

Notification dated 1st July'2022 issued by MHA

A SNAPSHOT

THE SEVEN KEY AMENDMENTS MADE THROUGH FOREIGN CONTRIBUTION (REGULATION) AMENDMENT RULES, 2022

The Central government has made seven key amendments to existing rules of the Foreign Contribution (Regulation) Act (FCRA) rules 2011. The new rules, now renamed as Foreign Contribution (Regulation) Amendment Rules, 2022, which came into effect on Friday (July 1) with the Ministry of Home Affairs (MHA) issuing a notification and its publication in the Official Gazette. The following are a summary of the amendments made:

Sr. No.	Rules Number and its Heading	As per Foreign Contribution (Regulation) Rules, 2011 duly amended up to Foreign	As per Foreign Contribution (Regulation) Amendment	Analysis of Amendments made through Foreign Contribution
		Contribution (Regulation) (Amendment) Rules, 2020	Rules, 2022	(Regulation) Amendment Rules, 2022
1.	Rule 6, Intimation of	Any person receiving foreign	Any person receiving	Relaxation provided in
	receiving foreign	contribution in excess of one	foreign contribution in	reporting requirement
	contribution from	lakh rupees or equivalent	excess of <mark>ten lakh</mark> rupees	for receiving foreign
	relatives	thereto in a financial year	or equivalent thereto in a	contribution from
		from any of his relatives shall	financial year from any	relatives in following
		inform the Central	of his relatives shall	way:
		Government regarding the	inform the Central	❖ One Lakh limit has
		details of the foreign	Government "regarding	been extended to 10
		contribution received by him	the details of the foreign	Lakhs
		in electronic form in Form FC-	contribution received by	Reporting Due-Date
		1 within <mark>thirty days</mark> from the	n thirty days from the him in electronic form in	
		date of receipt of such	Form FC-1 within <mark>3</mark>	amended to 3
		contribution.	months from the date of	months
			receipt of such	
			contribution.	
	Rule 9 (1) (e)	The person may open one or	The person may open	Relaxation provided in
	Application for	more accounts in one or more	one or more accounts in	reporting requirement of
	obtaining	banks for the purpose of	one or more banks for	utilization bank account
	Registration to	utilising the foreign	the purpose of utilising	in following way:
	receive foreign	contribution after it has been	the foreign contribution	❖ Reporting Due-Date
	contribution	received and, in all such	after it has been	of 15 days has been
		cases, intimation in electronic	received and, in all such	amended to 45 days.
		form in form FC-6D shall be	cases, intimation in	

		furnished to the Secretary,	electronic form in form	
		Ministry of Home Affairs, New	FC-6D shall be furnished	
		Delhi within <mark>fifteen days</mark> of	to the Secretary, Ministry	
		the opening of any account.	of Home Affairs, New	
			Delhi within <mark>forty-five</mark>	
			days of the opening of	
			any account.	
3.	Rule 9 (2) (e)	A person seeking prior	A person seeking prior	Relaxation provided in
	Application for	permission under this rule may	permission under this rule	reporting requirement of
	obtaining Prior	open one or more accounts in	may open one or more	utilization bank account
	Permission to	one or more banks for the	accounts in one or more	in following way:
	receive foreign	purpose of utilising the	banks for the purpose of	❖ Reporting Due-Date
	contribution	foreign contribution after it	utilising the foreign	of 15 days has been
		has been received and in all	contribution after it has	amended to 45 days.
		such cases intimation	been received and in all	
		electronically online in form	such cases intimation	
		FC-6D shall be furnished to	electronically online in	
		the Secretary, Ministry of	form FC-6D shall be	
		Home Affairs, New Delhi	furnished to the	
		within <mark>fifteen days</mark> of the	Secretary, Ministry of	
		opening of any account.	Home Affairs, New Delhi	
			within <mark>forty-five</mark> days of	
			the opening of any	
			account.	
	Rule 13(b): Quarterly	A person receiving foreign	Omitted	Options Withdrawn Rule
	declaration of	contribution in a quarter of		13(b) has been omitted,
	receipt of Foreign	the financial year shall place		however, the online form
	Contribution	details of foreign contribution		with regard to intimation
		received on its official		of quarterly receipt of
		website or on the website as		foreign contribution has
		specified by the Central		not been withdrawn.
		Government within 15 days		
		following the last day of the		The intent of the
		quarter in which it has been		Government seems to be
		received clearly indicating		to withdraw the
		the details of donors, amount		quarterly reporting
		·		, , ,

