Bill, 2006. The reference to absence of 'meaningful activity' in a FC recipient has been removed from the FCR Bill, 2010.</p> |

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|  |  | <p>contribution for personal gains or divert it for undesirable purposes;<br/> <i>(vii)</i> has not contravened any of the provisions of this Act;<br/> <i>(viii)</i> has not been prohibited from accepting foreign contribution;<br/> <i>(b)</i> the person making an application for registration under sub-section (1) has undertaken reasonable activity in its chosen field for the benefit of the society for which the foreign contribution is proposed to be utilised;<br/> <i>(c)</i> the person making an application for giving prior permission under sub-section (1) has prepared a reasonable project for the benefit of the society for which the foreign contribution is proposed to be utilised;<br/> <i>(d)</i> in case the person being an individual, such individual has neither been convicted under any law for the time being in force nor any prosecution for any offence pending against him;<br/> <i>(e)</i> in case the person being other than an individual, any of its directors or office bearers has neither been convicted under any law for the time being in force nor any prosecution for any offence is pending against him;<br/> <i>(f)</i> the acceptance of foreign contribution by the person referred to in subsection (1) is not likely to affect prejudicially—<br/> <i>(i)</i> the sovereignty and integrity of India; or<br/> <i>(ii)</i> the security, strategic, scientific or economic interest of the State; or<br/> <i>(iii)</i> the public interest; or<br/> <i>(iv)</i> freedom or fairness of election to any Legislature; or<br/> <i>(v)</i> friendly relation with any foreign State; or<br/> <i>(vi)</i> harmony between religious, racial,</p> | <p>Denial of registration on a vague ground such as 'public interest' is arbitrary. This can become a catch all reason to deny certification to CSOs.</p> |
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|  |                                 |       | social, linguistic, regional groups, castes or communities;<br>(g) the acceptance of foreign contribution referred to in sub-section (1),—<br>(i) shall not lead to incitement of an offence;<br>(ii) shall not endanger the life or physical safety of any person.   |  |
|  | <b>No comparative provision</b> | 12(5) | Where the Central Government refuses the grant of certificate or does not give prior permission, it shall record the reasons for such refusal or for not giving of prior permission in its order made for such refusal or not giving prior permission and furnish a copy thereof to the applicant:<br><br>Provided that the Central Government may not communicate the reasons for refusal for grant of certificate or for not giving of prior permission to the applicant under this section in cases where there is no obligation to give any information or documents or records or papers under the Right to Information Act, 2005. | This section may seem restrictive upon a cursory reading. But the proviso to this section tries to bring the FCRB in line with the disclosure requirements under the RTI Act so that there is no contradiction. However the proviso should be positively worded to imply that access to reasons for refusal of certificate or prior permission will be given in accordance with the transparency standards / requirements under the RTI, Act especially section 4(1)(d) which requires every public authority to give reasons for all administrative and quasi-judicial decisions to affected persons. |
|  | <b>No comparative provision</b> | 12(6) | The certificate granted under sub-section (3) shall be valid for a period of five years and the prior permission shall be valid for the specific purpose or specific amount of foreign contribution proposed to be received, as the case may be.  | This is arbitrary and introduces the license permit-raj in the NGO sector even as the Government has a programme of ending such restrictive practices in other sectors of public life.   |
|  |                                 |       | <b>Suspension of Certificate</b>  |  |
|  | <b>No comparative provision</b> | 13(1) | Where the Central Government, for reasons to be recorded in writing, is satisfied that pending consideration of the question of canceling the certificate on any of the grounds mentioned in sub-section (1) of section 14, it is necessary so to do, it may, by order in writing, suspend the certificate for such period not exceeding one hundred  | The targeted organisation has no opportunity to make a defence against suspension except in courts. This is against the principles of natural justice as the decision to suspend a certificate is of quasi-judicial nature and it is absolutely necessary to give the organisation an opportunity to defend  |



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|  |                                 | 13(2) | <p>and eighty days as may be specified in the order.</p> <p>Every person whose certificate has been suspended shall —</p> <p>(a) not receive any foreign contribution during the period of suspension of certificate:</p> <p>Provided that the Central Government, on an application made by such person, if it considers appropriate, allow receipt of any foreign contribution by such person on such terms and conditions as it may specify;</p> <p>(b) utilise, in the prescribed manner, the foreign contribution in his custody with the prior approval of the Central Government .</p>  | <p>itself before the suspension is ordered.</p>  |
|  |                                 |       | <b>Cancellation of certificate.</b>  |  |
|  | <b>No comparative provision</b> | 14(1) | <p>The Central Government may, if it is satisfied after making such inquiry as it may deem fit, by an order, cancel the certificate if —</p> <p>(a) the holder of the certificate has made a statement in, or in relation to, the application for the grant of registration or renewal thereof, which is incorrect or false; or</p> <p>(b) the holder of the certificate has violated any of the terms and conditions of the certificate or renewal thereof; or</p> <p>(c) in the opinion of the Central Government, it is necessary in the public interest to cancel the certificate; or</p> <p>(d) the holder of certificate has violated any of the provisions of this Act or rules or order made thereunder; or</p> <p>(e) if the holder of the certificate has not been engaged in any reasonable activity in its chosen field for the benefit of the society for two consecutive years or has become</p> | <p>Section 14(1) of FCRB does not lay down a procedure to be followed for conducting an inquiry before cancellation. Section 48(2) of FCRB does not refer to any rule that needs to be made under this section. In essence it will be open to the Government to conduct a secret inquiry or conduct no inquiry at all and merely conduct sham proceedings to indict the organisation and later take away its FC registration.</p> <p>Section 14(1)(c) of FCRB has immense potential for misuse in the name of the vague ground of public interest. The Government can cancel the certificate of any organisation if it merely gets people out on the streets to protest peacefully on any issue.</p> <p>Making an organisation whose</p> |

