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Inside this issue

2016 INTERNATIONAL CIVIL SOCIETY WEEK
Consultation on Strengthening the Role of CSO's in Implementation of
Sustainable **D**evelopment **G**oals

Consultation on Strengtheni
Role of CSO's in Implementin
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Editorial

Dear Members, Associates and Friends of VANI,

By our usual and formal communication it has been one of our foremost priorities to inform on the latest changes, events and information on the voluntary sector in India. The multiplicity of these events from December 2015 has persuaded us to document them and the ramifications they hold for the sector and your organization. While there were reforms and relievers in fiscal laws there was an equal sense of threat perceived from the state and the media for tarnishing the image of the sector. Nevertheless there is a dearth of factual data that needs to be reflected and recorded when we talk of civic space in our country and identify both the positives and negatives in a neutral light. As such this chronology is compiled for your convenience and offers a point of reference when examining the relationship between the government and the sector.

FCRA digitization- December 2015 saw the Ministry of Home Affairs reconstructing FCRA by making it online for all purposes. This was a result of a planned amendment that the MHA had been contemplating and had invited suggestions from the sector on its draft. The amended Act has been welcoming owing to its complete digitization that would ease the cumbersome and manual paperwork in filing various forms demanded as per the FCRA Act. There were concerns arising from the sector as to whether it was adaptable at the grass root level and its coincidence with the renewal of FCRA licenses taking place in March 2016. There were instances where many organizations were not able to file their returns at the end of the year neither were they able to apply for their renewals once March 2016 approached due to technical problems. However the MHA was amicably lenient and extended the dates for filing both returns and renewal and has extended the validity of FCRA licensed organizations till 31st October 2016. Another positive step was to create an interface for interaction between CSOs and the department with the FCRA director holding monthly meetings with grieved organizations. This was a break from the tradition of the earlier government's FCRA policy where there was absolute no scope of approaching concerned officials. Also for organizations who do not have a website are guided to upload their quarterly information, MHA has released a space dedicated solely for uploading financial data.

Amendment in the FCRA Act through Finance Bill- In March 2016, the finance minister presented the finance bill for the year 2016-17 which included an amendment in the FCRA. This amendment has been passed by the Lok Sabha and it grants foreign companies or MNCs to provide donations to non-FCRA organizations which may include local charities, political parties etc. Before this amendment MNC donations and contribution were considered of foreign source and as a result governed under the FCRA. Therefore they were restricted from providing to non-FCRA entities as it was in violation the governing preamble of the act which stated that foreign money cannot be utilized for political purposes, journalism, media houses and anti-national activities. The amendment would also be of benefit for CSR contribution as MNCs will easily provide resources to CSOs.

UN Special Rapporteur on Freedom of Assembly and Association criticizes FCRA-The United Nations Special Rapporteur on Freedom of Assembly and Association, Maina Kiai provided a legal analysis to the Government of India on how the FCRA was contravening the International Convention on Civil and Political Rights and was in violation of the UNHRC code.

Scandal in FCRA department- On 11th May 2016, the media reported of MHA undersecretary Anand Joshi of absconding from a CBI inquiry after he was found to have tampered with crucial files relating to an organization under inquiry. Mr. Joshi was also accused of issuing illegal notices to various organizations without the knowledge of his superiors pointing to corruption rampant in the department. This is not the first time such an instance has occurred in the department. It is a systematic trait of the FCRA department which functions with utmost secrecy and opaqueness. It is authorized to adjudicate on organizations by cancelling their licenses without providing them a fair chance for an appeal and redressal. Such a closeted atmosphere has made the department a perfect breeding ground for corruption and red tapism.

Revocation of cancellation under 12AA- The CBDT has come out with a respite for CSO's by amending the provisions of Section 13 of the Income Tax Act. Under Section 2(15), organizations pursuing business activities aligned to their charitable purposes under the Advancement of General Utility clause were allowed to gain exemption on profits only up to 20% of their receipts from

business. Crossing this limit would tantamount to cancellation of 12AA exemption registration of the organization upon the decision of the CIT. As of 27.5.2016, this stands amended with concerned organizations allowed to pay the taxable amount without the cancellation of 12AA. This amendment has taken place retrospectively from 2009-10 onwards.