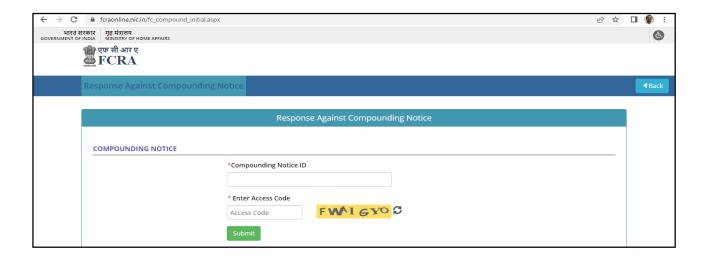
		1	
	received and date of		requirement. Since the
	receipt."		online form has not been
			withdrawn there is a
			confusion around it.
5 0 474 0			
	A person who has been	•	
designated bank			
account, name,			
address, aims	' '	•	
objectives or key		'	, ,
members of the			members of the
association	within <mark>fifteen days</mark> , of any		association in the
	change in the following,	form within forty-five	following way:
	namely: -";	days, of any change in	❖ Reporting Due-Date
	i. Name of the association	the following, namely: -";	of 15 days has been
	or its address within the	i. Name of the	amended to 45 days
	state for which	association or its	
	registration/ prior	address within the	
	permission has been	state for which	
	granted under the Act;	registration/ prior	
	ii. Its nature, aims and	permission has been	
	objects and registration	granted under the	
	with local / relevant	Act;	
	authorities;	ii. Its nature, aims and	
	iii. Bank and/ or branch of	objects and	
	the bank and/or	registration with	
	designated foreign	local / relevant	
	contribution account	authorities;	
	number; and	iii. Bank and/ or branch	
	iv. office bearers or key	of the bank and/or	
	functionaries or members	designated foreign	
	mentioned in the	contribution account	
	application for grant of	number; and	
	registration or prior	iv. office bearers or key	
	permission or renewal of	functionaries or	

registration, as the case members mentioned may be, in Form FC-6E."; in the application for "Provided that the change grant of registration shall be effective only after or prior permission or final approval by the Central renewal Government." registration, as the case may be, in Form FC-6E.": "Provided that the shall change be effective only after final approval by the Central Government." Rule 20: Revision "An application for revision of application for Form May Prescribed; Before this an order passed by the revision of an order competent authority under amendment, application passed the section 32 of the Act shall be for revision of order competent authority made to the Secretary, under section 32 of the passed by MHA could be Ministry of Home Affairs, Act shall be made to the applied by the Government of India, New Secretary, Ministry of organizations in offline Delhi <mark>on a plain paper</mark> and it Home Affairs, mode in their own way and shall be accompanied by a Government of India, no forms and fee of rupees three thousand New Delhi in such form manner were prescribed. only, which shall be paid and manner, including in Now, with this electronic form as may through the payment amendment it is gateway specified by the be specified by the anticipated that MHA Central Government.". Central Government and may introduce an online it shall be accompanied form for making the by a fee of rupees three application for revision thousand only, which of order like other online shall be paid through the FC forms. payment gateway specified by the Central Government.".

Notification Dated 1st July, 2022 Issued by Ministry of Home Affairs (MHA)

Ministry of Home Affairs issued a notification dated 1st July, 2022 effective from the date of notification in respect of the revised amount of penalty for compounding certain offences under the FCRA. In five cases, amount of penalty has been newly added, in one case the penalty has been increased and in rest of the cases, the existing amount of penalty would still prevail. The provisions applicable for all the compoundable offence are given here below:

- Officer competent for compounding would be "The Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act".
- The amount of penalty in respect of any offence or offences referred to in table below shall not be more than the value of the foreign contribution received.
- The application to compound offences specified in the table below may be processed in physical or electronic form as may be specified by the Government. Currently a separate electronic form (part of form FC-7) namely "Response Against Compounding Notice" has been provided and it requires "Compounding Notice ID" to provide response against the compounding notice. Screenshot of the same is given below:



The existing penalty, revised penalty and the analysis of the same is given in the table below: –

Sr.	Offence and Relevant Sections	Existing	Revised Amount	Analysis
No.		Amount of	of Penalty	
		Penalty (INR)	(INR)	N. Cl
	Offence punishable under section 35 for	10,000/-	10,000/-	No Change
	accepting any hospitality in contravention of			Compounding for
	section 6 of the Act.			Offence punishable for
	Section 35: Whoever accepts, or assists any			accepting any foreign
	person, political party or organisation in			hospitality in
	accepting, any foreign contribution or any			contravention of the
	currency or security from a foreign source, in			FCRA.
	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.			
	Section 6: 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:			
	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 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			

