



NORTH EAST CATHOLIC RESEARCH FORUM
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Date: 2 October 2026

To

Dr. Sanjay Jaiswal, M.P.

Chairman, Joint Parliamentary Committee on the Foreign Contribution (Regulation)

Amendment Bill, 2026

(through the Director, Lok Sabha Secretariat)

Room No. 002, Block 'A', EPHA, Parliament of India

New Delhi - 110001

By e-mail: jpc-fcra@lss.sansad.in

Sub: Memorandum on the Foreign Contribution (Regulation) Amendment Bill, 2026 (Bill No. 97 of 2026): objections, and appeal to recommend withdrawal of the Bill unless the clauses objected to below are removed.

Respected Sir,

The North East Catholic Research Forum, a registered body of Catholic intellectuals of the Northeast region, humbly submits this representation before the esteemed Joint Parliamentary Committee to express our deep concern about the proposed Bill and to urge the esteemed JPC to recommend its withdrawal for the reasons mentioned below.

1. While the Forum supports executive measures to ensure accountability, transparency and financial discipline, and to prevent the misuse of foreign funds by any organisation for activities that impinge on national security, we feel that the Foreign Contribution (Regulation) Amendment Bill, 2026, departs from democratic norms and the principles of lawful legislation as provided in the Constitution of India. We, therefore, strongly object to the Bill being taken up for discussion in Parliament, let alone passed.
2. The amendment proposes a "Designated authority", defined in clause (fa) of Section 2(1) of the principal Act, with sweeping powers, including over the foreign contribution and assets created out of it when a certificate is cancelled, surrendered or ceases, and the power to take over certain assets and manage activities in certain circumstances. We consider this proposal draconian and, in the Forum's view, a direct violation of Article 26 of the Indian Constitution. Subject to public order, morality and health, Article 26 guarantees every religious denomination or any section thereof the right to establish and maintain institutions for religious and charitable purposes; to manage its own affairs in



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matters of religion; to own and acquire movable and immovable property; and to administer such property in accordance with law.

3. We are aware that when this Bill is passed by Parliament and receives presidential assent, it will adversely affect charitable and social organisations run by all communities. However, the Forum is convinced that minority communities will suffer the most, because their religious-based institutions provide essential support to government welfare initiatives, which often do not reach the poorest of the poor. In India's Northeast, a region that has felt neglected by successive governments since independence, Christian missionaries of different denominations sowed the seeds of education. They built centres of learning such as St Anthony's College and St Edmund's College in Shillong, which, in the Forum's view, virtually educated the youth of undivided Assam and the wider region, namely the present-day States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura. Once this Bill becomes law, the Forum fears that institutions like these, which have educated lakhs of people over the years, face the risk of being taken over.
4. One of the disturbing proposals is the insertion of **Chapter IIIA** into the principal Act, beginning with Section 16A, which in the Forum's reading gives the Designated authority the power to monitor, control and even take over assets built with funds received under the FCRA, without a clear definition to differentiate between foreign funding and funds mobilised locally. Section 16A (1) provides for provisional vesting on cancellation, surrender or cessation of a certificate (cessation is addressed in Section 14B). Under Section 16A (2), an asset created partly from foreign contribution and partly from other sources vests wholly, although a distinct or ascertainable portion created from other sources may be returned on application. Section 16A (4) concerns return of funds and assets when a certificate is granted afresh, renewed or restored within the prescribed period. In the Forum's view, these provisions leave plenty of scope for misinterpretation and therefore provide the opportunity to take over premier institutions which have empowered young people for decades, the majority of whose beneficiaries are non-Christians. The Forum considers such vesting of powers in a government official, with the first review under Section 16J lying with the Designated authority itself and an appeal under Section 16K to the District Judge or a judicial officer not below the rank of Civil Judge, Senior Division, only within 90 days thereafter, to be without adequate independent judicial scrutiny at the stage of vesting. We apprehend that this is dangerous and would not serve the country's interests.
5. In the principal Act, the Foreign Contribution (Regulation) Act, 2010, Section 15 contains the existing provisions on vesting and management. Section 15(2) permits



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management of activities where considered necessary and in the public interest, and the condition that adequate funds are not available applies to using foreign contribution or disposing of assets. The Bill would omit Section 15 altogether and replace it with Chapter IIIA, which the Forum sees as removing the safeguards of the existing provision. Under proposed Section 16A(3)(b), the Designated authority may manage activities where considered necessary or expedient in the public interest, in such manner and for such period as may be prescribed. The Forum fears that this gives the Designated authority unbridled administrative discretion to take over the management of any institution under the vague umbrella of "**public interest**".

6. Section 16D (3) reads: "Any property vested in the Designated authority under this Act shall not be transferred, whether by order of attachment, seizure or sale in execution of a decree of a Civil Court or orders of any tribunal or other authority, except in accordance with the provisions of this Act." The Forum apprehends that this gives a clear indication that the purpose of this amendment is to take over certain institutions with which the authority may not be favourably inclined.
7. The Forum is of the view that the Bill proposes no balanced regulatory framework against financial improprieties, with penalties commensurate with the violations, if any, to discipline FCRA certificate holders. Instead, in the Forum's view, it proposes direct institution takeover or asset forfeiture in favour of the Designated authority. We consider this proposal a threat to every charitable organisation of this country, particularly those run by religious-based faith organisations of minority communities.
8. Under proposed Section 16A(1)(b), surrender of a certificate under Section 14A leads to provisional vesting of foreign contribution and of assets created out of it, and under Section 16A (5) these vest permanently if a fresh certificate is not obtained, or the certificate is not renewed or restored, within the prescribed period. The conditions that may lead to the ultimate takeover of assets and institutions thus include the case of those who no longer need the certificate. In other words, an organisation that built assets through foreign funding but eventually achieved self-reliance through its own efforts, and therefore desired to surrender the certificate, could still be a victim of institution takeover. This is against the spirit of "**Viksit Bharat**", the national vision of the Government of India to transform the country into a fully developed, self-reliant and prosperous nation by the year 2047.
9. Paragraph 4(f) of the Statement of Objects and Reasons states: "amendment of section 43 to require prior approval of the Central Government for initiation of investigation". Proposed Section 43(2) (clause 18 of the Bill) provides that no investigation shall be



