

## **Introduction:**

### **LESSONS FROM KHANDAMAL**

Communalism was a major social and political problem in our country during the colonial period; it gained yet another basis and lease of life with the partitioned independence of 1947, and has acquired a truly explosive dimension in recent years. It is significant that while there is a general abhorrence of communalism and literally none in this country would like to be described or known as a communalist, communalism persists, an ugly presence in our everyday life and a potent threat to the life and property of our people in large parts of the country and to their struggle for a better life everywhere.

**Lessons from Kandhamal** signify a vicious political turn that indicates that communalism as a socio-political project has come to stay in our society as an ideology and as a political practice that combines communal terror with mass mobilisation for the capture of power. The epitome of the process was latest carnage in Kandhamal. A serious consequence of this communal pogrom was the undermining of democratic processes and institutions of a modern secular state by the communal forces in the country.

The scale of organised brutal violence in a most macabre of forms that engulfed tribal belt of Kandhamal reveals the prevailing deep religious divide. Actions of mobs well armed with weapons and explosives for a “search and destroy mission”, selectively targeting a particular community cannot be treated as violence from the fringe. The execution of this “search and destroy policy” with precision by the Sangh Parivar under the protection of the ruling party and with the complicity of the State machinery of a democratically elected government makes explicit the fascist character and the modus operandi of the perpetrators of the carnage. The sequence of events that took place in the aftermath of Kandhamal incident shows that the communal brigade of the Sangh Parivar - the perpetrators of the crime - was eagerly waiting for an excuse to carry out the vicious pogrom..

A worrisome social trend from the lessons emerging from the Kandhamal communal pogrom, among many, is the increasing use of violence as instrument of communalisation of civil society and the unfolding of fascist agenda by the communal forces. The incidents in Kandhamal are not isolated. They have consequences for the state and for the rest of the country since every time such ghastly violence occurs the communal polarisation is further deepened with social and physical ghettoisation. The cherished ideals of our communitarian bond, the shared history and memory of our socio-cultural evolution that provided us with the common identity, *Indian*, have now given way to exclusion and culture of hatred.

The vision of the Grand India Project and the secular imagination of the national movement today are under siege by fascist religious groups with violence as a means of religious assertion. The clash between secular democracy and communal agenda defined the post-Independence politics in the country. The clash between the two is also rooted in the ways they envision modern India. The secular vision is based on an idea of India that finds strength in the country's diversities, inherent in its composite character developed through religious and cultural interactions and synthesis over the years; and also invents ways to find newer articulations that make the expansion of a socio-political space for a multi-religious and multi-cultural society possible with all religious groups having equal rights within a secular democratic framework of modern India. The realisation of this project is contingent on political practices that would enable all citizens to exercise their democratic rights irrespective of religion, caste and gender. Thus, the complex of secularisation cannot be located in any one single arena. It is a comprehensive articulation of newer social relationships, newer social equality. Secular ideology upheld new values for organising social life, for opposing oppressive value systems, obscurant ideologies, caste, and gender hierarchies. These values created a secular ethos and in essence became the organising principles of the modern state

Set against this vision is the dream project of the communal fascists, a 'Hindu Rashtra' [Hindu Nation State] deeply rooted in ethnic and religious nationalism,

aggressive militarism, acts of violence that seek to purge or subordinate all other religious communities to create a monolithic 'Hindu' bloc. This fascist agenda pursued by the communal forces forms the matrix on which the political programme of communalism is constructed identifying those outside the Hindutva fold as the "other", the enemy.

### **Loss of shared Kandhamal Religions and Cultural Heritage**

The lived experience of communities and groups with different identities living together in social harmony, evolved through religious and cultural interactions and synthesis over the years, constituted India's social and cultural ethos. The religious discourses, dialogues and debates in which different religions participated not only enriched each religion but also created mutual respect for each other's faith and cultural practices. Shared religio-cultural heritage provided the interactive and creative space that made the expansion of socio-political space for a multi-religious, multi-cultural and pluralistic society possible with all religious groups having equal rights within a secular democratic framework of modern India. Diversity was an essential part of India's identity. This diversity of religions, ethnicity, culture and communities were the characteristic feature of India's composite character.

The concept of secularism and the spirit of democracy were the two conceptual instruments recognised as essential in establishing a multi-religious, multi-caste and poly-ethnic pluralistic Indian society. On the basis values like equality, freedom, justice, political rights were explicitly articulated as fundamental values for organising social life. These principles and values created a secular ethos and in essence became the foundational basis of Modern State. It also affirmed that religious freedom and practices were deemed essential dimensions of a vibrant civil society.

### **What is to be done**

The frequent occurrence of communal conflict and violence poses serious challenges and severe test for secular forces. It is only through a proactive, continuous and sustained engagement with a long term anti communal initiatives in theory and

practice that can retrieve secular space and seize the initiative from the communal forces. This implies the ability to debate differences creatively while working together on the basis of shared secular principles. Communalism is an issue that needs continuous study analysis and debate to clarify our vision and to get out of simplistic traps.

The people of Kandhamal in spite of the trail of violence, hatred, bigotry and unbelievable sufferings, particularly for women and children, their indomitable courage in the face of adversity is a sign of their determination to resist the communal agenda of Hindutva politics. It also provides the most crucial signs of hope that these deeply anti-human, anti communitarian forces can ultimately be defeated.

The dossier on Kandhamal contains analytical articles and narratives of the gruesome violence that had engulfed the tribal belt of Kandhamal. We hope that our readers will find this dossier a useful contribution to the continuing debate necessary to clarify and arrive at a better understanding of the various dimensions of “communal politics” in the country and its impact on State and Civil Society. As well as lesson learned from the communal violence in Kandhamal will serve as a guide to face the challenges and threats of communal fascist agenda.

I sincerely thank Durang Basu Mullick for the efforts she has put in for collecting materials, editing and compiling them in to a Dossier

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**Background:**

**History of communal Violence in Orissa:**

Cultural domination started after the 1970's with the process of Sanskritisation by the religious radical forces. This process started from Chakapad and Kandhamal which have experienced a series of well planned attacks against the people of the religious minority community mostly from tribal and Dalit communities including the women and children. This was initiated and led by Swami Laxmananda Saraswati. Hinduisation of the Dalits and the Tribals had started vigorously from the 1970's by the Hindu fundamentalists and the Trading communities replacing the indigenous system with the Brahmanic systems introducing untouchability, social discrimination and caste based hatred in between the ethnic groups particularly against the Dalits to break the traditional cultural bond and weaken the socio-political unity by creating divisions through spreading hatred campaigns based on social complexes. There were planned attacks during 1970-1980s and number of violent attacks took place after the political changes came in the Center and the State when the religious parties came to power there were attacks during 1984, 1987 and 1994(during the period of Biju Pattnaik) with the loss of lives of more than 17 number of SI/SC people large scale destruction and damage of household property, attacks on women and children, large number of families forced to leave their native places and live in the far away urban slums and cities for survival. Surprisingly the Govt. did not take action to identify the victims and bring back home, word compensation to the victims to construct their houses on their native land and also for human loss.

There was again attack on 1997 in Daringbadi Block, in 2000 at Katangia Godapur, in 2006 at Raikia Catholic Church was attacked and houses of socially marginalized community damaged, a many believers and activists deadly assaulted. Two major attacks were organized on the 23<sup>rd</sup> December 2007 onwards at Brahmanigaon which got intensified after the killing of Swami Laxmananda Saraswati during the allied rule of BJP, BJD Government during this period large number of Saraswati Vidyamandir schools and institutions were established to spread hatred campaign against the religious minority communities. National level convention of Hindu Sammilanee was organized by Viswa Hindu Parisad in which large number of leaders of religious radical organizations including the state participated in the convention and spread hatred message against the religious community.

During the violence in Kandhamal alone more than 300 villages were ransacked, 44,00 houses were burnt, 5000 people became homeless, 59 people were killed including women, disabled persons and children, Adivasis and Dalits. 18000 persons suffered with injuries, as reported in the press some were burnt alive including three disabled person, young lady and 2 women were gang raped and 151 churches destroyed. No adequate assessment was made by the Government on the extent of damage and human loss and not proper compensation and relief was given to the victims.

The Sangh Parivar has instead increased its emphasis on the recon version or Hinduisation of the Adivasis by making them part of the Hindu rituals and ceremonies which in effect converts Adivasis into Hinduism by assuming that they are Hindu. On converting/Reconverting to Hinduism, Adivasis are expected to join Hindu caste society as Shudra, a higher placement than Dalits in the caste hierarchy- claimed by the Sangh activists.

Dalit Christians are doubly discriminated as Dalits and as Christians. After independence Adivasis are mobilized against the Christian groups. It is crucial to Hinduisation to vitiate the historical solidarity between the Dalits and the Adivasis.

Disputes between the Kandha tribe and the Pana Caste Christians took a turn for worse when Panas started lobbying for their categorization as Tribal. Tribal categorization would allow Panas to buy tribal land and provide plenty of Affirmative action benefits, including reservation of jobs, education, regularization of disputed land etc. In December 2007, Kandha Tribe organization Kui Samaj launched a mass movement against Pana categorization as Tribal.

Kandhamal subdivision lies mostly on 500 meters high and thickly forested plateau girdled by hills, whereas Baliguda is hilly and its altitude can go up to 1100 metres at places, but towards the east it is wide and well cultivated valleys. Daringbadi is one of the highest points in Baliguda sub-division.

The violence of 2008 took place mainly in Baliguda sub-division, comprising the Tehsils of Baliguda, Chakapad, Daringbadi, G. Udaygiri, In turn divided into blocks of Baliguda, Chakapad, Daringbadi, G. Udaygiri, K. Nuagaon, Raikia, Tikabali and Tumidibandha. Since the soured relations between the Kandhas and the Panos is a central issue, it appears that while the Kandhas are without doubt local to the area, the Panos are immigrants from the coastal Reas But they are not recent immigrants. Their presence goes back to 200 years if not more. In anthropological literature they are referred to as Dom as well as Pano. It is said that there was a Pano settlement attached to most Kandha Villages. The Panos who remained in the plains were distinguished as Desi Panos and those who migrated to the hills, were described as 'Kondh Panos'. He adds that in the 1981 census, many Panos returned their identity as Kondhs, for which there could be no dubious motive those days. To this day tenancy continues in a different form. The Pano cultivates some land with the permission of the Tribal village committee for a year or two and then gives it back. It is possible that the Panos were landless outcasts who came to the hills in search of livelihood and persuaded the tribal people who were mainly food gatherers to put their land at their expertise which was encouraged by the Britishers. In this area the Panos were regarded as untouchables by the Kandhas but apparently not in Baliguda sub-division where the notion of Kui Samaj of which both were part of was prevalent until quite recently. The Gazetteer of 1908 says that the Panos were creditors and advisors to the Kandhas. The Panos however appear to have had an uncomfortable role in the ritual human sacrifice which the Kandhas took in appeasement to the Dhari Penu (Earth God). They had to abduct or purchase the sacrificial victims (Called Merias) from the plains towards the east and sell them to the Kondhs or else offer their own children by default. (The Sacrifice of Human Being: British Rule and the Kondh of Orissa, Felix Padel, Oxford University Press, 1995). The victims grew up in the Kandha village and were looked after quite well before the sacrifice. Therefore the relation between the Kandhas and the Panos must have been quite tense and uncomfortable.

We were told by Hemanta Nayak, an activist at Bhubaneswar, that Panos of the Baliguda sub-division were recognized as a Hill tribe prior to independence and it was only after independence that they lost the status. This could be true, because Baliguda sub-division,

as said above, was part of the Ganjam district of the Madras Presidency prior to independence. In Madras there was a notion of Hill tribe which received special protection in the Agency areas against non-tribals. In the Telugu speaking parts of Madras the untouchable communities living in the Agency areas were recognized as Hill tribes. So it is quite possible that the Panos of Baliguda sub-division were a Hill tribe. The Panos - or rather, a certain Phulbani Kui Janakalyan Samiti acting on their behalf - moved the High Court of Orissa seeking an order to the Government to recognize the Panos of Baliguda as the Kui community now included in the State's ST list, and the High Court appears to have directed the Government to consider their plea and take a decision in the matter. It is still for the Government of Orissa to decide whether the community Kui referred to in the amended ST list signifies all the people who are associated with the Kui language and culture as claimed by the Panos. The Government has taken no decision, and in fact it appears to be of the opinion that (from what we were told informally by a senior official of that Government) such was never the intention. Recent news suggests that the Government of Orissa intends to get Kui deleted from the State's ST list. It will have to put that proposal before the National Commission for Scheduled Tribes, get their opinion, and then request the Union Government to delete the name, for only Parliament has the requisite power. However, whatever the outcome of the plea of the Panos, the perturbation this may have caused among the Kandhas is understandable, since any addition to the list of STs without increasing the benefits given to STs as a whole would eat into their rights, especially if the new entrants are already relatively better placed. But the predicament of the Panos is no less understandable. An anomaly of the definition of Scheduled Castes in the Constitutional (Scheduled Castes) Order, 1950 issued by the President of India is that Scheduled Castes who convert to religions other than Hinduism are no longer counted among Scheduled castes ('no person who professes a religion different from the Hindu religion shall be deemed to be a member of the Scheduled Castes').

The Adivasis and the Dalits are having a long history of living together. After the emergence of the Fundamentalist organizations in the seventies there has been ebb in their relationship. There have been 5 riots in Kandhamal since the 90's. As we know that the Adivasis are not Hindus and have their own rituals, customs and traditions. They have been constantly projected on the official as well as the non-official levels as Hindus. When the Sangh Parivar started this programme in Orissa they chose Kandhamal as it is dominated by the Tribal. It tried to inculcate in the Adivasis a feeling through different ways that they too are Hindus. Local leaders craving for political mileage joined the Sangh Parivar. The nexus between the Sangh Parivar and the leaders of the Adivasis came to light during the riot. The joint efforts of the Kui society and the Sangh Parivar made the riot more complicated- a complication which still needs to be entangled.

Angana Chatterji also holds the view that Hindutva legitimates violence as patriotic response. The Sangh uses local militarism (Kandhamal) as consort to state controlled militarization. Hindu cultural dominance organises Hindu nationalism. Orissa amalgamated as a Hindu state between 1866-1936. The absence of structural reforms and assertion of Hindu elites define post colonial governance. The Sangh has proliferated to 10,000-14000 villages operating 35-40 major organizations, with a massive base of a few million. The Hindu nationalist BJP\_ BJD coalition yields power. The Hindu Surakha Samiti organises against Muslims.

Ram Puniyani says that Gladys Stains is a name etched in our memory for wrong reasons. Her husband and two sons were torched to death around a decade ago in Keonjhar Manoharpur Orissa. She wrote to the Prime Minister Man Mohan Singh recently, to ensure that communal peace is restored in Orissa. This she did in the backdrop of the scattered attacks on Christians, over 40 Churches torched in Orissa. In the violence which broke out, many of the people have been severely injured. Some of the priest and laity have run for shelter, leaving their homes and hiding in the forests in the biting cold. All this has happened in the Adivasi area in and around Phulbani and Kandhamal. The timing is around the Christmas celebrations, 2007. The visible attacks on Christian minorities started from 1996. The areas selected for these attacks have spread over from Gujarat, Dangs on the extreme west, to the Orissa on extreme east of the tribal belt. Most of these acts of violence have a bit different characteristic i.e unlike the anti-Muslim violence which is more in the cities and occurs as spurts of killing hundreds or thousands in a single go, here the cauldron is kept boiling continuously, the intensity is that of a slow but sustained intimidation and attack. The most ghastly anti-Christian violence was that done by The Bajrang Dal activist, Dara Singh, who instigated the Adivasis and led the burning of Pastor Graham Stewart Stains. He and his organization kept propagating for months that Pastor has come from Australia for converting the gullible Adivasis to Christianity, that his work among the leprosy patients was just a ploy to do his real work of 'conversions' The Wadhwa Commission appointed the NDA Government, with Advani as the Home Minister, in the aftermath of this brutal killing, concluded that the Pastor was not involved in any conversion activities and that the percentage of Christian population in the area has remained static despite the pastor working in the area.

Today we are witness to the process where by people like Asok Sahu have only spread their political tentacles through the 'Hate Other' ideology, but also that they are violating the laws of the land for their political benefits. Tragically the distorted version of history has been one of the main weapons of the social common sense, which forms the base of communal violence.

### **Economic situation:**

In Orissa average family owns about 1.29 hectares of land. Only 21 percent of all land available for cultivation is irrigated. The cyclone of 1999 and the droughts of 2000 and 2003, the floods of 2001, 2003, 2005, 2006 and 2007 have challenged the environmental and economic well being of the state. Land redistribution and reforms have been insufficient in Orissa, state and bilateral development, and irresponsible industrialization, anti-poor and pro-corporatisation politics and privatization of resources has systematically deprived the poor of rights to decision making over livelihood led to rampant displacement, police brutality and deaths and deprivation from their customary rights to public resources such as forests and water.

Orissa is one of the poorest states in India. The mean per capita expenditure per annum is Rs. 790 in Orissa.

According to the Orissa Development Report 2004, Kandhamal and Keonjhar districts have per capita income of Rs. 4743 and Rs. 5286 respectively. The state average is Rs. 5,264. While employment opportunities in Keonjhar have increased now due to Arcelor Mittal's plans to set up a twelve million tone steel plant at an investment of Rs. 40,000 crore, Kandhamal is wallowing in neglect in the absence of any industrial investment, even though it is rich in Graphite, manganese, bauxite and coal deposits. This concept has been very well utilized by the VHP and Bajrang Dal who allege that, because of low per capita income, the Tribals of Kandhamal District have become easy targets for missionaries.

The situation is compounded by a decline in the actual number of available employment and income generating opportunities in the area. Kandhamal remains socio-economically vulnerable, with a large percentage of the population living below the poverty line. In addition, 60 per cent of state-operated schools are without teachers while schools operated by Christian organisations are usually available in townships. In a context of disenfranchisement and poverty, and the need to work and the unfeasibility of acquiring employment after basic schooling, the rate of student attrition within Adivasi communities, for example, in G. Udaigiri, is very high at the school level, with only three per cent continuing through completion.

The Christian community too is economically disenfranchised in Kandhamal. A majority of the Christian population, local Christian leader's state, is landless or marginal landholders, with an average holding of half an acre per family. Christian leaders said that the church does not convert under duress or offer money in lieu of conversions. In the 1960s and 70s, when there was a thrust in conversions, Adivasis benefited through accessing health care, education and employment offered by Christian missionaries.

### **Chronology of communal violence in India:**

## **What is happening to Christians in India?**

In India the Sangh Parivar's terrorists assailed Christians across Karnataka, Madhya Pradesh, Kerala, Tamil Nadu and even Delhi. In all these attacks the Bajrang Dal and the Vishwa Hindu Parishad were in the forefront and the RSS in the background.

Build up attacks on churches:

Fanatic Hindu organizations like the Hindu Jagrana Vedika and Sri Rama Sena, started a malicious campaign on the so called forcible conversions which began in **early July 2007**. Aided by a complaint administration and the active support of the local police and the municipal corporation, members of the Hindu Jagaran Vedike, Christians forest submitted a memorandum in this regard to the then Chief Minister of Karnataka, HD Kumaraswami, on September 1, 2007. When no action was taken, the clergy submitted another memorandum to the district collector, on October 4, 2007.

**The attacks:**

**On December 25, 2007** Vinobhanagar Devangere as Pastor Satish was celebrating Christmas at the home of the Christians, when members of the Hindu Jagaran Vedike and Sri Rama Sena barged in and forcibly stopped the Christmas celebration hurling abuse at the Christian religion.

**On January 2<sup>nd</sup>, 2008** members of the Sri Rama Sena barged into the Abhinava Bharti school premises where volunteers of the full Gospel Assembly Church, Devangere, were holding a prayer service. The Sri Rama Sena men detained all the members of the congregation and the pastor for several hours during which they were repeatedly subjected to physical verbal and mental torture and abuse.

**On January 18, 2008:** In Vidyanagar taralabalu Badavane, Davangere, miscreants stoned the house of pastor Jacob at 10.p.m damaging doors and window panes. The Pastor's aged mother was injured in the incident. Even a police complaint was filed in this regard.

**On January 29, 2008:** the Pastor of the DHM Prarthana Mandira, who was at the Durgambika School, Nittuvalli to verify his family's enrollment in the election list, and Raju Naik who was accompanying him were attacked by a group of 50-60 men from the Hindu Jagaran Vedike and Sri Ram Sena people. The mob continued to assault the Pastor in front of the police. No complaint was lodged as the police advised the pastor to keep quiet.

**On March 9<sup>th</sup> 2008:** In Nittuvalli, a group of 8-10 persons from the Hindu Jagaran Vedike barged into the house of Miss. Shusheelamma, where about 20-25 Christians had gathered for the Sunday prayer. They beat up the Pastor, confiscated Bibles and warned Shusheelamma not to host any other Christian activities.

**On July 20<sup>th</sup> 2008:** members of the Sangh Parivar attacked the pastor, Lakshman Naik, and two devotees while they were offering prayers at the Lambani Prayer house in Vinayakanagar, Devangere. The victims were severely thrashed by the miscreants who then dragged them to the Vidyanagar Police and handed them to the police saying that they were disturbing the peace to which the Police then registered a case against the pastor and two other persons and not against the violent offenders. Victims have filed a complaint but no action has been taken.

**On August 10, 2008**, Members of the Brethren assembly church, devangere, were attending a religious service at the rotary club when members of the RSS and the Si Ram Seva and Hindu Jagaran Vedike accompanied by 8 policemen threatened and beat up the pastors and members of the congregation and forced them to disperse.

**On August 12, 2008** Members of the Ram en and the HJV began a day long attack, torturing priests and worshippers, assaulting Christians and destroying church and church property. The police was also party to the abuse and the assault and damage caused to the church and the Pastor was taken to custody and was subjected to verbal and physical abuse.

On August 17, 2008, the same miscreants went to the Jesus prayer hall, Shivakumar, Baavane, Devangare and attacked the Pastor blaming them for force conversion. The police lodged a case against the pastor and the Christian instead of the miscreants.

Minority communities in **Madhya Pradesh**, both Muslims and Christians, have found themselves the target of sporadic attacks during almost five years of Bharatiya Janata Party rule.

On August 29, when Christian educational institutions all over the country observed a bandh to protest against the killings in Orissa, Churches and prestigious Christian missionary schools in the heart of Gwalior- St. Paul's Carmel Convent, St. Terresa school, and St. Paul El school and Church were stoned by the mobs that also damaged the gates and discredited crosses and shouted slogans such as "Missionaries Bharat Chodo". No arrests were made and no action was taken.

Karnataka:

Vikhar Ahmed Sayeed in **Bangalore** says that on August 30, a group of around 70 people, accompanied by the police and the BJP corporator, stormed into St. Aloysius College in Mangalore and started shouting slogans against the missionaries. The second Quit India call given by the VHP in 196 was instrumental in changing attitudes towards the Christians. In the few months since the BJP came into power, Sajan George says, that there have been around 36 cases of attacks against Christians in Karnataka. According to the report prepared by the AICC documenting religious violence and discrimination in Karnataka from January 2006 to August 2008, the police sometimes openly sided with the members of the Hindutva organizations.

In another case, 20-25 Bajrang Dal activists disrupted a prayer meeting at the home of Rmakrishna, a Christian, at **Turuvekere in Tumkur district**, several copies of the Bible were shredded and burnt, but the local police chose to attack the Christian victims physically and verbally.

**Rajasthan:** Christians who constitute less than 1 percent of the population in Rajasthan, feel insecure too. The Kota based Emmanuel Mission was singled out for persecution in 2006, not only were its premises and staff attacked, its FCRA accounts were frozen, thus making it impossible to run its orphanage well. The mission had to cut down on all its charitable activities, including the running of schools and the main administrator M.A. Thomas Samuel Thomas and his son were told by the Government to take prior permission before leaving the country.

The administration of a mission school at Jotwara on the outskirts of Jaipur told Frontline that the attendance had dropped after the school was attacked in 2006. The administrator said that barring the Left Parties and Amra Ram, the lone communist Party of India (Marxists) legislator in the Assembly, none had stood up for the mission.

N. Rahul in Hyderabad says that the Christians in Andhra Pradesh felt secure under the Christian Chief minister Y.S. Rajasekhara Reddy, that security took a blow when a priest, Father Thomas of Yellareddy town in Nizamabad district was murdered on his way home from the prayer meeting in Burigidda village, 25 kms from Yellareddy. His battered body was found along the road side the next day.

### **Recommendation:**

Voices of the victims of atrocities, the people's tribunal suggested that India should forthwith sign the International Criminal Court Treaty known as the Rome Statute, accepted by most countries. Special sensitization programmes should be organised for the Judiciary and the police regarding human rights, the tribunal says.

### **Gujarat:**

Fr. Cedric, a human rights activist and director of Prashant, a centre for human rights, Justice and peace, says discrimination is a relatively new experience for Christians in Gujarat and that it started with the BJP's coming to power in 1998. Two extreme acts marked the beginning of the trend. One was the forced exhumation of the body of a Methodist, Samuel Christian, in July 1998 after the VHP claimed he had buried in a disputed burial ground. The other was the destruction of a church in Naroda, Ahmedabad, also in 1998. Immediately after the Godhra incident, Christians were warned not to pray openly, churches conducted services softly with the doors and windows shut so as not to offend the Hindus. Priests, nuns and lay Christians were abused and manhandled. Christians feel that they are victims of political strategy. Most Gujarat Christians were respected by the Hindus and children are sent to the Christian schools which are respected but even though advantage is being taken from their schools, they are not helped when there is a need of support.

Education in the Christian run institutions continued to be highly elite and the urban people tend to benefit from it. The elite feel that the Christians are taking advantage of converting the illiterate people. The Central Government official who is a Christian in Gujarat says that the right wing party feels that the vote of the Christians are slightly tilted towards the Congress and they try and build a connection between Sonia Gandhi and the Christians and the Congress. Discrimination in jobs and homes or at workplaces at the time of promotions is slow and that they get posted in obscure places. Christians looking for houses say Hindu Landlords shy away from giving them homes once they hear their Christian names. Forming only 0.53 percent of the population of the State, the Christian community is too small to be ghettoized. Ghettoisation is evident in the way many Christians have moved away from Narayanpura, which is now completely a Hindu area.

- BIHAR: 1 Church damaged;
- CHHATTISGARH: 4 Nuns assaulted;
- JHARKHAND: 1 Church attacked and attempted 'reconversion' of Christians;

- KARNATAKA: 4 (of 29) Districts affected, 22 Churches damaged or destroyed, still attacks continues, 20 Nuns, women injured by police;
- KERALA: 4 Churches damaged;
- MADHYA PRADESH: 4 Churches damaged and 4 schools vandalized;
- NEW DELHI: 2 Churches damaged and 4 attempts made;
- PUNJAB: 3 Christians harassed and imprisoned by police on false charges;
- TAMIL NADU: 4 Churches damaged;
- UTTAR PRADESH: 3 Pastors and a pastor's wife beaten; and
- UTTARAKHAND: 2 Christians murdered (priest and employee).

Attacks against the Christians throughout the country have increased significantly since the BJP began its rule at the center in March 1998. They included the killings of priests, the raping of nuns, and the physical destruction of Christian institutions, schools, churches, colleges and cemeteries. As with attacks against the Muslims in 1992 and 1993, attacks against Christians are part of a concerted campaign of the right wing Hindu Organizations, collectively called the Sangh Parivar. To promote and exploit communal clashes to increase their political power base. "Christians are the main scapegoat in India's political battles" Says Smita Narula Researcher for the Asia division of Human rights Watch.

The collective name given to the Rashtriya Swyam Sevak Sangh, Vishwa Hindu Parishad, The Bajrang Dal and other Hindu Extremist organizations is exploiting religion (Hindutva) to foment communal violence in India. These organizations receive substantial contributions from Hindus in United States and elsewhere. The Indian Magazine 'Outlook' In its July 22, 2002, issue published that the Indian Development and Relief Fund (IDRF) is one of the more conspicuous charity organizations that raises funds in the United States to support the RSS Battalions in India. Sewa International is IDRF's counterpart in India.

Hindu extremism is positioned to silence diversity through force and terror, and the positioning of the minority groups as depraved enemies who must be punished.

Communalisation of Education is also encouraged by the VHP and the Sangh Parivar through the 'Vanasi Kalyan Ashram' and 'Ekal Vidyalayas'. RSS has a wide network of agents throughout the country, mainly in the states ruled by it for several years. There are already more than 17,500 such schools in 20 States with the involvement of over 13,000 teachers, 2,500 voluntary workers and 20 field organizations. There are 2,818 EVF schools in Madhya Pradesh, 1,641 in Chattisgarh, 1,569 in Jharkhand, 1,164 in Maharashtra, 1,148 in Uttar Pradesh, 1,109 in Orissa. According to RSS Data, there were 49,734 shakhas in 34,732 locations across the country as of March 2005.

Hindu extremists claim that missionaries are part of a international conspiracy to convert and overtake India. Opponents of Christianity also claim the using of bribes by Western Missionaries to forcibly convert the poor and the illiterate.

**Maharashtra:** Mumbai is said to be the melting point of cultures. The irony is that people belonging to a certain culture and religion to day find it difficult to live and find employment in the city. A supreme court Judgment in 2005 upheld the right of cooperative societies to restrict membership to their particular communities. Now one

comes across little groups – Catholics want to live together, a group of jains may want a block of flats to belong to only Jains.

Mumbai has ‘vegetarian buildings’, another trend sacrificed by the Supreme court. When flats in a building are available only to vegetarians; it often becomes a way of excluding Muslims and Christians. Even vegetarian Christians are given second thoughts before giving a flat on rent. Of course there are catholic societies in Bandra that will allow only Christians and the Bohri (only Muslims), buildings that are open to only Bohris.’ Such intolerance was not there in the past.

During the period of 1998 there have been more than 128 cases of recorded violence against the Christian community more so against their priests and in the form of attacks on churches and burning of Bible etc. There were spates of incidences around 25<sup>th</sup> December when prayer halls in Manya villages were set on fire, demolished or partly damaged. Also houses of Christians have been damaged. On September 2<sup>nd</sup>, 1997 Fr. Christudas was assaulted and paraded naked, On October 27, 1997 Fr. A.T. Thomas was murdered. In November, same year there were series of attacks on Parish Members, written threats were given to rid the districts of Christians in 3 years by VHP activists, On November 22, 97 in Maram ( Manipur) Fr. Joce Nedumattahil, Principle of Don Bosco school was murdered, there were series of attacks on CHAI camp and Yeshu Festival. These attacks which came up in most parts of the country all of a sudden were something not witnessed earlier.

These events coincided with the BJP led coalition coming to power at the center. Maneka Gandhi, a non- BJP minister in the central cabinet singled out Gujarat and Maharashtra, for being the worst affected by this malady, the features of this violence are (Manini Chatterjee, Asian Age, 11 July 98).

- Attacks on small defenseless and isolated Christian groups in states where they are an insignificant minority. VHP has so far not dared to attack the community in Goa and Kerela where they re in large numbers.
- The tacit and sometimes active connivance of state machinery. This violence has been well orchestrated by the members of the Sangh Parivar (VHP, BJP, Baja rang Dal etc). A systematic misinformation campaign has been going on along with this.

The violence is severe, and spread geographically. Those belonging to SP are calling these protests against their violent acts exaggerated, as these still seem to be minuscule in degree compared to the anti- Muslim violence, which we have witnessed during last five decades in general and during last two decades in particular.

The anti-Christians violence came all of a sudden, is prevalent from last few years in a sustained manner claiming lives but playing a bigger role in intimidating missionaries and is acting as a signal to them as to what lies in store for them if they continue doing something which is not to the liking of the SP. The violence as protested against is ‘not’ small in extent; it is all pervading, is of grave intensity, and is sustained in nature.

**Christianity in Orissa:**

Coastal Orissa came in contact with Christian missionaries towards the end of the 18<sup>th</sup> century when it became a maritime center for European traders (English, French, Dutch,

Danes and Portuguese). A catholic church came in Jaleswar and the Wesleyan Church in Ganjam. The Serampore missionaries of Bengal translated the New Testament and a few Other Christian Tracts into Oriya and sent a Bengali convert to Cuttack and Puri to distribute literature and preach Christianity, but with no success.

The missionaries on the other hand, vehemently opposed the government's association with the temple and put constant pressure on it to sever its connection with idolatry. They however ridiculed the pilgrimage to Jagannath. The first mission was set up in Orissa in 1822, but it took six years to convert a native. Most of the early converts were from the upper caste and their motive was not material gain and converted only after a thorough reading of the Christian scriptures after comparing them with the Hindu Shastras. In the later stage missionaries moved into the tribal areas where they had a better success rate. They vehemently attacked idolatry, female infanticide and Human sacrifice, educated the illiterate, opened asylums, orphanages and hospitals for the poor and served the destitute during famine. Their Evangelical mission ushered in a new Oriya literary movement.

Thus Hindu Muslim and Hindu- Christian encounters in Orissa, despite occasional hostility, were never inimical. There was no large – scale conversion among Oriyas either to Christianity or Islam, and Muslims and Christians hardly appeared threatening to Hindus in terms of their numbers, since both these communities despite their different religions, were part of the same Oriya cultural traditions. Pralay Kanungo says that against this backdrop, it is interesting to observe how Hindutva made its entry into present Day Orissa.

One strategy was to Hinduise the Adivasi communities. Such inculcations had serious repercussions in Gujarat, India, where Tribals were manipulated in attacking Muslims during February and March 2002. Hindutva asserts the idea of India as a Hindu nation. These organizations abroad are promoting separatist and non-secular ideals. Therefore Hindu extremism, like other Xenophobic movements, functions through carefully fashioned exclusionary principles whereby all non- Hindus and dissenting Hindus, identified as Hindu traitors become second class citizens. Manya H.V, Sehadarji, Sarkaryawaha of the RSS said 'The ultimate Object of all these endeavors is Hindu Sang than- consolidation and strengthening of the Hindu society'.

The leading mind and the former chair of the Hindu extremist RSS, The late Guru M.S Gowalkar, in His now famous work Our Nationhood, wrote of his admiration for Adolf Hitler and suggested that 'Race purification' carried out by Hitler was a perfect example to be followed by Hindu nationalists in dealing with India's claimed 150 million Muslims as well as its Christians, Sikhs, Buddhists and other minorities, all of whom should be denied even basic citizen's rights.

The Hindutva brigade said 'Ram-drohi' is desh drohi i.e. anti national. So, writing on any fictitious things hurt the sentiments of others but killing as well as justification of killings and discrimination does neither hurt our sentiments nor compel us introspecting our literature and religious texts. How can one enjoy the festivals that celebrate the victory of a racist order on the others who they claimed were 'Rakshashas'? Times have changed and a thing of 3000 years back may not be true to us and may not be respected.

One is amazed to see why our sentiments are never hurt when children are told to discriminate against each other. How can a country planning to host Common Wealth Games, going to tell the world that racial Brahmanical disorder is a thing of past. Is it possible to demolish the caste structure in this country which is suffering from 'identity' dilemma?

Fr. Henry D'souza , head of the commission of Social Communication of the Catholic Bishop's Conference of India, says RSS and the BJP have reached a critical stage marked by confusion, disunity and intense rivalry and the increase in anti- Christian propaganda is a reaction to an 'insecurity alarm' among these groups.

**TRIBALS ARE NOT HINDUS:**

Amitabh Shukla in The Hindustan Times says that "According to the Article 25 of the Indian Constitution Adivasi is outside of the bounds of Hindu religion." The underlying fact is that'

**"Tribals are not Hindus, they are Sarnas,"** declared the resolution passed by the Central Committee of the Sarna society here. The resolution, passed in the presence of several prominent tribal leaders, said **"the Adivasis are the original inhabitants of the area and no attempt should be made to convert them - either to Hinduism or Christianity"**. They were the "followers of nature" (Sarna) and outlined the differences that they had with the Sanatan Dharm (Hinduism).

There is a tendency to co-opt the Sudric (Dravido Adivasi) Cultures of South Asia just as the way Buddhism was erased from India.

Adivasis are not Hindus even if their cults have got Hinduised over the years. All the personal Laws of the Hindus codified by Parliament explicitly say that the word 'Hindu' does not include the schedule tribes. And Dalits, who are avarnas, are outside the four corners of the Hindu society. Their Hinduisation is as much conversion as their christianisation and not re- conversion. So If anyone had to be arrested in Kandhamal under the Orissa Freedom of religion Act, 1967, for using force to convert, it was Laxmananda, who developed a violent ritual for it unlike the missionaries never used violence to convert.

It is being taught in schools that all the languages of south Asia like Santhali, Mundari, Ho, Kharia, and Tamil are 'Prakrits', and have been derived from Sanskrit. This process is leading to 'Cultural Genocide'.

Race mixing with lower caste Aryans is being encouraged. The upper caste votaries of intercaste marriages never gave their daughters in marriage to Shudras; it is only the fair sinned OBC girls who end up performing the task.

Hindi Bollywood movies are also influencing the black Tribals to marry fair skinned boys and girls rather than people from their own community.

Annihilation is also caused by AIDS- HIV inflicted prostitutes are also being sent to the tribal belts to spread this deadly disease among the aboriginals.

Christianity is nearly one and a half century old in Kandhamal. Baptist missionaries started their activities during 1859-63 in Kandhamal from Banjanagar. The missionaries were the pioneers in setting up modern centers of education and health in Kandhamal. The first middle English school in the whole of Boudh kondhamal was established in 1914 at G. Udaygiri and two upper primary schools were established in Malikapodi and Konbagiri and two high schools, O.J. Milman High English School and Hubback High English school were established in G. Udaygiri by the Baptists. The Roman Catholics also established Primary middle English and High schools in Raikia area. In Kandhamal the Christian population according to the census report of 2001 stands at 1, 17,950 which is 18.19 % of the total population of the district. The percentage rise of their population is exaggerated wildly ignoring that it is due to a low base starting point.

According to C.R Bijoy, the call for a socially homogenous country, particularly in the Hindi Hindu paradigm have suppressed tribal languages, defiled cultures and destroyed civilizations.

However, the growth of population of faith does not give rise to communal violence.

The creation of a unified albeit centralized polity and the extension of the formal system of governance have emasculated the self-governing institutions of the Adivasis and with

it their internal cohesiveness. The struggle for the future, the conceptual vocabulary used to understand the place of Adivasis in the modern world has been constructed on the feudal, colonial and imperialistic notions which combine traditional and historical constructs with the modern construct based on notions of linear scientific and technological progress. Historically the Adivasis, as explained earlier, are at best perceived as sub-humans to be kept in isolation, or as 'primitives' living in remote and backward regions who should be "civilized". None of them have a rational basis. Consequently, the official and popular perception of Adivasis is merely that of isolation in forest, tribal dialect, animism, primitive occupation, carnivorous diet, naked or semi-naked, nomadic habits, love, drink and dance. Contrast this with the self-perception of Adivasis as casteless, classless and egalitarian in nature, community-based economic systems, symbiotic with nature, democratic according to the demands of the times, accommodative history and people-oriented art and literature. The significance of their sustainable subsistence economy in the midst of a profit oriented economy is not recognised in the political discourse, and the negative stereotyping of the sustainable subsistence economy of Adivasi societies is based on the wrong premise that the production of surplus is more progressive than the process of social reproduction in co-existence with nature. The source of the conflicts arises from these unresolved contradictions. With Globalisation, the hitherto expropriation of rights as an outcome of development has developed into expropriation of rights as a precondition for development. In response, the struggles for the rights of the Adivasis have moved towards the struggles for power and a redefinition of the contours of state, governance and progress.

### **Christianity in India:**

Christianity in India is not an import by the European colonial powers. Christianity reached the shores of India much before the Europeans- in the 1st century A.D. The historicity of the pre-colonial Indian church is fact. There is a widely held belief among the Syrian Christians that the Church in India was established by one of the apostles, St. Thomas who arrived in Kerala after the Death of Christ and converted some Nambudhri families before being martyred in Mylapore, Chennai. While this tradition is part of the foundational mythology of the Syrian Christians, there is strong evidence that trade related movement of people between the Middle East and the Malabar Coast has been established well before the beginning of the Christian era. These traders mainly from Syria are seen as being responsible for establishing the Church in India, at least from the 3<sup>rd</sup> century onwards. There is evidence of two specific migrants-on in the 3<sup>rd</sup> century and other in the 8<sup>th</sup> century. The former is evidence by numerous references in historical writings of the patriarchs of the Eastern Church and the latter through the copper plates that contain records of Grants given to Christians in Quilon now in Kollam by the local Hindu King. These copper plates are the orthodox seminary in Kottayam and the Mar Thoma seminary in Thornville.

Following them were the Christian missionaries, with their missionary enterprise to evangelise India. They were strongly criticized by leaders of the nationalist movement like Gandhi, Ram Mohun Roy, and others including anthropologists like Christoph von Hemiendorf, Verrier Elwin for their 'civilizing mission' and the imprint of their Eurocentric worldviews on their conversion activity. At the same time, however, their overall philanthropic contribution was aptly recognized especially the role of missionaries like C.F. Andrew's who took part in the nationalist movement; those like Bede Griffith for ushering in Hindu-Christian understanding; others like MM Thomas, who was governor of Nagaland and fought against the infamous Emergency; Bishop Mar Paulous Mar Paulous, who had championed the cause of social justice for the unorganized and marginalized communities among others. Their community service among the poor even inspired Swami Vivekananda to launch similar activities and who went on to found the Ramakrishna Mission to undertake relief and welfare services among the marginalized poor.

With Independence, religion became a major issue in mainstream discourses on atonality, citizenship and development. Side-by-side, religious conversion was also a serious socioreligious and political concern especially with Hindu revivalist forces that viewed conversions as the foremost agenda of Christian activities and have been aggressively opposing it - to criminalize conversions of Dalits and Adivasis to especially Christianity and Islam. Vigorous but unsuccessful attempts were made to introduce a bill in Parliament to ban conversions. (Cf. "Comment - Part II)

In the 90s the emergence of the neo-liberal doctrine with its support to market fundamentalism was a big boost to religious fundamentalism especially Christian fundamentalism in the US. American neo-conservative groups in especially the Bible belt played a vital role in the export of this form of Christianity from the West to the rest of world.

Their ultra conservative worldviews on politics and economics - strict obedience to market fundamentalism and the status quo in politics led to the growth of Christian nationalism. During his presidency, former US President, George W. Bush, Jr., supported Christian evangelism in India. Similarly, in the new millennium, the Indian counterpart of the American Right viz., a section of the NRIs in the US supporting the cause of Hindu Rashtra became pro-active, funding communal outfits in India.(See page 8) Alongside this, is their "reconversions agenda" - to re-convert the converted back to the Hindu fold - through force, intimidation and even violence as in the case of the anti-Christian violence in- Kandhamal, Orissa. The converts - Christians, Dalits or Adivasis - have no option but to revert to their previous humiliating caste status, they had earlier renounced.

Religious conversion in India is a complex issue - and discriminatory. For instance, there are two sets of laws - one is the criminal justice system operating in BJP ruled States where perpetrators of religious violence are allowed to roam Scot free, and, the other is Constitutional law applicable to the rest of India. Discrimination is also manifested with Panna Dalit Christians of Kandhamal, Orissa. They experience double discrimination - as Dalits and as Christians. In Hinduising the Kandha Adivasis and polarizing relations between them and the Panna Dalit Christians, the Sangh Parivar engineered rivalries between these two communities, instigating the Kandha Adivasis against the latter's campaign for ST status. Provisions in the current law (Para 3 of the Constitution (Scheduled Castes) Order, 1950) hold caste and religion to be mutually exclusive: 'no person who professes a religion different from the Hindu (later amended to include the Sikh or the Buddhist) religion shall be deemed to be a member of the Scheduled Caste' (Ministry of Law and Justice, 2006). According to these provisions - but functioning against the right to freedom of religion - Dalits who convert to Christianity or any other faiths are divested of SC status. Secondly, the discrimination on affirmative action, afforded by the State via the 'reservation' policy for SCs and STs; and, thirdly, they are denied benefits granted to those that identify as Hindu Dalits. Consequently, Dalit Christians fail to secure resources routinely cornered by the upper castes. Dalit converts to Hinduism are not denied such rights.

Thus, the decision for someone to convert from one religion to another occurs when, first, it involves conversions through conviction; second, when it involves one's- social status; and thirdly, through inducement and fraud. Any objective study on conversions in India's history indicates that conversion~ have always taken place as a result of a specific social condition but very rarely through inducement and fraud. For instance, India's caste system - its institutional structure and framework - is singularly responsible for the lower castes especially, the Untouchables, opting out of this rigid hierarchal system and voluntarily converting to other religions. Such conversions continue to occur. As recently as April 3009 a nomadic tribe, the Gurjjars, of Patoli in the Dausa district of Rajasthan threatened to convert to either Christianity or Islam so as to escape from their present humiliating situation of caste oppression. Similarly, large numbers of Untouchables, in the last decades of the 19th century, had converted to Christianity, as 'a way of improving their subordinate social and economic situation'. Again, in Punjab, the Untouchables particularly the Chuhras community had voluntarily converted to Christian and Sikh faiths.

While economic, political and other considerations may be linked to conversions, it is at one level, a simple, personal choice. Why and how conversions occur differ fundamentally. Its significance is not the same in all religions even, for instance, in Christianity. Some Protestant sects, for example, stipulate a 'conversion experience' in order to qualify for Church membership. Conversion therefore cannot be understood simply as a process of mere inner transformation. It is frequently an expression of resistance and dissent "Whether it is conversion to Sikhism or Christianity in the 19th century or to Buddhism in the post-Independence period or even to Jainism and Buddhism in ancient times, the convert is also often a dissenter, challenging prevailing political and socio-religious configurations".

Further, if religious conversion means a total change of identity, then from a gender viewpoint, this is what a perfectly ordinary marriage involves for most women - change of name (in many communities, even her first name), place of residence, way of life, and in general a complete reordering of their sense of self and life.

The possibility of change is central to democracy. There is no option but to respect a decision to change any identity for a perceived better future, whatever one's opinion about whether that change will bring about the desired result.<sup>5</sup> It is fundamentally anti-democratic to force people to retain any form of identity against their will, especially one assumed by the very act of being born -nationality, caste, religion or even sex.<sup>4</sup>

The deeper issue over conversions is the Sangh Parivar's obsession with its agenda of reconversion, the real reason behind which has nothing to do with the protection of the sanctity of Hinduism! The creation of a birth-based political majority is highly crucial for the project of Hindutva and for its definition of "Indian-ness". If "others" turn into the majority, the easy coinciding of Hindutva project and the Nation collapses.<sup>5</sup> When Dr. Ambedkar decided to renounce Hinduism along with large numbers of Dalits, it was not the orthodox Hindus, who were most threatened but who anyway considered it was good riddance. It was Savarkar and the Hindu Mahasabha who reacted viciously to the decision, understanding fully the relevance of numbers for Hindutva politics. Hence, their shrill horror stories on galloping Muslim and Christian populations that will result in Hindus becoming a minority in a Hindu dominated country!

Religious conversions have brought to the forefront the confrontation (at two levels) between the extreme forces of religious revivalism, both engaged in organized conversions. At one level is the struggle between the ideologies of the Hindutva brigade with its fascist goal of Hindu Rashtra and its reconversion project and that of the oppressed Dalits and Adivasi community opting out from the ignominy of caste oppression of Hinduism. The other religious revivalist force are the Christian fundamentalists harboring real, imagined and even disillusioned yearning towards making India Christian! However, the goal of especially the religious revivalist forces of the Sangh Parivar is to explicitly control the personal beliefs systems of individuals - against their will to reconvert whilst undermining the intelligence of those who convert. Many of the (unsubstantiated) claims of the Sangh Parivar *on* Christian conversions therefore need to be exposed as well as the role of Christian fundamentalists abusing the freedom, granted by the Indian Constitution, to propagate religious faith.

