

CBI files FIR against Madurai-based human rights NGO People's Watch for alleged 10-year old FCRA violations

Henri Tiphagne, Executive Director of People's Watch, denies allegations

BYVINEET BHALLA
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THE Central Bureau of Investigation (CBI) has booked the Madurai-based Centre for Promotion of Social Concerns (CPSC), and its program unit People's Watch, under Sections **120B** (Punishment of criminal conspiracy) and **420** (Cheating and dishonestly inducing delivery of property) of the Indian Penal Code, as well as on charges of violation of the Foreign Contributions Regulation Act (FCRA), 2010. CPSC was established as a Trust in 1982, and People's Watch is a human rights research, intervention and advocacy programme that has been running under its aegis since 1995.

As per **media reports**, the first information report (FIR) registered against CPSC by the CBI alleges that CPSC had withdrawn foreign contributions to the tune of Rs. 44.54 lakh during 2011-12 and 2012-13 on 240 occasions, and had used the foreign contributions for a purpose other than what it was meant for. It is also alleged in the FIR that CPSC withdrew Rs 1.70 crores between 2008 and 2012 that did not tally with the vouchers available.

The FIR, purportedly filed on January 6, is based on a complaint dated July 22, 2014 by A.K. Sinha, the then Director in the Union Ministry of Home Affairs (MHA) on the basis of findings from two inspections conducted by MHA officials at the CPSC's office in Madurai in May 2012 and 2014.

Pursuant to the FIR, the CBI, armed with a search warrant dated January 7, had conducted search operations at the CPSC's office for about 10 hours on Saturday, as per a statement released by Henri Tiphagne, Executive Director, People's Watch.

Through both the statement, as well as **Facebook Live** sessions that he conducted earlier today, Tiphagne has dismissed the charges as a blatant attempt at the vilification of CPSC and People's Watch for its work promoting human rights and shedding light on human rights violations by the State.

Tiphagne explains that CPSC was first visited by MHA officials in May 2012, after which its FCRA registration was suspended by the MHA for 180 days in July 2012, then again in February 2013, and for a third successive time in August 2013. These suspensions were challenged by CPSC before the Delhi High Court in Writ Petition (C) No. 1594 of 2014. In May 2014, the high court **ruled** in favour of CPSC, allowing it to operate its FCRA account. As evident from the high court's **order** from April 2015, the MHA had no objection to the high court's ruling in favour of the CPSC allowing it to use the funds in its FCRA bank account.

However, in October 2016, when CPSC applied for the renewal of its FCRA registration, it received an **MHA order** saying that on the basis of a field agency report, CPSC's FCRA registration couldn't be renewed. This order was challenged

by CPSC before the Delhi High Court in Writ Petition (C) No. 10527 of 2016. The matter is *sub judice* before the high court, with the next hearing scheduled for January 24 later this month.

Tiphagne notes that even though CPSC's FCRA registration was not renewed, in December 2016, it received another **FCRA registration suspension order** from the MHA, along with a show-cause notice as to why its FCRA registration shouldn't be revoked. The show cause notice was **withdrawn** by the MHA in March 2017.

Tiphagne also points out that neither in the previous litigation by the CPSC initiated in 2014, nor in the ongoing one, both before the Delhi High Court, has the MHA made any reference to the CBI or to any criminal offence committed by CPSC. He expressed puzzlement at what possible conspiracy or cheating could the CPSC have engaged in. He also states that if CPSC had been doing anything illegal, the MHA wouldn't have allowed it to carry on with its work for the last ten years, since its first brush with CPSC.

Tiphagne has assured that CPSC has not done anything in violation of any law, and that it will cooperate with the CBI in all proceedings while at the same time carrying on its work fearlessly.

Tiphagne has also informed that all of CPSC's FCRA-related documents, as well as copies of its communication with the MHA, documents filed by it before the Delhi High Court in the FCRA-related cases, and relevant orders of the high court, are all available online **here**, for perusal by the public.

CPSC's audited accounts are also open to being regularly monitored by a Committee of Concerned Citizens, which comprises 70 prominent citizens from politics, governance and other independent professionals, in the interest of transparency, Tiphagne has claimed.

(Vineet Bhalla is a Delhi-based lawyer and Assistant Editor at The Leaflet.)

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