

# ‘I did not know that this visit would inaugurate the longest battle of my life’: Henri Tiphagne on 14 years of fighting the FCRA regime

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Henri Tiphagne

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Henri Tiphagne with his team meeting victim families of the Shesachalam Encounters on the killing's 10th anniversary, Chitheri Hills, Dharmapuri, Tamil Nadu. | Photo: Edgar Kaiser

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*On March 25, 2026, the Union government tabled the Foreign Contributions (Regulation) Amendment Bill, 2026 in the Lok Sabha. The Bill – currently paused amid widespread backlash from civil society, and opposition leaders – proposes that if an organisation’s FCRA registration is cancelled, surrendered, or not renewed, its foreign funds and assets vest in a government-appointed authority, which may then manage or dispose of them. It is the latest step in a regulatory tightening that has already stripped over 21,000 organisations of their licences since 2014. We publish Henri Tiphagne’s account now because his 14-year struggle with the existing FCRA regime illuminates, in human terms, what the stakes of that tightening are, and what the new amendment would mean in practice. For a detailed breakdown of the 2026 Bill and its changes, read our explainer here.*

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**MAY 21, 2012**, was the day. It was a Monday morning, and like any other busy day in our office, our colleagues were darting through the corridors. Advocates rushing to the courts, fact-finding teams getting geared up for their field investigation, our human rights education team returning from training and our Help Line unit, as always, busy with their clients. I, like any other day, was trying to hold everything together.

We had visitors from the Ministry of Home Affairs ('MHA') who had stepped in after due notice to inspect our financial records. I did not know that this visit would inaugurate the longest battle of my life. They pored over our files, asked questions and took notes for the next four days, which followed hundreds of representations, court hearings and negotiations. Little did I know then that this would stretch over 14 years of my life and for 20,000 more organisations, like mine, within the next decade.

### **From individual struggle to organisation**

In the 1980s, I had little interest in funded civil society organisations. Instead, I preferred the individual struggles and solidarity of grassroots movements. As a young lawyer then, I began my professional career specialising in criminal law under senior criminal lawyer, Mr. D. Sathosham. I occasionally engaged with the then earlier avatar of the present Legal Services Authority, assisting underprivileged prisoners in their bail and other rights-based issues. Early on, my association with People's Union for Civil Liberties ('PUCL') started when I was heading its Madurai District unit and participating in protest rallies alongside Justice V. M. Tarkunde, K. G. Kannabiran and other figures who deeply inspired me, leading me to eventually take up the role of the State Secretary of the Tamil Nadu PUCL under the Presidentship of Mr. K.V. Shankaran.


It was first in 1993 when I attended the Second World Conference on Human Rights in Vienna that I sensed the power of collective work and solidarity, where thousands of human rights defenders across the world came together. This then led to the founding of People's Watch, in the year 1995, of which the legal holder was the Centre for Promotion of Social Concerns ('CPSC').

### **Driven by mission and unusual self-accountability**

Early on, at People's Watch, we began monitoring caste clashes and atrocities, documenting violations and convening public hearings, which translated to legal interventions, and at times international advocacy. Perhaps our advocacy at the United Nations was what unsettled the Union

government. From the very beginning, we anchored our organisation in a clear set of values – honesty, integrity, and accountability. Far before the crippling Foreign Contribution (Regulation) Act , 2010 ('FCRA'), we had adopted accountability measures that would seem silly to the rest of the country.

The FCRA 2010 regime introduced vague definitions, such as organisations of a “political nature”, expansive restrictions, disproportionate compliance burdens, and sweeping State powers over registration, funding, and even organisational assets, collectively tightening control over civil society organisations.

 Protests that halted forced evictions in Mullai Nagar, Madurai, January 2025. | Photo: Edgar Kaiser

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Since 1998, we have been conducting quarterly trustee meetings, whereas the law only mandates annual meetings. We rigorously discuss our programmes, accounts, future plans and whatnot. I was inspired by Aruna Roy's 'Right to Information' movement during the mid-1990s. I believed that civil society, as public charitable trusts performing public service, should be just as subject to the right to information as we are to exercise it. As a result, in 2002, the Committee of Concerned Citizens ('CCC') was born, a body constituted by prominent people in public life, trade unions, consumer protection activists, politicians, artists, journalists, and retired officials. CCC brought together eminent independent experts from public life, former Secretary of National Human Rights Commission ('NHRC'), N. Gopalsami, former Home Secretary, K. R. Venugopal, former Chief Election Commissioner of India, T. S. Krishnamurthy, and office-bearers of the NHRC, along with senior academicians.

