

## *Human Rights Defenders Alert - India*

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Ms. Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders,

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Dear Mam,

***Sub: HRD Alert - India - Urgent Appeal for Action –India/Odisha: Sambalpur Lawyers and Bar Association members assaulted and abused by the District Collector – Reg***

**Greetings from Human Rights Defenders Alert - India!**

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern over the assault and verbal abuse that lawyers and Bar Association members were subjected to by the District Collector.

### **Incident**

**Name of the Perpetrators:** District Sub-Registrar (DSR), Sambalpur and District Collector, Sambalpur

**Place of incident:** District Bar Association, Sambalpur district, Odisha

**Date and time of incident:** 23.04.2012, at about 09.30 a.m.

According to the information received, on 23<sup>rd</sup> April, 2012, at about 09.30 a.m., a meeting of the General Body was convened by the District Bar Association, Sambalpur to discuss on the judgment of High Court of Orissa in W.P(C) No 4349/2012, which was filed by the association on account of illegal Bench Mark valuation of lands situated in and around Sambalpur district under the Indian Registration Act and to take follow-up action. The High Court of Orissa quashed the enhanced Bench Mark valuation notified by the District Authority. All the members of the

association present during the meeting resolved to proceed with the registration work under the old rate of valuation of lands in view of the Judgment.

During that General Body meeting another proposal that was raised for discussion relates to unauthorised and unscheduled power cut by the Western Electrical Supply Company (WESCO) during every hour of the day, especially during the sweltering heat of above 40<sup>0</sup>Celsius in the entire Western part of the Odisha and more specifically during the matriculation examination and court/office hours of the day. It was further resolved in that meeting to proceed for the corporate office of WESCO at Burla and to apprise the authority of the situation and to take a final decision on the matter. The General Body meeting of the association ended with such resolutions.

In order to proceed for Burla around 10 a.m., a bus was hired and it was parked on the road of the Bar Association building. Immediately after the meeting some lawyers who were dealing with the registration of documents in the District Sub-Registrar (DSR) office went to that office in order to present a copy of the certified copy of the judgment of the High Court, so that the registration work would proceed as per the previous valuation of the land in view of the judgment. When they presented the copy of the judgment to the DSR, Sambalpur, he told them that he did not care for that copy and he would not proceed with the old valuation of lands; rather he would wait till the decision of the District Magistrate and Collector Sambalpur and also that they had preferred a review of the judgment of the High Court. With such note of the DSR, when the lawyers were about to return from the DSR office, some outsiders entered and they shouted against the DSR and allegedly assaulted him. The lawyers present there rescued the DSR and they came back to inform the matter to the Bar, as police personnel were present there at that time.

When some members of the Bar were inside the bus at about 10 a.m., the Collector Dr. Mrunalini Darswal came from the side of the DSR office in her official vehicle and parked the vehicle in front of the bus. She went inside the bus and stood in the front portion of the bus keeping her one leg on the engine of the bus and passed abusive remarks against the lawyers in Hindi and English: “*Kaun sala bajjat vakilo ne mere DSR ko misbehave kia? (Which lawyer misbehaved with my DSR?) Bastard lawyers. Haramjado vakilo log dalal ban kar SC-ST jese bartaw karte hein. (You lawyers function like Brokers and behave like SC/ST persons) Sab vakilo ko police lagake hat pair tudwa dungi (I will get your limbs broken by the Police).*” Most of the lawyers present there were not aware of the fact that the lady who was abusing in such filthy language against the lawyers was the District Magistrate and Collector of Sambalpur district. Some senior members of the bar reached the spot seeing the vehicle of the Collector and they too could hear the words spoken by her.

The abusive words used by the Collector gave sudden provocation to the lawyers present there and they protested the Collector and her words and demanded that she withdraw her remarks against the lawyers. However, the Collector again hurled abuses and when the advocates told her to get out of the bus, the Collector refused to do so. When the only lady lawyer present in the bus was unable to control the collector, other lady advocates from the Bar Association rooms came and they escorted the Collector and got her down from the bus. By then the armed PSO and other police officers of the local Police Station were already present there and the members of the Bar also escorted the collector for a safe passage. Instead of returning back, the collector wanted to meet the District Judge and she was persuaded by the police personnel. The advocates present at the scene were shouting at the Collector asking her to apologize for her abusive words against the lawyers.

The entire episode was also being witnessed by all the persons present in the court premises and they also sided with the lawyers. When the Collector reached the chamber of the District Judge, Sambalpur, she was told that he was on a tour to Cuttack for training. Thereafter the Collector went to the Chief Judicial Magistrate (CJM) to meet him. However, the Collector finding the CJM also was absent because of a training at the National Judicial Academy, was returning for her office and at that time too the lawyers followed her with slogans demanding apology for her words spoken against the lawyers community as a whole. The collector without uttering anything further went to her vehicle which was parked near the SP's residence with police escort. At that time the bus was not found at the parking place and some persons present there said that the bus was taken to the collector's residence. Therefore, the lawyers and the crowd went to the collector's residence nearby and by then the Collector was already in her residence. The people again shouted slogans in front of the residence of the Collector but she did not come out to pacify the gathering or to resolve the issue which perhaps angered the people and provoked the gathering to go unruly.

The crowd swelled and some persons threw some materials and papers on the outer office of the Collector's residence. The Inspector General of Police reached immediately and pacified the situation, as the SP was not present in the headquarters on that day. The FIR was lodged by the Bar Association before the Sambalpur Town Police Station against the Collector. Similarly, two other FIRs were lodged by the Collector and the DSR in the same police station against some lawyers. The lawyers are out on bail in both the cases. No action has been taken on the FIR of the Bar Association.

On the next day at the instance of the Officials of the District Administration and Collector, a protest rally was organized by calling the Anganwadi workers and lady volunteers along with the

government officials/staffs of different offices and officers of the station, in which slogans labelling the lawyers as “Maoists”, “Talibanies” were used, which also were protested by the lawyers during the procession.

The High Court Bar Association President, other member -delegates of the High Court Bar along with the President of All Odisha Lawyer’s Association and members of the Bar Council visited Sambalpur on 27<sup>th</sup> April, 2012 for an enquiry in to the matter.

### **Appeal**

We, therefore, urge you to immediately take necessary steps to

1. Guarantee in all circumstances the physical and psychological integrity of all the lawyers and members of the Bar Council who were falsely alleged, verbally abused and threatened by the District Collector, Sambalpur;
2. Initiate a departmental enquiry against the District Sub -Registrar and the District Collector of Sambalpur for misusing their powers and for having abused using filthy language and assaulted the lawyers;
3. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

***Henri Tiphagne***

Hon. National Working Secretary,

Human Rights Defenders Alert - India