



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34294 of 2025

***Utkal Jyoti Educational
Society, Jharsuguda***

....

Petitioner

*Mr. Sidhartha Ray,
Senior Advocate along with
Mr. K.K. Sahoo, Advocate*

-versus-

***Joint Director (FCRA),
Ministry of Home Affairs,
Foreigners Division,
MDCNS, India***

....

Opp. Party

Mr. P.K. Parhi, D.S.G.I.

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE S.S. MISHRA

ORDER

08.12.2025

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Sidhartha Ray, learned Senior Advocate appearing for the petitioner and Mr. P.K. Parhi, learned Deputy Solicitor General of India appearing for the opposite party.

This writ petition has been filed by the petitioner Utkal Jyoti Educational Society, Jharsuguda challenging the orders dated 20.01.2023 and



21.05.2025 passed by the Joint Director (FCRA), Government of India, Ministry of Home Affairs, Foreigners Division, the opposite party under Annexures-1 and 2 respectively.

The factual scenario as it appears that the petitioner society/association was granted registration certificate on 10.11.1990 under Society Registration Act and accordingly, it was registered under the Foreign Contribution (Regulation) Act, 2010 (hereinafter, 'FCRA Act') and it is stated that the association was engaged in administering the Educational and Training Institutions and related establishment and to conduct training courses, seminars, lectures, discussions for students, teachers, social workers, technicians and other personnel for the staff of colleges, high schools, middle schools in the matters theoretical and scientific pertaining to diffusion of such knowledge, mass communications and related subjects for all classes of people, without distinction of caste or creed and to give award, scholarships, diplomas and certificates in respect thereof. It is stated that the petitioner was receiving the renewal of registration under FCRA Act time to time granted by the Ministry of Home Affairs, Foreigners and by order dated 05.08.2016 of the Director, FCRA, Foreign Division, the renewal of



registration was made for a period of five years. When the petitioner association submitted an application for renewal of the certificate in the prescribed format on 22.04.2021, the opposite party refused to renew the certificate holding that the petitioner society is likely to violate the provisions of the FCRA Act, which according to the petitioner was made purely on conjecture and surmises. It is the case of the petitioner that the allegation of the central security agency was never confronted to the petitioner society to raise its objection, which is in violation of principle of natural justice.

Against the refusal order dated 20.01.2023 for renewal of the application, the petitioner association filed a revision application under section 32 of the FCRA Act on 15.02.2023 and the Revisional Authority also rejected the application which according to the petitioner was illegal and arbitrary.

Mr. Ray, learned Senior Advocate appearing for the petitioner placed us provisions under section 11 and section 12 of the FCRA Act so also section 16 of the FCRA Act, which deals with renewal of the certificate. According to Mr. Ray, section 16 of the FCRA Act prescribes that every person who has been granted a certificate under section 12 can have such certificate renewed within six months before the



expiry of the period of the certificate.

In the case in hand, since the certificate was issued in favour of the petitioner association and the renewal was last granted on 05.08.2016 for a period of five years, the petitioner applied for renewal on 22.04.2021, which was in consonance with section 16(1) of the said FCRA Act.

Learned counsel for the petitioner further submits that though the proviso to sub-section (1) of section 16 of the FCRA Act states that the Central Government before renewing the certificate can make such inquiry, as it deems fit, to satisfy itself that such person had fulfilled all the conditions specified in sub-section (4) of section 12 of the FCRA Act, but in the case in hand, when the inquiry was conducted and inquiry report has been prepared and it has gone against the petitioner, a copy of such inquiry report should have been forwarded to the petitioner to have his say on the matter and without giving opportunity to the petitioner and without furnishing a copy of the inquiry report to the petitioner, the impugned order has been passed by the Authority in refusing to renew the application, which is illegal and liable to be quashed.