This dedicated self-accountability process began with a committee of 25 to 35 people, eventually expanding to around 75, with a parallel committee established in Chennai following the success of our Madurai experiment. After each statutory CPSC meeting, the CCC would scrutinise staff salaries, tax records, vouchers, and ledgers and record their recommendations in a dedicated register, which the CPSC would then incorporate and implement.

The most devastating blow was the forced closure of our rehabilitation centre for survivors of domestic violence and torture, a space that had offered safety, dignity, and the possibility of rebuilding their lives.


All this happened nearly a decade before even the faintest shadow of the stringent FCRA had begun to emerge. This is the moral strength the organisation imbibed, one built not on compulsion, but on conviction. Transparency and public integrity were not externally imposed, but were values we had painstakingly internalised over time. One of the members was one Mr. Viswanathan, who belongs to the Congress Party, who later became a Member of Parliament in 2009, a year before the 2010 FCRA came into place.

### **The beginning of the ostensible end**

The FCRA 2010 regime introduced vague definitions, such as organisations of a “political nature”, expansive restrictions, disproportionate compliance burdens, and sweeping State powers over registration, funding, and even organisational assets, collectively tightening control over civil society organisations. The direct blow reached our office in just two years.

On February 6, 2012, the MHA sent a letter to our office, asking us to respond to a long questionnaire examining our Foreign Contribution, which we did within two weeks. In a few weeks, the MHA arrived at our office, conducted inspections, which were followed by our first FCRA suspension notice dated July 16, 2012. The suspension notice alleged FCRA violations and harm to public interest, but offered no credible evidence or reasoning.

The suspension notice caught us off guard, but we gathered our resolve and decided to take on the battle. We made our first representation to the MHA and personally visited the Home Secretary on August 7, the same year. In fact, Mr. P. S. Krishnan, the architect of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, reviewed and edited this first representation. I was accompanied by our trustee Mr. Miloon Kothari, a former UN Special Rapporteur, Executive Trustee Mr. R. Sathiamoorthy, and Mr. Viswanathan, MP of the then ruling Congress party, whose presence visibly puzzled the Home Secretary. When Mr. Viswanathan explained his role in our CCC, the Home Secretary was baffled that a civil society organisation would voluntarily open its accounts to such independent scrutiny.

 Henri Tiphagne at the Amnesty Award Function, Germany, April–May 2016. | Photo: Amnesty International

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This visit followed several representations of solidarity addressed to the MHA by several figures who had trusted our organisation, including P. S. Krishnan, IAS, Justice Krishna Iyer, Ms. Aruna Roy and Dr. Mohini Giri, who even received a response from Sonia Gandhi, acknowledging she had communicated the matter to the concerned authority. On December 27, 2012, the MHA sent a lengthy letter of unfounded allegations, to which we responded carefully, but to no avail.


Rather than engaging with our submissions or the solidarity letters of our well-wishers, the MHA issued two further suspension orders on February 18 and September 16, 2013, neither of which was permitted under the then-prevailing FCRA law.

### **The real cause**

This left our foreign contributions blocked for 21 months, from July 16, 2012 to March 16, 2014, effectively crippling its operations. It became increasingly untenable to sustain staff salaries or respond meaningfully to victims and beneficiaries of our school-based human rights education programmes, which spanned 18 states and had reached over four lakh students. The FCRA ban even affected our publications, which were openly accessible to human rights defenders and activists. The most devastating blow was the forced closure of our rehabilitation centre for survivors of domestic violence and torture, a space that had offered safety, dignity, and the possibility of rebuilding their lives.

I knew what triggered the government's action. Through AiNNI, People's Watch had facilitated the 2011 India visit of UN Special Rapporteur on Human Rights Defenders Ms. Margaret Sekaggya, whom I accompanied across the country. In March 2012, I delivered an oral statement in Geneva on behalf of FORUM-ASIA, highlighting peaceful community protests against the Koodankulam nuclear power project in Tamil Nadu. That same year, we submitted an alternative report on NHRC's re-accreditation before the International Coordination Committee ('ICC'), endorsed by over 300 NGOs. The suspension orders started to come in four months later.

