

Foreign Contribution (Regulation) Act, 2010

Chapter 9 - CHAPTER 9 : MISCELLANEOUS

SECTION 42 : Power to call for information or documentAny inspecting officer referred to in Sec. 23 who is authorised in this behalf by the Central Government may, during the course of any inspection of any account or record maintained by any political party, person, organisation or association in connection with the contravention of any provision of this Act, - (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or rule or order made thereunder; (b) require any person to produce or deliver any document or thing useful or relevant to such inspection; (c) examine any person acquainted with the facts and circumstances of the case related to the inspection.

SECTION 43 : Investigation into cases under ActNot with standing anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence punishable under this Act may also be investigated into by such authority as the Central Government may specify in this behalf and the authority so specified shall have all the powers which an officer in charge of a police station has while making an investigation into a cognizable offence.

SECTION 44 : Returns by prescribed authority to Central GovernmentThe prescribed authority shall furnish to the Central Government at such time and in such form and manner such returns and statements as may be prescribed.

SECTION 45 : Protection of action taken in good faithNo suit or other legal proceedings shall lie against the Central Government or the authority referred to in Sec. 44 or any of its officers in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or, any rule or order made thereunder.

SECTION 46 : Power of Central Government to give directionsThe Central Government may give such directions as it may deem necessary to any other authority or any person or class of persons regarding the carrying into execution of the provisions of this Act.

SECTION 47 : Delegation of powersThe Central Government may, by notification, direct that any of its powers or functions under this Act, except power to make rule under Sec. 48, shall, in relation to such matters and subject to such conditions, if any, may be specified in the notification, be exercised or discharged also by such authority as may be specified.

SECTION 48 : Power to make rules(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- (a) the value of the article which may be specified under sub-clause (i) of clause (h) of sub-sec. (1) of Sec. 2; (b) the authority which may be specified under clause (p) of sub-sec. (1) of Sec. 2; (c) acceptance or retention of gift or presentation under clause (d) of Sec. 4; (d) guidelines specifying the ground or grounds on which an organisation may be specified as an organisation of political nature under sub-sec. (1) of Sec. 5; (e) the activities or business which shall be construed as speculative business under the proviso to clause (a) of sub-sec. (1) of Sec. 8; (f) the elements and the manner in which the administrative expenses shall be calculated under sub-sec. (2) of Sec. 8; (g) the time within which and the manner in which any person or class of persons or an association may be required to furnish intimation regarding the amount of foreign contribution received under clause (c) of Sec. 9; (h) the time within which and the manner in which any person or class of persons may be required to furnish intimation regarding foreign hospitality under clause (e) of Sec. 9; (i) the manner in which the copy of the order of the Central Government shall be served upon any person under Sec. 10; (j) the form and manner in which the application for grant of certificate of registration or giving of prior permission under sub-sec. (1) of Sec. 12; (k) the fee to be accompanied by the application under sub-sec. (1) of Sec. 12; (l) the terms and conditions for granting a certificate or giving prior permission under clause (g) of sub-sec. (4) of Sec. 12; (m) the manner of utilising the foreign contribution under clause (b) of sub-sec. (2) of Sec. 13; (n) the authority with whom the foreign contribution to be vested under sub-sec. (1) of Sec. 15; (o) the period within which and the manner in which the foreign contribution shall be managed under sub-sec. (2) of Sec. 15; (p) the form and manner in which the application for a renewal of certificate of registration shall be made under sub-sec. (2) of Sec. 16; (q) the fee to be accompanied by the application for

renewal of certificate under sub-sec. (2) of Sec. 16; (r) the prescribed amount of foreign remittance, the form and manner in which the foreign remittance received by every bank or authorised person in foreign exchange shall be reported under sub-sec. (2) of Sec. 17; (s) the time within which and the manner in which the person who has been granted certificate of registration or given prior permission under this Act shall give intimation under Sec. 18; (t) the form and manner in which account of any foreign contribution and the manner in which such contribution has been utilised shall be maintained under Sec. 19 (u) the time within which and the manner in which a candidate for election shall give intimation under Sec. 21; (v) the manner and procedure to be followed in disposing of the assets under Sec. 22; (w) the limits subject to which any confiscation may be adjudged under clause (b) of sub-sec. (1) of Sec. 29; (x) the fee to be accompanied along with every application for revision under sub-sec. (5) of Sec. 32; (y) the form and manner for making of an application for compounding of an offence and the fee therefor under sub-sec. (4) of Sec. 41; (z) the form and manner in which and the time within which returns and statements to be furnished by the prescribed authority under Sec. 44; (za) any other matter which is required to be, or may be, prescribed.

SECTION 49 : Orders and rules to be laid before Parliament Every order made under Sec. 5 and every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or rule or both Houses agree that the order or rule should not be made, the order or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order or rule.

SECTION 50 :

SECTION 51 : Act not to apply to certain Government transactions Nothing contained in this Act shall apply to any transaction between the Government of India and the Government of any foreign country or territory.

SECTION 52 : Application of other laws not barred The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

SECTION 53 : Power to remove difficulties (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Central Bare Acts