## **Christian Evangelism and Conversion:**

The meaning between evangelism and conversion differ widely - from the absolutist position taken by fundamentalist Christians to the openness of conversion subscribed by the ecumenical movement - the possibility of mutual conversion in a context of dialogue. The latter is illustrated in the WCC mission statement in "Mission and Evangelism - Ecumenical Convictions" and further elaborated by the ex-general secretary of the WCC, Emilio Castro, on the "need for utmost respect and also acceptance of other religions". This illustrates the multiplicity of positions in organised Christianity on issues of evangelism and conversion. Further illustrations include the lived exploration of the Hindu-Christian meeting point of Swami Abbishiktananda (1969), Murray Rogers, Bede Griffiths (1983) and Jules Monchanin whose works are anathema to Christian evangelicals.<sup>4</sup> To the Christian fundamentalists, the ecumenical spirit and movement symbolizes all that is wrong with Christianity! The Social Gospel, tolerance of other faith and cultures, inclusiveness are seen as antithetical to the original Christian mandate. However, the most powerful expressions of dialogue are communicated by the daily clatter of life experienced by various communities in India who live side-by side in different locales and contexts. Such unconscious, daily celebrations of difference and solidarity are grist to the fundamentalist mill.

### **Is forced conversions to Christianity widespread in India?**

This is an unsustainable argument. If it were true then why was the law of the land not enforced on those indulging in the conversion act?

And again why was police complaint not made on those who indulged in 'forced conversions'?

Till date there is no proven case of conversion by unfair means let alone forced conversion, Secondly the Christian community has been operating innumerable institutions like schools, colleges, hospitalsetc. All over the country for hundreds of years. All those who enrolled seeking education and health care have not converted to Christianity!

On the contrary, it is the Sangh Parivar forces that are unedertaking conversions- and though through the use of force- but called 'Reconversion'. For instance in the Adivasi belt of Orissa several Christians in 11 blocs were reportedly 'forcibly converted' as Hindus in the days immediately following the Kandhamal carnage. On 22, 2002, over 16 Adivasis Christians and 10 other Adivasis were forced to reconvert to Hinduism in Chopra village in the media district in West Bengal. That is 'reverse proselytisation'. Fears of attacks from Hindu mobs, Hundreds of Christian converts were forced to revert back to Hinduism. The others were confronted with the choice between life and faith. Besides they had been threatened and had been given deadline dates to convert or be ready to face the worst. Some who did not agree to convert their propertires were destroyed and razed to the ground. Moreover they were then forced to sign a document

that reconversion was carried out freely. If they refused to reconvert to Hinduism they were beaten up and killed.

### **Anti- conversion Laws:**

During British colonial rule there were no anti-conversion laws in India. However, some of the feudal Princely states had promulgated such legislations viz.

The Raigarh State Conversion Act, 1936:

The Patna Freedom of Religion Act, 1942:

The Sarguja State Apostasy Act, 1945; and

The Udaipur State Anti-Conversion Act, 1946.

Similar laws were in Bikanar Jodhpur, Kalahandi and Kota and many others.

In Post Independence era, Parliament attempted to introduce a central Law for the whole nation. For instance in 1954, it took up for consideration the Indian Conversion (Regulation and Regulation) Bill and later in 1960 the Backward Communities (Religious Protection) Bill. The effort however was jettisoned for lack of support. Nehru had intervened effectively to abort a Bill moved by a Congress MP seeking the registration of conversions.

Orissa was the first State to enact, "The Orissa Freedom of Religion Act" in 1967. The legislation became a precedent and a model for several states viz., the MP Freedom of Religion Act 1967 and the M.P. Dharma Swatantray Adhiniyam 1968, followed by Gujarat(2003). Similarly, the Arunachal Pradesh Freedom of Religion Act, 1978 was enacted to provide for prohibition of conversions from one religion to any other by 'use of force or inducement or by fraudulent means'. Next were Rajasthan(2005), Himachal Pradesh (2006), and Tamil Nadu (2003). Such laws were also in force in Chattisgarh, Gujarat and M.P. Yet, another private member bill was moved in the late 70's but rejected following protests by the Christian community. In 2002, an introduction of a Bill against forcible conversions, by the Shiv Sena MP, A.G. Geeta, was met with protests from the Opposition.

### **THE RIGHT TO PROPAGATE:**

**Article 25 of the Constitution** states three separate rights associated with the freedom of religion. These rights are the following: The right to practice one's religion, the right to profess and the right to propagate one's religion. This is important to make a clearer distinction between these three rights although they are interrelated – and treat them as separate rights. In doing so, the right to propagate the religion of one's choice and thereby actively asking or moving other people to join the religion can be exercised without running the risk of reducing the right to freedom of religion to the mere right of practicing or professing the religion.

The right to propagate one's religion almost wasn't included in the draft of the Constitution. At the time, the sub-committee on Fundamental Rights- which was part of the Constitutional Assembly- considered the right to profess and practice one's own religion to be appropriate and sufficiently encapsulating the right to freedom of religion. However the sub-committee on minorities rights. For proselytizing religions like Islam and Christianity the freedom to propagate one's religion was an essential part of faith and religious practices. Mr. M. Ruthnaswamy, a member of the sub-committee, suggested that the right to propagate religion should be included in Article 25.. Article 25 ensures that the right to propagate religion is granted to anyone who steps foot on Indian Soil. Therefore, even a foreigner has the right to openly spread his religious beliefs and invite others to join him. This shows the liberal spirit of the Constitution.

However there has been some confusion surrounding the interpretation of the right to propagate, once this right is put into practice. This lack of clarity relating to the right to propagate is related to the practice of conversion. Obviously, anyone would condemn the case of forced conversion; however the case of conversion by inducement is less clear. What does 'inducement' entail exactly?

The term is quite ambiguous. The Sangh Parivar has used this confusion to take to the streets with the slogan 'the right to propagate does not include the 'Right to Convert' in an effort to denounce off and attach preachers and pastor who have converted people to their religion. However, the Sangh Parivar pays attention to whether these were instances of forced conversion or inducement and try to appeal to the public at large and by saying that these priests and preachers depict Hindu Gods and Goddesses in a negative way while trying to win a few souls. The land of Practice might belong to the Evangelical group called New Life, but does not apply to many other Churches and religious establishments, the Sangh Parivar has unjustly attached.

### **Does conversion undermine faith?**

The basic premise of the Orissa Act was debatable. The Act claimed: "Conversion in its very process involves an act of undermining another faith. This process becomes all the more objectionable when this is brought about by recourse to methods like force, fraud, material inducement and exploitation of one's poverty, simplicity and ignorance." As the Orissa Act became the model for other States, which provided more scope for abuse by the authorities than what the Orissa Act had envisaged, it deserves a close scrutiny.

The Act defines conversion as renouncing one religion and adopting another. It explains that "force" shall include a show of force or a threat of injury of any kind, including the

threat of divine displeasure or social excommunication. Under the Act, “inducement” shall include the offer of any gift or gratification, either in cash or in kind, and shall also include the grant of any benefit, either pecuniary or otherwise. “Fraud” has been defined to include misrepresentation or any other fraudulent contrivance. Each of these definitions is amenable to varied interpretations, and the scope for its abuse is inherent.

Section 3 of the Act states that no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion. The loose language in the provision suggests that in its scope, it encompasses every act of conversion, whether forced or otherwise.

The Madhya Pradesh Act introduced an additional provision requiring that whoever converts any person, either as a religious priest or by taking part directly or indirectly in a ceremony necessary for such conversion, must send an intimation to the District Magistrate that such a conversion has taken place. Failure to do so would invite imprisonment up to one year and a fine. The Act substitutes the word “inducement” used in the Orissa Act with “allurement” but makes no difference in the scope of its abuse.

Both the Orissa and Madhya Pradesh Acts were challenged in the respective High Courts. The Orissa High Court declared the Orissa Act ultra vires of the Constitution, insofar as it infringed upon the right guaranteed by Article 25. The court also held that the State legislature had no legislative competence to enact such a law, as only Parliament could legislate on matters concerning religion under Entry 97 of the Union List under the Seventh Schedule to the Constitution. Both the States had claimed that they were competent to legislate in terms of Entry 1 of List II (State List) dealing with public order. However, the Madhya Pradesh High Court upheld the Madhya Pradesh Act.

The Supreme Court’s five-Judge Constitution Bench heard the appeals against these two verdicts in *Rev. Stainislaus vs. State of Madhya Pradesh and Others* (1977) and upheld these Acts. As the Supreme Court’s judgment became a sort of licence for other States to enact similar anti-conversion laws, it needs to be asked whether the judgment was correct. The court considered whether the two Acts were violative of the fundamental right guaranteed under Article 25(1) of the Constitution and whether the State legislatures were competent to enact them.

Rajendra Narayan Singh I was a party from the very beginning to the compromise with the minorities, which ultimately led to many of these clauses being inserted in the Constitution and not because they wanted to convert people aggressively, but because the word ‘propagate’ was a fundamental part of their tenet. Even if the word were not there, he was sure, under the freedom of speech which the Constitution guarantees it will be open to any religious community to persuade other people to join their faith. So long as religion is religion, conversion by free exercise of the conscience has to be recognised. The word ‘propagate’ in this clause is nothing very much out of the way as some people think, nor is it fraught with dangerous consequences” (emphasis added by Seervai).

Seervai was clear that Chief Justice A.N. Ray's conclusion in the Stainislaus judgment ran counter to legislative history. He submitted that Chief Justice Ray did not ask the central question that was involved in the appeals before him, namely, whether conversion was a part of the Christian religion. This omission, he said, was indefensible because the judgment of the Orissa High Court delivered on October 24, 1972 (*Yulitha Hyde vs. State*), was under appeal to the Supreme Court and that judgment had squarely raised the central question whether conversion was a part of the Christian religion.

In its judgment, the Orissa High Court had held: "Counsel for the several petitioners have freely quoted from several Christian Scriptures of undoubted authority to show that propagating religion with a view to its spreading is a part of religious duty for every Christian and, therefore, must be considered as a part of the religion. Learned Govt. Advocate does not dispute this assertion of fact. We, therefore, proceed on the basis that it is the religious duty of every Christian to propagate his religion" (emphasis added by Seervai).

The High Court thus recorded its finding that Article 25(1) saw propagation of religion and conversion as a part of the Christian religion. Seervai observed that the Supreme Court, which reversed the judgment of the Orissa High Court, made no attempt to show that the question raised and decided was either irrelevant, or was wrongly decided. It is clear from Seervai's comment that the Orissa High Court's finding still holds the field, irrespective of what the anti-conversion statutes enacted by various States may say.

Seervai also explained the basic misconception in the judgment of Chief Justice Ray. He wrote: "Ray C.J. mistakenly believed that if A deliberately set out to convert B by propagating A's religion that would impinge on B's 'freedom of conscience'. But, as we have seen, the precise opposite is true: A's propagation of his religion with a view to its being accepted by B gives an opportunity to B to exercise his free choice of a religion."

### Freedom of religion

Seervai was convinced that the "freedom of religion" guaranteed in Article 25(1) is not limited to the religion in which a person is born but includes any religion. Freedom of conscience, he wrote, harmonises with this, for its presence in Article 25(1) shows that our Constitution has adopted "a system which allows free choice of religion". Therefore, freedom of conscience gives a person freedom to choose or not to choose any one of the many religions that are being propagated.

He elaborated further: "The right to propagate religion gives a meaning to freedom of choice, for choice involves not only knowledge but an act of will. A person cannot choose if he does not know what choices are open to him. To propagate religion is not to impart knowledge and to spread it more widely, but to produce intellectual and moral conviction leading to action, namely, the adoption of that religion. Successful propagation of religion would result in conversion" (italics supplied by Seervai). Seervai concluded his discussion thus: "The Supreme Court's judgment is clearly wrong, is productive of the greatest public mischief and ought to be overruled." The huge

atmosphere of prejudice against Christians in Orissa and elsewhere is based on a myth that conversion is unconstitutional. The words of Seervai, who passed away on the Republic Day in 1996, are indeed prophetic.

**Spread and role of Sangh Parivar:**

The Sangh has reportedly amassed between 35 and 40 major organisations with numerous branches including paramilitary hate camps in 25 districts in Orissa with a massive base of a few million operating at every level of society connecting villages to cities and Orissa to the 'Hindu Nation'. Hindu communalists have inaugurated various trusts and branches of national and international institutions in Orissa to aid fund raising including , the Friend's of Tribal society, Samarpan Charitable Trust, Sookruti, Yasodha Sadan and Odisha International Centre. Repots say that the RSS operates 6,000 shakhas in Orissa with a 1, 50,000+ cadres. Led by RSS , Vidya Bharati ( Known as Shiksha Vikas Samiti in Orissa) directs 391 Saraswati Shishu Mandir schools in Orissa, including Balngir, Kalahandi, Koraput, Malkangiri Nabarangpur and Nuapada, Kandhamal and Raygada Districts with 1,11,000 students preparing for future leadership. Vanavasi Kalyan Ashram runs 1,534 projects and schools in 21 Adivasi concentrated districts.

The sangh also hires paid operatives to undertake mob activity. Led by the RSS, Vidya Bharati (known as Shiksha Vikas Samiti in Orissa) directs 391 Saraswati Shishu Mandir schools in Orissa, including in Balangir, Kalahandi, Koraput, Malkangiri, Nabarangpur, Nuapada, Kandhamal and Raygada districts, with 1,11,000 students preparing for future leadership.

Training camps in Bhadrak and Behrampur aim at Adivasi youth. Vanvasi Kalyan Ashram runs 1,534 projects and schools in 21 Adivasi concentrated districts. The sangh has initiated 1,200 Ekal Vidyalayas in 10 districts in Orissa to target Adivasis. In March 2000, the Hindu nationalist Bharatiya Janata Party (BJP)-Biju Janata Dal (BJD) coalition came to power. In October 2002, a Shiv Sena unit in Balasore district formed the first Hindu 'suicide squad'. Political economy

### **Role of Swami Laxmananda Saraswati: The conversion King:**

**In Orissa since the 1990's a formidable mobilization has been established by the right wing Hindu groups, including Kandhamal district. One of the main person spearheading this effort was Swami Laxmananda Saraswati. He was born in 1924 in gurujang village of Talcher, a coal mining town of Orissa and had dictated himself his life to the ppor. He was married and had two sons. He renounced his family and went to the Hmalayas to meditate. He returned in the 60's and joined Vinobha Bhave in his Goraksha move ( anti- cow slaughter movement). He traveled from village to village initially contacting the business community, organizing pujas and Bhajans During the Kumbh mela at allahbad in 1966, he emt bhupen Bose, an RSS pracharak, who persuaded him to come to Orissa and work aamong the Adivasis. Over the next decade he set up hostels for the Adivasi Girls, hospitals an organised massive yagnas**

The difference or conflict between theKandhas and Panos are real but they do not add up to any thing that would even remotely explain the vicious violence unleashed on the Panos. if alienation of land and economic exploitation is to explain the anger of the Kandhas, there should have been a more severe attack on the caste Hindu communities in the district ('the Oriyas' as the Panos as well as the Kandhas call them). There were none,

and on the other hand in many of the attacks the caste Hindus took part along with the Kandhas. And there should have been attacks on the unconverted Panos too, but not only weretheyspared, some of them even participated in the attacks on the Christian Panos in some places. And finally, and clinchingly, there would have been no attacks on Christian Kandhas, but there were such attacks and there are many Christian Kandhas in the Refugee camps.

**The real reason requires analysis, not of the socio-economic conflicts between the Kandhas and Panos, but of what Lakshmanananda did .**

If alienation of land and economic exploitation is to explain the anger of the Kandhas, there should have been a more severe attack on the caste Hindu communities in the district ('the Oriyas' as the Panos as well as the Kandhas call them). There were none, and on the other hand in many of the attacks the caste Hindus took part along with the Kandhas. It is generally accepted that the Swami entered the district in the year 1969. His headquarters is Chakapada where he set up the Gurukul Sanskrit Mahavidyalaya. The Vanvasi Kalyan Ashram, intended as an instrument to Hinduise the Adivasis, took over the running of the Chakapada ashram in 1979. While the eulogies of the Sangh Parivar say that Lakshmanananda opened up educational opportunities for tribal children whose needs in this area were neglected by the State, the education given here was in Sanskrit, which could hardly have added to their abilities in moving up in life, and withal served the purpose of inculcating the ideological slant of the Sangh Parivar. There is no reason to see it as any different from the much vilified madarasa education given to Muslim children. In fact the very purpose of Lakshman Sethi (as he originally was) going to - or being sent by the Sangh Parivar to - Kandhamal was the spread of the Sangh Parivar ideology and the hindering of the spread of Christianity. The Sanskrit Kanyashram at Jalespeta for girl students, also a Sanskrit School, came into being in 1985. In both the Chakapada and the Jalespeta institutions, Shakhas of the RSS are compulsorily held, and so are satsangs of the VHP ideologues who propagates their version of the problems the country faces, in which the principal share of the blame is borne by the minorities and the 'minorityism' of the secular parties and their policies. We also heard it said that while credit is given to Lakshmanananda for setting up the Jalespeta institution, the school was actually set up by the villagers and Lakshmanananda took it over, sacked the seven teachers working there and brought his own persons to teach a saffronised syllabus. Almost from the beginning, Lakshmanananda went around the tribal villages inculcating Brahminical practices in the name of the right way of life. It is also commonly acknowledged that Lakshmanananda organised yajnas and sankirtans periodically. 'We persuaded the people to observe Hindu dharma and avoid Christianity. We told them that India is Hindu Rashtra', says Shivaram Digal of Katingia, G.Udayagiri block, a Pano who never took to Christianity and is an ardent follower of Lakshmanananda. The effect on impressionable tribal villagers of the systematic inculcation of the falsehood that India is Hindu Rashtra, and that too in a militant tone aimed against the Christians, can be imagined. Sometimes the ritual of a bath, adorning the 'sacred thread' to the accompaniment of reciting the gayatri, would also follow. Lakshmanananda also campaigned viciously against Christianity. He would say to the Kandhas, 'you are poor but the Christians are rich because they have foreign money'. In every meeting he would ask people who were ready to attack churches to raise their hands. Every year, some trouble would be created at the time of Good Friday and Christmas to prevent happy

celebration of the festivals. And off and on, the local people egged on by his incitement, would catch hold of Christians and force them to convert. A ritual was devised by sLakshmanananda for this. A graphic description from an eye witness, Simon Nayak of Pirigada, K.Nuagaon block, was got, who was in a camp at Cuttack when we met him on 11<sup>th</sup> October. The victim would be tonsured and tilak put on the forehead. He would have to consume 'gobar paani' (cow dung mixed with water) and would then be fed ghee rice. He would have to tear or burn the bible and put his signature to a paper declaring that if he ever went to a church again, it was the same as if he was dead. Interestingly, there is no wearing of the sacred thread and recitation of gayatri when a dalit Christian is forcibly converted, unlike when an enthusiastic adivasi is given religion. The exertions of Lakshmanananda resulted in violence against the Christians from about 1986. He appears to have undertaken a rath yatra in 1987, and conducted yajnas in many villages during 1986-87. Regular incidents of violence have been reported thereafter, in which the caste Hindus and the Hinduised Kandhas assaulted Christians. However preacher Bijoy Digal of Budrukia, Baliguda block, said to us that he was attacked as far back as 1982 by Kandhas instigated by Lakshmanananda.

There were more than a few Kandhas who resisted the depredations of the violent Bajrang Dal gang, some of them losing their lives in the process. For the present we will only refer to the Kui Samaj Samanvaya Samiti (Kui Samiti, or just Samiti, in brief) which is the organisation of Kandhas that has campaigned aggressively against the Panos. We have referred earlier to the Nikhil Utkal Kui Samaj Union formed in 1926, whose aim was 'to preserve the dignity of the Kui community'. The notion of Kui in those days referred to the language and culture of the Baliguda region and not to a particular community. Hence both Panos and Kandhas were part of it. Opposition from some Kandhas to the inclusion of Panos came up from about 1945, and the Kui Samaj Seva Samiti was formed with exclusively Kandha membership in 1945 in Phulbani. The Kui Kula Samiti was formed in Baliguda in 1982. The Kui Samaj Samanvaya Samiti was formed in 1998 to coordinate the activities of these organisations.

Nazeer Akhtar in a report in The Indian Express (17 March 1989) writes that the anti-Christian voices became strident in 1981 due to the efforts of Swami Laxmanananda Saraswati. The Swami gave a concrete shape to an organized agitation against Christianity. With a view to arouse religious consciousness among the tribals and Harijans, the Viswa Hindu Parishad had been taking out in procession, a Jagannath Rath, to different villages. "They also organized satsangs in villages where they discussed national problems blaming the two minorities, Muslims and Christians. During the Ram Janmabhoomi campaign, when the Sangh Parivar was organizing anti-Muslim campaign all across India, VHP/VKA was trying to intensify anti-Christian propaganda in the tribal dominated areas of Phulbani, Gajapati, Mayurbhanj, Keonjhar and Sundergarh (Pralay Kanungo - RSS's Tryst with Politics). Finally, the VHP/VKA went for the reconversion or paravartan drive. For the first time in 1987, attacks against the Church began in Kandhamal (Interview with Bijay Pradhan, a RSS sakha leader till 1992, now works in an NGO- World Vision). As a result of these concerted efforts, communal violence increased in Kandhamal (specifically Raikia, G.Udaygiri, Tikabali, Bamhunigan areas). This report also mentions, "in 1985, there were 12 clashes, but in 1986 and 1987, the number of clashes rose to 13 and 20, respectively." It also states, "A leader of VHP,

Swami Laxmanananda Saraswati, has so far converted about 18,000 Christians into Hinduism." The twin activities of the Hindutva forces (attacks on churches and reconversion) continued in Kandhamal. Some of the incidents given here are collected from the book, Faith under Fire.

1. On 2 and 3 October 1988, Christians were brutally attacked in Katingia.
2. On 24 January 1989, a priest and a church were attacked in the Sadingi village, Podingia GP.
3. Churches were attacked in Sahaliguda, Duringpodi, Budaguda, Nuagan and Madhiguda.
4. In 1997, in the Betticola village (G.Udaygiri) Christians and a church were attacked.
5. On 26 August 2004, the Lady of Charity Catholic Church, Raikia was vandalized.
6. In Chakapada, around April 8-10, 2006, about 342 Christians were converted to Hinduism on the occasion of the birth centenary of M.S. Golwalakar, the second RSS Chief. The ceremony was attended by Biswa Bhusan Harichandan, the Minister of Law and other ministers, MLAs and MPs. The trend continued to 2007 December and then to 2008 August with more virulence.

As Dharendra Panda puts it that the sadhus are campaigning for votes to a particular party and using religion for political ends. On the 8th of August 2008 there were 144 in and around Swadhinata Sangrami Sadan Ground where the VHP had its Shradhhanjali Sabha along with Sadhus and Saints and BJP leaders such as Suresh Pujari (President Orissa BJP), Prasanna Mishra, Panchanan Rout, MLA Pratap Sarangi and Subhash Chouhan, Bajrang Dal leader.

**Statements given by :**

**Mahant Swami Sachidanad Maharaj-** 'Sacrifice of Swamiji will be meaningful once the cow-slaughter and conversion is totally stopped in the state. In each village, village committees will be formed to actualize the dreams of Swamiji. If the villagers get awareness these will be stopped automatically.'

**Tridandi Swami Bhagwan Das-** 'Now the Hindus have become minority. There is an International conspiracy behind it.. The Christians Majority in 186 countries have not only killed Laxmananda, by doing this they have challenged the whole Hindu society.

Swami arupananda Maharaj- Attacks on Swamiji is the same as attacking the Hindu religion. All the saints and the Sadhus need to counterattack unitedly otherwise the entire India will be converted into Christian Nation.'

**Swami Brahmananda Saraswati-** 'Once the Englishmen came for trade and commerce and had occupied our country, now the Christians in the name of 'Minorityism' have come again to take away our independence.'

**Swami Satyapriya Maharaj, Arya Samaj-** 'The Government is like a eunuch that could not give protection to Swamiji, but continues in giving protection to murderers'.

**Abhinash Baba Joranda-** 'This is a country of saints and Sadhus and the country is 'Functioning' for them only. The government should provide security to Mathas and temples'.

**Ramacharan Das Maharaj-** 'Limiting ourselves in mere blaming the Government will not serve the purpose. We have to realise and decide that whoever will be able to understand The Hindu religion and respect the saints and Sadhus can sit on the throne. If this happens all the problems will be solved.'

**Swami Chanmayananda Maharaj-**

The Hindus occupying 85% of the total population are screaming, but the Government pays no heed to it. The situation is like this only because we are not united. If we unitedly pull our votes for one party, everything will be set right. Sankaracharya should be entrusted with the responsibility to decide whom to vote for and issue 'whips' to cast all our votes accordingly. By this whichever party comes to power will be compelled to respect our words'.

**Ashok Sahu, President, Hindu Jagran samukhya (former DG, Police Assam)-** (Archbishop) Raphael Cheenath, President Lok Sangram Dalit Manch and John Dayal have hands behind the murder of Laxmananda.'

**Gauri Prasad Rath, General Secretary, and VHP-** Now Orissa is run under demonic prowess. The sadhus and the Sanths were arrested for no reason. They were not allowed to have Darshan to Sri Ram Temple. The police should beg apology for insulting the Hindu Community in Orissa by arresting the Sadhus and the saints. As we have not been allowed to hold Condolence rally, henceforth we will not allow anybody to hold peace rallies here. Unless the killers of swamiji are arrested, there will be no peace in Orissa.

Ashok Tiwary, VHP akhil; Bharatiya Dharma Jagaran Paramukh; Ramanuj Das Moharaj, Chintamani Prabat Maharaj, Mahanta Raghbir Das Maharaj, Mahanta Ram Charan Das Maharaj, Mahant Ramkrishna Das Maharaj, Sankarananda Maharaj, Mahant Narayan Baba, Brahmachari Jiban Chaitanya Maharaj, Swami Prana Swarupananda Maharaj have taken vow- '**The Christians will be wiped out from Kandhamal**'

**Lambodar Kanhar:** He appears to come into focus in the year 1994. There was a conflict over entry of a Pano Youth into a Shiva temple at Khudutentuli in Khajuripada block on the 14<sup>th</sup> January 1994. He was not a Christian Pano but one of the unconverted, whom the Sangh Parivar likes to show as Hindu. Some Adivasis who were the main worshippers of the temple, objected to the entry of the Pano, and there was trouble because the Pano youth struck to his rights. Kanhar's explanation, which few accept, is that it was not an expression of untouchability, but that some of the Panos refused to give contribution to the building of the temple. When one of them insisted on worshipping at the temple after it was built, the devout Kandhas objected. The mutual intransigence turned into a riot between the Kandhas and the Panos with Lambodar Kanhar entering the fray and mobilizing his community. The Panos too were mobilized in large numbers by their leaders. Kanhar was at that time was booked by the National Security Act. It was a veiled spectacle- a tribal Dalit fight over the right of Dalits to enter the temple, which is a Brahminical objection. The riots went on till June leaving 18 dead and pushing a large number of Panos into the refugee camp of Phulban. At a rally of 5000 Kandhas taken out under the leadership of Lambodar Kanhar on 6<sup>th</sup> of April. The demand to rename Phulbani as Kandhamal was voiced vigorously in these processions and succeeded.

It is worth noting that Lambodar Kanhar has never led the Kandhas against exploitation by the non-tribal plainspeople. He has gone on record by saying that the Kandhas as much as the Panos are Beef eaters and are not happy with the Sangh Parivar's campaign against beef, which is in any case the cheapest meat available. He has also said that the Adivasis are animists and not Hindus. But on other occasions he has echoed the Sangh parivar's talk against Christianity and Christian missionaries. He only wishes to get the best political mileage out of the tragedy.

### **Swami Lakshmananda's murder.**

On the evening of Saturday , 23 august 2008, the octogenarian Swami Lakshminanda Saraswati , a leader of Vishwa Hindu Parishad was killed at this Jelaspata ashram in the Kandhamal district in Orissa along with four others, three fellow leaders of the Vishwa hindu Parishad and a boy. The attackers estimated at thirty gunmen, were suspected of being maoist insurgents. Both the manner of attack and a letter found at the attack provided the basis for this. The government announced a special investigation probe into the attack.

However Hindu groups in the state including the BJP blamed Christians for killing Lakshmananda. They cited Lakshmananda's claims that Christians were trying to eliminate him for his opposition to conversion and had attacked him eight times before.

On the 28<sup>th</sup> of August, a letter of denial was received by some media outlets, the VHP office in Gajapati district of Orissa and the Bajrang Dal from a maoist group. While the letter denied that the central committee of the Kotagarh Branch of the Maoist had approved the tttack, it claimed that some Maosists may have been bribed by the Christiansto launch the attack. Sources within the police force have said that the Maoists have carried out the operation to appease their Christian support Base. Soon after the appearance of the aforementioned letter, Azad a leader of the Maoist People'e liberation Guerilla army claimed responsibility for the murder of Lakshmananda. Azad was suspected by the police of leading the attack himself. On 9<sup>th</sup> September 2008, who work underground made an official press release claiming responsibility for the killing of Lakshmananda. Many Maoist sympathizers of south orissa have initially denied the role of CPI- maoist in the mureder of VHP leaders that sparked off communal violence in Kandhamal district. Communist party of India (Maoist leader) Sabyasachi Panda claimed that they killed Swami Laxmananda and 4 of his disciples. On 7<sup>th</sup> October 2008, the Orissa police announced they arrested three Christians in connection with the murder of the Swami.

On the 16 october, in an Interview to PTI , the IG police Mr. Arun Ray told that 'the Maoists were given money to train certain youth of a particular community to eliminate Saraswati', The plan to eliminate Saraswati was made immediately after the December 2007 communal violence in Kandhamal, he added. Elaborating the probe by the crime branch, Ray said investigations also showed that a group had collected money from some villages in Kandhamal which was given to the Maoist group to train their youth for the purpose.

## **What is happening to Christians in Orissa?**

- More than 80,000 people are affected in this violence.
- 4,000 houses are burnt & destroyed.
- 158 GPs are affected of Kandhmal District.
- 18 Churches & more than 400 Community Prayer halls are destroyed & burnt.
- 30 Hostels are broken in the presence of students.
- Till date 14 Relief camps are set up in different places of Kandhamal Districts.
- All these are started in 25th August, 28th August & 6th September 2008. Fluctuation in camps occurred as like, few places the relief camps are already closed like Tumudibandh & Kotgarh Block, in Daringbadi the camp started recently where earlier there were no camps.
- Total 25,000 people have taken shelter. Many people are migrated to Surat, Mumbai & Pune with much fear.
- Unofficially more than 60 people are murdered/ burnt/ hacked .

## **THE NCM NATIONAL COMMISSION FOR MINORITIES**

Report of the NCM visit to Orissa, 6-8 January 2008 discussed in detail the chronology of events with all its interlocutors. The responses were far from uniform because of the endeavor of groups consulted to engage in a blame game. However, the team has been able to construct a factual account of the tragic turn of events.

As early as 22nd December the Church authorities informed the Sub-Collector that they apprehended trouble on Christmas and asked the district administration to take the necessary measures to prevent anti-social elements from exploiting the situation to create the trouble. Church authorities informed the Sub-Collector that the Kui Samaj had given a call for a bandh on 25-26 December to press their demands regarding various issues. They requested the district authorities to remain alert and preempt any trouble. On 24 December a group of 150-200 people started demanding that an arch put across the road by Christians should be removed in Brahmanigaon even though the Christian community had received official permission for putting up the pandal and for the use of loud speakers. The district administration confirmed the grant of permission. Two reasons were advanced to halt work on the arches and pandal. (i) It would affect business. (ii) The pandal was sought to be erected on the very site used by the Hindus to celebrate the Durga Puja festival in October. Protestors then sought to close the weekly market on 24 December. They also tried to close all the shops in the area. The Christian shopkeepers refused to comply which led to an altercation between the two sides. More than 20 shops were looted and destroyed in the forenoon of 24 December. Two shots fired in the air created a panic and people ran helter skelter. Police officers and the Collector arrived on the scene to help sort out the issue. Even as they were making these efforts news came in of an attack on the vehicle carrying Swami Lakshamanda to Brahmanigaon by a group of Christian youths. This inflamed the majority community even though the nature and scale of injuries sustained by the Swami is yet to be established. From this point the situation took a turn for the worse. The very fact that the Swami was on his way to Brahmanigaon to raise the “morale of the majority community” is indicative of his desire to exacerbate communal tensions. Meanwhile the Kui tribes people felled close to 2000 trees on the roads leading to the district to prevent Shri Padmanabha Behera, Minister for Steel and Mines, from taking his supporters to Bhubaneshwar where a massive rally was to be held for celebrating 10 years of BJD. Shri Behera belongs to SC Pana and has been the target of opposition of the Kui Samaj leaders and has since then resigned. There is a long history to this conflict and the rivalry goes back to 1994 when large scale mobilization of Kuis by Lambodhar Konhar had taken place culminating in widespread clashes and violence. But the NCM team was given other reasons for blocking of roads. This was to prevent the police from reaching those places where Christian churches, prayer halls, convents, were being targeted by miscreants. This raises several important questions which remain unanswered by the official account. How can so many trees have been felled within a matter of hours without planning, organization and large numbers of people involved in felling?

Why were the state intelligence agencies not aware of the felling of trees which is against the law? The answers received by the NCM team to these questions were far from convincing. Nor could they tell the team of the extent of complicity between Kui tribes and the VHP. One senior Kui leader regretted that the Sangh Parivar had used the

leadership of the tribals for its own ends. Another leader acknowledged that the VHP had penetrated the ranks of the Kui Samaj and always put them in front in such conflicts. Before the VHP's anti-conversion campaign the tribal Christians and non-Christians had lived in harmony but the Parivar's efforts had succeeded in creating a chasm. It must be remembered that Swami Lakshmanda has been working among the STs since 1969 when he established his base here. He enjoys a big following in this area and Christians allege that there is some degree of complicity between the tribal leaders and Sangh Parivar outfits. Attacks took place in various places between 24-27 December. We were informed that Christian properties destroyed in these incidents include parish churches, village churches, convents, presbyteries, hostels, a vocational training centre, a leprosy centre, and scores of shops and houses. Incidentally Hindu owned properties were also destroyed though the number is a fraction of the losses sustained by Christians. The Orissa Government is yet to give its full assessment of the damage. Three persons were killed: one Christian, one Hindu while the identity of the third is yet to be established. Destruction on such a large scale in places which are difficult to access could not have taken place without advance preparation and planning. The manpower and logistics required to damage so many Christian properties is immense. We visited an NGO and a Revenue Inspectors office on our return to Bhubaneswar. The RI office was completely gutted which indicated a high level of planning and use of incendiary materials in the attack. The sense of insecurity runs deep in the Christian community. As many of them were left with nothing except the clothes they were wearing. Children and women including nuns had to seek refuge in the forests. The Government has provided some immediate relief.

### **Conclusions and Recommendations**

1. Throughout the fact finding mission one question rose again and again and this was whether the choice of 25th December for holding a bandh by the Kuis was a mere coincidence. A second bandh called by Swami Lakshmananda to protest the attack on his car was also fixed for the same day. We find it difficult to believe that this too was entirely fortuitous. The authorities were warned well in advance by the Christians that trouble was brewing during the Christmas season. In this background it is extremely difficult to understand why the district authorities did not take active steps to defuse the situation and ensure that peace was maintained.
2. The official accounts sought to stress the complexity of the situation in Kandhamal district and attributed the violence to the confusion over the High Court Order on the inclusion of SC Christians in the ST category which is vehemently opposed by the Kui tribes in the area. The situation is certainly complex and overlaid with multi-layered contradictions. The conflation of caste tribe- communal issues has contributed to the aggravation of social conflicts in this area. But none of this complexity detracts from the principal issue which is that the Christian minority was the target of organised attacks. The State agencies if they had been vigilant could have prevented the violence arising out of the two bandhs on Christmas.
3. The State Government must look into the speeches of Swami Lakshmananda to determine whether they amount to incitement to violence and take appropriate action.

4. The State Government must issue a White Paper on the conversion issue to dispel fears and suspicions that have been assiduously raised about the Christian community and the role of its institutions.
5. Rehabilitation package announced by the Orissa Government needs to be reviewed to provide rehabilitation keeping in view the actual loss suffered by the victims of violence.
6. Augmenting the number of police personnel and providing them with adequate training and equipment was also imperative. Moreover for reasons that have not been explained the State Government was reluctant in reaching out to civil society and NGOs working as they do work at the grassroots can provide authorities with advance information about simmering tension and co-operate in the prevention of such incidents.
7. Orissa does not have a State Minorities Commission. The State Government must take the necessary steps to set up a statutory Minorities Commission for safeguarding the rights of minorities.
8. The confusion created by the High Court Order needs to be swiftly cleared to prevent further outbreak of tensions between STs and SCs. The government must address the obvious tensions that will arise from the different treatment given in the matter of reservation to Christians belonging to the SC community and the ST community. If Christian tribals are backward Christian SCs are no less so. To create an artificial distinction between the two is simply to communalise poverty and drive a wedge between two homogenous groups who are among the most deprived. The group therefore, recommends that the reservation given to Christian tribals should be extended to cover Christian SCs who are of exactly the same background and are subject to exactly the same disadvantage.
9. None of the above must detract from the social and economic backwardness of the district. Every indicator points to acute poverty, illiteracy, ill-health, lack of infrastructure, in short, an absence of development. Nearly two thirds of the people in this district live below the poverty line. Even as the authorities are called upon to show greater vigilance to prevent the outbreak of violence, the Government must urgently address issues of social exclusion and structural inequities.
10. The terrible fact remains that in parts of Orissa Christians were unable to celebrate their most important festival. By preventing Christians from celebrating Christmas, the VHP and its affiliates have ensured that the minority should not be in a position to enjoy the rights guaranteed to it by the Constitution. The action of such forces is blot on the Republic a matter which deserves more attention and consideration from authorities both at the level of State and Centre.

## Peace in Kandhamal

Original

Trackback

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by Ananta Kumar Giri, 26 April

It was two o'clock in the morning. I had just woken up in the quiet village of Lakebadi in Kandhamal, still asleep in the lap of Nature and the Divine, and was looking at the beautiful mountains bathed in light with the rays of a blooming moon and the stars. I was remembering the prayer for peace offered by Gokul Diggal two days ago when we first met: "God, please forgive us all so that all of us can realise our own weaknesses and mistakes. The Hindu brothers who are doing all these without knowing, you talk to them."

Gokul Diggal is a Dalit Christian or what is known as Pana Christian in this village; his house was destroyed in violence in Kandhamal after the murder of Swami Lakshmananda and his fellow Ashramites on August 23, 2008. The villagers resisted for nearly twenty-five days and finally gave in to the mob of destruction coming from outside but with collaboration of some in the village. Lakebadi has 37 families of Dalit Christians and the same number of Adivasi Hindus or tribal Hindus. Almost all the houses of Dalit Christians have been destroyed but before the final act of house demolitions the Dalit Christians were able to store their valuable goods, commodities and bags of grains in the houses of Adivasi Hindus. Initially the Hindu tribals offered protection to Dalit Christians but there was constant pressure on them from the violent outside forces who would come in the night, shout slogans against Christians and instigate the Hindu tribals. Says Arti Apa, the quiet-willed and radiating wife of Gokul Bhai: "Oh what noise! Oh those slogans! We had never heard: Bajrang Dal ki Jai! Bharat Mata ki Jai! We used to tremble in fear. Before darkness we used to leave our homes with children and all of us together went up the hills and took shelter. We used to come down only when daylight broke." Says Sabita Apa, another woman in the village: "Only when they broke our house, we felt safe. Otherwise we have had to live with their threat for ever."

Gokul Bhai is a young man in the village and had a flourishing business—he had a ration shop. But he was able to store most of his goods in the house of his Hindu tribal friend. After their houses were demolished all the Dalit Christian families of the village went to live in the relief camp in K. Nuagaon, nearly twenty kilometres away from the village. But two families did not leave the village even in the midst of destruction and continued threat of violence. I was resting in the house of one such family. Mahanabati Apa, the woman in the family, who radiates a sense of divine peace and strength, said: "Why should man be afraid of another man? If they want to kill us let them but we won't leave our village." She further said: "I prayed during the evening. I got an answer: do not be afraid. We did not go to the relief camp. But I was always praying: let the people of our village come back from the relief camp. Now that they have come back from the relief camp we feel very happy." Mahanabati Apa leads a spiritually inspired life and she spends most of her time praying with Jesus and doing work in the village and the forest. Her husband goes for collecting wood and sells it in the neighbouring small town of Raikia. They have a grown-up son who during the violence stayed away in the block

headquarters of Baliguda. Mahanabati Apa, like many men and women in the village, is praying for peace in the village, and in Kandhamal.

I had visited Lakebadi on January 8-9, 2009. After spending nearly two months in the relief camp villagers had come back to the village just two days before my arrival in the village. There was a spirit of a new beginning and building again from the edges of ravages and destructions. Gokul Bhai, who was a rich man in the village and had a comfortable bed to sleep on, slept on the floor in the tent in the relief camp. He said as we were having dinner at his home one night: "Oh, at least the relief camp taught us that we are all equal. I, who used to have fine food and sleep on our luxurious bed, stood in the queue." But not all the inmates in the relief camp are as philosophically and spiritually attuned as Gokul Bhai. Life in the camp was hard and many complained that they were not being given proper food. But when they left the camp each of the families was given some ration of rice and other essential goods by the government so that they could start their life again.

But in the camp Gokul Bhai and his fellow brothers filed a case in the police station against fellow villagers, that is, the Adivasi Hindus for destroying their homes. Says Gokul Bhai: "People had come from outside but people from the village were also involved. If they had wanted they could have saved our homes. We had built our homes with great difficulty. They have taken even our doors and windows and roofs from most of our homes." A case has also been filed against some Adivasi Hindus who had kept the goods and belongings of Dalit Christians in their homes. For example, the case filed in Lakebadi has named one who had kept the goods and household belongings of Gokul Bhai. Some innocent tribal Hindus seem to have been implicated in this case. Says Gokul Bhai: "I feel sorry. I did not want to include the name of Jagdish [pseudonym] in the case. He is my sangata [ritual friend] from my childhood. But other brothers from our side said: 'Oh, you are not giving his name because he saved your belongings.' The police also said that we have to include everybody in the village."

But during my discussion with the Adivasi Hindus I found that case has not been registered against all the Hindu tribal families in the village. The local postman is one such person who has not been named in the police case. So it may not be true that the police insisted that the registered case has to include all the Adivasi Hindus of the village indiscriminately. Says Gokul Bhai: "I was not sure in my conscience that Jagdish was not involved in the destruction of our homes." At the same time, he is grateful to Jagdish for the help he had rendered in saving his goods and belongings. During our discussion Gokul Bhai said: "I am prepared to pay for his court case and may be after a few hearings I can withdraw the case against him."

Withdrawal of case is a demand from the local tribal Hindus for return of peace and normalcy in the village. This is also a demand from some tribal organisations in the area. Now the Dalit Christians are not allowed participation in the employment activities of the village. In an early morning I walked with the village Sarpanch, who is an Adivasi Hindu, and Johsua [name changed], a Dalit Christian, towards the village river. The Sarpanch told me: "We need a bridge over our river. We need development in the village." But

what is the meaning of development without peace, without inclusion of all? On the way to the river a road was being constructed under the National Rural Employment Guarantee Scheme [NREGS] and I spoke with the men and women working there. I asked the Sarpanch whether Dalit Christians can work in this project. He said that there was no bar. But after a few hours I met with an older tribal Hindu who told me that unless cases against the tribal Hindus are withdrawn Dalit Christians would not be welcome in the village work project. During our meeting men and women in the Dalit Christian neighbourhood said that they still face continuing threat from the Adivasi Hindus about exclusion from the village's common resource such as forest and the cemetery and from the village work project. But despite such threats Dalit Christians do use the village's common resource as the forest and collect woods.

## II

Joshua Nayak is a Dalit Christian in the village who lives in a small plot of land in Lakebadi with his wife Prabha [name changed]. Joshua and Prabha had not left the village for the relief camp even if their house was destroyed. In a meditative afternoon we sat together in the only cot in this damaged house. Joshua and Prabha said that they had built the house with a lot of difficulties. This is the fruit of their labour from the scratch for the last thirty years. Everything evaporated in a few days. Like other families in the Dalit Christian neighbourhood they had also saved their belongings in the houses of their Hindu tribal neighbours. They have got back some but still the table on which their TV used to stand is in the house of the Hindu family which had sheltered their belongings. Prabha has asked for it a number of times but still she has not got it back. There was sadness in her face. Said Joshua: "You see Prabha, please do not ask for it again. It would make them unhappy. They do not have a table. Now our TV is on a chair and we can manage. Whenever they get a table won't they return it to us?"

Joshua said that before the destruction of the houses there were meetings in the village several times on the issue of safety and returning to Hinduism. People came with weapons and swords from outside and along with the villagers a meeting was held in a remote place in the village river bed. "They said that if we become Hindus nothing would happen to us. Many of our brothers said: how can we do this? We have been Christians for generations." They were given a handwritten application form and were asked to sign. Joshua did not know how to sign and put his finger print. The application form read as follows:

The President of the Vishwa Hindu Parishad, Orissa (Through the President of the Village Committee)

Sub: Coming back to original Hindu religion

Sir,

[..] We were earlier living as Hindus. But unfortunately some years ago we accepted Christianity. But today on 1st October, 2008 I and my family accept our original religion on our own and would be guided by Hindu culture. [..]

It must be noted here that this paper reconversion took place on October 1, 2008 while the homes of the Dalit Christians in Lakebadi were demolished on September 18. There is pressure for reconversion all around. For example, in another village named Sirki near the block headquarters of G. Udayagiri there were two Christian families in a predominantly Hindu tribal neighbourhood. One of them is a Dalit Christian, the other a tribal Christian. The son in this tribal Christian family has become a Hindu while the mother has not. During our conversation an old woman from an Adivasi Hindu family said: “How can the old mother continue to manage as a Christian when his son and daughter-in-law have become Hindus?” In the same village of Sirki I met with the son-in-law of a prominent Dalit Christian of the village who has also become a Hindu because the Hindus of the neighbourhood have given him a plot to build his home. But on Sunday he goes to church, his father-in-law told me with a smile. This church is far away because the church in Sirki, as it is in Lakebadi, has been destroyed during the violence. But in the same Hindu Adivasi neighbourhood lives a Dalit Christian family.

However, the situation varies from village to village. One single Dalit Christian family living in the predominantly Adivasi neighbourhood in Sirki offers a ray of hope. But all the Dalit Christians do not have that sense of security and ease with which they can live in their home villages nor can they return, especially if their home village has some strong and staunch followers of the Sangh Parivar. While I was in Lakebadi, Dalit Christians told me that if one leader in Dharampur (a local village with a strong base of the Sangh Parivar), wants peace they would come back to the area quickly. So even if it was getting dark I took a bus to the neighbouring village though the sisters of Lakebadi pleaded with me not to go to Dharampur alone: “Please do not go! They would ask you a lot of questions.”

