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Ms. Gina Romero
UN Special Rapporteur on the Rights
to Freedom of Peaceful Assembly and
of Association
Office of the United Nations High
Commissioner for Human Rights

Subject: Proposed Amendment to India's Foreign Contribution (Regulation) Act (FCRA)
and its Impact on Civil Society and Freedom of Association

Madam Special Rapporteur,

I am writing to draw your attention to a proposed amendment to India's Foreign Contribution (Regulation) Act (FCRA), introduced before the Lok Sabha on 25 March 2026. While presented as a technical reform of the framework governing foreign funding for non-governmental organisations, the proposal raises significant concerns regarding freedom of association, freedom of religion, legal certainty, and the protection of civil society organisations.

The proposed amendment would create a new "Designated Authority", appointed by the Government of India, to which foreign contributions and assets financed through such contributions could be transferred when an organisation's FCRA registration is cancelled, surrendered, or not renewed. These assets may include buildings, vehicles, educational infrastructure, medical equipment, and other property acquired over many years of charitable activity.

Under the proposal, the Designated Authority would be granted extensive powers to administer, transfer, reallocate, or dispose of such assets. In certain circumstances, the assets could ultimately be sold, with the proceeds transferred to the Consolidated Fund of India. The proposal also appears to extend to organisations whose registrations expired or were cancelled prior to the entry into force of the amendment, thereby raising concerns regarding legal certainty and retroactive effects. The proposal has prompted strong criticism from civil society organisations, religious leaders, and legal experts.

The reform is particularly troubling in light of the broader evolution of the FCRA regime. Since 2017, thousands of organisations have lost their registrations, while many others have seen their ability to operate significantly restricted. According to data published by the Indian Ministry of Home Affairs, approximately 22,000 registrations have been cancelled and nearly 15,000 are currently listed as expired.

Christian institutions, that play a substantial role in education, healthcare, humanitarian assistance, and social development throughout India, have been disproportionately affected. Organisations such as the Missionaries of Charity, World Vision India, the Church's Auxiliary for Social Action (CASA), and the Evangelical Fellowship of India have all faced difficulties under the FCRA framework in recent years. Many observers fear that the proposed amendment would further weaken the ability of such organisations to pursue their charitable and social missions.

These developments raise serious concerns in light of India's obligations under international human rights law, including Article 22 of the International Covenant on Civil and Political Rights, which protects freedom of association. The right of associations to access funding, including foreign sources, is an integral component of freedom of association as interpreted under international standards.

In April 2016, the former Special Rapporteur on freedom of assembly and association, Maina Kiai, concluded in a legal analysis that the FCRA failed the test of necessity and proportionality under international law. Two months later, in June 2016, three Special Rapporteurs jointly called on India to repeal the Act: the Special Rapporteur on human rights defenders, on freedom of expression, and on freedom of association. However, the proposed 2026 amendment would significantly extend the risks already identified by your predecessors.

In light of the above, we respectfully invite you to:

- Consider issuing a communication to the Government of India regarding the proposed amendment and its compatibility with international standards on freedom of association;
- Assess the broader FCRA regime in light of the right of civil society organisations to access resources, including from foreign sources;
- Include the situation of civic space in India in your forthcoming reports to the Human Rights Council and the General Assembly.

We would be grateful for the opportunity to discuss these concerns with you or your cabinet and remain at your disposal to provide any further information.

Yours sincerely,