Media hype of donors pursuing conversions- In a recent debate on Zee News, VANI participated in a discussion titled 'Are NGOs creating communal disharmony through conversions?". This is after the Minister of State for Home Affairs Kiren Rijiju stated that certain donor organizations were providing funds for unauthenticated activities. Media reports had suggested that the Home Ministry was creating a list of donors who were making grants to local organizations for religious conversion. Based on these media reports, there is a floating list available on the internet which has a chunk of agencies which were already under the scanner during UPA's tenure. This was a twist of facts by media channels especially when no authenticated list was compiled by the MHA in the first place and an oblique reference by Mr. Rijiju who had stated that "This is not an issue of communal conversion. But we go as per FCRA rules which NGOs need to abide. If there are violations, then there has to be action". Among the 21 odd agencies included in the so called watch list one of them is patronized by philanthropist George Sorros.

Civil Society holds press conference on FCRA- Leading civil society activists came together to address a press conference on the recent targeting of foreign funded organizations by providing detailed analysis of the law and busting some myths that revolved around the cancellation lists and suspensions. Civil Society leaders from a broad spectrum of thematic pursuits engaged with the media in making the case for foreign funding especially how local resources were hesitant to finance activism for human rights of marginalized, Dalits, sexual minorities, HIV infected etc. The conference was successful in making a feature in major newspapers, online news portals and is available online on YouTube.

FCRA department provides relief to organizations for late fees- The FCRA department of MHA recently released notification No. 1521 dated 16 June 2016 dealing with the late fees and its compounded penalties. The following is the table illustrating

S. No.	Offence	Penalty amount
1.	Non-furnishing of Annual Return for 3 months after 31st December	2% of FC rec'd during the year or Rs 10,000 whichever is less
2.	Non-furnishing of Annual Return after 3 months but upto6 months after 31st December	3% of FC rec'd during the year or Rs 50,000 whichever is less
3.	Non-furnishing of Annual Return after 6 months but upto one year after 31st December	4% of FC rec'd during the year or Rs 2 lakh whichever is less
4.	Non-furnishing of Annual Return after 1 year but upto 2 years after 31st December	5% of FC rec'd during the year or Rs 5 lakh whichever is less
5.	Non-furnishing of Annual Return after 2 year but upto 3 years after 31st December	10% of FC rec'd during the year or Rs 10 lakh whichever is less

Government funded CSO's to be covered under Lokpal- In a recent move the Government of India has moved in favour to extend the gamut of Lokpal by inclusion of CSO's that are getting government grants more than Rs. 1 crore and foreign funded above Rs. 10 lakhs. The amendment in Section 14(h) clearly identifies that voluntary organizations headed by office bearers fulfilling these criteria's will be treated as public servants under the Lokayukta Act 2013. The main focus is to make compliance with transparency and accountability codes set under the ombudsman law. However there seems to be disparity when considering this law as it will only act as another layer of replication as FCRA.

Harsh Jaitli
Chief Executive Officer

Tasking up civil society in the SDG process

— By Arjun Kumar Phillips, Communications Executive, VANI

The adoption of the SDGs instilled a fresh aspiration for achieving universal development, defined by its holistic and inclusivity motto as asserted by its philosophy of 'Leaving No One Behind'. The Sustainable Development Goals succeeded the ossified Millennium Development Goals when the United Nations adopted them; thereby enjoining member nations commit to a new development paradigm which guaranteed an end to poverty, sustainable development and protection of human rights. The distinct feature of these goals is the target-indicator approach as identified by indispensable parameters that measured each goal. This gives a definite shape to the SDGs in comparison to MDGs which were very generic and limited to the more popular narratives of development. A glance at the MDGs provides us with a mere 8 goals whereas SDGs are 17 in number and contain 169 targets! However the MDGs because of their restricted nature and incomplete prioritization did allow national governments to ignore a bulk of them from their national programs and policies, rendering them casual and powerless. This exclusion led to a failure of the MDGs accompanied by an overt flouting of international accountability by national governments as they chose to ignore the agenda of the MDGs. Working up to the failures of the MDGs, the UN sought to establish SDGs as encompassing, accountable and transparent while holding consultations with a bandwidth of expert's most notably civil society. The role of civil society in making the SDGs more nuanced and narrowly defined according to indicators made them quantifiable and bestowed a more participatory particularity that are required for international targets. The very idea of sustainability as observed in its nomenclature is the international community's apprehension for finding solutions to the most impending problems daunting humanity. Interlinked to these problems are the crisis also faced by co-owners of the planet; the flora and fauna. Hence for example the popular narrative of poverty eradication could not be seen in isolation with its effect springing from unequal distribution of resources and its fallout of creating more gradations of natural resources in order to diminish its impact.