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	manner in which, such hospitality was received			
	by him.			
2.	Offence punishable under section 37 for	1,00,000/-	1,00,000/-	No Change
	transferring any foreign contribution to any	Or	Or	Compounding of offence
	other person in contravention of section 7 of	10% of such	10% of such	punishable for
	the Act or any rule made thereunder: Provided	transferred	transferred	transferring/sub-granting
	that transfer of foreign contribution (inclusive	foreign	foreign	any foreign contribution
	of more than one instances of transfer, if any)	contribution,	contribution,	to any other organization.
	shall be compoundable only once.	whichever is	whichever is	
	Section 37: Whoever fails to comply with any	higher.	higher.	
	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.			
	Section 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.".			
3.	Offence punishable under section 37 for	1,00,000/-	1,00,000/-	No Change
	defraying of foreign contribution beyond	Or	Or	Compounding of offence
	twenty per cent of the contribution received	5% of such	5% of such	punishable for exceeding
	for administrative expenses in contravention	foreign	foreign	the administrative
	of section 8 of the Act.	contribution	contribution so	expenditure beyond 20%.
	Section 37: Refer serial number 2 of this	so defrayed	defrayed beyond	
	table.	beyond the	the permissible	
	Relevant extracts of Section 8 regarding	permissible	limit,	
	administrative expenses: (1) Every person,	limit,	whichever is	
	who is registered and granted a certificate or	whichever is	higher.	
	given prior permission under this Act and	higher.		
	receives any foreign contribution,			
	(a) about speculative activities			
			<u> </u>	

	(b) shall not defray as far as possible such sum, not exceeding twenty per cent. of such contribution, received in a financial year, to meet administrative expenses: Provided that administrative expenses exceeding twenty per cent. of such contribution may be defrayed with prior			
	approval of the Central Government. (Elements of administrative expenses has			
	been prescribed in Rule 5 of FC(R)R, 2011.)			
4.	Offence punishable under section 35 for accepting foreign contribution in contravention of section 11 of the Act. Section 35: Refer serial number 1 of this table. Relevant Extracts of Section 11 regarding Registration and Prior Permission: (1) 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: (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 the specific source:	1,00,000/- Or 10% of the foreign contribution received, whichever is higher.	1,00,000/- Or 30% of the foreign contribution received, whichever is higher.	Limit of penalty is increased from 10% to 30% of FC received. Compounding of offence punishable for receiving foreign contribution without Registration/prior permission from the central government.
	Offences punishable under section 37 read	1,00,000/-	1,00,000/-	No Change
	with section 17 of the Act for-	Or	Or	Compounding of offence
	(a) receiving foreign contribution in any	5% of the	5% of the	for receiving foreign
	account other than specified account in his	foreign	foreign	contribution in any
	application for grant of certificate;	contribution	contribution	account other than FCRA
		received in		designated bank account.

	Section 37: Refer serial number 2 of this	such	received in such	
	table.	account,	account,	
	Relevant extract of Section 17:	whichever is	whichever is	
	(1) Every person who has been granted	higher;	higher;	
	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:			
	Last Proviso is relating to point 5C below and			
	mentioned there			
	(2) second clause of this section is relating to			
	point 5b below and mentioned there			
5b.	(b) non-reporting the prescribed amount of	1,00,000/-	1,00,000/-	No Change
	foreign remittance or source and manner of	Or	Or	Compounding of offence
	such remittance by banks and authorised	3% of the	3% of the foreign	for non-reporting the
	persons.	foreign	contribution	prescribed amount of
		contribution	received or	foreign remittance or

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	Relevant extract of Section 17:	received or	deposited in	source and manner of
	(1) Related to point 5a and mentioned	deposited in	such account,	such remittance by banks
	above	such	whichever is	and authorized persons.
	(2) The specified branch of the State Bank of	account,	higher.	
	India at New Delhi or the branch of the	whichever is		
	scheduled bank where the person referred to	higher.		
	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;			
	(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.'.			
5c.	(c) receiving and depositing any fund other	1,00,000/-	1,00,000/-	No Change
	than foreign contribution in the account or	Or	Or	Compounding of offence
	accounts opened for receiving foreign	2% of such	2% of such	for receiving & depositing
	contribution or for utilising the foreign	deposit,	deposit,	any local funds in the
	contribution.	whichever is	whichever is	FCRA Bank Accounts.
	Relevant extract of Section 17:	higher.	higher.	
	(1) initial extracts of this section are			
	relating to point 5a and mentioned above			
	Provided also that no funds other than foreign			
	contribution shall be received or deposited in			
	any such account.			
	(2) sub clause 2 of this section is relating to			
	point 5b above and mentioned there			
6.	Offence punishable under section 37 for non-	1,00,000/-	1,00,000/-	No Change
	furnishing of intimation of the amount of each	Or	Or	Compounding of offence
	foreign contribution received and the source	5% of the	5% of the	for punishable for non-
	from which and in the manner in which, such	foreign	foreign	furnishing of Quarterly
	foreign contribution is received as required	contribution	contribution	returns or Annual Return
	under section 18 of the Act.	received	received during	within the due date and in
		during the		a prescribed manner.
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grar	etion 18: (1) Every person who has been noted a certificate or given prior approval	non- submission,	the period of non-submission,	
grar	,, , , ,	submission.		
	nted a certificate or given prior approval	00.011.00.01.1	whichever is	
unde		whichever is	higher.	
	er this Act shall give, within such time and	higher.		
in s	such manner as may be prescribed, an			
intin	nation to the Central Government, and			
such	n other authority as may be specified by			
the	Central Government, as to the amount of			
eac	h foreign contribution received by it, the			
sour	rce from which and the manner in which			
such	n foreign contribution was received, and			
the	purposes for which, and the manner in			
whic	ch such foreign contribution was utilised by			
him.	. (For this intimation Rule 17 has been			
pres	scribed which requires such reporting in			
form	n FC-4 within 9 months from the end of the			
resp	pective financial year)			
(2) [Every person receiving foreign contribution			
shal	I submit a copy of a statement indicating			
ther	ein the particulars of foreign contribution			
rece	eived duly certified by officer of the bank			
or a	uthorised person in foreign exchange and			
furn	ish the same to the Central Government			
alon	ng with the intimation under sub-section			
(1).				
7. Offe	ence punishable under section 37 for not	1,00,000/-	1,00,000/-	No Change
	ntaining the account and records of	Or	Or	Compounding of offence
	eign contribution received and manner of	5% of the	5% of the	punishable for not
	itilisation as required section 19 of the Act.	foreign	foreign	maintaining the Books of
	tion 37: Refer serial number 2 of this	contribution	contribution	account and records of
tabl		during the	during the	FCRA in the prescribed
	etion 19: Every person who has been	relevant	relevant period	manner.
gran	nted a certificate or given prior approval	period of	of non-	
		non-		

