

# **VARIOUS TYPES OF PERSON RECEIVING FOREIGN FUNDS**

## **Introduction**

Under FCRA there are various categories of recipients of foreign funds and FCRA has different stipulation for each of them. For instance, political parties cannot receive foreign funds but an organisation of political nature can receive foreign fund on case-to-case basis after obtaining prior permission. But an organisation of political nature cannot get registered with FCRA. Going a step further are the NGOs, who can get permanent registration for receiving foreign funds on a continuation basis. The following sub-heads discuss the various kinds of recipient and the stipulation laid down for each of them:

## **NGOs or Charitable Organisation**

All NGOs or Charitable Organisations having a definite cultural, economic, religious or social programme are eligible for registration under FCRA. Once a FCRA registration is obtained, such organisation can receive foreign funds with obtaining any further approval subject to other formalities of FCRA.

## **Political Parties**

FCRA specifically debar political parties from receiving foreign funds. Political parties cannot receive foreign fund under any circumstances. Neither can they apply for registration nor can they apply for prior permission on case-to-case basis. This issue has been discussed in chapter 2, para 2.5-2.

## **Person specified in Section 4**

Section 4 of FCRA specifies that the following persons cannot receive foreign contribution:

- (a) candidate for election.
- (b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper.
- (c) Judge, Government servant or employee of any corporation.
- (d) member of any legislature
- (e) political party or office-bearer thereof.

The above mentioned person cannot receive foreign contribution subject to certain exceptions specified in section 8 which are as under:

- “ (a) If they receive foreign funds by way of salary, wages or remuneration for services rendered.
- (b) If they receive payment in ordinary course of business transaction in India by such foreign organisation or source.
- (c) If the funds are received in the course of international trade or commerce or in the ordinary course of business transacted outside India.
- (d) Payment is received as an agent of a foreign source or organisation in relation to any transaction made by such foreign organisation with the governance.
- (e) If the payment is received by way of gift or presentation as a part of any Indian delegation within the norms of acceptance described by Central Government.
- (f) Payment is received from relative staying abroad. Such payments should be received with prior permission only if it exceeds Rs.8,000.00.
- (g) Payment is received through official channel, post office or any authorised dealer in the ordinary course of business”.

## **Organisation of Political nature**

Organisation of Political nature are not eligible for registration under FCRA. However such organisation can apply for prior permission on case-to-case basis. A organisation of political nature is an organisation which are associated or close to political parties. The Central Government has published a list of organisations which are considered as organisation of political nature. List of such organisations is given in Annex. 1

## **Individual Citizens**

Apart from the persons mentioned in Section 4 (as discussed above) all individual are entitled to receive foreign funds without any restrictions. In other words FCRA is not applicable to private individuals. The only exception in this regard is receipt of stipend or scholarship from foreign source in excess of Rs.36,000.00 should be reported to Central Government by virtue of Section 7.

## **Organisations engaged in commercial/business activity**

Movement of foreign funds in the normal course of commerce and business is outside the purview of FCRA. Therefore, business organisation need not worry about FCRA as FCRA is only internal security enactment. However, the provision of Foreign Exchange Management Act, 1999, which is a financial legislation, would be applicable.

## **Overall Summary**

To sum up the discussions :

- (i) Various type of person and organisations may receive various kinds of foreign fund. FCRA lays down rules and stipulations for various persons and their criteria for receiving funds.
- (ii) NGOs or Charitable Organisation are allowed to register themselves for receiving foreign funds. They can also receive foreign funds through prior permission.
- (iii) Political Parties are prohibited from receiving foreign funds.
- (iv) Organisation of political nature can receive foreign funds through prior permission only. They cannot register themselves with FCRA.
- (v) Individuals such as, candidate for election, publisher of a newspaper, government servant, judge, MLA, MP, etc. cannot receive foreign funds. The aforesaid person can receive funds by way of salary, business transactions, permissible gift, etc. described by Central Government.
- (vi) Private individuals have no bar in receiving foreign contribution except in case of foreign scholarship in excess of Rs. 36,000.00. It should be reported to FCRA.

