



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

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CBI raids on Lawyers Collective undermine the proceedings before the High Court of Bombay and National Human Rights Commission

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Human Rights Defenders Alert – India (HRDA) strongly condemns the Central Bureau of Investigation (CBI) raids at the residence and offices of senior advocates Anand Grover and Indira Jaising. At around 05:00 AM on July 11, 2019, CBI commenced the raids in New Delhi and Mumbai. The CBI had filed the First Information Report (FIR) against Anand Grover and other unnamed functionaries of Lawyers Collective on June 13, 2019.

It is pertinent to mention at the onset, that the CBI FIR was solely based on a 2016 report of Ministry of Home Affairs (MHA) which is challenged in the High Court of Bombay by the Lawyers Collective. Filing of criminal charges while the matter is under consideration by the high court was a blatant misuse of its agency (CBI) by the Government of India to target critical human rights work undertaken by Lawyers Collective and its functionaries, often involving sensitive cases against Indian ministers and senior officials of the ruling political party. Now the raids by CBI are only towards further harassing and intimidating them and other human rights defenders in India. Such actions by the government are contrary to its pledge at the UN Human Rights Council and its obligations and commitments under several international human rights treaties and declarations.

On the filing of criminal charges against Anand Grover and functionaries of Lawyers Collective, [HRDA had approached the National Human Rights Commission](#) (NHRC) on June 19, 2019. The NHRC had passed directions in the said case on June 21, 2019, directing the CBI for *“the present status of the investigation in the matter within 4 weeks”*. Exactly after three weeks of this NHRC direction, the CBI conducted the raids. It is important to note here that the MHA wrote to the CBI on May 15, 2019, *“for further investigation as per law”*, however, the CBI without any investigation, filed criminal charges against Anand Grover and functionaries of Lawyers Collective on June 13, 2019 and followed this with the raids on July 11, 2019. The sequence of events speaks volume of the malafide intentions of government and CBI directed and the raids are only to restrict any NHRC intervention in this matter.

Lawyers Collective has advocated for advancing the rights of the most vulnerable and marginalised sections of Indian society, thereby upholding constitutional values as enshrined in the Indian Constitution. Anand Grover and Indira Jaising are senior advocates with an exceptional profile of public service, probity and personal and professional integrity as lawyers and as human rights defenders. Anand Grover was the UN Special Rapporteur on Right to Health between August 2008 – July 2014. Indira Jaising was an Additional Solicitor General of India between July 2009 – May 2014 and a member of the UN Committee on the Elimination of Discrimination Against Women between 2009-12.

This is not an isolated event, rather a pattern reflecting the approach of the government towards non-governmental and civil society organisations, especially those who are critical of the government.

The present action of the CBI is in complete violation of India's international obligations under the UN Declaration on Human Rights Defenders, 1998. Following from the spirit of the 1998 declaration, the government including its functionaries should show utmost respect and realise their role and responsibilities in protection of defenders and effective implementation of the UN Declaration on Human Rights Defenders.

It is noteworthy that back in 2016, United Nations Special Rapporteur on Freedom of Assembly and Association, released an analysis of the FCRA clearly highlighting that "*India's Foreign Contributions Regulation Act (FCRA 2010) – which regulates foreign funding to individuals, associations, and companies – does not conform to international law and standards*". The analysis states that access to foreign funding is well within rights under international law. The Special Rapporteur in its power urged the Indian government to approve accreditation to the organisations under FCRA whose licenses were revoked.

The current raids being conducted by the CBI is nothing but a vendetta, brazen abuse of power and exemplary show of vindication, sending out a message to the masses for the repercussions of dissent against the government in power. They undermine the pending proceedings before the High Court of Bombay and NHRC. HRDA desists the unjustified use of power against two of the most notable figures, protecting and preserving the constitutional values and the foresight of its framers. It is nothing more than a shameful show of power and another technique of the government to ensure coercive compliance, throttling dissent and activism in the Indian democracy.

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