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Editorial

Death of a Social Worker

Dear Members, Associates and Friends

On May 13, 2015 an Indian social worker from India fell to the bullets of terrorists in Kabul. Along with her were 4 others who were trying to bring in change in Afghanistan for better. I am writing about Dr. Martha Farrell, who was Working Committee member of VANI and also Director of PRIA. The media covered it, world leaders condemned it, there was also public outrage, but then life became normal to wait for another activist to lose his/her life in the path of social transformation. Life was never as dangerous for social activist as it is today. We do read in news papers or from social media about the sacrifices made all over the world. Be it Nigeria, Sudan, Iraq, or Burma social workers are been targeted. But if you think it is a global phenomenon then you are not looking right at our own doorsteps. Few years back Sanjoy Ghosh was victim while working in the flood prone areas of North-east. I don't think we need any reminder to recollect the loss of lives of RTI activists, while searching for truth and fighting against corruption.

Today the life of social workers is challenged by dangers not only within their country but also outside the country. This threat is also from the law enforcement agencies. In many countries activists are behind bars or killed by extra-judicial actions. On one hand everyone believes, at least on papers, that most of the conflicts in the world can be solved through dialogue and peace reconciliation, but in practice no support is available for those who are active in this field. Even in India we see that many dedicated individuals are working for peace building in disturbed locations of Northeast or east India, but they are vulnerable to harassments not only from out-laws but also law enforcers also. Their intentions, although strongly believed, are doubted. They became target of rigorous checks from the line departments. The safety net available to social workers is almost zero. I have seen social activists providing access of basic services to the marginalised in remotest location. The social security is missing rather there is consistent frustration faced due to hindrance created by adversaries. It is now time that as a sector we need to reflect and work towards providing a safe and secure environment for our fraternity and need to demand social security net from the government. Asking for recognition from the government and the society and as a sector we need to recognise the sacrifice of our colleagues who have either lost their

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In Remembrance: Dr. Martha Farrell

Director, PRIA, Working Committee Member, Voluntary Action Network India.

In what is considered as a loss for the entire civil society and voluntary sector in India Dr. Martha Farrell (1959-2015), Director PRIA and Working Committee Member of Voluntary Action Network India passed away on 13th May 2015. Dr. Farrell was a victim of the terrorist attack in Kabul, Afghanistan where she was on a professional tour to conduct a gender workshop. An alumna of Delhi University and a Ph.D. from Jamia Milia Islamia University, New Delhi, her professional career spanned over 25 years working nationally and internationally in the field of education, research and policy advocacy, especially on the issues related to gender. Dr. Martha Farrell also worked extensively on the issues of Adult and Non-Formal education. She developed and nurtured PRIA International Academy of Lifelong Learning to provide Open and Distance Learning to a global community of students on development issues. Dr. Martha Farrell was a dear friend, popular colleague and a great support to others. She has always championed the causes of poor and marginalized. She lived and sacrificed her life for gender equality and women empowerment. We send our heartfelt condolences to Dr. Tandon and family as well as the PRIA staff who lost a stellar colleague.





Misplaced perception or a curb on dissent?

No fundamental social change occurs merely because government acts. It's because civil society, the conscience of a country, begins to rise up and demand - demand - demand change. — Joe Biden

— By Arjun Kumar Phillips, Communications Executive, VANI

In a perusal of history the striking delineation existing between today's modern state and the bygone feudal states is the enhanced participation of citizens in the political process. Perhaps a little refinement of the sentence would yield a word familiar to us- democracy, a political practice that we all cherish and see as the final finesse of civilized politics. Although there are other factors that are necessary for making democracy robust and triumphant, most notably it is civil society activism which infuses a spirit of making it more participatory and responsive. A range of philosophers and political theoreticians have delegated a monumental responsibility to civil society to act as an aggregate collective of the 'voiceless' citizens in a republic. The guiding principle of civil society is to act as a corrective force and provide a platform where people centric grievances are raised and appropriately followed up. One of the most venerated documents, revered and equally feared by us Indians is our constitution which unequivocally spells out the undeniable right to free speech (restrictive to certain clauses but nevertheless guarantees the freedom to express) and association. Civil society derives its right to existence from these clauses of the constitution and by purging it; a government undeniably sets itself on the road to commit hari-kari as it subverts the ideals of a democratic framework.

Looking at the current explosion of incidents orbiting civil society, it seems that an effort is being undertaken to expunge them from the mainstream. As demonstrable the new dispensation has been putting organizations and donors alike in the seditious sounding 'watch lists'. The unease with which the government has spoken of foreign funded NGO's signals its un-congenial approach towards the sector. Most organizations are dependent on foreign funding owing to the minimal grants released by the government of India and most donors are charity based



or philanthropic bent institutions with an orientation to serve the third world. The Indian civil society largely finds it easier to represent itself through Non-Governmental Organizations who are actively working on a range of issues most notably involving themselves in activism, advocacy and service delivery.

The Confusion

In common parlance, the term NGO is confusing and carries numerous applications over multiple organizations. Those organizations involving themselves in social work should be correctively termed as voluntary development organizations over NGO's as within this ambivalent nomenclature even an entity earning profits (but non-governmental) get jammed with those focusing on development. For example BCCI, a well-known institution and the national governing body of cricket in India is legally an NGO! Similarly the same is seen with religious trusts of all hues. This predicament of confused identities is the direct consequence of the Registration Act of 1860 which makes no effort in distinguishing what organizations exist for what purpose. As it is common knowledge of how government accounting reports are prepared, an all sweeping report usually contains the



other' NGO's' with some other unfortunate development organizations. Then the opinions generated in the erstwhile Indian media carry headlines of NGO's facing mass cancellations and as to why the government is justified to act against them. Without clearly investigating the cancellation lists, an instant assumption is drawn that almost all NGO's especially those involved in promoting social equity, receiving foreign grants are notorious entities, subversive to the Indian state by holding allegiance to the west. A humorous argument and at the same time devastating to those who have selflessly dedicated themselves to work for the poor. In all respects it cannot be disagreed that many paper stamp organizations exist which muddy the huge lake of the voluntary sector, but there are other administrative and compatibility problems that exacerbate problems in this saga of NGO's. An acute deconstruction of the NGO function would reveal that organizations perform two functions- service delivery and rights based entitlement. It would not require any clarification as to which group suffers more, as admitted by an MHA official who clearly stated that advocacy groups were more in the firing line in comparison to service delivery organizations (Another foreign donor on home ministry watch-list, April 8, 2015, The Hindu). The whole episode of Greenpeace suggested the government's anxiety in having to resort to such extreme actions. While the author is not prejudiced in his opinions, one does have to acknowledge the commendable sensitization activities undertaken by the organization. At a time when climate change is likely to overcome the anthropogenic age, our priorities should be balanced in favor of promoting sustainability over fast paced development. For years, developing countries have imitated western modes of economics and development which clearly has the writing on the wall spelt out as-catastrophe. Subjective as this narrative may sound in being contrary to development economics and a compromise for the future development of our nation, we have to entertain the idea of Vasudhaiva Kutumbakam when thinking of climate change.

The other side

At the drop of a hat, the government acted against 9000 organizations, cancelling their FCRA licenses. A shock reverberated through civil society, appalled by the arbitrariness sought by the government in silencing a sizeable chunk of the NGO sector. However a myopic

view has been prevalent by not going to the root of why the government resorted to such extreme measures. We all do agree that the NGO sector does unsettle the government by its puritan outlook and championing causes that challenge incumbent state ideologies. Similarly, legitimate NGOs also fear the laws governing them and comply accordingly. Many organizations lack the resources to obtain legal knowledge and hence bear the consequences of non-compliance which then sees them being assigned a spot on those dreaded lists. A glance at the list will astonish anyone to see the names of reputed universities also facing revocation of their FCRA licenses. This originates due to the insufficient wisdom about the FCRA law. So while we determine the government's intention, it is equally essential to see that many organizations fail to secure a passing grade on the compliance report card. As was the case when the first cancellations occurred in 2012 under the FCRA Act 2010 it was because of the non-filing of FC-6 forms (audited statements of organizations). The FCRA as a governing act of foreign contribution is marred by ambiguities which at most are incomprehensible to organizations working at village level, compounded by its exclusive availability in English.

A road of caution

As the chronology of events unfold before us, the sector feels threatened by the arbitrary yet exclusive actions of the government. Anxieties were galore concerning the filing of the renewal applications which failing to do so would result in the cancellation of an organization's FCRA. As stated by the law, organizations having multi-year projects had to submit their renewal applications one year before the expiry, which was 30th April 2015. The provision clearly mentioned the use of an online form followed by a download of its hardcopy which was to be accordingly submitted through post to the Ministry of Home Affairs. As the date approached closer, neither did the online portal opened on the MHA website nor any notification was released as to what the lakhs of organization had to do. Many organizations took it upon their volition to go ahead and file renewals but what about those hapless organizations isolated from the communication grapevines of a metropolis. Neither is the MHA responsive nor amiable towards NGO's as professed by them that queries relating to the procedures will be in no circumstance entertained. In all understanding, it appears that the MHA are unconcerned and are jovial to



cancel licenses pronto. This brings us to a larger question whether the government needs to introspect on its directional course in its outlook towards civil society. What resort to alternatives do those organizations have before themselves when confronted with such bureaucratic evasiveness? A symptom of depleting democratic space which is disturbing for a country fixated deeply in the legacies of pluralism and participation. It is not a generic statement that such a practice is endemic only to India. For dictatorships cannot afford to legitimize civil societies, which is what is

perturbing is to see many mature democracies around the world also viewing them as obstructions in pursuing economic and political goals. The confrontational mechanism that has to be evolved to answer back such authoritarianism lies in increasing activism and educating the masses on why civil society matters. In the Indian experience, the inadequacies of a developing economy have seen an awareness crunch on the positive effects of civil society. Vacuums as these can be obliterated when civil society takes the lead in informing about its potential in being a change maker.

Notification

Dear Members and Friends

As you are aware VANI recently conducted FCRA Renewal Clinics across various states in India. During our interactions we came to know that many organizations having multi-year projects had filed FCRA Renewal FC-5 forms to the Ministry of Home Affairs before 30th April 2015 despite no instructions released by the MHA as to how to make submissions. As an institution which performs advocacy on behalf of voluntary organizations across India, VANI requests you to send a copy of the FC-5 form to us as this could be used as evidence of your organization's compliances in case your organization's name does not appear in the renewal list. You can send a photocopy or a scanned copy of your filled in and self-attested renewal forms by 15th June 2015 either by post or replying back at this email. If you did not submit your FC-5 forms please let us know as this will be also useful for our information.

Continued from page 1

lives while working for social transformation or are languishing in jails all over the world. Not everyone can get recognition as Malala Yusufzai, neither will they get our national Padma awards, but as a sector we need to initiate a process of making their sacrifice known to coming generations and society. They are a brave people who have lost their lives in line of duty, passion and belief. When half of the globe is burning with the fire of hatred and violence, it is social change agents who can provide balm to the wounds and wipe the tears of victims. But if we don't safeguard such activists there is no future the rest of the globe. Through this e-newsletter VANI salutes the sacrifices of made by the members of our fraternity.

Harsh Jaitli
Chief Executive Officer



Meeting Report: FCRA Renewal Clinics

(Conducted by VANI in collaboration with FMSF, CPA, Credibility Alliance and CAP)

Voluntary Action Network India (VANI) conducted a national outreach initiative on Foreign Contribution Regulation Act (FCRA), 2010, through a series of FCRA Renewal Clinics in collaboration with its partners. The clinics were held across India with the objective of deconstructing and simplifying the FCRA law for grassroots organisations and ensuring awareness and clarity about the FCRA renewal process.

The clinics were organised in various cities including New Delhi, Bangalore, Chennai, Lucknow, Mumbai, Pune, Raipur, Ahmedabad, Patna, Kolkata, Ranchi, Imphal, Bhubaneswar, Bhopal, Hyderabad and Udaipur.

The one day clinics were divided into sessions on technical issues such as Overview of FCRA, Critical issues in FCRA, Renewal of FC registration and Compliance requirements.

Introductory Sessions

The clinic commenced with an introductory note which recognised that the entire voluntary sector is concerned about the renewal procedure. There is a lot of confusion regarding the process and anxiety about how smoothly renewal will take place. Adding to this fear and uncertainty is the presence of touts who are trying to exploit the situation. Therefore, VANI and its partners decided to organise these workshops to address the existing doubts of voluntary organisations and to train them to minimise problems in the future. The workshops are also an attempt at removing regional disparity in terms of information dissemination as it is often seen that organisations based in and around Delhi have access to frequent and more credible information whereas organisations far away from the centre are cut off.

Furthermore, while the MHA is conducting FCRA renewals, VANI and FMSF are in the process of reviewing the law itself and documenting organisations' experiences in working within the ambit of the new law. The clinics have been helpful in identifying issues for this feedback process.

Technical Session 1: Overview of FCRA

The FCRA law came into force in 1976. It was first proposed in 1975, at the time of the emergency, to regulate the amount of foreign money coming into the country and the ends to which it was being used as the government was worried that it was being used to fuel anti-establishment social movements. Since the law was formulated and pushed through in a hurry, it is widely considered to be shabbily written with a number of shortcomings.

It is also important to note that while in 1976, the major source of foreign currency into India was donations, it no longer holds true. Today, the total foreign currency coming into India is estimated to be around Rs. 4,00,000 crores out of which only Rs. 11,000-12,000 crores enter India under FCRA.

This session saw an interactive discussion through which the major changes under the new FCRA law (introduced in 2010) were elucidated. Some of the points of discussion are listed below: -

1. Under the original Act FCRA registration used to be permanent. However, the new law provides for renewal of registration of organisations every five years.
2. Under FCRA 2010, organisations can receive foreign contribution in only one FCRA designated account. But they can open multiple bank accounts for the purpose of utilisation after intimating the FCRA department, MHA, to this effect.
3. In the new FCRA Act, organisations are prohibited from spending more than 50 % of FCRA money on administrative expenses without prior permission.
4. According to the new Act, organisations cannot use FCRA money to organise 'dharnas' or political rallies as they may be deemed as 'Organisations of political nature'. These activities were allowed earlier under prior permission. But the new provision states that organisations of political nature can be put into the debarred category if they do not comply with the



elaborate rules listed under Rule 3 of the Act. Another related change is that Panchayats have been included in the definition of legislature.

5. Section 14 of the new FCRA law states that FCRA registration may be cancelled by the Central government if there is no reasonable activity in the FCRA designated account.
6. Earlier, there was confusion regarding whether FCRA money could be used to carry out commercial activity. One notable change under the new Act is that it clearly states that foreign contribution does not include commercial receipts. This implies that commercial activity is not governed by FCRA and organisations may receive consultancy fees or any other commercial receipt in the local bank account.
7. An Indian company, i.e. a company registered in India may be considered foreign source if more than half of its board is constituted by foreigners or more than 50 % of its equity is held by foreigners.
8. An FCRA organisation can transfer funds to another organisation registered under FCRA law, only if the recipient organisation has not been proceeded against on an earlier date by the FCRA department. Therefore, to ensure compliance, the donor FCRA organisation should take an undertaking from the to-be recipient and also diligently check the FCRA website.
9. Rule 4 of the FCRA Act 2010, prohibits speculative investments such as shares and stocks. Furthermore, organisations cannot engage in speculative businesses such as buying and selling of land. They can however, invest in bank secured investments.
10. As per the notification of October 22, 2014 of the FCRA department, MHA, an organisation may be subjected to deeper scrutiny if it carries out a single cash

**National Outreach Initiative on
FCRA Renewal through
FCRA Clinics**

A joint initiative of FMSF, CPA, VANI, CREDIBILITY ALLIANCE & CAP

Supported by:

CASA, FICOR, ICCO

expenditure of more than Rs. 20,000 from the FC account.

11. In case of violation, the old Act stated that the chief functionary would be sent to jail. Under the revised law, the violator also has to pay a penalty and the assets created with FCRA contribution may be confiscated.
12. In case an organisation's FCRA registration is cancelled, it can apply for new registration under FCRA 2010 after three years have lapsed.

At the end of the session a case study was carried out to assess the understanding of the participants and clarify remaining doubts and queries.



Technical Session 2: Issues of FCRA, 2010

It is important to understand the history and the intention behind the FCRA law before grappling with its technicalities. The session began with tracing the origin of the law. Initially, the government had directed all organisations that received foreign contributions to file an annual income expenditure statement with the Home Ministry under FCRA. Thereafter, an ordinance was promulgated which specified that organisations were required to obtain registration. This ordinance was passed in the parliament without any discussion as the opposition had walked out.



The FCRA law, in its present form, puts forward certain critical issues in front of the voluntary sector. These issues were discussed in detail in this session. A summary of the same is given below: -

1. The number of NGOs registered with FCRA is pegged to be 40,000. However there are only about 20,000 active organisations that are filing returns with the FCRA department, MHA. Also, careful analysis of the ministry's records show that many religious and educational organisations are receiving a major amount of the foreign contributions coming into the country but their data is collated with that of charitable and voluntary organisations. This inevitably leads to discrepancies and problems for the voluntary sector.
2. FCRA law has been formulated to consider any foreign contribution, be it in the form of currency, article or interest earned, as foreign. Therefore, organisations need to be extremely vigilant regarding the source of the money it receives. The participants were suggested to get a signed undertaking declaring whether the money being provided by the donor is Indian or foreign.
3. An FCRA registered organisation can give money to another FCRA organisation without having to take permission from the MHA, provided that the recipient has always followed the law and has never been blacklisted. To ensure this, participants were suggested to request for an undertaking which says that the recipient organisation has FCRA, file returns annually and has never been involved in an inquiry and that the money received will be used only for the purpose for which it is being received.
4. The MHA can put or remove any organisation into the prior permission category of FCRA through a simple notification. Only the bank is notified in this case and usually the donors and the concerned organisation are not made aware of such action. This is untenable to the uninterrupted and smooth functioning of any organisation.
5. In case of a complaint against any organisation under FCRA law, FCRA account of the organisation is frozen pending inquiry, even if it has been filing annual returns. The inquiry may take years thereafter. Also, the IB investigation report, on the basis of which action is taken, is not open to the public. Therefore, an organisation is stuck in a situation where it may not receive further foreign funds because its account is frozen but it can't approach the courts for relief either till the investigation is over and its account is cancelled or reinstated.
6. Section 14 of the new Act states that if no 'reasonable activity' is shown in the FCRA account for two years, an organisation's registration may be cancelled. However, the term reasonable activity has not been defined, leading to much ambiguity. To counter it, participants were suggested to submit their balance sheet or annual report along with the nil return to show that the organisation is functional.



