

FOREIGN CONTRIBUTION (ACCEPTANCE OR RETENTION OF GIFTS OR PRESENTATIONS) REGULATIONS, 1978

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FOREIGN CONTRIBUTION (ACCEPTANCE OR RETENTION OF GIFTS OR PRESENTATIONS) REGULATIONS, 1978

In pursuance of clause (d) of section 8 of the Foreign Contribution (Regulation) Act, 1976 (49 of 1976), the Central Government hereby makes the following regulations with regard to the acceptance or retention of foreign contribution by way of a gift or presentation made to any person specified in section 4 as a member of any Indian delegation, namely:-

1. Short title and commencement :-

- (1) These regulations may be called the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Regulations, 1978.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Foreign Contribution (Regulation) Act, 1976 (49 of 1976);
- (b) words and expressions used in these regulations and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Regulation of acceptance or retention of foreign contribution by way of gift or presentation :-

- (1) Any person specified in section 4 of the Act who is a member of

any Indian delegation may accept any foreign contribution by way of a gift or presentation made to him as a member of such delegation (hereinafter referred to as such person), subject to the provisions of this regulation. ¹["Provided that a Minister may retain a gift or presentation made to him/her provided the value of the gift assessed under sub-regulation (5) does not exceed five thousand rupees.".]

(2) Where such person receives any foreign contribution by way of gift or presentation, he shall, within thirty days of the receipt thereof, intimate to ²[the leader of the Indian delegation], the Secretary to the Government of India in the Ministry of Home Affairs, Ministry of External Affairs and the Ministry of the Department of the Government of India sponsoring the delegation of which he is a member, in writing,-

(a) the fact of his having received such gift or presentation,

(b) the foreign source from which it is received,

(c) its approximate market value in the country of origin,

(d) the place in which, and the date on which, it is received, and

(e) such other details relating thereto as he may, in the circumstances, consider appropriate: Provided that in a case where such person received such gift or presentation while he is visiting any foreign country or territory outside India, such intimation may be made by him within thirty days from the date of his return to India: ³[Provided further that the requirements contained in these regulations shall be complied with by such person if the leader of the Indian delegation is of the opinion that the market value, in India, of such gift(s) or presentations) exceeds Rs. 1,000 and the said leader directs in writing to such person to comply with such of the requirements of these regulations, as may be applicable, in his case.]

(3) Every gift or presentation received by such person from any foreign source shall be deposited by him with the Secretary to the Government of India in the Ministry or the Department which had sponsored the delegation of which he was the member, within thirty days from the date of intimation by him of such receipt under sub- regulation (2).

(4) The Secretary to the Government of India, referred to in sub-

regulation (3), shall forward every such gift or presentation deposited with him to the Toshakhana in the Ministry of External Affairs for assessment of its market value in the country of origin.

(5) Such assessment shall be made within thirty days from the date of receipt of the gift or presentation in the Toshakhana, in accordance with the rules applicable, for the time being in force, to the valuation of articles in the Toshakhana, and such person shall be intimated in writing of such assessment forthwith.

(6) If any question arises relating to the assessment so made under sub-regulation (5) it shall be referred to the Central Government who shall decide the same.

(7) Every such gift or presentation, the market value in the country of origin of which, as assessed under sub-regulation (5), does not exceed three thousand rupees, shall be returned to such person for retention by him : Provided that where more than one such gift or presentation is received by such person while he is in one delegation, such person be entitled to retain only one such gift or presentation: ³ [Provided further that where more than one gift or presentation has been received by such person, while he is in one delegation, and the aggregate market value in India, of all such gifts or presentations, does not exceed Rs. 1,000 as determined by the leader of the Indian delegation, such person may retain all such gifts/presentations.]

(8) Every such gift or presentation, the market value in the country of origin of which, as assessed under sub-regulation (5), exceeds three thousand rupees shall be retained in the Toshakhana: Provided such person shall have the option, that exercised by him within thirty days from the date of receipt by him of the intimation under sub-regulation (5), to purchase such gift or presentation on payment of the difference between the market value in the country of origin of such gift or presentation, as assessed under sub-regulation (5) and three thousand rupees: Provided further that the option once exercised under this sub-regulation shall be final.

1. Inserted vide " FOREIGN CONTRIBUTION (ACCEPTANCE OR RETENTION OF GIFTS OR PRESENTATIONS) REGULATIONS, 1978" Dt.27th January, 1999 Published in Ministry of Home Affairs, No. S.O. 37(E), dated January 27, 1999, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 27th January, 1999, pp. 1-2, No. 36 [No. II/21022/11(9)-FCRA. I]
2. Inserted by the Foreign Contribution (Acceptance or Retention of

Gilts or Presentations) Amendment Regulations, 1989, w.e.f. 21-4-1989.

3. Inserted by the foreign contribution (acceptance or Retention of Gifts or Presentations) Amendment Regulations, 1989, w.e.f. 21-4-1989