

Most Immediate

No. II/21022/58(97)/2011-FCRA-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Foreigners Division
(FCRA Wing)

Dy. No. PA/SSC 1917
Dated 8/10/11

Jaisalmer House
26 Mansingh Road
New Delhi - 110003

Dated: the 20th September, 2011

OFFICE MEMORANDUM

Subject: Guidelines for consideration of proposals for acceptance of foreign hospitality under the Foreign Contribution (Regulation) Act, 2010.

The Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) and the Foreign Contribution (Regulation) Rules, 2011 (FCRR, 2011) have come into force with effect from 01.05.2011. The provisions under the Act/Rules relating to 'foreign hospitality' and guidelines to be followed for consideration of proposals for acceptance of the same are hereby circulated for information and compliance by all concerned.

Statutory Provisions: The relevant provisions of FCRA, 2010 are reproduced below:

Section 2 (1) (i): "Foreign Hospitality" means any offer, not being a purely casual one, made in cash or kind by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free boarding, lodging, transport or medical treatment.

Section 2 (1) (i): "Foreign source" includes -

- (i) the Government of any foreign country or territory and any agency of such Government;
- (ii) any international agency, not being the United Nations or any of its specialized agencies, the World Bank, International Monetary Fund or such agency as the Central Government may, by notification, specify in this behalf;
- (iii) a foreign company;
- (iv) a corporation, not being a foreign company, incorporated in a foreign country or territory;
- (v) a multi-national corporation referred to in sub-clause (iv) of clause (g)*;
- (vi) a company within the meaning of the Companies Act, 1956, and more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely:-
 - (A) the Government of a foreign country or territory;
 - (B) the citizens of a foreign country or territory;
 - (C) corporation incorporated in a foreign country or territory;
 - (D) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory;

- (E) foreign company;
- (vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory;
- (viii) a foreign trust or a foreign foundation, by whatever name called, or such trust or foundation mainly financed by a foreign country or territory;
- (ix) a society, club or other association of individuals formed or registered outside India;
- (x) - a citizen of a foreign country.

*A corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation -

- (a) has a subsidiary or branch or place of business in two or more countries or territories; or
- (b) carries on business, or otherwise operates, in two or more countries or territories.

Section 2 (1) (k): "Legislature" means -

- (A) either House of Parliament;
- (B) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State;
- (C) Legislative Assembly of a Union Territory constituted under the Government of Union Territories Act, 1963;
- (D) Legislative Assembly for the National Capital Territory of Delhi referred to in the Government of National Capital Territory of Delhi Act, 1991;
- (E) Municipality as defined in clause (e) of article 243P of the Constitution;
- (F) District Councils and Regional Councils in the States of Assam, Meghalaya, Tripura and Mizoram as provided in the Sixth Schedule to the Constitution;
- (G) Panchayat as defined in clause (d) of article 243 of the Constitution;
- or
- (H) Any other elective body as may be notified by the Central Government.

Section 2 (1) (m): "person" includes:-

- (i) an individual;
- (ii) a Hindu undivided family;
- (iii) an association;
- (iv) a company registered under section 25 of the Companies Act, 1956.

Section 2 (1) (n): "political party" means:-

- (i) an association or body of individual citizens of India -
 - (A) to be registered with the Election Commission of India as a political party under section 29A of the Representation of the People Act, 1951; or
 - (B) which has set up candidates for election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968;
- (ii) a political party mentioned in column 2 of Table 1 and Table 2 to the notification of the Election Commission of India No. 56/J&K/02, dated the 8th August, 2002, as in force for the time being.

Section 6 - Restriction on acceptance of foreign hospitality:

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 manner in which, such hospitality was received by him.

Section 9 - Power of the Central Government to prohibit receipt of foreign hospitality in certain cases -

The Central Government may -

(b) require any person or class of persons, not specified in section 6, to obtain prior permission of the Central Government before accepting any foreign hospitality;

(e) require any person or class of persons, not specified in section 6, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received;

Provided that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such person or class of persons, as the case may be, or the acceptance of foreign hospitality by such person, is likely to affect prejudicially -

- (i) the sovereignty and integrity of India; or
- (ii) public interest; or
- (iii) freedom or fairness of election to any Legislature; or
- (iv) friendly relations with any foreign State; or
- (v) harmony between religious, racial, social, linguistic or regional groups, castes or communities.