I got down at the bus stop of the hilly village of Dharampur around 6.30 pm on January 9, 2009. I asked for the direction to the house of the local Sangh Parivar leader and people brought me to a local shop near the bus stop as the leader was sitting there. I was encircled by about ten people and all of them started asking me a volley of questions—who are you? Why have you come? I said that I am human being and as a fellow human being I am deeply pained at the killings, violence, threats, intimidations, destruction of life and peace in Kandhamal. One young Brahmin man sitting there said: “Hinduism does not believe in violence. When a Hindu rises up early morning he prays for the well-being of all people. But this is a reaction to the murder of Vedantakeshari Swami Lakshmananda. But all this talk of violence in Kandhamal is a fiction created by the outsiders who want to give Kandhamal a bad name.” The leader of the Sangh Parivar said: “But still the Christians of our village are living in peace here. We have given full protection to the Christians of our village. We have a Christian family here whose son is a pastor.” I requested him to take me to this family. The leader sent two people to escort me to his house. We came to the front of a house where an old man was sitting by the fireplace. It was cold and we all sat around the fire. I said: “Mausa, namaskar [Hello

Uncle]! How are you?” He said: “I have become a Hindu two months ago.” There were two dilapidated houses nearby belonging to two Christian families of the village. The escorting men said: “Oh, we have told them so many times to come back to our village. They are still in the relief camp. Despite our repeated assurances they are not coming back.” The thatched roofs in these two houses have become dilapidated and the livestock of these two families are not to be seen around.

I came back to the village bus stop hoping to speak further with the leader of the Sangh Parivar. But he had left the place. I asked one accompanying young man: “You all said that the Christian family is living in peace in your village and as Hindus you have provided him protection. But he has become a Hindu. What is this?” He said: “He became afraid in your presence thinking that you are from the Vishwa Hindu Parishad. So out of fear he said he has become a Hindu.” I told him: “Let us then go back to his home again and speak with him.” Then the young man said: “It would be of no use as he would become afraid again that you are from the VHP.” So in the villages where the Sangh Parivar is dominant Christians can live with security only when they become Hindus and they can always be presented as a model of Christians offered peaceful protection to the outside world.

### III

G. Udayagiri was an epicentre of violence and there is a relief camp in the local high school. I, accompanied by two friends of a voluntary organisation from Chennai, reached the relief camp in the evening of January 7, 2009. We were not able to go inside the relief camp. We were standing outside the relief camp and slowly the inmates of the camp passing by the road started speaking with us. One woman narrated her life of pain. She said that she was being forced to go back to her village where the condition for return is not safe. Not being able to go inside the relief camp without required permission from the District Collector we could not continue our conversation. But an hour later we came to the BDO office not far from the camp and met with the BDO of G. Udayagiri. We asked him about the issue of forcible ouster of refugees from the relief camp. He said: “No, this is not true. We are trying our best to create an amicable situation of safety and security so that people can return to their villages. Peace would come only when people come back to their villages and everybody starts living together. Relief camp is not the permanent solution. Whatever has happened has happened like a batya [a storm]. Now people from both sides are yearning for peace.”

During our hour-long conversation, the BDO, who is a young, sensitive and optimistic government officer, said: “We are working for peace. We are organising peace committee meetings. We are starting activities involving both Hindus and Christians. We want to celebrate the Republic Day in the villages with the participation of both the Hindus and Christians. We want to commemorate the local martyrs who had fought for freedom during the freedom struggle and this would be another occasion for the tribals and Harijans, Hindus and Christians to come together. We are also planning to start new economic activities in the villages such as brick-making. We are planning to start joint cultural activities and sports activities in the villages as well.”

The BDO said: “But if people do not come back to their villages, how can peace return?” The situation is quite complex and intractable in some cases. The vested interests in many villages are threatening the Dalit Christians of dire consequences if they come back. This way they can capture their land and other resources. But despite threats, asked the BDO, if people do not come back and start asserting their own right how can fear be overcome and life resumed? Some people always can issue threats and based upon the fear of those who have left can capture their land and home. We asked the BDO if he can pinpoint a village where people have come back from the relief camp. He told us about the village Sirki at a distance of around 10 kilometres from G. Udayagiri.

In Sirki, Dalit Christians living in the nearby relief camp in G. Udayagiri have come back. It was early morning and the sun was rising in the beautiful hills in front of the village. I was speaking with some of the villagers consisting of both Hindu Adivasis and Dalit Christians. The leaders of both the communities were present and so was the village ward member. There was a sense of picking up the threads of life and of beginning anew after the violence. The village ward member said: “All the villagers have come back except two persons. They do not have any land. They are worried about what they would eat if they come back.”

The leader of the local Adivasi Hindus said that during the violence while Dalit Christians took shelter in the relief camp, the tribal Hindus went up to the forests and the hills in fear of the police and the CRPF. They were afraid of being arrested. Feeling reassured about his sense of ease and welcome, I asked him if he had taken part in the violence against the Christians in the village. He said with a smile: “What can I say? Let the truth come out in the court?”

There was a beautiful church on the outskirts of Sirki as there was on the outskirts of Lakebadi. I asked the leader of the Hindu tribals in Sirki if the village church would be rebuilt. He said: “Yes only if it is on a legal plot of land. Many of the churches destroyed in Kandhamal were originally built on encroached land.”

But there are still many people living in the refugee camps. In the second day of my stay in Kandhamal while I visited Sirki in the morning and Lakebadi during noon I came to Baliguda in the afternoon and visited a noted Gandhian Ashram whose Ashramites are working among the tribals for the last sixty years. This is the Banabasi Sevashrama led by Biswanath Patnaik who is in his nineties and who had started land satyagraha among the tribals for their land rights and dignity way back in the 1940s. I wanted to discuss with him about challenges of peace in Kandhamal but he had left for his other Ashram in Rayagara. It must be noted that in the Kandhamal violence Gandhians and Gandhian organisations have not done much for building peace in the region.

On my way back I stopped at K. Nuagaon which headquarters the Christian development organisation Jan Vikash. Nuagaon is also the place where a nun was allegedly raped on August 25, 2008. I met Gokul Bhai of Lakebadi in a restaurant in the town as I had gone there for a cup of tea. I had come to his village a few hours ago during noon time. Gokul Bhai brought me to the relief camp in K. Nuagaon. As Gokul Bhai was staying in the

relief camp we could go inside the camp. At the gate he started addressing the police guard: “Jai Jagannath.”<sup>1</sup>

We came inside the camp. Earlier many people were staying in this camp; now nearly half of them have gone back to the villages. We sat together with men, women and children of the camp and they shared their stories. They told us that during the early days of the camp some tuition was arranged for the children of the camp.

Usually people in the relief camps are portrayed as victims. But the people I met in that evening were not just victims. There was a radiance and quiet dignity in their faces embodying a creative soul force.

At the same time there is the unbearable grief of violence. In the camp it was deeply tragic to meet with a person from the village Gunjibadi whose wife had gone to the paddy field for harvesting the crop. Even after weeks she has not come back. Her husband’s vacant eyes are still looking for her return but many fear that she has been murdered. Another pastor is also not traceable in this region, and he is feared to have met the same tragic fate by brutal unidentified killers.

It was getting late and Gokul Bhai so kindly invited me to come to his village Lakebadi. We came and at the bus station met with two men just back from the peace committee meeting held in the Chanchdi Panchayat Office. (It must be noted that in the relief camp in Nuagaon, Dalit Christians from two panchayats, namely, Baligada and Chanchdi, are still unable to come back to their home villages because of threat of violence.) At the bus stop they told us with a heavy heart: “The peace committee meeting was being held in the Panchayat Office. The Collector, Sub Collector, BDO all of them had come. We thirty people had gone from the relief camp while four thousand people had come from the Panchayat. From the beginning they started shouting: ‘Ame Yudhya Chahu [We want war].’ Whatever they said we sat silently and heard with our bowed heads. We were just praying when the meeting would end. They had prepared food for us but we did not eat. We came back without food. Our heart was pained hearing all these slogans, shouting and accusations. On hearing the Jai Sree Ram slogan the Collector said: ‘Could you all become silent for a moment? Go back and sit silently for five minutes and meditate whether in Ram Rajya houses of innocent and helpless people are demolished.’ The Collector also said: ‘You are accusing the Christians of murder of Swamiji but do you have any proof? If you give me proof of any Christians involved I would immediately arrest them. Regarding their being Christian, India is a secular country and everybody has a right to practice one’s religion.’”

These two grief-stricken men went to the relief camp and Gokul Bhai and myself, accompanied by his aged father, boarded the bus to his village. While going these two men said that they are not being forced to leave the relief camp as the condition for return was not yet safe.<sup>2</sup> In the bus I was thinking if this might be my last night and a fear was overtaking me as I was going to spend a night in a village ravaged by violence and still living with its ever-present hanging sword.

I was also thinking of the previous evening and night—our conversation with the BDO in G. Udayagiri when the BDO said that the killers of Swami Lakshmananda and his associates do not have any religion: “A Hindu killed Mahatma Gandhi but should we hold all Hindus responsible for his killing?” After our meeting with the BDO I went to the home of a Dalit Christian named Gopal Nayak. He lives with his wife and three children in a rented house in G. Udayagiri. He was working as a contractor in his home village of Tiangia as well as in the neighbouring villages. But his home village was the site of gruesome violence where three Christians—one his close relative who was visiting the village—were murdered brutally. Gopal and his family are living from hand to mouth in the block headquarters of G. Udayagiri. But there is a sense of quiet determination in the face of his wife who is working hard and praying for the education of their children. Their eldest son, Abhishek, is to appear for the High School Board exam in Class 10 this year and for the last many months nothing has been taught in the school as there is a relief camp in their school premises. During our conversation in the evening Abhishek came back from his tuition class. Their second son, Avijit, is studying in a Nabodyaya<sup>3</sup> school in Class Eight and now their daughter is preparing for the Entrance examination of Nabodyaya. All their hopes are now in the education of their children as it is in the families of many Dalit Christians in the village such as Lakebadi which I visited.

After being together with them sharing their grief and meditating, Gopal Bhai took me in his motor cycle and dropped me at the town centre of G. Udayagiri. I was taking a walk and saw a roadside omelette joint. One young man was standing there waiting for his ordered omelette. I also ordered an omelette for myself and greeted him. We sat in the verandah of a nearby shop. He was once active in the local RSS and had taken part in some of the Gita discourses given by Swami Lakshmananda during his school days. He said in a filthy language but a grief-stricken voice: “Why did you kill him? What had the old man done? He was scolding the Christians. But why could not we be silent? Mahatma Gandhi tuni rahile au tume rahi parilani—Mahatma Gandhi remained quiet on many occasions and could you not remain quiet?” After a while being a little intimate through the process of our conversation I asked him: “What do you think about the innocent people being killed and rendered homeless in Kandhamal? What is your thought about Christians being forced to become Hindus?” This young man, apologising to me for the fact that had taken a bit of liquor in the evening, started saying: “No, whatever religion one has, let one be in one’s religion. Let everybody be in their own religion and let no one kill another. Sabutharu badadharam heuchi bandhu dharma—the greatest religion of all is the religion of friendship. My father is now quite old. But his dearest friend is a Christian. Even now he cannot live without seeing him. I go in my motor cycle and bring him once a week. He has taken the Avda of Jagannath.”<sup>4</sup>

There is a tradition of friendship in Kandhamal among people across boundaries—Hindus and Christians, Adivasis and Harijans. Both Adivasis and Harijans speak the same Kui language and despite the politicisation and subsequent oppositional construction of identities there is still intimate interaction between people across boundaries such as tribal Kandhas and Pana Kandhas getting married to each other. Hindus and Christians have also lived side by side and for many, it is the outside Oriyas (who are mainly caste Hindus and some of whom are members of the Sangh Parivar) who

have instigated conflicts between Adivasis and Harijans, Dalits and Christians so that their continued exploitation of local resources and domination of local politics and economy remains unchallenged.

As I was lost in these thoughts our bus reached the bus stop in village Lakebadi. In Lakebadi by the little hearth as Arti Apa (Gokul Bhai's wife) was preparing a meal for us Gokul Bhai told us about his long friendship with both tribals and the Hindus. "In our village we have had no problem. The land for our church was given by a Hindu who told his children that after his death he should be buried there. Whenever a yagnya is organised in Dharampur I send ghee for the sacrifice. I attend Hindu worship and take prasada. I have taken the avda of Mahaprabhu Jagannath." The next day in Lakebadi I was in the house of Joshua and Prabha in whose home I saw a beautiful photo of Lord Krishna with his flute by the side of a serene photograph of Mother Mary. Joshua has put a garland of paddy around Krishna. He said: "Paddy is Lakshmi. You burnt everything but what fault the paddy had done? You can get everything but not a flower of paddy corn. It is Goddess Lakshmi. Why did you burn Goddess Lakshmi?" His wife commented: "He knows more about Hinduism than many Hindus in the village. He loves Krishna." Joshua said: "Unfortunately tribals have been made Hindus but they have not been told about the significance of Rama and Krishna. Before this they used to worship in their own ways. They have been made Hindus without being told the essence of Hinduism. Would they have burnt our houses had they realised the essence of Rama and Krishna?"

#### IV

There is a striving for peace in the hearts, prayers and action of many people in Kandhamal and around the world. They know that it is not an easy task, there is a spectre of violence but nonetheless there is a sense of radiance in the hearts and minds of the people. Kandhamal needs support in this quiet striving for peace beyond rhetorics. Kandhamal needs bold initiatives in peace and development to support the deep yearning for peace among all concerned after the gruesome violence which has afflicted many. Many have silently borne this brunt. During my last visit to Kandhamal and Orissa I met with a leading public intellectual of Orissa in Bhubaneswar who is in his mid-eighties now. He said: "So much blood has been spilled. Is this not enough? Cannot all pray together?" He also said: "As this violence was engulfing I was one night in the bathroom. I do not know what happened. I lost my balance, fell down and broke my hand."

So Kandhamal touches some sensitive souls in Orissa, India and the world though at the same time it must be stated that many intellectuals and people in Orissa have maintained silence. During our conversation in Kandhamal many referred to the violence in Kandhamal as a batya, a mahabatya—a cyclone, a super-cyclone. During the super-cyclone in 1999 many people in Orissa came out with relief but what has been their response during the manushyskruta mahabatya—man-made super-cyclone—in Kandhamal? Most of the people in Orissa, and especially the elites, have looked the other way and forgotten their duty to their own conscience and responsibility to their own fellow beings—helplessly chased, rendered homeless and killed. The media, instead of

calming down, aroused passions that poisoned the public mind with false and hateful accusations against the Christians. During the last Durga Puja, as is the tradition of literary creativity in Orissa, many magazines came out with their special Puja numbers but a very voluminous Puja special which I read did not have even a single article on the violence, suffering and tragedy in Kandhamal. Like the silence of the majority of the people in Gujarat the majority of the people of Orissa, especially the Hindu religious leaders and intellectuals, have maintained silence on the violence that Christians were and are still being subjected to in Kandhamal.

But there is an urgent need for peace, development and transformation in Kandhamal. Many people are living a miserable life without homes and many are still in the relief camps. Many have left the relief camps not for their villages but to other cities in Orissa and places like Kerala. Those who are left behind are praying for peace and building their broken homes and worlds. Should not the sensitive souls from all around Orissa, India and the world come and build together some of these demolished houses? If Hindus could not come from both inside and outside Kandhamal and rebuild the houses of their Christian brothers and sisters, then what is the test of the spiritual potential of their religious identity and assertion?

Kandhamal also needs bold initiatives in peace education and reconstruction. The government is paying some compensation for the houses demolished—for example, Rs 20,000 for the partially damaged houses and Rs 50,000 for the fully damaged houses. This is woefully inadequate. But our Christian brothers and sisters in Kandhamal need not only more resources, they also need all of us concerned, especially the brothers and sisters from other religions—Hindus and Muslims—to stand by their side and build together demolished houses and churches. This act of reconstruction involving shared participation from people of all religions and communities in the villages as well as sympathetic volunteers from outside can be undertaken as an experimental project in some villages.

Along with rebuilding of homes and places of worship there is the urgent task of rebuilding mutual trust among the tribals and Harijans, Christians and Hindus in Kandhamal. In the process of violence many people have been involved in cases and some of them may be innocent. Moreover, violence in the villages was instigated by the merchants of hatred coming from outside; they are happily roaming around now while the Hindu Adivasis in the villages, who worked as foot soldiers to such merchants of death and destruction, are bearing the brunt of arrests and continued court cases. There is need for a Peace and Reconciliation Commission in Kandhamal where such cases could be discussed in villages themselves with the participation of both the victims and alleged perpetrators. The police, sensitive lawyers, people from the government machinery, representatives of civil society organisations—all could be part of such meetings of peace and reconciliation and people in the village meetings could decide which case to continue and which case to drop. As we have seen in villages like Lakebadi, cases have been registered against some Adivasi Hindus who have helped Dalit Christians in saving their goods and house-hold belongings.

Along with the above, there is an urgent need for bold initiatives in peace education in particular and education in general. Hindus and Christians as well as Adivasis and Harijans have been put into an orchestrated battle whose choreographers are the high-caste Oriyas coming from outside the region and controlling the resources and political destiny of the people of Kandhamal. It is in this context that there is an epochal need for peace education for the children as well as adults from both the communities and religions. This would help them understand their intertwined histories and continued legacies of co-existence and how to speak with each other over contentious issues such as the fear of the other.

But initiatives in peace education need to be accompanied by bold initiatives in education. There is a disparity between Harijans and tribals in terms of education and other indices of standard of living and human development. Because of the work of missionaries and church institutions there is a high level of education and literacy among the Harijans of Kandhamal. The tribals lag behind and the government schools in Kandhamal, as it is in most other tribal parts of Orissa, are not working. Crows are flying in such schools and goats are singing songs while the teachers come once a month only to collect their salary. Harijans also, by dint of their hard work and networking with the outside world, have a relatively better standard of living and education which the merchants of hatred always capitalise on and instigate the tribals to target them that the Dalits have prospered at the expense of the tribals. But both the tribals and Dalits of the region lead a precarious existence dominated by the outside merchants, money lenders and government officers. Kandhamal needs bold initiatives in education. Christian institutions have helped Dalit Christians in their educational aspiration by building schools. They could build similar schools for the Hindu tribals and these schools could become secular spaces of quality education and appropriate education relevant to the needs of self-development and blossoming for the local people. It should not be a mere replication of the existing education which just presents literacy and prepares for examinations and jobs. Rather, these schools should be places of appropriate learning so that students can live in their world with dignity, the curriculum should be based upon integration of the heart and the hand and should prepare the local tribal children for a life of dignity in their surroundings by giving them appropriate training. This education should also prepare them to venture out into the world but not just leaving the villages for jobs outside. Such schools could learn from creative experiments in indigenous education from all over the world, for example, initiatives such as the University de Tierra (University of Earth) in the Chiapas region of Mexico.

Christian institutions are running quality schools for the elites of Orissa in many towns and cities and these are secular spaces. Similarly Christian institutions could open up appropriate schools for the poor tribals of Kandhamal and the teachers in such schools need to come from all religions and not only Christian. This would also be a concrete experimental project of going beyond the current politics of accusation and counter-accusation that Christian missionaries are engaged in conversion in the name of service delivery. Similarly Christian development organisations working in Kandhamal need to employ workers from all religious backgrounds. At present this is not the case as it is also the case with voluntary organisations emerging from the Hindu space where the workers

are exclusively Hindu while their counterparts in Christian service organisations are exclusively Christian. Such exclusivity breeds isolation and hatred, especially from the other, and in these difficult times while life and death of so many of our fellow beings are at stake, leaders of such institutions should take bold steps to make their public institutions much more inclusive rather than just having people from their own respective religions.

Kandhamal needs a Peace, Reconciliation and Reconstruction Commission which can build upon the lessons of such initiatives in both South Africa and Rwanda. The Peace and Reconciliation Commission in South Africa, led by Desmond Tutu, created a space for both the victims and perpetrators of violence to speak with each other and seek forgiveness and grant forgiveness and move beyond the prison of hatred. The Commission could not solve all the problems but it created an opening for moving beyond the prison of the existing hatred. Similarly, after the genocide in Rwanda, there has been a national unity government there that has focused a lot on education, especially the education of the girl children. Kandhamal needs a Peace, Reconciliation and Reconstruction Commission and instead of waiting for the government to start it, some concerned individuals and voluntary organisations can start it as an experimental project. There is a fertile ground for starting this in villages like Lakebadi and Sirki that I have visited. Such a Commission could undertake the following activities, among others:

- (a) to create a space for sharing of experience and seek for forgiveness and reconciliation between the victims of violence and perpetrators and seek the possibility of withdrawal of cases, especially against those who are innocent;
- (b) to rebuild homes and places of worship with the collaborative labour and participation of people of all religions, especially Hindus and Christians, from within the villages as well as outside;
- (c) to undertake new initiatives in education, especially peace education.

The root of the problem in Kandhamal is complex and so the striving for peace in Kandhamal has to be multi-dimensional. There have been conflicts along oppositionally mobilised aggressive and assertive tribal/Dalit identities and to this renaming the district as Kandhamal by the then Biju Patnaik Government has made the non-Kandhas of the region, especially the Dalits, feel as if they do not have access to any of the resources of the region, especially land and forest. Added to this is the dimension of religion and now the work of the Maoists. A month ago, a counter-Mao group has also come up; it is named M2 and many believe it to be an outfit of the Sangh Parivar to target the Christian communities. Along with these complex sources of conflict lies the existential fear and threat of violence among those who are still in the relief camps and who are not able to return to their home villages. But at the same time, there is a deep yearning for peace among the people of Kandhamal and let all of us concerned take part in nurturing and building peace. As I was leaving Lakebadi before dawn it is this yearning for peace that embraced my soul and, saying bye to the brothers and sisters assembled in the village's

bus stop, I was thinking about the soul-touching question of Mahanabati APA: “Why should man be afraid of another man?”

#### Reference

Pradhan, Pramodini and Ranjana Padhi, 2008, “Normalcy Far from Returning to Kandhamal”, *Economic and Political Weekly*, November 1-7.

#### Notes

1. Lord Jagannath is the presiding deity in Orissa and the address Jai Jagannath by Gokul Bhai to the police guard suggests a respect for the cultural and religious feelings of the police officer in the camp who may have been a Hindu.
2. At the same time there are reports of forcible ouster from relief camps by observers and participants. For this see Pradhan and Padhi, 2008.
3. Nabodyaya schools are schools of excellence set up by Government of India where students join after Class Five being selected through an entrance examination.
4. Avda is the blessed prasada of Lord Jagannath.

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## **Response of the Government:**

According to The PUCL report Bhubaneshwar and Kashipur solidarity group Delhi when the Sangh Parivar called for a Bandh across Orissa on the 25<sup>th</sup> of August 2008, the BJP, a coalition Partner in the State Government announced to join the Bandh. All that the Chief Minister did was to appeal for a peaceful Bandh. During the Bandh Christians, Christians across the state suffered brutal violence in the hands of the Sangh Parivar. When one of the Government BJP participated in the Bandh, thereby in the anti-Christian violence, one could not expect the Government to protect the Christians and simply allow the attackers a free hand. The police remained mere onlookers, friendly with the perpetrators. As Sister Meena who was raped in K Noagaon said that the police tried their best that she does not register an FIR or make any complaints against police and the police did not take down her statement as she narrated in detail and now she does not want to be victimized by the Orissa police but wants CBI enquiry and intervention.

The government also as a routine suspended the Superintendent of police, Kandhmal and the officer-in charge of the Tumudibandha Police station for failing to provide security to Laxmananda. Some high ranking officers were sent to Kandhamal to take charge of the situation. It has become a habit of the government to institute a judicial commission and forget about it. The commission set up to enquire the 2007 December communal violence in Kandhamal is yet to submit its report.

The government didn't allow the political leaders, human right's organizations or relief agencies to enter the district till 2<sup>nd</sup> September 2008. Only media agencies were allowed. Sriprakash Jayswal, minister of State, Home affairs, Government of India returned to Delhi, without being allowed to visit Kandhamal., On the contrary, VHP leaders like Praveen Togadia and BJD leaders were allowed to travel through the district and attend the funeral rites of their leader at Chakapada.

The failure of the Government to curb the violence force people to leave their villages and take shelter in police stations. With spread of violence more people fled from their villages. Therefore people had to be accommodated in the nearby school buildings or in make shift camps in school premises or in nearby open fields. In the absence of the sanitary facilities and non-availability of drinking water, the condition worsened. Dogs and cows have been roaming freely in the camps. As a result gastroenteritis and fever spread very fast. In the relief camps people had to manage with only one set of clothes provided by the government( one saree, one petticoat and a blouse for women; a dhoti , a shirt and one pant for the men; and a shirt or frock for children). People complained of the rotten rice and dal given in the camps.

There were reports of water tanks being poisoned and yet another incident of a mob of lathi wielding women trying to forcibly enter the Raikia relief camp further intensified the trauma of the people.

The government also allowed the Sangh Parivar to organise the Shradhanjali Sabha in Bhubaneshwar where the Hindu fundamentalist leaders vowed to wipe out the Christians from Kandhamal. The meeting was attended by the BJP state president, among others.

The government's ignorance and inaction led to the rise in the death toll. The local police stations refused to accept the FIR's. In certain cases, when the FIR's were accepted, the accused were not arrested. Rather some of the accused also became members of the peace committees sponsored by the district administration.

The pressure mounted in the national and international level against the failure of the government to protect Christians and the issue of the imposition of Article 355/356 rose, the government was forced to take some actions.

It was observed that after 38 days after the lodging of the FIR by the nun, the government arrested some people and handed over the case to the Crime Branch. BY the beginning of October, even when the government claimed normalcy in the district, the perpetrators of violence were still at large. Even though the Government claimed that the number of people in the relief camps reduced to 13,000 from 24,000 but actually most people left the relief camps and went to several towns and cities in search of work. These people have no confidence to return and rebuild their lives in their villages.

The administration continued to persuade people to return to their villages without addressing the issue of forced conversion to Hinduism.

The only thing the Government did was to supply a register in each relief camp for people to record complains of forced conversion. Only after international pressures arrests began which also led to some innocent people getting arrested. The situation worsened with the midnight raids on the villages by the Central Reserve Police force. On the other hand an equal number sought refuge in the forests in the fear of police atrocities.

Due to curfews the daily wage earners were the worst affected which disable their mobility and employment. The peasants also could not market their vegetables which got wasted.

Some positive steps undertaken by the government was a compensation for relief and rehabilitation to the victims- an amount of Rs.200,000 to the next of kin of the deceased, Rs. 20,000 for partially damaged houses, Rs. 15000/- to Rs. 40,000/- for damaged shops and Rs. 2,000/- for the loss of bicycle.

On the advice of the Supreme Court, the Government also declared assistance for building churches and prayer houses. The government announced to open 8 new tehsils in the district to hold special camp courts at the Revenue Inspector headquarters to look into the land issue, to appoint a team of 10 police inspectors to inquire into the allegations of fake caste certificates and to recruit 500 Adivasi youths as Special Police Officers. But the whole humanitarian crisis in Kandhamal has been due to the states incapability in preventing all the violence in Kandhamal.

Chief Minister Naveen Patnaik has been totally ineffective, first burying his head in the sand, then by blatantly visiting the affected areas and announcing a commission of enquiry- the standard bureaucratic practice which leads to nowhere. The Chief Minister's attitude has led to the congress, the main opposition issuing a warning that the state was being plunged into a communal cauldron to help the BJP, the ruling partner, to expand its base by eliminating the minorities. In Orissa, The Christians and Muslims together constitute barely 4 % of the total population. The Congress's charge has been bolstered by the fact that the Patnaik Government has been partial towards the Hindutva forces. Not only firebrand VHP leader Pravin Togadia but two BJP MLA's Surama Padhi and Golak Nayak moved around freely during the curfew hours and the police did nothing to stop them. Former Chief Minister and leader Of Opposition, J.B Patak says, 'The Government deliberately neither protected he life of VHP leader Swami Laxmanada

despite threats to his life nor did it protect the life and properties of the minority community’.

The state in the aftermath of the Swamis killing, is witnessing a dangerous game. The body of the Swami was taken out in procession before it was given Samadhi at Chakpada ashram set up by him. Soon Hindutva forces were mobilized. The Shankaracharya of Puri and Gajapati Maharaj of Puri backed the VHP saying that if Sadhus and Saints cannot be protected, then the Government has no business to remain in power. The thousands of Sadhus swarmed Bhubaneswar to protest the killings and condemn the Government’s failure to arrest the killers.

With the state Government seemingly helpless and ineffective, the communal situation deteriorating and the Hindutva mobilization reaching a new high, a group of intellectuals, writers and artists formed a ‘core group’ to stop Orissa from becoming a Gujarat.

At the end of December 2008, the Government of Orissa says that 698 FIR’s have been registered, naming 11,348 accused and 8 times that number of ‘unknown participants in the attacks. The number arrested is just 700. As for deaths the Government adamantly sticks to the number 39 though concerned activists put it at 58. The number of displaced persons has been reduced from the high of 23,000 to no more than 10,000 but that is by forcing them to leave the relief camps without ensuring that they can go back and live with dignity in their villages, professing the faith of their choice.

However The Centre by September 2009 had for the first time circulated a detailed performa to states to report on communal incidents, prosecution and rehabilitation measures. The states had been asked to furnish quarterly updates on steps which include prevention of communal riots and the Performa issued by the Home ministry stated setting up a monitor able mechanism on how states are doing on the ‘communal harmony’ front allowing the Center to judge a State.

The Center so far has not been able to move on the Communal Harmony Bill in view of treading on federal ties as law.

While the mayhem took place, the police was a silent spectator. Only in one instance, the CRPF fired at rioters killing two. While the state government repeats its alibi that it was short of police and had not got the paramilitary forces required; that is 10 battalions instead of the 4 CRPF battalions dispatched. This argument does not hold water. To maintain the law and order of just one district, the Orissa police forces along with 4 CRPF battalions were enough, if stopping communal violence was really the aim.

The district officials were not in a position to tell the team of the number of arrests. They also informed us that they are working in accordance with the Supreme Court direction on maintaining law and order. On enquiring on the general complaint from the people regarding many instances of inaction and dereliction of duty by the state police while controlling violence, the district officials said that arrests cannot be done in many situations ‘because if arrests are made the situation would have further deteriorated’. Such statements are self-explanatory and prove that the police was not undertaking the primary responsibility to stop violence by booking the culprits

### **Improper Collection of data:**

Mr R.P Koche the DIG police shared statistics of the police. The data recorded by the state, showed 2863 houses burnt yet showed only 230 criminal cases registered. When asked why no arrests had been made we were told; "it would increase the tension in the area." The police has recorded only 35 cases of injury whereas a visit to the camps reveals that the incidence of violence was much higher. In other words there is improper collection and recording of data. **Lack of Nourishing Diet for Children and Pregnant Women:**

### **132 convicted in Kandhamal riot cases: Naveen**

PTI, Jul 19, 2010, 05.16pm IST

BHUBANESWAR: At least 132 persons had so far been convicted in different cases related to 2008 communal violence in Orissa's Kandhamal district, chief minister Naveen Patnaik said on Monday.

Recently while replying a question in the assembly, Patnaik said that 38 persons were killed in the communal violence.

On the involvement of any person or organisation, Patnaik, who is also in charge of home department, said that 24 activists belonging to Bajrang Dal and VHP were arrested and lodged at jails.

### **Recommendations being made by the State Tribal leaders: Peace building initiatives:**

Bhubaneswar, 28.07.2010- We are neither religious fanatics nor casteists. The root cause of Kandhamal violence is neither due to the ill feeling between the Hindus and Christians nor between caste groups. We are peace loving nature worshippers and our Kui culture is based on traditional fellow feeling not hatred said Mrs. Keshamati Pradhan, the veteran indigenous women leader of Kandhamal in a mass protestant public meeting organized in front of Odisha Assembly on dt. 26.07.2010. Demanding for an appropriate action by the Govt. to speed up the peace and confidence building process and also adequate relief and rehabilitation measures to all the affected victims of Kandhamal violence, a massive Rally and Dharana was organized before the State Assembly in which the senior veteran leaders like Shivaji Pattnaik, CIP (M), Ramakrushna Panda, CPI, Ravi Dash, Sr. Journalist, Prasad Harichandan, Congress, Pradipta Nayak, State Level Human Rights Defender and Sushanta Kumar Mishra, Advocate, Odisha High Court addressed the mass and alleged that timely action against the branded anti-social elements under the cover of so called fascist organizations operating freely in Kandhamal with the knowledge of District Administration and Police.

Many State tribal leaders like Salu Marandi, Odisha Adivashi Mahasangha, Durga Murmu, Jeeram Pradhan, Lukas Pradhan, Bidyadhar Mallick, Upabati Pradhan, Karpura Digal, Apsara Nayak and Sumabati Pradhan categorically pointed out the discriminatory

attitude of the people in power and key position dealing with the issues of tribals and socially weaker section of the society. Unitedly they blamed that it is social exclusion, lack of transparency and misutilization of development aid both by the Govt. and non-Govt. sector and also non-reorganization of traditional indigenous peoples rights most particularly relating to the land, forest, culture, spirituality and mother tongue education responsible for increasing trend of poverty and social unrest in scheduled areas of Odisha and Kandhamal in Particular.

A large delegation on behalf of Forum also interacted with His Excellency, Governor of Odisha and also submitted a memorandum to Mr. Naveen Pattnaik, Chief Minister of Odisha with specific suggestions to speed up the process by involving the local leaders in the development and the Justice delivery system as a matter of right. The Programme was co-ordinated by Sri Hemant Naik, Convener, Kuidina Forum for Peace and Justice.

## **Role of the state-police:**

### **What was the Police doing?**

Perhaps there was no better answer to the charge that these people are converted due to inducements. There was a natural death. It was only when the Rapid action Force was deployed, that there was response to complains by the police. The local police ignored not merely complaints of offences and investigate, but even more unpardonably complaints of impending assaults which it is their duty to prevent. The Christians were left to the mercy of the marauding Sangh parivar mobs. One reason would seem to be their own ideological inclination in favor of the Sangh Parivar way of looking at the matter. From what the victims say, many of the police personnel appear to share the same attitude towards minorities. A second reason could be that the BJP , the political wing of the Sangh Parivar, is sharing power in Orissa, and the police were not sure how far they could go against the Bajrang Dal. As a result the Christians could expect little help from the police to enable them to come back and live in their villages. It is remarkable that the overwhelming majority of the displaced Christians are not willing to abide by this condition, even if it means living the lives of refugees for ever. In Tikabali block at the relief camp of Janla on the outskirts of Bhubaneshwar. There had been a natural death on the 25<sup>th</sup> of August and the cremation was on the 26<sup>th</sup>. The attack by the Bajrang Dal took place when most of the people were at the graveyard. A mob of 500, including persons from that village and outsiders attacked and demolished the community hall and three houses. All the 80 families of Christians ran away to the jungles. The assailants then broke the church and went away to Domaguda where they burnt a lot of Houses. Later the Christians went back to the village. After two days they received further threats that they should give it in writing that the Church Fathers and sisters have given them money to convert and that they were now voluntarily converting to Hinduism. 33 persons agreed and stayed back and others realise that they have forfeited their right to stay in the village. So they moved to Tikabali camp. Gabriel Nayak from the same village says about the meaning of restoration of peace, he says in striking terms: ' the day those 33 persons declare that they are Christians that day we will believe that peace has returned'. Unfortunately the Government of India does not think so. Its purpose is to show that the number of displaced people have come down. And so the camps should e rapidly downsized and the people forced to go back.

The chief Minister Naveen Patnaik's celebration of his party's 10<sup>th</sup> anniversary coincided with the riots which required large number of state police forces to be moved out of districts to the stat capital Bhubaneshwar. This made it difficult for the police to respond to the emergent situation in Kandhamal on December 24-25. The pertinent district collector and superintendent of police were transferred not discharged. Following the violence the administration neither documented the devastation nor participated in its clean up.

Kandhamal which has an area of 8,021 sq. km, has only 15 police stations with a sanctioned strength of 647 personnel, who cater to a population of 6,48,201( as per the 2001 census)

## **Role of police:**

The police refused Christians seeking to file First Information report while Hindu activists filed charges against the people of Christian community.

The anti-Christian riots in Kandhamal started on the day of the bandh called by Vishwa Hindu Parishad after the murder of Swami Lakshmananad, and these riots continued for over a month. In the communal fire two hundred Christian villages and 127 Church and prayer halls were either destroyed or burnt. Apart from this, schools, hospitals, hostels and convents also have been damaged. The incidents of killings, rape and loot also carried on in addition to former incidents. The shocking fact is that all these incidents took place in full view of police and the police remained mute spectator. The official figure for deaths has been reported to be 31, however, a senior Govt. official on the condition of anonymity informed that he himself consigned two hundred dead bodies - found from the jungle - to flames after getting them collected in a tractor. As per his estimates based on the intensity and pace of killings the number of those killed is over five hundred.

**(Members of the fact-finding committee: Dr Burra Ramulu, president HRF, Dr K Balagopal, general secretary, HRF, VS Krishna, secretary, HRF, K Sudha, HRF executive committee member, M Ramakrishna, HRF Visakhapatnam district committee member, Debranjana Sarangi, social activist and Sudhakar Patnaik, senior journalist. ) found that in**

**Kotipalli:** This is a Kondh hamlet right on the border with Andhra Pradesh in Pamparametta panchayat, Kudumulugumma block in Chittrakonda tahsil of Malkangiri district. On 20/1/2009, Greyhounds police of Andhra Pradesh raided the hamlet at about 9 am and picked up Pangi Sadayi (a 20 year old woman who was three-months pregnant), Golluri Sombu (45) and Golluri Budra (40), all three of them Adivasi cultivators and residents of the village. They were taken out of the village, tied to trees and beaten within the sight of the villagers. Sadayi lost consciousness. Then the police carried her and made the two men follow them with the hands tied behind the back, to a place farther away from the village and after further beating, they were shot dead, at about 11 am. In the meanwhile armed policemen stood guard around the village, to ensure that the villagers would not move out to protest.

Having caught and killed the three unarmed villagers inside Orissa, the Greyhounds of A.P police took away the dead bodies across the border and claimed that three Maoists had died in an 'encounter' in the forests of Pedabayalu in Visakhapatnam district of A.P. This falsehood was necessitated by the fact that the Greyhounds are part of the Andhra Pradesh police and they cannot go raiding or combing the forests of Orissa at their will and pleasure. But as we find that the Greyhounds are doing so regularly, it is necessary to place on record our demand that both the State Governments have the responsibility to ensure that this is put an end to. This is not just a technical matter of territorial jurisdiction. Police action, by its very nature, is liable to trample upon life and liberty and hence only authorized action should be permitted, and only within permissible limits. The

Courts have emphasized this repeatedly and the administration should learn to obey this command of the law.

*Further, the killing committed by the Greyhounds in Kotipalli is triple murder and the perpetrators should be charged with the offence and prosecuted. The A.P police must reveal to the Orissa police the identity of the Greyhounds personnel who raided Kotipalli on 20/1/2009 and the latter should register the offence and prosecute them.*

**Talameting:** This is a tribal hamlet of Laxmipur block, Koraput district, close to the Damanjodi mines of NALCO. It is known that on the intervening night of 12/13 April this year the Maoists attacked the mines and took away a lot of explosives, rifles, etc. Ten CISF personnel and 4 Maoists died in the attack. On the morning of 13 April the SOG of the State police started combing operations along what they understood to be the escape route taken by the Maoists. The first village along the route happened to be Talameting. The villagers who saw the policemen coming got scared and ran away. The policemen opened fire at the houses. Katru Huika (about 28 yrs old, a Kondh tribal) and Kandru Midiaka who were entering the village from the neighboring village of Hatlameting were late in seeing the forces. By the time they saw and ran, the bullets hit Katru Huika and he died on the spot. Kandru Midiaka who was behind him fell on him. The SOG also looted the houses of Sannu Himrika, Bahani Sirka and Basanna Sirka and took away Rs 15,000, Rs 13,000 and Rs 1100 plus goats and 15 fowl, respectively.

This is another case of wanton killing of an unarmed tribal, but perhaps to create a justification for it, the police have arrested four other tribals from the village, namely Jagan Sirka, Lato Midiaka, Aland Sirka and Chitra Sirka and after detaining them illegally for 14 days sent them to jail on the serious charge of aiding and abetting the attack of the Maoists. *However that may be, the killing of Katru Huika is cold blooded murder in the name of anti-Maoist operations and the SOG personnel must be prosecuted and punished for it.*

**Tentuliguda & MV 123:** These two hamlets are in Chimitipalli panchayat, Korukonda block, Chittrakonda tehsil, Malkangiri district. Akul Sarkar of MV 123 was taken away on 27/8/2008 from the haat at Tentuliguda by three plainclothesmen who came on two bikes, and has not been seen till now. Indra Madi of Tentuliguda is sarpanch of Chimitipalli. He is an adivasi. He along with other persons of the village started efforts to locate Akul Sarkar by petitioning the District Collector and other officials. On 16/9/2008, Indra Madi and some others were at the Korukonda block office where they noticed a number of police personnel moving around the area. That afternoon, Indra Madi dropped Rina Sodi, the sarpanch of Tumsabadi, at his village on his bike and was returning to his village when six plainclothes personnel who came on three bikes stopped him and took him away. This was at 5-00 pm. He too has not been seen since.

The police are trying to give the impression that the Maoists may have kidnapped them and are putting up posters in the area showing their photographs, seeking information about their whereabouts. We do not find this convincing. We hold no brief for the

Maoists but when they kidnap or kill someone, they usually declare the fact and offer some justification, whether right or wrong. There is therefore every reason to suspect that the abductors of Akul Sarkar and Indra Madi are the police, and the two are missing from the custody of the police. The State Human Rights Commission has been petitioned in the matter, but given the limited infrastructure of the Commission, we are of the opinion that the CBI must be directed to investigate the disappearance of the two men.

### **Role of CRPF:**

Describing force scarcity as a big handicap in containing arson, Inspector General of Police, Intelligence, RP Singh said only 2,500 personnel from various forces including CRPF were available to combat violence in villages across the district. "As the arson continues to trouble rural pockets, there is only one jawan to tackle the situation in every village," a senior police officer pointed out.

**Kutunigonda:** This is a Savara (Saora) hamlet in Panigonda panchayat, Mohana tahsil, Gajapati district. On 22/11/2008, Junes Badaraita (28) and Kornel Badaraita, farmers of that hamlet, had gone into the neighbouring forest looking for some cattle which had not returned after grazing in the evening. It was 9 pm by the time they returned to the hamlet, torch in hand. About 30 CRPF personnel were outside the hamlet, guns in hand. The inspector in charge (IIC) of Adava police station, Naba Kishore Kiro, was also with them. The two tribal men did not see them in the dark. The CRPF men fired at them straight away as they emerged on to the road from the forest together with the cattle. Junes fell down dead with bullet wounds in the head and Kornel, who was hit thrice, fell on him. Four cattle also died of police bullets. The IIC then called out the ward member of the hamlet, Joseph Raita, and asked him to see if he could identify the slain 'Maoists'. Raita looked at them and protested at the killing of innocent tribal villagers in the name of Maoists. The police then hastily left the village and went away without even shifting the injured Kornel to hospital. The villagers took him to hospital with great difficulty and he fortunately survived. But Junes had died on the spot.

This is a case of blatant murder committed by the CRPF in the name of an encounter with the Maoists. Since there is no question of the unarmed Junes and Kornel causing any threat to the lives of the police, there is no question of any firing in self-defence. Perhaps in recognition of this, the administration has paid ex gratia of Rs 50,000/- to the family of Junes Badaraita and Rs 20,000/- for the dead cattle. But they have paid nothing to the severely injured Kornel Raita who had to pay for his treatment. Moreover, Rs 50,000/- is too meager a sum for taking the life of a family's breadwinner. *It is also necessary that the killers are prosecuted for murder. The officers of the CRPF should inform the civil police the names of the personnel involved and a case of murder should be booked against them and investigated.*

*In this context we heard a very serious allegation which we must put on record. Many people of this area told us that the CRPF camp at MV 44 on the way from Malkangiri to Kalimela is used as a detention center where people are kept for long*

*periods and interrogated.* The fortified nature of the camp effectively prevents the outside world from knowing any thing of the fate of the detenu. If this is true, it is a very serious matter. Such torture chambers have been known in Jammu and Kashmir and are entirely outside the pale of law. The CBI must probe this allegation too.

**Recommendation:**

*Our first and foremost demand is that the customary declaration is made the basis of a policy of intervention which has strong social and economic components.* The police forces must be used only for the limited task of prevention and investigation of crime by lawful methods and not for suppression of the social aspirations of the people involved. The other demands are:

1. A case of homicide under 302 IPC must be booked in connection with the Kotipalli, Talameting and Kutunigonda killings against the concerned police personnel. Investigation must be handed over to the CBI.
2. The disappearance of Indra Madi of Tentuliguda and Akul Sarkar of MV 123 must be probed by the CBI. The CBI must also probe the very serious allegation that the CRPF camp at MV 44 is being used as an illegal detention and torture center.
3. CRPF camps should not be set up in police stations. That defeats the normal purpose for which police stations are intended.

**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO – MUNDASAH, BALLIGUDA, KANDHAMAL, PH- 9438072385)**

**Letter no-10/2010.**

**Date: 13.0.10**

To  
The Chief Justice,  
Orissa High Court,  
Cuttack, Orissa.

Sub: Demand for the urgent steps against communal elements.

Your Honour,

We the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present this memorandum for your appropriate action.

Soon after the unprecedented Kandhamal communal violence, the Government of Orissa set two Fast Track Courts to expedite the many criminal cases arising from the communal violence directed against the Christian community. The Courts, and the Court premises, have however become a travesty of justice. One of the presiding judges and the police have caused us deep concern as we fear a major miscarriage of justice for the following reasons:

1. The sense of insecurity among witnesses is adding to the gross miscarriage of justice in the two Fast Track courts. Victims and witnesses are being coerced, threatened, cajoled and sought to be bribed by murderers and arsonists facing trial. Shoddy police investigations have already created a crisis in the dispensation of justice, and even genuine eye witnesses are renegeing in court as they see the court premises full of top activists of fundamentalist organizations and often the same persons who had burnt their houses. The police mute watchers, as always. The witnesses are threatened in their homes, and even their distant relatives are being coerced.

1 . In the current volatile political situation, we fear with reason that religious political leaders and former ministers are influencing the district administration and judiciary system along with communal elements in Kandhamal.

2 . Even the media has reported at the strange situation in the two Fast Track court of Ad hoc Additional Session Judges which are trying all the murder and arson cases-against Legislative Assembly Member Manoj Pradhan. Though witnesses have deposed strongly on his involvement in the crimes, he has been let off in case after case.

3 . The accused Manoj Pradhan, BJP MLA, threatened one of the witnesses in front of the police personnel inside the Fast Track Court, and he also threatened the police.

4 . Till today communal elements are still threatening the witnesses in the remote villages where they live, due to which the witnesses are in panic and do not dare to speak in the court Many witnesses have even refused to come to court as they do not dare to travel anymore.

5 Around 20 to 25 advocates are arguing for the defense, and the Public Prosecutors are not able to cope with the volume of work every day.

6 . While we do not want to cast any aspersions on the PPs, their actions have left us in great doubt.

7 . We also have strong doubts in the quality of the police investigations which are making it easy for the guilty to go scot free.

8 . It is a matter of serious concern that it is more than one year passed the affected households is yet to be enlisted in the government list for compensation depriving them all the support and rehabilitation. It is crime against humanity as the hapless and helpless victims abandoned to look for themselves. There is gross malpractice due to corrupt and indifference attitude of the local officials, who have not list the fully damaged houses as fully, but partially thus effectively depriving the compensation and supports. We demand immediate assessment and support.

9 . Due to prolong violent and fearful environment, the families have left the villages. Taking advantages of this, the fringe elements and criminal elements of Sangh Parivar has looted the household articles and assets thus rendering the families bereft of any assets. We demand proper and full assessment be done and compensate the families suitably.

10 . The compensation packages declared by the state Govt. for the damage households are very meager amount which is not sufficient for the house construction. Conversely, these packages are much less than the compensation packages provided to the Sikh and Godhra riots victims. Proportionate package should be provided to the Kandhamal victims also.

We seek urgent actions from Your Honour in the interests of justice such as shifting the sensitive cases related to Manoj Pradhan to outside, to Cuttack or Bhubaneswar, transferring the judges and changing public prosecutors, provide special protection to Witnesses.