On a perusal of the impugned order under Annexure-2 where detailed reasons have been



mentioned, we find that in the instant case, the inquiry report has come that the acceptance of foreign contribution by the petitioner NGO was likely to violate the provisions contained under section 12(4) of the FCRA Act as the organization is aggressively pursuing its agenda of inclusion of Sarna as separate religion in Indian Constitution, which may lead to law and order incident in future. The acceptance of FC under the FCRA Act is likely to create faction among the non-Christian tribals as the organization has been mobilizing the tribals for a movement in support of their demand for inclusion of Sarna as a separate religion in Indian Constitution, as a result of which law and order incident cannot be ruled out in future. Therefore, it has been held that in view of the provision under section 12(4) of the FCRA Act that the person is not likely to use the foreign contribution for personal gains or divert it for undesirable purposes, or to affect public interest and harmony between religious, racial, social, linguistic, regional groups, castes or communities, accordingly, the Competent Authority decided to deny the renewal application of the petitioner association. However, it has been held that the petitioner association may apply for fresh registration on fulfilling the eligibility criteria as per the extant Act and Rules.



Mr. Ray, learned Senior Advocate placed reliance on the order dated 12.09.2023 passed by a coordinate Bench of this Court in the case of ***M/s. Asha Kiran Charitable Society -Vrs.- Secretary to the Government of India, Ministry of Home Affairs, Foreigners Division (FCRA Wing), New Delhi (W.P.(C) No.17524 of 2022***), wherein it is held as follows:-

"11. We have meticulously appreciated the field enquiry report and the purported evidence of the Opposite Party. We are persuaded to hold on such scrutiny that no reason, supported by reliable evidence, has been provided to this Court to justify the action taken by the Opposite Party by refusing the renewal of the FCRA certificate vide Annexure-1 and as consequence of our opinion, we strike down the decision of the Opposite Party for not renewing the FCRA certificate. We would direct to the Petitioner to reconstitute the Society in terms of and for purpose of Section 17A of the Foreign Contribution (Regulation) Rules, 2011 and submit Form FC-6E afresh to the Opposite Party preferably within a period of 30 days from today. After receipt of such



application, the Opposite Party shall consider the matter expeditiously in terms our observations as made above. Such exercise shall be completed by the Central Government within a period of another one month from the date of receipt of the application in the statutory form. Form FC-6E, as may be filed by the Petitioner, shall be treated as part of the Form-FC-6E as filed earlier. The process in which the impugned order has been passed will be treated as pending for decision of the authority. No new material shall be considered by the Central Government and renewal shall be considered from the date when the former FCRA registration had expired in order to maintain the continuity of the FCRA registration."

In the said case, the petitioner was engaged in charitable activities and they were running a special school for the mentally challenged persons for giving them training towards holistic development by early intervention, behavior modification, psychological, physical and vocational training and for bringing them up as dignified human beings.

However, in the case in hand, when the inquiry



report has come that the NGO is likely to violate the provisions contained under section 12(4) of the FCRA Act and the organization is aggressively pursuing its agenda of inclusion of Sarna as separate religion in Indian Constitution and the same may lead to law and order situation in future and is likely to create faction among the non-Christian tribals as the organization has been mobilizing the tribals for a movement in support of such demand for inclusion of Sarna as a separate religion in Indian Constitution, we are of the view that the inquiry report, which has been submitted in the said case as pointed out by the learned counsel for the petitioner and in the case in hand, are totally different.

We are of the view that there is no dearth of power with the Authority concerned not to renew the certificate, in fact, the learned Deputy Solicitor General of India has rightly brought to the notice of this Court the second proviso to sub-section (3) of section 16 of the FCRA Act, which shows that the Central Government may refuse to renew the certificate in case where a person has violated any of the provisions of this Act or Rules made thereunder.

Therefore, what has been found in the inquiry report, we are of the view that the Authority is quite justified in passing the impugned order and there is



no illegality in the same. The inquiry report contains the findings of security agency and such a report was perhaps not given on grounds of interest of State or National Security. Moreover, the petitioner has been given to apply fresh for registration and needless to say that even if this renewal application has been rejected, if the petitioner applies for fresh registration and the association meets all the eligibility criteria as per extant Act and Rules, the Authority can consider the case of the petitioner without being influenced by the earlier rejection of the revision application.

Accordingly, we find no merit in the writ petition, which stands dismissed.

Urgent certified copy of this order be granted as per rules.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge