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**Statement of the Working Group of Human Rights in India and the UN (WGHR)**  
**on the FIR against CPSC- People's Watch**

The Working Group of Human Rights in India and the United Nations (WGHR) condemns the registration of a case on January 6, 2022 by the CBI against one of its member organisations, the Centre for Promotion of Social Concerns (CPSC), a Madurai based NGO, and its program unit, People's Watch, for allegedly breaching the provisions of the Foreign Contribution (Regulation) Act, 1986, as well as Sections 420 (Cheating and dishonestly inducing delivery of property) and 120B (Punishment of criminal conspiracy) of the Indian Penal Code. WGHR is shocked to hear about the subsequent search of the premises of People's Watch by the CBI on January 8, 2022.

Between 2012-2014, People's Watch's legal holder, the Centre for Promotion of Social Concerns (CPSC), had its FCRA registration suspended thrice consecutively, with each suspension of 180 days (on 16.07.2012, 18.02.2013 and 16.09.2013). During this period, on two occasions, special inspection teams of the Ministry of Home Affairs (MHA), inspected the accounts. It was alleged that People's Watch was operating as a separate legal entity, engaging directly with foreign contribution granting organisations, and the bulk of bills/receipts were issued in the name of People's Watch. This was challenged before the Delhi High Court in 2014. The High Court issued orders in the proceedings allowing the CPSC to operate the FCRA bank account since there were no suspensions pending. Even the MHA directed the bank to allow CPSC operate its FCRA account. The issue was subsequently disposed of as infructuous since the MHA took no further action. However, when the CPSC requested to renew its FCRA registration in October 2016, it got an MHA order stating that, based on a field agency report, the organization's FCRA registration could not be renewed. The CPSC contested this order in Writ Petition (C) No. 10527 of 2016 before the Delhi High Court. The case is now pending with the next hearing set for January 24, 2022.

“Neither in the earlier litigation started by the CPSC in 2014, nor in the present case before the Delhi High Court, has the MHA ever made any reference to the CBI or the entrusting of any criminal case for investigation committed by the CPSC”, says Mr. Henri Tiphagne, Executive Director of People's Watch. “I am completely perplexed as to what potential conspiracy the CPSC might have engaged in. If the CPSC had been doing anything unlawful, the MHA would not have permitted it to continue its operations from 2014 till October, 2016”.

CPSC /PW states that it has been transparent in its financial management not waiting for the FCRA amendment, 2010 to publish its audited statement of accounts online but started it 10 years prior to that. Inspired by the RTI movement, initiated by Ms. Aruna Roy in Rajasthan, CPSC opened its books of accounts annually to a Committee of Concerned Citizens who were not only presented accounts but had to physically inspect the books of accounts including vouchers. CPSC has thus exhibited its belief

in accountability to the public for the resolution it holds in trusteeship, beyond its accountability to statutory authorities.

This is not the first time that the Central government has used criminal law and the FCRA as a tool to silence dissenting voices in civil society and to obstruct the essential work of non-governmental organisations in the sphere of human rights. The CBI has previously filed similar baseless charges against renowned human rights organisations like Sabrang and Lawyers Collective.

The action also comes on the heels of the removal by the Union Ministry of Home Affairs of 6,000 organisations off the list of FCRA-registered organisations on January 1, 2022. In the past, following the suspension and freezing of their FCRA accounts, organisations such as Greenpeace and Amnesty International India were compelled to either completely halt their operations in India or to continue in a much smaller capacity based only on funds raised domestically.

People's Watch, the program unit of CPSC, works on a variety of rights issues related to human rights monitoring, legal intervention, education, rehabilitation, networking and campaigning. It has initiated different collective efforts through platforms to protect human rights defenders and strengthen the work of national and state human rights institutions. It also engages extensively with other state level, national, regional and international human rights initiatives as well as with different mechanisms of the United Nations. Being at the forefront of human rights litigation and challenging injustices across the country has exposed People's Watch to the ire of those in power. People's Watch continues to intervene in sensitive matters of extrajudicial killings, attacks on human rights defenders, custodial tortures etc. Organisations like People's Watch are the conscience keepers of this country, ensuring that the Constitution and rule of law are upheld.

The 2020 amendment of the FCRA Act is a part of a rising trend of targeting civil society organisations under the current administration and provides the government with unaccountable and excessive powers. According to the amended Act, foreign donations received by an organisation cannot be transferred to another person or organisation unless that other person or organisation is likewise registered to take foreign contributions. This clause has adversely impacted non-governmental organisations (NGOs), making it increasingly harder for NGOs to acquire or use foreign financing.

WGHR urges the National Human Rights Commission (NHRC) to take up the issue of People's Watch. Mr. Henri Tiphagne is one of India's most respected and well-known human rights defenders, who has himself been a member of the National Core Group of NGOs of the NHRC for 10 years (2001-2011). The NHRC needs to send a strong signal to the Government that the continued demonisation and harassment of NGOs is not acceptable. Such actions are detrimental to the freedom of civic space and democracy in India and are impacting India's credibility at the national and international level.