

STATEMENT OF LAWYERS COLLECTIVE AND ITS TRUSTEES ON THE CBI FIR

18 June 2019

The Lawyers Collective ("LC") and its Trustees including founding members - Anand Grover and Indira Jaising express shock and outrage at the action of the CBI in registering an FIR against them. 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.

Even at that time, LC had pointed out that the FCRA 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 Mr. Amit Shah, the present Home Minister, in the *Sorabbudin* case, amongst others.

LC had further pointed out that 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 PC ACT. Similarly, official expenses reimbursed to Mr. Anand Grover were permissible under the FCRA. All such submissions were simply ignored by the MHA. That is why an appeal was filed in the Bombay High Court which passed interim orders noting that the allegations made by the MHA were vague.

For nearly two and half years, the CBI, functioning under an NDA regime did not think it fit to register any criminal cases against LC and/or its office bearers, since there was no criminality involved. 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. There is no material to show that any of the provisions invoked under the under the IPC, PC Act have any basis.

The FIR has been registered after a petition was filed by one 'Lawyers Voice' in the Supreme Court. The said Lawyers Voice comprises lawyers affiliated to the BJP and its main protagonist is Mr. Neeraj is the head of the Legal Cell of the BJP in Delhi. The organization claims it has no income and no PAN card, a mandatory requirement for filing a PIL. When the Petition was filed the LC pointed out in a press statement that the petition did not have the basic averments of a writ petition under Article 32 of the Constitution, and therefore was not

maintainable. LC expressed surprise at the fact that notice was issued at all in the said Petition.

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.

LC has reason to believe that its office bearers are 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 in Court. 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 in 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 India and is part of the jurisprudence of every civilised country of the world.

LC states that the FIR has no basis in fact and in law. It has been filed to target the organisation and its office bearers and to silence them for the cases and issues that they have taken up in the past and continue to take up since 2016. LC is seeking competent advice and will defend themselves in accordance with law in every forum.
