

**CHANGE IN OFFICE BEARERS OF THE ORGANISATION
AND ITS
IMPLICATIONS UNDER FOREIGN CONTRIBUTION (REGULATION) ACT, 1976**

In the Foreign Contribution (Regulation) Act, 1976, there is no specific section which says that an organization has to inform FCRA authorities for change in its office bearers.

However in 1999, the Government of India through Notification no. G.S.R. 8(E) dated January 4, 1999 amended the Form FC-8 'Application seeking registration under FCRA' under which the Chief Functionary of the organization has to give the following undertaking on behalf of the organization:

"to obtain prior permission for change of office bearer(s), if, at any point of time such change causes replacement of 50% or more of the office bearers as were mentioned in the application for registration under the Foreign Contribution (Regulation) Act, 1976 and undertakes further not to accept any foreign contribution except with prior permission till the permission to replace the office-bearer(s) has been granted;

An analysis of the above undertaking means that the office bearers of the association are required to continue in the office and any change which causes replacement of more than 50% of the office bearers as were mentioned in the application for registration, automatically debars the organization from accepting foreign contribution. So, in case where more than 50% of the office bearers are to be changed then it is required that the FCRA authorities are informed and due approval is taken.

During the period between the change and the approval from FCRA authorities, the FCRA registration will remain suspended and the association cannot receive any foreign contribution. If it wants to receive foreign contribution it can do so with prior permission only.

The term 'Office Bearers' here means the members of the Executive Committee/ Governing Council etc. of the Association including the Chief Functionary of the organization as mentioned under sl. no.1 (v) of the application form FC-8.

Applicability to organizations registered before January 4, 1999 and organizations not registered but receiving foreign contribution with prior permission

As there was no such undertaking in the old application form FC-8 applicable before 4.1.1999, the above provisions would not be applicable to organizations registered before 4.1.1999. Similarly, there is no such undertaking in the new or old form FC-1-A for obtaining prior permission.