3. **Provisions under the Rules:** The relevant provisions of FCRR, 2011 are reproduced below:

Rule 7 - Receiving foreign hospitality by specifies categories of persons. -

- (1) Any person belonging to any of the categories specified in Section 6 who wishes to avail of foreign hospitality shall apply to the Central Government in Form FC-2 for prior permission to accept such foreign hospitality.
- (2) Every application for acceptance of foreign hospitality shall be accompanied by an invitation letter from the host or the host country, as the case may be, and administrative clearance of the Ministry or Department concern in case of visits sponsored by a Ministry or Department of the Government.
- (3) The application for grant of permission to accept foreign hospitality must reach the appropriate authority ordinarily two weeks before the proposed date of onward journey.
- (4) In case of emergent medical aid needed on account of sudden illness during a visit abroad, the acceptance of foreign hospitality shall be required to be intimated to

the Central Government within sixty days of such receipt giving full details including the source, approximate value in Indian Rupees, and the purpose for which and the manner in which it was utilized. ✓

Provided that no such intimation is required if the value of such hospitality in emergent medical aid is upto one lakh rupees or equivalent thereto. S

4. A copy of Form FC-2 is at Annexure-1. The form is also available on MHA's website - <http://mha.nic.in/fcra/forms/fc-2.pdf>

5. The agencies of the United Nations and other International Organisations, which are not treated as "foreign source", are listed at Annexure-2. The list is also available on the website <http://mha.nic.in/fcra/intro/FCRA-exemptedAgenciesUN.pdf>

6. The following cases need not be submitted to this Ministry for grant of permission to accept foreign hospitality:-

- (i) Where the entire expenditure on the proposed foreign visit is being met by the Central/ State Government or any Central/State PSU etc.
- (ii) Where the proposed foreign visit is being undertaken by a person in his/her personal capacity and the entire expenditure thereon is being met by the person concerned.
- (iii) Where the foreign hospitality is being provided by an Indian national living in a foreign country or territory.
- (iv) Cases involving acceptance of an assignment on salary, fee or remuneration etc.
- (v) Cases involving funding offered by an agency/organization mentioned in Annexure-2.
- (vi) Cases involving visits undertaken by the Members of an Indian Parliamentary delegation under bilateral exchange.
- (vii) Cases involving visits undertaken in pursuance of a bilateral agreement between the Government of India and the Government of the country concerned, approved by the Ministry of Finance (Department of Economics Affairs).
- (viii) Cases involving long term/short term foreign training courses approved by the Ministry of Personnel, Training and Public Grievances.


7. The responsibility of ensuring full compliance with the provisions FCRA, 2010 lies with the person proposing to avail the foreign hospitality. It should, therefore, be ensured that the foreign visit involving acceptance of foreign hospitality is undertaken only after obtaining the requisite permission under the said Act.

8. Permission accorded under FCRA, 2010 to accept foreign hospitality should not be construed as equivalent to administrative clearance, which has to be obtained separately by the person concerned from the competent authority in the concerned Ministry/Department.

9. All Ministries/Departments are requested to ensure that the following points have been complied with while forwarding application to the Ministry of Home Affairs, Foreigners Division:

- (i) All columns in Form FC-2 must be filled up.
- (ii) All proposals for acceptance of foreign hospitality should be accompanied with a specific recommendation of the Administrative Ministry/Department.
- (iii) The Administrative Ministry /Department should certify the essentiality of the foreign visit. It should also be clearly indicated whether the proposal has the approval of the Ministry of External Affairs, the cadre controlling authority

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- (iv) (applicable in respect of training programme/workshop/seminar/study tour organized by international agencies), and the competent authority. 6
A copy of the offer/invitation containing details of the foreign hospitality being offered should be invariably enclosed with each application.
- (v) Each application for grant of permission to accept foreign hospitality, complete in all respects, should reach the Ministry of Home Affairs, Foreigners Division at least 10 working days before the scheduled date of departure of the person(s) concerned.