	under this Act shall maintain, in such form and	maintenance	maintenance of	
	manner as may be prescribed,	of accounts,	accounts,	
	(a) an account of any foreign contribution	whichever is	whichever is	
	received by him; and	higher.	higher.	
	(b) a record as to the manner in which such			
	contribution has been utilised by him.			
8.	Offence punishable under sections 3, 11 and 35	Not notified	5% of such	Newly Notified. With this
	of the Act read with rule 6 for failure to	Earlier	foreign	notification, the person
	intimate about receipt of foreign contribution		contribution	who received foreign
	within the prescribed time limit.		received in a	contributions in excess of
	Section 3: Section 3 mentions about the		financial year.	Rs. 10,00,000/- from his
	prohibition to accept foreign contribution.			relatives, however failed
	Section 11: Section 11 mentions about			to report to MHA within 3
	registration of certain persons with Central			months in form FC-1 can
	Government and mentioned in point 4 of this			apply for compounding of
	table.			offence.
	Section 35: Refer serial number 1 of this table.			
	Rule6: Any person receiving foreign			
	contribution in excess of ten lakh rupees or			
	equivalent thereto in a financial year from any			
	of his relatives shall inform the Central			
	Government "regarding the details of the			
	foreign contribution received by him in			
	electronic form in Form FC-1 within <mark>3 months</mark>			
	from the date of receipt of such contribution.			
9.	Offence punishable under section 37, section	Not notified	10,000 per	Newly Notified. With this
	17 and section 19 of the Act read with clause	Earlier	utilisation	notification, the person
	(e) of sub-rule (1) of rule 9 for failure to		account	having FCRA registration
	intimate about opening of account or			and has opened more
	accounts within the prescribed time.			utilization accounts but
	Section 37: Refer serial number 2 of this			not reported the same to
	table.			MHA through form FC-6D
	Section 17: Refer point 5a, 5b and 5c of this			within 45 days can apply
	table			for compounding of
	Section 19: Refer point 7 above.			offence.

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	Rule 9(1)(e): The person may open one or more			
	accounts in one or more banks for the purpose			
	of utilising the foreign contribution after it has			
	been received and, in all such cases,			
	intimation in electronic form in form FC-6D $$			
	shall be furnished to the Secretary, Ministry of			
	Home Affairs, New Delhi within <mark>forty-five days</mark>			
	of the opening of any account.			
10.	Offence punishable under section 37, section	Not notified	10,000 per	Newly Notified. With this
	17 and section 19 of the Act read with clause	Earlier	utilisation	notification, the person
	(e) of sub-rule (2) of rule 9 for failure to		account	having FCRA prior
	intimate about opening of account or			permission and has
	accounts within the prescribed time.			opened more utilization
	Section 37: Refer serial number 2 of this			accounts but not reported
	table.			the same to MHA through
	Section 17: Refer point 5a, 5b and 5c of this			form FC-6D within 45
	table			days can apply for
	Section 19: Refer point 7 above.			compounding of offence.
	Rule 9(2)(e): A person seeking prior permission			
	under this rule may open one or more accounts			
	in one or more banks for the purpose of			
	utilising the foreign contribution after it has			
	been received and in all such cases intimation			
	electronically online in form FC-6D shall be			
	furnished to the Secretary, Ministry of Home			
	Affairs, New Delhi within <mark>forty-five</mark> days of the			
	opening of any account.			
11.	Offence punishable under section 37, section	Not notified	10,000 for each	Newly Notified. With this
	11 and section 17 of the Act read with rule 17A,	Earlier	violation	notification, the person
	for failure to intimate about details within the			having FCRA registration
	prescribed time.			or prior permission and
	Section 37: Refer serial number 2 of this			has not reported the
	table.			changes with respect to
	Section 11: Section 11 mentions about			designated bank account,
	registration of certain persons with Central			name, address, aims,
				objectives or key members
			<u> </u>	

