

11 July 2019

STATEMENT

INDIA: BAR HUMAN RIGHTS COMMITTEE EXPRESSES SERIOUS CONCERN THAT THE RAIDS ON INDIRA JAISING AND ANAND GROVER FORM PART OF A PATTERN OF HARASSMENT AND INTIMIDATION DIRECTED AGAINST CIVIL SOCIETY ORGANISATIONS AND HUMAN RIGHTS DEFENDERS.

The Bar Human Rights Committee of England and Wales (BHRC) writes to express its alarm and concern at the raids conducted by the Indian Central Bureau of Investigation early this morning at the homes and offices of Senior Advocates Indira Jaising and Anand Grover in New Delhi and Mumbai. We understand this follows the filing of a complaint by the Ministry of Home Affairs on 15 May 2019 alleging receipt of foreign aid in violation of the Foreign Contribution (Regulation) Act (FCRA).

Indira Jaising and Anand Grover are prominent human rights lawyers and co-founders of the Lawyers Collective, an NGO which conducts public interest litigation for some of the most marginalised and vulnerable communities in India. Ms Jaising and Mr Grover have a long, honourable and globally recognised history of defending human rights at both a domestic and international level. BHRC is seriously concerned that that the raids form part of a pattern of harassment and intimidation directed against them and their organisation, which reports suggest may be motivated by political grounds.

On 1 June 2016 a six-month suspension order was placed on the registration of the Lawyers Collective on the grounds that it had violated the FCRA. We refer back to our statement of 22 June 2016 in which we called on the Indian government to take steps to repeal or amend the FCRA, noting that we considered the Indian government is using the legal regulatory framework on NGO registration to pursue organisations with whom it disagrees. We also called upon the Indian Government to immediately lift the suspension. The registration was cancelled in November 2016, but the decision remains under appeal in the Bombay High Court.

The FCRA regulates the acceptance and use of foreign assistance and prohibits it in relation to activities deemed “detrimental” to the Indian national interest. Its broad and vague definitions lend themselves to a disproportionate application to the purported goal, and BHRC concurs with the criticisms of the law made by three UN Special Rapporteurs in June 2016.

BHRC Chair, Schona Jolly QC, said:

“We consider that there is considerable evidence that the FCRA is being misused and exploited to narrow the space for civil society activists and human rights defenders in India whose goals may differ from those of the government. Today’s raids on such esteemed human rights lawyers and defenders appear to form part of an egregious pattern of intimidation and has the hallmarks of a political attempt to silence critical activism and work.”

BHRC is amongst other organisations who are deeply critical of the FCRA, which fails to comply with international norms and standards. In particular, the right to access funding is an essential component of the right of freedom of association which is protected by Article 22 of the International Covenant on Civil and Political Rights, to which India is a party.

The receipt of foreign funding is often vital for the critical work pursued by human rights and civil society organisations, including to hold governments to account; restrictions on such funding often lead to an unsafe and oppressive environment for them, and to their wider work and contribution to society. The United Nations Human Rights Committee has repeatedly expressed concern over restrictions on foreign funding as an impediment to the rights to freedom of association and expression.

BHRC again urges the Indian government to take immediate steps to repeal or amend the FCRA and to ensure that the work of human rights lawyers and defenders, including Ms Jaising and Mr Grover and the work of Lawyers Collective, is not impeded through disproportionate and unnecessary obstacles.

ENDS.