(J.K. Chattopadhyay)

Deputy Secretary to the Government of India

Tel: 23071157

To:

1. All Ministries/Department of Government of India
2. The Chief Secretaries/Administrators of all States/UTs.
3. Resident Commissioners of all States/UTs
4. Cabinet Secretariat, New Delhi
5. Spare Copies -5

The Secretary to the Government of India,
Ministry of Home Affairs,
FCRA Wing / Foreigners Division,
"Jaisalmer House",
26, Mansingh Road,
New Delhi - 110 011.

Subject: Application for seeking prior permission of the Central Government to accept foreign hospitality.

[Note: For foreign hospitality availed in case of emergent medical aid situation, intimation to be given on plain paper to the Secretary, Ministry of Home Affairs at the address mentioned in FORM FC-2, within sixty days of such receipt of foreign hospitality.]

1. Name in full (block letters):
2. Date of Birth:
3. Name of father/husband:
4. Present address:
5. Permanent address:
6. Passport particulars (if already in possession):
7. Status: -
 - (a) Member of Legislature:
 - (b) Office bearer of a political party:
 - (c) Judge of Supreme Court/High Court:
 - (d) Government servant:
 - (e) Employee of a Company/Corporation:
 - (f) Any other person or class of persons not specified in section 6
8. Names of countries/places to be visited with duration of stay:
9. The countries and places where foreign hospitality is to be accepted:
10. Duration and purpose of visit to the country(s)/place(s) mentioned in Column 9 with specific dates:
11. Particulars of host(s): -
 - (a) If an individual, his personal particulars including name, present address, permanent address, nationality, profession:
 - (b) If an Organisation/Institution/Association/Trust/ Foundation/Trade Union etc., full particulars thereof including -
 - (i) Full name and complete address:
 - (ii) Address of Head office/Principal office:
 - (iii) Aims and Objects:
 - (iv) Particulars of important office bearers:

12. [@]Full particulars, as in Column 11(a) and (b) of the foreign source, in case the actual source extending the hospitality is located in a country other than actually proposed to be visited:

13. Nature and duration of foreign hospitality proposed to be accepted with specific dates and with specific details:

14. Nature of connection/dealing with the host and/or foreign source extending the hospitality:

15. Approximate expenditure to be incurred on hospitality:

16. Any other information of significance which the applicant may like to furnish:

DECLARATION

I hereby declare that the above particulars furnished by me are true and correct.

Place:

Date:

Signature of the applicant
(Name, in block letters)

[@] Delete if not applicable.

List of agencies of the United Nations, and other international agencies and organisations notified by the Central Government to be not covered by the definition of 'foreign source', under section 2(1)(j)(ii) of the Foreign Contribution (Regulation) Act, 2010

The United Nations System

I. Secretariat

1. Office of Internal Oversight Services, New York.
2. Office of Legal Affairs, New York.
3. Department of Political Affairs, New York.
4. Department for Disarmament Affairs, New York.
5. Department of Peacekeeping Operations, New York.
6. Office for the Coordination of Humanitarian Affairs, New York.
7. Department of Economic and Social Affairs, New York.
8. Department for General Assembly Affairs and Conference Services, New York.
9. Department of Public Information, New York.
10. Department of Management, New York.
11. United Nations Office at Geneva.
12. United Nations Office at Vienna.
13. United Nations Office at Nairobi.

II. Bodies of the United Nations

14. International Research and Training Institute for the Advancement of Women (INSTRAW), Santo Domingo, Dominican Republic.
15. Joint United Nations Programme on HIV/AIDS (UNAIDS), Geneva.
16. Office of the UN High Commissioner for Human Rights (OHCHR), Geneva.
17. Office of the UN High Commissioner for Refugees (UNHCR), Geneva.
18. United Nations Capital Development Fund (UNCDF), New York.
19. United Nations Conference on Trade and Development (UNCTAD), Geneva.
20. United Nations Development Fund for Women (UNIFEM), New York.
21. United Nations Institute for Disarmament Research (UNIDIR), Geneva.
22. United Nations Institute for Training and Research (UNITAR), Geneva.