	Government and mentioned in point 4 of this			of the association through
	table.			forms FC-6A, 6B, 6C, 6D
	Section 17: Refer point 5a, 5b and 5c of this			and 6E within 45 days can
	table.			apply for compounding of
	Rule 17A: Rule 17A mentions about Change of			offence.
	designated bank account, name, address,			
	aims, objectives or key members of the			
	association through forms FC-6A, 6B, 6C, 6D			
	and 6E			
12.	Offence punishable under section 37 and	Not notified	10,000 for each	Newly Notified. With this
	section 19 of the Act read with rule 13, for	Earlier	violation.	notification, the person
	failure to place on website as prescribed in			having FCRA registration
	clause (a) of rule 13 within the prescribed time.			or prior permission and
	Section 37: Refer serial number 2 of this			not uploaded the audited
	table.			Balance Sheet, Receipt &
	Section 19: Refer point 7 above.			Payment Account and
	Rule 13A: Organizations/ persons, registered			Income & Expenditure on
	or prior permission, shall share relevant			its official website within
	documents for every financial year beginning			9 months of the close of
	on the first day of April within 9 months of the			the respective financial
	closure of the financial year on its official			year can apply for
	website or on the website as specified by the			compounding of offence.
	Central Government.			



सी.जी.-डी.एस.-अ.-01072022-236981 CC3-DL-B-01072022-236981

नसाबादन EXTRAORDINARY

WITH II—WOW 3—84-WOW (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकारित PUBLISHED BY AUTHORITY

et. 472] No. 472] नई विन्धी, सुक्रमार, सुमाई 1, 2022/ स्त्रमाङ 10, 1944 NEW DELHI, FRIDAY, JULY 1, 2022/A SHADHA 10, 1944

बुद्ध मैचालय

विस्चना

नई दिल्ली, 1 जुलाई , 2022

सा.मा.नि. **506(म).**—केंद्रीय सरकार, विदेशी अभिदाय (विनियमन) अधिनियम, 2010 (2010 का 42) की धारा 48 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विदेशी अभिदाय (विनियमन) नियम, 2011 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

- संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम विदेशी अभिदाय (विनियमन) संशोधन नियम,
 2022 है।
 - (2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
- विदेशी अभिदाय (विनियमन) नियम, 2011 (जिसे इसमें इसके पद्धात उक्त नियम कहा गया है) के नियम 6 में,—
 - (i) "एक लाख रुपये" शब्दों के स्थान पर "दस लाख रुपये" शब्द रखे जाएंगे;
 - (ii) "तीस दिनों" शब्दों के स्थान पर "तीन महीने" शब्द रखे जाएँगे;
- उक्त नियमों के नियम 9 में,
 - (i) उपनियम (1) के खंड (ड) में, "पंद्रह् दिन" शब्दों के स्थान पर "पैतालीस दिन" शब्द रखे जाएंगे;
 - (ii) उपनियम (2) के खंड (ङ) में, "पंद्रह दिन" शब्दों के स्थान पर "पैताजीस दिन" शब्द रखे जाएंगे;

(1)

- उक्त नियमों के नियम 13 के खंड (ख) का जोप किया जाएगा।
- उक्त नियमों के नियम 17क में, "पंद्रह् दिन" शब्दों के स्थान पर "पैंताजीस दिन" शब्द रखे जाएंगे;

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6. उक्त नियमों के नियम 20 में, "सादे कागज पर" शब्दों के स्थान पर "इलेक्ट्रोनिक प्ररूप सहित ऐसे प्ररूप और रीति में, जो केंद्रीय सरकार द्वारा विनिर्दिष्ट की जाए" शब्द रखे जाएंगे।

[फा. सं. II/21022/23(04)/2021-एफसीआरए-III]

वी.एस. राणा, निदेशक (एफसीआरए)

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 349(अ), तारीख 29 अप्रैल, 2011 द्वारा प्रकाशित किए गए थे और तत्पश्चात सा.का.नि. 292 (अ), तारीख 12 अप्रैल, 2012, सा.का.नि. 966 (अ), तारीख 14 दिसम्बर, 2015, सा.का.नि. 199 (अ), तारीख 7 मार्च, 2019, सा.का.नि. 659 (अ), तारीख 16 सितंबर, 2019, सा.का.नि. 695(अ), तारीख 10 नवंबर, 2020 द्वारा और शुद्धिपत्र सा.का.नि. 17(अ), तारीख 11 जनवरी, 2021 द्वारा संशोधित किए गये।

