

# **India: Lawyers Collective and trustees express shock at CBI's FIR against them**

"An attack on the right to free speech and expression; an attack on the legal profession"

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**THE Lawyers Collective ("LC") and its Trustees have express shock and outrage at the action of the CBI in registering an FIR against them, describing it as an attempt by the government to silence them for the cases and issues that they have taken up and continue to take up since 2016.**

## Contents

- [An attack on the legal profess](#)
- [No basis in MHA's allegations](#)

"The FIR is solely based on proceedings under the Foreign Contribution Regulation Act, 2010, ("FCRA") in which orders for suspension and cancellation of LC's registration to receive foreign funding were passed by the Ministry of Home Affairs ("MHA") in 2016, which LC has challenged before the Bombay High Court. The Appeal is pending," a statement issued by LC and its trustees, including its founding members Anand Grover and Indira Jaising said.

Pointing out that the FIR had been registered after a petition was filed in the Supreme Court by one 'Lawyers Voice' comprising lawyers affiliated to the BJP, including a Mr Neeraj who was the head of the Legal Cell of the BJP in Delhi, the statement said that the LC had reason to believe that its officer bearers were being personally targeted for speaking up in defence of human rights, secularism and independence of the judiciary in all fora, particularly in their capacity as senior lawyers.

## **An attack on the legal profession**

"LC sees this as a blatant attack of the right to representation of all persons, particularly the marginalised and those who dissent in their views from the ruling establishment. It is also an attack on the right to free speech and expression and an attack on the legal profession as such.

"The right to legal representation is a guaranteed fundamental right under the Constitution of Indian and is part of the jurisprudence of every civilised country of the world," the statement said, while expressing surprise that notice had been issued in the petition filed against the LC by an organization that had no income or PAN card, a mandatory requirement for filing a PIL.

"In the recent past, office bearers of LC have represented activists detained in the Bhima Koregaon case and other politically sensitive cases such as that involving the Police Commissioner of West Bengal, Rajiv Kumar. LC's Trustees have also been vocal on the subversion of due process of law in the matter of the alleged sexual harassment of a former employee of the Supreme Court of India,

while not commenting on the merits of the case,” the LC said.

### **No basis in MHA’s allegations**

Referring to the FCRA proceedings, they said that even at that time, the LC had pointed out that the proceedings were taken against it because its office bearers had taken up sensitive cases against the leading figures of the BJP and the Government of India, including Amit Shah, the present Home Minister, in the Sorabudincase, amongst others.

“There was no basis in MHA’s allegations of violation of the FCRA. For example, apart from the fact that there was no prohibition under the FCRA for Ms Jaising to receive remuneration from LC for her work on women’s rights, which is well-known and in the public domain, the said remuneration was being paid before she became ASG and continued during and after her tenure in that capacity, with the permission of the Competent Authority i.e. the Ministry of Law and Justice the Law Minister under the Law Officers (Terms and Conditions) Rules, which has been admitted by the MHA. This can hardly be the basis of alleged offences under the Prevention of Corruption Act. Similarly, official expenses reimbursed to Mr Anand Grover were permissible under the FCRA. All such submissions were simply ignored by the MHA.”

“There has been no change in circumstances or material on record since 2016 and hence, the question arises what has changed between 2016 and 2019,” the LC statement asked while asserting that they would defend themselves “in accordance with the law in every forum”.

### **The Leaflet**

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• The Leaflet, June 18,2019:

<http://theleaflet.in/lawyers-collective-and-trustees-express-shock-at-cbis-fir-against-them/>