

Sh. Anil Gowsami ji
Hon'ble Secretary
Ministry of Home Affairs
Government of India

Dear Sh. Anil Goswami ji

I am writing this appeal on behalf of Voluntary Action Network India (VANI), which is the apex body of Indian Voluntary Development Organisations. We had interacted with you during your tenure as the Additional Secretary (Home), while preparing the rules of the Foreign Contribution Regulation Act (2010), as well as designing the regional outreach workshops on FCRA with Ministry of Home Affairs.

We are quite disturbed and pained due to the recent development, wherein unnecessarily sensationalism was created due to leak of so called "secret" report of Intelligence Bureau. If you remember, VANI always speaks up for law-abiding voluntary organisations and has always stood for the just and impartial implementation of FCRA. **We strongly believe that FCRA is very clear about the source and permissible ways of expenditure. Those who follow the law do not deserve to be maligned by such official or un-official leaks.** We have also seen that various conclusions have been floated by people who have no idea what FCRA actually is. We know that it is not in our hands to run media campaign to put our side of the story but we bank on the wisdom of senior officers like you to do the justice by reinforcing the need of implementation of FCRA in its true spirits and avoid needless mudslinging on the voluntary sector as a whole. Believing the fact that the prime objective of MHA is to improve the implementation of the FCRA, we would like to submit the following suggestions. Most of these suggestions have come out of series of outreach workshops which VANI has conducted along with MHA or otherwise with numerous FCRA registered organisations in India. If even some of them are implemented, we are sure that it will be less painful for both MHA and VOs in India.

Issue 1: Only half of NGOs registered under FCRA submit their report.

It is always accused in media that only half of the NGOs registered under FCRA submit their annual returns to MHA. One journalist even went to the extend by blaming that since there are 3.3 million NGOs, as projected by CSO study only 2% file return. There is need to update the data of FCRA department.

Suggestions:

1. While leaking such report with media, the MHA must also educate the media that **not all registered as Non-Profit can receive foreign funds unless registered with FCRA department.** So, statements like 2% are absolutely wrong interpretation of the law.
2. Since there is no provision of surrender of FCRA there are many organisations that have FCRA number but not using it. **So it is important that**

FCRA department should introduce a provision where organisations who don't need foreign funds can surrender FCRA. Like this true picture will emerge.

3. FCRA department should **weed out organisations** who have not submitted their returns for last three years.

4. FCRA department does not provide any acknowledgement of receiving the annual return. The organisations only have receipt of speed post to prove that they have submitted their return. **We strongly suggest that once return is received by the FCRA department it must give a receipt / acknowledgement to the organisations.**

5. The FCRA department must **up-grade its website and promotes "online" submission of returns.** This will also help in renewal of FCRA registration in 2016. A helpline needs to be activated so that organisations facing problems with password, submission/ upload of return can get timely support.

6. Change of address is another issue of confusion. Even though organisations apply for the change of address in approved format, but the ultimate responsibility lies with the organisations to see that address is changes. It seems quite frustrating and illogical. The department where entry of VOs is not allowed with proper appointment and which also entertains organisations from all over India; it becomes very difficult for the organisations to be responsible for the action of FCRA department. **So we suggest that address must be changed once the filled Performa is submitted, or provide access to the organisations so that they can change their address.**

Issue 2: Unaccounted delays and helplessness of VOs:

Since most of the procedures of FCRA are dealt with secrecy, it becomes very important that the department also becomes accountable to its liabilities as per the provisions of FCRA rules. As VOs don't have access to the information about the progress and the development of the cases, it many times leads to the harassments and corrupt practices.

Suggestions:

1. It will be appreciated if FCRA department can come out with a **time schedule within which the applicants will get response to their requests.** This may include new registration, information about bank details, change of address or enquiry of field investigation, etc. Most of time people get no definite answer from the department, which leads to agents floating around to facilitate this process.

2. This is the only law in India, where **punishment starts even before investigation.** The first action which FCRA department takes is freezing of FCRA account, and investigations takes years to complete. Even if law says that is has to complete in 90 days, it takes years and reaching no result. **We feel that such field investigations should be completed within the stipulated time. One cannot punish an innocent unless prove guilty.**

Issue 3: Communication with FCRA Holding Organisations

Rather than talking to FCRA registered organisations through media, we will prefer direct conversation. For the last few years we have seen that so called “secret” reports are being leaked to selective media by giving sensational headlines. Such leaks hamper the relationship between MHA and VOs, and spoil the public image of whole sector.

Suggestions:

1. We prefer **rather than talking through the media, a mechanism should be evolved for a VO-MHA dialogue.** The “Regional Outreach Workshops” are a very constructive step taken by the ministry for a two way communication. Similar dialogue processes could be organized at Delhi level also.

2. Mutual exchange of concerns can take place at regular basis wherein VOs and MHA can discuss the procedures to improve the reporting of FCRA. This procedure has already been recommended by the **‘National Policy of Voluntary Sector’.**

3. MHA can make its **website more interactive** to share the information and solicit the suggestions from the voluntary organisations.

Last but not least we would like to request the Ministry of Home Affairs, to be careful while releasing information on FCRA, officially and un-officially so that it does not spoil the image of sector as a whole, because we believe that it also the responsibility of the Ministry to take care of the organisations which follow the law in its true spirits. We must avoid un-necessary sensationalizing of issues based on incomplete information. The voluntary development organisations also deserve a chance to speak about their side.

Sir, I am sure that you will understand our problem and exercise your discretion to contribute towards strengthening the genuine law abiding organisations.

Regards,

Harsh Jaitli,
Chief Executive Officer
Voluntary Action Network India (VANI)