23. United Nations Interregional Crime and Justice Research Institute (UNICRI), Rome.
24. United Nations Office for Project Services (UNOPS), New York.
25. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Gaza and Amman.
26. United Nations Research Institute for Social Development (UNRISD), Geneva.
27. United Nations University (UNU), Tokyo.
28. United Nations Volunteers (UNV), Bonn.

III. Funds and Programs

29. United Nations Children's Fund (UNICEF), New York.
30. United Nations Development Programme (UNDP), New York.
31. United Nations Environment Programme (UNEP), Nairobi.
32. United Nations International Drug Control Programme (UNDCP), Vienna.
33. United Nations Population Fund (UNFPA), New York.
34. World Food Programme (WFP), Rome.

IV. Regional Commissions

35. Economic Commission for Africa (ECA), Addis Ababa, Ethiopia.
36. Economic Commission for Asia and the Pacific (ESCAP), Bangkok, Thailand.
37. Economic Commission for Europe (ECE), Geneva.
38. Economic Commission for Latin America and the Caribbean (ECLAC), Santiago, Chile.
39. Economic Commission for Western Asia (ESCWA), Beirut, Lebanon.

V. Law of the Sea Treaty Bodies

40. International Seabed Authority, Kingston.
41. International Tribunal for the Law of the Sea, Hamburg.
42. Commission on the Limits of the Continental Shelf, United Nations Divisions for Ocean Affairs and the Law of the Sea, New York.

VI. Environmental Bodies

43. Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC), Bonn.
44. Intergovernmental Panel on Climate Change (IPCC), Geneva.
45. Ozone Secretariat to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substance that Deplete the Ozone Layer, Nairobi.

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46. Secretariat of the Convention on Biological Diversity (CBD), Montreal.
 47. Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Geneva.
 48. UNEP/CMS Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention), Bonn.
 49. Secretariat of the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, Geneva.
 50. Secretariat of the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought /or Desertification, especially in Africa (CCD), Bonn.
 51. Global Environment Facility, Washington D.C.
 52. Bureau (Secretariat) of the Convention on Wetlands (Ramsar), Gland, Switzerland.

VII. SPECIALISED AGENCIES

53. International Labour Organisation (ILO), Geneva.
54. Food and Agriculture Organization (FAO), Rome.
55. United Nations Educational, Scientific and Cultural Organisation (UNESCO), Paris.
56. International Civil Aviation Organisation (ICAO), Montreal.
57. World Health Organisation, Geneva.
58. Universal Postal Union (UPO), Berne, Switzerland.
59. International Telecommunication Union (ITU), Geneva.
60. World Meteorological Organization (WMO), Geneva.
61. International Maritime Organization (IMO), London.
62. World Intellectual Property Organization (WIPO), Geneva.
63. International Fund for Agricultural Development (IFAD), Rome.
64. United Nations Industrial Development Organisation (UNIDO), Vienna.

VIII. The World Bank Group

65. International Bank for Reconstruction and Development (IBRD), Washington D.C.
66. International Development Association (IDA), Washington D.C.
67. International Monetary Fund (IMF) Washington D.C.
68. International Finance Corporation (IFC), Washington D.C.
69. Associated Organisations of World Bank Group:

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- A) International Centre for the settlement of Investment Disputes (ICSID), Washington D.C.
- B) Multilateral Investment Guarantee Agency (MIGA), Washington D.C.
- C) Consultative Group on International Agricultural Research (CGIAR), Washington D.C. (It has 16 Research centres)
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- i. International Plant Genetic Resource Institute (IPGRI), Rome.
 - ii. International Wheat and Maize Improvement Centre (CIMMYT), Mexico.
 - iii. International Centre for Living Aquatic Resource Management (ICLARM), Philippines.
 - iv. International Irrigation Management Institute (IIMI), Colombo.
 - v. International Food Policy Research Institute (IFPRI) Washington D.C.
 - vi. International Centre of Research in Agro-forestry (ICRAF), Nairobi.
 - vii. International Centre for Agricultural Research in Dry Areas (ICARDA), Syria.
 - viii. International Centre for Tropical Agriculture (CIAT), Columbia.
 - ix. International livestock Research Institute (ILRI), Nairobi.
 - x. West Africa Development Association (WARDA), Abidjan.
 - xi. International Service Of National Agricultural Research (ISNAR), The Netherlands.
 - xii. International Crops Research Institute For the Semi-Arid Tropics (ICRISAT), Hyderabad.
 - xiii. International Rice Research Institute, Manila, Philippines.
 - xiv. International Potato Centre, Peru.
 - xv. Centre for International Forestry Research (CIFOR), Indonesia.
 - xvi. International Institute of Tropical Agriculture (IITA), Nigeria.

