

Synopsis of Latest FCRA Amendments 2015

[Personal & Private Circulation bearing no opinion or advice]

Recently there have been some changes in the Foreign Contribution Regulation Act 2010 ("FCRA") and Foreign Contribution Regulation Rules ("FCRR"). The changes are as below:

1. Consolidated Form for Registration, Prior Permission and Renewal of Registration:

Earlier, Form FC-3 was used only for applying for registration, while Form FC-4 was used for applying for prior permission and Form FC-5 for the purposes of renewal. **Now onwards**, The application form for applying for registration, prior permission and renewal has been merged together and Form FC-3 has been provided for all the above three processes. Further, w.e.f 14.12.2015, the Form shall be filed online only and no need to send hard copies after filing of Form online. The signature and seal of the company need to be scan and affix on the online filed form and the payment is also need to be made online too.

2. The new list of the Forms has been provided with the purpose of the Form which are as below:

Form FC-1: Intimation for gift received from relative or FC received by candidates of election.

Form FC-2: Prior permission to accept Foreign Hospitality.

Form FC-3: Application for Registration /Prior Permission / Renewal.

Form FC-4: Annual Return.

Form FC-5: Transfer to unregistered Organizations/Persons.

3. Annual Uploading of Information on Website (Rule13):

Earlier, only those organizations who had received more than 1 Crore Rupees in a year were required to upload the financial information in public domain. **Now onwards**, all organizations having registration or prior permission shall mandatory have to upload their financial information on their website or on the website as may be specified by the Central Government.

4. Quarterly Uploading of Grant Information in Website (Rule13):

Now, all organizations having registration or prior permission shall mandatory have to upload their financial information pertaining to the donor and the detail of grants received on their website or on the website as may be specified by the Central Government. The information to be uploaded includes detail of the donors; amount received and date of receipt. The information should be uploaded within 15 days following the last day of the quarter in which the funds were received.

5. Annual Return Form changed from FC-6 to FC-4:

Annual Return shall be filed in Form FC-4 and not in FC-6. The organisation has to upload scanned copies of Annual Financials with the return and no need to send hard copies. Form FC-4 has to be filed within 9 months of the closure of the Financial Year, i.e. before 31st December.

Further, the organizations who have successfully filed form FC-6 on or before 14.12.2015 for FY 2014-15 are not required to file in the new form FC-4. The organizations who have not filed Form FC-6 before 15.12.2015 are required to file Form FC-4. The last date for filing the annual return for the year 2014-15 in the new Form FC-4 is 15.03.2016.

6. Form FC-7 & FC-8 have been omitted. Now if an organization receives any Foreign Article and/or Foreign Security then it has to file Form FC-1.

7. Rule 17: If the organizations have not received/utilized any Foreign Contribution during the year, then Nil return need to be filed and no require to enclose audited Financial Statements. If there is any opening Carry forward of Foreign Contribution and the same is utilized during the year, then above benefit cannot be availed and audit is required to be done and filed along with the Annual Return.

8. **No Prior Approval Required for Change in FCRA Bank Account (Rule 17A):** *Earlier*, for change in designated Bank Account, prior approval of the FCRA Department was mandatory but **now onwards**, such change can be made without permission and only intimation is required to be filed electronically online in Form FC-6 within 15 days of such change.
9. **No Prior Approval Required for Change in Governing Board (Rule 17A):** *Earlier*, for change of more than 50% in the Governing Body, prior approval of the FCRA Department was mandatory. The change of 50% shall be considered from the list of Board members submitted at the time of application for FC registration or prior permission. **Now onwards** such change can be made without permission and only intimation is required to be filed electronically online in Form FC-6 within 15 days of such change.
10. **No Prior Approval Required for Change in Address with in the State (Rule 17A):** If there is any change in address with in the state, then no prior permission is required from the FCRA Department but such change can be made without permission and only an intimation is required to be filed electronically online in Form FC-6 within 15 days of such change.
11. **No Prior Approval Required for Change in Objectives of the Organization (Rule 17A):** *Earlier*, for change in the Aims and Objectives of the organization, prior approval of the FCRA Department was necessary. It is implied that the change of objectives should be within the broader objects approved by the FCRA Department at the time of registration. **Now onwards** such permissible change can be made without prior approval and only intimation is required to be filed electronically online in Form FC-6 within 15 days of such change.
12. **Filing of Renewal Application in Form FC-3:**
The renewal application has to be filed by all the organizations including those who have already applied in the old Form FC-5. All organizations have to file the renewal application by 15th March 2016, electronically in Form FC-4 at FCRA Website <https://fcraonline.nic.in>.

Disclaimer: *This document contains the views and analysis of the author regarding the mentioned amendment Act and it is for personal and private circulation and not bearing any opinion or advice.*

Prepared By:

Mohit Gupta,

B Com. (Hons.), FCA, LLB,

Alumni Rajdhani College (DU)

Alumni Law Centre 2, Law Faculty (DU)

For any query and feedback, please write to mohit@gmrindia.com