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|  |                                 | 14(2) | defunct.<br>No order of cancellation of certificate under this section shall be made unless the person concerned has been given a reasonable opportunity of being heard.  | certificate has been cancelled ineligible for getting prior permission or fresh registration for three years is a sure way of extinguishing its existence.   |
|  |                                 | 14(3) | Any person whose certificate has been cancelled under this section shall not be eligible for registration or grant of prior permission for a period of three years from the date of cancellation of such certificate.   |  |
|  |                                 |       | <b>Management of foreign contribution of person whose certificate has been cancelled</b>  |  |
|  | <b>No comparative provision</b> | 15(1) | The foreign contribution and assets created out of the foreign contribution in the custody of every person whose certificate has been cancelled under section 14 shall vest in such authority as may be prescribed.   | <b>New provision</b>   |
|  | <b>No comparative provision</b> | 15(2) | The authority referred to in sub-section (1) may, if it considers necessary and in public interest, manage the activities of the person referred to in that sub-section for such period and in such manner, as the Central Government may direct and such authority may utilise the foreign contribution or dispose of the assets created of it in case adequate funds are not available for running such activity. | This is aimed at completely liquidating an organisation in a vendetta mode if the political establishment so desires. While managing its affairs the authority can dismiss all staff and appoint elements it finds convenient. This is a sure way of destroying the organisation when read with the powers given to the Government under Section 22 below. |
|  | <b>No comparative provision</b> | 15(3) | The authority referred to in sub-section (1) shall return the foreign contribution and the assets vested upon it under that sub-section to the person referred to in the said sub-section if such person is subsequently registered under this Act.   | There is no provision requiring the laying down of rules and procedures for keeping a record of all the assets belonging to the organisation to ensure that nothing is misappropriated during this interregnum.  |
|  |                                 |       | <b>Renewal of Certificate</b>   |  |
|  |                                 | 16(1) | Any person who has been granted a certificate under section 12 shall have such certificate renewed within six months before   | Under the FCRA registration was in perpetuity. FCRB makes it a five-yearly affair. Giving the Central Government   |

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|  | <p><b>No comparative provision</b></p>                                       | <p>16(2)</p> <p>16(3)</p> | <p>the expiry of the period of the certificate.</p> <p>The application for renewal of the certificate shall be made to the Central Government in such form and manner and accompanied by such fee as may be prescribed.</p> <p>The Central Government shall renew the certificate subject to such terms and conditions as it may deem fit and grant a certificate of renewal for a period of five years:<br/>                 Provided that in case the Central Government does not renew the certificate within the said period of ninety days, it shall communicate the reasons therefor to the applicant.<br/>                 Provided further that the Central Government may refuse to renew the certificate in case where a person has violated any of the provisions of this Act or rules made thereunder.</p> | <p>powers to determine the terms and conditions of renewal will make it an absolutist exercise. If the Government makes it conditional on the organisation to stop a certain kind of activity or take up a new one that is nothing short of blackmail. Additionally, the Government has free reign to levy a fee not just for registration, but for renewal—an extra cost to NGOs that did not previously exist.</p> |
|  |  |                           | <p><b>CHAPTER IV</b></p>   |  |
|  | <p><b>Recipients of foreign contribution to maintain accounts, etc.—</b></p> |                           | <p><b>ACCOUNTS, INTIMATION, AUDIT AND DISPOSAL OF ASSETS, ETC.</b></p>   |  |
|  | <p><b>See Section 6(1)(b) above on page 12</b></p>                           | <p>17(1)</p> <p>17(2)</p> | <p>Every person who has been granted a certificate or given prior permission under section 12 shall receive foreign contribution in a single account only through such one of the branches of a bank as he may specify in his application for grant of certificate:<br/>                 Provided that such person may open one or more accounts in one or more banks for utilising the foreign contribution received by him:<br/>                 Provided further that no funds other than foreign contribution shall be received or deposited in such account or accounts.</p> <p>Every bank or authorised person in foreign</p>  | <p>Section 6(1)(b) of FCRA allows receipt of FC through only one bank and one branch. The corresponding FCRB provision adds to the convenience by allowing the opening of accounts in more than one bank.</p>  |

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|    |  |                    | exchange shall report to such authority as may be specified —<br>(a) the amount of foreign remittance;<br>(b) the source and manner in which the foreign remittance was received; and<br>(c) other particulars, in such form and manner as may be prescribed.   |  |
|    |  |                    | <b>Intimation</b>   |  |
|    | <b>No comparative provision</b>  | 18(1)<br><br>18(2) | Every person who has been granted a certificate or given prior approval under this Act shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government, and such other authority as may be specified by the Central Government, as to the amount of each foreign contribution received by it, the source from which and the manner in which such foreign contribution was received, and the purposes for which, and the manner in which such foreign contribution was utilised by him.<br><br>Every person receiving foreign contribution shall submit a copy of a statement indicating therein the particulars of foreign contribution received duly certified by officer of the bank or authorised person in foreign exchange and furnish the same to the Central Government along with the intimation under sub-section (1). | This provision requires an organisation to give intimation to both the Central Government and the other authority specified by the Government. This duplication of efforts is unnecessary. |
|    |  |                    | <b>Maintenance of Accounts</b>  |  |
| 13 | Every association, referred to in section 6, shall maintain, in such form and in such manner as may be prescribed,—<br><br>(a) an account of any foreign contribution received by it, and<br><br>(b) a record as to the manner in which such | 19                 | Every person who has been granted a certificate or given prior approval under this Act shall maintain, in such form and manner as may be prescribed,—<br>(a) an account of any foreign contribution received by him; and<br><br>(b) a record as to the manner in which such   | <b>No change</b>   |