7. When FCRA return is filed, the FCRA department does not issue a certificate acknowledging it. This implies that there is no tangible proof of filing the return in the form of hard copy. Moreover, other intimations and communications often remain unacknowledged from the Ministry's end. While organisations are advised to maintain courier receipts and other documentation as proof of communication from their end, the Ministry's unresponsiveness seems to suggest that the FCRA is arguably tilted towards ensuring that organisations are accountable at every step whereas the government has been absolved of its accountability.



Technical Session 3: FCRA Renewal

The concluding session focussed on the renewal procedure for FCRA. The clause for renewal was inserted in the new FCRA Act and states that FCRA for an organisation will be renewed after five years from the date of registration of the organisation.

According to Section 16 of the Act an application for renewal has to be made six months before the date of expiry of registration. Additionally, Rule 12 of the Act has a provision that allows organisations with multi- year projects to apply a year in advance of their registration expiry.

Many organisations enquired about the applicable penalty and redressal process in case they failed to file the renewal application in the stipulated time.

It was clarified that if renewal application is not filled, the FCRA registration of the organisation is liable to be cancelled and fresh contributions cannot be received if this were to happen. However, the Act permits organisations to file the renewal application within four months of the due date with reasons explaining the delay. The Central Government may condone the delay in cases where the reasons are deemed satisfactory.

If an organisation's application is rejected, it can file a review petition within a year or appeal the rejection in

court. It is important to note that the new Act states that if an organisation has filed a review petition, it cannot appeal in the court. But, since redressal is guaranteed to every citizen by the Constitution, it is believed that a writ petition can be filed in court despite having filed a review petition with the MHA.

In case of both, non-submission or rejection of application, organisations may apply for fresh registration. Meanwhile they can continue utilising their assets unless there is a specific direction from the FCRA department stating otherwise.

Concluding Note

The clinic was brought to a close with a vote of thanks to the local partners, the participants and the resource persons and with hope that the meeting would fulfil its objective of ensuring a smooth renewal process for all its participants.

There was also collective cognizance and commitment to the fact that the civil society should not just band together in times of crises and limit its advocacy to national organisations or networks. Instead, a united civil society voice should be raised on issues of import to the sector by forming a common agenda.



What future for India's environmental and rights groups?

— By *Alys Francis*
DevEx.com

As part of a wider crackdown on the administration's critics, the Indian government is targeting foreign-funded nongovernmental organization's financial lifeline.

That's according to members of NGOs and civil society groups in India, some of which have started to tone down their campaigns or pull out from sectors deemed risky for their business.

"They've not only frozen the accounts of our trusts ... but also our personal accounts," said Javad Anand, a prominent critic of India's Prime Minister Narendra Modi and co-owner of beleaguered local NGOs Sabrang Trust and Citizens for Justice and Peace.

The two NGOs run conflict-resolution programs and fight court cases stemming from the 2002 riots in Gujarat that saw 1,000 people die, mostly Muslim, at a time when Modi was chief executive of the western Indian state. State authorities took Sabrang to court in January, accusing it of misusing funds. Last month, U.S.-based Ford Foundation, one of the largest grant-making foundations in the world, was dragged into the fray, when India's Ministry of Home Affairs accused it of "abetting communal disharmony" in the country.

Ford is one of the main funders of Sabrang and CJP. Following the accusation from the home ministry, Ford was put on a security watch list and its funding to Sabrang is now under investigation.

"They're trying to financially cripple us by targeting our foreign donors and spreading this negative media campaign to stop local donations," Anand told DevEx.

Leaked report on India's NGOs: All conjecture, no teeth?

NGOs in India say a "purely observational" report claiming several of them are disrupting the country's economic development has not affected their operations. But many still choose not to speak publicly against it for fear of government reprisal.



Sabrang is just among the many nonprofits in India that have been scrutinized and questioned by authorities and have had their foreign funding blocked since June, when a report from India's Intelligence Bureau was leaked. The report claimed that foreign-funded NGOs were damaging the economy by campaigning against mining, energy and genetically modified food.

The investigation India's home ministry launched against Ford Foundation prompted the United States to seek "clarification," expressing concern New Delhi was limiting "necessary and critical debate" and applying its Foreign Contribution Regulations Act of 2010 in a manner that causes "difficulties" for organizations. Among the requirements for nonprofits under the FCRA is for them to first register with the government before they can receive foreign donations.

Ford Foundation has been supporting projects in India since 1952, but its inclusion in the watch list means all



activities it funded in India would be scrutinized. This also means any monetary transfer from the New York-based foundation to a local NGO needs to be checked by the government. In a statement, the foundation said it was “deeply respectful” of India’s laws, “confident” in its work, and would respond fully to official queries.

The case of Greenpeace

Accused of trying to “take down India’s coal-fired plants” in one of the leaked reports, Greenpeace India is also operating with frozen accounts, having twice had its FCRA registration suspended. The High Court of Delhi ordered the funds to be unblocked in January but they were frozen again in April, with authorities accusing the well-known environmental advocacy group of underreporting foreign funding, and prejudicially affecting the economic and public interest of the state.

This time, the government went even further, freezing not just Greenpeace India’s accounts that receive foreign funding but also its seven domestic accounts that receive local donations — which make up 70 percent of its funding.

“Their being blocked means 350 people don’t get salaries, we can’t make any payouts, so pretty much it grinds the organization to a halt,” Greenpeace India program director Divya Raghunandan told Devex.

Raghunandan now fears the government is considering revoking Greenpeace India’s domestic charity status and income tax exemption, as reported by local media.

“It leads us to believe that it’s a continuous targeted attack on Greenpeace, and not necessarily one of inspection to make sure funds coming into the country are clean,” she said.

But the government may not even have time to revoke the advocacy group’s charity status. On May 5, Greenpeace India Executive Director Samit Aich told staff there are only enough funds to support operations for a month. If it’s unable to raise enough money from public donations and frozen accounts aren’t unblocked soon, Greenpeace India would have to close all six of its offices in the country — leaving about 340 people without a job.

“Greenpeace is just symbolic of what’s happening to wider civil society [in India],” Priya Pillai, a Greenpeace activist prevented from leaving the country in January,

The High Court of Delhi ordered the funds to be unblocked in January but they were frozen again in April, with authorities accusing the well-known environmental advocacy group of underreporting foreign funding, and prejudicially affecting the economic and public interest of the state.

told Devex. “The democratic space is being shrunk.”

Crackdown on NGOs comes ‘from the top’

India has long viewed foreign NGOs through a lens of suspicion; the intelligence report, for instance, was commissioned by Modi’s predecessor, former Prime Minister Manmohan Singh. But unlike previous administrations, Modi’s is “aggressive,” NGOs Devex spoke to claimed, shutting channels of engagement that used to be open and taking action against them.

“I think the crackdown’s coming from the very top and so now even the bureaucracy’s not open to any form of engagement,” said Raghunandan, adding that before a few channels were always open “at least somewhere within the party.”

More concerning, Raghunandan stressed, are moves that suggest a further “clamp down on dissent” in other areas, with books, movies and social media censored or banned. It’s “really disturbing because this seems more systemic,” she said.

Top 10 foreign-funded NGOs in India

Foreign-funded NGOs in India have faced greater government scrutiny since a leaked report accused them of anti-national activities aimed at stalling development. But which NGOs receive the highest amount of contributions from overseas groups? Devex dug into the data to find out.



NGOs have widely reacted with caution.

"We have not witnessed a perceptible campaign to counter the government," said Harsh Jaitli, CEO of nonprofit association Voluntary Action Network India, blaming it on "weak collectivization" in the sector.

Raghunandan believes the fact many NGOs rely on foreign funding for the bulk of their finances is seeing some changing portfolios and pulling money from risky areas.

"If their FCRA gets touched they're pretty much shut down," she said. "It's understandable the kind of fears people have."

Toned down messaging as worries abound

The worry is complying with laws and regulations may not be enough as "you still are in a spot of doubt," said Chaitanya Kumar, South Asia campaigns coordinator for 350.org, one of four U.S.-based nonprofits that local media reported as having had foreign funding blocked in January; all campaigned on coal. Although 350.org is not registered in India and doesn't have an FCRA account, authorities still questioned Kumar, who works as a consultant for the global activist group, after the news broke.

"We had to explain ourselves, like why the money is coming, what are the activities we do," he told Devex.

Following this, 350.org decided to tone down campaign messaging from challenging India's dependency on coal power to tackling the related issue of air pollution. The former is no longer viable, the campaigns coordinator said, because "it's a very heated volatile environment in the country right now and anything we say on those lines

will immediately be seen as anti-national."

Kumar said civil society was waking up to the fact the FCRA rules can straightjacket organizations, especially those "asking tough questions of the Indian government and its development plans." Those working on environmental and rights-based issues are most at risk of scrutiny, particularly anything seen as impacting infrastructure and energy projects.

It's not known how many organizations have come under the government's microscope. Home affairs minister Kiren Rijju told Parliament in February that the government had initiated action against 26 NGOs in the current financial year and put 14 foreign donors on its watch list.

Since June, the home ministry has also canceled the FCRA registration of thousands of NGOs for not filing annual accounts, as required under the FCRA. The latest order dated April 6 blocked 8,975 associations from receiving foreign donations. Cancellation orders were made regularly under the previous government too.

Greenpeace India has launched a collective campaign on the issue of dissent, but Raghunandan said it's "far easier" to bring small organizations and civil society on board than those connected to foreign funding.

It remains to be seen how much impact the campaign will have, but given funding concerns it's unlikely there'll be any widespread movement among NGOs any time soon. Meanwhile, the future of those working on environmental and rights issues in India — the world's largest democracy — hangs in the balance.

– Article taken from DevEx.com. Views expressed by the Author are personal.

Notification

Dear Members and Friends

This is to inform you that the Home Ministry is uploading the list of organizations that have had their FCRA accounts cancelled. If you wish to view the list please note that it is available state wise in FCRA section of the MHA website.



The Nepal Earthquake: Lessons From Tragedy

— By *Shivani Vaishnava, Programme Officer, VANI*

"We forget, then the earthquake strikes" - Japanese proverb

On 25th April, 2015 an earthquake measuring 7.8 on the Richter scale, shook parts of Nepal, India, Bangladesh and China. The epicentre was in Barpak, Nepal and a large part of the country faced the brunt of the devastating tremors: over 8,800 people dead, more than 23,000 injured, and economic loss worth more than USD 10 billion. Worse still was the psychological trauma due to incalculable loss of the social and cultural certitudes of the country. The world responded generously and humanitarian support and aid poured in from all over. Nepal's South Asian neighbour India, was the first country to dispatch relief and rescue supplies. The Indian government and civil society organisations (CSOs) responded within hours to Nepal's need for disaster relief. Operation Maitri or friendship was carried out by the Indian armed forces at the behest of the Government of India. Barring the cacophonous coverage by the Indian media, especially electronic media, the operation was praiseworthy and appreciated.

In addition to the aid provided by the central government of India, relief supplies were also contributed by state governments, especially of Punjab, Uttar Pradesh, West Bengal and Bihar. Complementing the efforts of the Government of Nepal was the work done by the local people and civil society -- these include a host of non-governmental organisations, religious institutions and other organisations.

It became clear in Nepal -- and we have seen this in other post-disaster situations as well -- that even in times of crisis, jingoism often defines the narrative in which both the help is given and received. The helper and the helped, both use nationalism, albeit for different purposes, to cope with the disaster and offer help; and these often clash. This was exemplified in Nepal: India's enthusiastic response and its attempts to highlight the role of the Indian state and military antagonized the host nation. Nepalis, who are active consumers of Indian media, felt that by showcasing



India's efforts while ignoring local efforts and resilience, India was making the disaster a publicity campaign and blowing its own trumpet.

Like in Myanmar, Pakistan and even India, response to disasters are framed by geopolitical constraints. When Cyclone Nargis hit Myanmar in 2008, its military junta refused to take aid from the international community, barring from a select few nations, like Bangladesh. Similarly, Pakistan and India react with hurt egoism when one offers aid to the other during times of desperate need. This was evident recently during the floods in Kashmir (on both sides of the border). In Nepal, the tussle played out not only in the usual manner between India and China, but also included Britain, the European Union and USA. The case of British 'Chinook' helicopters not being allowed entry into Nepal had much to do with the Nepali army's displeasure with the indictment of Colonel Kumar Lama in the United Kingdom over violations of human rights during Nepal's 1996-2006 civil war, rather than their lack of need on the ground.

