

## India: Restore the licence of Lawyers' Collective, and Repeal FCRA

(Bangkok/Kathmandu, 13 December 2016) – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns the permanent cancellation of the license of the Lawyers' Collective by means of the Foreign Contributions Regulations Act (FCRA, 2010) by the Ministry of Home Affairs of India, and calls for the immediate withdrawal of the cancellation order.

The Lawyers' Collective is a non-governmental organisation run by Indira Jaising, a noted senior lawyer from India, who is known for advancing women's rights, and the rights of people living with HIV and other marginalised groups. In June 2016, the licence of the Lawyers' Collective was suspended by the Government of India for a period of six months for violating of FCRA regulations. The Lawyers' Collective suspended for allegedly using funds for rallies and *dharnas* with a political 'hue and colour'. The organisation has repeatedly denied the charges and has termed them an act of 'vindictiveness'.<sup>1</sup>

On 27 November 2016, the Ministry of Home Affairs (MHA) cancelled the FCRA registration of the organisation permanently, barring the organisation from receiving foreign funds for its work and activities. The MHA, in its order, alleges that there were discrepancies in foreign contributions cited by the Lawyers' Collective in its returns filed with the Ministry. Further, the order states that Jaising violated the FCRA norms by receiving foreign funds between 2006-2007 and 2013-2014, when she was a government servant, that is, when she served as the Additional Solicitor General of India under the previous United Progressive Alliance (UPA) Government.<sup>2</sup>

Jaising in an email reply to a newspaper, the Indian Express said, 'Lawyers' Collective has received (an) order dated November 27 cancelling its registration. Strangely enough, the order is passed on a Sunday, when government offices are closed. The order is regards LC's replies in fact and in law.' Jaising further said that, '...certain new allegations have surfaced such as 'diversion' of foreign contribution and utilisation for 'personal gain', which are not borne out by the facts or the records (and) are absolutely false and defamatory. We are exploring all legal options to challenge the cancellation order, including its defamatory contents, and will take necessary action in an appropriate time.'<sup>3</sup>

The FCRA was enacted in 1976. Since then multiple amendments have been made which have created barriers for civil society organisations to access foreign funding for human rights activities. The latest version of the Act was amended in 2010 and entered into force in May 2011. This Act gives wide discretionary powers to state authorities, enabling them to allow, refuse or cancel the permit of a civil society organisation to receive foreign funds. In recent years, these powers are used by state authorities to silence organisations who are critical of government policies on human rights. The Lawyers' Collective has been the latest victim of this harassment.

<sup>1</sup> <http://timesofindia.indiatimes.com/india/FCRA-violation-Licence-of-Indira-Jaisings-NGO-cancelled/articleshow/55854494.cms>

<sup>2</sup> <http://www.firstpost.com/india/indira-jaisings-ngo-responds-to-cancellation-of-its-fcra-license-by-mha-3143460.html>

<sup>3</sup> <http://indianexpress.com/article/india/indira-jaising-ngos-fcra-licence-cancelled-4414280/>

FORUM-ASIA urges the Government of India to immediately repeal the decision to cancel the license of the Lawyers' Collective, stop the political crackdown on civil society organisations and ensure an enabling environment for civil society to freely promote and protect human rights.

**About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.*

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