Addressing these problems in the same breath has to be posited in a policy framework that takes into account all considerations. Methodologies that are independent and work in silos defeat the very purpose of the policies that seek to provide tangible solutions. In totality the SDGs have achieved that cross linkage-focusing by going beyond the well accepted understandings and notions of development science. So when it speaks about Climate Change its indicators document delimiting usage of adversarial agricultural practices and adopt technologies that are natural and organic. Therefore the clarity of these goals makes them attuned to what is demanded as deliverables. By using indicators the SDGs capture the essence of the problems put forward by the goals and locate the identifiable origin and subsequently give precision for measurable solutions. In terms of precision advocacy, the SDGs offer a colossal scope for multiple stakeholders' engagement and evolve effective systems of approaching concerned agencies, documentation and statistical interpretation.

SDG Reporting

The SDGs represent a window of opportunity for governments to launch programs and policies that will eventually lead to a 'poverty free, sustainably developed and inclusive world', irrespective of the content and basis which should be aligned to their national objectives. The formula of SDGs provides national governments the

freedom to design and execute plans which will later be assessed according to the indicators in 2030. Every country has different priorities and pursues programs which it perceives as mitigations to their problems. Therefore to better suit the needs of national governments the Open Working Group of the SDGs were very articulate that countries could replicate SDGs in their domestic milieus. Hence when we examine the reporting process there is two phases that will culminate in the global report that will be presented in the High Level Political Forum annually. As stated in Transforming our world: the 2030 Agenda for Sustainable Development *"the review mechanisms will be based on a rigorous and evidence based, informed by country-led evaluation and data of high quality, accessible, timely, reliable and disaggregated by sex, age, race, ethnicity, migration, status, disability and geographic location and other characteristics relevant in national contexts"* Additionally the reporting for the SDGs will also cave in to the monitoring process which will be complemented by coordination among data agencies such as National Statistical Offices who are clearly tasked with the delivery of target data. The Indian government was hasty to follow this, through its NITI Aayog which recently issued a mapping chart that clearly allocates government programs to respective ministries. The monitoring of the SDGs will take place within four phases that will eventually lead to the global monitoring as ensured by the HLPF under the auspices of ECOSOC. However there is no clarity on how reporting and monitoring has to be effectual at the national level but CSO's have been active in bringing out plans to actually keep a parallel monitoring process that will be generated from the grass roots and include disaggregated streams. Main concerns echoed by the CSO's are the injection of prejudiced data that will eventually reflect in the national reporting to the UN and be exempt from transparent and accountable. To have an all-inclusive achievement of the SDGs in contrast to the MDGs, monitoring has to follow bottom up process with review following sub-national and state level embedded into a national voluntary review and finally at the global level. The Transparency Accountability and Participation Network have recommended-" The HLPF should review thematic global progress towards the SDGs annually. Thematic reviews should be informed by the annual SDG Progress Report, the Global Sustainable Development Report (GSDR), and written and/or oral inputs from a wide range of processes and stakeholders, which are synthesized in a summary brief for discussion at the thematic review. The summary brief should highlight the inter-linkages

between goals and targets and support the pledge to "leave no one behind" by focusing on the groups that are the furthest behind in achieving goals and targets". Thematic reports based on ground experiences and devolving characteristics will project real time data and the quantum effect of national programs implemented to achieve the goals.

Generating parallel reporting for monitoring country progress

In the above section, it was noted that bottom up data has to be successfully integrated within the whole reporting and monitoring complex that will give a quantifiable measurement of the efforts made by member nations to reach the SDG goals. Goal 17 captures the need for having statistical data for monitoring and accountability purposes. Monitoring and review of national targets generated by countries will be submitted during the HLPF which will be held consecutively for four years. However will these reports be a truthful reflection of whether implementation has been upkeep by respective governments is questionable as National Reviews are not a mandatory process as noted by the term voluntary but desired by countries by the United Nations. The progress made by independent countries will then be represented in the UN Secretary General's report on the progress. As suggested the Agenda 'a robust, voluntary, effective, participatory, transparent and integrated follow-up and review framework promote accountability to citizens, support active international cooperation in achieving thus Agenda and foster exchange of best practices and mutual learning." It is important to remember that clause of inclusivity in the Agenda bestows the imperative need for having regional indicators which will differ in their capacity to the national and SDG indicators. Data usage for monitoring purposes has to be robust, identify gaps and challenges and be critical in the build up to the report. Civil Society therefore makes an important entry in creating mechanisms where it can either be party to the reviewing process or conduct independent audit of the reports compiled by the government. Not only monitoring but civil society compilation of shadow reports of national progress can be pitched for advocacy that can be used by national governments for determining their gaps and vulnerabilities. The following is a chart where civil society can try to initiate some push towards the SDGs in the Indian context-

