

Illegal charity fund-raising can get you jail, hefty fine



LEGAL VIEW
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Q: My friend lost his job and is struggling to make ends meet. He has some unpaid credit card bills, and may be referred to the police as informed to him by his bank. Therefore, to support my friend, I wish to raise some money for him. However, I understand that it is illegal to do so in the UAE. Can you please clarify the laws around this?

A: It is illegal to raise money from the public in the UAE either for donations or charity without seeking prior approval from the competent authorities viz. General Authority of Islamic Affairs and Endowments (GAIAE) at the federal level or Islamic Affairs & Charitable Activities Department (IACAD) in the emirate of Dubai.

In the UAE, seeking public donations without relevant permission from the authorities concerned via information technology devices is a criminal offence in accordance with Article No. 27 of Federal Law No. 5 of 2012 on combating cybercrimes, which states: "... (such act) shall be punished by imprisonment and a fine not less than Dh200,000 and not in excess of Dh500,000 or either of these two penalties whoever establishes, manages or runs a website or publishes information on the computer network or any information technology means to call or promote for the collection of donations without a licence accredited by the competent authority."

Further, if you are a resident in Dubai then you are also regulated by Decree No. 9 of 2015 regulating the raising of funds for donations in the emirate of Dubai (the 'Donation Law of Dubai'). The law regulates the work of social service providers and prohibits collection of donations or advertising of fund-raising campaigns through all forms of media without obtaining prior written approval from the IACAD. Individuals or group of individuals who wish to volunteer themselves in any charitable initiative should ensure obtaining prior approvals and consent from the IACAD in Dubai.

Article 3(a) of the Donation Law of Dubai states: "No donations may be raised, and no raising of donations may be permitted in the emirate or announced through print, audio, visual, or other means of communication and media, without first obtaining the written approval of the IACAD."

Further, whomsoever violates the aforementioned provisions of Donation Law of Dubai may be penalised with fines ranging from Dh5,000 to Dh 100,000 and or imprisonment for not less than one month. This is in accordance with Article 10 of the Dona-

tion Law of Dubai, which states:

(a) Without prejudice to any stricter penalty stipulated in any other legislation, a person who violates the provisions of this decree or the resolutions issued in pursuance hereof will be punished by an imprisonment for not less than one month and not more than one year, by a fine of not less than Dh5,000 and not more than Dh100,000 or by both penalties. Courts will order the surrender of donations raised in breach of the provisions of this decree or the resolutions issued in pursuance hereof to the IACAD to determine the method of disposition of these donations and the entity to which they will be transferred.

(b) Violators of the provisions of this decree or the resolutions issued in pursuance hereof will be referred by the director general to the competent judicial authorities.

Based on the aforementioned provisions of law, you may seek the required approval from the IACAD or the GAIAE of the applicable emirate if you intend to raise money through public as it is illegal to promote and collect donations online or provide social service of any nature without first obtaining the proper permission and licensing from the authorities concerned. However, you may personally support your friend financially or seek help from your family or friends to settle his outstanding credit card dues.



Know the law

Whomsoever violates the provisions of Donation Law of Dubai may be penalised with fines ranging from Dh5,000 to Dh100,000 and or imprisonment for not less than one month

How Indian expat can draw up a will in UAE

Q: I am a non-Muslim Indian expat in Dubai. I wish to write a will, which will include my assets back home in India. Can you guide me through the procedure?

A: A non-resident Indian based outside India can register his or her will in the Embassy or Consulate of India in the country where he or she is residing with valid residence visa. Since you are a resident of United Arab Emirates, you can register your will either at the Indian Embassy in Abu Dhabi or the Consulate General of India in Dubai.

Prior to registration of your will, it is recommended that you consult a legal counsel

Know the law



If you are a resident of the UAE, you can register your will either at the Indian Embassy in Abu Dhabi or the Consulate General of India in Dubai

who is well aware of laws of inheritance in India. Further, you may take assistance of the said legal counsel to draft a will for you as per your requirements and in accordance with prevailing laws of India. Upon drafting of the will and finalising the draft, you may approach the Indian Embassy in Abu Dhabi or the Consulate General of India in Dubai along with the below mentioned documents for attestation of your will.

- > Two original final drafts of will. One will be handed over to you upon attestation and one for the file of Indian Consulate, Dubai;
- > Your (executant) passport along with copy of passport and UAE visa page;
- > Photograph of the executant with white background and without wearing glasses;
- > Two individual witnesses who are Indians and residents in the UAE;
- > The witnesses need to carry their passports along with copy of the passports and UAE visa page;
- > Copy of the UAE Resident ID Card/Residence proof of the executant and the witnesses; and
- > Copy of title deeds of properties owned by the executant in India (optional).

The executor of the will along with the witnesses should appear before the consular officer at the Indian Embassy in Abu Dhabi or the Consulate General of India in Dubai to sign the will in their presence. Further, the witnesses need to witness the will in the presence of the consular officer at the Indian Embassy in Abu Dhabi or the Consulate General of India in Dubai. Upon signing and witnessing of the will, you need to pay the relevant fees and the consular officer will attest the will and handover one original to you.

It is recommended that you approach a legal counsel who is well versed with the laws of India and seek his advice and services for registration of the will.

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