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 1st July, 2022

- G.S.R. 506(E).—In exercise of the powers conferred by section 48 of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010), the Central Government hereby makes the following rules further to amend the Foreign Contribution (Regulation) Rules, 2011, namely:-
- 1. Short title and commencement.—(1) These rules may be called the Foreign Contribution (Regulation) Amendment Rules, 2022.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. In the Foreign Contribution (Regulation) Rules, 2011 (hereinafter referred to as the said rules), in rule 6.
 - (i) for the words "one lakh rupees", the words "ten lakh rupees" shall be substituted;
 - (ii) for the words "thirty days", the words "three months" shall be substituted;
- 3. In the said rules, in rule 9,
 - (i) in sub-rule (1), in clause (e), for the words "fifteen days", the words "forty five days" shall be substituted:
 - (ii) in sub-rule (2), in clause (e), for the words "fifteen days", the words "forty five days" shall be substituted;
- 4. In the said rules, in rule 13, clause (b) shall be omitted.
- 5. In the said rules, in rule 17A, for the words "fifteen days", the words "forty five days" shall be substituted;
- 6. In the said rules, in rule 20, for the words "on a plain paper", the words "in such form and manner, including in electronic form as may be specified by the Central Government" shall be substituted.

[F. No. II/21022/23(04)/2021-FCRA-III]

V.S. RANA, Director (FCRA)

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Subsection (i), vide notification number G.S.R. 349(E), dated the 29th April, 2011 and subsequently amended, vide G.S.R. 292 (E), dated the 12th April, 2012, G.S.R. 966 (E), dated the 14th December, 2015, G.S.R. 199 (E), dated the 7th March, 2019, G.S.R. 659 (E), dated the 16th September, 2019, G.S.R. 695(E), dated the 10th November, 2020 and a Corrigendum vide G.S.R. 17(E), dated the 11th January, 2021.

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99



सी.जी.-डी.एल.-अ.-01072022-236966 CG-DL-E-01072022-236966

असाधारण EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 2879] No. 2879] नई दिल्ली, शुक्रवार, जुलाई 1, 2022/आषाढ़ 10, 1944 NEW DELHI, FRIDAY, JULY 1, 2022/ASHADHA 10, 1944

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 1 जुलाई, 2022

का.आ. 3025(अ).—केन्द्रीय सरकार, विदेशी अभिदाय (विनियमन) अधिनियम, 2010 (2010 का 42) की धारा 41 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में का. आ. 2291 (अ), तारीख 5 जून, 2018 द्वारा प्रकाशित गृह मंत्रालय, भारत सरकार की अधिसूचना का, उन बातों के सिवाय अधिक्रमण करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने के लिए लोप किया गया था, सारणी के स्तंभ (4) में उल्लिखित अधिकारी को विनिर्दिष्ट करती है जो इस अधिनियम के अधीन किसी अभियोजन को संस्थित करने से पूर्व, स्तंभ (2) में विनिर्दिष्ट अपराधों का उक्त सारणी के स्तंभ (3) में विनिर्दिष्ट रकम का संदाय करने पर प्रशमन कर सकेगा, अर्थात्:-

सारणी

क्र.सं.	अपराध	शास्ति की राशि	प्रशमन के लिए सक्षम अधिकारी
(1)	(2)	(3)	(4)
1.	अधिनियम की धारा 6 के उल्लंघन में किसी प्रकार की आतिथ्य स्वीकार करने पर धारा 35	दस हजार रुपये	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति,
	के अधीन दण्डनीय अपराध ।		भारसाधक निदेशक या उप-सचिव

