

India: Stop clamp down on NGOs and Repeal FCRA

(Bangkok/Kathmandu, 11 January 2017) – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns the systematic crackdown on civil society organisations by abusing provisions of the Foreign Contributions Regulations Act (FCRA, 2010) by the Ministry of Home Affairs of India (MHA), and calls for the immediate withdrawal of all the cancellation orders.

A vibrant civil society is the sign of a robust democracy. Accessing resources by civil society to address human rights issues is a fundamental requirement for its functioning. Over the years, non-governmental organisations (NGOs) in India have accessed resources from donor agencies and other sources based in the country and in other foreign locations. The Government of India enacted the FCRA in 1976 during a state of emergency. Since then, it has often been used to block funding or to harass organisations for their lawful work and for being critical of the government's policies and practices. The latest amendments to the FCRA were made in 2010 and entered into force in May 2011. The Act gives the Ministry of Home Affairs a wide range of discretionary powers to allow, refuse or cancel an organisation's permit to receive foreign funding. Increasingly, these powers have been used by the Government against organisations that are critical of its institutions and policies on human rights.

The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai, in his legal analysis of the FCRA states that the ability of civil society organisations to access resources, including foreign funding, is a fundamental part of the right to freedom of association under international law, standards, and principles – and more particularly part of the right to form an association.¹

According to Human Rights Watch, in November 2016, the Indian central Government's refusal to renew foreign funding licenses of 25 NGOs without valid reasons violates their rights to freedom of expression and association.² Media sources revealed the list of these 25 organisations that includes Act Now for Harmony and Democracy (ANHAD), run by activist Shabnam Hashmi, Marwar Muslim Education and Welfare Society, Gujarat-based Navsarjan Trust, and Rural Development Research Center (RDRC), Ahmedabad. Other NGOs targeted by the government include Center for Promotion of Social Concerns (People's Watch), Sanchal Foundation Hazards Center, Indian Social Action Forum (INSAF), Institute of Public Health (Bengaluru) and Compassion East India.³

The renewal of FCRA licenses of Greenpeace India, Sabrang Trust and Citizens for Justice and Peace also got cancelled in December 2016 after a day of renewal notification.⁴ The Ministry of Home Affairs put forth that there were 'adverse intelligence inputs' against these NGOs and alleged that they are working against public interest' by using foreign funds and branding the government as 'anti- Dalit' abroad,

¹<http://thewire.in/32083/un-special-rapporteur-maina-kiai-slams-indias-fcra-rules/>

²<https://www.hrw.org/news/2016/11/08/india-foreign-funding-law-used-harass-25-groups>

³<http://www.thehindu.com/news/national/Civil-society-members-condemn-use-of-FCRA-as-%E2%80%98tool-of-repression%E2%80%99/article16845736.ece>

⁴<http://www.livemint.com/Politics/xpJtBJOe0sLRWJp6qzRIJ/FCRA-licences-of-Greenpeace-Teesta-Setalvad-NGOs-cancelled.html>

besides others.⁵ On 31 December 2016, the Central Bureau of Investigation (CBI) filed a charge-sheet against Sabrang Trust, naming Teesta and her husband Javed Ahmed, amongst others, accusing their organisation to violate the FCRA.⁶

Condemning the mass cancellation of FCRA registrations, Indian civil society members expressed resentment against the MHA for using FCRA as a tool of repression. The total number of NGOs that can receive foreign funding has now reduced to around 20,000 from 33,158 after the cancellation of the FCRA licences of 11,319 NGOs for failing to apply for renewal within the deadline.⁷

The National Human Rights Commission (NHRC) has questioned the MHA's decision to not renew the FCRA licence of the Centre for Promotion of Social Concerns (CPSC). The NHRC issued a notice asking the ministry to explain the reasons behind denying the CPSC and other human rights organisations of their FCRA licences.⁸

FORUM-ASIA urges the Government of India to immediately stop the political crackdown on civil society organisations and not to cancel licenses of NGOs without fairness and due process of law and protect democratic space. FORUM-ASIA also reiterates its repeated demands that the Government of India should ensure an enabling environment for civil society to freely promote and protect human rights.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

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⁵<http://www.livemint.com/Politics/meQzuTDVI54TdkB0cNKdZN/Govt-cancels-FCRA-licences-of-7-NGOs.html>

⁶<http://www.dnaindia.com/india/report-cbi-files-chargesheet-against-teesta-setalvad-s-organization-for-receiving-funds-from-abroad-without-clearance-2288956>

⁷<http://timesofindia.indiatimes.com/india/Anti-national-acts-25-NGOs-lose-foreign-fund->

⁸<http://thewire.in/80750/nhrc-fcra-home-ministry/>