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|     | contribution has been utilised by it.   |    | contribution has been utilized by him.   |   |
|     | <b>15A. Audit of accounts.—</b>   |    | <b>Audit of Accounts</b>   |   |
| 15A | <p>Where any organisation or association fails to furnish any returns under this Act within the time specified therefor or the returns so furnished are not in accordance with law or if, after inspection of such returns, the Central Government has any reasonable cause to believe that any provision of this Act has been, or is being, contravened, that Government may, by general or special order, authorise such gazetted officer holding a Group A post, as it may think fit, to audit any books of account kept or maintained by such organisation or association, as the case may be, and thereupon every such officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of auditing the said books of account:</p> <p><b>Provided</b> that any information obtained from such audit shall be kept confidential and shall not be disclosed except for the purposes of this Act.</p> | 20 | <p>Where any person who has been granted a certificate or given prior permission, fails to furnish any intimation under this Act within the time specified therefor or the intimation so furnished is not in accordance with law or if, after inspection of such intimation, the Central Government has any reasonable cause to believe that any provision of this Act has been, or is being, contravened, the Central Government may, by general or special order, authorise such gazetted officer, holding a Group A post under the Central Government or any other officer or authority or organisation, as it may think fit, to audit any books of account kept or maintained by such person and thereupon every such officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of auditing the said books of account:</p> <p>Provided that any information obtained from such audit shall be kept confidential and shall not be disclosed except for the purposes of this Act.</p> | Minor changes in this provision. Instead of deputing an officer, the Government may ask any organisation to carry out the audit.  |
|     |   |    | <b>Disposal of assets created out of foreign contribution</b>  |   |
|     | <b>No comparative provision</b>   | 22 | <p>Where any person who was permitted to accept foreign contribution under this Act, ceases to exist or has become defunct, all the assets of such person shall be disposed of in accordance with the provisions contained in any law for the time being in force under which the person was registered or incorporated, and in the absence of any such law, the Central</p>   | This provision gives the Government full powers to make an organisation defunct by canceling its certificate and then auctioning of all assets belonging to the organisation. |

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|    |   |    | Government may, having regard to the nature of assets created out of foreign contribution received under this Act, by notification, specify that all such assets shall be disposed off by such authority, as it may specify, in such manner and procedure as may be prescribed.   |   |
|    |   |    | <b>CHAPTER V</b>  |   |
|    | <b>Inspection of accounts or records.—</b>  |    | <b>INSPECTION, SEARCH AND SEIZURE</b>   |   |
| 14 | <p>If the Central Government has, for any reason, to be recorded in writing, any ground to suspect that any provision of this Act has been, or is being, contravened by--</p> <p>(a) any political party, or</p> <p>(b) any person, or</p> <p>(c) any organisation, or</p> <p>(d) any association,</p> <p>it may, by general or special order, authorise such gazetted officer, holding a <sup>1</sup>[Group A post], as it may think fit (hereinafter referred to as the authorised officer), to inspect any account or record maintained by such political party, person, organisation or association, as the case may be, and thereupon every such authorised officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of inspecting the said account or record:</p> <p><b>Provided</b> that no gazetted officer shall be authorised to inspect the account or record maintained by a political party, unless he has been holding a Group A post in connection with the affairs of the Union, or a State, for not less than ten years.</p> | 23 | <p>If the Central Government has, for any reason, to be recorded in writing, any ground to suspect that any provision of this Act has been or is being, contravened by—</p> <p>(a) any political party, or</p> <p>(b) any person, or</p> <p>(c) any organisation, or</p> <p>(d) any association,</p> <p>it may, by general or special order, authorise such gazetted officer, holding a Group A post under the Central Government or such other officer or authority or organisation, as it may think fit (hereinafter referred to as the inspecting officer), to inspect any account or record maintained by such political party, person, organisation or association, as the case may be, and thereupon every such inspecting officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of inspecting the said account or record.</p> | <p>Two changes in FCRB:</p> <ol style="list-style-type: none"> <li>1) the authorised officer will be called inspecting officer</li> <li>2) the proviso to FCRA 14 has been deleted, namely, the requirement that the authorised officer should have put in at least ten years of service has done away with.</li> </ol> |
|    | <b>Seizure of accounts or records.—</b>   |    | <b>Seizure of accounts</b>  |   |
| 15 | If, after inspection of an account or record referred to in section 14, the authorised officer  | 24 | If, after inspection of an account or record referred to in section 23, the inspecting  |   |

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|    | <p>has any reasonable cause to believe that any provision of this Act or of any other law relating to foreign exchange has been, or is being, contravened, he may seize such account or record and produce the same before the court in which any proceeding is brought for such contravention:</p> <p><b>Provided</b> that the authorised officer shall return such account or record to the person from whom it was seized if no proceeding is brought within six months from the date of such seizure for the contravention disclosed by such account or record.</p> |       | <p>officer has any reasonable cause to believe that any provision of this Act or of any other law relating to foreign exchange has been, or is being, contravened, he may seize such account or record and produce the same before the court, authority or tribunal in which any proceeding is brought for such contravention:</p> <p>Provided that the authorised officer shall return such account or record to the person from whom it was seized if no proceeding is brought within six months from the date of such seizure for the contravention disclosed by such account or record.</p> | <b>No change</b>   |
|    | <b>Seizure of article or currency received in contravention of the Act.—</b>  |       | <b>Seizure of article or currency or security received in contravention of the Act</b>  |  |
| 16 | If any gazetted officer, authorised in this behalf by the Central Government, by general or special order, has any reason to believe that any person has in his possession or control any article exceeding rupees one thousand in value or currency, whether Indian or foreign, in relation to which any provision of this Act has been, or is being, contravened, he may seize such article or currency.  | 25    | If any gazetted officer, authorised in this behalf by the Central Government by general or special order, has any reason to believe that any person has in his possession or control any article exceeding the value specified in sub-clause (i) of clause (h) of subsection (1) of section 2 or currency or security whether Indian or foreign, in relation to which any provision of this Act has been or is being, contravened, he may seize such article or currency or security.   | FCRB 25 is linked to FCRB 2(1)(h)(i) where the Government reserves the right to determine the maximum limit of FC possession without requiring a registration certificate or prior permission. See section 27 of FCRB below.   |
|    |   |       | <b>Disposal of seized article or currency or security</b>   |  |
|    | <b>No comparative provision</b>   | 26(1) | The Central Government, may, having regard to the value of article or currency or security, their vulnerability to theft or any relevant consideration, by notification, specify such article or currency or security which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner, as the Central Government  | These powers coupled those of with suspension and cancellation or the registration certificate can be misused to wreak havoc on any organisation. There is no requirement for an inventory to be prepared at the time of actual seizure. This is against established search and seizure powers under other |