## **Annexure 1**

### **List of Organisation which are considered as Organisation of Political Nature**

#### **Sl. No. Name of the Organisations**

1. All India Kisan Sabha (AIKS) 4, Windsor Place, New Delhi.
2. Bhartiya Khet Mazdoor Union, 4, Windsor Place, New Delhi.
3. All India Trade Union Congress, New Delhi.
4. All India Kishan Sabha (AIKS) 4, Ashoka Road, New Delhi.
5. Centre for Indian Trade Unions, 15, Talkatora Road, New Delhi.
6. Bhartiya Mozdoor Sangh, Ram Naresh Bhawan, Pahargunj, New Delhi.
7. Indian National Trade Union Congress, 4, Bhai Veer Singh Marg, New Delhi.
8. United Trade Union Congress Lenin Sarani, Calcutta.
9. National Front Indian Trade Unions 10, Government Place East, Ezra Mansion, Calcutta.
10. All India Federation of University & College Teachers Organisations, Calcutta.
11. All India LIC Employees Federation, Bombay.
12. All India Bank Employees Federation, Delhi.
13. All India Defence Employees Federation, Pune.
14. All India State Government Employees Federation, Hyderabad.
15. All India Railwaymen's Federation, New Delhi.
16. All India Railway Worker's Federation, New Delhi.
17. Bhartiya Railway Mazdoor Sangh, Mumbai.
18. All India Loco Running Staff Association, Lumding, Assam.
19. All India Federation of Electricity Employees, Residency Road, Sadar, Nagpur.
20. National Federation of Post & Telegraph, Employees (K.L. Moja Group). New Delhi.
21. Trade Union Coordination Centre, 28, Gurudwara Rakabganj Road, New Delhi.
22. Progressive Labour Union, Durgapur, West Bengal.
23. Kerala Trade Union Front, Chettiangadi, Trichur.
24. Swantantra Thozilali Union, State Muslim League Office, Calicut.
25. Swantantra Thozilali Union, Mavoor, Calicut.
26. Labour Progressive Federation, Arivagam, Rayapuram, Madras.
27. Anna Thozhir Sangha Peravani, Madras.
28. State Central Labour Union, Srinagar.
29. Sarva Shramik Sangh, Mumbai.
30. Bhartiya Kamagar Sena, Mumbai.
31. National Labour Co-ordination Council, Calcutta.
32. United Trade Union Congress, Bipin Behari Ganguly Street, Calcutta.
33. National Labour Organisation, Ahmedabad.
34. All India Student Federation, New Delhi.
35. All India Youth Federation, Delhi.
36. Student Federation of India, 11, Windsor Place, New Delhi.
37. Democratic Youth Federation of India (CPM), 11, Windsor Place, New Delhi.
38. Akhil Bhartiya Vidyarthi Parishad, Mumbai.
39. All India Democratic Student Organisation 48, Lenin Sarani, Calcutta.
40. Comsomal, Calcutta.
41. Revolutionary Youth Front, 124/C, Lenin Sarani, Calcutta.
42. Progressive Student Union, Calcutta.
43. Progressive Democratic Students Union, Hyderabad.
44. Radical Student Union, Hyderabad.
45. Punjab Student Union.
46. All India Sikh Students Federation, Amritsar.
47. West Bengal Chhatra Parishad, Calcutta.
48. National Federation of Indian Women, New Delhi.
49. Nikhil Banga Mahila Sangha, Calcutta.
50. Islamic Study Circle, Red Cross Road, Opp. Hazi Masjid, Maisuma, Srinagar.
51. Awami Action Committee, J & K.
52. J & K People's League, Srinagar.
53. Tribal Front, Agartala.
54. All India Muslim Majlis –e- Mushwarat, E-3, Abul Fazal Enclave, Okhla, New Delhi.
55. Tabligh Jammat, Bangle Wali Masjid, Nizamuddin Basti, New Delhi.
56. Citizens for Democracy, New Delhi.