The current proposed amendment of 2026 goes further still. It threatens to erase the work of charitable organisations, crush minority institutions, and strip away whatever assets remain.

 People's Watch team members document enforced disappearances, police killings, and custodial torture, and defend activists in court. | Photo: Amnesty International

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Many other organisations lost their FCRA licenses just as arbitrarily. The case of Dr. Colin Gonsalves's Socio Legal Information Centre ('SLIC') in Mumbai epitomises the MHA's recklessness. Operating with skeletal staff (sometimes just interns!), the MHA sent existence notices to all FCRA licence holders, cancelling registrations of those who failed to respond in time. SLIC's notice was dispatched to the watchman's room, its registered address, never reaching the organisation, and their licence was cancelled as a result. Thousands of human rights victims they were assisting across the country paid the price.

### **Knocking the judiciary's doors**

With work stalled across states and unpaid staff leaving by the day, we approached the Delhi High Court in March 2014, securing temporary relief to access our foreign contributions on May 9, 2014. The reprieve was short-lived. When we applied for our mandatory FCRA renewal, the Ministry rejected it in 2016 with a dismissive two-line order: "On the basis of the field agency report, the competent authority has decided to refuse your application for renewal."

From that day till today, we have been snagged off our foreign funding, struggling to find resources, only to protect marginalised sections from various injustices by the State, due to State inaction and complicity. We filed several writ petitions and fought our case before the Delhi High Court. Judges changed, the Ministry offered no new reason, never changed its position, until very recently, when the High Court on November 28, last year, gave us the liberty to apply for a renewal of our FCRA.

The battle was far from over. In 2022, the CBI registered an FIR against us, based on nothing more than the MHA's two-line order. On February 8, 2022, CBI officers arrived at our office, spent months searching it, and carried away 98,000 documents without finding a single line of incriminating evidence. The FIR, invoking sections 120B and 420 of the Indian Penal Code, 1860 and sections 33, 35, and 39 of the FCRA, rests entirely on unsubstantiated claims from earlier MHA communications. While the Madurai Bench of the Madras High Court's recent ruling offers genuine hope, the CBI case closure marked 'action dropped' is yet to be formally accepted by the Chief Judicial Magistrate in Madurai, yet another hurdle before we can even file our FCRA renewal application.

 Training nursing students from Apollo College on a medico-legal approach to torture cases, People's Watch, Madurai, January 2025. | Photo: Edgar Kaiser

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### **Solidarity and hope**

I have always considered this work a collective engagement, not an individual battle, and this longest fight of my life has only reaffirmed that. Throughout, partners and well-wishers across India and the world have stood firmly with us. My deep gratitude goes to Amnesty International, Human Rights Watch, the World Organisation Against Torture, Forum Asia, Frontline Defenders, and the International Service for Human Rights, as well as several UN Special Rapporteurs and United Nation's High Commissioners on Human Rights, who have consistently expressed solidarity and called upon the Indian government to act.

My words of hope go to the 20,000+ NGOs whose licenses were revoked and work stalled by the draconian 2014 and 2020 amendments. The current proposed amendment of 2026 goes further still. It threatens to erase the work of charitable organisations, crush minority institutions, and strip away whatever assets remain. For us, nearly 14 years on, even our depreciated assets face seizure if our FCRA is not renewed.

### **There's no giving up**

My journey began as a young lawyer fleeing police violence at a rally in Madurai. Since then, I have stood against tyranny with honesty, integrity, and commitment. Despite the deeply precarious climate for human rights work in India today, I remain hopeful that collectively we can turn the tide. After years of struggle, we have established beyond doubt that there were never any financial irregularities, and that vindication is what matters most.

We will continue our work with or without a license, and hope that local philanthropy will now step forward to support what ultimately upholds this country's democracy and values. All I know is that had we not chosen to fight since 2012, countless victims who needed us would have been left without help. That alone makes this struggle indispensable. It does not end here. I will not relent.

***This account was spoken by Henri Tiphagne and transcribed by  
Edgar Kaiser.***