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|  |   | <p>26(2) may, from time to time, determine after following the procedure hereinafter specified.</p> <p>The article or currency or security seized shall be forwarded without unnecessary delay to such officer as may be specified.</p> <p>26(3) Where any article or currency or security has been seized and forwarded to such officer, the officer referred to in sub-section (1), shall prepare an inventory of such article or currency or security containing such details relating to their description, value or such other identifying particulars as the officer referred to in that sub-section may consider relevant to the identity of the article or the currency or security and make an application to any Magistrate for the purposes of certifying the correctness of the inventory so prepared.</p> <p>26(4) Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application.</p> <p>26(5) Notwithstanding anything contained in the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, every court trying an offence under this Act, shall treat the inventory, as certified by the Magistrate, as primary evidence in respect of such offence.</p> <p>26(6) Every officer acting under sub-section (3) shall forthwith report the seizure to the Court of Session or Assistant Session Judge having jurisdiction for adjudging the confiscation under section 29.</p> | <p>laws where a panchnama is required to be prepared and signed by witnesses on the spot. There is no time limit specified in the FCRB for handing over of the seized assets to the specified authority. This can lead to inordinate delays and will invariably result in misplacement and misappropriation by corrupt officials. Verifying the list of seized goods before a Magistrate after it has changed hands is not an acceptable procedure. Corrupt law enforcement officers may plant incriminating items in the seized list with the objective of implicating the organisation.</p> |
|  | <b>Seizure to be made in accordance with the Code of Criminal Procedure, 1973.—</b> |   | <b>Seizure to be made in accordance with Act 2 of 1974</b>  |



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| 17 | Every seizure made under this Act shall be made in accordance with the provision of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974).  | 27 | The provisions of the Code of Criminal Procedure, 1973 shall apply in so far as they are not inconsistent with the provisions of this Act to all seizures made under this Act.  | This is another draconian provision that throws due process to the wind and the marginal note is misleading. Section 17 of FCRA required that all seizure be made in accordance with the seizure procedure laid down in Section 100 of CrPC. This includes requirements that a search warrant be produced by the officer before entering the premises and that the search be conducted in the presence of two independent witnesses who will also sign a list of things that are seized during the search. The occupant of the premises being searched is allowed to be present throughout and he/she is required to be given a copy of the list of things seized. Women occupants can be physically searched only by women. All these protections which are essential components of due process may be dispensed with in FCRB because of the qualification regarding inconsistencies. When read along with Section 25 above there is no compulsion on an officer to observe the norms of CrPC while executing a search and seize operation. |
|    |   |    | <b>CHAPTER VI</b>   |  |
|    |   |    | <b>ADJUDICATION</b>   |  |
|    | <b>Confiscation of article or currency obtained in contravention of the Act.—</b>   |    | <b>Confiscation of article or currency or security obtained in contravention of the Act.</b>  |  |
| 18 | Any article or currency which is seized under section 16 shall be liable to confiscation if such article or currency has been adjudged under section 19 to have been received or obtained in contravention of this Act. | 28 | Any article or currency or security which is seized under section 25 shall be liable to confiscation if such article or currency or security has been adjudged under section 29 to have been received or obtained in contravention of this Act. | <b>No change</b>   |

|       | <b>Adjudication of confiscation.—</b>   |                           | <b>Adjudication of confiscation</b>   |   |
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| 19    | <p>Any confiscation referred to in section 18 may be adjudged--(a) without limit, by the Court of Session within the local limits of whose jurisdiction the seizure was made; and</p> <p>(b) subject to such limits as may be prescribed, by such officer, not below the rank of an Assistant Sessions Judge, as the Central Government may, by notification in the Official Gazette, specify in this behalf.</p> | <p>29(1)</p> <p>29(2)</p> | <p>Any confiscation referred to in section 28 may be adjudged—</p> <p>(a) without limit, by the Court of Session within the local limits of whose jurisdiction the seizure was made; and</p> <p>(b) subject to such limits as may be prescribed, by such officer, not below the rank of an Assistant Sessions Judge, as the Central Government may, by notification in the Official Gazette, specify in this behalf.</p> <p>When an adjudication under sub-section (1) is concluded by the Court of Session or Assistant Sessions Judge, as the case may be, the Sessions Judge or Assistant Sessions Judge may make such order as he thinks fit for the disposal by confiscation or delivery of seized article or currency or security, as the case may be, to any person claiming to be entitled to possession thereof or otherwise, or which has been used for the commission of any offence under this Act.</p> | <p>FCRA 19 = FCRB 29(1)</p> <p><b>New provision</b></p> <p>This provision empowers the trying judge to confiscate the seized FC or delivery of the FC to any person who claims entitlement to possession.</p> |
|       | <b>Opportunity to be given before adjudication of confiscation.—</b>  |                           | <b>Procedure for confiscation</b>   |   |
| 20    | No order of adjudication of confiscation shall be made unless a reasonable opportunity of making a representation against such confiscation has been given to the person from whom any article or currency has been seized.   | 30                        | No order of adjudication of confiscation shall be made unless a reasonable opportunity of making a representation against such confiscation has been given to the person from whom any article or currency or security has been seized.   | <b>No change</b>  |
|       |   |                           | <b>CHAPTER VII</b>  |   |
|       | <b>Appeal.—</b>   |                           | <b>APPEAL AND REVISION</b>  |   |
| 21(1) | Any person aggrieved by any order made under section 19 may prefer an appeal,--<br>(a) where the order has been made by the   | 31(1)                     | Any person aggrieved by any order made under section 29 may prefer an appeal,—  |   |