Issue	Methodology	Outcomes
a) Localizing SDGs	a) Popularization and information sharing on SDGs b) Identifying localised concerns which fit in the SDG framework c) Linking them in the broader context with other SDGs d) Generating similar data methodology in other states e) Involving Panchayats, Gram sabhas, mohallas, urban institutions	Localized SDGs will ultimately accumulate to provide a national report with a deconstruction of the results so as to make them agile in fitting the internationally accepted indicators.
b) Evidence based reporitng	a) Data gathering from third party sources; citizen generated will be more impactful b) Capturing real time concerns and evaluating them against regional targets and indicators c) Using statistical information and Open Government data and NSSO rounds d) Consolidating thematic data for creatively usage in niched reporting	Will be used for advocacy purposes and report to show the gaps and how structural problems could be addressed. Two streams of data that can be pitted against each other in the shadow report; one emanating from official sources the other from different sources
c) Projecting reports	a) Visual and video-graphic consolidation of data can be used as an innovative method of reporting b) Reflecting reports which are easily discernible and people-centric c) Using mobile applications that will be creative to map data and targets for national and parallel reporting d) Social Media to be an enabler in awareness for SDG reporting and data gathering from sources.	An innovative, short, concise report for SDGs has to come from CSOs that will encapsulate all indicators and will be used for both advocacy and reporting The Agenda is fixated in creating an innovative tool mechanism for effective SDG popularization. CSOs can organize events; galvanize populations to give their inputs as to when it comes to creation of the reporting patterns. Web based content strategies can be effectively used to propagate community based learnings and SDG impacts.

It is an Indian experience, that our national programs have far from achieving their stated targets only touched the tip of iceberg. It is most assuredly the same predicament in other less developed countries. CSO's internationally have been upfront in taking up advocacy on social issues through various mobilizations and campaigns. Such experience manifested by CSO's has made them converge on ascertaining the potential of SDGs as enablers for development. The SDGs not only are an opportunity for governments but for CSOs to reinvigorate their advocacies and hold dispensations accountable. With the component of reporting made mandatory on SDGs, countries will have to gather all their resources for reporting their achievable's to UN. This initiates civil society to actively situate itself as a though leader on policy issues and provide major inputs essential for the success of SDGs. The very structure of SDG's makes them empathic to the concerns of the civil society or if we may say is synonymous. Therefore with innumerable SDG conclaves organized for actualization of SDGs will jettison governments into action and prepare them to draw workplans

Strenghthening Role of Civil Society in Implementation of SDGs

Meeting Report

There have been numerous consultations with partners and networks that had been convened to formulate parameters for effectively implementing SDG's. Such consultations were organized in United Nations and other international platforms, which saw laborious efforts from the side of the voluntary sector in extracting optimum output. However now when the national governments have signed the international commitments, it is their responsibility to execute these goals through integration within their national priorities. Given that the Indian voluntary sector is huge in diversity of thematic areas, it becomes an uphill task to come together and achieve an understanding for attaining SDG's. Therefore the consultation's main agenda was to prepare an outcome document on how CSO's can implement a strategy for engagement in SDG's with regards to the Indian context.

Session 1

Opening remarks of this session were made by Mr. Harsh Jaitli, Voluntary Action Network India, Dr.Jayant Kumar, Church's Auxiliary for Social Action & Mr. Pradeep Baisakh, Global Call Action against Poverty

The planning and preparation for SDGs required an exercise of how MDGs had faired with regards to implementation, appended to this: a structured deliberation on how Indian Civil Society could actually be an active participant in the SDG process right from the stages of implementation to monitoring and review. Ever since the talk on a successor of MDG's was developed, it remained largely alienated from the grass root movements and campaigns, despite the fact that the SDGs are elaborate and focused if not encompassing. The debate was started by VANI who saw a major role being played by grass root organizations in the SDG process. Hence there were genuine concerns as to how the theme of "Leaving No One Behind" could include grass root movements who were working with real issues that should find a space in the narrative of SDG's. The other important issue was the government's role in integration of SDG's in the national schemes, more recently exemplified by NITI Aayog's document for action plan allocating each ministry, scheme to a specific Goal.