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2.	अधिनियम की धारा 7 या इसके अंतर्गत बनाए गए किसी नियम के उल्लंघन में किसी अन्य व्यक्ति को किसी प्रकार का विदेशी अभिदाय अन्तरण करने पर धारा 37 के अधीन दण्डनीय अपराधः	एक लाख रुपये या अंतरित ऐसे विदेशी अभिदाय का दस प्रतिशत,जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
	परंतु विदेशी अभिदाय का अंतरण (अंतरण के एक से अधिक दृष्टांत सहित, यदि कोई हो) का केवल एक बार ही प्रशमन होगा।		
3.	अधिनियम की धारा 8 के उल्लंघन में प्रशासनिक खर्चों के लिए प्राप्त अभिदाय के बीस प्रतिशत से अधिक विदेशी अभिदाय चुकाने पर धारा 37 के अधीन दण्डनीय अपराध।	एक लाख रुपये या अनुज्ञेय सीमा से अधिक चुकाए गए ऐसे विदेशी अभिदाय का पांच प्रतिशत, जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
4.	अधिनियम की धारा 11 के उल्लंघन में विदेशी अभिदाय स्वीकार करने के लिए धारा 35 के अधीन दण्डनीय अपराध।	एक लाख रुपये या प्राप्त विदेशी विदेशी अभिदाय का तीस प्रतिशत, जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
5.	निम्नलिखित के लिए अधिनियम की धारा 17 के साथ पठित धारा 37 के अधीन दण्डनीय अपराध-		
	(क) प्रमाणपत्र मंजूर करने के लिए अपने आवेदन में विनिर्दिष्ट खाते से भिन्न किसी अन्य खाते में विदेशी अभिदाय प्राप्त करना;	एक लाख रुपये या ऐसे खाते में प्राप्त विदेशी अभिदाय का पांच प्रतिशत, जो भी अधिक हो;	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
	(ख) बैंको और प्राधिकृत व्यक्तियों द्वारा विदेशी प्रेषण की विहित रकम या ऐसे प्रेषण के स्रोत तथा प्रेषण की रीति की सूचना नहीं देना;	एक लाख रुपये या ऐसे खाते में प्राप्त या जमा किए गए विदेशी अभिदाय का तीन प्रतिशत, जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
	(ग) विदेशी अभिदाय प्राप्त करने या विदेशी अभिदाय का उपयोग करने के लिए खोले गए खाते या खाते में विदेशी अभिदाय से भिन्न कोई रकम प्राप्त और जमा करना।	एक लाख रुपये या ऐसी जमा का दो प्रतिशत, जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
6.	प्राप्त प्रत्येक विदेशी अभिदाय की रकम और ऐसे स्रोत और रीति जिसमें ऐसा विदेशी अभिदाय अधिनियम की धारा 18 के अधीन यथा अपेक्षित प्राप्त हुआ है, की सूचना नहीं देने पर धारा 37 के अधीन दंडनीय अपराध।	एक लाख रुपये या प्रस्तुत नहीं करने की अवधि के दौरान प्राप्त विदेशी अभिदाय का पांच प्रतिशत, जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
7.	अधिनियम की धारा 19 की अपेक्षा के अनुसार प्राप्त विदेशी अभिदाय का लेखा और रिकार्ड नहीं रखने और इसके उपयोग की रीति के लिए धारा 37 के अधीन दण्डनीय अपराध।	एक लाख रुपये या लेखा नहीं रखने की सुसंगत अवधि के दौरान विदेशी अभिदाय का पांच प्रतिशत, जो भी अधिक हो।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
8.	विदेशी अभिदाय की प्राप्ति के बारे में विनिर्दिष्ट समय सीमा के भीतर सूचित करने में विफलता के लिए नियम 6 के साथ पठित अधिनियम की धारा 3, धारा 11 और धारा 35 के अधीन दंडनीय अपराध।	किसी वित्त वर्ष में प्राप्त ऐसे विदेशी अभिदाय का पाँच प्रतिशत।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव

9.	विनिर्दिष्ट समय के भीतर खाता या खाते खोलने के बारे में सूचित करने में विफलता के लिए नियम 9 के उप-नियम (1) के खंड (ङ) के साथ पठित अधिनियम की धारा 37, धारा 17 और धारा 19 के अधीन दंडनीय अपराध।	विनिर्दिष्ट समय के भीतर सूचित करने में विफलता के लिए दस हजार रुपये प्रति उपयोग खाता।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
10.	विनिर्दिष्ट समय के भीतर खाता या खाते खोलने के बारे में सूचित करने में विफलता के लिए नियम 9 के उप-नियम (2) के खंड (ङ) के साथ पठित अधिनियम की धारा 37, धारा 17 और धारा 19 के अधीन दंडनीय अपराध।	विनिर्दिष्ट समय के भीतर सूचित करने में विफलता के लिए दस हजार रुपये प्रति उपयोग खाता।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
11.	विनिर्दिष्ट समय के भीतर ब्यौरों के बारे में सूचित करने में विफलता के लिए नियम 17क के साथ पठित अधिनियम की धारा 37, धारा 11 और धारा 17 के अधीन दंडनीय अपराध।	विनिर्दिष्ट समय के भीतर सूचित करने में विफलता के प्रत्येक उल्लंघन के लिए दस हजार रुपये।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव
12.	विनिर्दिष्ट समय के भीतर नियम 13 के खंड (क) में यथा विनिर्दिष्ट वेबसाइट पर डालने में विफलता के लिए नियम 13 के साथ पठित अधिनियम की धारा 37 और धारा 19 के अधीन दंडनीय अपराध।	प्रत्येक उल्लंघन के लिए दस हजार रुपये।	अधिनियम के प्रशासन के लिए उत्तरदायी अनुभाग का यथा स्थिति, भारसाधक निदेशक या उप-सचिव

- 2. उपर्युक्त सारणी के स्तम्भ (2) में निर्दिष्ट किसी अपराध या अपराधों के संबंध में सारणी के स्तम्भ (3) के अधीन संगणित शास्ति की राशि प्राप्त विदेशी अभिदाय के मूल्य से अधिक नहीं होगी।
- 3. ऊपर विनिर्दिष्ट प्रशमन अपराधों के लिए आवेदन पर भौतिक या इलेक्ट्रोनिक प्ररूप में कार्रवाई की जा सकेगी, जो सरकार द्वारा विनिर्दिष्ट किया जाए।

