

CHARTER FOR ASSOCIATIONS APPLYING FOR GRANT OF PRIOR PERMISSION /REGISTRATION UNDER THE FOREIGN CONTRIBUTION (REGULATION) ACT, 2010.

- With a view to streamlining the procedures and ensuring effective enforcement and compliance, the Foreign Contribution (Regulation) Act, 2010 has been further amended on 28th September, 2020. Accordingly, the FAQs have been updated on the official website: fcraonline.nic.in. One of the major amendments mandates compulsory opening of an FCRA account in the State Bank of India (SBI), Main Branch located at Sansad Marg, New Delhi by each NGO/association registered or given prior permission under FCRA 2010. Each new applicant for registration or for prior permission would also have to comply with the same. This “FCRA account” of the NGO would act as the first exclusive port of receipt of foreign contribution in India.
- Application for grant of registration and prior permission is to be made online in the amended Form FC-3A and Form FC-3B respectively on the FCRA web portal: fcraonline.nic.in.
- Every applicant for Registration/Prior Permission shall obtain a unique Darpan ID from the Darpan Portal of NITI Aayog.
- Any Association wishing to receive foreign contribution (FC) must have a definite cultural, economic, educational, religious or social programme for the benefit of society.
- The NGO shall neither receive nor utilise any FC without obtaining either prior permission or registration from the Central Government.
- Detailed qualifying criterion for registration or prior permission are enumerated in Rule 9(1)(f) and 9(2)(f) for seeking Registration and Prior Permission respectively.
- No foreign national other than one of Indian Origin can be an office bearer or a trustee including the Chief Functionary of an organization/NGO. Foreigners can, however, be, allowed to be

associated with such associations in ex-officio capacity if they are representing multilateral bodies, foreign contribution from whom is exempted from the purview of the Foreign Contribution (Regulation) Act, 2010, or in a purely honorary capacity depending upon the person's stature in his / her field of activity. Relaxation may be considered, on a case to case basis, if any of the following grounds is met:

- a) the foreigner is married to an Indian Citizen;
 - b) the foreigner has been living and working in India for at least five years;
 - c) the foreigner has made available his / her specialized knowledge, especially in the medical and health related fields on a voluntary basis in India, in the past;
 - d) the foreigner is a part of the Board of Trustees / Executive Committee in terms of the provisions of an inter-governmental agreement.
 - e) The foreigner is part of the Board of Trustees / Executive Committee, in an ex-officio capacity representing a multilateral body which is exempted from the definition of foreign source.
- All associations seeking registration or prior permission under FCRA, 2010 shall be required to give affidavits signed by all members/trustees and an undertaking for adherence to Good practice guidelines of Financial Action Task Force (FATF) as at Annexure.
 - The application should be complete in all respects with no field left blank and no concealment of any earlier application for Registration/Prior Permission under FCRA, 2010.
 - Request for prior permission should be sent for receiving a specific amount, for a specific purpose/project and from a specific donor.
 - Following documents are to be uploaded with the online application for grant of Registration:

- a) Certified copy of registration certificate or Trust deed or such document, as the case may be;
- b) Details of activities during the last three years;
- c) Copies of audited statement of accounts for the past three years (Asset and Liabilities, Receipt and Payment, Income and Expenditure);
- d) Affidavit executed by each office bearer and key functionary and member (in Proforma 'AA') as mandated under Gazette Notification No. G.S.R. 659(E) dated 16 September, 2019.

It may be noted that fee of Rs. 10,000/- is required to be paid through the online payment gateway.

- Following documents are required to be uploaded with the online application for grant of Prior Permission:
 - a) Certified copy of registration certificate or Trust deed or other such document, as the case may be;
 - b) Commitment letter from foreign donor specifying the amount of foreign contribution;
 - c) Copy of the project report for which foreign contribution is solicited/being offered;
 - d) Affidavit executed by each office bearer and key functionary and member (in Proforma 'AA') as mandated under Gazette Notification No. G.S.R. 659(E), dated 16th September, 2019.

It may be noted that fee of Rs. 5000/- is required to be paid through online payment gateway.

Note: FCRA, 2010, FCRR, 2011, FAQs thereon and all other related information and, the FormFC-3A and FC-3B as also link to FCRA Online Services are available at the website of the Ministry of Home Affairs at <http://fcraonline.nic.in>.

Annexure

Good practice Guidelines to the Non-Profit Organisations (NPOs) to ensure compliance with FATF requirements.

1. Wherever necessary, NPO shall inform the MHA (FCRA Wing) about the suspicious activities of the customer, without waiting for annual returns.
2. The Board of Directors/Chief Functionary of NPO shall issue directions regarding duties of official who shall be required to enforce these guidelines and other rules of FCRA, 2010 read with FCRR, 2011.
3. The NPO shall put its goals, objectives and activities on its website.
4. The NPO shall upload the details of key persons associated with NPOs activities on its website.
5. The NPO shall take due diligence of its employees at the time recruitment.
6. The NPO shall collect the information of beneficiaries of funds and to upload on its website and monitor the activities of the beneficiaries. Wherever a beneficiary is a legal person, the details of beneficial owner shall also be uploaded.
7. The NPO shall ensure that the financial transactions involving more than Rs.20,000/- to be routed through Banking channels only.
8. The Board of Directors/Trustees of NPOs must ensure utilization of funds consistent with objectives as approved by MHA.

9. The Board of Directors/Trustee of NPO's shall conduct meeting once at least in six months to review the working of these instructions and shall record the minutes of these meetings.
10. The NPO shall train its staff on the FCRA and about the application of these guidelines.
11. When any transaction is under investigation by any authority, the MHA shall be informed by such NPO.