The process of post-disaster relief in Nepal provides a number of illuminating insights into the complexities of responding to destruction on such a large scale. This article seeks to highlight some of these challenges and explore alternatives to the predominant bilateral nature of response, that is, between two national governments.



However, there are possible ways to move beyond jingoism and geopolitical constraints -- one is at the multilateral level of the South Asian Association for Regional Cooperation (SAARC)¹, and another being the mobilisation of CSOs in disaster preparedness and response. Both have their merits and constraints which are discussed in this article.

SAARC and Disaster Management

As organisations and states from across the globe rushed to help Nepal, SAARC was unfortunately absent from the field. While countries in South Asia forwarded aid and support, they did so bilaterally. Also on display was rich linkages between people of the region. And yet, as an organisation, the SAARC was largely unseen and unheard. But must it always remain so? Can it not step up to help and work on the mechanisms it has theoretically in place?

SAARC established the SAARC Disaster Management Centre (SDMC), a regional centre in New Delhi to provide "policy advice and facilitating capacity building services including strategic learning, research, training, system development and exchange of information for effective disaster risk reduction and management in South Asia." During the 15th SAARC Summit (2008) held in Colombo, the need to establish a mechanism to rapidly deal with natural disasters was voiced. This culminated in signing of the SAARC Agreement on Rapid Response to Natural Disasters (SARRND) during the 17th SAARC Summit (2011) in Maldives. The objective of SARRND "is to provide effective regional mechanisms for rapid response to disasters to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional cooperation." Yet this 'concerted' response was conspicuously absent after the Nepal earthquake.

People's SAARC (PSAARC) held a panel discussion on "Nepal Earthquake: Role of SAARC in Disaster Management and Reconstruction in South Asia" on 4th June, 2015 at the



India International Centre, New Delhi. The Panel discussed the possibility of SAARC being an active force in times of disasters. It was highlighted that individual countries of SAARC sent rescue teams and aid to Nepal, but SAARC as a collective body failed to respond due to bureaucratic shackles and lack of preparedness. SDMC sent a four member team to Kathmandu for documentation of the ongoing relief and rescue work in order to build research data to be used for a possible response in case of a disaster in the future. South Asia lacks capacity building and manpower to deal effectively with disasters. Therefore, there is a need to magnify the role of SDMC by linking it up with national governments and international bodies working in this field. Sheel Kant Sharma, former Secretary General of SAARC, put forth that the SAARC Development Fund and SAARC Food Bank are competent to provide humanitarian assistance. However, the nature of aid and assistance towards earthquake relief has been bilateral. Moreover, currently the decisions pertaining to SDMC are taken by the SAARC Secretary General, with prior approval from all the countries. This invariably delays the reaction time, especially given the urgency required for disaster response.

Civil Society's Humanitarian Approach to Disasters

One key aspect that was highlighted during the recent disaster response in Nepal was that almost all nations used

¹ SAARC was established in 1985, comprising of Bhutan, Bangladesh, Sri Lanka, Pakistan, Nepal, Maldives, India and Afghanistan (which later joined in 2007).



their military to respond to the crisis, adding to the geopolitical harangues and hassles. If, there was a non-governmental mechanism in place to facilitate aid and relief work, independent of the state (and its military), much of the problem with symbolism could be avoided. The challenge ahead for CSOs is to build a disaster response and preparedness mechanism that can avoid bilateral tussles and red-tapism.

Given the present political realities, it seems unlikely that CSOs can play the most active role in disaster response. However, they must play a leading role in disaster preparedness and knowledge sharing. In this case, CSOs from India, given their size and experience, must take the lead in bringing together experts and organisations from the region who can push their governments to learn from the collective experience of South Asia. For example, casualties due to cyclones decreased drastically in Bangladesh from 5,00,000 deaths in 1970 to 4,234 deaths in 2007. This can be attributed to defensive measures and communication systems set-up along the coastal areas. Yet, coastal regions of India continue to suffer from cyclones due to inadequate preparedness. There is no excuse not to learn from Bangladesh as to how it organised its disaster preparedness mechanism for cyclones. Similarly, experiences of disaster response to floods in Uttarakhand and Kashmir can provide disaster management solutions for Pakistan, Nepal and Afghanistan.

The consequences and impact of disasters are multilayered and affect different sections differently. The Nepal earthquake saw a rise in the volunteering spirit. Youth in Nepal joined the rescue and relief work in areas where the government and non-government agencies were unable to reach. The challenge before the voluntary sector is how it structures its response to meet varied demands across sections and social divisions. Only time will tell whether CSOs in the region limit themselves to work during the peak of the crisis, make an appearance and depart once the media attention to the crisis wanes, or do they stay for a long-term rehabilitation process. Due to shared borders between countries in South Asia, the impact of a disaster is usually shared by more than one nation. This holds the opportunity for the preparedness of such borders of



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countries for disaster response. For example, geographically it is more convenient and faster to deploy doctors and aid workers from Nepal in Uttarakhand and Bihar, rather than bringing in help from across India into disaster affected states; the same holds true in case of Tamil Nadu and Sri Lanka.

The PSAARC's Panel discussion highlighted the uniqueness of the civil society perspective-- which views every disaster as a humanitarian crisis. The Nepal earthquake magnified the vulnerabilities of the affected people, for example, there is a sharp increase in sexual assaults and trafficking of displaced women and children. The civil society's contribution is determined by their ability to address these vulnerabilities too, while upholding the democratic ethos at structural and functional level. Every disaster brings with it an opportunity for creation of something new-- it creates opportunities for local area economy and develops skill sets of people involved at every level of disaster



management. Therefore, the South Asian civil society has a major role to play in the post disaster reconstruction of Nepal.

The Way Ahead

After the rescue and relief phase, the rehabilitation process requires more efforts from national and international agencies. SAARC through SDMC and other regional centers can help in the long term rehabilitation process. Systematic inclusion of civil society in this process will have a wider people-to-people impact. Civil society from across the region can help limit jingoism and foster regional cooperation. Research and data sharing are other areas which will help in disaster preparedness. The launch of SAARC satellite by December, 2016 will also help in disaster monitoring and management at a collective regional level. However, it seems rather optimistic to hope that the SAARC, which is plagued with bureaucratic hurdles will react any differently in future than it does now. This is not to say that a regional institutionalised mechanism does not have its merits, but perhaps CSOs can play a larger role without the complementary constraints that come with SAARC and its regional framework.