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| <p>21(2)</p> | <p>Court of Session, to the High Court to which such court is subordinate; or<br/>                 (b) where the order has been made by any officer specified under clause (b) of section 19, to the Court of Session within the local limits of whose jurisdiction such order of adjudication of confiscation was made, within one month from the date of communication to such person of the order:</p> <p><b>Provided</b> that the appellate court may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of one month, allow such appeal to be preferred within a further period of one month, but not thereafter.</p> <p>Any organisation referred to in section 5, or any person or association referred to in section 9 or section 10, aggrieved by an order made in pursuance of the <i>Explanation</i> to sub-section (1) of section 5 or by an order of the Central Government refusing to give permission, or by any order made by the Central Government, under section 5 or section 9 or section 10, as the case may be, may within sixty days from the date of such order prefer an appeal against such order to the High Court within the local limits of whose jurisdiction the appellant ordinarily resides or carries on business or personally works for gain, or, where the appellant is an organization or association, the principal office of such organization or association is located.</p> <p>Every appeal preferred under this section</p> | <p>31(2)</p> | <p>(a) where the order has been made by the Court of Session, to the High Court to which such Court is subordinate; or<br/>                 (b) where the order has been made by any officer specified under clause (b) of sub-section (1) of section 29, to the Court of Session within the local limits of whose jurisdiction such order of adjudication of confiscation was made, within one month from the date of communication to such person of the order:</p> <p>Provided that the appellate court may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of one month, allow such appeal to be preferred within a further period of one month, but not thereafter.</p> <p>Any organisation referred to in clause (f) of sub-section (1) of section 3, or any person or association referred to in section 6 or section 9, aggrieved by an order made in pursuance of section 5 or by an order of the Central Government refusing to give permission under this Act, or by any order made by the Central Government under sub-section (2) or sub-section (4) of section 12, or sub-section (1) of section 14, as the case may be, may, within sixty days from the date of such order, prefer an appeal against such order to the High Court within the local limits of whose jurisdiction the appellant ordinarily resides or carries on business or personally works for gain, or, where the appellant is an organisation or association, the principal office of such organisation or association is located.</p> <p>Every appeal preferred under this section</p> | <p>FCRA 21(1) = FCRB 31(1)</p> <p>FCRA 21(2) = FCRB 31(2)</p> |
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| 21(3) | shall be deemed to be an appeal from an original decree and the provisions of Order XLI of the First Schedule to the Code of Civil Procedure, 1908, shall, as far as may be, apply thereto as they apply to an appeal from an original decree. | 31(3)                           | shall be deemed to be an appeal from an original decree and the provisions of Order XLI of the First Schedule to the Code of Civil Procedure, 1908, shall, as far as may be, apply thereto as they apply to an appeal from an original decree.   | FCRA 21(3) = FCRB 31(3) |
|       |  |                                 | <b>Revision of orders by Central Government.</b>   |                         |
|       | <b>No comparative provision</b>  | 32(1)<br><br>32(2)<br><br>32(3) | <p>The Central Government, may, either of its own motion or on an application for revision by the person registered under this Act, for revision, call for and examine the record of any proceeding under this Act in which any such order has been passed by it and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, may pass such order thereon as it thinks fit.</p> <p>The Central Government shall not of its own motion revise any order under this section if the order has been made more than one year previously.</p> <p>In the case of an application for revision under this section by the person referred to in sub-section (1), the application must be made within one year from the date on which the order in question was communicated to him or the date on which he otherwise came to know of it, whichever is earlier:</p> <p>Provided that the Central Government may, if it is satisfied that such person was prevented by sufficient cause from making the application within that period, admit an application made after the expiry of that period.</p> | <b>New provision</b>    |

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|    |  | 32(4) | The Central Government shall not revise any order where an appeal against the order lies but has not been made and the time within which such appeal may be made has not expired or such person has not waived his right of appeal or an appeal has been filed under this Act.  |  |
|    |  | 32(5) | Every application by such person for revision under this section shall be accompanied by such fee, as may be prescribed.<br><br><i>Explanation.</i> — An order by the Central Government declining to interfere shall, for the purposes of this section, be deemed not to be an order prejudicial to such person.   |  |
|    |  |       | <b>CHAPTER VIII</b>   |  |
|    |  |       | <b>OFFENCES AND PENALTIES</b>   |  |
|    |  |       | <b>Making of false statement, declaration or delivering false accounts</b>  |  |
|    | <b>No comparative provision</b>  | 33    | Any person, subject to this Act, who knowingly, —<br>(a) gives false intimation under sub-section (c) of section 9 or section 18; or<br>(b) seeks prior permission or registration by means of fraud, false representation or concealment of material fact, shall, on conviction by a court, be liable to imprisonment for a term which may extend to six months or with fine or with both. | The maximum prison term has been reduced to the level of Sec. 177 of the <i>Indian Penal Code</i> . The FCR Bill, 2006 had kept this at three years. |
|    | <b>Penalty for article or currency obtained in contravention of section 12.—</b>     |       | <b>Penalty for article or currency or security obtained in contravention of section 10</b>  |  |
| 22 | If any person, on whom any prohibitory order has been served under section 12, pays, | 34    | If any person, on whom any prohibitory order has been served under section 10,  |  |