Another concern looming around is the selective cherry picking of certain SDG's and how Civil Society could conduct advocacy for reaching to other goals and their subsequent integration. Following this is how reporting has to be transparent and what kind of metadata has to be used and how Civil Society could aid in designing a shadow reports.

What role does VANI perform?

As a platform it can maintain synergy between different sectors such as government, private sector and United Nations. With the government it could conduct advocacy and with other institutions it could actually take discussion forward on the financing for SDG's. Thus the role of VANI

achieves a triad of these combinations

1) Convening CSO forums for engaging in the implementation of SDGs

2) Advocacy with different stake holders for developing a common understanding most importantly on financing, liaison and partnership

3) Building the national narrative on SDGs along with other networks

The discussion on SDG's has attained a pinnacle both at the national and the international levels and it is necessary that in light of the theme of this meeting that the challenges of both SDGs and the sector cannot be seen in isolation. There is a need for exploring that in the process of working on SDGs whether there can be an opportunity or a window to reclaim the lost space of civil society. In the phases towards charting out a roadmap for SDGs, it is important that a multi stakeholder approach be planned where there can be a collective act for data gathering & sharing under the aegis of networks such as VANI or Wada Na Todo Abhiyan. This multi stakeholder approach should be cognizant of taking into local institutions such as panchayats, trade unions and other forms of bodies that have to be later embedded into the national discourse on

It is important to identify the processes, energy points and the road map ahead for the civil society in relation to SDGs. SDGs process has been one of the most inclusive processes, where the voices from the grassroots have been included in the guidelines. This happened in the form of country consultations, thematic consultations and online surveys (example, "World we want" survey).

SDG's which has to be far from an academic exercise and more arranged as a plan of action. The SDG framework is more transformative when compared to the reductionist approach of the MDGs.

During the run up to MDG's there was a lot of criticism but that has not been the case of the SDGs which are seen to be inclusive but are not all encompassing. Even while SDG's is an extensive document and akin to the language adopted by civil society it still misses out certain important indicators that were needed to be included. Also there are huge contradictions in the document such as while it talks on community ownership it shamelessly promotes privatization. Hence the question on how CSO's will find a stand on these issues is ambivalent. Given that the government will cherry pick certain goals for their convenience and implement them leaving out important indicators within the goals, it will be a challenge for CSO's to conduct advocacy and forums such as those organized by VANI will be important for discussing appropriate strategies for engagement. Another aspect is that while there may be many opportunities with SDGs there has to be a constant engagement with the government such as those exemplified in campaigns like Beyond 2015, Action 2015.

It is important to identify the processes, energy points and the road map ahead for the civil society in relation to SDGs. SDGs process has been one of the most inclusive processes, where the voices from the grassroots have been included in the guidelines. This happened in the form of country consultations, thematic consultations and online surveys (example, "World we want" survey). This is very different from the MDGs process, which were formulated on the basis of the inputs given by the experts. The first response from the members of the high panel process after completion of their first meeting was - "all of you have created a Christmas tree, by asking for everything possible." However, this is a historic

moment for reformulation of the global development agenda on the basis of SDGs.

SDGs speak to the historical role that SGDs needs to play as well as resonates with people's aspirations. Unfortunately, SDGs are focussing on poverty and not the justice framework. Structural aspects of poverty need not be addressed. Even a solid human rights framework is missing from the ambit of SDGs. There is a lack of focus on the last person, that is, the socially excluded. Religious minorities, nomadic and Dalits do not find space in the framework of SDGs. The aggregated picture is good, but the disaggregate picture which SDGs might present is distorted. Certain key issues like climate justice and gender justice need to be covered more holistically.

We are also lacking in a monitoring framework for the SDGs. The UN is focusing on review and reporting and not on the monitoring process. This is going to be problematic in the Indian context. Inclusion of financing for development can be seen as success of the civil society. However, the emphasis on financing is on the private sector.

