

News | Asia Pacific Forum x Commission seeks report x

www.asiapacificforum.net/news/commission-seeks-report-non-renewal-ngo-licence/

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NEWS : ARTICLE

Commission seeks report on non-renewal of NGO licence



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## The Commission has asked the Union Home Ministry to report on the alleged "attack on the rights of human rights defenders".

The National Human Rights Commission has issued a notice to the Union Home Ministry on a complaint alleging the draconian approach of the Government of India for renewal of the Foreign Contribution Regulation Act (FCRA) license to the NGOs of human rights defenders.

The text of the proceeding of the Commission in the matter is as follows:

The 7th Human Rights Defender Forum Colombo, Sri Lanka has informed the Commission to intervene in the Foreign Contribution Regulation Act (FCRA) license non-renewal of the Centre for Promotion of Social Concerns.

Such a systematic attack on the rights of Human Rights Defenders, and on fundamental rights of association and assembly as

enshrined in Article 19 of the Constitution of India, has also been brought to notice of the Commission.

The UN Special Rapporteur on Freedom of Association and Assembly in his local analysis of the FCRA submitted a report of the Government of India in 2016 arguing that the Act is not in conformity with international law, principles and standards, as access to resources, including foreign funding, is a fundamental part of the right to freedom of association under international law, principles and standards.

Moreover, limitations placed on access to foreign funding will have to pass the litmus test of the following:

Prescribed by law

Imposed solely to protect national security, public safety, public order, public health or morals, or the rights and freedoms of others.

Necessary in a democratic society such as rights and freedoms of others.

Prima-facie, it appears that FCRA license non-renewal is neither legal nor objective and thereby impinges on the rights of human rights defenders in access to funding, including foreign funding.

The Commission takes *suo motu* cognizance of the present case and directs the Secretary (Home) to inform the Commission within a period of six weeks on the following :-

Number of NGOs of human rights defenders who have not been allowed renewal of their license and the amount received by them from foreign funding during last three years and the reason for non-renewal.

To point out in the case of Centre for Promotion of Social Concerns (more publicly known through its program, namely People's Watch) how the litmus test laid down by the UN Special Rapporteur is applied in the adjudication by the Central Government.

How the generic aspect of access to foreign funding and continuance of the same is not the right to form association and is not against international law, principles and standards.

After perusing submission of Secretary (Home), Government of India, the Commission may decide to hear the oral presentation, if necessary, about the present allegation of the draconian approach and the correctives that the Government of India is contemplating.

Date: 16 November 2016

Source: [National Human Rights Commission of India](#)

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