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|       | delivers, transfers or otherwise deals with, in any manner whatsoever, any article or currency, whether Indian or foreign, in contravention of such prohibitory order, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both; and notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the court trying such contravention may also impose on the person convicted an additional fine equivalent to the market value of the article or the amount of the currency in respect of which the prohibitory order has been contravened by him or such part thereof as the court may deem fit. |    | pays, delivers, transfers or otherwise deals with, in any manner whatsoever, any article or currency or security, whether Indian or foreign, in contravention of such prohibitory order, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both; and notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court trying such contravention may also impose on the person convicted an additional fine equivalent to the market value of the article or the amount of the currency or security in respect of which the prohibitory order has been contravened by him or such part thereof as the court may deem fit. | <b>No change</b>                           |
|       | <b>Punishment for the contravention of any provision of the Act.—</b>  |    | <b>Punishment for contravention of any provision of the Act</b>  |  |
| 23(1) | Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency from a foreign source, in contravention of any provision of this Act or any rule made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.  | 35 | Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency or security from a foreign source, in contravention of any provision of this Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.   | FCRA 23(1) = FCRB 35                       |
| 23(2) | Whoever accepts any foreign hospitality in contravention of any provision of this Act or any rule made thereunder shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.  |    |  | FCRA 23(2) has been done away with in FCRB |
|       | <b>Power to impose additional fine where article or currency is not available for confiscation.—</b>   |    | <b>Power to impose additional fine where article or currency or security is not available for confiscation</b>   |  |
| 24    | Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court  | 36 | Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court  |  |

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|     | trying a person, who, in relation to any article or currency, whether Indian or foreign, does or omits to do any act which act or omission would render such article or currency liable to confiscation under this Act, may, in the event of the conviction of such person for the act or omission aforesaid, impose on such person a fine not exceeding five times the value of the article or currency or one thousand rupees, whichever is more, if such article or currency is not available for confiscation, and the fine so imposed shall be in addition to any other fine which may be imposed on such person under this Act. |    | trying a person, who, in relation to any article or currency or security, whether Indian or foreign, does or omits to do any act which act or omission would render such article or currency or security liable to confiscation under this Act, may, in the event of the conviction of such person for the act or omission aforesaid, impose on such person a fine not exceeding five times the value of the article or currency or security or one thousand rupees, whichever is more, if such article or currency or security is not available for confiscation, and the fine so imposed shall be in addition to any other fine which may be imposed on such person under this Act. | <b>No change</b> |
|     | <b>Penalty for offences where no separate punishment has been provided.—</b>  |    | <b>Penalty for offences where no separate punishment has been provided</b>  |                  |
| 25  | Whoever fails to comply with any provision of this Act for which no separate penalty has been provided in this Act shall be punished with imprisonment for a term which may extend to one year, or with fine not exceeding one thousand rupees, or with both.   | 37 | Whoever fails to comply with any provision of this Act for which no separate penalty has been provided in this Act shall be punished with imprisonment for a term which may extend to one year, or with fine or with both.  | <b>No change</b> |
|     | <b>Prohibition of acceptance of foreign contribution.—</b>  |    | <b>Prohibition of acceptance of foreign contribution</b>  |                  |
| 25A | Notwithstanding anything contained in this Act, whoever, having been convicted of any offence under sub-section (1) of section 23 or section 25, in so far as such offence relates to the acceptance or utilisation of foreign contribution, is again convicted of such offence shall not accept any foreign contribution for a period of three years from the date of the subsequent conviction.   | 38 | Notwithstanding anything contained in this Act, whoever, having been convicted of any offence under section 35 or section 37, in so far as such offence relates to the acceptance or utilisation of foreign contribution, is again convicted of such offence shall not accept any foreign contribution for a period of three years from the date of the subsequent conviction.  | <b>No change</b> |
|     | <b>Offences by companies.—</b>  |    | <b>Offences by companies</b>  |                  |

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| <p>26(1)</p> | <p>Where an offence under this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p><b>Provided</b> that nothing contained in this subsection shall render such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p>  | <p>39(1)</p> | <p>Where an offence under this Act or any rule or order made thereunder has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this subsection shall render such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p>   | <p>FCRA 26(1) = FCRB 39(1)</p>  |
| <p>26(2)</p> | <p>Notwithstanding anything contained in subsection (1), where an offence under this Act or any rule made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><b>Explanation.</b>—For the purposes of this section,-<br/>                 (a) "company" means any body corporate and includes a firm, society, trade union or other association of individuals; and<br/>                 (b) "director", in relation to a firm, society, trade union or other association of individuals, means a partner in the firm or a member of the governing body of such society, trade union or</p> | <p>39(2)</p> | <p>Notwithstanding anything contained in subsection (1), where an offence under this Act or any rule or order made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i>— For the purposes of this section,—<br/>                 (a) "company" means any body corporate and includes a firm, society, trade union or other association of individuals; and<br/>                 (b) "director", in relation to a firm, society,</p> | <p>FCRA 26(2) = FCRB 39(2)</p> <p><b>No change in the Explanation</b></p> |



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|    | other association of individuals.  |                    | trade union or other association of individuals, means a partner in the firm or a member of the governing body of such society, trade union or other association of individuals.  |                      |
|    | <b>Bar to the prosecution of offences under the Act.—</b>  |                    | <b>Bar to prosecution of offences under the Act</b>   |                      |
| 27 | No court shall take cognizance of any offence under this Act, except with the previous sanction of the Central Government or any officer authorised by that Government in this behalf. | 40                 | No court shall take cognizance of any offence under this Act, except with the previous sanction of the Central Government or any officer authorised by that Government in this behalf.  | <b>No change</b>     |
|    |  |                    | <b>Composition of certain offences</b>  |                      |
|    | <b>No comparative provision</b>  | 41(1)<br><br>41(2) | <p>Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act (whether committed by an individual or association or any officer or employee thereof), not being an offence punishable with imprisonment only, may, before the institution of any prosecution, be compounded by such officers or authorities and for such sums as the Central Government may, by notification in the Official Gazette, specify in this behalf.</p> <p>Nothing in sub-section (1) shall apply to an offence committed by an individual or association or its officer or other employee within a period of three years from the date on which a similar offence committed by it or him was compounded under this section.</p> <p><i>Explanation.—</i> For the purposes of this section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the</p> | <b>New provision</b> |