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SAARC Disaster Management Centre website: <<http://saarc-sdmc.nic.in/home.asp>>



Organizational Profile: Concept Society

Eyeing our growth in all spheres in Madhya Pradesh the CONCEPT Organization was established in the year 2005. Situated priority in Indore and Dewas, the organization dispenses its services in areas in and around Indore. At present the organization is working in 5 villages of Dewas block in Dewas District & 10 villages of Mhow block of Indore division of M.P.

Focusing on an integrated, holistic & participatory approach the organization aims to provide socio-economic and psychological support to the rural people. Owing to changes in the social scenario, the organization is working in full confidence to bring overall development of the deprived. It is working in collaboration with Suzion Foundation Pune, Development Alternatives New Delhi, CASA New Delhi, etc. Organization has registration under Income Tax act 12A.

Inception of the Organisation

The need and importance of participatory approach of development and bottom to top approach has led to evolution of CONCEPT Sansthan. The organisation is meant to take all the stakeholders in the society together and march for transformation of the society into a developed one. The organisation was established in the year 2005. The area of operation of the organisation is primarily in the Districts of Indore and Dewas of Madhya Pradesh. At present the organisation renders its services to 5 villages lying under Dewas Block under District and around 10 Villages under Mhow Block under Indore Division of Madhya Pradesh.

The organisation focuses on an integrated, holistic and participatory approach leading to sustainable development of the poor and the marginalized belonging to all the sections of the society. The organisation provides social, economical and psychological support to the beneficiaries of its programmes and projects. The organisation through its collaboration with Suzlon Foundation-Pune, Development Alternatives-New Delhi, CASA New Delhi etc. has been working for both rural and urban development. The organisation has registration under Income Tax Act 12 A and organisation has received FCRA certificate.

Focus and Thrust Areas of Interventions

- Women Empowerment
- Livelihood Promotion

- Health, Hygiene & Nutrition
- Education
- Local Self Governance & Institutions Building
- Networking & Linkages
- Research, Documentation and publications

Vision Mission & Aim

Vision

To work on sustainable basis in economic, Social Development fields

Mission

Securing sustainable development.

Aim

- To work for women and child empowerment.
- To work for Sustainable livelihoods.
- To work on Human Rights especially women rights.
- To build People's Institution.
- To work for health, health education and awareness.
- To work for education and human resource development.
- To work for natural resource development.
- To work in various fields of research, training and documentation etc.
- To work for advocacy and networking.
- To provide technical assistance to CBO's and NGO's.

Approach and Strategy

- To conduct activities through integrated, holistic and participatory approach;
- To strike to achieve development of the people by adopting a strategy of Inclusive Growth for all and particularly for people who are losers in the process of Development;
- To empower in rural and urban areas who are suffering various kinds of atrocities;
- To play a critical role and facilitate promotion of institutional organisation and functioning which is pro-people; and
- To facilitate sharing of information, knowledge and expertise resulting in the backward and forward linkages to achieve the development of the targeted beneficiaries and boost community development.



Achievements

- Got FCRA Registration Certificate from Ministry of Home Affairs, New Delhi.
- The success and the achievements of CONCEPT SANSTHAN in the year 2009 -10 are not merely the various activities that it has undertaken in the last year but also the over all attitudinal changes it has brought among its beneficiaries and the community. The interventions of CONCEPT have aimed at Sustainable Development. The scale of networking and linkages by CONCEPT has developed from district level to state level and national level. In the year to come CONCEPT plans to enter into strategic partnership with international bodies for the greater welfare of the people.
- The construction of Hanuman dam situated at Palnagar was inaugurated on July 4, 2009. This dam will help to irrigate around 300 Bigha of land in the adjoining areas. This is a major achievement as the people will have access to better irrigation facilities and this will also help in getting more agricultural yields.
- A total number of around 48 SHGs have been formed and around 43 have been linked with the banks and the remaining SHGs are in process of getting linked. These SHGs have become an institution for socio economic empowerment of the women for the region.
- A series of Health Camps including checkups, awareness building, provision of free medicines, first aid etc have been conducted in last one year. A major camp was organized in collaboration with Ranbaxy. Similarly there have been several awareness camps in which the people of the targeted area were also explained about various indigenous medicines etc as a cost effective cure to simple ailments like cold, cough etc.
- The farmers have been given training to adopt organic farming techniques to increase their productivity, the process of selecting the right quality of seeds to boost productivity and the various measures to increase the agricultural productivity. Association with Krishi Vigyan Kendras has been playing a very instrumental role in the area of capacity building of the farmers for their greater productivity.
- Apart from traditional means and modes of communication of information like IEC material etc. The CEO of CONCEPT Smt. Hemal Kamat has been participating and sending the delegates from the organisation to participate in various civil societies meet and to express the solidarity of CONCEPT towards the common goal of attaining the welfare of the people.
- Several other forms of CBOs like the Youth Groups have

been formed and skill building of the youth has been undertaken to groom them and shape them so that they get some form of employment and the youth energy is transformed towards creativity.

- The women beneficiaries have seen a tremendous change in the socio-economic status after undergoing our livelihood up gradation programme. The income level of these women have increased they have received a new support, recognition and respect both in the family as well as in the society.
- The dominance and exploitation of the money lenders have come to an end because of the intervention of the saving, credit and thrift activities of the SHGs.
- The interventions of CONCEPT SANSTHAN have led to formation of an egalitarian society and has reduced gender based differences, inequality and atrocities towards the women. The men folk of the area of intervention have recognized the need and importance of gender based equality to evolve a happy family and life.
- All these interventions have led to formation of an empowered woman who in turn is involved in empowering the society.
- The villagers have become united and the institutions of local governance have been strengthened leading to an integrated development.
- This year has marked tremendous success in the area of development of linkages, network and collaboration with various district, state, national and international bodies. It is expected that this will help for further development of the poor people.
- CONCEPT SANSTHAN has been successful in accomplishing its Vision and Mission in a time bound manner.
- Today more than 500 women have been associated with CONCEPT in their march towards empowerment and sustainable development.
- Several Bighas of land has become irrigated by construction of the Hanuman Dam at Palnagar as illustrated in detail in the present report.
- Health Status of more than 750 women and children has improved through the various health based interventions carried out by CONCEPT during this period.