Yours faithfully

Convenor

SHPS, Kandhamal, Orissa.  
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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-11/2010**

**Date: 13.01.201**

To

Hon'ble Justice Sri Sarat Chandra Mahapatra,  
Chairman, Inquiry Commission for Kandhamal Violence,  
At. State Guest House,  
Bhubaneswar.

Sub: Boycott of the Hon'ble Commission by SHPS Association.

You're Honour,

We the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Kandhamal violence), Kandhamal herewith present this memorandum to inform you of our decision to boycott the Inquiry Commission for the under-mentioned reasons:

1 During your days visit to Kandhamal you made a statement stating, inter alia, that the Kandhamal violence is not communal violence but is of ethnic origin. This statement you made even before a proper inquiry was begun. [Enclosed is copy of one of the media reports.]

2 After the Commission began hearings, you made it a practice to brief the press on your "judgment" or ruling of the day.

3 . The Commission formulated leading questions on issues such as conversions which were sociological in nature and in fact would further incite the violence which was still going on unchecked.

4 . Responsible public officers like Pravin Kumar, police Superintendent, former and present police DG Gopal Nanda and Monmohan Praharaj were made to give the absurd but sensitive statements about religious conversion as if it was crime and then what role Police had taken to control the crime. The Police officers did not tell about why they could not prevent the march of funeral procession of Swami Laxmanananda with instigated mobs. Such statements caused further desperation among the witnesses and victims fighting their cases in Fast Track Courts and aggravated the situation. They should be summoned and held responsible for these acts.

5 . BJP president, Suresh Pujari's presence inside the Courts is threatening to the witnesses and inspiring the culprits. Moreover he is allowed to enter into the commission chamber under garb of a lawyer and before the press meet is conducted.

6 . Recently, in response to the question of Mr. Adikanda Sethy, MLA, Chhtrapur; the Chief Minister, Mr. Navin Pattnaik, said in the Assembly that the RSS, VHP and Bajrang Dal activists were involved in the Kandhamal violence. The commission should summon the records of the Assembly and take note of this as part of its proceedings, which it has not said it has done.

7 . Your media statements have shown clearly that you have pre-decided and have already come to the conclusion about the violence without going through all the evidence that could have come before the Commission if it had proceeded without pre-conceptions and patent bias.

In the face of all these, we are left in no other position than to boycott the proceedings of the Honorable commission, holding it biased and its statements based on preconceived notions which are not rooted in facts or investigations.

Yours faithfully

Convenor  
SHPS, Kandhamal, Orissa.

Ends:

Justice Sarat Chandra Mahapatra statement before first affidavits Newsreader, "Justice Sarat Chandra Mahapatra commission enquiring into Kandhamal violence has issued a notification for the general public to submit affidavits by 15th (of Number 2009). Based on the affidavits, the commission shall develop framework/ procedures on 28th of this month.

In the meanwhile, Justice Mahapatra commission after his visit to Kandhamal in his preliminary assessment stated, "Communalism is not the primary reason for the riot."

Reporter: Justice Mahapatra is not ready to accept that Kandhamal incidence is communal conflict. Justice Mahapatra appointed to make enquiry into Kandhamal violence said, "The problems are ages. It cannot be attributed to the bitterness of the two communities".

"Likewise, in order to find out the reasons for killing of swami and the violence thereafter and the role of the administration in aftermath of the killing, and the hand of external forces to intensify the conflicts have to be looked into it" he said. Justice Mahapatra's voice, "Administration, social and political when all these combined, discontentment got deepened and it manifested from the killing of Laxmanananda". Reporter: In the

meanwhile in order to know the opinions of the general public about Kandhamal incident, Justice Mahapatra has issued a notification:

The murder of Swami Laxmanananda and the violence thereafter; The involvement of individuals and the role of community; Anticipation of riot and the preventive measures taken for the riot the hand of individuals/institutions inciting Kandhamal incident should be submitted before the Enquiry Commission before 15th ( of November). Justice Mahapatra commission: 'If affidavits submitted in large numbers, then my enquiry could be objective and impartial'.

Reporter: After 28th hearing, the next course of action will be decided by Justice Mahapatra Commission. Last month, from 14th to 21st (14th to 21st of October 2009), Justice Mahapatra has visited different parts of Kandhamal and interacted with the local people and at the administration'. Report by Radhamadhav Mishra, OTV.

Source: OTV, Orissa

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-12/20 10**

**Date: 1301.201**

To  
Shri Naveen Patnaik,  
Chief Minister,  
Orissa

We the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Kandhamal Communal Violence), Kandhamal district, Orissa, herewith present this memorandum for your appropriate action.

1 . During the year 2007 and 2008 the district of Kandhamal was violently impacted by violence instigated by some communal elements

2.who attacked innocent Christians in a planned and brutal manner.

3 In this violence, 5347 houses were looted and destroyed by fire, many women and girls were raped, and more than 75 people were murdered in the name of religion and ethnicity. Large-scale displacement and migrations followed with over 50,000 people becoming refugees in their own motherland. The culprits of this inhuman activity are roaming freely, neither arrested nor punished. We demand their immediate arrest, trial and exemplary punishment.

4 The Government of Orissa has appointed the Sarat Chandra Mahapatra Commission to inquire into the Kandhamal violence and place its report before the Government. From the very beginning Justice Mahapatra has maintained that the violence is ethnic and in its interim report it sidelined and ignored the role of HSS, VHP, Bajrang Dal. Needless to mention here that your Excellency has clearly exposed the involvement of such organizations in the Orissa Assembly. We have no option but to express our doubts on his impartiality and demand that the Commission be dissolved.

5 We feel that the district administration and police instead of unearthing the facts behind Kandhamal carnage are resorting irrational conclusions and judgments with regard to the religious conversions of Christian community. In their depositions before the Mahapatra Commission, they have tried this or that way to find fault with the victims instead of reviewing their role and responsibilities. When creates the communal tension and this kind of irresponsible blaming may cause future conflict. Hence we demand appropriate action against these officers.

6 The relief and rehabilitation provided is not sufficient against the damage occurred to the life and property during Kandhamal violence. There are also no records as regards to the number of people got forcefully migrated to other places as a result of violence. We demand for the re-assessment of the damage and provide the compensation to the affected families and take necessary measures to enable the migrated people to come back.

7 We demand a special package for the violence affected people and ensure its proper implementation. This package should include land, income generation, education and health care, etc., so that the poor innocent people who have lost everything can be rehabilitated properly.

8 We are not satisfied with the legal procedures undertaken in the two Fast Track courts established at Phulbani which seem to be in a hurry to dispose of the cases without proper trial and witness examination. The witnesses are threatened by the accused, and hence the witness protection is most essential to deliver justice. We demand the protection of witnesses by the Government with proper support and care.

9 In most of the cases are finalized in the Fast Track courts at Phulbani the accused are acquitted. The quality of the Police charge sheets is doubtful; and therefore we demand a CBI inquiry into the cases for proper delivery of justice to the innocent people.

10 It has been propagated that Scheduled caste people are guilty of land grabbing by Scheduled Tribes in the district of Kandhamal which has created the ethnic conflict. But this is apportioning blame without any proof or basis. We demand proper settlement of land in the district. Particularly, please ensure to allot lands to landless. The Government should publish a "white paper" on the land issue.

11 The "fake caste certificate" issue has created a lot of confusion without a proper investigation and basis. Out of eight hundred caste certificate cases, only one hundred cases have been investigated. It is a matter of grave concern that only for a very few cases, around one Lakh people are blamed. We demand the Government to publish a "white paper" on these issues and take appropriate measures against the officials involved in issuing the fake certificate. The government prepares reports based on officials who are in hand in glove with fascist sangh parivar, who are hell bent on creating conflicts among ST and SC reasons behind; thus furthering the violent atmosphere.

12 Till today many of the victims of Kandhamal violence are staying in the village level relief camps. They get continuously threatened not to stay in the villages. They are not allowed to avail the local materials (wood, water, sand, etc.) for the house construction. Hence we demand for identifying those villages and take appropriate action by ensuring safety and security of the victims.

13 We demand exemplary action against those police officials who had supported the violence and remained quiet, instead of providing security to our life and properties.

14 It is a matter of serious concern that it is more than one year passed the affected households is yet to be enlisted in the government list for compensation depriving them all the support and rehabilitation. It is crime against humanity as the hapless and helpless victims abandoned to look for themselves. There is gross malpractice due to corrupt and indifference attitude of the local officials, who have not list the fully damaged houses as fully, but partially thus effectively depriving the compensation and supports. We demand immediate assessment and support.

15 Due to prolonged violent and fearful environment, the families have left the villages. Taking advantages of this, the fringe elements and criminal elements of Sangh Parivar has looted the household articles and assets thus rendering the families bereft of any assets. We demand proper and full assessment be done and compensate the families suitably.

16 The compensation packages declared by the state Govt. for the damage households are very meager amount which is not sufficient for the house construction. Conversely, these packages are much less than the compensation package provided to the Sikh and Godhra riots victims. Proportionate package should be provided to the Kandhamal victims also.

Yours' Sincerely,

Convenor  
SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-13/20 10**

To  
The Chairman,  
Press Council of India,  
New Delhi.

Sub: Prayer to Review the role of media in Orissa during Kandhamal Communal Violence 2007 & 2008.

Sir,

On behalf of victims of Kandhamal riot 2007-08, we would like to draw your kind attention to see how the print and electronics media played a devastating role during Kandhamal incident. Particularly Oriya print media played an anti-minority role and portrayed victims as villain.

Media failed in its duty as the true watchdog of society and went on circulating misinformation, inciting stories against minorities and biased view points. The genuine concerns of well-meaning citizens and sufferings poor adivasis and dalits have been ignored and had got no place or a wrong place in media.

Therefore, we request you to look into the matter and review the role of media in Kandhamal incident and take necessary steps to censure the defaulters and bring back them to play the role of a fourth pillar of Indian democracy. To support our views, we do attach some evaluating papers prepared by writer and journalist Sri Kedar Mishra, who is working in this field since last 2 years ([http:// www.kedarmishra.blogspot.com/](http://www.kedarmishra.blogspot.com/)).

Yours Sincerely,

Date: 13.01.201-

Convenor  
SHPS, Kandhamal, Orissa.

## **Kandhamal Riot and Mass Media**

"To be true to my faith, therefore, I may not write in anger or malice, I may not write idly. I may not write merely to excite passion"

- ❖ Mahatma Gandhi, Young India Censure
- ❖ "Kandhamal is burning'," "Church Torched in Kandhamal", "Kandhamal is simmering again", etc. made headlines in the newspapers of Orissa. Here I make an attempt to study the way the mass media has depicted the life devastated in the Kandhamal riot of December 2007 and analyse it and the role it has played in the state politics centring the riot affected people. In trying to make an analysis of it I have taken into consideration the news and articles on Kandhamal riot, the interviews with the journalists involved in it, clippings of electronic media, the news on the net and reports of fact-finding groups. The mass media unanimously agree that the riot affecting the Christmas in last December is out and communal in nature and is based on intolerance.
- ❖ Even if a dividing line was attempted to be drawn between international, national and local media, both electronic and in print, on the nature and cause of this riot, all of them had established it the same way. The Hindu fundamentalist Rastriya Syamsevak Sangh had made one such attempt in the local and national media. The report on January 3, 2008 [in www.sanjaparivar.com](http://www.sanjaparivar.com) ran:
- ❖ "Many media, mostly the national and international, without a reality check - went overdrive to paint a wrong picture about the entire sequence of events. Very few investigated the reasons of the violence put the blame squarely on the Hindus. Only burning of churches and prayer houses were reported, not the lethal attack on the Hindu seer Laxmanananda Saraswati found due place in the newspapers. Not the death of a Hindu - which was immediate provocation for the communal clash - was properly highlighted. Even Maoists joining hands with Christians in attacking tribals were ignored by the international and national media."
- ❖ However, the vernacular press predominantly reflected what actually happened on the ground and found Christians being the initiator of the latest hostility between the communities. The followers of Christ faith were in the forefront of attack and they attacked Hindu hamlets and attacked the police and even collaborated with Maoists in attacking the kondh tribals, they reported.
- ❖ Warning for the Local Media
- ❖ This news of RSS is untrue and motivated. Almost all the local newspapers and TV channels have clearly stated that the Christians were worst affected in this riot

and that they were the victims of the hatred-based politics of RSS. Here are mentioned a few excerpts from the newspapers:

- ❖ 'The Brahmanigaon and Daringbadi are tense due to mutual distrust. There are clashes and house-burnings. No particular community can be blamed for this. The minority community had to face the wrath and violence of the majority. Even after getting the intelligence report the Administration did not take necessary steps. As a result of which the riot spread to nearby regions. The Viswa Hindu Parishad played a major role in the worst affected village, Brahmanigaon; so did the majority of Christians in Daringbadi. After its primary investigation the Samaj reported that the Viswa Hindu Parishad and the controversial Collector of the district, Bhabagrahi Mohapatra were solely responsible for the commuQal riot that began on the last twenty fourth. The Parishad says that the riot ensued after its leader Swami Laxmananda was attacked which is not true. Rather, it was the VHP which first initiated it in Brahmanigaon".
- ❖ (The Samaj, December 30, 2007)
- ❖ On 25th evening more than 3000 supporters of VHP and RSS came to Barakhama with weapons and lathis. They began with looting and ended with damaging property. The houses of 285 Christians were burnt within an hour. 21~ houses were half-burnt or damaged. Lakhs of rupees, golden ornaments and costly home appliances were looted. Even the pet animals were not spared.
- ❖ These two reports have clearly held Sangha Parivar responsible for riot. Both the electronic media and mass media have firmly condemned the role of Sangha Parivar. There is yet a conspiracy in branding the local media as the sympathizer of the Sangha Parivar. A dividing line was also drawn regarding the true nature of the local and national media in the Gujarat riot. The Gujarati media was said to be the blind supporter of the Sangha Parivar. This divisive role of the Sangh Parivar is nothing new. The Sangh Parivar lauded the local media to have used local identity as a weapon.

#### THE MENTAL CONFLICT IN MASS MEDIA

- ❖ If one looks at the reports of all the three TV channels from Orissa. i.e. ETV, OTV and Doordarshan and Oriya dailies it will be clear that the true causes of the riot have not been deeply analyzed. Its one reason is the religious meanness and elite mind set. It is alleged by some Christian organizations that as the local media is in the hands of the high caste Hindus the Christian minority has not got its due. This allegation is not absolutely baseless. No doubt, the Sangha Parivar has been implicated in this/iot. Yet at the same time the Christians have been held accused for their role in conversion. Another aspect of these reports is its lack of study and analysis. One can very well discern the mental conflicts of the reporting journalists. Even if they report

that the Sangh Parivar is responsible for the riot they somehow entangle the Christian minority in it.

- ❖ The purported attack on Swami Laxmanananda Saraswati on the 24th was grossly exaggerated in the media. The journalists took Swamiji's words as the base of their reporting. The opinions of both the parties present there were not taken into consideration. The ETV report gave so much importance to it that the later incidents were ascribed to the ETV's reporting. The mass media is equipped with the power to unearth the conspiracy of communalism and has the responsibility to abate it. The local media has failed in this role. Our journalists have made the maximum utilization of their imagination in describing the plight of the riot-affected people. All that the affected people said lacked the element of suffering in it. It is a matter of shame. The statements of Swami Laxmananda and the leaders at Sangh Parivar occupy prominent position in the news reports. The statements of the affected Christians have been deliberately ignored. Our local media seem to be totally ignorant of the sense of dignity and sympathy which is there for the minorities in a democracy.
- ❖ On the other hand, all those national dailies which have local editions give importance to the statement of the government officials. The reportings for the Times of India, Indian Express, The Pioneer, the Hindu, etc. were done from the Secretariate in Bhubaneswar. By giving importance to what the Chief Minister, the Chief Secretary, the Home Secretary and Director General, Police said the national dailies overlooked the true nature of the incident. Very few journalists visited the riot affected area.
- ❖ Kandhamal burnt from Christmas to New Year. All the political parties and the Sangh Parivar tried to fish out of the troubled water. Ironically, the mass media boosted their image. It has been stated earlier that the local media lacked sensitivity to deal with communal feelings. No newspaper or electronic media tried to analyse the situation. Instead, their erroneous reporting stoked the riot.

## THE CONSPIRACY OF THE SANGH PARIVAR

- ❖ "There is no use burning tyres on the road. Tell me, how many houses of the Christians you have burnt? There will be no peace without revolution. Narendra Modi brought about revolution in Gujarat. That is why peace is there."

In response to the so-called attack on him, the eighty-two-year-old Swami Laxmanananda Saraswati had made this statement from the Daringbari Health Centre in the very presence of the police and journalists. Surprisingly it was given more prominence in the national media than in the local ones. The reason is obvious. The local media did not want to displease the Swami and the Hindu majority reader as a whole. The proprietors of the Oriyadailies who are more interested in making profit

than upholding ideals preferred indifference to neutrality in such a sensitive issue. The Fourth Estate had not come forward to give protection to the minority community. After the riot when it was compared with that of Gujarat at the national and international level, the Sangh Parivar used the local media. They had argued that it was caste-based and that it was not communal in nature. Radhakant Nayak, the previous administrator and present Congress M. P., was implicated in it. Another matter of surprise was that his reaction was not sought in this regard. At the time of riot the Sangh Parivar demanded the arrest of Radhakant Nayak who was staying at Delhi. The local media seemed to give importance to the unjustified demand of the Sangh Parivar. The opinions of all the sections of the society were not taken into consideration at the time of the riot or after that. The local media did not bother as to why the Sangh Parivar was demanding the arrest of Radhakant Nayak. All of them competed to present their reports in a manner conducive to the BJD-BJP coalition government. The ex-Minister Padmanav Behera who was made a scapegoat was not given adequate scope to express his opinion.

- ❖ At the time Kandhamal was burning The Samaj carried a report based on the interview with Swami Laxmanananda Saraswati, in which it was stated that conversion was the root cause of unrest at Kandhamal. This report published from Cuttack rather than abating the Kandhamal riot fuelled it. The report ran like this:
- ❖ The Government as well as the missionaries engaged in conversion are responsible for the situation in Kandhamal. They could be the troubleshooter. The path-finder for the VHP, Swami Laxmanananda Saraswati has stated that the Hindus are only defending themselves. After the alleged attack by the Christians on 24th, Swami Laxmanananda being treated in Cabin No.3 of the Surgery Department gave an exclusive interview to The Samaj in which he said that the missionaries are trying to establish special Christian zones in the divided districts of Bhulbani, Koraput, Kalahandi, Bolangir and in Bhanjanagar of the district Ganjam, Khandapada of the district of Nayagarh and in Anugul and Athamalik. For this money flows from such Christian countries like the U.S. and the U.K. The Swami and his supporters are working towards the preservation of Hinduism. Their efforts have resulted in the drastic reduction in conversion and many converted Christians have come back to the Hindu fold. Infuriated at it, some people have attempted to kill him. Asked about the possible solution to this problem at Kandhamal, Swamiji has said that this was the spontaneous protest of the Hindus. No government can stop this. The age-old dissatisfaction of the Hindus are now ventilated. In it he had no role to play. After massive protest the missionaries desisted from conversion but after the COQgress Party came to power they have become active. If the conversion comes to an end there will automatically be no unrest in the state. Giving information on the event of the 24th, Swamiji who does not want to reveal his past said that day he along with his five supporters set out by a Marshal Jeep from Jalespeta to Brahmanigaon. At Daringbari which is five kilometers from Daringbari there stood a bus obstructing traffic. Despite repeated horns when the bus did not move the driver of Marshal jeep Naresh Kanhr and Kishore Pradhan accosted the bus driver. That was when they were attacked by the people in the bus along with the villagers who rushed

there. It was by his presence of mind that Naresh had a narrow escape. Out of three hundred families in that village only one was a Hindu family. From this figure one can realize the grave situation in Kandhamal, says the Swamiji who has been active against conversion in Kandhamal.

- ❖ The language and tone of this report must have suited the Hindu fundamentalists. The local media has made tremendous effort to establish Laxmanananda Saraswati as the symbol of Hinduism. Praising him, The Organiser, the mouth piece of the Sangh Parivar wrote. "Four decade-long sadhana at Chakapad has successfully awakened the spirit of Hindutva among the Vanavasis and drawn them away from the clutches of missionaries." But this Sanyasi is more immersed in power politics than in meditation. It is due to his leadership at Chakapad that Kandhamal is kept burning. No media has questioned Laxmanananda. All of them have been showing respect to this old sanyasi. There is no problem in showing respect to a religious man. But the role of Laxmanananda is that of a villain since in the name of stopping conversion and ensuing a process of purification he has only created an atmosphere of religious intolerance. We get the hint of it from the description of the turn of events. The media is agog in the description of events as it is laudatory in highlighting Laxmanananda. The mental inflict in media is due to this paradoxical stand.
- ❖ Tehelka 19, January 2008 described Laxmanananda as belonging to washerman community and that he established an ashrama at Chakapad in 1969, from where he started propagating Hinduism. As the Hindu Sanyasis keeps his past a secret one could not have got to know anything about Laxmanananda from his own mouth. Laxmanananda Saraswati has been publicly saying that he has been trying since 1969 when he established an ashram at Chakapad to save Kandhamal from being a totally Christian dominated area. Even as his statements are loaded with elements that is prone to creating tension the local media has been lionizing him. Before riot ensued at Brahmanigaon, Laxmanananda repeatedly held meetings there and provoked the public to attack the Christians. Although he has been directly or indirectly involved in stoking riot he has not been arrested. This old sage plays a clear role in speaking ill against the Christian missionaries and the Dalit Christians Kandhamal, in blocking roads and in staging hunger strikes and above all keeping Kandhamal in unrest.
- ❖ The 2007 Kandhamal riot was not all unpremeditated. It was aimed at eliminating the minority Christians from Kandhamal. Laxmanananda played a leading role in the agitation to establish a Hindu rashtra. On the occasion of the birth centenary of one of the leaders of Sangha Parivar on April 2006 the Sangh parivar organized Astamatraka Rath Yatra in Kandhamal. Indians are suffering yet from the poisonous reaction of Lal Krishna Advani's Rath Yatra in the context of Ram Janmabhumi. There has been repeated Ratha Yatras in Kandhamal. The anti-christian slogans are kept alive through Yajna, Yatra and Purification process. The Sangh Parivar rose in protest against the breaking of Rama Setu in Tamil Nadu Regular conspiracies were hatched in Chakapad Ashram. The local

Administration was aware of it yet no perceptible steps were taken. Instead of projecting Hindu Sameelan of April 2006 as communal in nature it was showcased as a religious jamborree. The local minority had to face its consequences in December 2007. It was not an end in itself. Even today Kandhamal remains an insecure place for the minorities. On July 8, 2008 there was tension in Kandhamal which centred round the slaughter of a cow.

- ❖ The Dharitri, July 10, 2008 writes on it "Again Kandhamal is burning. No sooner the people of Kandhamal have forgotten the trauma of the riot of December 2007 than there has risen tension in Tumuribandh. That to, it centres around the slaughter of a cow. The conflict within the communities is simmering in Mattipara of Tamudibandh Block. At this time due to the opposition of a Baba in Jalespeta to the slaughter of a cow he has been attacked. Opposing this incident the VHP has called for a strike in Kandhamal. So far the Bandh is peaceful."
- ❖ In another report The Samaj says, "It has been noticed that Tumudibandh Block of Kandhamal district is going to be a site of another riot. Only one kilometer away from the headquarters of this Block, where the cow was slaughtered and against which there was protest, Bulubaba alias Brundaban Nanda who is the chief disciple of Laxmanananda Saraswati was attacked. It had a state-wide reaction. With the spread of the news of Bulubaba's camera being snatched away, the blood of the slaughtered cow being smeared on him and the attack on him, the Bandh was observed in G. Udaygiri, Raikia, Baliguda and Tumudibandh and VHP called for a twelve-hour Bandh throughout the State.
- ❖ As in previous riots, the media did not play a neutral role in this riot. The allegations that Swami Laxmanananda and his disciples brought forward were blown out of proportion. The non-Hindus eat beef; no Hindu has any right to snatch away that right from them. The motive behind Laxmanananda's and his brigand's protest is only to create tension. In a secular state it is a matter of irony that sanyasi should be encouraged in mass media to indulge in mean activities like blocking the road by cutting down trees, holding hunger strike abusing the minority and blaming the Administration if it is not supportive of his activities.

#### EDITORIAL IRRESPONSIBILITY

- ❖ The local media has failed utterly to analyze and evaluate the Kandhamal riot. So did the Administration, civic society, political parties, local leadership and the police. If one analyses the reports and editorials of the local papers it will show clearly how they have failed to hint at the failure of others. The Kandhamal riot started on 24th. The Samaj in its 30th and 31st December 2007 and 1st January 2008 editions carried three reports under the title "Postmortem". Those three reports were full of contradictions, and were misleading. While The Samaj blamed in its first report the VHP, it blamed the Christians in the second and the Naxals in the third report for the riot at Kandhamal. One thing that is clear from it that The Samaj was not sure about its stand in this issue. The most interesting

thing was that there was not even a single statement of any affected person in their one thousand and five hundred-word article. Nor were the opinions or reactions of the minority community placed in it. The report on 31.12.2007 ran like this:

- ❖ Getting foreign fund, support of two retired IAS Officers and encouragement of local MPs the Christians in the sensitive district of Kondhmal are said to be getting more and more strengthened. As a consequence, the caste-based conflict of Kondhmal has taken the shape of communal riot. The Kondh-Panos conflict was the main conflict in Kondhmal but two retired IAS Officers and the local MP have started encouraging the Christians. The pouring of foreign fund has acted like ghee in fire. In no circumstances the tribals of Kondhmal fall victim to the allurements of the Christians to get converted. The two retired IAS officers are exercising their power and contact to get funds for tempting the tribals. It has come to such a stage that if there are five wards in a village there are five churches or prayer halls in that village. With their blessing from those officers and MPs the panoss try to show off their affluence to the tribals and poor Hindus. This has resulted in a large scale dissatisfaction even among the tribal Christians. While the tribals are Baptists the Panoss are Roman Catholics. Only in Siarigaon of Katingia Panchayat and in Saraguda some tribals are Roman Catholics. Baliguda, Ghumusar, Udayagiri, Nuagaon and Daringbadi Blocks have a large number of Christians in comparison to other Blocks of the district.
  
- ❖ What could be the purpose of this report? It is childish to claim that riots become frequent with the increase of numbers of prayer halls and organizations of the minority community. It is still more ridiculous to make issues out of it in prominent newspapers. Due to baseless and misleading reports people become biased. It is surprising that the journalist who asks the minority community person about their foreign funding does not ask the same question to the Hindu fundamentalists. Nobody asks whose assistance has helped the Chakapad Ashram grow in the last twenty years. Where from do crores of rupees come to support the Hindu organization and its movement? Before bringing Radhakant Naik, John Naik and Issac Behera to the witness box our journalists should not forget to ask the same question to the Orissa branch of BJP. While Kondhmal was burning how did the newspaper publish in bold letters the BJP's irresponsible statement "Kandhmal Riot is the creation of Christian NGOs?" The BJP leaders have not been questioned further about this statement in press conferences
  
- ❖ The Prajatantra on 17.1.2008 ran the following report:
  
- ❖ The BJP has alleged that some organizations run by the Christians are responsible for the present riot at Kandhamal. For this purpose the names of some organizations and NGOs operating there have been published. Jewel Oram, a senior leader of BJP, in a press conference on Wednesday said that deceptive

news is given currency. It is said that the Christians there are a minority. The Hindus have been oppressing them and that this not is created by VHP and BJP. But this is absolutely false. The truth is that the Hindus are a minority there and they are being oppressed instead. In Brahmanigaon Christians numbering about 5000 attacked the Hindus. Their houses were burnt. Visiting that area Jewel Oram came to know that those Christians were armed and supported by such NGOs as Action Aid, NISWAS, SFDC, Aama Gaon, CPSW and Alok Grama.

- ❖ The communal politics operates on baseless and misleading facts. We get to hear such a voice from Jewel Oram. Here the question is whether the journalists should have quoted him in verbatim? He has only lied. He is not supported by facts when he is alleging anybody. It is nothing but political motivation to bring changes against any organization without facts and proofs. By encouraging such sick mentality the mass media is setting a dangerous trend.
- ❖ On January 10, 2008 The Sam bad carried an editorial essay by Banabihari Panda, the former Director General of Police. Such type of editorial page articles are supposed to be based on facts and analysis of those facts. But it was nothing but a collage of reports, rumours and so-called news. Banabihari Panda wrote:
- ❖ The event following it is attack on Swami Laxmanananda Saraswati. It was reported in the newspapers that about 200 people armed with lathis, sticks and spears stopped his vehicle and attacked him. This incident is solely responsible for the riot in Kandhamal. Many opine that had this incident not happened the riot would not have spread so rapidly. Therefore those who attacked him should be booked and punished. Some churches were burnt. That is to be condemned. Church is a prayer hall, where God is worshipped. Those who committed this crime should be punished. Likewise it is reported that five temples have been razed. Those who did it should be equally punished. Burning a church or breaking a temple is unpardonable. All those miscreants should punished."
- ❖ It was never considered whether such an article should be carried as an editorial piece. There is no official report that any temple was razed in Kandhamal. The media did not report from this angle either. Some leaders like Jewel Oram have shamelessly claimed that the Christians are not a minority in Kandhamal. The population of the district of Kandhamal is 6,48,201. Out of that while 5,27,757 are Hindu 1,17,950 are Christian. Instead of refuting misleading facts of the leaders the media has highlighted them. Excepting a few stray villages in Kandhamal the rest of the villages have a minority of Christian population. The Sangh Parivar claimed that it is a castebased conflict not a communal riot: so did the mass media.
- ❖ The Sangh Parivar has repeatedly changed its role in the context of the Kondhmal riot. If now it claims that Kondhmal unrest is due to conversion then it would say that it is merely caste-related conflict. In order to suppress the event the spokes person of the Sangh parivar, Ram Madhab had written in rediff. com on January

8, 2008, "We must not ignore the fact that Kondhmal is for that matter many such incidents have been a localized incident; not a phenomenon as the candlelightwalas should want us to believe."

- ❖ The Sangh Parivar had advised the civilized society to take it lightly. Further, that it was not a communal riot; rather there are many political reasons involved in it. And the local media knowingly or unknowingly acted as a facilitator. Within a week only three persons died while hundreds went missing. 71 churches, 48 prayer halls, 5 convent schools, 7 hostels, 2 vocational centres, more than 500 houses and 126 shops were burnt. Fire was the greatest weapon in it. In this heinous attempt to wipe out the minority the media did not even play a neutral, not to speak of a deterrent role.

#### WHO IS RESPONSIBLE FOR THE RIOT?

- ❖ The wound of the riot of December 2007 is yet to heal. Finding ever other excuse the Hindu fundamentalist organizations and the organizations at the district level at Kandhamal, supported by them have been blocking roads and staging demonstrations. Trying to analyze their causes the media have only misled the public opinion. They lack data. Even if they might have it they do not analyze it. In preparing this project I have collected and analysed more than 200 reports, articles, editorials and interviews. Some of the reports have already been analysed. The reports I have analysed have clearly reflected the mental conflict of the journalists and how they have confused the general public. The journalists never concentrated on certain required points. Those reports repeatedly blamed conversion and appropriation of land as main causes of riots. In its article, "Behind the Unrest of the Kondhmal" on July 11, 2008 The Sambad wrote:
- ❖ "Appropriation of land of the Adivasis is one of the major reasons which contribute towards conflict in Kondhmal. It is for years that deceptive methods have been taken to appropriate the lands of the Adivasis, thereby displacing them. As a result, they are like refugees in their own native place. The provision has it that a non-Adivasi cannot buy an Adivasi's land. As per the Regulation II, 3 and 4, 1956 a special court has been created under the Sub-Collectors of Phulbani and Baliguda. Such cases are to be tried on priority basis in these courts while many cases of appropriation of Adivasi Lands by non Adivasis are pending in this court. There are many instances when the Adivasis who won the decree have not been able to get back their lands due to lack of assistance of Administration and police. As there is a dearth of household and cultivable lands in Kondhmal its inhabitants are facing a lot of difficulty. If they get their household land and cultivation land much of their problems could be solved. In Kondhmal the loss of caste is another root cause of unrest."

- ❖ Reports of this kind have created a wrong idea among the people that it is caste-related conflict and not due to communal feeling. There is an attempt to draw a divisive line among the Panos and the Kandhas. Seventeen percent of the population of the district is of Dalit caste. Ninety percent of them are Christians. Eighty percent of them are landless. Without mentioning concrete cases our journalists have built a context. According to 2001 Census, of the total population of the district, i.e. 6,48,201, 3,36,809 are Adivasis. They constitute 52% of the total population. Another section has created conflict between 52% Adivasi and 17% Dalits. The mass media is precisely silent about them. It is a worth-mentioning fact that majority of the journalists of this district represent that third section. They are not the original inhabitants of the district. Coming from other districts they have bought the lands of the Adivasis and are settling there. Another strange fact is that in Kandhamal there are not much lands under the ownership of the raiyats. 88% of the land of the district is in the ownership of the government. Out of that 71 % is reserved forest and 17% un-reserved forest. There is only 12% of the ownership of the land by the individuals. Those who benefit most from the 12% of the land are the ones who have come to and settled in Kandhamal. If an analysis of population growth of this district from 1961 to 2001 is made it will be like this: Adivasis 70%, Dalits 60%, whereas non-Adivasi and non-Dalit Hindus are 134%. This unnatural growth is the root of all problems. The Adivasis and Dalits are exploited; their lands are snatched away from them. In this regard both are victims of exploitation. The mass media has never given importance to it.
  
- ❖ As there is no cordial relationship between the Kandhas and Panos a fictitious history about them has been spread by the local Hindu fundamentalist organizations and political parties. Regarding it L. S. S. O'Malley says in his Bengal District Gazetteer, which was published in 1908:

In the Kandhamals, the Panos were the serfs of the Kandhas. They worked on their farms and wove cloth for them, in return for which they obtained a small area of land, grain for food and all their marriage expenses; they used also to procure victims for the Meriah sacrifices. Their serfdom was so well recognized that if a Panos left his master and worked for another, it caused serious dissensions among the Kandha community. To this day there is a settlement of Panos - a kind of Ghetto - attached to every large Kandha village, where they weave the cloth the Kandhas require and work as farm labourers. The picture remains more or less the same today except for the Meriah sacrifice. In lieu of Meriah, buffaloes are being procured for sacrifice.

The Adivasis and the Dalits are having a long history of living together. After the emergence of the fundamentalist Hindu organizations in the seventies there has been ebb in their relationship. Consequentially there have been more than five riots in Kandhamal since 90s. There have been repeated attempts to suppress the Christian organizations operating in this district. It has already been mentioned

that there are more than five lakh Hindus in this district. Basically the Adivasis are not Hindus; they have their own customs and tradition. They have been constantly projected on the official as well as non-official levels as Hindus. When the Sangha Parivar started this programme in Orissa it chose Kandhamal as it is dominated by the tribals. It tried to inculcate in the Adivasis a feeling through different ways that they too are Hindus. Some local leaders who used adivasis to gain political mileage joined the Sangh parivar. The nexus between the Sangh parivar and the leaders of the Adivasis came to light during the riot. The joint efforts of the Kui society and the Sangh Parivar made the riot more complicated. That complication is yet to be untangled. Even today Kandhamal is tense and the lives of the minority community is threatened.

## CONCLUSION

An internal feud has already been noticed between Kandhamal and mass media. The life story of the tribals and Dalits has rarely been rightfully portrayed in the local newspapers owned by high caste and higher class people. Different political parties have used the media very often to further their interest. The first newspaper to be published from Orissa, which was one hundred and fifty years ago and run by Christian missionaries was Prabodh Chandrika. It had carried news of the conflict between the Kandhas and the administrators of the colonizers. It ran like this: .

❖ 'The news has reached us that in Kandhamal early at dawn on December 6, many Kandhas armed with arrows attacked the Agent Sahib. The Agent had with him the Laskars. As the Kandhas shot arrows at him he ordered the Laskars to fire at them. One of the Kandhas died on the spot. Frightened, they retreated and are gathering at a distance. The reason as to why the Kandhas are acting like this is not yet clear.'

❖ At that time the Christian Missionaries could not lay a finger at the problems of Kandhas. They could dare to mention the incident clearly because they could not understand their problems. At a later period the missionaries had remarkably joined the colonizers in helping them in the field of health and education. That is why the number of Christians increased in Kandhamal. It was not just the Dalits who were converted. The Adivasis also followed the Dalits' footsteps. It was possible due to the selfless service of the missionaries. There was no communal tension in Kandhamal till 70s of twentieth century. It was only after the appearance of the Sangh Parivar at Kandhamal that the poisonous seed was sown there, which has later sprouted into riots.

❖ The Editorial Guild of India has laid out categorical rules which should be followed while reporting the riots. I have already discussed how the media has failed to follow those rules in reporting riots from Kandhamal. Finally here I sum up some pertinent points regarding the reports of the media on riot at Kandhamal:

1. In the context of the Kandhamal riot, the media committed a major mistake by doing a wrong analysis of the basic facts regarding the district.
2. The language used in the media for the minority was one of disdain and pity, which is to be condemned.
3. No importance was attached to the opinion of the minority community. On the contrary, the statements of the fundamentalist Hindus and their organisations were dealt with in a great detail.
4. The intellectuals and experts in the field were not asked about their opinions on the riot. Whatever articles by the eminent persons that came out in the newspapers were by the retired IAS or IPS officers.
5. The opinions of the ones affected in the riot were never published. Another matter of regret is that the hearts of the journalists did not melt to present the sad tale of the victims. Very often the journalists wrote as per their whim. There was not much effort by the editors to look into it.
6. By mentioning the involvement of the Naxals in the movement against the industrialization and globalization the journalists have been only showing their true colours. There is no proof of the Naxal's involvement in the religious or communal conflicts. The media unnecessarily tried to show the involvement of Naxals in the Kandhamal riot. In that ignoble effort they also tried to rope in some voluntary organizations and secular intellectuals.
7. In stead of following the journalistic norms, most of the reports were driven by political compulsions. It seems every newspaper reflected a particular party's stand or an ism. In this case the tendency was more towards achieving political benefits rather maintaining high standard of humanitarianism. It has only left a stigma on the morality of the local media.

Kedar Mishra

POSTED BY KEDAR MISHRA.

AN ANALYSIS OF MEDIA IN POST-KANDHAMAL VIOLENCE ODISHA

I am now writing an analysis on the reportings of Kandhamal violence in Odisha. The role of media is analysed here by an insider and it's a criticism within media.

Kedar Mishra

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-14/2010.**

Date: 13.01.10

To

Her Excellency,  
The President of India,  
New Delhi

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely

Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-15/20 10.**

**Date:13.01.10**

To

The Honorable Prime Minister of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, here)Nith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely  
Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-16/2010.**

**Date:13.01.10**

To

The Hon'ble Chairman,  
National Human Rights Commission,  
New Delhi

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik,Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely

Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-17/2010.**

**Date:13.01.10**

To  
The Hon'ble Chairman,  
State Human Rights Commission,  
Orissa.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely

Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-18/20 10.**

**Date: 13.01.1 0**

To  
The Home minister,  
Minister of Home affairs Govt of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely

Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-21/2010.**

**Date: 13.01.10**

To  
The Hon'able Commission for Scheduled Tribe,  
Govt of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely

Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-22/201 O.**

**Date: 13.01.10**

To  
The Hon'ble Governor,  
Orissa,  
Bhubaneswar.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely  
Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-23/2010.**

**Date: 13.01.10**

To  
  
The Chairman,  
Editors Guild's Of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely  
Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-24/201 O.**

**Date: 13.01.10**

To  
The Hon'able Commission for Minorities,  
Govt of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely  
Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-23/2010.**

**Date: 13.01.10**

To

The Chairman, Editors Guild's Of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present the copy of the memorandum submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr.Sarat Chandra Mahapatra, Retd.justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours sincerely  
Convenor, SHPS, Kandhamal, Orissa.

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**(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385**

**Letter no-24/201 O.**

**Date: 13.01.10**

To  
The Hon'able Commission for Minorities,  
Govt of India,  
New Delhi.

Sub:- Submission of the copy of the submitted memorandum.

Your Honour,

This is for your kind information that, we the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, Herewith present the copy of the memorandum

submitted to chief justice of Orissa High Court, Inquiry commission of Kandhamal violence, Mr. Sarat Chandra Mahapatra, Retd. Justice, Orissa high court, Mr. Navin Pattanaik, Chief Minister of Orissa and Press Council of India for the necessary and urgent action.

Yours Sincerely

Convernor, SHPS, Kandhamal, Orissa

### **Hindutva's claims on Land:**

Their claims are unsubstantiated about Christian missionaries and Muslims leading to the destruction of the tribal culture and tradition and the illegal acquisition of land and encroachment of tribal lands and their displacement from customary and communitarian property are serious and righteous grievances.

Christian missionaries and Muslim traders are not the primary reason for the land grab and the paucity of land reforms in Orissa. These rumors are acceptable to the dominant caste groups as we know that land grab is the primary reason for the disenfranchisement – displacement of Adivasi from traditional rights to land. In 1998 however there was an agitation for land reforms but with no practical implementation. Hindutva rumors that Dalits are exploiting Adivasis and that land is a major contention between them. Sangh Parivar uses the notion of 'Adivasis as Hindus' to connect to Hinduism across time and space named India. Politicized Dalits and Adivasis are named as terrorists, Maoists or Militants.

Myths:

Dalits have acquired economic benefits, augmented by Christianization.

In reality Dalits remain landless and 90 percent of Dalits are landless in Kandhamal. In reality the Hindu caste business community that enjoys economic dominance in the area. Their economic power is justified in the interest of growing Shining Hindu/Indian Nation.

Land Ownership:

A fact is that in Kandhamal there are not so many lands under the ownership of the raiyats. 88% of the land of the district is in the ownership of the Government. Out of that 71 % is Reserve Forest and 17% unreserved forest. There is only 12% of the Ownership of land by the individuals. Those who benefit most from the 12% of the land are the ones who have come to and settled in Kandhamal.. If an analyses of the population growth of this district from 1961 to 2001 is made it will be like Adivasis 0%, Dalits 60%, whereas non-Adivasi and non-Dalit Hindus are 134%. This unnatural growth is the root of all problems. The Adivasis and Dalits are exploited; their lands are snatched away from them. In this regard both are victims of exploitation. The mass media has never given importance to this fact.

Kandhamal or the hills of Kandhos, was part of the erstwhile Boudh Phulbani. After the reorganization of districts, it became Phulbani on 1 April 1994 with two sub-divisions, Baliguda and Kandhamal. Later in June 1994, it was again renamed as Kandhamal. It is one of the centrally located districts with Raygada in the south, Ganjam in the south East, Nayagarh in the east, and Kandhamal in the west.

According to the Orissa agriculture Statistics 2006-2007, published by Director of agriculture and food production, Bhubaneswar, out of the total geographical area of 8,02,000 hectares, 571,000 hectares(71.19%) is under forest cover and the net sown area is only 1, 15,000 hectares(14.37%). According to the 2001 census, tribals constitute 52.7%. among the tribes, Kandhoos are numerically superior though there are Gonds and Saoras. Dalits account for 16.9% of the total population of which Panos form the majority. Others include ganda, Ghasi and Dom. The remaining 30.4% consist of Christians ( mostly Dalit Christians) and various other Hindu caste groups, such as Khandayat, karan, Brahmin, Sundhi and Suda. The majority of the workforce is engaged in

agriculture. Collection of forest produce and its trade is another economic activity slash and burn agriculture is also one of the main occupations of the people. Despite being declared as KBK zone, no efforts has been taken to bring change in agriculture and in the pattern of land ownership.

Nearly 77% of the total lands are held by three groups (ST, Scand Others). If we analyse the land holding pattern, within the social group, the disparity is obvious. For example among the scheduled tribes the medium and the large holdings constitute 2.91% of the total holdings, whereas they hold 14.19% of the total area. On the other hand the Marginal and the Small Holdings constitute 83.80% of the total holdings, whereas they hold 58.56% of the total area as regards schedule castes, Marginal and the Small Holders constitute 95.12% of the total holdings, whereas they hold 78.97% of the total area: Medium and Large holdings constitute 0.67% of the total land holdings, but they account for 5.93% of the total area. Among Others, Marginal and Small Holdings constitute 90.58% of the total holdings, and they hold 65.87 % of the total area. Medium and large holdings constitute 2.05% of the total holdings, whereas they hold 13.69% of the total area.

Therefore it is evident that the Adivasis constitute about 52.7 % of the population and own 77% of the total land in Kandhamal. On the other hand Dalits are about 16.9%, but they own about 9.09% of the total land. As the Dalits are included in the other Categories, the percentage of Dalit ownership of land may increase marginally.

A study done by the Government research institute states that the sundhis have grabbed land. In Kandhamal there is no struggle against large land owners , which is generally seen in other land movements. The official statistics however does not reflect the ground reality.

Though Lambodar Kanhar alleges that Panos are land grabbers, he could hardly cite cases of land grabbing. This is despite the fact that he submitted a list of 503 fake certificates cases to the district administration. Interestingly, Brahmananda Behera, secretary of Pana Kalyan Samiti in a written memorandum submitted to the Chief Minister of Orissa dated 2 October 2008 has invited KCC to cite cases of land grabbing by Panos so that the land can be returned to the Adivasis to which KCC is yet to respond However there are a few cases of land grabbing by the Panos, But this not justify to be blamed.

#### **Land dispute and liquor trade:**

Narayanpatna: The conflict between Adivasis and non-Adivasis in the villages of Narayanpatna block has understandably caused anxiety because it has led to a large number of dalit families being driven out of the village of Padapadar. We met the displaced dalits at Narayanapatna, the tahsildhar of Narayanapatna and the joint commissioner (settlements) who has been assigned the task of hearing the grievances of the Adivasis of Baliaput, and Nasika Linga, the secretary of the Chasi Mulia Adivasi Sangh (CMAS). The grievances of the Adivasis are two-fold. One is the sale of liquor in which the dalits also have a role which is a lucrative trade for the non-tribals but a source of economic and social devastation for the tribal people. The second is land alienation. The Adivasis believe that both at the time of settlement operations which concluded in

this area in 1961, and thereafter a considerable extent of their ancestral land has been taken over by the non-tribals, both by illegal and seemingly legal means. It is the allegation of the non-tribals that the adivasis have forcibly occupied land in their possession for the last three years. This year the dalits of Padapadar have been forcibly driven away. We too noticed the destruction of the dalit houses in that village.

The administration appears to have realized that there is a serious socio-economic problem here. Even though the CRPF has been deployed in the tahsil headquarters, no arrests have been made but instead the Joint Commissioner (Settlements) has been instructed to receive complaints of irregularities in the 1961 settlement and conduct a hearing on the same.

**Recommendation to liquor trade:**

. Insofar as the liquor trade is concerned, the Narayanapatna tahsil falls in the Scheduled area and the Constitutional provisions in PESA apply. PESA has endowed the gram Sabha with the power to control the sale of liquor. If this is fully operationalised and the Gram Sabha is allowed to exercise its power, which includes the power to ban the liquor trade, that will go a long way in resolving the first issue.

**Mass Rally against Opening of Liquor Shops**

On 24th February 2010 a mass rally was organised against opening of 22 nos. of Country Liquors in Kandhamal including the blocked of road in front of the Collect orate, Phulbani and submitted a memorandum to the district Magistrate, Kandhamal as there was apprehension of further trouble and disturbance in Kandhamal in addition to increase of poverty.