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|  |  | <p>41(3)</p> <p>41(4)</p> <p>41(5)</p> <p>41(6)</p> | <p>offence was previously compounded, shall be deemed to be a first offence.</p> <p>Every officer or authority referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central government.</p> <p>Every application for the compounding of an offence shall be made to the officer or authority referred to in sub-section (1) in such form and manner along with such fees as may be prescribed.</p> <p>Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.</p> <p>Every officer or authority referred to in sub-section (1) while dealing with a proposal for the compounding of an offence for a default in compliance with any provision of this Act which requires by an individual or association or its officer or other employee to obtain permission or file or register with, or deliver or send to, the Central Government or any prescribed authority any return, account or other document, may, direct, by order, if he or it thinks fit to do so, any individual or association or its officer or other employee to file or register with, such return, account or other document within such time as may be specified in the order.</p> |  |
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|    |   |    | <b>CHAPTER IX</b>   |  |
|    |   |    | <b>MISCELLANEOUS</b>  |  |
|    |   |    | <b>Power to call for information or document</b>  |  |
|    | <b>No comparative provision</b>   | 42 | <p>Any inspecting officer referred to in section 23 who is authorised in this behalf by the Central Government may, during the course of any inspection of any account or record maintained by any political party, person, organisation or association in connection with the contravention of any provision of this Act, —</p> <p>(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or rule or order made thereunder;</p> <p>(b) require any person to produce or deliver any document or thing useful or relevant to such inspection;</p> <p>(c) examine any person acquainted with the facts and circumstances of the case related to the inspection.</p> | <p>This is an empowering provision for the inspecting officer to call for information and documents and examine. The power of examination has potential for abuse. FCRB does not indicate whether such examination will be done in the presence of witnesses. This provision can be misused by officers who might turn examination into interrogation using harsh methods. There is no protection against such misuse in the FCRB.</p> |
|    | <b>Investigation into cases under the Act.—</b>   |    | <b>Investigation into cases under the Act</b>   |  |
| 28 | Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may also be investigated into by such authority as the Central Government may specify in this behalf and the authority so specified shall have all the powers which an officer-in-charge of a police station has while making an investigation into a cognizable offence. | 43 | Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may also be investigated into by such authority as the Central Government may specify in this behalf and the authority so specified shall have all the powers which an officer-in-charge of a police station has while making an investigation into a cognizable offence.   | <b>No change</b>   |

|       |   |       | <b>Returns by prescribed authority to Central Government</b>   |   |
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|       | <b>No comparative provision</b>   | 44    | The prescribed authority shall furnish to the Central Government at such time and in such form and manner such returns and statements as may be prescribed.  | This provision empowers the Government to keep track of action taken by officers under the FCRB.  |
|       | <b>Protection of action taken in good faith.—</b>   |       | <b>Protection of action taken in good faith</b>  |   |
| 29    | No suit or other legal proceedings shall lie against the Central Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or, any rule or order made thereunder. | 45    | No suit or other legal proceedings shall lie against the Central Government or the authority referred to section 44 or any of its officers in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or, any rule or order made thereunder. | <b>No change</b>  |
|       |   |       | <b>Power of Central Government to give directions</b>  |   |
|       | <b>No comparative provision</b>   | 46    | The Central Government may give such directions as it may deem necessary to any other authority or any person or class of persons regarding the carrying into execution of the provisions of this Act.   | Under this provision the Central Government may even issue a direction to the state government or its officers to take action against suspect organisations |
|       |   |       | <b>Delegation of powers</b>  |   |
|       | <b>No comparative provision</b>   | 47    | The Central Government may, by notification, direct that any of its powers or functions under this Act, except power to make rule under section 22, shall, in relation to such matters and subject to such conditions, if any, may be specified in the notification, be exercised or discharged also by such authority as may be specified.                | <b>New provision</b>  |
|       | <b>Power to make rules.—</b>  |       | <b>Power to make rules</b>   |   |
| 30(1) | The Central Government may, by notification in the Official Gazette, make rules for carrying  | 48(1) | The Central Government may, by notification, make rules for carrying out the   | As the FCRB expands the authority of  |

|       | FCRA 1976   | FCRB 2010   | Comments   |
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| 30(2) | <p>out the provisions of this Act.</p> <p>In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--</p> <p>(a) the time within which, and the manner in which, intimation is to be given by an association referred to in section 6, with regard to the foreign contributions received by it;</p> <p>(b) the limits up to which receipt of scholarships, stipends or payments of a like nature need not be intimated to the Central Government;</p> <p>(c) the time within which, and the manner in which, intimation is to be given by persons receiving any scholarship, stipend or any payment of a like nature from a foreign source;</p> <p>(d) the time within which, and the manner in which a candidate for election should give intimation as to the amount of foreign contribution received by him at any time within one hundred and eighty days from the date when he became such candidate;</p> <p>(e) the form and manner in which an application shall be made for obtaining prior permission of the Central Government to receive foreign contribution or foreign hospitality;</p> <p>(f) the manner of service of the prohibitory order made under section 12;</p> <p>(g) the form and manner in which account or record referred to in section 13 shall be maintained;</p> | <p>48(2)</p> <p>provisions of this Act.</p> <p>In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the value of the article which may be specified under sub-clause (i) of clause (h) of sub-section (1) of section 2;</p> <p>(b) the authority which may be specified under clause (p) of sub-section (1) of section 2;</p> <p>(c) acceptance or retention of gift or presentation under clause (d) of section 4;</p> <p>(d) ground or grounds on which an organisation may be specified as an organisation of political nature under sub-section (2) of section 5;</p> <p>(e) the manner in which the administrative expenses shall be calculated under sub-section (2) of section 8;</p> <p>(f) the time within which and manner in which any person or class of persons or an association may be required to furnish intimation regarding the amount of foreign contribution received under clause (c) of section 9;</p> <p>(g) the time within which and manner in which any person or class of persons may be required to furnish intimation regarding foreign hospitality under clause (e) of section 9;</p> <p>(h) the manner in which the copy of the order of the Central Government shall be served upon any person under section 10;</p> <p>(i) the form and manner in which the application for grant of certificate of registration or giving of prior permission under sub-section (1) of section 12;</p> <p>(j) the fee to be accompanied by the</p> | <p>the Central Government to regulate the affairs of organisations receiving FC there are more issues on which rules will be made.</p> |