MILESTONES

Women Empowerment

Most Challenging is to organise the women against system. However, oppressed in every sense, economic empowerment of women transforms them into power agent of social change. Our milestones in Women Empowerment can be briefly mentioned as:-



- To empower women and associate them with main stream development of the society.
- Formation of SHG's in each villages that discusses on concerns like Money saving, women health, government schemes, income generation etc.
- Enlightening women on various existing social evils and developing a sense of empowerment, self dependence and self confidence through meeting.
- Training of adolescents girls on family planning, health, marriage, legal rights, environment etc. Giving them a respectable position in society.
- Holding meetings on International Day of Women (8th March) to create self awareness about women.
- Leather Article training to develop self dependence in women and sustainability development of SHG improving economic status of women.

Livelihood Promotion

Targeting at various dimensions of social system, livelihood promotion stands most effective in bringing socio-economic and psychological change in the people. Our milestones in Livelihood Promotion can be briefly mentioned as:-

- Consolidating women and strengthening their economic conditions by programmes like leather articles productions, stationary production and various skill development programmes.
- Natural resource development like soil and water conservation through constructing stop dam, farm field bonding and small structures.
- Agricultural development through organic farming, introduction of improved technologies, horticulture and kitchen farming.
- Live demonstration of organic farming on plots.
- Promoting activities like sapling plantation and forest conservation among people.

Activities and Projects

IBM International team select Concept Society as partner of CSC program

To help Concept Society develop a plan for its Women's Resource and Training Centre by doing a needs assessment questionnaire and interviewing some surrounding manufacturing, industrial and corporate concerns as to the type of trained employees they will need so that Concept Society can create training programmes that will result in employment for its women. Based on findings, create a project plan for the Centre that includes ideas for services, technology, resources and staffing along with an appropriate business plan based on decided financial model.

Formation of SHGs

Formation of SHGs for facilitating members self sustenance, promotion of open membership, equal partnership, participatory decision, entrepreneurial skill building among the socio-economic backward classes of women have been the thrust of CONCEPT Sanasthan. Though SHGs are informal association of women with maximum 20 in number; they learn collectively the micro level business of saving and credit through regular meetings and business transaction. They learn to mobilize the investment through setting common objectives and goals through evolving, rules regulations and duties for savings, lending, group meetings, and interest on loans, penalties on defaulting the group activities.

CONCEPT has enhanced the capacity of the SHG members through organizing trainings where self governance, gender issues, poverty alleviation, participatory decision making process etc have been the thrust area. The trainings have focused on self and social development. The trainings also helped the members to see a new avenue of bank linkages and its benefits with a view to be liberated from clutches of Money lenders. During the project period in the last financial year the number of SHGs formed has risen to 48. 54

Health Hygiene and Nutrition Camps

Health Hygiene and Nutrition Camps: The people and specially the women of this region lack health awareness, the nutrition requirement, other health and hygiene related factors. Hence the following programmes were organized towards the felt need of the people. Health camps have conducted in the villages of Nagda, Bhangad, Rajoda, Baloda, Karnakhedi, Bhangarh, Palnagar, Rajeev Nagar Anwatpura etc. The aim was to facilitate better health care to these vulnerable people. Street plays, and other local and traditional communication systems were used to create awareness on health and hygiene related matters.

Education and Awareness

The growth of education and literacy among the people is the outcome of the activities and programmes of CONCEPT. Moreover, the organization has conducted widespread programmes for awareness for education in the region of Dewas and Mhow. Tara Akshar Programme, a computer based literacy programme was conducted in Dewas. This programme aimed to teach illiterate people to read and write Hindi in 35 days. The students attended 100 minutes classes a day. This has been very effective method of learning.



Civic Amenities

The area of intervention of CONCEPT faces multiple problems like poor status of civic amenities, poor drainage and sewerage system, poor ventilated dwellings, lack of hygienic and clean drinking water facilities, etc. This scenario made CONCEPT to take up the issue of providing better civic amenity to the targeted people. Seeing the urgent need to make people more aware about the environment and the need to lead a healthy and hygienic life CONCEPT has undertaken a series of intervention under the above stated thematic area. The organisation has undertaken several soil and water conservation activities to improve the condition of the people of the area and provide them a good quality of life.

Formation of VDCs

CONCEPT SANSTHAN has formed 7 VDCs and monthly meetings of these VDCs are held in each of these villages covered under our intervention. Some of the key issues that are discussed in the VDCs are as follows:-

- Discussion & preparation for tree plantation on World Environment day.

- Oath taken for plantation of trees
- Discussion on depleting water level.
- Awareness against habit of smoking.
- Discussion on water shortage
- Cattle vaccination to be done in June.
- Discussion on health and hygiene in immediate surrounding
- Discussion on Farm field bunding.
- Discussion on ways to conserve water.

Networking and Linkages

CONCEPT SANSTHAN has got a very good networking and linkages both at micro as well as macro level. It works by adopting participatory approach of development. Various types of village block and ward level information is collected from different government, non – government and research based institutions. The information is also collected from the District Statistical Office, Revenue Department, Collectorate, Zila panchayat, janpad Panchayat, Village Panchayat, Municipal Corporation, nagar Nigam etc.

News You Can Use

UK aid watchdog criticises DfID over partnerships with private sector

http://www.theguardian.com/global-development/2015/may/21/uk-aid-watchdog-dfid-public-private-partnerships-icai?CMP=share_btn_link

Foreign funding for NGOs: After inputs from IB, PMO tells Home Ministry to tighten FCRA regulations

http://economictimes.indiatimes.com/articleshow/47521262.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

NGOs on notice: Getting to the bottom of the foreign funding tangle

<http://www.livemint.com/Politics/z08TvmjW6PLZCReFNHj0fK/NGOs-on-notice-Getting-to-the-bottom-of-the-foreign-funding.html>

NGO licence in limbo? Move court

<http://www.livemint.com/Politics/n6kWS9YLwE5u3ucycqqlcK/NGO-licence-in-limbo-Move-court.html>

Foreign Contributions Regulation Act: Old wine in new bottle

<http://www.livemint.com/Politics/FBu1oorpKQ6Qg6TgcBlkOP/Foreign-Contributions-Regulation-Act-Old-wine-in-new-bottle.html>