**Recommendation to land dispute:**

Insofar as the land issue is concerned, the steps announced till now are in the right direction but not sufficient. It is not enough to go into the correctness of the 1961 settlement. It is necessary to go into the subsequent alienation of land also, including that which has taken place under court orders. And the enquiry cannot be confined to specific complaints of individual Adivasis. They may not have the necessary information with them to make out a legally sustainable complaint. It is necessary to survey the title and possession of the entire land in the area and identify possible alienation of tribal land. A procedure adopted by the Govt. of Andhra Pradesh when a similar uprising took place in the district of West Godavari in the 1990s may be a suitable model to follow. The tahsildar would sit in each village, and read out the land record, survey no. by survey no., in the presence of both the Adivasis and the non-Adivasis to enable such identification following which legal proceedings would be taken up for restoration of wrongfully alienated land. We hope that the Govt. of Orissa will undertake such an exercise forthwith. It will be recalled that such an effort was made in the year 2000 in villages of Kotgarh block of Kandhamal district.

However, we made it clear to the CMAS activists that even though their grievances are very genuine, the wholesale attack on the entire dalit community of Padapadar rendering all of them homeless is unjustified and can lead to a dangerous communal situation. It is significant that though the grievances of the Adivasis are against all the non-tribal, and the caste Hindus are guiltier it is only the dalits who have been attacked, maybe because

they are a relatively easy target. This is what happens when socio-economic issues are communalized.

This issue has been complicated by the High Court order of July 12, 2007.

An NGO filed a petition in the High Court demanding ST status for the Panas on the ground that the amended Presidential Order of 2002 shows Kui community as ST and as Pana caste speaks the Kui dialect. Therefore their caste should be changed from Pana as mentioned in the revenue records to ST. The court order directed the Government to look into matter and make the necessary corrections in the record of land rights as per the Presidential Order 2002. Soon after the High Court Order was given the Phulbani Kui Jan Kalyan Sangh started a campaign that all those recorded as SC Pana in the revenue records will now be treated as STs. The Kui Samaj Sewa Samiti of Phulbani and several other Kui organizations reacted by organizing rallies and processions demanding the deletion of Kui from the Presidential Order. But there are other reasons which Kuis cite which are that taking advantage of their illiteracy etc the Panas have acted as middle men to exploit them notably by grabbing their lands. The Kuis also allege that SC Christians obtain false certificates as Hindu SCs to take the benefits of reservations. It should be noted that the SC category excludes Christians whereas they are entitled to inclusion in the ST category and the reservation benefits that go with it.

Hence the efforts of some Christians groups to get included in the ST category. The Government is presently conducting an inquiry into these charges and has informed the NCM about that the culprits would be speedily brought to book. It has also been alleged that SC Christians have reconverted to Hinduism while continuing to practice their Christian faith with a view to availing the benefits given to the SCs.

## **RESERVATION:**

Hindustan Times

17.01.2008

What does it take to create a communal flashpoint? Some answers are obvious: a precipitating incident, simmering tensions between two religious communities and initial administrative failure to cope with the flare-up. But records and documents relating to the disturbances in Orissa's Kandhamal district show that, in addition to these, some venerable institutions of the country are also inadvertently responsible for creating tensions, which have been rising since 2002: the legislature, the judiciary and the executive have all contributed to aggravating the situation in Kandhamal at some stage or other, until mindless violence gripped the region in the last week of December and continued for days.

The communal clash was triggered on 24 December 2007 by a trivial event at Brahmanigaon. The Christians wanted to put up a Christmas tree and a few decorative gates on a public ground where Durga Puja is traditionally held. The Hindus refused to allow them, and a violent clash between the two communities occurred. Swami Laxmananda Saraswati, a revered Hindu religious leader of the area, hearing about the clash was rushing to the spot, when en route he was allegedly attacked. With that, communal fire engulfed the district.

The date of the first clashes, Christmas eve, is significant, but much more so is the fact that this was also the eve of a two-day bandh called by a section of the Kui community, the Kui Samaj Samanwaya Samiti. Why was the bandh called? The samiti, comprising Hindu tribals, was protesting against the granting of Scheduled Tribe status to Kui-speaking Pana Christians. And therein hangs a tale.

Until 2002, the Kuis were included in the list of Scheduled Castes of Orissa. But with the passing of a presidential order that year (which later became an act — the Scheduled Caste and Scheduled Tribes Orders [Amendment] Act), their status was changed to that of a Scheduled Tribe. Referring to the Kuis, the official press release from the Ministry of Law and Justice said: "The act seeks to amend the Constitution (Scheduled Castes) Order 1950 and the Constitution (Scheduled Tribes) Order 1950, made by the President in terms of the provisions of Articles 341 and 342 of the Constitution, to effect transfer of communities from the list of Scheduled Castes (SCs) to that of the list of Scheduled Tribes (STs) as they had been wrongly included in the list of Scheduled Castes whereas they belong to the Scheduled Tribes category."

But the same presidential order, which classified the Kuis as STs, also referred to Panas, who also speak the Kui dialect, as a Scheduled Caste who should not be given ST status. Taradutt, then Orissa's commissioner, in a clarifying note, wrote, "Pana, Pano, Buna Pana and Desua Pana, which have been specified as a Scheduled Caste, cannot be shown as Kui, a Scheduled Tribe."

Despite this, the Panas, because they spoke Kui, preferred to believe that they also were now STs. What difference did it make? A good number of the Panas are Christians, all of them converts to Christianity. As SC Christians, they are not eligible for the benefits of affirmative action, reservation of jobs and seats in educational institutions being prime among them. But as ST Christians, they would be, since all tribals enjoy these benefits, irrespective of religion. But any such benefit extended to them is deeply resented by the Hindu Kuis, who fear that there will be more claimants for the limited benefits they enjoy.

A tussle in the Orissa High Court has also compounded the problem. The Kui Janakalyan Sangha moved court seeking ST status for all Kui speakers. In its judgment in July 2007, the High Court directed the Government to “look into the matter and make necessary correction of the Record of Rights in accordance with the presidential order of 2002”. This seemed to suggest that the court had upheld the organisation’s claim.

But soon after, two locals went to the High Court again, appealing to it to ‘recall’ the earlier order. In September 2007, the court decreed that if the authorities concerned felt Panas should be categorised as SC and not ST, there was no need to make any changes in the Record of Rights!

It all hinges on that ‘if’ and tensions remain.

## **Legal:**

Around 20-25 advocates are arguing for the defense, and the Public Prosecutors are not being able to cope with the volume of work everyday.

Angana Chatterji discusses that the extent of the violence and coordination of attacks across mountainous terrain lead independent investigators to conclude that the violence was planned, that the police had prior knowledge of Hindutva's groups intent to riot. The pertinent district collector and superintendent of police have been transferred, not discharged. A judicial Inquiry commission Chaired by a former non-sitting judge was appointed by the Government of Orissa to investigate the riots. Its legitimacy is in question. Its mandate is not binding on the government. The Central Government did not appoint an enquiry by the CBI, even as it is apparent that the very administration that failed to contain the riots and delayed deploying adequate forces, and whose officials at the district level may have been involved in its execution, cannot administer justice.

Communal violence is a targeted crime and a mass crime, perpetrated on a community of persons. It involves the systematic targeting of a community by reason of their religious/ethnic identity, with the explicit or implicit support and sanction of the state and its functionaries. As such these crimes do not find themselves reflected in the IPC and other extant penal laws. Because of their nature as 'targeted mass crimes', they need to be recognized as such, through the creation of NEW SUBSTANTIVE SECTIONS/DEFINITIONS (drawing upon the concepts of crimes against humanity and genocide,

Advocate Rasmi Ranjan Jena says "As we know in most of the cases already tried in the Fast Track Courts in Kandhamal the accused persons have been acquitted. This is nothing but a great failure of the criminal justice system which has miserably failed to give justice

to the victims of the communal violence. At this juncture there is an urgent need of critical analysis of the factors responsible for the failure. Though nothing much should be expected from a judicial forum in a communal society, but we need to have a self introspection to develop a strategy for the upcoming days."

**Jon Dayal:** The following is a more urgent situation report on meeting convened under the banners of the Common Concern and Orissa Manavik Adhikar Suraksha Abhijan on justice delivery crisis. The report's authors include Dharendra Panda and Fr Ajay Singh. While this report is critical of the legal support systems for the victims, I must acknowledge the work done by the Human Rights Law Network and the Christian Law association who have had to work with young local lawyers and limited resources in the face of official machinery that is determined not to pursue justice with honesty.

I quote from the report:

“In the context of regular acquittals of the persons accused of criminal involvement during Kandhamal violence by Fast Track Courts on the ground of non-availability of witnesses, a meeting was held at Lohia Academy, Bhubaneswar to listen the experiences of the victims and their witnesses seeking justice. About seventy five persons including the victims, activists, representatives of left/democratic political parties and civil society organisations, advocates, media persons, civil society members, church leaders and others participated in the Meeting.

## Agenda

- Sharing of experiences/concerns by victims and witnesses in and outside courts
- Sharing on challenges faced by Lawyers and organizations engaged in legal aids
- Observations/Suggestions by the Participants

Among the participants, Prafulla Samantara, renowned activist and an ardent advocate of people’s rights and movements, Radhakant Sethy, former MLA and leader of CPI-ML Liberation, Dr. John Dayal, Member of National Integration Council, Sudhir Patnaik, Editor, ‘Samadrusti’, John Nayak, former DG of Police, Orissa, Prasant Paikray and Ramakrishna Panda – leaders of CPI, Smt. Tapasi Praharaj, CPI-M leader, Smt. Saila Behera, Shanti Ranjan Behera – Senior Social Activist, Ms. Lalita Missal – Woman Rights’ Activist (NAWO), Hemant Nayak – Social Activist, Mahendra Parida - Social Activist and Trade Union leader, Pradip Pradhan – RTI Activist and many others shared their observations regards to the approaches to the problems faced by the victims.

## Observations

- Public Prosecutors are mostly found biased against the victims
- In comparison with the skills, influences, clouts, numbers of advocates favoring the accused persons, the strength of advocates need to be improved
- Faulty and biased methods of police investigation, framing the charge sheets and presentations in the Courts weaken the cases
- Absence of social and physical security of the victims and witnesses inside and outside the Court
- The provision that in GR cases only Public Prosecutors can argue, while the victim parties can not appoint their own advocates privately, does not help the victims in cases where PPs are biased.

- Show of extra-favour to the accused ones by some judges harass the victims and their counsels
- Lawyers counseling the victim parties are even persuaded not to continue their legal assistance
- Witnesses are threatened/allured to turn hostile
- Absence of democratic and left parties in comparing to the dominance of BJP and RSS helps the culprits and corrupts the atmosphere of the courts

### Suggestions

- Appeal to transfer the cases to outside Kandhamal, preferably to Bhubaneswar and Cuttack courts.
- Christian Lawyers' Association, Human Rights Law Network and other groups engaged for legal aid should work in a coordinated manner
- Assistance from senior and experienced lawyers should be taken up
- Engagement of other lawyers to assist the P.Ps/A.P.Ps in GR cases and submission of written arguments by other lawyers
- Mobilisation of activists to be present in the court will help in building confidence among the victims and influence the PPs/APPs and judges to be careful to some extent
- A Public Hearing/People's Tribunal can be organized..
- Lawyers should be smart enough to intervene at the right manner at the time of necessity
- Local people need to create their own defense mechanism
- Secular minded organizations/activists, particularly the people participating in this programme, need to evaluate the ongoing legal actions and decide upon appropriate measures to respond to the current situation collectively.
- At the state level a joint committee involving people from various sectors need to be formed to keep regular watch on legal matters and monitor the actions being taken up by the organizations engaged in legal aids

- It is necessary to document the court proceedings and situation of witnesses and victims, which can be used in future for raising the issue before higher courts and media
- A Kandhamal level committee should be formed for monitoring justice delivery processes and for looking after mobilizing social supports for the victims and witnesses
- Extensive media campaign has to be taken up to expose the illegal and biased behavior and functioning of PPs/APPs and judges.
- Referring to the deposition of Police officers before the Sarat Chandra Mohapatra Commission, information will be collected from their respective offices using RTI and a letter can be sent to the Governor with a copy to the Commission can be sent mentioning the concerns and position of the civil society

#### Decisions

- An ad hoc state level joint solidarity committee was formed involving the participants to coordinate
  - o Interaction with political parties for their support for the victims in getting justice
  - o Media campaigns
  - o Keeping watch on legal processes
  - o Documentation of justice delivery processes
  - o Social Mobilisation for backing the victims inside/outside courts

∴  
Footnote:

To understand the different factors responsible for the failure it will be convenient to have a minimum idea on the chain/ stages on which the justice delivery process runs.

The stages of criminal cases in series:

(1) Occurrence of the Incident--- (2) FIR--- (3) Investigation (includes arrest of the accused & Submission of Charge-sheet)--- (4) Magistrate ( who commits the case to the competent court)--- (5) Trial (includes Framing of Charges, Summon to Witnesses, Testimony by the witnesses, Argument & Judgment)--- (6) Appeal

## Difficulties & Lacunas in different stages

### (1) Occurrence of the Incident

- Many of the victims are not eye witnesses as they fled away to the jungle just before the incident happened.
- As the investigation started very late the proofs and marks of violence had disappeared or washed away.

### (2) FIR

- Non- registration by the police
- The names of the accused persons are not mentioned
- Delay in filing
- In some FIR the offence in specific is not disclosed
- In most of the cases copies of the FIR not given to the victim
- The informant himself is hostile in some cases.

### (3) Investigation

- No proper investigation but a stereotyped process adopted by the police.
- Non-examination of the important witnesses
- Accused examined as the witnesses.
- Non-arrest of the accused persons ( particularly the kingpins) till date
- The property of the absconding accused persons could have been attached ( Sec 83 of CR.P.C.) which could compel them to surrender.
- Proper sections of IPC not mentioned in the Charge-Sheet
- Delay in filing of Charge-sheet helped the accused persons to get bail.

### (4) Magistrate

- The lawyers for the victim could have put their objection before the magistrate, before whom the charge-sheet is submitted, on the non-mentioning of appropriate sections of IPC in the Charge-sheet.  
(Section 216 of CR.P.C)

### (5) Trial

- Most of the independent witnesses were hostile as they were threatened by the accused persons in the village.
- The court atmosphere is not conducive for free and fair trial.
- The judge and the public prosecutors lacks judicious mind.
- Deficiency of trained lawyers in comparison to the number of cases.
- Lacuna in the part of the lawyers engaged on behalf of the victim.

No effort to build up the case in favor of the victim, only tutoring of the witnesses on their previous statement of the police is done.

The lawyers could have done as the following.

- Effort could have been made to cover up the lacuna in the FIR as

well as the statement before the police, while giving testimony before the trial court.

- The witness/ victim could have been prepared on the point on which the defense lawyer is striking.
- Proper caution could have been taken to avoid major discrepancy between the testimonies of the major witnesses.
- Petition could have been laid to examine the important witnesses who are not charge-sheeted. ( Section 311 of CR.P.C)
- Written argument could have been filed in each case at the time of final argument. ( It must be kept in mind that if the lawyer has not filed the Vakalatnama from the initial stage then he may not be allowed to file written argument in the final stage.)
- Even though most of the witnesses are becoming hostile, the victim and the family members could have been properly guided before giving testimony. Because law is well settled, the sole testimony of the victims / the eye witnesses, if inspires confidence and appears to be natural and truthful and also corroborated by the documentary evidences, is enough to convict the accused.

(6) Appeal

- No appeal preferred in most of the cases where the accused were acquitted.
- Appeal should be preferred in conviction cases as in the said case conviction is done for only few accused persons and most of them are acquitted.
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[PP is Public Prosecutor appointed by the Administration. CrPC is Criminal Procedure Code, IPC is Indian Penal Code, FIR is First Information Report,

Criticism of the Communal Violence Bill: **January 02, 2010**

**National Consultation on Communal Violence Bill (12-13 Feb. 2010, N Delhi)**

From: Shabnam Hashmi

The demand for a law on communal violence emerged from a brutal record of recurring violence in our country, the increasing occurrence of gender-based crimes in communal conflagrations, and complete impunity for mass crimes. The reasons are many - lack of political will to prosecute perpetrators, State complicity in communal crimes, lack of impartial investigation, and lack of sensitivity to victim's experiences. But there is also, crucially, the glaring inadequacy of the law. Today, despite huge strides in international jurisprudence, India continues to lack an adequate domestic legal framework, which would allow survivors of communal violence to seek and to secure justice.

The UPA Government's Common Minimum Programme in 2004 had promised to give the citizens of this country a 'comprehensive legislation' to fill this legal vacuum. We were promised a legislation that would strengthen the hands of the citizens in the struggle against communalism. However, The Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill 2005, introduced in the Rajya Sabha in December 5, 2005, was a complete betrayal of that promise. The 2005 Bill was roundly criticized and rejected by civil society at all levels. Eminent jurists, legal experts, activists who worked with survivors, and all prominent minority groups rejected the Bill and urged the Government to make serious changes in it. The Bill was sent to the Parliamentary Standing Committee on Home Affairs for its review and recommendations. But the Standing Committee report, when it was finally tabled in Parliament in December 2006, suggested no significant changes.

### **SPECIFICALLY ACKNOWLEDGE AND PROVIDE FOR GENDER-BASED VIOLENCE:**

Include new crimes within the Bill rather than work within the framework of the penal provision on rape. Given the type of violence against women that has been documented in recent times in India, of sexual crimes such as public and mass acts of sexual violence including cutting off breasts and uterus, forced nudity, stripping and parading women naked, forcible pregnancy, exhibiting sexual organs in the presence of women and mutilation of women's genital organs, we submit that incorporating rape alone as a crime would be grossly inadequate and would not capture the various kinds of violence inflicted on women in communal situations.

- \* We therefore recommend inclusion of a new crime - Sexual Violence
- \* And within the category of Sexual Violence, to redefine the crime of Rape

(Please find suggested definitions in Annexure A to this memorandum)

In relation to the crime of RAPE, a new definition rather than the existing IPC definition to be used in the Bill. This is because the present definition of 'rape' as stated in S. 375 of the Indian Penal Code has been inadequate to respond to crimes against women committed in recent incidents of communal violence. We reject the said definition, as it is grossly inadequate even to respond to sexual violence in 'normal, peacetime'. Women's organizations, National Commission for Women and the Law Commission of India have been debating revisions in the IPC definition of rape. A Draft Sexual Assault Bill that

provides for an expanded definition of Rape is under consideration and debate.

(Please find suggested definitions in Annexure A to this memorandum)

3. Develop evidentiary standards appropriate to the context of a communally charged and violent situation for proving sexual violence. This is particularly in view of the fact that in situations of communal violence, women's access to police stations (for lodging FIR), government hospitals (for medical examinations) and the confidence / ability to pursue legal procedures is substantially reduced during the period of the violence and till the return to a safe and non hostile environment for the survivors of the violence. Hence, appropriate evidentiary and procedural standards are imperative and should include the following:

- o All investigation should be conducted in a gender-sensitive manner
- o Delays in reporting should be condoned in view of the extraordinary circumstances and no adverse inference should be drawn of this delay
- o Medical evidence should not be insisted upon as a corroborative evidence
- o Uncorroborated victim's testimony could form the basis for conviction provided it inspires the confidence of the court
- o Delay in lodging an FIR should not impact the case in any manner
- o Consent to sexual act as a defense to the perpetrator should be specifically excluded
- o Admission of evidence of prior or subsequent sexual conduct of a victim of sexual violence should be explicitly prohibited
- o Sexual violence in a communal situation should be equated to custodial rape as mob exercises complete control and is in a position of authority.
- o Hence, the Bill should as in cases of custodial rape provide for enhanced punishment and also shift the burden of proof from the victim to the perpetrator
- o Victim / witness protection regime for survivors of sexual violence.
- o Special efforts to be made to conduct the trial in a gender sensitive environment to ensure that the consequent trauma is diminished

CO-RELATION BETWEEN CRIMES AND DISTURBED AREA IS FALSE,  
DANGEROUS AND UNTENNABLE AND MUST NOT FIND PLACE IN A LAW ON  
COMMUNAL VIOLENCE

It must be emphasized that crimes that are crimes by definition in law do not have to bide a declaration of an area as a 'disturbed area' by a government. The declaration (or notification) as a disturbed area may have some significance in the nature of executive powers that may be assumed – and this is still a subject that needs deeper deliberation – or for establishing the relationship between the Centre and the States in relation to such 'disturbances'. But they cannot determine when an act amounts to an offence. Stated otherwise, while the 'scale' of the violence may be relevant for deciding whether it falls

within a special law on communal and targeted violence, that scale cannot be linked to the temporality of an executive declaration. This is especially so since the declaration may follow upon aggravated acts of targeted violence.

## **REPARATIONS**

Any proposed law on Communal violence must use the concept of reparations (rather than relief), which includes rescue, relief (including establishing relief camps for as long as affected people feel insecure), compensation, restitution, rehabilitation including assistance of soft loans and land allocations to rebuild livelihoods and shelters to levels not less than before the violence and inconformity with the wishes of the affected persons, and the reconstruction of places of worship destroyed in the violence. Reparations to be an inviolable, legally enforceable right of the victim-survivor, and according to objective norms and scales that are binding on all governments. Provide for a national framework/policy of entitlements (specifically compensation) for victim-survivors of communal violence (rather than leave it to discretion at the state level)

### **INTERNAL**

### **DISPLACEMENT**

The Bill must acknowledge rights of internally displaced persons who face forced displacement due to communal violence. Reparations should be provided in conformity with international standards for internally displaced persons, including the UN guidelines on Internal Displacements. These Guidelines must be domesticated through adoption of a policy to this effect (namely, a National Policy on Internal Displacement due to violence/unrest, as distinct from a National Policy on Internal Displacement due to “development” and “land acquisition”), and some nodal agency be constituted, so that all internally displaced persons have a justiciable framework of entitlements to protect them.

## **WITNESS PROTECTION & LEGAL AID**

Substantive provisions for victim / witness protection that focuses on safety, physical and psychological well-being, privacy and dignity. Incorporate comprehensive provisions on protection of victims and witnesses, in consonance with recent Supreme Court judgments and directives and Law Commission report. Such provisions should focus on safety, physical and psychological well-being, dignity and privacy of victims and witnesses, particularly in cases of sexual or gender violence. The provisions should include medical assistance, counseling and psychological support, protection of the identity of victims and witnesses, ensuring a congenial atmosphere in the open court for the woman to give her testimony (while providing her with the option of an in camera trial), and stringent punishment for persons who intimidate/ coerce a woman to give a false testimony. Legal aid to victims and accused. **POSTED BY C-INFO AT SATURDAY, JANUARY 02, 2010**  **LABELS: ANHAD, COMMUNAL VIOLENCE, LAW**

### **Conversion myths:**

Religious conversion is very much a Rights issue. It is the right of an individual to change his/her own religion, and, the right of an individual or group to make somebody else to change their religion. That is, the freedom to convert oneself and the freedom to convert others. Normally, the first part has been called 'Freedom of Conscience' while the second is the 'Right to Convert'. The Constitution of India recognized the right to freedom of religious worship, and the Constituent Assembly which drafted the Indian Constitution, recognized further that people have the right to propagate the religion of their choice. The right is a derivative right flowing from the right to freely profess, practice and propagate religion of one's choice and is an important fundamental and democratic right given to every citizen under Art.25 of the Constitution.<sup>8</sup>

Despite this Constitutional mandate, the Sangh Parivar forces had opposed conversions especially to Christianity and Islam. Having failed to find support from the Constitutional provisions, they tried to get this demand via legislation what the Constitution does not provide. That is, to pass a legislation criminalizing conversions. Thus, in 1967 the Samyukt Vidhayak Dal Government in MP in which the Jan Sangh member, the MP legislature passed a law penalizing conversion through force, fraud or allurement. Today, 7 states have imposed anti-conversion laws (See Box on pg.15) declaring forced conversion a cognizable offence under Section 295A and 298 of the IPC stipulating that malice and deliberate intention to hurt the sentiments of others is a penal offence punishable by varying duration of imprisonment and fines.

The anti-conversion legislations are not merely confusing but also discriminatory in the way they have been framed, with adverse implications. Religious conversion is very much a Rights issue. It is the right of an individual to change his/her own religion, and, the right of an individual or group to make somebody else to change their religion. That is, the freedom to convert oneself and the freedom to convert others. Normally, the first part has been called 'Freedom of Conscience' while the second is the 'Right to Convert'. The Constitution of India recognized the right to freedom of religious worship, and the Constituent Assembly which drafted the Indian Constitution, recognized further that people have the right to propagate the religion of their choice. The right is a derivative right flowing from the right to freely profess, practice and propagate religion of one's choice and is an important fundamental and democratic right given to every citizen under Art.25 of the Constitution.<sup>8</sup> Despite this Constitutional mandate, the Sangh Parivar forces had opposed conversions especially to Christianity and Islam. Having failed to find support from the Constitutional provisions, they tried to get this demand via legislation what the Constitution does not provide. That is, to pass a legislation criminalizing conversions. Thus, in 1967 the Samyukt Vidhayak Dal Government in MP in which the Jan Sangh member, the MP legislature passed a law penalizing conversion through force, fraud or allurement. Today, 7 states have imposed anti-conversion laws (See Box on pg.15) declaring forced conversion a cognizable offence under Section 295A and 298 of

the IPC stipulating that malice and deliberate intention to hurt the sentiments of others is a penal offence punishable by varying duration of imprisonment and fines.

The anti-conversion legislations are not merely confusing but also discriminatory in the way they have been framed, with adverse implications. First, these laws involve the requirement of prior permission on conversions; second, it involves the meaning and interpretation of the words 'inducement' or 'allurement', etc; and the third is what the Sangh Parivar calls 'reconversion' that they and many of the authorities believe is not within the ambit of these legislations. There is nothing absolutely objectionable about the anti-conversion laws. The legislations do not penalize conversions per se but only those conversions carried out under threats, duress, inducement or allurements. However, the problem with such laws, as with many similar laws in India, is not with the letter and spirit of the law but its potential for misinterpretation, abuse and their practical implications. Who will define and interpret what allurement is? Is the eradication of caste discrimination and oppression a promise of allurement?

On close scrutiny, these anti-conversion laws have provoked questions on whether or not such legislations are really needed. It is most doubtful whether the so-called 'protectors' (including lawmakers) of Hinduism are motivated by feelings of insecurity due to the conversion of a few Adivasis! Hinduism does not need any such laws to survive! The lawmakers must therefore re-examine why those who converted wished to renounce their religion in the first place, and embrace another.

Despite the evangelizing agenda, Christian missionaries did commendable work in the field of education and health services. However, this must not mean that through such activities they have therefore the right to convert people! The freedom of religion includes the choice to change one's religion also. Addressing the socio-development issues of the marginalized communities like the Adivasis would be comparatively a lot more beneficial than keeping track of religious conversions. On the other hand, various Hindu organizations are carrying out "reconversions" ('gharwapsi') and Shuddhikaran'. Have these "reconversions" been recorded or reported anywhere? Has any case been filed against those who failed to report them?

Conversion is the theme of justification offered by the Sangh Parivar for the violence against the Christians however it is true that the proportion of Christians is higher in Dakshina Kannada district where also a considerable part of violence took place, but it was not because of any sudden upsurge of proselytizing activity, but because the West coast of India has a longer history of spread of Christianity, to the extent that Christianity is very much a part of the texture of the society here and not just a peripheral phenomenon confined to the Dalit or the Tribal Hamlets. The issue of conversion should also be seen from the side of the organizations who are converting and their right to do so, or the ones who are getting converted and their freedom of choice.

**MYTH: Religious conversion – from Hinduism to any other religion – leads to a change in Nationality**

**FACT:** This theory stems from the notion, "Hindus constitute a Nation"! The reasoning behind it is that Hindus have been residing in India right since the time the Aryans came and settled in India 5000 years ago. The notion is seen as diametrically opposite to the non-Hindu religions — Christianity and Islam — religions that are alien to the Hindu

Nation. Besides, the secular concept of Nationality is also alien to Hindu India. The “theory” was first articulated and supported by feudal rulers the Nawabs and Rajas (Muslim and Hindu kings), Jagirdars and Jamindars (Muslim and Hindu landowners), a section of the upper caste (especially the Brahmins), and the orthodox caste traders (Banias). It is not in line with the principles inherent in the Indian Constitution. The notion was later politically articulated in the politics of the Muslim League (Islam-based Nation of Pakistan) and the Hindu Mahasabha, the RSS (Hindu-based Nation: Hindu Rashtra).<sup>11</sup> In contrast, to this warped concept of “Nation”, is the notion of Secular Nationalism, enunciated in the politics of the Indian National Congress. Nationalists like Surendranath Banerjee and Lokmanya Tilak stated that “India is a Nation in the making” and Mahatma Gandhi the leader of the anti-Colonial movement was recognized as the ‘Father of the Nation’. In this way, a citizen remains a part of the Indian Nation regardless of one’s religion. Not otherwise.

The right of individuals to undergo religious conversions is constitutionally authorized. Historically, conversions from Hinduism to Christianity or Islam have occurred for multiple reasons, such as being a form of resistance among the elite and as a way to escape caste oppression and social stigma for the Adivasis and Dalits. Societal or Hindu feelings about conversions to Christianity or Islam do not render these conversions inappropriate, invalid or illegal. It is only in circumstances when conversions occur coercively or are undertaken with the intent of mobilizing a culture of hate as for example undertaken by the Hindu activists, that conversion must be disallowed.

The Orissa Freedom of Religion Act , 1967 must be repealed. Provisions for preventing and prohibiting conversions that commence under duress and coercion already exist under the Indian Penal Code. There is no basis for the existence of a separate law specially those that’s ET Draconian parameters and has been used by communalists to target and prohibit voluntary conversion within minority, especially Christian communities. The Orissa Prevention of Cow Slaughter Act, 1960 too should be repealed. Provisions for preventing prohibiting cruelty to animals already exist under the Prevention of Cruelty to animals act, 1960 and there is no basis for the existence of a separate law, specially one which is utilized to intervene on the livelihood practices of economically disenfranchised groups with detrimental effects, such as among Adivasis, dalits and Muslims, who engage in cattle trade and cow slaughter. On December 31, 2007, Peasant, upper caste RSS worker in Orissa stated: “Gujarat remains the guiding light for Hindutva and our conscience as Hindus. Recent atrocities in Kandhamal confirm his assertion.

Myth: Foreign Funds are being used in Christian Conversions”

Fact: The government has extremely hard and fast rules and regulations for those receiving financial donations from abroad. Till date such a single case of financial inducement has been shown to have taken place. On the other hand some Hindu organizations have received funds from foreign sources to conduct religious activities.

For instance a report, 'Foreign Exchange of hate- IDR Fund and the American Funding of Hindutva was published in 2002([www.sabrang.com/hnfund/sacw/index.html](http://www.sabrang.com/hnfund/sacw/index.html))

From 1994 to 2000, 'roughly 75% of IRDF's total disbursement went to India Development relief Fund designated organisations', and about 25 % (\$1.1m) to donor designated organizations;

Of the funds that the IDR Fund transfers to India, almost two thirds go to organizations that can be identified as RSS organizations. About half of the remaining funds go to organizations that can be identified as sectarian Hindu organizations. In other words less than 20% of the funds sent to India by the IDR Fund, go to organizations that are not-sectarian and are not affiliated with the Sangh.

More than 50 % of the funds disbursed by the IDR Fund are sent to Sangh related organizations whose primary work is religious conversions and Hinduisation in poor and remoter Adivasi and rural areas of India. Another sixth is given to Hindu religious organizations for purely religious use. Only a fifth of the funds go for disaster, relief and welfare- most of it as the donors specifically designated it so. .

### **Policing faith**

#### **India's anti-conversion legislation: Lasting damage and endless repercussions**

**BY RAJEEV DHAVAN**

The debate on conversions has to be understood in the context of the constitutional provisions as interpreted in the Supreme Court's 1977 decision in the Stanislaus case. But before we enter into any discussion on the court's interpretation of the freedom of religion clause in our Constitution, it may be useful to consider some of the discussions in the Constituent Assembly which framed India's Constitution. The original drafts of the Indian Constitution prepared by KM Munshi and BR Ambedkar, considered in 1947, protected freedom of conscience and the right to profess and practise religion. It was the Munshi draft that was considered by the Fundamental Rights Subcommittee for its draft report of April 3, 1947 along with other provisions which stipulate that these freedoms are subject to public order, morality and health.

From our point of view, the draft observed that while the right to "profess and practise" was protected, nothing was said about the right to propagate one's faith. Some members of the Constituent Assembly, such as AK Ayyar and BN Rau, were especially concerned that freedom of religion may impede social reform. Others, like Raj Kumari Amrit Kaur, Hansa Mehta and KT Shah, were more explicit and forceful in their objections. There followed on April 22, 1947 a discussion regarding the inclusion of the right to propagate religion, with the major concern being the effects on social reform. The issue was then put to vote, after which the right to propagate religion was included in the draft along with some markers to indicate that this right had already been included in the provisions guaranteeing freedom of speech. When the freedom of religion clauses were debated on May 1, 1947, questions about religious instruction in school dominated the proceedings.

These were resolved by reference to a special committee which sought to present religious education in state schools.

The Draft Constitution of February 1948 clearly protected the "right freely to profess, practise and propagate religion" (emphasis added). When the Draft Constitution was circulated along with other proposals, there was a not too spirited attempt from some quarters to remove the right to propagate religion from the draft but this did not find acceptance with most members. During further discussions on December 3-7, 1948 the inclusion of the right to propagate religion in the freedom of religion clause was hotly debated. Maintaining that religion was a private affair, a Muslim member of the Constituent Assembly, Tajamul Hussain, stated that the right to propagate one's faith ought not to be included in the clause. This opinion was endorsed, albeit for different reasons, by Lokanath Misra, who saw in the right to propagate religion all the evils that led to partition. Eventually, the Constituent Assembly retained the right to propagate one's faith in the freedom of religion clause after taking into account that the right was not absolute but subject to limitations. The state would regulate conversions due to undue influence, money or pressure, and it was already a part of the right to freedom of speech. Curiously, KM Munshi seemed to take the rather simplistic view that in a secular state there is no premium on a religion increasing its numbers:

"In the present set-up that we are now creating under this Constitution, there is a secular state. There is no particular advantage to a member of one community over another nor is there any political advantage by increasing one's fold. In those circumstances the word 'propagate' cannot possibly have dangerous implications which some of the members think that it has."

He could not have been more wrong. Propagation and conversion were critical issues, not necessarily as part of a numbers game but certainly in the corridors of Hindutva whose proponents believed that such propagation was an insult and injury to the Hindu faith.

In post-independence India, we have already seen several attempts to enact central anti-conversion laws like the Indian Conversion (Regulation and Registration) Bill 1954 and the Backward Communities (Religious Protection) Bill 1960. Anti-conversion legislation was enacted in various states, including Orissa (Freedom of Religion Act) in 1967 and Madhya Pradesh (Dharma Swatantrya Adhiniyam) in 1968. While the Orissa law was struck down (in *Yulitha Hyde & Ors vs State of Orissa & Ors*, AIR 1973 Orissa 116), the Madhya Pradesh law was upheld (in *Rev Stanislaus vs State of Madhya Pradesh*, AIR 1977 MP 163). Both these cases went up on appeal to the Supreme Court in *Rev Stanislaus vs State of Madhya Pradesh & Ors* (1977, 1 SCC 677).

The Supreme Court's judgement in the Stanislaus case was delivered by a five-judge bench with Chief Justice AN Ray writing the judgement which was read on January 17, 1977, during the emergency. The court concentrated on only two issues: (a) legislative competence; and (b) the meaning of the word "propagate" in the freedom of religion clause. For our purposes we can ignore the issue of legislative competence on which the judgement states that the acts, by prohibiting and penalising forcible conversions, clearly

provide for the maintenance of public order (even though the connection with public order is a questionable inference). On the question of "propagation", the court's observation needs to be quoted in its entirety. The court observed:

"The expression 'propagate' has a number of meanings, including "to multiply specimens of (a plant, animal, disease, etc) by any process of natural reproduction from the parent stock", but that cannot, for obvious reasons, be the meaning for the purposes of Article 25(1) of the Constitution. The article guarantees a right to freedom of religion and the expression 'propagate' cannot therefore be said to have been used in a biological sense.

"The expression 'propagate' has been defined in the Shorter Oxford Dictionary to mean "to spread from person to person, or from place to place, to disseminate, diffuse (a statement, belief, practice, etc)". According to the Century Dictionary (which is an encyclopaedic lexicon of the English language), Vol. VI, 'propagate' means as follows: "To transmit or spread from person to person or from place to place; carry forward or onward; diffuse; extend; as propagate a report; to propagate the Christian religion".

"We have no doubt that it is in this sense that the word 'propagate' has been used in Article 25(1), for what the article grants is not the right to convert another person to one's own religion but to transmit or spread one's religion by an exposition of its tenets. It has to be remembered that Article 25(1) guarantees "freedom of conscience" to every citizen, and not merely to the followers of one particular religion, and that in turn postulates that there is no fundamental right to convert another person to one's own religion because if a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the "freedom of conscience" guaranteed to all the citizens of the country alike... It has to be appreciated that the freedom of religion enshrined in the article is not guaranteed in respect of one religion only but covers all religions alike and it can be properly enjoyed by a person if he exercises his right in a manner commensurate with the like freedom of persons following the other religions. What is freedom for one is freedom for the other in equal measure and there can therefore be no such thing as a fundamental right to convert any person to one's own religion."

This is what the court had to say. And though the premise may be flawed, since it is a Constitution bench judgement, we have no choice but to live with it. But the fact remains that the court failed to examine the provisions of the statute and test it against Article 21 (protection of life and personal liberty) and the new jurisprudence of due process. It must be said that the decision in Stanislaus is imperfect and incomplete. Apart from saying that propagation does not include conversion, the Supreme Court has not examined any legislation or rules for due process and arbitrariness, which is now essential to constitutional practice. (Equally, propagation is also a part of free speech, as repeatedly affirmed by the Constituent Assembly, and subject to reasonable restrictions.) This has never happened at the instance of any court, including the Supreme Court. That is why it is necessary to examine the legislation itself.

The first-generation legislation, comprising the Orissa Freedom of Religion Act 1967, was relatively simple. It simply prohibited conversion by 'force', 'fraud' and 'inducement', making it an offence punishable by imprisonment for up to one year and/or a fine of up to 5,000 rupees; and in the case of conversion of minors under the age of 18, women and members of the scheduled castes and scheduled tribes, by a maximum penalty of two years' imprisonment and a fine of 10,000 rupees. The offences were cognisable, inviting arrest, and were to be prosecuted with the sanction of the district magistrate. The due process implications of this statute, though considerable, were not examined by the court.

The second-generation legislation, the Madhya Pradesh Dharma Swatantrya Adhiniyam 1968, added the term "allurement" (including gifts) to the list of conversion methods that were proscribed and a provision requiring that the district magistrate be given prior intimation of any such conversion – failure to provide such information being an offence punishable by imprisonment for up to one year and/or a fine of up to 1,000 rupees. This law marked the beginning of the surveillance system that would be strengthened in subsequent legislation like the Arunachal Freedom of Religion Act 1978, the Tamil Nadu Prohibition of Forcible Conversion of Religion Act 2002, the Gujarat Freedom of Religion Act 2003 and the Himachal Pradesh Freedom of Religion Act 2006.

As time went on, the milder model gave way to a fuller surveillance-oversight model of legislation. The Himachal Pradesh act of 2006 was different from the Orissa, Madhya Pradesh, Arunachal Pradesh and Tamil Nadu statutes in that it permitted the district magistrate to inquire into reported instances of conversion himself or through any agency he may deem fit. In the rules of July 7, 2007 under the Himachal act, the district magistrate was given the power to issue notice and institute inquiries if, on "the basis of any complaint or any information laid before him", s/he is of the opinion (for reasons to be recorded) that a conversion has taken place without notice or that "force or inducement have been used or is likely to be used in any conversion". Thus any interloper (of the sangh parivar) could create grounds for an inquiry and a police case to induce harassment! It is this surveillance approach that has become de facto practice elsewhere while the emphasis returned to police investigations. Since the offences were cognisable and abetment was an offence, the police courts run riot, investigating whatever they want. This has effectively created a conversion police.

Fourthly, the Gujarat bill of 2006 and the Rajasthan bill of 2008 espouse and flaunt the concept of an imperial Hinduism by enunciating a protective approach to reconversions to Hinduism based on the premise that all Indians were Hindus, including sects that broke away from the Hindu fold as well as Buddhists and Jains.

I believe that the effect of such legislation and the procedures it inaugurates have never been tested in a court of law. In the process lies the punishment.

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There is a wealth of available literature which recommends that legislation must be examined in terms of its purpose, intent and effect, not merely for judicial interpretation but also to consider whom the legislation empowers and for what purpose. Equally, the use to which legislation may be put varies.

Clearly, the most devastating event in India's recent history was the destruction of the Babri Masjid on December 6, 1992. This sent out a signal that as far as persecution of minorities was concerned, there were no holds barred. A random look at the events in and around 2002, when the Tamil Nadu and Gujarat laws surfaced, shows that stopping conversions and effecting reconversion was the dominant policy of the moment.

In Orissa, 72 tribal Christians were brought back to the fold (Hindustan Times, June 11, 2000). In Bengal, the Jamaat-e-Ulema sought the government's help against forced reconversions (The Indian Express, July 8, 2000). Two weeks later converts in Korma village in Orissa were threatened with persecution. A couple in Delhi were hounded when a Dalit married a Jat (Hindustan Times, September 25, 2001). The All India Confederation of Scheduled Caste/Scheduled Tribe Organisations declared that 10 lakh persons would convert to Buddhism by 2001 (Hindustan Times, October 7, 2001) and thousands did (The Hindu, November 7, 2001). The Dalits complained that the government tried to stop conversions (Hindustan Times, November 6, 2001). In Meerut, in December 2001, 300 Dalit villagers converted to Buddhism (Hindustan Times, December 28, 2001).

Accusations ran wild. The chief superintendent of Pondicherry Central Prison was fairly accused of forced conversions (The Week, April 2001). Why shouldn't Dalits convert when a Dalit could be rebuked for entering a temple near Shimla? (The Hindu, May 20, 2002). No action was taken to stop the persecution of Dalits. That is why there were protests against Jayalalitha's conversion statute in Tamil Nadu (The Hindu, October 20, 2002; The Statesman, October 9, 2002). In New Delhi, the Shiv Sena tried to convert Muslim children to Hinduism (Hindustan Times, June 20, 2002). But when 40 Hindus happily converted to Islam, the VHP claimed the conversion was forced (Hindustan Times, August 24, 2002). The VHP wanted to carry out reconversions in Wayanad in Kerala (Hindustan Times, September 23, 2002). Following the Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance of 2002 (later replaced by the act), Thomas Stephen reported that religious fanatics were emboldened to attack a prayer service in Keenathur, Thiruvannamalai (Report, September 24-29, 2002). The VHP and RSS wanted similar anti-conversion laws everywhere (The Hindu, October 8, 2002).

Meanwhile, the oppression of Dalits continued. In Jhajjar, Haryana, five Dalits were killed by a Hindu mob for skinning a dead cow (Hindustan Times, October 19, 2002). In protest, a dozen Dalits embraced Buddhism (The Hindu, October 22, 2002). This triggered off the 'Jhajjar effect' by which hundreds of Dalits converted to Buddhism on Diwali day (The Indian Express, November 6, 2002; Outlook, November 11, 2002). Curiously, even Sri Lanka imposed a ban on conversions (Hindustan Times, November 19, 2002). It was due to threats that a mass conversion by Dalits in Chennai was stopped (Hindustan Times, December 7, 2002). In protest, the Dalit Panthers changed Hindu

names to Tamil (The Indian Express, October 7, 2002). On Christmas day 123 Dalits converted to Christianity (The Hindu, December 26, 2002).

That the oppression of Christians continued was clear from an attack on a Catholic church in Nadia, near the Indo-Bangla border in West Bengal (The Statesman, December 29, 2002). The BJP held a conversion camp for Christians in Khallari, near Raipur (The Indian Express, December 30, 2002; The Hindu, December 30, 2002). Dalits in India were converting out of Hinduism (Outlook, November 18, 2002). It is in this context that the Gujarat Freedom of Religion Act 2003 surfaced. The All India Christian Council protested against a survey of Christians in Gujarat (The Hindu, March 12, 2003). The beleaguered Christians were warned against illegal reconversions in the state (The Hindu, June 2, 2003). In response to the new law, one lakh Dalits in Gujarat proposed to convert to Buddhism (The Indian Express, June 4, 2003).

Mass conversions were triggered off by attacks on Dalits (The Times of India, September 10, 2003). Meanwhile, the BJP planned a conversion law for Delhi (The Hindu, November 22, 2003). Dalits were banned from entering the Nathdwara temple (The Times of India, January 14, 2004). The Jamaat questioned the VHP's claim that about 586 Muslim families in Rajasthan were being converted (The Hindu, February 19, 2004). Ahead of the Kumbh Mela, an anti-conversion stir began to highlight cases of allurement (The Indian Express, February 3, 2004) Senseless attacks on Christians and Dalits took place during these troubled years – and continue to do so.

I have deliberately related a handful of events to demonstrate the validity of the Jhajjar effect; to show that Dalits and others leave the Hindu fold because they find it persecutory and wanting. The legislation of 2002-03 was passed by Hindutva politicians as desperate measures in retreat. Unable to manage its own affairs, Hindutva launched attacks on others. Most conversions are not conversions of convenience, such as conversions to Islam as a device to facilitate marriage which were outlawed by a Deoband fatwa (Mail Today, July 4, 2008). The other faiths do not want forced conversions. They gain nothing from this. The pressure on Dalits to convert arises because Hinduism – no less in belief and practice – has no place for them despite the pressure brought to bear upon them to reconvert as seen in the case of 1,000 Christians in Tamil Nadu (The Times of India, April 13, 2008). The VHP also focuses on tribal reconversions (The Times of India, April 1, 2008). But much of the North-east is Christian. That is one reason why the new Rajasthan bill of 2008 makes room for reconversion without criminalisation or surveillance even as it reaffirms its policy against conversion of every other kind.

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The truth is that most conversions take place for a variety of genuine reasons that often include persecution. Anti-conversion legislation is not passed so that conversions can be fair but to persecute those who wish to convert through policing and surveillance. Criminalising conversion is not the answer. Unhappy believers must be allowed to

convert to another faith and can always declare their reasons for doing so. These are not matters for the police and the district magistrate.

In my view: (a) Anti-conversion policies are designed to promote and provoke hatred. (b) Anti-conversion legislation provides the police and magistracy with ammunition to harass minorities and Dalits. (c) The Supreme Court has never examined the actual effects of such legislation comprehensively. (d) Criminalising conversion is fundamentally wrong. (e) In the process lies the punishment. (f) This legislation is linked to political Hindutva and is always subject to abuse. (g) These laws must be abolished.

(Rajeev Dhavan is a senior advocate, Supreme Court of India.)

### **Communal Violence Bill: How Useful To Victims?**

**By Asghar Ali Engineer**

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The Government has got clearance from the Cabinet for introducing the Communal Violence Bill in the coming session of parliament. The Bill was drafted originally in 2005 after 2004 elections in view of the Gujarat carnage of 2002 under the BJP Government headed by Narendra Modi. It was because of Gujarat carnage that Muslims voted for the Congress massively as a result of which NDA was defeated.

The Congress party had promised in its manifesto that it would bring the bill to prevent Gujarat like carnage against minorities. It did draft the Bill in 2005 which we, along with several other NGOs, human rights activists and legal experts, studied and found it wanting in many respects. We organized number of consultations and suggested number of amendments to make it really serve the purpose for which the Bill was drafted.

Mr. Shivraj Patil, the then Home Minister also held number of consultations in few cities and promised to consider various suggestions given by various NGOs and individuals but he did not incorporate these suggestions when final draft was presented. The present draft after going through standing committee and Cabinet too, is hardly better than the original draft. One wonders what Government wants. I would say this cure suggested is worse than the disease.

