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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

Initiative

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 28*th September,* 2020/*Asvina* 6, 1942 (*Saka*)

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:—

THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 2020

No. 33 of 2020

[28*th September,* 2020.]

An Act further to amend the Foreign Contribution (Regulation) Act, 2010.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Foreign Contribution (Regulation) Amendment Act, 2020.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

42 of 2010.

2. In section 3 of the Foreign Contribution (Regulation) Act, 2010 (hereinafter referred to as the principal Act), in sub-section (*1*),—

(*i*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) public servant, Judge, Government servant or employee of any corporation or any other body controlled or owned by the Government;";

(*ii*) for the *Explanation*, the following *Explanations* shall be substituted, namely:—

'*Explanation* 1.—For the purpose of clause (*c*), "public servant" means a public servant as defined in section 21 of the Indian Penal Code. 45 of 1860.

Explanation 2.—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 clause (*45*) of section 2 of the Companies Act, 2013.'. 18 of 2013.

Substitution of new section for section 7.

3. For section 7 of the principal Act, the following section shall be substituted, namely:—

Prohibition to transfer foreign contribution to other person.

"7. No person who—

(*a*) is registered and granted a certificate or has obtained prior permission under this Act; and

(*b*) receives any foreign contribution,

shall transfer such foreign contribution to any other person.".

Amendment of section 8.

4. In section 8 of the principal Act, in sub-section (*1*), for the words "fifty per cent.", at both the places where they occur, the words "twenty per cent." shall be substituted.

Amendment of section 11.

5. In section 11 of the principal Act, in sub-section (*2*), in the proviso, for the words, brackets and figures "Provided that if the person referred to in sub-sections (*1*) and (*2*) has been found guilty", the following shall be substituted, namely:—

"Provided that the Central Government, on the basis of any information or report, and after holding a summary inquiry, has reason to believe that a person who has been granted prior permission has contravened any of the provisions of this Act, it may, pending any further inquiry, direct that such person shall not utilise the unutilised foreign contribution or receive the remaining portion of foreign contribution which has not been received or, as the case may be, any additional foreign contribution, without prior approval of the Central Government:

Provided further that if the person referred to in sub-section (*1*) or in this sub-section has been found guilty".

Amendment of section 12.

6. In section 12 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

'(*1A*) Every person who makes an application under sub-section (*1*) shall be required to open ''FCRA Account'' in the manner specified in section 17 and mention details of such account in his application.'.

Insertion of new section 12A.

7. After section 12 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to require Aadhaar number, etc., as identification document.

"12A. Notwithstanding anything contained in this Act, the Central Government may require that any person who seeks prior permission or prior approval under section 11, or makes an application for grant of certificate under section 12, or, as the case may be, for renewal of certificate under section 16, shall provide as identification document, the Aadhaar number of all its office bearers or Directors or other key functionaries, by whatever name called, issued under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, or a copy of the Passport or Overseas Citizen of India Card, in case of a foreigner.". 18 of 2016.

Amendment of section 13.

8. In section 13 of the principal Act, in sub-section (*1*), for the words "for such period not exceeding one hundred and eighty days as may be specified", the words "for a period of one hundred and eighty days, or such further period, not exceeding one hundred and eighty days, as may be specified" shall be substituted.

Insertion of new section 14A.

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

Surrender of certificate.

"14A. On a request being made in this behalf, the Central Government may permit any person to surrender the certificate granted under this Act, if, after making such inquiry as it deems fit, it is satisfied that such person has not contravened any of the provisions of this Act, and the management of foreign contribution and asset, if any, created out of such contribution has been vested in the authority as provided in sub-section (*1*) of section 15.".

Amendment of section 15.

10. In section 15 of the principal Act,—

(*i*) in the marginal heading, after the word "cancelled", the words "or surrendered" shall be inserted;

(*ii*) in sub-section (*1*), after the word and figures "section 14", the words, figures and letter "or surrendered under section 14A" shall be inserted.

Amendment of section 16.

11. In section 16 of the principal Act, in sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, before renewing the certificate, make such inquiry, as it deems fit, to satisfy itself that such person has fulfilled all conditions specified in sub-section (*4*) of section 12.".

Substitution of new section for section 17.

12. For section 17 of the principal Act, the following section shall be substituted, namely:—

Foreign contribution through scheduled bank.

'17. (*1*) Every person who has been granted certificate or prior permission under section 12 shall receive foreign contribution only in an account designated as "FCRA Account" by the bank, which shall be opened by him for the purpose of remittances of foreign contribution in such branch of the State Bank of India at New Delhi, as the Central Government may, by notification, specify in this behalf:

Provided that such person may also open another ''FCRA Account'' in any of the scheduled bank of his choice for the purpose of keeping or utilising the foreign contribution which has been received from his ''FCRA Account'' in the specified branch of State Bank of India at New Delhi:

Provided further that such person may also open one or more accounts in one or more scheduled banks of his choice to which he may transfer for utilising any foreign contribution received by him in his ''FCRA Account'' in the specified branch of the State Bank of India at New Delhi or kept by him in another ''FCRA Account'' in a scheduled bank of his choice:

Provided also that no funds other than foreign contribution shall be received or deposited in any such account.

(*2*) The specified branch of the State Bank of India at New Delhi or the branch of the scheduled bank where the person referred to in sub-section (*1*) has opened his foreign contribution account or the authorised person in foreign exchange, shall report to such authority as may be specified,—

(*a*) the prescribed amount of foreign remittance;

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(*b*) the source and manner in which the foreign remittance was received; and

(*c*) other particulars,

in such form and manner as may be prescribed.'.

———

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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