IX. Regional Development Banks

70. African development Bank (ADB), Abidjan.
71. Inter-American Development Bank (IDB), Washington D.C.
72. Asian Development Bank (ADB), Manila.
73. Caribbean Development Bank (CDB), St. Michael, Barbados.

X. Other Bodies Related to United Nations

74. International Atomic Energy Agency (IAEA), Vienna.
75. Organisation for the Prohibition of Chemical Weapons (OPCW), The Hague.
76. Provisional Technical Secretariat (PTS) for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), Vienna.
77. International Consultative Group on Food Irradiation (ICGFI), Vienna.
78. International Narcotics Control Board (INCB), Vienna.
79. International Trade Centre UNCTAD/WTO (ITC), Geneva.
80. International Union for the Protection of New Varieties of Plants (UPOV), Geneva.
81. World Tourism Organisation (WTO/OMT), Madrid.
82. World Food Council (WFC).
83. United Nations Social Defence Research Institute (UNSDRI).
84. United Nations Statistical Office (UNSCO).

XI. Other International organisations

85. United Nations Outer Space Committee.
86. International Sugar Organisation, London.
87. Asian Productivity Organisation, Tokyo.
88. Asian and Pacific Development Administration, Kuala Lumpur.
89. Asian African Legal Consultative Committee, New Delhi.
90. Asia/Pacific Cultural Centre for UNESCO (ACCU), Japan.
91. Commonwealth Secretariat, London.
92. Afro-Asian Rural Reconstruction Organisation (AARRO), New Delhi.
93. Centre on Integrated Rural Development for Asia and the Pacific, (CIRDAP), Dhaka.
94. International Centre for Genetic Engineering and Biotechnology (ICGEB), New Delhi.
95. Asia and Pacific Centre of Transfer of Technology (APCTT), New Delhi.
96. Centre for Science and Technology of the Non-Aligned and Other Developing Countries (NAM S&T Centre), New Delhi.
97. Commonwealth Agricultural Bureaux International (CABI), UK.
98. The Asia Pacific Association of Agricultural Research Institution (APAARI), Bangkok

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99. The Regional Co-ordination centre for Research and Development of coarse Grains, Pulses, Roots and Tubercrops in the Humid Tropics of Asia and the Pacific (CGPRT Centre), Indonesia.

100. The Regional Network for Agriculture Machinery (RNAM), Bangkok.

101. Commission on Genetic Resources for Food and Agriculture (CGRFA), Rome.

102. The International Seeds Testing Association (ISTA), Zurich.

103. International Water Management Institute (IMI), Sri Lanka.

(Notified in the Gazette of India, Extraordinary, Part II-Section 3- Sub-section (ii) vide S.O. No. 1014 (E) dated the 13th November, 2000).

104. World Trade Organisation (WTO), Geneva, Switzerland

105. International Organisation for Standardisation (ISO), Geneva, Switzerland

106. Common Fund for Commodities (CFC), Amsterdam, Netherlands

107. International Cotton Advisory Committee, Washington, USA

108. The Global Fund to Fight Aids, Tuberculosis and Malaria, Geneva, Switzerland.

(Added vide Gazette of India, Extraordinary, Part II-Section 3- Sub-section (ii) vide S.O. No. 1133 (E) dated the 1st May, 2009).

109. Global Development Network (GDN)

(Added vide Gazette of India, Extraordinary, Part II-Section 3- Sub-section (ii) vide S.O. No. 1433(E) dated the 20th June, 2011).
