

FOREIGN CONTRIBUTION (ACCEPTANCE OR RETENTION OF GIFTS OR PRESENTATION) RULES 2012

EXTRACT FROM THE GAZETTE OF INDIA : PART 11, SEC. 3, SUB-SEC. (i) Appearing on Page Nos. 893—895 Dated 23-6-2012 MINISTRY OF HOME AFFAIRS 6 20 (2 2010 (2010 42) 48 (2) (11) fiz:rq t, : 6;) (fifi•qtfi) 2010 (2010 42) 9.41, (ii) (iii) qéi (3) z•q-fiqq () (4) (3) fi•rtz 227 S (6) •-l'1qh (4) qi (5) (7) i ire gtg Ei NOTIFICATION New Delhi, the 6th June, 2032 G.S. R. 150.—In exercise of the powers conferred by clause (c) of sub-section (2) of Section 48 of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010), the Central Government hereby makes the following rules with regard to the acceptance or retention of foreign contribution by way of gift or presentation made to a member of an Indian delegation, namely :— 1. Short title and commencement.—(1) These rules may be called the Foreign Contribution (Acceptance or Retention of Gifts or Presentations) Rules, 2012. (2) They shall come into force on the date of their publication in the Official Gazette, .—In these Rules, 201 L, unless the context otherwise requires,— 2. Definitions (a) "Act" means The Foreign Contribution (Regulation) Act, 2010 (42 of 2010); (b) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act

3. Manner of acceptance or retention of foreign contribution by way of gifts or presentations* 1)
Where any foreign contribution by way of gift or presentation is made to a member of any Indian delegation, such person shall within a period of thirty days of the receipt of such gift or presentation, furnish the following information in writing to the Secretary to the Government of India in the Ministry or the Department that has sponsored the programme, namely .(i) the fact of having received such gift or presentation; (ii) the foreign source from which such gift or presentation has been received; (iii) the approximate market value of such gift or presentation; (iv) the date and the place of receipt of such gift or presentation; (v) any other details relating thereto, as may be considered appropriate by such person : Provided that where the approximate market value of such gift or presentation exceeds the equivalent of five thousand rupees in the opinion of such person, he shall deposit such gift or presentation with the Secretary of such Ministry or Department : Provided moreover that where more than one gift or presentation is received by such person and the aggregate market value of such gifts or presentations exceeds five thousand rupees, he shall deposit such gifts or presentations with the Secretary of such Ministry or Department (2) Where a person receives any gift during his or her visit to any foreign country or territory outside India, he or she shall, within a period of 30 days from his or her return to India, furnish the information specified in clauses (i) to (v) of sub-rule (1) in the manner specified herein. (3) (3) The Secretary to the Government of India, referred to in sub-rule (1) shall, on receipt of such gift or presentation deposited with him or her to the Toshakhana in the Ministry of External Affairs for assessment of its market value. (4) The assessment referred to in sub-rule (3) shall be made within a period of thirty days from the date of receipt of the gift or presentation in the Toshakhana by a Board consisting of the following members namely (i) Joint Secretary in the Ministry of External Affairs; (ii) Under Secretary or Attaché in the Ministry of External Affairs; (iii) Customs Appraiser, Foreign Port Office, in the Ministry of Finance. (5) If any question arises in respect of the assessment made under sub-rule (4), it shall be referred to the Secretary to the Government of India in the Ministry of Home Affairs who shall decide the same. (6) The market value of the gift or presentation as assessed under sub-rule (4) or as decided under sub-rule (5) shall be communicated to the person concerned. (7) If the market value of the single gift or presentation as assessed under sub-rule (4) does not exceed five thousand rupees, it shall be returned to the person concerned for retention by him or her : Provided that in the case of gift or presentation being more than one, only one of such gifts or presentations of his or her choice shall be returned to such person for retention, if the aggregate of its market value as assessed under sub-rule (4) does not exceed five thousand rupees : Provided further that such person shall, within a period of thirty days from the date of receipt of any communication in this regard, have the option to purchase such other gift or presentation of his choice, other than the gift or presentation returned to him for retention, on payment of the difference between the aggregate market value of such gifts or presentations as assessed under sub-rule (4) and five thousand rupees: Provided also that the option so exercised shall be final. G V. SARMA, Jt. Secy MGIPRRND.-2275 IIA'12—100 copies.