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Ms. Mairead McGuinness
Special Envoy for the Promotion
of Freedom of Religion or Belief
(FoRB) outside the EU

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

Dear Ms. McGuinness,

The European Centre for Law and Justice (ECLJ), a non-governmental organisation holding special consultative status with the United Nations, has been defending human rights, in particular freedom of religion and belief, for nearly three decades in Europe and worldwide. 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 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 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. These measures have affected a wide range of organisations, including several major Christian charities and development agencies.

Christian institutions play a substantial role in education, healthcare, humanitarian assistance, and social development throughout India. 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.

The proposal has prompted strong criticism from civil society organisations, religious leaders, and legal experts. It has also revived concerns previously expressed by United Nations Special Rapporteurs regarding the compatibility of the FCRA framework with international standards relating to freedom of association and civic space.

The European Union and India are strategic partners bound not only by shared interests, but by shared commitments. Article 1 of the 1994 EU-India Cooperation Agreement explicitly establishes respect for human rights and democratic principles as a founding condition of the bilateral relationship, not a peripheral consideration. In this context, developments affecting the functioning of civil society and the enjoyment of fundamental freedoms deserve close attention.

In this context, we respectfully encourage you to:

- Engage with Indian authorities to raise concerns regarding the amendment's impact on faith-based civil society and freedom of religion or belief;
- Coordinate with the EEAS and the EU Delegation in New Delhi to ensure these concerns are reflected in the EU–India Human Rights Dialogue;
- Assess the reform's compatibility with India's international obligations on freedom of religion, freedom of association, and non-discrimination;
- Encourage Indian authorities to ensure any foreign funding regulation remains proportionate, non-discriminatory, and respectful of fundamental rights.

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,