Globally, contemplation is going on with regard to the scope and nature of the indicators of SDGs. Responsibility has been put on the respective countries to develop their indicators. Recently, the Prime Minister of India had a meeting with all the parliamentarians on SDGs, and the responsibility of coordinating the SDGs process has been entrusted on the NITI Aayog. However, the NITI Aayog has given a very lukewarm response to SDGs. In the coming months, the NITI Aayog along with RIS (Research and Information System for Developing Countries) and the UN is planning to hold a series of consultations on SDGs in different states of India.

In the current scenario where the space for engagement with the national government is decreasing, SDGs hold an excellent opportunity for civil society engagement with the government. SDGs could be a good potential area for building relationships and building on our own agenda. Also, there is going to be increase in availability of resources for the SDGs - both globally and nationally.

The four strategies for civil society vis-a-vis SDGs are - first, to polpularise SDGs since the majority of the people are still ignorant about this process. This can be done through popular campaigns which are not only limited to the civil society. Second, civil society should try and identify resources and skills which are already available nationally. There has to be a strong mapping on how to internalise the SDGs. NFI is working in five states in this regard. Mapping of finances and budgeting is an important area. Third, identifying the 'resonance and dissonance' in the Indian policy making framework for creation of an accountability framework. Lastly, for the monitoring purpose, civil society should hold social audits, jan sunvai, shadow reports, etc.

Lokpal & Lokayukta Act, 2013 amended to include NGOs

Taken from the blogspot of FMSF

The Lokpal and Lokayuktas Act 2013 (LLA, 2013) has been amended to include the functionaries and office bearers of NPOs for disclosure of various informations. The LLA, 2013 is an Act intended to regulate and control corruption in public institutions. However, NGOs which are generally private institutions for public purposes, have also been included within the purview of LLA, 2013 under certain specific circumstances. In this issue we shall discuss the amended law and its implications.

There are two important changes pertaining to Section 14(g) and Section 14(h) of the LLA, 2013. The implication of these two changes is as under:

- Any NGO receiving more than Rupees 1 crore grant annually will now be covered under the amended law. The NGOs established and totally funded by the government were in any case covered under LLA, 2013 earlier but now the coverage has been widened.

- Any NGO receiving more than Rupees 10 lakh annually from foreign sources under FCRA 2010 will now be covered under the amended law.

The law will apply to the functionaries and officers of the NGOs and not the NGOs per se. In other words, the officers and functionaries of NGOs shall have to file annual returns declaring their assets and other prescribed particulars every year under LLA, 2013. For the current year all the functionaries and officers have to file the return for the year ended 31st March, 2016 on or before 31st July, 2016.

If an NGO has received, say, 15 lakh rupees foreign contribution in one year then the law shall apply for all the forthcoming years till the amount is utilised or exhausted. It may create practical problems i.e. a corpus donation will never be exhausted and therefore, the LLA, 2013 will also continue to apply.

The amended provisions will treat the Director, Manager, Secretary or Officer of an NGO as a Public Servant. According to the provisions of 'Declaration by Public Servant under Section 44 of LLA, 2013', he/she shall make a declaration of assets and liabilities in the manner as provided under this Act. The definition of Public Servant will cover Board Members and Senior Employees of NGOs.

The declaration shall include :

(i) the name of spouse, minor or dependent children and the position held by them

(ii) details of cash and bank balances and other moveable properties including investment, advances, vehicles, jewellery etc.

(iii) details of immovable property whether residential, commercial, agricultural or otherwise

(iv) details of loan taken along with the detail of loan provider.

For the purposes of this section, "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.

In case where such Public Servant or Director and Officers of NGOs do not make declaration of their assets, it will be treated as an offence and the Lokpal shall have the power to initiate inquiry and even confiscate the assets of such officers.

The Competent Authority to whom the return shall be filed will be the respective Ministry which has provided the maximum proportion of the grant or donation during the previous year. In other words, in case of government grant the Competent Authority may also change from year to year. In case of foreign contribution received the Competent Authority shall be the Ministry of Home Affairs.

PRESS RELEASE

A press conference was convened by leading civil society activists on how FCRA was being used to curb dissent and a discretionary law for curbing civil society movement

Use the FCRA Law to regulate not to harass and intimidate CSOs is the demand of NGOs and Networks working with marginal populations across the country

Delhi, 10 June, 2016: Leading representatives of over 700 Civil Society Organization and Networks from across the country, came together in the Capital to make known their collective stand on FCRA and it many provisions.

Mathew Cherian, representing the Voluntary Action Network of India, termed the recent developments, in particular the use of FCRA to target organizations working on rights of marginal populations, as a "worrisome trend." Elaborating on this, he stated that "while there is global recognition that the major strength and hope of India lie in its vibrant network of civil society organizations, we are today witnessing a concerted attempt being made by the state to use the FCRA law to erode the credibility of leading and highly reputed NGOs."

Reinforcing this view, Venkatesh Nayak, Commonwealth Human Rights Initiative, stated that "with the law getting increasingly geared towards restricting the capability of NGOs to receive foreign fund rather than facilitate them to work for the most marginalized, which is high on the agenda of the present government, it is clearly a case of no-win-win for all concerned."

Affirming the above, Paul Divakar, representing the National Campaign on Dalit Rights, expressed deep disappointment with the way in which the FCRA law is being used to target selectively organizations committed to the cause of social justice. He reminded everyone that "it is only over the last ten years that the Dalit community has been able to access foreign contribution resources for the empowerment as well as welfare and development. And now that these communities are exercising their rights, demanding accountability and fighting the impunity of those who are oppressing them, it is tragic that the government is using FCRA as a tool to harass the NGOs supporting these struggles." This, he added, will impact most adversely the smaller grassroots Dalit organisations who find it difficult to deal with all the complicated procedures that are stipulated in the law

Speaking on behalf of marginal communities battling with HIV, Anjali Gopalan, the well-known AIDS activist from NAZ Foundation, pointed out that "by using the FCRA law to target the founder-members of Lawyers Collective which had been majorly responsible for bringing to the fore issues that had been closeted for years, the government is setting back the decades of work that the organization has been doing." And also in a sense belittling the hard fought victories and breakthroughs the marginal communities have made due to the untiring efforts of Lawyers Collective.

Taking this point further, Mona Mishra, an activist, emphasized that the attack on Lawyers Collective has in fact galvanised the HIV community to fight harder - for the rights of sex workers, the LGBT community, drug users and people living with HIV. "If this is an attempt to silence the voices of marginalised groups, we are committed to not let that happen. This is a struggle for our legitimate space in Indian democracy" she asserted.

Rebutting the charge made against the noted advocate, Ms. Indira Jaising that as an Additional Solicitor General of India (ASG) from 2009-2014, she had violated the code of conduct enjoined upon all government servants not to accept any remuneration from any other source, in particular foreign funds, Anand Grover made it clear that Ms. Jaising was not a government servant and therefore, the bar under Section 3 of FCRA, 2010 does not apply. He went on to state that Ms. Jaising had permission from the appropriate authority for continuing to serve as a Trustee as well as to receive remuneration from the Lawyers Collective.

He emphasized that "there was no conflict of interest between her role as an ASG and her working for gender justice. In fact, Ms Jaising was granted this permission, since the organization was being supported by UN Women and other reputed international organizations working on issues of domestic violence, sexual harassment at the workplace and sexual abuse" he added.

Commenting on the double standards practiced by the government, Venkatesh Nayak pointed that even while the Government is hounding NGO after NGO on technical grounds by taking away their eligibility for receiving foreign funding, political parties have approved an amendment permitting them to receive funding from foreign companies through their Indian subsidiaries with retrospective effect. This, he stated, "is against the very objectives and spirit of the FCRA law which is to insulate political parties and the electoral process from foreign business interests and what is worse also seeks to nullify the Delhi High Court's 2014 judgment which held them guilty of violating the FCRA."

Speaking on behalf of the recently created CSO Support Cell, Biraj Patnaik stated that complaints are pouring in from every part of the country and there is an urgent need for a structured dialogue between the state and the CSOs on a wide range of issues pertaining to the framework of the regulatory laws currently operational.

News you can use

Harsh Jaitli, CEO, VANI features on Zee News

https://www.youtube.com/watch?v=juh6ElQLbuA

Mathew Cherian, Chairperson, VANI features on Zee News

https://www.facebook.com/permalink.php?story_fbid=1157123517666361&id=122066411172082

NGO funding from foreign sources declined by half after government crackdown

http://scroll.in/latest/809736/ngo-funding-from-foreign-sources-declined-by-half-after-government-crackdown

Modi Regime Using FCRA to Block Aid Flow to Marginalised Communities, Say Activists

http://thewire.in/42261/modi-regime-using-fcra-to-block-aid-flow-to-marginalised-communities-say-activists/

Advocacy pat after punch

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Govt harassing us in the name of FCRA law, allege NGOs

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