

# Stop Weaponising FCRA! Condemn CBI Raid on Offices of CPSC – People’s Watch!!

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PUCL strongly condemns the registration of FIR by the CBI against Centre for Promotion of Social Concerns (CPSC) and its initiative, People’s Watch on 6<sup>th</sup> January 2022 for alleged FCRA violations of the year 2012, and raids conducted by CBI officials at their office in Madurai on 8<sup>th</sup> January 2022.

PUCL expresses serious concern over the increasing criminalization and denial of permissions under FCRA to civil society organisations working on democratic rights, environmental rights, civil liberties and social justice issues in the country.

PUCL urges the central government to immediately stop the use of FCRA as a weapon to repress dissenting voices in the civil society and create hurdles in the valuable work of NGOs in the field of human rights.

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PUCL condemns the raid conducted by CBI at the office of People's Watch – Tamil Nadu, a programme of Centre for Promotion of Social Concerns ("CPSC"), in Madurai on 8<sup>th</sup> January 2022 from 10.30 am to 8.30 p.m. The raid was conducted following a search warrant dated 7<sup>th</sup> January 2022 issued in respect of an FIR dated 6<sup>th</sup> January 2022 filed against CPSC, People's Watch represented by Executive Director, and Unknown Persons, under Section 120B r/w Section 420 of the Indian Penal Code, 1860 ("IPC") and offences under the Foreign Contribution (Regulation) Act, 2010 ("FCRA").

The CBI prosecution of CPSC – People's Watch is exposed as nothing but a witch hunt by the fact that the criminal case has been registered in relation to the show cause notices issued by MHA in 2012 and 2013, which were challenged before the Delhi High Court in WP No. 1594 of 2014. The High Court passed orders in the proceeding permitting CPSC to operate the FCRA bank account. Since no further action was taken by the MHA, the matter was eventually disposed off as infructuous.

Thereafter, the MHA refused to renew the FCRA of CPSC in October 2016. CPSC filed WP No. 10527 of 2016 challenging the same before the Delhi High Court, which is currently pending. Very crucially, there is no reference to or allegations of criminal acts committed made in the proceedings before the Delhi High Court till date. It thus becomes explicitly clear that the CBI's action of launching criminal prosecution in 2022 for actions going back almost a decade is just an act of persecution by the CBI and the MHA.

CPSC and its initiative, People's Watch have a consistent and continuous record of raising issues of human rights concerns and rights violations at grassroots, national and international level, and have continued to do so even after the revocation of their FCRA. Their contribution in upholding constitutional values and international principles of human rights in the country is significant and immense. They have monitored and documented from inception in 1995, human rights violations both in Tamil Nadu as also in other states, relating to caste atrocities, communal violence, custodial torture and attacks on human rights defenders across India. They have an outstanding record of imparting human rights education in schools and colleges across many states in India and also ensuring access to justice and accountability of human rights institutions. Given their long record of challenging oppressive state actions and human rights violations, it is not difficult to understand that the actions launched against them are brazen and vindictive acts of reprisal for their steadfast and unwavering work in the field of human rights. The registration of the FIR against them is another flagrant abuse of the process of law by the CBI.

What is striking is the failure of the National Human Rights Commission to effectively intervene in the matter inspite of taking up the matter *suo moto*. In effect they have been a silent spectator to the misuse of FCRA against civil society organisations.

### ***Weaponising FCRA: Growing list of persecuted organisations***

The FCRA-linked actions against CPSC – People's Watch are not occurring in isolation. They are part of a growing trend under the present regime, of targeting civil society organisations on allegations of FCRA violations accompanied by arbitrary and capricious refusal to extend license to receive funding from foreign sources. Notably, the CBI had previously launched similarly false and frivolous cases against acclaimed human rights organisations like Sabrang and Lawyers Collective. Organisations such as Greenpeace and Amnesty International India were forced to stop their work in India following suspension and freezing of their FCRA accounts. FCRA licenses of several organisations in the country have been revoked, refused or not renewed, adversely affecting not only their functioning but also important human rights interventions and advocacy work that they were involved in.

### ***Amendments to FCRA Laws, 2020: Enabling persecution***

The FCRA law has witnessed major amendments in 2020 that make it increasingly difficult for NGOs to receive or utilize foreign funding. The law as it stands today gives unaccountable and disproportionate powers to the executive making it easy for the present government to vindictively use it against civil society organisations raising difficult questions. The latest of the amendments introduced in 2020, during the Covid-19 pandemic, without any stakeholder consultation (a time when civil society organisations were at the forefront of relief and advocacy efforts), restrict NGOs from sub-granting to other organisations and to centralise the inflow of foreign funds by providing that the NGOs can receive foreign funds only in a designated bank account opened with SBI Bank in Delhi.

On 1<sup>st</sup> January 2022, the FCRA licenses of 12,580 organisations such as Oxfam India, Azim Premji Foundation, Common Cause, Jamia Millia Islamia, Lady Shriram College for Women, Satyajit Ray Film and TV Institute amongst others stood lapsed/ceased/rejected, leaving only 16,829 organisations with FCRA licenses. Shockingly, the FCRA license was not renewed of Mother Teresa's charitable trust 'Missionaries of Charity' (MoC) who work with the destitute, forgotten and voiceless of our society; it was because of the international condemnation of such brazenly unfair action that the FCRA license of the Missionaries of Charity was reinstated on 7<sup>th</sup> January 2022, along with 78 others.

The manner in which FCRA law has been used by the government to silence and target civil society organisations is violative of Article 19 of the Indian Constitution, which grants freedom of speech and expression, assembly and association, and to work, to all organisations; it is also violative of Article 21 – Right to life and other constitutional rights of the citizens that these organisations support and stand up for. These actions of the government and law enforcement agencies also fall foul of the international principles of human rights including the International Covenant on Civil and Political Rights (ICCPR) and the UN Declaration on Human Rights Defenders.

Very importantly, in June 2016, the UN Special Rapporteurs on (i) Human Rights Defenders, (ii) Freedom of opinion and expression and (iii) rights to Freedom of Peaceful Assembly and Association had issued a joint communication calling upon the Indian Government ***“to repeal the FCRA, which is been increasingly used to obstruct civil society's access to foreign funding, and fails to comply with international human rights norms and standards”***. In spite of the serious criticisms and apprehensions expressed by the international human rights community and civil society in India, the misuse of the law has continued unabated and the law has been made increasingly draconian.

PUCL hence expresses serious concern over the use and misuse of FCRA against activists and civil society organisations, which will undoubtedly affect human rights initiatives and the valuable work conducted by them for marginalized and oppressed communities, and also cause a chilling effect in society.

PUCL calls upon the Central Government to immediately withdraw the FIR lodged against CPSC and its programme wing, People's Watch, and stops using the FCRA law to criminalise, vilify, silence and stop the work of activists and civil society organisations in the country.

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