The present Bill already cleared by the Cabinet, seeks to give more power to the police. In fact police has always been the part of the problem, rather than part of the solution. Had police been fair and impartial, no communal riot can last for more than 24 hours. Those governments which have intended to control communal violence do nothing but

ask the police to control violence within 24 hours else office in charge would be suspended. And communal violence stops before 24 hours.

All those who have investigated communal riots know what role police plays in communal riots from remaining spectators to actively helping the rioters instead of controlling it. In Gujarat and Kandhamal, to give two latest examples, but for the role of police, communal violence would have been controlled in no time. In all major riots police have played openly partisan role. In some cases they have even led rioting mobs.

And if you empower police more in such circumstances, as the present Bill seeks to do, one can very well imagine what havoc it is going to cause. It is victims who need to be empowered, not the police. In a consultation held in Delhi on 12-13 February by ANHAD, Institute of Peace Studies and Conflict Resolution, Mumbai (part of CSSS) and several other organizations. They all unanimously rejected the present draft.

Also, another provision of the present draft Bill is to declare an area as disturbed area, if communal riots are not controlled. This is even worse than giving the police more power. It means to give police absolute power. Even when curfew is declared, it is enforced only in minority areas and police hardly enforces its provision in majority areas. Vibhuti Narain's writings and his novel *Shahar Mein Curfew* brings this in sharp focus. Vibhuti Narain was a top police officer in the U.P. cadre.

If an area is declared disturbed area police will have powers to shoot anyone at its will. In Kashmir and in North Eastern states people have demanded repeal of disturbed areas act. The victims, instead of getting relief, would feel totally helpless. Any law which gives police more powers without making it accountable cannot be acceptable to those who care for human rights of victims.

Like any other official Bill, there is not a single clause to make administration, police or politicians accountable for their failure to control communal violence. If so, you don't need any fresh law at all. Human rights activists have always maintained that present laws, if enforced sincerely, can very well take care of any situation. After all the Left Front Government in West Bengal and the RJD in Bihar successfully prevented and controlled communal riots for more than three decades in WB and one and half decade in case of Bihar.

If only state governments enforces section 153-A of Indian Criminal Code in right earnest and arrests all those who make hate speeches and vitiate communal amity, there will be no communal disturbances. No politician would like to go to jail for three years. My experience shows that right from Jabalpur riot in 1961 to Gujarat riots in 2002 to anti-Christian riots in Kandhamal, Orissa, not a single politician was arrested for openly and blatantly provoking communal violence.

Also, no standard and objective method has been laid down for working out reparations and relief measures. It all depends on the whims of chief minister today. Narendra Mody Government offered ridiculous amounts of Rs.500/- and Rs.300/- for houses completely

damaged and defying public opinion closed down relief camps much before any concrete measures to rehabilitate the victims were made. Thanks to the private agencies that these camps could be run for a longer period.

Also, there is not much in the present Bill for investigations and successful trial of cases and launching of FIRs. It is well known that police is extremely reluctant to register FIRs and even when it does; it refuses to enter the names of the accused. And less said about the subsequent investigations, the better. The investigation is so shoddy that courts often dismiss the cases against the accused.

In most of the cases the police close them down saying not much evidence is available. In the case of Gujarat the police closed down hundreds of cases which could be reopened only under the Supreme Court orders. Despite all this the present Bill supposedly drafted to help the victims, make no provisions for all this.

It is, therefore, highly necessary to make drastic changes in the present Bill before it is discussed in the Parliament and if the Government is unwilling to introduce necessary changes, the M.P.s should study the Bill carefully and force the Government to bring about necessary amendments in the Bill. All the eminent participants of consultation in Delhi felt that the 59 amendments proposed by the government are nothing but mere tinkering.

The participants felt that neither do the proposed amendments make any structural changes to the Bill nor has the government factored in any of suggestions made by the civil society. The national consultation in Delhi on 12-13 February found fault even with the definition of the communal violence in the Bill. The consultation suggested the definition as "any targeted attack committed on the persons and property of individual or a group of persons on the basis of their religious identity, which can be inferred directly or from the nature or circumstances of the attack.

The consultation also felt that the government's proposal to declare certain areas as "communally disturbed" was rejected. In fact it demanded that the Chapter II of the Bill be dropped completely arguing that the State already has sufficient powers vested in it by law and further empowering the State and Central governments would, therefore not remedy the situation. The Consultation felt that co-relation between crimes and disturbed area is false, dangerous and untenable, and must not find place in a law on communal violence.

The consultation also felt that instead of doubling the punishment which courts would be reluctant to apply anyway, it noted that other forms of punishment - disqualification from public office, debarring from professional associations or running from public office - should be included in the case of culpability of public officials.

The good example of such disqualification from contesting elections etc. is from Mumbai High Court Judgment delivered by Justice Suresh in late nineties when Bal Thackeray of Shiv Sena made provocative speech in Vile Parle and won the seat for his candidate.

Justice Suresh disqualified him for 6 years from voting in any election or contesting any election or even campaigning for his party.

It had restraining effect on him. But this was one instance which was exceptional. If politicians are made to meet such punishment, it would indeed have great effect on them and would desist from temptation to provoke communal violence to win elections in an easy way. The reason why some political leaders are tempted to provoke communal violence, more than ideological reasons, is to win elections by polarizing the voters.

It takes us to yet in another field i.e. that of electoral reforms. In highly diverse country like India with so much religious, linguistic and cultural diversity, the first past the post method which we have blindly copied from England which was then a mono-religious and mono-linguistic society, is highly problematic. We need to either introduce 51% votes for winning or proportional voting or combination of both to remedy the situation. Such electoral method would lead to inclusive rather than exclusive as it is today. Candidates win elections excluding certain class of people rather than including everyone.

Well until then this Bill needs to be drastically amended to give relief from communal violence.

**Rehabilitation( Housing): According to Fr. Jebarnalai Raja** It is observed that the human faces in the camps with untold misery, trauma and hopelessness are still longing to go back to their own villages to live a peaceful life with human dignity. Still there are nearly 1,800 persons in 3 official camps in the district. There are a number of unofficial camps, in the village outskirts and market yards. We visited one of the official camps at Mondakia. In a 12 x 12 tent, 10 families, about 50 persons were accommodated. The worst sufferers are women, without any privacy.

The rains have begun and people are living in temporary shelters made of tarpaulins. We met 21 families living in temporary shelters, whose houses were totally damaged in Nuasai village in Gummamaha gram panchayat, Raikia block.

It is heartening to know that all the churches and humanitarian agencies are together in responding to the needs of the people. Each Church / organisation has adopted a block to build simple houses for the affected families. After much negotiation, whoever does not have a patta homestead land, the government is allotting land. A tripartite partnership among the Churches/humanitarian agencies, district administration and people is emerging to respond to the situation. Still the question remains: Will peace return at all in Kandhamal?

For providing House Building Assistance, as per the decision of Government communicated vide letter No.43189 dated 08.10.2008 of Government of Orissa, Revenue & Disaster Management Department, assessment of damaged houses has been completed. As per the assessment, a total of 4818 number of houses have been affected, which includes, 3390 partially damaged and 1428 fully damaged houses.

5. All the 4818 cases of house damage has been sanctioned with house building assistance of Rs.50,000/- for fully damaged houses and Rs.20,000/- for partially damaged houses as per policy of Government of Orissa. Moreover Prime Minister's Office, New Delhi vide letter No.82 (21411)/08-PMF dt.16.12.2009 have released financial assistance in favour of 3778 cases.

The government is not able to build a single house to completion because its support of Rs.50, 000 for fully and Rs. 20,000 for partial damaged houses, barely sufficient for mere walls, leaving the house without roofs. With its limited resources the Catholic Church and a couple of other Churches and Civil society groups have committed to supplement the support upto Rs. 3710 Houses. But who would complete the remaining houses is a big question mark. The cost of each house construction is estimate at Rs. 30,000 only.

As per the final assessment, it is seen that 229 religious institutions were damaged. Out of which 102 religious institutions are located on un-objectionable land and 127 religious institutions are located on objectionable land. Sanction of Rs.51.90 lakhs has been done for assisting these religious institutions in reconstruction work.

### **Observations on Food Supplies:**

In Odisha, every morning hundreds of rural people journey into urban centers or provinces in search of work. Where are their stories in the pages of printed media or on the monitor or electronic ones? What has stopped them telling those stories? Per capita availability of food grain in India has fallen from 510gm a day in 1991 to 422gm in 2005-a fall of 88gm for one billion people for 365 days a year! That means our average family is consuming 100kg less of food grain than it consumed a decade ago. Imagine the condition of poor families in such a circumstance. But where is our outrage?(8) Outrage and sympathy make the language of journalism sharper and effective. The language used in The Utkal Dipika and The Samaj of Gopabandhu era was a creative blending of the two.

## **Child:**

Tikabali and G. Udaygiri camps are located inside school premises. It has disoriented the students studying in those schools and so their learning is disturbed. For the children living in camps, the efforts of the state do not seem to bear fruits largely because the children are traumatized. We also noticed that in the half way camp at Mandasur the tutoring by teachers was disrupted. It would be helpful if the examination dates were postponed by at least six weeks, keeping in mind the trauma that the students have undergone and its aftermath. This was also the suggestion that we have received from their parents.

## **Orissa riots: 7 girls missing Asian Age**

Seven girl students of a residential school at Baliguda in the riot-hit Kandhamal district are missing since Christmas Day. The worried district administration on Sunday launched a massive search operation to find out the students.

“We have already launched a massive search operation to locate the missing students. Senior government officials, including the newly appointed district collector Manish Verma, have visited Baliguda on Sunday to monitor the search operation,” southern range revenue divisional Satyabrata Sahoo said.

Mr Sahoo dismissed the speculation about kidnapping or abduction of the girls by the rioting mob. “The girls might have fled hostels when the riot broke out on Tuesday,” Mr Sahoo said. The police forces have been deployed in the area to prevent any kind of violence, other officials said. “All kinds of rumours were doing rounds in the curfew bound areas leading to tension between the majority and the minority communities,” added.

The girls were students of Class 9 and Class 10.

The entire district remained peaceful for the third day on Sunday, with no untoward incidents reported from any parts of the district. “The overall situation in the district remained peaceful on Sunday. Curfew has been relaxed in the trouble-torn areas for 12 hours during the day to allow people move freely,” the RDC said.

The Opposition parties, on the other hand, refused to buy the government’s claim that normalcy has been restored in the district. They claimed that the situation in the district was still volatile and the government was trying to cover it up.

The Opposition, led by Congress, submitted a memorandum to the governor M.C. Bhandare on Sunday afternoon demanding deployment of the Army the entire district to protect life and property of both the communities.

Both Hindus and Christians attended the relief centre opened in Brahmanigoan, Barkhama, Baliguda, Tikabali, Phiringia and some other places to cater food to the affected people.

Meanwhile, the Global Council of Indian Christians on Sunday held both the Centre and Orissa government responsible for the communal violence in Kandhamal.

### **Introduction**

In June-July 2010, HAQ: Centre for Child Rights sent out a study team to the affected villages in Kandhamal to record the situation of the children over two years after the violence and assess the gaps in terms of addressing the rights of the children.

Two years down the line very little has changed. There are no more relief camps as such but people are still staying in tents as their houses are still not built. Children are still not

“There has been as such no massive violence in Kandhamal. It was only a hype created by media and NGOs. There has always been ethnic conflict in the region between the *kondhs* and *panas*. He told that it was the ethnic conflict and not a communal as portrayed in the media.”

SP, Kandhamal

going to school and parents are not going to work. Two years have passed but the incidences of violence are still very fresh in the mind of children and adults as if it has just happened. Victims are still threatened to take back the cases they have registered against perpetrators who had destroyed their houses and other common properties in the village. Their mobility has been restricted due to fear of threats and insecurity feelings.

Every village has a new story to tell about their trivial experiences they went through which still continues after two years. There is lack of all kind of basic facilities and services indicating towards neglect and apathy shown to these victims by the government. Government bodies have not taken any steps to cater the needs of the victims and they were either asked to go back to their villages or thrown to some alternative places to build their house.

Victims were evacuated from the relief camps as Orissa government wanted to show that the situation in the district was under control and people have gone back to their village. Victims of violence didn't want to go back to the villages because of fear and tension

prevailed in the area. They were scared as threats and conversion was the pre-condition imposed by the so called '*Hindutva Brigade*' to resettle in their village.

We visited 16 villages which were attacked and two resettlement area where people have been given alternative land as they were unable to go back to their village. Of the 16 villages we visited families of fifteen villages have shifted from relief camp to their village but many of them are still staying in tents as their houses are not yet built. They are still constructing or repairing their houses. The two resettlement areas we visited are Anandagar (Tikabali block) and Nandagiri (G. Udaygiri block).

In Nandagiri there were people from Vetikala and Ratingya in the Udaygiri block. These families in the resettlement area could not go back to their village because they were asked to covert their religion or to prepare themselves to face the consequences. Families in Nandagiri village told us that twenty five point rules were put forth before them which they would need to abide by if they went back to their village. In another village it was declared that anybody who spoke to families who were in relief camps would be fined.

Anandnagar is a land given to seventeen families from the villages of Dagapada (Gram Panchayat, Keonjhar), Sankhrakul (Gram Panchayat, Sankhrakul), Brekka (Gram Panchayat, Pekorori), as they could not go back and resettle in their own houses in village.

The families who could not go back to their village alternative lands have been given by government to construct their houses. But there is resentment among people regarding lands given to them by the government.

Thirteen affected families of Badabanga are also not allowed to enter their village. Government gave them lands, 16 acres per family (is equivalent to measurement of length of one hand) with all original papers. But the families told us that the land given to them is so interior in the jungle that they can never go and settle down there. If they do so they won't be able to send their children to school, have any access to health centers and market areas would also be too far to access. A mother said, '*we will not have any work if we go there we will have to die.*' Presently a relative has given them some land which is within 1km from their village. They have been staying here since last one and half year. They also informed us that they have written to the District Collector regarding this problem and Tehsildar one visited them and told that they would be given land in some other place but he never turned up. **According to the government Provisional Household Survey of Violence Affected Families of Kandhamal District as on 17.03.2010<sup>1</sup> thirteen affected families of Badabanga are staying in their village.**

People are staying in a very pitiable condition. The living condition there in one word is just inhuman, and hygiene part of it is completely missing. The tents in which they are living now are made of some bamboo structure covered with plastic sheet (which they were given when they left the relief camp). People got some leaves and put them over the

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<sup>1</sup><http://kandhamal.nic.in/> Downloaded on 17 May 2010

plastic so that they can prevent some heat. And it is only to imagine how they would be managing when it rains. One has to bend half to get into the tents, there is hardly any space inside but surprisingly they are cooking their food, eating and sleeping in that much space only. There is one hand pump, and no toilets or bathing space.

**National and International Obligations**

The UN Convention on the Rights of the Child (CRC), ratified in 1992 in India, ensures every child in the world has a right to Survival, Development, Protection and Participation—

**Table.1: Areas visited by the study team**

S.No.	Village	Gram Panchayat	Block
1	Sindrigaon	Sindrigaon	Balliguda
2	Barakhama	Barakhama	Balliguda
3	Budrukia	Budrukia	Balliguda
4	Mediakia	Mediakia	Balliguda
5	Badabanga	Sikaketa	Daringbadi
6	Rudangiya	Gadaguda	G.Udayagiri
7	Katingia	Katingia	G.Udaygiri
8	Tiangia	Katingia	G.Udaygiri
9	Gunjibadi	Gunjibadi	K.Nuagaon
10	Kanjamendi	Kanjamendi	K.Nuagaon
11	Kudupakia	Sirtiguda	K.Nuagaon
12	Pirigada	Gunjibadi	K.Nuagaon
13	Bakingia	Mandakia	Raikia
14	Bedaguba	Gumamaha	Raikia
15	Paburia	Paburia	Tikabali
16	Sartaguda	Burbinaju	Tikabali
17	Nandagiri (resettlement)		G.Udayagiri
18	Anand Nagar (resettlement)		Tikabali

all of which are threatened in the event of forced displacement and eviction. Children also have the right to adequate housing which has been interpreted by the UN in several of its documents and instruments, to include much more than just a roof over a head--protection from elements, suitable living space for all inhabitants, access to basic services and infrastructure and social opportunities for all and economic opportunities for adults. This is closely linked to civil, cultural, economic, political and social rights of all children and their families.

Yet, policies in India invariably lack both a “rights “perspective as well as a child centered approach. If they did, they would include the protection of every affected child to survival, development and participation. They would indicate need for ensuring improvement in the conditions that the children must live in, and this would necessarily mean education, but also health care and protection from labor or any work that is damaging to their physical, mental, social, emotional and spiritual development. The status of the children in the areas affected by the series of communal violence incidents in Kandhamal from December 2007 to August 2008 bring more evidence of the government

and local administration's authority's lack of child perspective and a holistic vision in the

**The National Plan of Action for Children 2005 says**

- Includes children affected by man-made and natural disasters; affected by/in armed conflict (11.2.2)
- It calls for "Respond to children in emergency situations by expanding child help-lines and providing necessary support service infrastructure for referral (11.3.6).....ensure children affected by disasters (natural or man-made) receive timely and effective humanitarian assistance through a commitment to improve contingency planning and emergency preparedness, and that they are given all possible assistance and protection to help them resume a normal life as soon as possible"(11.3.13)

efforts made towards healing, restoration and rehabilitation so far.

While there is a somewhat greater acceptance of a natural disaster, armed conflict or violence is totally humanly created and involves decisions that have not been made by those who bear the impact. In most of these disaster situations, one third of those affected are children.

When families lose their homes or livelihood, ineffective rehabilitation can result in the trafficking of a child or forced labour, affect their health and education and prolong the trauma of witnessing or directly becoming victims of the conflict. It perpetuates or enhances prejudices, which affect the ability of a child to make choices.

In such situations, children need to be immediately protected from:

- Hunger and destitution
- Living without a shelter
- Physical harm—hurt, pain or injury
- Abuse and violence (particularly sexual)
- Exploitation
- Trafficking for adoption, labour and prostitution etc.
- Recruitment as perpetrator of violence in the case of conflicts (child soldiers)
- Psychological harm and trauma

They also needed

- Long term rehabilitation
  - A home
  - Education and other developmental facilities
  - Long-term care and protection

**Major Findings:**

HAQ team has used interview and focus group discussion to measure the impact of violence on children in Kandhamal. Team visited the villages, interacted with victims,

especially children, government officials, police, NGOs, schools (missionaries & government) and health officials. Some of the major findings are discussed below:

### **Impact of violence on Mental Health of Children**

Communal violence has enduring consequences on children's development, beginning from childhood to adolescence. Children who had experienced the violence often develop a view of the environment that is hostile and dangerous.

Exposure to such violence has resulted distrust on adults and fear from other community. Children's feelings of safety and confidence in adults get eroded or weakened. Reactions can take several forms in children. Some children become anxious, fearful or show withdrawn symptoms that are referred to as internalizing problems, or taking fears inward. While some children want to use the violence and want to show they are strong and powerful. They may learn to use violence as a means to exercise control on others.

Mental trauma among children, especially the adolescents were vivid in the statements they made in the interaction.

We lost all our hopes!  
We now don't have any aim in life!  
Our future is tarnished by this violence!

There has been no trauma counselling for the affected people especially for children and the adolescents. Even today they have nightmares of people running after them and their family members in the jungle, they are scared of any loud sound and are still afraid of people coming in groups or talking loudly. They feel sad when they think of their younger brothers and sister whose mouths were forcefully shut with stiff hands or clothes so that they do not cry and how people in the group left them behind if any one cried or made any sound. Most of them told that they feel sad remembering what they went through and cry quietly. Some of the Post Traumatic Stress Disorder (PTSD) came out very vividly while talking to children.

- ❖ The victim felt intense horror, fear or helplessness
- ❖ Intrusive, distressing recollections (thoughts, images)
- ❖ Repeated, distressing dreams
- ❖ Through flashbacks, feeling as if the event were recurring
- ❖ Physiological reactions (such as rapid heart beat) in response to these cues
- ❖ victim tries to avoid activities, people or places that recall the event
- ❖ victim tries to withdraw from people and feels detached and isolated
- ❖ Poor concentration
- ❖ Exaggerated startled response
- ❖ Anger among revenge among the victims

The children said they never got a chance to talk to someone and discuss in details about their feelings and concerns. Some of the children had even witnessed some

violent and gruesome incident. A child saw a dead body being eaten by dog. The child narrates how numb he felt at the sight of this. This child's education has been deeply affected by the shock he went through. He told us that how he was unable to concentrate on education. His scoring in the examination has deteriorated from 300 out of 600 to 190 out of 600. These are the example of few children only in eight villages. Children also talked about their anger and feeling of revenge. One boy had asked his uncle to give him some bomb which he would drop in a Hindu dominated village. This particular boy was in residential school while the violence broke out. These children need immediate counselling or else it will have serious impact on their lives.

These traumatized children have fewer resources to deal with current developmental challenges, such as performing well in school or making and keeping friends. Children have difficulty concentrating on the "here and now" because their emotional energy is devoted to avoiding the past and fighting the negative memories. It is important to remember, however, that after the initial shock and fear many children exposed to violence may not develop symptoms related to posttraumatic stress and that in some children symptoms may develop only later in life.

## **Education**

- **Many children had to change their school after the violence and many went to residential schools**

Parents put their children in residential schools run by missionaries in Kandhamal as well as in other places, some were sent even outside the state. The parents were sceptical about the situation in the village and thought their children would be better protected in residential school. In some cases it is the child who didn't want to go to the same school out of fear. Some children even complaint about ill treatment meted out to by school authorities and class mates. On average 10 children from each of the villages visited by

According to the District Project Coordinator, Sarva Shiksha Abhiyan (SSA), Kandhamal, **at the time of violence primary school were the biggest victims as many relief camps were opened in the school premises and schools had to remain closed for many months together which have effected the education of the children.** According to him there were around 40,000 victims who were sheltered in nearly 40 schools which were converted as a relief camp or as CRPF camp. **In Raikia Block 10,000 peoples were sheltered in relief camps set up in St. Catherine Girls' School and Vijay High School.** He mentioned the violence was continued for more than one month. He mentioned that school were closed for more than 10-15 days but the situation was much tensed and children were not coming to the schools and even many teachers were afraid to go to school during that period. In places where it was less effected schools was opened after fifteen days. Data were collected as of how many teachers and children were affected in the violence and how many of them have taken shelter in the camps. According to him they have provided the counselling services to the children and arranged for the teachers who themselves were in camps to take care of the studies of the children in the camp itself.

the team has been shifted to residential school after the violence. When asked the children whether they were happy being put into residential schools mixed response was received. Some children behaved very maturely and told that it was the need of the hour and parents have decided for their betterment. Some were happy as they thought it would have not been possible to continue their studies if they stayed back in the village.

### **Issues**

- ❖ Many children were put to residential schools with assistance from missionaries. But as reported by some parents, they are finding it difficult to pay the fees of the hostel or school.
  
- ❖ Many children who were sent out for studies through missionaries are doing BTH (Bachelor in Theology).

### **An Education Incomplete**

Many children, who were in secondary school during the violence, had to take an involuntary break from their education. Many others have still not gone back to school. Take the case of Santoshini Nayak from Pidigoda village, in the tenth standard when the violence took place. She was staying in a relief camp and came to know a little late that about the date of filling up forms for the board examinations. But when she went to school to submit her forms, the Headmaster refused to accept it as the last date was over. Despite fervent requests, the headmaster refused to consider her case on humanitarian ground. What is more, she was verbally abused and asked to shift to a missionary school. She then tried to take the help of an NGO for a transfer certificate but even after running from pillar to post, she did not get it in time. She finally sat for her finals the next year through a correspondence course. In Mondasur village, xxx, a Christian, was refused admission in Gurudev High School in Phiringia and was instead advised to approach a missionary school. This boy is now not studying.

In their study on the Salandi Project, Fernandes and Raj found that schools were built a decade after the rehabilitation had taken place. By then the tradition of sending children to school had died out. (Fernandes and Raj, 1992:158). An empirical study undertaken by ISED in a cluster of villages in Odisha too found neglect of children and devaluation of schooling, increase in drop-outs and higher incidence of child labour as direct results in the initial years of rehabilitation. (Pandey, 1996: 82).

- ❖ One serious issue that has been emerging is that children of the district were sent to different locations especially to other states like Kerala, Bangalore, Hyderabad, Chennai, etc. the culture, language, etc. all things are so difficult for them to adjust there. In one incident a small girl was sent to a hostel in Chennai and now she is founding it difficult to speak her own language. Removal of children from

the protective environment of their parents should not be kept away from the parents until they feel there is a need of it.

- **Large number of school dropouts, many of whom have gone out for work.**

Many children who were studying in class VIII-X had dropped out after the violence. All the children had to loss one academic year and study the same class again. There were instances of children not allowed to sit in Xth board exam. After the violence some Christians NGOs started few residential schools to coach the children who were appearing in the Xth that year for children of VIIth –Xth standard. This was a reason of resentment among some teachers and HM so they created problem when they went back to their school after the school reopened.

Many boys had gone for work to Kerala and Gujarat. They are either working in stone quarries to load the truck with stone or in construction site. While some cases they are in touch with their children few parents are not. The boys went with other boys who had already been working there. In Barakhama village many children, including girls have been sent out or work. According to the people we interacted, around 40 children within the age group 17-20 years are working out side the state of Odisha. Parents were not very clear about the kind of occupation these children are into. Boys have gone to the states of Hyderabad, Kerala, Surat and are working in plastic factory, cotton mills, etc. They added that 10-15 girls in the age group 17-19 years are working in Coffee Plantation in Udhagamandalam (Ooty) in Tamil Nadu. One father said, **“Yes, we have sent our children outside for work and eating with the money sent by them. We were bound to do so. We didn’t receive any compensation from the government. We were unable to pay exam fees and admission fees of our children.”** According to then about fifty children (40 boys and 10 girls) studying in classes 9<sup>th</sup> to 12<sup>th</sup> had to drop out of school as they were unable to pay the school fees.

We are seven siblings. Our house was burnt in the violence. We were hiding in the jungle when people attacked our house. My father fell down in the jungle and hurt himself very badly and his legs stopped functioning. Our father used to take care of our study. My father is a skilled mason. But due to his illness we all faced difficulties. My education was hampered very badly. I have cried a lot due to disease of my father and my education get affected. After few months, we received government compensation for construction of house. But major part of that money was spent on treatment of my father and purchase of medicine but he yet to recover from illness. **Situation forced my elder brother to drop out from school and they went to Kerala to look for work. My brother had studied upto class X. My brother sends Rs. 2000 annually.**

Now I am studying in 10<sup>th</sup> class in this residential school. I got some help from government and other and continuing my studies. My other siblings are also studying, one is in Xth, one in Vth and one had passed class X.

Now I am fine but difficulties are still there. Because I am staying in hostel and requires hostel fees, book and pen. Now I am getting all these and happy to read in school. My goal is to be a good citizen and good doctor. I am trying to read well for this.

Susana Digal  
Class- X  
Raikia Convent School

We came to know from the families that girls were sent with some sister of Christians Missionaries and they are either working as kitchen helper in convent, baby sitter in orphanages, or as *ayah* in old age homes. When parents were asked about the details of the missionaries many were unable to response.

<b>Name of Village</b>	<b>Children gone out for work (approximately)</b>	<b>Children going to hostel after violence (approximately)</b>
Nandagiri Resettlement	10-12	Numbers not available but many have been put into residential school after violence
Bakingia	11 (girls) Not confirm on the number of boys gone out for work	Around 120 children have been put in to residential school
Gunjibadi	About 25 (boys)	10-15
Pidigada	We met a girl who is in AP there are other children	11
Badabanga	One	5

Budrukia	Not sure of the number	14
Bedaguba	6	3
Mediakia	One (people admitted that children have gone out for work but they were not sure of the number and confirmed only one )	Only one after the violence
Barakhama	18	
Sartaguda	10	5
Tiangia (Budripoda)	10	20

In such cases the chances of children being trafficked by people posing as missionaries cannot be denied. Many parents were unable to answer clearly when we asked details regarding who the sisters were? Did you meet them earlier? From which congregation are they? Only few of them are in touch with their children.

- **Services available in the affected areas children**

Under SSA there are 1772 schools in the whole districts which includes both primary and upper primary school, i.e., from Class I-VIII. Number of children who were enrolled in these schools is 1.46 lakhs. In 2010, 89 new schools are to constructed to cover all the habitation in the district. **At present, 1,100 posts of teachers are lying vacant in the district.** This year Odisha government has advertised for 17000 posts of teachers, of which 499 are for the Kandhamal district. The numbers of school drop out in both primary and upper primary in 2009-10 was 6418. Drop out is more at the upper primary level. Sometime according to the DPC, it was because after primary school they had to change their school but now to check this all the primary schools are upgraded to upper primary school. As per information from the DSW, at present 1476 schools in Kandhamal district are covered under MDM scheme. According to the parents and children MDM is provided in the primary school as well upper primary school.

<b>Out of School Children (6-14 years) of All Category and All Religion in Kandhamal</b>									
Year	Total Children			Out Of School Children			Percentage of Out of School Children		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
2008	80860	73173	1,54,033	3660	3954	7614	4.526	5.404	4.943
2009	75425	69693	1,45,118	2326	2578	4904	3.084	3.699	3.379

Source:<http://www.opepa.in/ChildCensus/framepage.aspx?fname=StateOutofSchoolChildren.aspx&ReportType=3>

## Issues

There are no initiatives from the school or from education department to reach out to the children from the affected areas. The apathy shown by the government towards these children is in contradiction to the right to education.

❖ **Difficulties in commuting to school**

In all the villages we visited middle school is in the village itself and within a distance of 1 km. So, the primary school children go to the same school. But children going to high school have to travel a bit in some villages they have to travel more than 3 km. Children of two villages told they are finding problem to go to school due to lack of public transport. Earlier there were frequent plying of buses and they used to either go by bus or by cycle. Now buses do not ply regularly and also do not keep to time so they are finding difficulties in commuting to school. They become late waiting for buses and they have to come all the way walking in much fright and fear. So they are not regular in school. Earlier boys who used to cycle are not confident enough to go they would rather go in group. In an interaction with Sub-Collector of the Balliguda sub-division, informed that they have started bus services under the initiative of Public Private Partnership for the people but this seems to have not yet reached the people.

This year there has been sanction to construct 100 seater hostels for SC and ST girls in the district.

Sub Collector, Balliguda  
Sub-division, Kandhamal

- ❖ Christians who are from *panas* community (scheduled caste) are not included in any social category and hence do not enjoy any benefits be it either educational or other socio economic. Tribal irrespective of their religion have some benefits. Governments have post matric and pre matric scholarship schemes for SCs and STs, but the Christians who are not tribal cannot avail the benefits of these schemes. Similarly, there special schools like Ashram school (central government scheme), Tribal schools (Department of Tribal Welfare) and also hostels for SC and STs (central government school) for the children of tribal community. There is 10 per cent reservation of seats in the TRW schools but this is certainly not enough and so they have send their children to private schools or missionaries schools. There is one scholarship scheme, merit scholarship which the children from Christian can avail but this is again based on merit, they have to score 50 per cent in their standard V exam.

❖ **Schools attacked during violence are not adequately compensated**

St. Vincent ME School, Mondasur: This school run by missionaries was attacked during the violence. The school authority also run a boy's and a girl's hostel. The school is just outside the boundary of the hostels. Mondasur Missionary hostel is not a residential school but they provide hostel facilities and children till Xth class. Some of the resident of the hostels go to the St. Vincent ME School while others in different school in the neighbourhood. The St. Vincent ME School and both boys and girl hostel were attacked in the violence of the 2008.

Hostels and school were damaged burnt and ransacked of all furniture and essential as well as valuable goods. In school, cupboards, desk, chairs and

**Box.3:**

When hostel was attacked there were 140-150 kids in the boy's hostel who ran to jungle to save their life. Two teachers were hiding with the children in the jungle. They were hidden in jungle from 25<sup>th</sup> August 2008 – 2<sup>nd</sup> September, 2008. Four nuns and two fathers who were also hiding along with 10 kids had gone walking to Ganjam District which is around 80 kms from Kandhamal. Children during that time were expressionless and were in extreme shock.

Four sisters along with ninety five girls were in jungle for four days. All the girls were very scared and would not leave the sisters even for a second.

learning materials were damaged and looted. In the hostels furniture and food stock were looted. The food stock also included dry ration for MDM. In all 10 doors and 28-30 windows were broken in the school as well as in the hostels.

After two years of violence hostel is still not able to function properly. Construction or repairing of the school and boy's hostel is still not complete. Roofing is not complete, electrification is not done, doors and windows are yet to be made. The authorities are still not able to provide with basic infrastructure like table, chair, cots, cupboards, and computer to the children. In the school, earlier there were desks for class IIIrd to VIIth but now after two years of the violence only VI & VIIth class has such facility. Now children have to sit on the floor. Water pump was damaged, and now children have to use well for drinking and daily work. Two months back government has installed a hand pump in the school.

Soon after the violence government has provided some text books. Two months back they provided 7 chairs and one computer for the school. Government has provided only one lakh rupees as compensation while the loss incurred was much higher. The school had a separate office room but after violence they are using common room as the office as they are not being able to construct the office room yet. School has not yet received and teaching aid material which was burnt in the violence. They still don't have enough books, globes, maps, etc. The school was also made into a relief camp and

around 3000 people were given shelter. For more than 5 months school was closed but yet the government didn't give them any

## Issues

As there are no doors and windows and lack of mosquito nets, many children have become ill from malaria. The other disease that is prevalent among the children was diarrhoea, stomach pain, and common diseases. **In the last six months more than 20 boys had suffered from malaria.**

According to a teacher of the school, **“due to lack of basic infrastructure children have to struggle daily which is also hindering the process of coping up with the trauma of violence”** Sense of injustice and discrimination still prevails among children and this can deter proper growth and development of the children.

After the violence 6-7 boys dropped out from the school. At the same time 10 children from the Hindu Community changed their school. In girl's hostel there were fifteen girls from the Hindu community in the hostel but at present there are only 2 girls from the community. In 2008, 4-5 children from boy's hostel and 8-10 day scholars were not able to give their exam. In the school final exam in 2009 many children failed or scored poor marks in the examination. The results in 2010 have improved and all the children who have appeared for IX & X examination got good marks and all of them were passed. Initially after the violence for 2 to 3 months attendance was very low in the school only 20 to 30 per cent.

One small dispensary was there in the hostel premise which was also damaged in the violence. Now children have to go to Raikia for treatment which is 16-18 km from the hostel. From 13<sup>th</sup> June 2010 they have again restarted the dispensary for hostel inmates but no doctors available except 2 sisters for nursing and 2 for distributing medicine.

**Box.4:**

James Dhigal a 14 year old boy had took shelter in the jungle along with other boys. Jame has the feeling of anger, sadness and revenge. He told that he don't feel that after two years anything has changed and it seems that their life is still revolving around the violence and trauma attached with it. He shared that before violence everything in the hostel was very good and well organised but after the attack on hostel everything was damaged. Church was broken because of which he was not able to do prayers. "Windows and doors were looted or burnt in the violence which is causing lots of inconvenience among the children. No mosquito net now, no fans, furniture, toilet, water motor, etc. hence all the things were destroyed." He shared last year lots of children were infected from malaria disease. He himself has also suffered from malaria. He feel because dispensary was broken, treatment provided to them was not good. He also shared that now they didn't have football or volleyball, etc for play. They all have stopped going out of the hostel. He also shared many kids has cancel their admission or drop out from the school after the violence.

Jame was not able to concentrate initially on his studies. His mother, who is a daily wager earner, had stopped working after the violence as other community was creating trouble for her. All this has affected him a lot but later he realised that he had to work hard to improve his home condition, so he recollected his strength and now working hard for his studies. He now doesn't like to spend his holiday in the village after the incident. Since the incident he had gone to his village only once that too after repeated request of his mother. He didn't even spend his whole vacation there and came back to the hostel very early.

According to him, no one came in relief camp to teach him or other kids. He has appeared for his exam from the relief camp. He shared that many children from the hostel got very bad marks in the examination.

Jame told that this was the fist time he was sharing about his feeling and trauma with anyone which he found relaxing and relieving.

**Child Protection**

Right to protection would mean that a child is protected from all kinds of situation that would implicate any extent of violence meted out to child directly or indirectly and would hamper his/her physical as well as mental growth. While talking about protection of children we need to talk of those children who are already victims or are under difficult

circumstances and so would need extra care so that their rights are not further violated and give them a place of safety wherein they can enjoy their rights.

National Plan of Action (NPA) 2005 has dealt explicitly with child protection. NPA set out its objective as, *“to protect all children against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, pornography, corporal punishment, torture, exploitation, violence, and degrading treatment.”*

The child protection status in the Kandhamal district is very disappointing. Children under any conflict situation would deserve special attention and treatment but in Kandhamal we do not find any system that has been put into place to protect the rights of the children. Even if some systems were placed they are dysfunctional and ineffective. It is complete failure of the administration.

### **A. Trafficking**

**The major protection issues that need immediate attention is the rising incidences of trafficking of children for labour, sexual exploitation or any other or reason.**

The official in District Social Welfare shared about two incidents involving trafficking of girl children. One case was from Tikabali block where a girl was taken by a boy giving false promise of marriage and left her in railway station. The girl was finally rescued from Jharkhand. In another case four girls from Daringbadi block were trafficked to Delhi for the purpose of domestic labour. In another Gumamaha panchayat, 15 girls were rescued from Bhubaneswar Railway station who were being taken by a person who called himself a supervisor of L&T company. Another two girls who were studying in class VII were taken to Noida. They were kept there for two months. These two girls somehow managed to escape from the place where they were kept and finally sent back to their home by some organisation. These girls were sexually abused and were forced into prostitution. These are only the tip of ice berg which somehow came out. Interaction with few activists revealed that there are organised group who are working the district. The local people of the district generally act as middlemen who lure the family members of false claim of job offer and take the children with them and hand over the victims to the traffickers.

Migration has increased after the violence. According to District Labour Officer Child labour, after the communal violence families are migrating to other districts and states for labour purpose and children are also accompanying them. In Baliguda sub-division (9-blocks) many of them are migrating to other states especially to Kerala as the labour charges are quite high there. They are earning nearly 250Rs per day in Kerala. Female migration is not very alarming except in Darngbadi Block. But at other time he was contradicting himself and was saying that many girls are moving to urban places, like Delhi, etc. for domestic labour. Before violence also people have been migrating for work purpose in Kerala and other places and even the state administration were co-operating. But after the violence there has been sudden increase in the number of people and now state administration of Kerala is not supporting, even police is creating problem for the

migrants there. Last year Kerala government has returned 49 migrant laborers from Kandhamal, who has migrated there after the communal violence. Sub-Collector has rescued 73 migrant workers from other states. Under such circumstances children are bound to bear the worst burnt.

In Kandhamal 17 contractors have been provided the license for employing 340 labours in other states.

### **B. Child Labour:**

There is no National Child Labour Programme running in the district, so there is very little or no scope of rehabilitation for a child labour. Labour officer was justifying his inefficiency by raising the issue of lack of infrastructure and institutions for the rehabilitation of the child.

After the Supreme Court Judgement on MC Mehta case a survey was carried out in the Kandhamal in 1997. There are 6482 child laborers detected in non-hazardous occupation, out of which 42 number of child laborers have been detected during survey and 6440 number of child laborers have been detected s learners in non-formal education centres managed by Govt. and Non-Govt. organization.

Till date no survey was carried out to assess the situation of child labour in the district. Labour department has not carried out any field visit or survey to look whether 2007 and 2008 violence has impacted the status of child labour in the district.

District Level Task force was formed but no meeting was held since it has been constituted before the violence. This task force consists of District Collector as chairman and District Labour Officer is the Convenor. Other member of the task force consists of Superintendent of Police, District Social Welfare Officer, two Advocates, two representatives from NGO and the Sub-Collector of the sub-division of the district.

In Kandhamal children work as helping hands in agricultural work, collecting material from forest and often they are also employed but children employed in agricultural field is not included in the list of hazardous occupation in Child Labour. Usually children are used to pluck the leaves and then dry them in the sun. This is done in the month of May when the schools have their vacation and so most of the children of the families involved in this occupation are employed in the job.

### C. Child Witness

According to District Labour Officer, the situation of child labour is not alarming in Kandhamal as there are not many establishments or any industry in the district where a child can be employed. Children are going to other states and districts for work. When asked about the numbers of children going out of the district he told that he didn't have any figures but admitted that it is quite high in numbers.

Labour Officer informed few children work in hotels. He told that often it is quite a tough situation to take action against the hotel owners as they themselves are earning hand to mouth. He believes that rescuing the child and from such hotel is unnecessary harassment for the 'employer'. But he added that many buses ply through Kandhamal at night and all of them stop at Balliguda for dinner and that's the time when children are seen workings in the hotels and often work till late hours in the night.

The Labour Officer has not taken any action against the hotels or employers who have employed the child labour. Since him being a labour officer in Kandhamal, he has filed only one case against an employer in 2007, whose case is still pending in the court. No child labour rescued operation has been carried out by him in the last few years. In last 4 years two child was rescued and one employer was prosecuted (case is subjudice).

Source: District Labour Officer

Children had witness the mass violence that took place in 2008. Many of them are testifying in the court. It is very important that the rights of children are protected when s/he is testifying in front of law enforcement agencies or the judiciary. There are specific guidelines to be followed strictly in the case of child witness. We had an opportunity to meet a child witness in one of the case (see box for the case details). In this particular case it seems no guidelines were followed.

Jyoti (name change)

Age: 6 years

Class: I,

Aim: Want to become a collector (*Sab danga karne walo ko jail main daldungii*)

She was witness to the burning of her house by miscreant in 2007 violence attack. She also witnessed the physical violence on her grand mother and father by the attackers.

This family belongs to Hindu community. Father of Jyoti is a journalist and work as correspondent of two local dailies of the district. He questioned the attackers when they attacked the church and destroyed it. Actually it was in retaliation to his opposition to the violence that miscreant burnt his house. All the attackers were known to them.

Police took her statements as a witness of the incident along with her grandmother and father.

When summon came from the court they all went to the Court but the Magistrate did not take her statement as she was too small for that. She was then 4 years old.

Police has recorded her statements two to three times, in her home as well as in the police station. Once she was called in the PS to ask, and she was taken inside a separate room where her father was not allowed. Police also cross questioned her and repeatedly confirmed whether she was speaking the truth or narrating something taught by her father or any other family members. Police personnel were in uniform while they were talking to her. She was asked – who burnt your house? How many of them were there? What were the names of the person?

Police was questioning the child in very adult like manner and has not applied the child friendly techniques in the process. While recording her statement, they have not allowed her father to sit along with her. They have not followed the Rules given in JJ Act which clearly says that no child should be questioned in a hostile environment and police should not be in uniform while talking to the children. Later Judiciary refused to record her statement as a witness as they realised the child is too small to testify before the court. This means that child was unnecessary harassed in the whole process.

### **Inadequate Protection System**

- ❖ In Kandhamal district there are 29 orphanages run by various NGOs and Missionaries. Seven of these orphanages receive grants-in-aid from the Orissa

State Council for Child Welfare but the state role is very minimal there. There are 585 children in govt. aided homes. There are no monitoring mechanisms to look after the kind of services available for the children in orphanages, whether they are taking care of minimum standards of a home. There are no children home and no observation homes in Kandhamal. If there is any case a child is referred to the children homes in Gunjam district. There is one Short Stay home and a Swadhar home in the district. At times girls under need of care and protection are kept in these homes are also running short of space and she expressed her concerns that, “toady if a girl is rescued we do not have a space to keep her.” She added due to stigma attached the family do not want to take the girl back.

- ❖ Office of the social welfare which is the nodal agency in the district to look after the implementation of Juvenile Justice (Care and Protection) Act 2000 and functioning of the implementing bodies do not have full information about the functioning of the CWC and JJB. Even the police personnel we talked put a blank face when asked about the role of CWC. Child Welfare Committee, which has the major responsibilities to look after the children in need and care of protection, seems to have failed to do ensure the care and protection of the children.
- ❖ No centralised data on children in need of care of protection especially after the violence is available either with the department of social welfare, police or health department. We could not find any figures on how many children were affected due to violence- how many children were orphaned, data on the drop outs, number of child labour in the district how many children have gone out for work outside Kandhamal, how many of them have migrated to other district, cases of child trafficking.
- ❖ The District Social Welfare Officer is not even aware of who are the CWC members. According to the information provided by the officer, JJB consists of one Magistrate and 4 members which show the ignorance of the officer about the JJ Act. The officer was not aware of the homes and their numbers in the Kandhamal District and referred to a junior official for all the detail information. The officials of DSW had different version regarding the working of the CWC, while one told that CWC sits once a month the other informed that it sits only once in three months.
- ❖ CWC member is not aware of their role and responsibilities. This CWC member has been appointed for the second term, but interestingly he was not even aware of his appointment as CWC member during the first tenure. He came to know about it only during his second tenure. He admitted that CWC members in the district are not aware of the roles and responsibilities of a CWC member.

- ❖ It came out through discussion with CWC member and DSW officials no children homes are registered as fit institutions under Juvenile Justice (Care and Protection of Children) Act (JJ Act) 2000.

A NGO in Kandhamal have an in-country adoption home. Procedure that they are following for adoption was not very clear. The concerned person of the organisation mentioned that they give the custody of the child to the adopting parents initially as foster parents while the court procedure is going on. They actually work against the JJ Act as they give the custody to foster parents without involving the CWC. After court decides the matter they hand over the child to the adopting parents. He did not mention any procedure of the JJ Act in adoption cases. One member from this NGO is a member of CWC and another, a member of JJB.

- ❖ Mahila and Shishu Desk' Orissa happens to be the first in the country to initiate this unique initiative of setting up of 'Mahila and Shishu Desk' in each police station in the state. In Kandhamal there are dysfunctional 'Mahila & shishu desk' at each police station. Either the roles were not assigned to the concerned officers or if there is the person the work under this division is yet to take over and is presently engaged in counselling related to trivial family issues. 'Shishu' part was even missing from the Mahila and Shishu desk as they were more concerned towards women issues, neglecting all issues pertaining to children. A Sub Inspector in a police station told that many cases do not come to police station and are settled at the village level. If some case was registered then these family settled outside, very few cases go for judicial trial.

## **Health**

Health status in the district has never been good in Kandhamal. It is cerebral malaria prone area and mal nourishment is also a serious concern. Kandhamal generally lacks in health infrastructure. Government has not done anything to address the health issues of the victims after they had settled to their villages or in resettlement areas. Victims didn't have money or access to use the health services provided by the government which is very far from there village. Government has started Mobile health vans to reach out to the people in general but except one village which is only 5 km far from sub-division, no village has shared about health vans. Some of the villagers told that Doctors used these vans as their personal vehicles.

Violence had an adverse impact on the nutrition of the family especially the women and children. Children are the worst sufferers. As most of the families have no means of earning, hence left with no resources to feed their children. This further makes them more vulnerable to illness and diseases prevalent in the area.

General health indicators of the district are given in the box.5. Table.3 and table.4 gives a clear picture of the situation of malnutrition and infant mortality in the district which also

shows that there has been rise in incidences of infant mortality and number of malnourished children the last two years.