[फा. सं. II/21022/23(04)/2021-एफसीआरए-III] वी.एस. राणा, निदेशक (एफसीआरए)

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 1st July, 2022

S.O. 3025(E).—In exercise of the powers conferred by sub-section (1) of section 41 of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) and in supersession of the notification of the Government of India, Ministry of Home Affairs published in the Gazette of India, Extraordinary, Part-II, Section 3, Subsection (ii), vide S.O. 2291(E), dated the 5th June, 2018, except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies the officer in column (4) of the Table, who may, before institution of any prosecution under the said Act, compound the offences under the said Act specified in column (2), on payment of the amount specified in column (3), of the said Table, namely:-

TABLE

Sr. No.	Offence	Amount of Penalty	Officer competent for compounding
(1)	(2)	(3)	(4)
1.	Offence punishable under section 35 for accepting any hospitality in contravention of section 6 of the Act.	Ten thousand rupees	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.

2.	Offence punishable under section 37 for transferring any foreign contribution to any other person in contravention of section 7 of the Act or any rule made thereunder: Provided that transfer of foreign contribution (inclusive of more than one instances of transfer, if any) shall be	One lakh rupees or ten per cent. of such transferred foreign contribution, whichever is higher.	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
3.	compoundable only once. Offence punishable under section 37 for defraying of foreign contribution beyond twenty per cent of the contribution received for administrative expenses in	One lakh rupees or five per cent. of such foreign contribution so defrayed beyond the permissible	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
4.	Offence punishable under section 35 for accepting foreign contribution in contravention of section 11 of the Act.	One lakh rupees or thirty per cent. of the foreign contribution received, whichever is higher.	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
5.	Offences punishable under section 37 read with section 17 of the Act for- (a) receiving foreign contribution in any account other than specified account in his application for grant of certificate;	One lakh rupees or five per cent. of the foreign contribution received in such account, whichever is higher;	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
	(b) non-reporting the prescribed amount of foreign remittance or source and manner of such remittance by banks and authorised persons.	One lakh rupees or three per cent. of the foreign contribution received or deposited in such account, whichever is higher.	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
	(c) receiving and depositing any fund other than foreign contribution in the account or accounts opened for receiving foreign contribution or for utilising the foreign contribution.	One lakh rupees or two per cent. of such deposit, whichever is higher.	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
6.	Offence punishable under section 37 for non-furnishing of intimation of the amount of each foreign contribution received and the source from which and in the manner in which, such foreign contribution is received as required under section 18 of the Act.	One lakh rupees or five per cent. of the foreign contribution received during the period of non submission, whichever is higher.	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
7.	Offence punishable under section 37 for not maintaining the account and records of foreign contribution received and manner of its utilisation as required section 19 of the Act.	One lakh rupees or five per cent. of the foreign contribution during the relevant period of non- maintenance of accounts, whichever is higher.	Director, or as the case may be, the Deputy Secretary in-charge of the section responsible for the administration of the Act.
8.	Offence punishable under sections 3, 11 and 35 of the Act read with rule 6 for failure to intimate about receipt of foreign contribution within the prescribed time limit.	Five per cent. of such foreign contribution received in a financial year.	The Director, or as the case may be, the Deputy Secretary incharge of the section responsible for the administration of the Act.

9.	Offence punishable under section 37, section 17 and section 19 of the Act read with clause (e) of sub-rule (1) of rule 9 for failure to intimate about opening of account or accounts within the prescribed time.	Ten thousand rupees per utilisation account for failure to intimate within the prescribed time.	The Director, or as the case may be, the Deputy Secretary incharge of the section responsible for the administration of the Act.
10.	Offence punishable under section 37, section 17 and section 19 of the Act read with clause (e) of sub-rule (2) of rule 9 for failure to intimate about opening of account or accounts within the prescribed time.	Ten thousand rupees per utilisation account for failure to intimate within the prescribed time.	The Director, or as the case may be, the Deputy Secretary incharge of the section responsible for the administration of the Act.
11.	Offence punishable under section 37, section 11 and section 17 of the Act read with rule 17A, for failure to intimate about details within the prescribed time.	Ten thousand rupees for each violation of failure to intimate within the prescribed time.	The Director, or as the case may be, the Deputy Secretary incharge of the section responsible for the administration of the Act.
12.	Offence punishable under section 37 and section 19 of the Act read with rule 13, for failure to place on website as prescribed in clause (a) of rule 13 within the prescribed time.	Ten thousand rupees for each violation.	The Director, or as the case may be, the Deputy Secretary incharge of the section responsible for the administration of the Act.

- 2. The amount of penalty computed under column (3) of the Table in respect of any offence or offences referred to in column (2) thereof shall not be more than the value of the foreign contribution received.
- 3. The application to compound offences specified above may be processed in physical or electronic form as may be specified by the Government.

[F. No. II/21022/23 (04)/2021-FCRA-III] V.S. RANA, Director (FCRA)