

'Vilification' against People's Watch: Tamil Nadu CM told to withdraw consent to CBI

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Counterview Desk

Henri Tiphagne, Executive Director, People's Watch, in a memorandum shared with Tamil Nadu MPs, has said that the Government of India action against the Madurai-based advocacy group under the foreign funding law on the basis of "totally wrong facts", coming up almost after 10 years, should be "brought to a closure."

Asking them to impress upon the Tamil Nadu Chief Minister to withdraw the proposal to accord permission to the CBI dated December 2, 2020 by the previous AIADMK government, he insisted, the MPs must also "raise the

issue in Parliament in order to stop "vilification and witch-hunt against human rights organizations working Tamil Nadu, as well as in the Asia Pacific region internationally and the United Nations."

Text:

The Central Bureau of Investigation (CBI) formally visited our office at 32 Besant Road, Madurai on January 1, 2022 with a search warrant, dated January 7, 2022, issued by the Chief Judicial Magistrate of Madurai.

The accused in the CBI FIR include i) Centre for Promotions of Social Concerns (CPSC) -- represented by its trustees, ii) People's Watch - represented by its Executive Director, and iii) unknown persons. As the FIR indicates, the alleged criminal offences falls under IPC and Foreign Contribution Regulation Act (FCRA), 2010.

Since these are all matters dealing with our 1st, 2nd and 3rd show-cause-notice issued by the Ministry of Home Affairs (MHA) in the year 2012 and 2013 -- which we have duly challenged before the Delhi High Court in WP (C) No 1594 of 2014. Kindly find enclosed the above mentioned court order dated April 28, 2015.

To put it in context -- our FCRA was valid and in operation in 2015 and 2016, and thereafter by virtue of a two-line order by the MHA it remained unrenewed and the challenge to the same is pending now before the Delhi High Court in W.P. (C) No. 10527 of 2016.

This writ petition is still pending today. The counter affidavit of the MHA in the said writ petition, W.P. (C) No. 10527 of 2016, is enclosed (Kindly go through Para 5(iii)). Not once in the 2014 and 2016 writ petitions, WP (C)

No. 1594 of 2014 and WP (C) No 10527 of 2016, has there been any reference to CBI or criminal offense committed by us.

We also filed a Writ Petition (C) No. 1646/2017 challenging a show-cause-notice and the suspension order that was issued to us, in early 2017.

However, the same was withdrawn by the MHA in May 17, 2017, and received by us on May 22, 2017, as a result that writ petition was also closed. Therefore, all this is to indicate to you that nothing criminal exists.

We have collated all the documents pertaining to the case [here](#). In this, you will find updates of all our FCRA papers from 2012 onwards till date.

The Enclosure 01, which is the response of the Hon'ble Minister in Lok Sabha on July 8, 2014, indicated in Annexure 4 on page no.23 states that the Ministry of Home Affairs had given the case of CPSC from Tamil Nadu to the ADGP in Tamil Nadu in July 2012. We are unaware of what has happened to this investigation and have received no updates on the same. However, from the FIR and the annexed documents, along with the FIR we see GO (2D) No 309 dated December 2, 2020 which relates to CPSC, Madurai, issued by the Government of Tamil Nadu, Home Department (Page No 112). It is this order that the previous government (AIADMK) had decided to accept the proposal of - for the CBI to investigate CPSC, Madurai. The decision was made without any reference to earlier referred investigations by our ADGP of Tamil Nadu in July 2012.

The enclosures also include court orders obtained by us before the Delhi High Court in 2014, subsequent to three FCRA suspensions, each spanning duration of 180 days dated July 16, 2012, February 18, 2013 and September 16, 2013. Upon these orders referred above, our FCRA bank accounts were opened by the IOB located in Chokkikulam, Madurai and we

operational in 2015 and 2016 up until October 29, 2016.

On October 29, 2016, during the previous BJP government, our FCRA renewal application was refused. Our challenge is pending before the Delhi High Court in WP (C) No10527/2016.

The National Human Rights Commission (NHRC) had also approached us regarding our FCRA non-renewal, the case of which was pending from 2016 till January 25, 2021 -- and was subsequently closed.

Having placed before you the case details, we urge you to:

1. Act upon this FIR which has been registered on the basis of totally wrong facts by the CBI and coming almost 10 years after the alleged occurrence, and to ensure that the same is brought to a closure;
2. Impress upon the Hon'ble Chief Minister to withdraw the proposal to accord permission to the CBI dated December 2, 2020, without any reference whatsoever, to the investigations already undertaken by the ADGP Tamil Nadu in July 2012 as stated by the Hon'ble Minister of State for Home Affairs in the Lok Sabha on July 8, 2014;
3. Kindly raise the issue in Parliament with reference to specific appeals made by the UN Special Rapporteurs to our government as well as the NHRC -- as is enclosed within, leading to a vilification and witch-hunt against human rights organizations working from the state of Tamil Nadu, as well as in the Asia Pacific region internationally and the United Nations;

4. Appeal to the National Human Rights Commission (NHRC)
reminding them of their duty to protect human rights defenders from
the State -- attempting to criminalize their activities.

We will be extremely grateful and thankful to you for your actions in this regard.

<https://www.counterview.net/2022/01/vilification-against-peoples-watch.html?m=1>