**Box.5: Child Health Indicators in Kandhamal District**

## 1. Status of routine immunisation:

	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
Polio	87.97	91.92	93.16
Full Immunisation	89.94	83.53	86.12

## 2. No of benefited from Janani Suraksha Yojana (JSY) in last three years:

	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
	9688	9692	11273

## 3. Infant deaths for three years

	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
	603	837	750

## 4. Maternal deaths for last three years

	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>
	63	39	30

## 5. No. of CHC/PHCs in the district:

- a. CHCs: 8
- b. PHCs: 4
- c. PHC(N)s: 34
- d. Area Hospitals: 5

## 6. No of pediatric specialists available: 2

## 7. No of pediatric wards in the district: 6

## 8. Total no of malnourished children treated in pustikar Divas in the district:

Grade II: 1097                      Grade III: 1355                      GradeIV: 232

Source: Office of the District Project Manager, Orissa State Health Mission, Kandhamal District

As can be seen from the table.3 there are 599 children in the grade III and 59 in grade IV, which is the highest in the last three years. In 2009 there can be seen a decline in the number of children (0-3 years) in the project. This decline is 43.1 per cent. And the number has further declined in 2010. Figures in the Table.4 shows that there increase in the number of child death below one year as well also in the number of infant deaths. The cumulative figure of death of children less than one year in March 2009 is 261 which is an increase by 24.9 per cent from 209 in 2008. The cumulative figure of infant deaths was 60.97 in 2008, which increased to 69.97 in 2009 and it is 53.06 in 2010. It is evident in from the figures in the table that in 2009 there has been sudden increase in infant deaths in the some of the blocks. This is very vivid in the

blocks namely, G. Udayagiri, K.Nuagaon, Kotagarh, Phiringia, Phulbani, Raikia, and Tumadibandha. All these blocks have been badly affected by violence. In Kandhamal district, there has been no still birth in till March 2008 while cumulative figure of still birth in March 2009 is 109 which is extremely high and the trend continued in 2010 with 85 still birth till March 2010<sup>2</sup>. Even in K.Nuagaon block the IMR seems to be quite high. And there have been increased cases of deaths in 2008. In October 2008, there were thirteen (13) infant deaths where as it was five in the month of July and August and six in September.

The information of the causes leading to deaths is not available. But as is known in Kandhamal malnutrition is pretty and cerebral malaria is the acute problem in the district. Box.6 shows number of cases of childhood disease

Year	No. of children in the project (0-3 years)	Children		Normal		No. of Grade. I		No. of Grade. II		No. of Grade. III		No. of Grade. IV		
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
<b>Number of infant deaths in K.Nuagaon Block</b>														
2007 (January to September): 37 deaths														
2008 (January to December): 88 deaths														
2009 (January to December): 61 deaths (figure for the month of August was not available)														
2010(January to June): 5														
Source: Office of the Child Development Programme Officer, K.Nuagaon Block, Kandhamal.														
2008, March	93233											8	43	0.05
2009, March	53088											1	46	0.09
2010, March	53036	50932	96.03	23556	46.25	18636	36.59	8082	15.87	599	1.18	59	0.12	

Source: Office of the District Social Welfare, Phulbani

reported for children in the age group 0-5 years as on April 2010 in Phulbani Block. As per this information as on April 2010, there have been 1933 reported cases of malaria among children of 0-5 years. And this is the case in Phulbani which is the district headquarter with comparatively better health facilities.

Block	Total Population	Live Birth		Death Below 1 year		IMR at Project level		Still Birth	
		During the month	Cumulative	During the month	Cumulative	During the month	Cumulative	During the month	Cumulative
<b>Kandhamal District</b>									
2008, March	702413	1419	3428	87	209	61.31	60.97	NA	NA
2009,	706857	1281	3730	76	261	59.33	69.97	45	109

<sup>2</sup> Office of the Child Development Programme Officer, Raikia Block, Kandhamal.

March									
2010, March	73362	1688	4693	63	249	37.32	53.06	38	85
Balliguda									
2008, March	74608	131	293	9	21	68.70	71.67	NA	NA
2009, March	75733	131	286	2	12	15.27	41.96	1	2
2010, March	76736	228	488	7	18	30.7	36.89	2	3
Chakapada									
2008, March	44827	106	220	10	18	94.34	81.82	NA	NA
2009, March	44932	94	1360	14	91	148.94	66.91	17	43
2010, March	46084	96	200	3	14	31.25	70	1	2
Daringbadi									
2008, March	113978	224	576	10	28	44.64	48.61	NA	NA
2009, March	116033	232	475	4	15	17.24	31.58	1	1
2010, March	121339	255	699	3	31	11.76	44.35	0	0
G.Udayagiri									
2008, March	32892	43	146	3	8	69.77	54.79	NA	NA
2009, March	32484	43	106	3	10	69.77	94.34	1	2
2010, March	42136	80	203	3	7	36.50	34.48	0	0
Khajuripada									
2008, March	53337	121	220	16	27	132.23	122.73	NA	NA
2009, March	53616	102	223	6	15	58.82	67.26	12	20
2010, March	54558	122	251	7	11	57.38	43.82	2	5
K.Nuagaon									
2008, March	54176	102	244	7	17	68.63	69.67	NA	NA
2009, March	53729	54	54	5	5	92.59	92.59	1	1
2010, March	55889	141	288	7	15	49.65	52.08	6	6

Kotagarh									
2008, March	51562	76	309	5	13	65.79	42.07	NA	NA
2009, March	53150	85	201	6	21	70.59	104.5	0	1
2010, March	53526	144	350	6	14	41.65	40	5	5
Phiringia									
2008, March	80640	209	440	11	33	52.63	75.00	NA	NA
2009, March	81784	215	422	10	33	46.51	78.2	6	21
2010, March	83568	236	499	10	36	42.37	72.14	12	21
Phulbani									
2008, March	38342	91	193	0	0	0.0	0.00	NA	NA
2009, March	38209	89	176	5	14	56.18	79.55	3	6
2010, March	38484	101	188	3	10	29.7	53.19	4	6
Raikia									
2008, March	55132	107	241	2	11	18.69	45.64	NA	NA
2009, March	55425	79	79	7	7	88.61	88.61	0	0
2010, March	56663	70	1064	6	73	85.71	68.61	1	16
Tikabali									
2008, March	54637	109	239	10	21	91.74	87.87	NA	NA
2009, March	51708	85	195	6	16	70.59	82.05	2	9
2010, March	54874	113	244	3	13	26.55	53.28	3	10
Tumudibandha									
2008, March	48282	100	307	4	12	40.00	39.09	NA	NA
2009, March	50054	72	153	8	22	111.11	143.8	1	3
2010, March	49505	102	219	5	7	49.02	31.96	2	11
Source: District Social Welfare Officer, Phulbani, Kandhamal District									

According to DPM, Odisha State Health Mission, it is very difficult to get the exact figures of malnourishment death as these records are maintained by anganwadi

workers, and often there is a tendency to hide deaths due to under nutrition or malnourishment as this comes out as poor performance on the part of anganwadi worker. This concern was even raised by the Sub Collector at Balliguda sub division. He also shared that he is working on a mechanism where in there is proper reporting and monitoring mechanism between the CDPOs, Supervisors and anganwadi workers. In the present context he added there is a sense of underlying fear among the anganwadi workers as well as in the supervisors as they are the one who get the ultimate burnt of the department or ministry. If there is a proper reporting mechanism which fixes accountability of each actor in the process then the things might change and there is no under reporting or wrong reporting due to the fear of bash up from the poor performance.

Malnourishment or under nutrition often reduces of the immunity of the body and hence even minor fever can take the turn of fatal diseases amounting to death. In fact, as per officials, malnutrition has also been the cause of increasing number of mentally challenged children.

Chief Minister of Orissa launched the Scheme “NAVAJYOTI” under IMR Mission on 1<sup>st</sup> April 2005 to reduce Neonatal Mortality and Morbidity in 14 mortality endemic districts of Orissa, where the IMR are above the state average (as 60 per cent death occur in the neonatal period). Kandhamal is one of the fourteen districts. Other

Box.6: Number of cases of childhood disease reported for children in the age group 0-5 years as on April 2010 in Phulbani Block

Diarrhoea & Dehydration-127  
Malaria-1933  
Admitted with respiratory disease- 823

Number of patient admitted in April 2010 in Phulbani Block

Below 19 years		Adults	
Male	Female	Male	Female
329	260	365	589

Total OPD attendance in April 2010: 9745

Source: Office of the DPM, Orissa State Health Mission, Phulbani.

districts are- Rayagada, Malkanagiri, Nawarangpur, Nuapada, Gajapati, Kalahandi, Keonjhar, Sundargarh, Bolangir, Boudh, Koraput, Deogarh, Sonapur. Training of traditional Birth Attendants has been taken up in these districts on an intensified scale<sup>3</sup>. There are only two paediatrics in the whole district to attend to ... children.

Minimum medicines are distributed in the PHCs and CHCs and rest have to buy from open market. Even the mobile van that has been initiated in the Kandhamal district after the violence is not very effective. Only people from one or two villages

<sup>3</sup> Government of Orissa Report on Activities of Health and family welfare Department, 2007-2008, Orissa, Bhubaneswar

responded that the mobile van comes in their village. They do address the patient and distribute some common medicine. Villagers said, “*haspatal mein kaya hota hain, paisa de ke ghar mein dikhate hain tabhi sahie medicine dete hain.*” It seems most of the doctors of the PHC and CHC prefer attending patients in their residence where they can charge fees.

### **Integrated Child Development Scheme (ICDS):**

As per information of the District Social Welfare Officer, as on April 2010 there are 1264 anganwadi centre and 12 ICDS projects in the district. A total beneficiary covered as on April 2010 is 102132. In April 2010, 98339 beneficiaries were fed under the SNP programme. According to the officials the difference in the enrolled number of beneficiaries and actually fed varies because some beneficiaries belonging to APL families do not come to the centre to take the SNP. **In 2009, 172 new anganwadi centres were opened to cover all the uncovered habitants and also to access the new habitations created after the violation of 2008.** All the anganwadi workers we met agreed that there was impact on the child’s health after the violence. They could see more children weak and frail and after three to four months there were some changes in the condition of the health. Few anganwadi centres were attacked and many of the workers were threatened. According to the Child Development Programme Officer (CDPO) and anganwadi workers the centre were closed for few days only. In most places it was run by the helpers and the mothers in the villages for the children who were in the village. And provisions were made for distribution of SNP as well as dry ration in the relief camp itself. According to the officials of the DSW, in some blocks temporary centres were set up in the camp itself. And in three blocks of Tikabali, G.Udayagiri, and Raikia services of AWC functioned for more than one year in the relief camp. As per our interaction with the mothers in the villages, not many of them were satisfied with the services provided under ICDS at the camp. Most of them told that either biscuits or cerelac (tinned baby food) was distributed once or twice while their stay, not less than six months, in the camp. In Raikia and Daringbadi block people seemed were satisfied with the services of ICDS in the relief camp. They infact told that pre school education was imparted to children of 3-6 years.

### **Issues need immediate attention**

- ❖ Dry ration that is given to the centres for Supplementary Nutrition Programme (SNP) is not always on time. There is no fixed amount of the ration, sometimes it is given for one quarter while some time is just for a month. So, this causes great difficulties as the worker either has to purchase the stuff from her own expense or lend it from some local shop or else she manages it from the left over stack. It has happened that centre were not able to provide SNP due to delay in the delivery of the stack from the block office.

Anganwadi Centre Visited											
Name of the Village	Block	Beneficiaries				Nutrition Grade					
		0-3 years	3-6 years	Pregnant mothers	Lactating mothers	Normal	Grade-I	Grade-II	Grade-III	Grade-IV	Borderline
Pidigada (May)	K.Nuagaon	24	13	NA	NA	25	13	3	2	NA	1
Dharampur (May)	K.uagaon	37	69	NA	NA		51	10	44	No	No
Sindrigaon (June 2010)	Balliguda	60	60	11	18	58	43	18	1	0	No
Tiangia (June)	Raikia	20	15	3	4	7	20	8	3	0	No
Sartaguda		34	13	4	6	15	14	15	2	1	No

Source: Information collected from the anganwadi workers of the respective anganwadi centres.

- ❖ The centres are given incidental cost towards the cost of fuel, cooking oil, or kerosene oil. They are supposed to get annually a lump sum amount towards these costs but it is not regular. One worker told that she had receive six months Rs. 3200 towards the cost of fuel, oil, etc. for two years. Another worker who has been running the centre since last twenty years told that she had never received any cost towards the cost of fuel, oil, salt, turmeric, kerosene. The worker also informed that recently a '0' balance account has been open in her name where a contingency fund towards morning snack (usually *chiwda* & jaggerine), would get directly deposited and they can withdraw as per need. But have not been able to withdraw money from the account. "Every time we go, the bank asks for some documents or other from the block office."
- ❖ For some anganwadi centres which are hard to access have to expend on their own for the transportation of ration. It needs to cross a river to reach Sindrigaon village. During the rainy season it is neck deep water and the block office just live the sacks of ration in the shore of the river and the worker has to ferry it across the river and then pay some one to lift the sacks till the centres. The worker needs to pay the person who lifts the sacks. Usually they do not accept money and she has to give ration from the stock supplied for SNP. As a result she cuts the share of the children and pregnant mothers. In a 4kg 750gm of rice for pregnant women she gives only 4kg rice, like wise she cuts 50 grams of daal from each child's share.

#### Peace process initiated by the government:

After the violence, Kandhamal Administration has initiated some peace building process to restore the trust between the communities. The two such initiative started by the administration was Peace committees and Antaranga. The concepts and initiatives were good on paper but not implemented well at ground level.

Antaranga scheme is a brain child of the Collector. Antaranga ‘celebrating diversity’ aimed at initiating a peace process within the village by involving the youths and building the trust through organising programmes and meetings among the communities. Accordingly, Antaranga clubs were to be formed in the villages. NGOs were invited to take the responsibilities of running the form the Antaranga clubs in their respective blocks.

The clubs has been distributed some games items like, volleyball, net, football, shortput, etc. Some books were also supposed to be distributed in the clubs but the clubs to set up a library but they have not yet got the books. NGO has told the member to collect the books from their office instead of providing it in the village.

We had an opportunity to visit the clubs by Banabasi Seva Samiti in Balliguda block. We had an interaction with the Antaranga club members of the village, Jakikia (Bataguda GP) and Mediakia (GP Mediakia). The members were not aware about the whole concept and purpose of forming the group. They were blank when asked about the activities of the group and only shared about one volley ball competition which they have organised. In Jakikia, there was also once a debate competition organised in collaboration with the school in the village among the children within the Bataguda GP. In Mediakia the group has not been able to organise any event. They have met only twice since its formation one year back. But they have resolved community conflict twice in their village. The initiatives of the group are praise worthy but what is disturbing is that the group is almost inactive now. Members were of the view that there is none to guide them. Both the clubs told that they didn’t have their meeting after February. These youth seemed to be quite interested to continue the group if someone is there to helped them out in organising the meeting.

The role of NGO was ineffective and they have just provided some games material but not ensure the meetings. Last meeting was held 5 months back. In total since the Antaranga project was started on an average only two meetings were held. Members of the club were randomly selected by the NGO representative.

Selection of NGOs for the implementation of Antaranga programme was not very clear and transparent. The NGOs did not fulfill the responsibilities that were assigned to them.

### **Peace Committee**

Government has formed some peace committee in the villages when the victims were sent back to villages from the relief camps. Initially there was two three meetings so as to convince the people to resettle in the village but these committees in most of the villages are not working. In the initial meeting government representatives and police personnel came but they no longer comes now. The committee consists of people representing communities, Village Level Worker, Sarpanch, Gramin Rojgar Sevak, Nayab Sarpanch, and Ward Member. The most of the members in the committee was the perpetrators who were actively involved in violence. Victims didn’t feel that such kind of committees were

formed to build peace process but to further harass the victims. They didn't find it useful. In peace committee meetings perpetrators have threatened and pressurised the victims to withdraw the cases filed against them. At the same time it should be mentioned the whole concept was very good on paper but very badly implemented on ground, which also raised the question against the administration attitude towards the victim.

### **Relief provided in Relief camps**

- ❖ No special relief for infants for adolescents. There weren't any relief in terms of baby food for infants. In very few villages people told that were got horlicks biscuits for younger children from anganwadi and in one village mothers told that they got packet of cerelacs for once or twice. There was no special diet package for children, adolescents keeping in view their nutrition need under such severe condition when children had to spend 4-6 days in jungle without any food. In relief camp rice and *daalma* (vegetables in *daal*) was served two times a day. In the morning some *chiwda* and jagarine. As narrated by people there was always shortage of food in the camp, and under such circumstances children were the worst sufferer. Even there was fixed timings for serving the food. When people were sent back from the relief camp there given a set of relief material consisting of blanket, plastic sheets, lantern, and some dry ration but no infant food or education material like stationeries etc. was given for children.
- ❖ Adolescent girls had to be in a single pair of clothes for six months. A pair of clothes was given to all (adults and children) when they first came to camp. After that they never got any even no inner garments were distributed for adolescent girls and boys. They were not given any sanitary napkins, soaps for personal hygiene while they were in the camp neither after they came back.
- ❖ There were no facilities of toilets or bathing place in the camps. Even there were restrictions of movement in the camps. The camps would remain closed from morning 10 am to 4 pm and again from 7pm till 7 am in the morning. Such conditions only added to the miseries of children especially for adolescent girls. In some villages girls told that security personal accompanied them if they had to go out at night but that was not always a comfortable situation. There is no bathing space in the present shelter as well. In two or three villages people have made a temporary toilet space bounded by saris and plastic.
- ❖ No health check ups were held for children in the camps or after they came back from the camp.
- ❖ There were no education facilities provided to children while they were in relief camp, neither any assistance was provided after they came back from camp. There were help or assistance provided to the families to get their children admitted/readmitted in schools. There as such no initiative or visits made by any concerned government officials to identify the children who have dropped out from school or children who were finding difficulties to get them admitted in school.

There were NO facilities provided to help the children in the camp who were appearing in the tenth board exam that year- transport for going to the exam centres, any coaching?)

Children issues were never been discussed in any meetings, children were never asked the kind of problem and issues they had faced aftermath of the incident. When we interacted with the children in groups they told that it was the first time that they were given a platform to share their issues, anxiety and thoughts about the whole incidents of the violence and its effect on them. Some of the concern and issues shared by children were totally missing while we were talking with the adults.

Name of the Project	Eligible Beneficiaries	Target	Beneficiaries Covered												Total	Short fall
			0-3 years			3-6 years			Pregnant Mothers			Lactating Mothers				
			SC	ST	Other	SC	ST	Other	SC	ST	Other	SC	ST	Other		
2008 (March)	101079	100012	1101	2384	1039	3908	8011	2907	273	628	217	302	584	244	21598	78414
2009 (March)	102440	105142	10275	22399	7570	9192	19760	6317	2033	4045	1551	2592	373	1430	90917	14225
2010 (March)	102290	NA	11286	24277	8306	9552	19316	7295	2176	5067	1605	2478	4179	1569	97106	NA

Name of the Project	TT				BCG				DPT				POLIO				Measles		
	Target to March	Achievement	Cumulative	Per cent	Target to March	Achievement	Cumulative	Per cent	Target to March	Achievement	Cumulative	Per cent	Target to March	Achievement	Cumulative	Per cent	Target to March	Achievement	Cumulative
Tot	178	152	16110	90	161	164	152	95	161	121	151	94	161	110	150	94	161	142	138

al 201 0, Mar ch	05	9			18	7	44		18	9	11		18	1	72		18	4	52
200 9, Mar ch	169 19	169 8	14531	86	152 73	141 6	129 91	85	152 73	186 0	124 69	82	152 73	179 6	121 01	79	152 83	212 7	109 93
200 8	181 17	148 3	15344	85	164 80	160 3	140 83	85	164 80	112 0	139 94	85	164 80	112 0	139 34	85	164 60	145 8	140 10

## **Role of Maoists:**

**Killings by the Maoists:** The Maoists have killed seven persons in the villages of Narayanapatna tahsil bordering Andhra Pradesh in the last year and a half. All of them have been described as police informers. While it is true that in each of these cases, the police have registered an offence of murder and are investigating it, we also believe that the Maoists are answerable not only to the law but also to the people from whom they seek support on the ground of the ideals for which they are fighting. The reasons they give and the justifications they offer for whatever they do must be transparent and convincing. We spoke to the villagers and family members of three of the seven victims. These are: Patra Khosla of Bagam village of Khumbhari Panchayat, Narayanapatna block, Bhogi Ramesh of Kattulapet in Bandhugaon block and Kameshwar @ Bijoy Digal of Sulupulamanda in Bandhugaon block. We have noticed that in the first two cases the victim had no knowledge or intimation of any allegation against him until he was killed and the allegation was scripted on a piece of paper left by the side of the dead body. This is contrary to the proclaimed policy of the Maoists which is that the allegation must be made known, an opportunity of explaining the allegation and correcting himself must be given to the person and the punishment must be proportionate to the evil allegedly committed by him. The Maoists must be told that whatever the support they enjoy among the people they cannot expect to get away with arbitrary, one-sided and cruel actions.

The violence in the far flung areas of Kandhamal like Brahmanigaon has provided the Maoists a readymade opportunity to strike a rapport with the local tribals and Harridans and to set up a base among them. The exchange of fire between the police and the locals at Brahmanigaon during the riots has led to a deep suspicion about the presence of Naxalites in the area. Kandhmal district forms a key element in the Maoist's shame of things in Orissa where they have been active for more than a decade now. Highly placed sources said that the ultras have been trying to cut a corridor through western Orissa covering in its sweep the outlying area of Kandhmal where Naxalite activities have been reported in the past. It is believed that the success of the corridor plan will help the Naxalites realise their ambition of ruling both Southern and western Orissa. In western Orissa of which Kandhmal is part of Maoist activities began nearly seven years ago from Sundergarh district which borders Jharkhand. Now the Naxalites are pushing further up from Deogarh towards Kandhmal and Angul with the ambitious corridor plan likely to make coordination between their cadres in western and Southern Orissa much easier. The Kandhmal riots have come as a windfall for the Naxalites who can now easily penetrate the area and take advantage of the people's simmering anger against the government. What happens in the aftermath of the riots is most important because there is still a lot of anger and frustration among the people.

“The Naxalite movement derives its name from a small village, Naxalbari, on the tri-junction of India, Nepal, and what was then East Pakistan, where tribals took up arms against the oppression of the landlords in 1967.”<sup>[48]</sup> They are an outlawed group of rebels bent on revolution, with connections to Maoists in Nepal.<sup>[49]</sup> Until recently, Naxalites had not caused any problems in Orissa; instead, the forests were used merely

as a transition point for the rebels. They would occasionally raid remote police outposts, but in the past year there were three major incidents in Orissa involving Naxalites, where large numbers of policemen were killed. In an interview, Parliament member BJ Panda indicated that it would be to the Naxalites' benefit to incite chaos in Orissa. The federal government has set up Greyhound Forces, special forces trained to target Naxalites specifically, but the threat is still high.<sup>[50]</sup> Naxalites are an important factor to consider, but "the extent to which Naxalites were involved in or manipulated the discord and confusion for their own purposes"<sup>[51]</sup> remains unanswered.

## **Peace Initiatives:**

### **Forceful Reconversion and intervention of Kuidina forum for peace and Justice.**

Forceful reconversion was organised at Shankarakhol of Chakapad Block by the Hindu Fundamentalist Forces in which 15 number of Christian families converted into Hinduism out of fear as the survivors lived in a very helpless, unprotected and undefended condition. No organisation or Agency has taken up any initiation to oppose this kind of forceful reconversions and thus protect the innocent believers.

On 5<sup>th</sup> December 2009 a team approached OIC, Tikabali and filed a FIR relating to threatening Ms. Basanti Digal, senior women activists of Kandhamal to rape and murder her over telephone as she was involved in peace building process and fighting for the cause of women and other effected people of minority communities.

On the eve of International Human Rights Day a symposium was organised at G.Udayagiri by KFPJ on the topic : Human Rights Principles and the Process restoration of peace and justice in Kandhamal and followed by a mass rally with placards on peace and demanding action against the trouble makers and anti-socials involved in hated campaign on dt. 10.12.2009. The programme was jointly organised by Phulbani Action group and GMS, G.Udayagiri and co-ordinated by KFPJ. The programme was also attended by the veteran Tribal and Dalit leaders, Senior Retd. Commissioner of Govind Pradhan, Sasanka Sahu, PAG Convenor, Renowned Resource Scholar, Writer and Journalist Samarendra Dash, President, District level Sarapanchas Association, Jamesh Pradhan, Samiti Sabhya Sachidananda Pradhan and representatives from advocates and media also attended the programme. It was opined by all to protect the human rights of every body for survival and dignity.

On 17<sup>th</sup> January 2010 the leading members of KFPJ defended the victims of Kandhamal violence who were in the temporary shelter at Hatapada, G.Udayagiri and who were forcefully evicted by the Govt. BDO, ABDO, OIC, G.Udayagiri Police Station and the Secretary RMCS.

The members of KFPJ attended the meeting of AISF at Guru Kalyan Mandap, Jayadev vihar, Bhubaneswar on 20<sup>th</sup> and 21<sup>st</sup> January 2010.

On 1<sup>st</sup> February 2010 a large delegation numbering about 25 members of KFPJ met S.J. Muralidhar Chandrakant Bhandare, His excellence Governor of Odisha and appraised him the post violence situation in Kandhamal initiatives taken by the administration to restore peace and justice and relief and rehabilitation lapses in the process and the actions taken on the petitions submitted to His Excellency governor of Odisha earlier by the Forum. The delegation demanded for a transparent and inclusive process at the same time also demanded against the main criminals mentioned in the FIRs including the officials who neglected their duties during the crisis in defending the people in need of help.

As a strategic action to sensitize and mobilize the state level different political party leaders a large number of KFPJ members approached Janardan Pati, State Chief of CPIM, Orissa Chapter on 2<sup>nd</sup> February 2010. Mr. Pati was kind enough to extend his full co-operation to the campaign of KFPJ as he used to do earlier.

### **Mass Rally against Opening of Liquor Shops**

On 24<sup>th</sup> February 2010 a mass rally was organized against opening of 22 nos. of Country Liquors in Kandhamal including the blocked of road in front of the Collectorate, Phulbani and submitted a memorandum to the district Magistrate, Kandhamal as there was apprehension of further trouble and disturbance in Kandhamal in addition to increase of poverty.

### **Recommendations being made by the State Tribal leaders: Peace building initiatives:**

Bhubaneswar, 28.07.2010- We are neither religious fanatics nor casteists. The root cause of Kandhamal violence is neither due to the ill feeling between the Hindus and Christians nor between caste groups. We are peace loving nature worshippers and our Kui culture is based on traditional fellow feeling not hatred said Mrs. Keshamati Pradhan, the veteran indigenous women leader of Kandhamal in a mass protestant public meeting organized in front of Odisha Assembly on dt. 26.07.2010. Demanding for an appropriate action by the Govt. to speed up the peace and confidence building process and also adequate relief and rehabilitation measures to all the affected victims of Kandhamal violence, a massive Rally and Dharana was organized before the State Assembly in which the senior veteran leaders like Shivaji Pattnaik, CIP (M), Ramakrushna Panda, CPI, Ravi Dash, Sr. Journalist, Prasad Harichandan, Congress, Pradipta Nayak, State Level Human Rights Defender and Sushanta Kumar Mishra, Advocate, Odisha High Court addressed the mass and alleged that timely action against the branded anti-social elements under the cover of so called fascist organizations operating freely in Kandhamal with the knowledge of District Administration and Police.

Many State tribal leaders like Salu Marandi, Odisha Adivashi Mahasangha, Durga Murmu, Jeeram Pradhan, Lukas Pradhan, Bidyadhar Mallick, Upabati Pradhan, Karpura Digal, Apsara Nayak and Sumabati Pradhan categorically pointed out the discriminatory attitude of the people in power and key position dealing with the issues of tribals and socially weaker section of the society. Unitedly they blamed that it is social exclusion, lack of transparency and misutilization of development aid both by the Govt. and non-Govt. sector and also non-reorganization of traditional indigenous peoples rights most particularly relating to the land, forest, culture, spirituality and mother tongue education responsible for increasing trend of poverty and social unrest in scheduled areas of Odisha and Kandhamal in Particular.

A large delegation on behalf of Forum also interacted with His Excellency, Governor of Odisha and also submitted a memorandum to Mr. Naveen Pattnaik, Chief Minister of Odisha with specific suggestions to speed up the process by involving the local leaders in the development and the Justice delivery system as a matter of right. The Programme was co-ordinated by Sri Hemant Naik, Convener, Kuidina Forum for Peace and Justice.

### **Peace and Confidence Building Mass Rallies and Public Meetings**

While no NGO nor any Missionary Organisation ventured to enter into the disturbed pocket of disturbed areas of Kandhamal in the pick period of turmoil KFPJ and its activists along with other supporters went inside the organised fact finding visits made the affected victims and extended possible relief and moral support helped to file police cases crated lobby and pressure in the Administration to take adequate steps to round up the criminals and also organised mass rallies and public meetings to bushed of confidence of the affected people which was very much needed at the hour. In each rally and meeting more than 15000 to 20000 people from the affected communities participated and expressed their solidarity.

On dt. **26.04.2008 ,first Rally and Public Meeting** was organised at G.Udayagiri town in which 12,000 people from affected communities participated exploit their collective desire to fight for peace and justice. Addressed the Public Meeting in which the community leaders from Daringbadi, Raikia, G.Udayagiri, Tikabali, Chakapad. Balliguda, K.Nuagaon, Phulbani attended and participated and moved in a Rally with placards and slogans and also to take action against the criminals. A memorandum was given to Chief Minister through the local Tahasildar. The meeting was also graced by the leaders from different political parties like Bhajaman Behera -BSP, Abdul Wally – RPI, Arun Jena – Jharkhand Muktimorcha, Subas Mohanty – Samajvadi Party who condemned the heinous activities of divisive fascist forces and gave a call for unity and solidarity to return peace in the region.

**On dt. 07.05.2008,second Rally and Public Meeting** was organised at Tikabali 15,000 people from different Panchayats of Tikabali and also from Phulbani, Khajuripada, Chakapad, Phiringia and adjacent blocks mostly the community leaders, the advocates, women and student leaders and organised a mass Rally from Police Station area to Hatapada followed by a Public Meeting. The meeting was organised by the local leaders and a memorandum was sent to CM demanding his immediate intervention.

**On dt. dt. 10.05.2008, Third Rally and Public Meeting** was organised at Balliguda in which about 18,000 people from the affected community attended the Rally and handed over a memorandum to the Sub-Collector, Balliguda demanding appropriate action for protection of the people of Religious Minority. A mass Public Meeting was organised in which Sri Debendra konhar , Former Zilla Parisad President, Nakula Nayak, Former MP, Phulbani , Arup jena, Journalist along with other community leaders from Barakhama, Tumudibandh, K.Nuagaon, Kotagarh, Raikia, G.Udayagiri, Tikabali also condemned evil

design of divisive fascist forces and appealed everybody to maintain peace and not to give any scope to trouble makers any more.

**On dt. 09.06.2008, fourth Rally and Public Meeting** was organised at Daringbadi in which about 20,000 people from the different ethnic groups including the community leaders, student and youth leaders, women leaders, peoples initiatives, religious representatives, participated in the Rally and moved around the Daringbadi town with placards and slogans in support of peace and justice and handed over a memorandum to the local BDO, Daringbadi for chief Minister, Bhubaneswar demanding action against the criminals involved in the process and also give protection to the affected communities. Many political leaders like Junesh Pradhan, Block Chairman, Daringbadi, Saluga Pradhan, Former MLA, G.Udayagiri, Bidyadhar Mallick and Chakradhar Mallick, Sarapanchas from different Panchayats, including the women and youth leaders also spoke in the Public meeting and condemned the divisive activities of fascist forces active in Kandhamal. All appealed not to fall prey to the trouble makers and maintain peace in Kandhamal.

**On dt. 19.06.2008, fifth Rally and Public Meeting** was organised at Raikia in which about 10,000 people from cross section of people including the community leaders from indigenous communities, Tribal and Dalit leaders, elected Panchayat Representatives, women, youth and student leaders, Govt. officials also took part in the programme. A mass Rally moved across Raikia town with placards and slogans against the trouble makers and also appealed for traditional unity. The Public Meeting was addressed by the well known Tribal leader Bhaskar Pradhan, Ms. S. Pradhan, Chairperson, Raikia Block, Prafulla Pradhan, Former Chairperson, Tikabali Block, Basant Pradhan, Chairperson, G.Udayagiri Block, Suranjan Nayak, youth leader, Prakash Nayak and Satya Pradhan, Sarapanch, Sugadabadi and youth leader Gauraban Behera also spoke in the meeting and strongly condemned the activities of divisive forces and called for unity for peace and justice. A memorandum was also submitted to Chief Minister of Odisha through BDO, Raikia to take appropriate action to control the trouble makers.

All the above major events were presided by Hemant Naik, convenor, KFPJ. Also the programmes were organised and memorandums submitted under the banner of KFPJ. These programmes were also jointly moderated and organised by Ms. Keshamati Pradhan, Issac Digal, Fr. Leo Paarichha, Debendra Nayak, Sumabati Pradhan, Radhakant Singh, Amiya Nayak, Bidyadhar Mallick, Madan Nayak and Moheet Naik etc.

### **Media Mobilisation**

In addition to its regular interaction with different National and International Research Organisations and dignitaries, the Forum has also contributed a lot to strengthen the reports particularly findings of Dr. Angana Chatarjee, Anthropologist of California University, Meta - Culture etc. Large number of local and National level media people have also published their reports both in local and National level papers.

## **Legal Intervention**

A 20 member delegation also moved to New Delhi headed by indigenous women leaders and the victims of last Kandhamal violence to file a writ in Supreme Court as a follow up to their approach to Honourable High Court of Odisha for the protection of the victims of Kandhamal violence and also to organise adequate assessment and compensation of damage and human loss, proper relief, rehabilitation and livelihood support with an inclusive peace building and justice restoration process.

## **Advocacy and Lobby**

On dt. March 23<sup>rd</sup> 2009 a delegation in co-operation with Ms. Teesta Setalvad, a well known human rights activist met the Honourable Members of United Nations Organisations, New Delhi, National Human Rights Commission, National Election Commission, Chief and members of the National Minority Commission and submitted memorandums. The delegation also met important members of different political parties like Mr. Prakash Karat, Mr. Sitaram Yechury, CPI(M) and also Birapa Moilli, Congress and other leading members of the Press to appraise the root causes of violence and the present situation in Kandhamal.

## **Demand for Human Rights Intervention**

Since the Forum felt that many of the key officials in charge of maintenance of law and order, control of crimes and also management of relief and rehabilitation affairs did not discharge their duties properly which encouraged the miscreants to organise more criminal activities and further aggravated the situation. The Forum approached the Odisha Human Rights Commission for proper investigation on the negligence of duties and a formal case was registered vide case no. 472/2009 dt. 28.03.2009 and the process is going on.

## **Demand to Postpone Elections**

As the large nos. of victims were in miserable condition and away from Kandhamal, the delegation had also met the Election Commission of Odisha Ms. Alaka Panda, Bhubaneswar to postpone the election and submitted a memorandum on dt. 07.04.2009.

## **Demand for Intervention of Governor of Odisha**

His Excellency Governor of Odisha S.J. Muralidhar Chandrakant Bhandare was also kind enough to have a long discussion with the delegation on the memorandum submitted to him on dt. 03.06.2009 and issued instructions to the District Administration vide letter no. 2879 to take adequate action on the demands.

## **Joint Political Action**

As an important part of lobby and advocacy the Forum organised a joint Dharana in co-operation with all political parties, organised mass Rally and Public meeting **in front of Odisha Legislative Assembly** on dt, 12.06.2009 while the Assembly session was going on in which all the different party leaders participated and submitted a memorandum to CM with their joint signatures condemning the violence in Kandhamal and also demanded appropriate action against the culprits.

### **Approached Mr. M.P.Pinto and Mr.Chidambaram**

Forum Members also met **Mr. M.P.Pinto, Vice– Chairperson, National Minority Commission** on dt. 14.06.2009 at DRDA Conference Hall, Collectorate, Phulbani and submitted a memorandum after a long discussion on the prevailing situation in Kandhamal in the presence of the District Magistrate and Superintendent of Police, Kandhamal.

Forum also met **Mr. P.Chidambaram, Home Minister, Govt. of India** on dt. 26.06.2009 during his visit to kandhamal and submitted a memorandum seeking his immediate intervention to restore peace and normalcy in Kandhamal.

### **Youth Training Programme**

A youth training programme was organized at Daringbadi, Kandhamal from dt. 5<sup>th</sup> & 6<sup>th</sup> July 2009 at Daringbadi to sensitise and cap cited the youth relating to conflict resolution and peace building process in Kandhamal.

### **Demand for Inclusive and Transparent Process**

A mass Rally, Dharana and Public Meeting was organised in front of the office of the **District Magistrate of Kandhamal** on dt. 15.07.2009 demanding an **inclusive, transparent, participatory peace process** taking into account the root causes of the recurrent violence in Kandhamal and a memorandum was submitted.

### **Demand to Arrest the Criminals/Trouble Makers**

The real criminals and leaders of the violence are yet to be taken to task and not arrested. The attacks on the helpless are still going on. The complainants and witnesses are threatened not to give evidence. Thus most of the criminals are getting acquitted in the Fast Tract Court Trials. Social Organisations dependant on so much external support , sectarian and individualistic in approach and create more divisions and disunity face the challenges.

### **Human Rights Activist Attacked**

Forum has approached the Odisha High Court and Human Rights Commission, for protection as the Human Rights Activist Mr, Issac Dugal was brutally attacked by a group of miscreants with arms on dt. 03.09.2009.

## **Training on Forest Rights**

A two day training programme was organised by the PAG members at Banabasi Seva Samiti, Balliguda on Forest Rights Act 2006 and Rule 2007 from dt 19.09.2009 to 20.09.2009 with Mr. Hemant Naik as Resource person.

## **Social conflict, Dialogue and Social Healing**

Understanding and Addressing Social Conflict: Justice and Peace Initiative through training and capacity building was organised at ST. Vincent, Gopalpur on dt. 17.10.2009. Mr. Vincent Ekka of ISI, New Delhi attended the programme as resource person.

Members of KFPJ attended the Court of Human Rights Commission, Odisha on case no. 472/09 dt. 22.10.2009 and participated in the hearing.

Members of KFPJ met **the State Health Minister Mr. Prasanna Acharya** on dt. 24.10.2009 and discussed on the situation of implementation of NRHM in Kandhamal and participated in the high level meeting and discussed on various health related issues in which the Health Secretary Ms. Anu Garg, Health Director and other top ranking officials attended.

A team of KFPJ under the leadership of Keshamati Pradhan met the member of Parliament Mr. Rudramadhav Roy, MP, and Kandhamal and appraised him the situation in Kandhamal on dt. 08.11.2009.

A team also attended AISF at NAWO and discussed with John Nayak, Retd. DIG Police at YMCA, Bhubaneswar on dt. 08.11.2009.

A delegation on behalf of KFPJ met Sj. **Muralidhar Chandrakant Bhandare, His Excellency Governor of Odisha** on dt. 9<sup>th</sup> Nov'2009 and submitted a memorandum demanding immediate intervention of His Excellency on Kandhamal communal violence and put forth nine fold demands in relation to protection of the victims, proper assessment of the loss, adequate relief and rehabilitation of the affected people, identify and make arrangements to return them back home from the displaced places, legal support to the victims and also stringent action against the criminals involved in the attacks.

On dt. 10.11.2009 the delegation also met **Ms. Pramila Mallick, Minister, Women and Child Welfare** and also the chairperson of District Planning Board, Kandhamal discussed on various development issues and raised issues of non inclusion of ST/SC and women in the development process of Kandhamal and submitted a memorandum demanding for an inclusive process, representation from ST, SC, Women and Minority in development committees of the district, review and re-examination of Govt. And non-Govt. Aid for last 10 years most particularly joint monitoring of relief and rehabilitation activities relating to Kandhamal violence.

Representatives of KFPJ attended the capacity building meeting related to Human Rights on dt. 14.11.2009 at CYSD organised by People's Watch.

### **Consultation for Strategic Action Plan**

On 18<sup>th</sup> Nov'2009 a District Level Consultation meeting was organised at Kupanaaju. G.Udayagiri to reassess and develop an appropriate strategic collective and inclusive intervention in relation to Kandhamal violence and people based effective process in which the leading indigenous peoples leaders, women and youth student leaders, advocates and media persons attended.

On dt. 29.11.2009 a District Level meeting was organised at G.Udayagiri to restore peace and justice in Kandhamal basing on the local indigenous culture, traditional fellow feeling and protective rules and regulations in which the leading indigenous peoples leaders Goura Ch. Pradhan, Ajaraj Pradhan, Sanunga Pradhan, veteran women leaders Sumabati Pradhan, Merry Pradhan, Keshamati Pradhan, Brajabandhu Nayak and Ramesh Ch. Nayak , Sri Basanta Pradhan, Chairman, G.Udayagiri Block and Panchayat Sarapanchas like Surendranath Pradhan, Sarapanch, Raikola, Bilasini Pradhan, Sarapanch, Gressingia, Sarapancha, Lingagada, Sarapancha, Ratingia talked about the traditional cultural indigenous values, peaceful co-existence, prevailing symbiotic relationship amongst the communities and strongly advocated in support of the traditions and language which used to bind people together for peaceful co-existence. All unitedly decided to counter the evil designs and aggressive actions of external fascist divisive forces to restore peace and justice in area.

## Media:

### **Reports of the media on riot at Kandhamal:**

#### **Feature editor, journalist, and Kedar Mishra opiniates:**

In the context of the Kandhamal riot, the media committee a major mistake by doing a **wrong analysis of the basic facts** regarding the district.

The language used in the media for the minority was one of disdain and pity, which needs to be condemned.

The acceptance of large section of the media of what the Sangh Parivar wanted people to accept was a matter of serious concern. For example, The New Indian Express (25 August 2008) reported, *“The state Government again harped on the Maoist theory a day after the brutal killing of Swami Laxmananda Saraswati. But is not too convenient o being true? The left radicals have always stayed clear of religious issues and there has been n precedence of any attack on such grounds. Why would the Maoists, whose armed struggle thrives on the very faith of the local and indigenou populace, target a leader who enjoyed such a support base in a tribal district? This is something that defies logic. While the Government has a point behind masquerading the reason, it is about time it came with the rise of Christian militancy in the State.”* (April, 2009, a Report by PUCL, Bhubaneshwar & Kashipur Solidarity Group, Delhi, ‘Crossed and Crucified, Parivar’s War against Minorities in Orissa’)

If we look at the reports of all the three TV channels from Orissa i.e ETV, OTV and Doordarshan and Oriya Dailies, it will be clear that the true causes of the riots has not been truly analysed because of the Religious meanness and Elite mindset. The local media being in the hands of the High caste Hindus, therefore the Christians have not got their due. The Christians have been held accused for their role in conversion. Even if the journalists report that the Sangh Parivar is responsible for the riot they somehow entangle the Christian minority in it. The purported attack on Swami Laxmanada Saraswati was grossly exaggerated in the media. The local media has failed in its role to unearth the conspiracy of communalism and has the responsibility to abate it. Whatever that the affected people said lacked the element of suffering in it.

**A large section of the media refuted the Maoist connection and blamed the Christian community without any credible evidence.** The media would cover up for the organized role of the Sangh Parivar in the violence in Kandhamal by relying on the baseless theories of religious conversion and blaming the Christian community. The forced conversions by the Sangh Parivar were not acknowledged by the media. Finally when the Maoists distributed their pamphlet taking up the responsibility of killing the Swami, the media thought of owning moral responsibility and tendering an apology.

No importance was attached to the minority community. On the contrary, the statements of the fundamentalist Hindus and their organizations were dealt with in a great detail.

The intellectuals and the experts in the field were not asked about their opinions on the riot. Whatever articles by the eminent persons that came out in the newspapers were by the retired IAS and IPS officers.

The opinions of the ones affected were never published. Another matter of regret is that the hearts of the journalists did not melt to present the sad tale of the victims. Very often things were written by the journalists as per their whims and there has not been much effort by the editors to look into it.

The National Dailies which have local editions give importance to the statements of the Government officials. The reporting s of the Times Of India, Indian Express, The Pioneer and The Induetc, were done from the Secretariat in Bhubaneshwar by giving importance to what the Chief Minister, chief secretary, the Home secretary and director general of police said to the National dailies which revealed the true nature of the incident. The Sangh Parivar used the local media to argue that the riots were caste base and not communal in nature. The opinions of all the sections of the society were not taken into consideration at the time of the riot or after that. Very few journalists visited the affected areas.

The obnoxious statements made by the Swami about not limiting agitation of the Hindus to burning of tyres but also how many houses that needs to be burnt, I the Daringbadi Health center in the presence of Journalists and police was not covered by the local media. Swami Laxminanda while being treated in Cbin no: 3 of the surgery department also said that the missionaries were trying to establish special Christian zones in the divided districts of Phulbani, koraput, Kalahandi, Bolangir and in Bhanjanagar of the district Ganjam, Khandapada of the district of Nayagarh and in anugul and Athamalik for which money flows from U.K and U.S. Because of all this the age old ventilation of the Hindus were getting ventilated through the riots. No media has questioned Laxmananda. Sometimes some media channels and newspapers have unnecessarily tried to show the involvement of the Naxals in the Kandhamal riots and therefore in this effort have tried to rope in some voluntary organizations and secular intellectuals.

Instead of following the journalistic norms, most reports were driven by political compulsions. Most newspapers reflected a particular political party's stand and the tendency was more towards achieving political benefits rather maintaining high standard of humanitarianism. It has only left a stigma on the morality of the local media.

There is an attempt by the media to draw a divisive line among the Paanas and the Kondhs. Through certain reports they have created the wrong idea that conflict I Kandhamal is caste related conflict and not due to communal feeling.

Seventeen percent of people of the district are Dalits, ninety percent of them are Christians, eighty percent of them are landless, and therefore without mentioning concrete cases our journalists have built a context. Majority of the journalists of this district are not original inhabitants as they are coming from other districts and are buying Adivasi lands and are settling there.

Most of the vernacular media has been silent about the recon version of some section of the villagers who have returned to their native villages; however some national dailies acknowledged the fact. Since Conversion to Hinduism is a condition for the Christians to return home, photocopies of application forms, expressing one's desire to return to Hinduism were circulated in the relief camps. People were asked to sign and return it to the RSS leaders.

There were pictures of grotesque violence in the newspapers, but it did not represent the situation of the victims in the relief camps. The voices of the victims of the violence did not find enough space. In the Kandhamal violence, the media completely ignored the

people who were brave to fight human values even though some of them also gave their lives for it.

The role of the media was only professional. Mrinal Chatterjee of IIMC, Dhenkanal, (Oriya language Press: Status, Problems and Prospects presented at the University of Pune in February 2007), stated that it is very clear that the major vernacular dailies are mostly controlled by the politicians.

The role of the Media was most dubious to say the least. Analyses of the coverage by Samaj, Sambad and the Dharitri shows that the main Oriya Language Press reported very little of the violence, gave extensive coverage to the excuses offered by the Sangh Parivar and the blame they put on the Christian missionaries in the teeth of the Maoist claim, described the rampaging violent mobs as ‘agitationists’ and ignored the pathetic condition of the refugee camps.

Samaj, the leading Oriya daily, said that even if Maoists committed the murder, they must have been hired by the Christian missionaries. ‘That should not cause surprise, for have they not spent lumps of money on proselytisation? Even when the violence was reported, it was invariably reported as ‘violence caused by the killings of Lakshmananda for the conversions conducted by him was adopted by the media and thereby legitimized.

The views expressed by Shankaracharya of Puri, Praveen Togadia, Ashok Singhal and other VHP leaders attacking Christians and demonizing them was reported on page 1, while the victims of the violence had to trek down to Bhubaneswar for weeks through the jungles and meet the press in the Capital to have their stories reported in at least some papers. There was no report on the sexual assault on Sister Meena Lalitha at K. NUagaon until a correspondent of The Hindu came down from outside the state to write about it. The substance of the reporting by the local press was that a) It was not the Maoists but Christian missionaries who killed Lakshmananda, b) Conversion is the root of the problem, c) Lakshmananda was the saviour of the tribals, d) Adivasis are Hindus and conversion to Christianity is polluting, e) Panos are outsiders and they have grabbed the lands of the Kandhas, f) Christians, i.e the converted Panos- have fraudently grabbed the benefits given by the law to the tribals, g) Tribals are becoming a minority in the district due to the conversions, h) Christian leaders are exaggerating the happenings to give orissa a bad name in Europe and the US and i) reconversion is an essential activity.