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|  | <p>(h) the limits up to which an officer, not below the rank of an Assistant Sessions Judge, may make adjudication of confiscation;</p> <p>(i) any other matter which is required to be, or may be prescribed.</p> | <p>application under sub-section (1) of section 12;</p> <p>(k) the terms and conditions for granting a certificate or giving prior permission under clause (g) of sub-section (3) of section 12;</p> <p>(l) the manner of utilising the foreign contribution under clause (b) of subsection (2) of section 13;</p> <p>(m) the authority with whom the foreign contribution to be vested under subsection (1) of section 15;</p> <p>(n) the period within which and the manner in which the foreign contribution shall be managed under sub-section (2) of section 15;</p> <p>(o) the form and manner in which the application for a renewal of certificate of registration shall be made under sub-section (2) of section 16;</p> <p>(p) the fee to be accompanied by the application for renewal of certificate under sub-section (2) of section 16;</p> <p>(q) the form, and manner in which the foreign remittance received in any of the accounts of the bank or authorised person in foreign exchange which shall be reported under sub-section (2) of section 17;</p> <p>(r) the time within which and manner in which the person who has been granted certificate of registration or given prior permission under this Act shall give intimation under section 18;</p> <p>(s) the form and manner in which account of any foreign contribution and the manner in which such contribution has been utilised shall be maintained under section 19;</p> <p>(t) the time within which and manner in which a candidate for election shall give intimation under section 21;</p> <p>(u) the manner and procedure to be</p> |  |
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|       |   |    | <p>followed in disposing of the assets under section 22;</p> <p>(v) the limits subject to which any confiscation may be adjudged under clause (b) of sub-section (1) of section 29;</p> <p>(w) the fee to be accompanied along with every application for revision under sub-section (5) of section 32;</p> <p>(x) the form and manner for making of an application for compounding of an offence and the fees therefor under sub-section (4) of section 41;</p> <p>(y) the form and manner in which and the time within which returns and statements to be furnished by the prescribed authority under section 44;</p> <p>(z) any other matter which is required to be, or may be prescribed.</p>   |                  |
|       |   |    | <b>Orders and rules to be laid before Parliament</b>   |                  |
| 30(3) | <p>Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p> | 49 | <p>Every order made under section 5 and every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or rule or both Houses agree that the order or rule should not be made, the order or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under</p> | <b>No change</b> |

|    |   |       | that order or rule.  |                      |
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|    | <b>Power to exempt.—</b>  |       | <b>Power to exempt in certain cases.</b>   |                      |
| 31 | If the Central Government is of opinion that it is necessary or expedient in the interests of the general public so to do, it may, by order and subject to such conditions as may be specified in the order, exempt any association (not being a political party), organisation or any individual (not being a candidate for election) from the operation of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order. | 50    | If the Central Government is of opinion that it is necessary or expedient in the interests of the general public so to do, it may, by order and subject to such conditions as may be specified in the order, exempt any person or association or organisation (not being a political party), or any individual (not being a candidate for election) from the operation of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order. | <b>No change</b>     |
|    |   |       | <b>Power to remove difficulties</b>  |                      |
|    | <b>No comparative provision</b>   | 53(1) | If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:<br><br>Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.   | <b>New provision</b> |
|    |   | 53(2) | Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.  |                      |
|    | <b>Act not to apply to Government transactions.—</b>  |       | <b>Act not to apply to certain Government transactions</b>   |                      |
| 32 | Nothing contained in this Act shall apply to any transaction between the Government of India and the Government of any foreign country or territory.  | 51    | Nothing contained in this Act shall apply to any transaction between the Government of India and the Government of any foreign country or territory.   | <b>No change</b>     |



|  |  |                           | <b>Repeal and saving</b>   |  |
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|  |  | <p>54(1)</p> <p>54(2)</p> | <p>The Foreign Contribution (Regulation) Act, 1976 (hereafter referred to as the repealed Act) is hereby repealed.</p> <p>Notwithstanding such repeal,—</p> <p>(a) anything done or any action taken or purported to have been done or taken under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;</p> <p>(b) any organisation of a political nature, not being a political party, to whom the prior permission was granted under section 5 of the repealed Act, shall continue to be the organisation of a political nature, not being a political party, under clause (f) of subsection (1) section 3 of this Act, till such permission is withdrawn by the Central Government;</p> <p>(c) permission to accept foreign hospitality granted under section 9 of the repealed Act shall be deemed to be the permission granted under section 6 of this Act until such permission is withdrawn by the Central Government;</p> <p>(d) any association prohibited from accepting any foreign contribution under clause (a) of section 10 of the repealed Act, in so far as it is not inconsistent with the provisions of this Act, shall be deemed to be an association prohibited from accepting any foreign contribution under section 9 of this Act;</p> |  |

|  |  |              |  |  |
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|  |  | <p>54(3)</p> | <p>(e) permission obtained under clause (b) of section 10 of the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be the permission until such permission is withdrawn by the Central Government;</p> <p>(f) any order issued under section 12 of the repealed Act shall be deemed to be an order issued under section 10 of this Act;</p> <p>(g) any order issued under section 31 of the repealed Act exempting any association or any individual shall be deemed to be an order under section 50 of this Act till such order is varied or revoked.</p> <p>Save as provided in sub-section (2), mention of particular matters in that subsection shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.</p> |  |
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