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initiated for any offence punishable under the Act except with the prior approval of the Central Government. The Forum considers this proposal mischievous, and apprehends that, together with the powers of the Designated authority and any official to whom powers are delegated, it could in practice operate as a blanket immunity, since an investigation of such officials for actions amounting to a cognizable offence may not proceed without the Central Government's sanction. The Forum fears that such immunity would encourage violation of human rights.

10. We would also like to submit that the Foreign Contribution (Regulation) Act, 2010 was amended in 2016, 2018 and 2020 by the Government of India to ensure financial and administrative discipline. The 2016 and 2018 amendments, made through Finance Acts, modified the principal Act, notably the definition of "foreign source", and in the Forum's understanding added to the conditions of compliance for certificate holders. The amendment of 2020 adequately covered national security concerns. Some significant changes are:
 - a) Centralisation of FCRA accounts in a specified branch of the State Bank of India in New Delhi. This measure was taken with the objective of simplifying government monitoring over the inflow of funds from abroad, with bank details and the amount received to be furnished to the concerned authority from time to time.
 - b) A prohibition under Section 7 on transfer of foreign contribution to any other person or organisation. Section 17 permits the certificate holder to keep or utilise foreign contribution in its own accounts in scheduled banks, details of which are to be intimated in advance to the certificate-issuing authority.
 - c) Stringent scrutiny of the bona fides of functionaries of FCRA-enabled organisations. Section 12A permits the Central Government to require the Aadhaar numbers of office bearers, Directors or other key functionaries as identification (or a copy of a passport or Overseas Citizen of India card in the case of a foreigner), at the application, prior-permission or renewal stage. This was done with the purpose of ensuring that no pseudo names are shown as functionaries of an organisation that seeks an FCRA certificate.
 - d) Reduction in the limit on administrative expenses from 50% to 20% of foreign contribution received in a financial year, to avoid misuse of funds in the guise of administrative expenditure; higher expenditure requires prior approval of the Central Government.



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- e) Restriction on transfer of money from an FCRA account to any trust or organisation, to ensure that no foreign funding was insidiously channelled to fund dubious activities.

As such, the Forum believes that substantial measures to prevent the misuse of funds and address national security concerns were already put in place by the amendment of 2020.

In view of the facts mentioned above, the Forum feels that the proposed legislation, namely the Foreign Contribution (Regulation) Amendment Bill, 2026, is not in the public interest, as it aims to curtail, limit, pressurise and discourage the charitable activities of NGOs and social organisations serving the poor and neglected sections of society in this country.

The North East Catholic Research Forum, therefore, humbly appeals to the esteemed Joint Parliamentary Committee to recommend to Parliament the withdrawal of the Bill unless the clauses objected to above are removed from the draft.

Yours faithfully,

For and on behalf of the North East Catholic Research Forum

(James Pochury)

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Enclosure:

The Annexure is enclosed for kind reference.



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Annexure

Clause-wise suggestions in the format prescribed by the Committee

Sl. No.	Clause of the Bill, 2026	Corresponding provision of the FCRA, 2010	Suggestion and justification
1	Clause 10 (omission of Section 15 of the principal Act) and clause 11 (insertion of Chapter IIIA: Sections 16A to 16L), taken together	Section 15; Chapter IIIA is new	Remove the provisions for vesting of foreign contribution and assets in the Designated authority, including provisional vesting on cancellation, surrender or cessation of a certificate. Retain Section 15 as it stands. The Forum is concerned that the omission removes existing safeguards on vesting and management of activities (paragraphs 2, 4, 5 and 8 of the memorandum).
2	Clause 11, proposed Section 16A(2) and 16A(3)(b)	Section 15(2)	Remove the vesting of an asset wholly in the Designated authority where it is created partly from other sources, and the power to manage the activities of the organisation. Charitable and faith-based institutions, including those serving mostly non-Christian beneficiaries, are the concern (paragraphs 3, 4, 5 and 7).
3	Clause 11, proposed Section 16A(1)(b) and 16A(5)	Sections 14A and 15	Remove the vesting, and later permanent vesting, of assets on surrender of a certificate. An organisation that becomes self-reliant should not lose its assets (paragraph 8).
4	Clause 11, proposed Section 16D(3)	No corresponding provision	Remove the restriction on attachment, seizure or sale of vested property in execution of a decree or order, except as provided in the Act. The Forum apprehends that its purpose is to enable takeover of institutions (paragraph 6).
5	Clause 11, proposed Sections 16J and 16K	No corresponding provision	Provide for independent judicial scrutiny at the stage of vesting, instead of first review by the Designated authority itself (paragraph 4).
6	Clause 18 (amendment of Section 43; proposed Section 43(2))	Section 43	Remove the requirement of prior approval of the Central Government for initiation of investigation, or at least clarify that it gives no immunity to the Designated authority or delegated officials (paragraph 9).