57. Nag Vidharbha Andolan Samiti, Nagpur.
58. Marathwada Janata Vikash Parishad Saraswati Bhavan, Sikshan Prasarak Mandal College, Aurangpura, Aurangabad.
59. Maharashtra Ekikaran Samiti, Sahar Samiti Karyalya, Jalti Math, Near Kapil theatre, Kirloskar Road, Bangalore.
60. The Kannada Paksha, 31, Nanje Gowda Road, Mavalli, Bangalore.
61. Dravida Kazhagam, Periyar Thaidal, 50, EVK, Sampath Road, Madras-7.
62. Tamilnadu Toilers Progressive Party, Madras.
63. The Neelchakra, Dolamundai, Cuttack.
64. Dalit Panthars, Wadala, Bombay.
65. Dalit Panthara, Bhawani Path, Pune.
66. People's Union for Civil Liberties, 8, Sahayog Apartments, Mayur Vihar, Phase I, New Delhi.
67. People's Union For Democratic Right, Qr. No. 4, IP College, Delhi University, Delhi.
68. All India Insurance Employees Association, Calcutta.
69. All India National Life Insurance Employees Federation, Bombay.
70. National Federation of Indian Railwaymen, New Delhi.
71. Institute of Indian Labour, Calcutta.
72. National Federation of Posts & Telegraph (Shashi Bhushan Group), New Delhi.
73. Indian National Plantation Workers Federation Dibrugarh, Assam.
74. Anand Marg, Calcutta.
75. Proutist Universal, New Delhi.
76. Volunteer Social Service, Allahabad.
77. Seva Dharam Mission, Varanasi, U.P.
78. Education Relief and Welfare Sector, Panditya Road, Calcutta.
79. Anand Marg Universal Relief Team, Calcutta.
80. Universal Proutists Student Federation, New Delhi.
81. Jamat –e- Islami Hind, Dawat Nagar Abdul Fazal Enclave, Okhla, N. Delhi.
82. Rashtriya Swayam Sewak Sangh, Hedgewar Bhavan, Nagapur.
83. Shiromani Gurudwara Prabhandak Committee, Golden Temple, Amritsar.
84. Delhi Gurudwara Prabhandak Committee, Mata Sundri Lane, New Delhi.
85. Anjuman Nasrat-UI-Islam, Srinagar.
86. Jammu & Kashmir Muslim Auqaf Trust, Zero Brigade, Srinagar.
87. Jammu & Kashmir Muslim Auqaf Trust, Srinagar.
88. All India Peace and Solidarity Organisation, K. 1/16, Chitranjan Park, Main Road, New Delhi.
89. Indian Society for Cultural Co-operation and Friendship (ISCUF/CPI), 1, Lady Harding Road, Opp. Marina Hotel, Connaught Palace, New Delhi.
90. All Indo Korean Friendship Association, New Delhi.
91. Indo-China Friendship Association, New Delhi.
92. National Federation of Progressive Writers, 110, Kansal Bhawan, K.G. Marg, New Delhi.
93. Revoked vide SO.824(E).
94. Iranian Students Islamic Association (ISIA) or Union of Iranian Students Islamic Association (UISIA), Bangalore.
95. Indian Youth Congress (I), New Delhi.
96. National Students Union of India (I), 5, Raisina Road, New Delhi.
97. Yuva Janata, New Delhi.
98. Janata Yuva Morcha, New Delhi.
99. Tamir –e- Millat, Hyderabad.
100. Student Islamic Movement in India (SIMI), 151-C, Zakir Nagar, New Delhi.
101. Student Islamic movement In India (SIMI), Aligarh.
102. Mahase –e- Azadi, J&K.
103. Jammata Ahle-e-Hadis, J&K.
104. Rashtra Sevika Samiti, Wardha, Maharashtra.
105. Vishwa Hindu Parishad (VHP), Bombay.
106. Hind Mazdoor Sabha, Bombay.
107. Yuva Lok Dal, 3 Pt. Pant Marg, New Delhi.
108. Dal Khalsa, Chandigarh.
109. Jamat Ahle Hadis or All India Ahle Hadis, 4116 Ahle Hadis Manzil, Urdu Bazar, Delhi.

110. Jammāt –e- Islāmī, Bulbul Bagullāh.
111. Deeni Talimi Council, Lucknow.
112. Islamic Welfare Trust, PO Omessary, via Kottuwalli, Calicut Distt.
113. Orissa Gramin Mazdoor Sangh, Santapur Bhubaneswar Distt. Puri (Orissa).
114. All India Confederation of Bank Officer Organisations, Pandyan House, Ferere Road, Bombay 38.
115. Iqbal Memorial Trust, Bemina, Srinagar, Kashmir.
116. All Assam Students Union, Gauhati University Campus, Jhalukhari, Gauhati, Kamrup District, Assam.
117. Assam Jatiyabadi Yuba Chhatra Parishad, Silpukuri, Gauhati, Assam.
118. All India Railway Employee Confederation, 26/12, Railway Colony, Kishanganj, Delhi-7.
119. Kisan Seva Samiti, Chhatarpur, M.P.
120. Ishaat –e- Islam Trust, 1353, Chitli Qabar, Delhi.
121. A.K. Gopalan Bhavan Trust, 27-29, Bhai Veer Singh Marg, Gole Market.
122. Indian National Plantation Workers Federation, Suit 125, 25A, Park Street, Calcutta-16.
123. William Carey Study and Research Centre, Calcutta.
124. All India Agricultural Workers Union, 12 B, Feroze Shah Road, New Delhi.
125. All India Democratic Women's Association.
- 125A. All India Democratic Women's Association, 23, Vithal Bhai Patel House, Rafi Marg, New Delhi.
126. All India Milli Council, 161/32, Joga Bhai, Jamia Nagar, New Delhi-25.
127. All India Youth League, 62 North Avenue, New Delhi.
128. Damdami Taksal, Gurudarshan Prakash, Chowk, Mehta, New Delhi.
129. Akhand Kirtni Jatha.