### **EDITORIAL IRRESPONSIBILITY:**

The local media has failed utterly to analyse and evaluate the Khondmal riot. So did the Administration, civil society, political parties, local leadership and the police. If one analyses the reports and editorials of the local papers it will show clearly how they have failed to hint at the failure of others. The Khondmal riot started on 24th. The Samaj in its 30th and 31st December 2007 and 1st January 2008 editions carried three reports under the title "Postmortem". Those three reports were full of contradictions, and were misleading. While The Samaj blamed in its first report the VHP, it blamed the Christians in the second and the Naxals in the third report for the riot at Khondmal. One thing that is clear from it that The Samaj was not sure about its stand in this issue. The most interesting thing was that there was not even a single statement of any affected person in

their one thousand and five hundred-word article. Nor were the opinions or reactions of the minority community placed in it. The report on 31.12.2007 ran like this:

Getting foreign fund, support of two retired IAS Officers and encouragement of local MPs the Christians in the sensitive district of Kondhmal are said to be getting more and more strengthened. As a consequence, the caste-based conflict of Kondhmal has taken the shape of communal riot. The Kondh-Paan conflict was the main conflict in Kondhmal but two retired IAS Officers and the local MP have started encouraging the Christians. The pouring of foreign fund has acted like ghee in fire. In no circumstances the tribals of Kondhmal fall victim to the allurements of the Christians to get converted. The two retired IAS officers are exercising their power and contact to get funds for tempting the tribals. It has come to such a stage that if there are five wards in a village there are five churches or prayer halls in that village. With their blessing from those officers and MPs the Paans try to show off their affluence to the tribals and poor Hindus. This has resulted in a large scale dissatisfaction even among the tribal Christians. While the tribals are Baptists the Paanas are Roman Catholics. Only in Siarigaon of Katingia Panchayat and in Saraguda some tribals are Roman Catholics. Baliguda, Ghumusar, Udayagiri, Nuagaon and Daringbadi Blocks have a large number of Christians in comparison to other Blocks of the district.

What could be the purpose of this report? It is childish to claim that riots become frequent with the increase of numbers of prayer halls and organizations of the minority community. It is still more ridiculous to make issues out of it in prominent newspapers. Due to baseless and misleading reports people become biased. It is surprising that the journalist who asks the minority community people about their foreign funding does not ask the same question to the Hindu fundamentalists. Nobody asks whose assistance has helped the Chakapad Ashram grow in the last twenty years. Where from do crores of rupees come to support the Hindu organization and its movement? Before bringing Radhakant Naik, John Naik and Issac Behera to the witness box our journalists should not forget to ask the same question to the Orissa branch of BJP. While Kondhmal was bruning how did the newspaper publish in bold letters the BJP's irresponsible statement "Kandhmal Riot is the creation of Christian NGOs?" The BJP leaders have not been questioned further about this statement in press conferences. The Prajatantra on 17.1.2008 ran the following report:

The BJP has alleged that some organizations run by the Christians are responsible for the present riot at Khondmal. For this purpose the names of some organizations and NGOs operating there have been published. Jewel Oram, a senior leader of BJP, in a press conference on Wednesday said that deceptive news is given currency. It is said that the Christians there are a minority. The Hindus have been oppressing them and that this not is created by VHP and BJP. But this is absolutely false. The truth is that the Hindus are a minority there and they are being oppressed instead. In Brahmani gaon Christians numbering about 5000 attacked the Hindus. Their houses were burnt. Visiting that area Jewel Oram came to know that those Christians were armed and supported by such NGOs as Action Aid, NISWAS, SFDC, Aama Gaon, CPSW and Alok Grama.

The communal politics operates on baseless and misleading facts. We get to hear such a voice from Juel Oram. Here the question is whether the journalists should have quoted him in verbatim? He has only lied. He is not supported by facts when he is alleging anybody. It is nothing but political motivation to bring changes against any organization without facts and proofs. By encouraging such sick mentality the mass media is setting a dangerous trend.

On January 10, 2008 The Sambad carried an editorial essay by Banabihari Panda, the former Director General of Police. Such types of editorial page articles are supposed to be based on facts and analysis of those facts. But it was nothing but a collage of reports, rum ours and so-called news. Banabihari Panda wrote:

The event following it is attack on Swami Laxmanananda Saraswati. It was reported in the newspapers that about 200 people armed with la this; sticks and spears stopped his vehicle and attacked him. This incident is solely responsible for the riot in Khondmal. Many opine that had this incident not happened the riot would not have spread so rapidly. Therefore those who attacked him should be booked and punished. Some churches were burnt. That is to be condemned. Church is a prayer hall, where God is worshipped. Those who committed this crime should be punished. Likewise it is reported that five temples have been razed. Those who did it should be equally punished. Burning a church or breaking a temple is unpardonable. All those miscreants should punished." It was never considered whether such an article should be carried as an editorial piece. There is no official report that any temple was razed in Khondmal. The media did not report from this angle either. Some leaders like Juel Oram have shamelessly claimed that the Christians are not a minority in Khondmal. The population of the district of Khondmal is 6,48,201. Out of that while 5,27,757 are Hindu 1,17,950 are Christian. Instead of refuting misleading facts of the leaders the media has highlighted them. Excepting a few stray villages in Khondmal the rest of the villages have a minority of Christian population. The Sangh Parivar claimed that it is a caste-based conflict not a communal riot: so did the mass media.

The Sangh Parivar has repeatedly changed its role in the context of the Kondhmal riot. If now it claims that Kondhmal unrest is due to conversion then it would say that it is merely caste-related conflict. In order to suppress the event the spokes person of the Sangh parivar, Ram Madhab had written in rediff.com on January 8, 2008, "We must not ignore the fact that Kondhmal is for that matter many such incidents have been a localized incident; not a phenomenon as the candlelightwalas should want us to believe."

The Sangh Parivar had advised the civilized society to take it lightly. Further, that it was not a communal riot; rather there are many political reasons involved in it. And the local media knowingly or unknowingly acted as a facilitator. Within a week only three persons died while hundreds went missing. 71 churches, 48 prayer halls, 5 convent schools, 7 hostels, 2 vocational centres, more than 500 houses and 126 shops were burnt. Fire was

the greatest weapon in it. In this heinous attempt to wipe out the minority the media did not even play a neutral, not to speak of a deterrent role.

### Warning for the Local Media

This -news in the RSS portal is untrue and motivated. Almost all the local newspapers and TV channels have in loud and clear voice stated that the Christians were worst affected in this riot and that they were the victims of the hatred breeding politics of RSS. Here are mentioned a few excerpts from the newspapers:

"The Brahmanigaon and Daringbadi are tense due to mutual distrust. There are clashes and house-bumings. No particular community can be blamed for this. The minority community had to face the wrath and violence of the majority. Even after getting the intelligence report the Administration did not take necessary steps. As a result of which the riot spread to nearby regions. The Viswa Hindu Parishad played a major role in the worst affected village, Brahmanigaon; so did the majority of Christians in Daringbadi. After its primary investigation the Samaj reported that the Viswa Hindu Parishad and the controversial Collector of the district, Bhabagrahi Mohapatra were solely responsible for the communal riot that began on the last twentyfourth. The Parishad says that the riot ensued after its leader Swami Laxmananda was attacked which is not true. Rather, it was the VHP which first initiated it in Brahmanigaon".

On 25th evening more than 3000 supporters of VHP and RSS came to Barakhama with weapons and lathes. They began with looting and ended with damaging property. The houses of 285 Christians were burnt within an hour. 215 houses were half-burnt or damaged. Lakhs' of rupees, golden ornaments and costly home appliances were looted. Even the pet animals were not spared. ( The Samaya-09.01.2008)

These two reports have clearly held Sangha Parivar responsible for riot. Both the electronic media and print media have firmly condemned the role of Sangha Parivar. There is yet a conspiracy in branding the local media as the sympathizer of the Sangha Parivar. A dividing line was also drawn regarding the true nature of the local and national media in the Gujarat riot. The Gujarati media was said to be the blind supporter of the Sangha Parivar. This divisive role of the Sangha Parivar is nothing new. The Sangh Parivar lauded the local media to have used parochial, identity as a weapon.

### **WHO IS RESPONSIBLE FOR THE RIOT?**

The wound of the riot of December 2007 is yet to heal. Finding ever other excuse the Hindu fundamentalist organizations and the organizations at the district level at Khondmal, supported by them have been blocking roads and staging demonstrations.

Trying to analyse their causes the media have only misled the public opinion. They lack data. Even if they might have it they do not analyse it. In preparing this project I have collected and analysed more than 200 reports, articles, editorials and interviews. Some of the reports have already been analysed. The reports I have analysed have clearly reflected the mental conflict of the journalists and how they have confused the general public. The Journalists never concentrated on certain required points. Those reports repeatedly blamed conversion and appropriation' of land as main causes of riots. In its article, "Behind the Unrest of the Kondhmal" on July 11; 2008 The Sam bad wrote:

"Appropriation of land of the Adivasis is one of the major reasons which contribute towards conflict in Kondhmal. It is for years that deceptive methods have been taken to appropriate the lands of the Adivasis, thereby displacing them. As a result, they are like refugees in their own native place. The provision has it that a non-Adivasi cannot buy an Adivasi's land. As per the Regulation II, 3 and 4, 1956 a special court has been created under the Sub-Collectors of Phulbani and Baliguda. Such cases are to be tried on priority basis in these courts while many cases of appropriation of Adivasi Lands by non-Adivasis are pending in this court. There are many instances when the Adivasis who won the decree have not been able to get back their lands due to lack of assistance of Administration and police. As there is a dearth of household and cultivable lands in Kondhmal its inhabitants are facing a lot of difficulty. If they get their household land and cultivation land much of their problems could be solved. In Kondhmal the loss of caste is another root cause of unrest."

Reports of this kind have created a wrong idea among the people that it is cast related conflict and not day to communal feeling. There is an attempt to draw a divisive line among the Paanas and the Kondhs. Seventeen percent of the population of the district is of Dalit caste. Ninety percent of them are Christians. Eighty percent of them are landless. Without mentioning concrete cases our journalists have built a context.

According to 2001 Census, of the total population of the district, i.e. 6,48,201, 3,36,809 are Adivasis. They constitute 52% of the total population. Another section has created conflict between 52% Adivasi and 17% Dalits. The mass media is precisely silent about them. It is a worth-mentioning fact that majority of the journalists of this district represent that third section. They are not the original inhabitants of the district. Coming from other districts they have bought the lands of the Adivasis and are settling there. Another strange fact is that in Kondhmal there are not many lands under the ownership of the raiyats 88% of the land of the district is in the ownership of the government. Out of that 71% is reserved forest and 17% un-reserved forest. There is only 12% of the ownership of the land by the individuals. Those who benefit most from the 12% of the land are the ones who have come to and settled in Khondmal. If an analysis of population growth of this district from 1961 to 2001 is made it will be like this: Adivasis 70%, Dalits 60%, whereas non-Adivasi and non-Dalit Hindus are 134%. This unnatural growth is the root of all problems. The Adivasis and Dalits are exploited; their lands are snatched away from them. In this regard both are victims of exploitation. The mass media has never given importance to it.

As there is no cordial relationship between the Khonds and Paans a fictitious history about them has been spread by the local Hindu fundamentalist organizations and political parties. Regarding it L. S. S. O'Malley says in his **Bengal District Gazetteer**, which was published in 1908:

In the Khondmals, the Paans were the serfs of the Khonds. They worked on their farms and wove cloth for them, in return for which they obtained a small area of land, grain for food and all their marriage expenses; they used also to procure victims for the Meriah sacrifices. Their serfdom was so well recognized that if a Paan left his master and worked for another, it caused serious dissensions among the Khond community. To this day there is a settlement of Paans - a kind of Ghetto - attached to every large khond village, where they weave the cloth the Khonds require and work as farm labourers. The picture remains more or less the same today except for the Meriah sacrifice'. In lieu of Meriah, buffaloes are being procured for sacrifice.

The Adivasis and the Dalits are having a long history of living together. After the emergence of the fundamentalist Hindu organisations in the seventies there has been an ebb in their relationship. Consequentially there have been more than five riots in Khondmal since 90s. There have been repeated attempts to suppress the Christian organizations operating in this district. It has already been mentioned that there are more than five lakh Hindus in this district. Basically the Adivasis are not Hindus; they have their own customs and tradition. They have been constantly projected on the official as well as non-official levels as Hindus. When the Sangha Parivar started this programme in Orissa it chose Khondmal as it is dominated by the tribals. It tried to inculcate in the Adivasis a feeling through different ways that they too are Hindus. Some local leaders who used adivasis to gain political mileage joined the Sangh parivar. The nexus between the Sangh parivar and the leaders of the Adivasis came to light during the riot. The joint efforts of the Kui society and the Sangh Parivar made the riot more complicated. That complication is yet to be untangled. Even today Khondmal is tense and the lives of the minority community are threatened.

## **Final questions: need of the hour – a view by Hemant Naik:**

As the voice from the affected people and local based initiative we have made it very clearly in our statement that the said violence was not due to the religious or caste related ill feeling in between the so called Hindus and Christians, SCs and STs, Kandhas and Panos of Kandhamal. The local aborigines are peace loving, believe in peaceful co-existence as the local Kui culture is an accomodative culture.

The indigenous communities of Kandhamal are the distinct people are neither religious fanatics nor casteists in a strict Brahmanical sense. It is not justified to project that Hindus attacked Christians, destroyed Churches and Christians attacked Hindus, Kandhas attacked Panos and Panos attacked Kandhas because of their long standing animosity and exploitation. The real trouble makers are the immigrants (outsiders) those who entered into the area managed to illegally grab land in this protected scheduled area and set up their profit making business establishments. Locally they are called as Saasi laku as they profess a different culture, religious belief and follow a different way of life. They are the real land grabbers, exploiters, patronisers and leaders of all hatred campaign and ill feeling based on fascist political ideology.

Hence in the present context it's diverting and not fair to discuss so much on how many Churches and temples were constructed, increase of population of Hindu and Christians in Kandhamal, conversion and re-conversion, killing of Swami Laxmanananda Saraswati and Christian Priests as the main concerns. We have nothing to do with religion and caste as it is purposefully projected by the people with vested political and socio-economic interest. The real criminals and the leading actors involved in the violence thus escape from the process of inquiry and main point of attention. We believe in a people based inclusive process and never work against any particular religion or community. No doubt collective action for collective benefit and effective change can yield better result in the process.

Nobody talks about the source of finance, deadly weapons and explosives used in the violence for mass killing and destruction. Nobody questions on the role of the administrative machinery why it failed to maintain law and order and protect the lives of innocent people. Why the IMR and MMR, socio economic condition and destitution, drop out rate and also pass out rate in schooling in Kandhamal is alarming in the country? Why there is large scale acquittal in the criminal justice system relating to the Kandhamal violence? Why the utilisation of huge amount of development aid never examined and progress evaluated? Why the domestic and international human rights protective instruments to safeguard the interests of the indigenous people and socially vulnerable communities are not enforced? Why nobody is questioning about the transparency and the involvement of the local community leaders in the ongoing peace building, relief and rehabilitation process? Why initiatives are not taken for a lasting peace and sustainable development taking into account the root cause of the violence and the increasing trend up poverty in Kandhamal? Why identity issue is not inquired properly and settled up permanently?

We stand with our statement and prepared to co-operate with all those who are really interested to work for the peace and justice in Kandhamal.

Hemant  
Convenor,  
Kandhamal.

Naik,  
KFPJ,

## **Some recommendations made by Angana Chatterji:**

### Recommendations for action in the United States

Various diasporic charitable organisations affiliated with Hindu nationalist ideologies operate in the United States. This has been well documented... These organisations routinely maintain links with Hindu nationalist leaders and organisations in India, including in Orissa. As well, these diasporic organisations seek to influence public discourse and policy in the United States that relates to India. They also fund-raise to export capital and resources to counterpart/affiliate organisations in India, including in Orissa, that assist in various ways in promulgating Hindu nationalist ideology. It is imperative that charities involved in work that promulgates and maintains an infrastructure of hate and violence against minorities be so designated. A list of such charities must be responsibly developed in consultation with academics, researchers and independent bodies with relevant expertise on the subject. Following such identification, investigations must be undertaken by relevant authorities into the actions of these organisations operating with charitable status.

The categorisation of organisations that promulgate divisiveness, hate and violence must occur with the utmost care and in a transparent manner so as to not infringe on the freedoms, rights and entitlements of organisations that legitimately undertake charitable work, or ensue the demonisation of vulnerable groups and marginal, even unorthodox, perspectives. The objective is not to further involve the state in public life but to note that the state is already involved in the ability of these organisations to function.

Hindu nationalism operates as a transnational movement and the reach of its affiliated 'charitable' organisations in the United States continues internationally through groups they fund and support in India. Halting their interventions requires new ways of thinking about domestic and foreign policy and necessitates coordination between the United States and India as a tenet of bilateral cooperation.

### Toward the above and further

1. Undertake a systematic, routine and detailed investigation into the actions of diasporic Hindu nationalist groups to identify and investigate their status, actions, finances, and the actions and affiliations of their membership in the United States as well as their affiliates and cadre. These groups must be investigated and monitored and, as appropriate, requisite action must be taken and sanctions must be imposed on their activities.
2. Many of these organisations, registered as charitable entities in the United States, routinely allocate sizeable amounts of money under 'programme services', disproportionately directed to Hindu nationalist and affiliated groups in India. The effects of this have been documented in the organised violence against Muslims, aided by officials of the state government at the highest level, in Gujarat in 2002.

3. Certain diasporic organisations affiliated with Hindu nationalism, such as the India Development Relief Fund (IDRF, Tax Identification Number 52-1555563) and Vishwa Hindu Parishad of America (VHP-A, Tax Identification Number 51-0156325), Sewa International (Tax Identification Number 20-0638718) and Ekal Vidyalaya Foundation of USA (Tax Identification Number 77-0554248), are registered as charity organisations in the United States. As their work appears to be political in nature, they should be audited and recognised as political organisations.

A serious concern is whether the activities of these fall within the objectives of their tax-exempt status; whether in fact these organisations should have been registered as 501(c)3 groups given the nature of their activities; whether the monies collected are indeed used for the purposes for which they were collected; and whether illegal and political activities are being carried out in the name of social work. Given these concerns, the charitable status, and the rights and privileges thereof, enjoyed by these groups should be reviewed and, where appropriate, revoked. Further, their activities should be monitored to determine their role in fomenting hate and undermining the human rights of various individuals and groups in India.

The VHP failed to gain recognition at the United Nations as a ‘cultural organisation’ in 1999 because of its philosophical underpinnings even as the VHP-A continues to function as an independent charity, registered in the United States since the 1970s.

4. The Hindu Swayamsevak Sangh-USA (Tax Identification Number 52-1647017, an ideological affiliate of the militant Rashtriya Swayamsevak Sangh in India) and VHP-Overseas (Tax Identification Number 04-3576058) are registered as 501(c)3 groups and operate as cultural organisations, seeking to mainstream and lobby Hindu nationalist concerns in the United States. The impact of their activities in promulgating hate and perpetrating ‘terror’ and communal violence in India must be investigated.

5. Monitor visa issuance to, and the travel of, Hindu nationalist leaders and activists charged with involvement in criminal acts. A case in point is Mr Narendra Modi, the incumbent chief minister of Gujarat, who has been implicated in the violence orchestrated against Muslims in 2002 and whose visa was revoked by the United States in 2005 following advocacy on the part of civil society groups and academics in the United States and support from congressional members.

6. Ensure that appointees to federal and state positions or those that serve in an advisory capacity or as experts to state officials are scrutinised for affiliations or linkages they may hold within Hindu nationalist groups. These affiliations, where they exist, should not be treated as benign and a reasoned investigation must be undertaken to determine whether the prospective appointee or adviser is able to fulfil requisite service obligations with ideological and practical distance from Hindu nationalist agendas. A case in point is Ms Sonal Shah who was appointed to President-elect Barack Obama’s 15-member transition team in November 2008. While her list of accomplishments and expertise runs high, she has worked as a national coordinator for the VHP-A and served on its governing council

and her organisation, Indify, affiliated with Ekal Vidyalaya of India and supported the ideological and political premises of Hindu nationalism and their action programmes.

7. Ensure that international human rights and independent monitoring groups are invited to India on a regular basis to monitor the status of religious freedom and human rights of minority communities and allied faith and secular peoples and groups. The ability of international human rights and independent monitoring groups to work in alliance with local civil society institutions is crucial to interrupting the isolation disenfranchised/minority groups experience and producing accountability.

8. Ensure that the constitutionality and transparent implementation of security laws of India, as they pertain to religious groups and religious freedoms, are able to be rigorously monitored by international human rights and independent monitoring groups in alliance with local civil society institutions. These laws have been, without due cause, disproportionately and variously used by law enforcement agencies in India against minority communities and those dissenting unethical practices of the state and their rights have not been duly protected.

9. All bilateral projects must be assessed for their human rights implications and cost-benefit analyses undertaken to determine/ensure that these projects are in fact positioned to make contributions that are empowering for disenfranchised groups, including minorities, so as to enable the restructuring of inequitable and institutionalised relations of power that lead to majoritarianism and communal violence.

Actions applicable to Orissa and at the national level in India

Reciprocally, it is important to note certain actions that have been proposed by concerned citizens in India that the Government of India and Government of Orissa must undertake toward effective intervention into the organisation and growth of Hindu nationalism. Toward this:

1. In India, the CBI must be required to expeditiously investigate the activities of the Bajrang Dal, the VHP and the RSS in Orissa and apply, wherever necessary, relevant provisions of the Unlawful Activities (Prevention) Act 1967. Section 2G of the act, 'unlawful association', denotes: (1) "that which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or through which the members undertake such activity"; or (2) "which has for its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code 1860 ([Central Act] 45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity".

2. A review panel must be appointed by the Government of Orissa, in consultation with the National Human Rights Commission, the National Minorities Commission and other relevant independent bodies, to identify and investigate the status, actions, finances and membership of Hindu nationalist groups and their affiliates and cadre and the actions of their membership. These groups must be investigated and monitored and, as appropriate,

requisite action must be taken and sanctions must be imposed on their activities and reparations must be made retroactively to the affected communities and individuals. The Government of Orissa must act to stop instances of communalisation from escalating into violent episodes.

3. Hindu nationalist leaders, activists and organisations in Orissa charged with involvement in criminal acts and involvement in actions that have led, or may lead, to communal violence must be investigated and prosecuted.

4. Certain organisations, such as the VHP and Vanvasi Kalyan Ashram, are registered as cultural and charitable organisations. As their work appears to be political in nature, they should be audited and recognised as political organisations. A serious concern is whether the activities of Hindu nationalist charitable organisations fall within the objectives of the social trust/public charitable trust and whether in fact these organisations should have been registered as social trusts given the nature of their activities; whether the monies collected are indeed used for the purposes for which they were collected and whether illegal and political activities are being carried out in the name of social work. Given these concerns, the charitable status, and the rights and privileges thereof, enjoyed by these groups must be reviewed and necessary action taken.

5. The Government of Orissa and the central government must make concerted efforts to identify, investigate and eradicate paramilitary hate camps being operated in Orissa by the Hindu nationalist groups that instruct cadre in arms training and militancy with the express purpose of threatening and destroying disenfranchised and minority populations through social and economic boycotts, sporadic and organised intimidation, arson, rape, murder and other forms of social, gendered, sexualised, economic and physical violence.

6. Various police and court investigations related to crimes against minorities have not been undertaken in Orissa. On various occasions the police have refused to file first information reports (FIRs). Police desks should be set up for registering minority grievances and filing FIRs and the Government of Orissa must appoint a team of special public prosecutors to conduct proceedings as necessary. Toward this, independent monitoring bodies must be supported and protected.

7. The Government of India and the Government of Orissa must take adequate and expeditious steps to ensure that those who convert voluntarily to Christianity, Islam or any other faith are allowed to practise their religion. Failing to do so is in serious violation of Articles 25-28 of the Constitution of India, which define the fundamental rights of every citizen of India and those that the Government of India and the Government of Orissa are obligated to uphold. Toward this, independent monitoring bodies must be supported and protected.

8. Hindu nationalist organisations are forcibly converting Christians and other non-Hindus in Orissa to Hinduism. Sangh parivar activists claim India to be a Hindu nation and all Adivasis (tribals, indigenous peoples) and Dalits (erstwhile 'untouchable' groups) to be 'originally' Hindus even as Adivasis and Dalits often do not self-identify as such.

Drawing on such rationales, Hindu nationalist organisations justify coercion in ‘bringing back’ Adivasis or Dalits to Hinduism. Urgent steps should be taken to stop the Hinduisation of these communities by means of coercion or duress. The police and courts must act immediately and authoritatively to stop Hindu nationalists from enacting forcible conversions or ‘reconversions’ and the police must be required to submit regular and public reports documenting their work in this matter.

9. The disparagement, demonisation and vilification of any religion should be statutorily prohibited and held punishable under the IPC.

10. The Orissa Freedom of Religion Act 1967 must be reviewed and repealed.

11. The Orissa Prevention of Cow Slaughter Act 1960 must be reviewed and repealed.

12. The Government of Orissa must establish and activate the State Minorities Commission.

13. The BJD-BJP coalition government in Orissa must honour the constitutional mandate requiring the separation of religion from state.

14. Police, judicial and governmental reform, including diversity training, must be addressed by relevant state institutions and action taken against officers of the law and political servants who abuse their position of public trust by using their power to influence and support Hindu nationalist organisations and sustain a climate of communalism in Orissa.

15. The Government of Orissa must adopt an integrated and sustainable approach to community development and make concrete efforts to stop further ghettoisation of minority communities. The Government of Orissa must promote non-segregated localities, housing complexes, housing societies, clubs, educational and recreational institutions and the Government of Orissa must publicly support social interactions, including voluntary inter-caste, interfaith and inter-class unions, marriages and partnerships.

16. The Government of India must issue a white paper on bomb blasts and terror attacks in India and constitute a joint parliamentary committee that investigates such incidents.

17. The law should be amended to obviate the requirement of prior sanction of the state before prosecuting anyone for hate speech.

18. The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill 2005, introduced in the Parliament of India in December 2005 and approved by the union cabinet in March 2007, must be passed, and with the requisite amended clauses to ensure state accountability. The bill, advocated by citizen-motivated efforts for the prevention of genocide and crimes against humanity, in its official formulation as introduced by the Congress government, remained deficient in defining procedures for state and public

accountability. As presently drafted, the law will become applicable only selectively. An amendment should do away with the law being made applicable only selectively, at places and times as convenient to the state. In addition, there exist no dedicated provisions for reparation and rehabilitation of victims/survivors. The bill fails to address issues of negligence displayed by state authorities in preventing and controlling communal violence and in disbursing timely and just compensation and psychosocial rehabilitation as well as establishing parameters for witness protection and for soliciting and recording victim testimonies. It fails to chart measures to bring justice and accountability with regard to gender and sex-based crimes in the event of communal violence (which is not effectively addressed by the IPC or separate legislation) and in imposing checks and balances on the state and its police and security forces, whose inertia and majoritarian complicity in communal collisions have been consistent.

19. On November 29, 1949 India became a signatory to the Convention on the Prevention and Punishment of the Crime of Genocide, approved by the United Nations General Assembly resolution 260 A (III) of December 9, 1948. On August 27, 1959 India ratified the Genocide Convention. However, India is yet to fulfil its obligatory commitment to enact legislation to implement the convention, which it must be compelled to undertake.

## Charting the history of sangh parivar violence in Orissa

BY ANGANA CHATTERJI

"Before the mob came we heard the sound of people approaching. The sound of hatred. Our lives, our faith, our existence is under attack and neither the neighbours, the police nor the state care." – Dalit Christian woman in Kandhamal

"We are waiting for the next riot. We do not know where it will happen but we know that Kandhamal was a warning, not the end." – Christian labour organiser

### Event

December 25, 2007: Seven churches, Catholic, Protestant, Pentecostal, independent... burned in Barakhama village, in west Kandhamal/Phulbani district, central Orissa. December 23: Hindutva-affiliated Adivasi organisations organised a march, supported by sangh parivar groups, rallying: 'Stop Christianity. Kill Christians'. They called for a strike on December 25 and 26, demanding that Dalit Christians be denied scheduled caste status. A Dalit Christian leader from Barakhama testified: "On December 22, hearing of plans to create trouble during Christmas, we went to the local police and informed them of the situation. They assured us that things would be under control. On December 24, in the daytime, we heard voices of Bajrang Dal, VHP, RSS, Shiv Sena people, chanting: 'Hindu, Hindu, Bhai, Bhai', 'RSS Zindabad', 'Lakshmanananda Zindabad'. They shut down shops. That night they felled trees to block roads, severed power and phone lines. On the 25th, we went to the inspector in-charge of police again. On the 25th, at 2.30, about 200 of us sat

down to Christmas prayer at our church and around 4 p.m. we heard the mob approach."

The mob, about 4,000 persons, many bearing symbolic tilaks, belonged to various sangh parivar groups named above, incited local Hindus into rioting. Estimates state 20 per cent of the mob comprised of people from Barakhama, 80 per cent from surrounding Balliguda, Raikia, Phulbani, as far away as Behrampur. In Barakhama, Christian homes were selected for destruction by the mob, Hindu homes spared. A Dalit Christian woman testified: "They broke the door to our church. We ran. We fell and kept running." Women and men were intimidated and assaulted. Cries of 'Jai Bajrangbali' rent the air. 'Christians must become Hindu or Die. Kill Them. Kill Them. Kill Them. Gita not Bible. Destroy their Faith.'

The crowd carried rods, trishuls (tridents), swords, kerosene. They used guns, a first in Orissa, weapons available in the market and makeshift local fabrications. Predominantly middle class caste Hindus participated in looting, destroying and torching property. They threw bombs to start the fire. The breakage was systematic, thorough. Women and men hid for days in forests in winter temperatures, later seeking shelter in the Balliguda town relief camp, returning to decimated Barakhama on January 2. Engulfed in soot and sorrow, people attempted to function amid charred remnants. A woman said: "Everything burns down and we are left with nothing. How little our lives are made (of). How alone we are, so far away from everything."

In Balliguda, in one church, furniture was dragged out, lit into a grotesque sculpture. The private violated in public, made spectacle. A Catholic church burnt, opposite the street the fire station witnessed the incident but did not intervene. A cow, dragged from a shed, set afire, was beaten to death, identified as 'Christian'.

Earlier, on December 23, Hindu activists organised a conversion ceremony for Pastor Dugal from Kutikia gram panchayat and 12 members of the Christian community. Pastor Dugal was beaten, forcibly tonsured and then paraded naked as he refused to reject Christianity.

On the morning of December 24, at approximately 11 a.m., activists from various Hindutva groups, including Bajrang Dal, VHP, RSS, Vanvasi Kalyan Ashram, organised vandalism of Christmas symbols erected on the occasion of Christmas and unleashed turmoil in Brahmanigaon/ Bamunigaon village in central Kandhamal. Some among the 3,000-person mob of Hindutva activists were armed with guns. Reportedly, shots were fired on Christians, wounding two young boys. The Church of Our Lady of Lourdes was decimated. Unarmed police, present near the spot, failed to act. After these events, on December 24, sources state, the car in which Lakshmanananda Saraswati, the influential, octogenarian Hindu proselytiser who was travelling to the site of the incident to organise a yagna to rouse Hindu sentiments against Christmas, was stopped by Christians. The vehicle and driver were knocked around. Saraswati claimed to the press that he had been injured while eyewitness accounts and doctors' statements contradict this and his own activities point to the contrary. Following Saraswati's allegations, Hindutva groups called for a 36-hour strike on the evening of December 24. Then followed the violence across Kandhamal, stretching over a three-day period in which Christian communities were attacked by Hindutva groups and their cadre.

It has been stated by members of the Hindu community that Christian display of

religiosity, and the economic privilege that allowed for such exhibition, led to the rioting. It has been a focus in the press that Christians in one area in Brahmanigaon responded with violence. It must be noted that Christians in one area did respond with some, not proportionate, violence. In the absence of state action in curbing Hindutva's aggression, this might have aided the Christian community in checking Hindutva's violence. It must be noted that Christian retaliation in Brahmanigaon did not endanger bodies but focused on destroying property even while Hindutva's violence explicitly sought to endanger Christian bodies.

Minority failure to submit to state and majoritarian (by the majority community) subjection becomes a manifestation of 'evil'. Dominant rationale reduces this to majority vs minority communalism. This position appeals to liberal notions of 'balance' and fails to scrutinise state violence (often greater than, and inciting of, group violence). Rather than focus on systematic targeting of Christians, their overwhelmingly peaceful submission to Hindutva's violence and vast structural injustices and differences in relations of power between majority and minority, the scrutiny appears to be focused on the failure of all Christian groups to simply submit to dominance.

### Impunity

'Bharatmata ki Jai (Hail to Mother India)' – Hindu nationalist and militant organisations

Targeted: Balliguda, Brahmanigaon, Barakhama, Bodagan, Chakapad, Daringbari, Goborkutty, Jhinjirguda, Kalingia, Kamapada, Kulpakia, Mandipanka, Nuagaon, Phulbani, Pobingia, Sindrigaon, Ulipadaro villages... Convents and presbytery in Balliguda, Pobingia, Phulbani, Brahmanigaon... Two hostels each in Balliguda, Brahmanigaon, Pobingia. Minor seminary and a vocational training centre in Balliguda. Organisational offices, as that of World Vision, destroyed. Across Kandhamal, approximately 632 (some place the number at 700) Christian homes, 80-95 churches, mostly in villages, and 94-96 institutions were destroyed, vandalised and torched. Homes and institutions were robbed, cash, jewellery, implements, machinery and other valuables looted. A Hindutva mob surrounded Tikabali police station, two jeeps were torched.

In the week following the attacks, hundreds of people were missing. Some remained lost to their families three weeks after the event. Large numbers sought refuge in the nearby forests, including children, women, the elderly, persons with disabilities, including mental illnesses. Some sustained burn and other injuries. Women were molested. Death counts remained inaccurate, the unofficial number of deaths noted at 11, four died under police fire. Following the violence, the administration neither documented the devastation nor participated in its expeditious clean up. The police refused Christians seeking to file FIRs while Hindutva activists filed charges against members of the Christian community. As well, Christians attempting to file FIRs are confronted with Hindu religious symbols ever present in (hostile) public places. The Balliguda relief camp was skeletal, its distribution discriminated against women.

As people returned to rows upon rows of uninhabitable homes, the administration offered people one blanket and a shawl, some clothes, rations. Despite continuing tensions, police presence abated within a week of the riots. Confidence-building steps are absent.

The sangh parivar's charge that the riots are a part of ethnic violence is contradicted by the timing of the violence. Certain members of sangh parivar organisations, especially the Bajrang Dal, claim in private that some Hindutva activists had come from Gujarat to offer support in Kandhamal. Sangh parivar activists charge that they will resume their attack against the Christian community once the Central Reserve Police Force withdraws, to 'teach them a lesson'. Immediately following the event, relief, compensation, reparation measures, were incommensurate with the extent of social, psychological and economic losses and segregation experienced by communities.

#### Judicial inquiry commission

The extent of the violence and coordination of attacks across mountainous terrain lead independent investigators to conclude that the violence was planned, that the police had prior knowledge of Hindutva groups' intent to riot. The pertinent district collector and superintendent of police have been transferred, not discharged. A Judicial Inquiry Commission (JIC) chaired by a former (not sitting) judge has been appointed by the Government of Orissa to investigate the riots. Its power/legitimacy is in question. Its mandate is not binding on the government. The central government did not appoint an inquiry by the CBI, even as it is apparent that the very administration that failed to contain the riots and delayed deploying adequate forces, and whose officials at the district level may have been involved in its execution, cannot administer justice.

It is important to note that Chief Minister Naveen Patnaik's celebration of his party's 10th anniversary coincided with the riots. The celebration had required that large numbers of the state's police forces be moved out of districts to the state capital, Bhubaneswar. This made it difficult for the police to respond to the emergent situation in Kandhamal on December 24-25. Certain bureaucrats allege that the Orissa government initially directed forces against intervening.

Hindutva activists have lobbied the JIC to organise its terms of reference premised on the claim that an attack on Lakshmanananda Saraswati by Christians in Brahmanigaon propelled the riots which they allege to have been spontaneous. This timeline, as explained above, is falsified.

#### Hinduisation of Kandhamal

The Kandhamal riots were not unexpected. The progressive Hindutvaisation of Hindus in Kandhamal has enabled the sangh parivar to act with impunity. Lakshmanananda Saraswati has been overseeing Hinduisation there since 1969. Adivasis, Dalits, Christians, Muslims, are targeted through social and economic boycotts, forced conversions to Hinduism (posed as 're'conversion which presupposes that Adivasis and Dalits were 'originally' Hindus even while they may/do not self-identify as Hindus) and other violences. The Orissa Prevention of Cow Slaughter Act, 1960 deployed against Muslims; the Orissa Freedom of Religion Act, 1967, against Christians. The district witnessed Hindutva's violence in 1986, followed by the sangh parivar's growth in the area. An Adivasi sangh leader from Phulbani, a close associate of Lakshmanananda Saraswati and a Vanvasi Kalyan Ashram teacher as well as a self-proclaimed expert at lathi-wielding, echoes the sentiments of colleagues from the Nikhil Utkal Kui Samaj, a sangh-affiliated Adivasi organisation that works in the district: "We are promoting Hindu rituals amongst vanvasis ('forest dwellers', derogatory naming of Adivasis) who are all Hindus. Lakshmanananda

Saraswati has been a restraining force on the Christians who were doing the conversion work."

Through the Kandhamal riots of 2007, Hindutva's discourse named Christians as 'conversion terrorists'. In September 1999, Catholic priest Arul Das was murdered in Jamabani village in Mayurbhanj, followed by the destruction of churches in Kandhamal. In August 2004, Our Lady of Charity Catholic Church was vandalised in Raikia and eight Christian homes burnt. Then too, as this Christian leader stated: "They broke everything in the church, the idols, and burnt the holy book. They burnt some of our houses. The parish priest saw all this helplessly. The people who entered the church were traders and other RSS activists but many were outsiders, maybe from Kattingia, where there is an RSS stronghold. The police were there but did not do anything." The Raikia incident led to the economic and social ghettoisation of the Christian community.

Raikia is proximate to G. Udaigiri town where sangh parivar mobilisations significantly increased between 2000 and 2004. In May 2007, Pastor Pabitra Kumar Kota was beaten. In October 2005, converting 200 Bonda Adivasi Christians to Hinduism in Malkangiri, Saraswati stated: "How will we... make India a completely Hindu country? This is our aim and this is what we want to do. The feeling of Hindutva should come within the hearts and minds of all the people."

In April 2006, celebrating RSS architect Madhav Sadashiv Golwalkar's centenary, the sangh organised the Asthamatruk Rath Yatra, aimed at converting Christians to Hinduism. Saraswati, with VHP and RSS leaders in attendance, was triumphant, as eight chariots, named after female deities, travelled through Orissa carrying sanctified water and soil from a multitude of villages, calling on Orissans to assemble 'Akhand Hindu Rashtra'. Presided by Saraswati, seven yagnas were held, culminating at Chakapad in Kandhamal district, at the Sammelan attended by 30,000 Adivasis from across the state. Hinduised Adivasis are required to work with both sangh parivar groups and ruling political parties. On April 9, 342 Christians, and on April 10, nine Christians from over 74 families were converted to Hinduism. In September 2007, the VHP organised a road and rail blockade in Orissa, against the supposed destruction of the mythic 'Ram Setu' (bridge). Hindutva militants, Praveen Togadia and Subash Chouhan, returned to Orissa, rousing sentiments for Hindutva's political and spiritual victory. Between July and December 2007, sangh-organised rallies travelled across Kandhamal, raising sentiments against Christians in the district.

Hindutva organisations have charged that Christian conversions in the area and the interventions of Maoist groups led to a spontaneous outburst from Hindus, culminating in the Kandhamal riots of 2007. Maoist groups are not operational in the areas where the violence took place, even as sangh parivar groups have witnessed an upsurge in recent years in those exact areas.

Numbers and rates of conversions to Christianity are inflated by the Hindu Right and circulate in retaliatory capacity even within progressive communities who fixate on such conversions as contributing to the communalisation of society. Christian conversions are storied as debilitating to the majority status of Hindus in Orissa while Muslims are seen as 'infiltrating' from Bangladesh, looting livelihood opportunities from residents and dislocating the 'Oriya (and Indian) nation'. Hindu nationalists place Christians and Muslims in the liminal in-between, as concurrently internal and external to the nation/as enemy. Non-Hinduised Adivasis and Dalits are perceived as 'unruly'.

Hindutva leaders rumour: 'Phulbani-Kandhamal is a most important Christian area in Orissa with rampant and forced conversions'. However, the Christian population in Kandhamal district is 1,17,950 while Hindus number 5,27,757. Sangh leaders claim: 'By the VHP data there are 927 churches in Phulbani district built on illegally taken land'. Church leaders respond that there are 521 churches in the district, on legally acquired church property, and estimate as few as 200-300 consensual conversions and baptism ceremonies annually in Phulbani town with a faintly elevated figure in rural Kandhamal (per the All India Christian Council, AICC, statement of 2005). Many of these churches are administered by the Church of North India, which was inaugurated in Nagpur in 1970 and is registered as a society under the Societies Act XXI of 1860. While few members of certain Christian sects, such as some Pentecostals, may preach in public places, most, such as Catholics, do not. Conversions to Christianity do not occur with the intent to destabilise the Hindu or other communities, and the content and programme of church-based education does not foster communal hatred or divisiveness in thought or deed.

The sangh parivar makes claims that are unsubstantiated – that Christian missionaries (who are mostly of Indian descent) and Muslim traders have caused the destruction of tribal culture and undertaken the illegal acquisition and encroachment of tribal lands since the early 1980s. While the delegitimisation of Adivasi rights to lands and their displacement from customary and communitarian property are serious and righteous grievances, Christian missionaries and Muslim traders are not the primary reason for the land grab and the paucity of land reforms in Orissa. Such rumouring is acceptable to the dominant caste groups, even as general caste land grab is the primary reason for the disenfranchisement-displacement of Adivasis from traditional rights to land. In 1998 there was an agitation for land reforms that did not translate into practical implementation.

The situation is compounded by a decline in the actual number of available employment and income generating opportunities in the area. Kandhamal remains socio-economically vulnerable, with a large percentage of the population living below the poverty line. In addition, 60 per cent of state-operated schools are without teachers while schools operated by Christian organisations are usually available in townships. In a context of disenfranchisement and poverty, and the need to work and the unfeasibility of acquiring employment after basic schooling, the rate of student attrition within Adivasi communities, for example, in G. Udaigiri, is very high at the school level, with only three per cent continuing through completion.

The Christian community too is economically disenfranchised in Kandhamal. A majority of the Christian population, local Christian leaders state, is landless or marginal landholders, with an average holding of half an acre per family. Christian leaders said that the church does not convert under duress or offer money in lieu of conversions. In the 1960s and 70s, when there was a thrust in conversions, Adivasis benefited through accessing health care, education and employment offered by Christian missionaries.

The politicisation of Adivasis and Dalits leads them to claim that Hinduism is distant to them, 'outside' to them. This is dangerous to the sangh parivar's ideology which uses the notion of 'Adivasis as Hindus' to connect Hinduism across time in the space named India and 'Dalits as Hindus' to maintain its numeric dominance. Politicised Adivasis and Dalits are named 'terrorist', 'Maoist', 'militant'. Hindutva rumours that Dalits are exploiting Adivasis and that land is a major contention between them.

Dalits are posed as 'dangerous', as the claiming of the identity of 'Dalit' is a politicisation debilitating to the sangh parivar. (Dalit: Marathi for oppressed or 'broken', from the root 'dal', which denotes dispersion (symbolic and literal, of those that mistreatment has violated). Term used by Dalit peoples and groups for self-identification in politicised contexts.)

Hindutva rumours that Dalits have acquired economic benefits, augmented by their Christianisation. This is not borne out in reality, as Dalits remain landless – in Kandhamal, approximately 90 per cent of Dalits are landless. Hindutva rumours that the 'success' of the Dalit community is causing economic rift in the area and the success of Christian Dalits is causing communalisation. In reality, it is the Hindu caste business community that maintains economic privilege/dominance in the area. Their economic power is however justified in the interest of maintaining and growing the ('shining' Hindu/Indian) nation.

In Hinduising Adivasis and polarising relations between them and Dalits in the area, the sangh parivar has engineered rivalries between Kandha Adivasis and Pana Dalit Christians in Kandhamal, instigating against the latter's campaign for scheduled tribe status. Dalit Christians, under current law, forfeit their right to affirmative action. In current law, Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 held caste and religion to be mutually exclusive: 'no person who professes a religion different from the Hindu (later amended to include the Sikh or the Buddhist) religion shall be deemed to be a member of a Scheduled Caste' (Ministry of Law and Justice, 2006).

Functioning against the right to freedom of religion, per these provisions, Dalits who convert to Christianity or Islam, Jainism and Zoroastrianism, and other faiths, are divested of scheduled caste status and affirmative action afforded by the state via the 'reservation' system for scheduled castes and tribes, and refused benefits granted those that identify as Hindu Dalits. This, Christian leaders contend, impacts the ability of Dalit Christians to secure resources routinely controlled by those from upper caste backgrounds. Dalit converts to Hinduism are not denied such rights.

Discriminated against on the basis of religion, marginalised peoples that discard or function outside Hinduism are barred from equal access to affirmative action that their ethno-cultural and class status allocates. This rejection disregards that benefits reserved for scheduled castes and tribes are premised on feudal, colonial and post-colonial structural mistreatment of such peoples, not religion alone. Religion functions in a Hindu dominant nation as race did under colonial rule, informing hierarchies that define purity and impurity, belonging and un-belonging, 'norm' and 'other'.

State institutions are in internal disagreement over the issue of affirmative action for religious minorities. Responding to a writ petition (No. 180 of 2004) filed by the AICC via the Centre for Public Interest Litigation, the Supreme Court of India asked the Government of India for arguments and guidelines on broadening the assistance of 'reservation' to scheduled castes that convert to Christianity. Muslim organisations too have campaigned for the inclusion of Muslim Dalits in diverse forms of affirmative action. The government deferred the issue to the Ranganath Mishra National Commission for Linguistic and Religious Minorities, even while the Commission's jurisdiction was advisory and did not extend to decision making on such matters. The Mishra Commission's report was released to the press on May 21, 2007 and its recommendations advocated that the benefits of 'reservation' be extended to Dalit

converts to Christianity and Islam and that religion be dissociated from scheduled caste status in implementing affirmative action. On July 19, 2007 the Supreme Court referred the matter back to the central (Congress) government for its decision which remains pending.

### Fascisation of Orissa

Hindutva mythologises the demise of Hinduism in 'Hindustan', legitimating violence as just response, patriotic and pro-national. Majoritarianism (assertions by the majority, here Hindu, community toward acquiring and maintaining social, economic, cultural, political, religious, legal and state-nationalistic power, where majoritarian aspirations are linked to 'truth' and 'freedom') operates with an explicit mandate to maintain dominance and Hinduise non-Hindus and other marginal and secular groups, including Christians, Muslims, Adivasis and Dalits, with the goal of creating a Hindu state in India. The record of majoritarian group violence against disenfranchised sections of society in India poses a threat to internal peace and security. These communal groups and their affiliates and cadre often operate outside the purview of the law.

The sangh parivar titles itself as an adjunct and/or adversary to the state that offsets governmental failure by dispensing 'morality' and 'progress' to citizens. The sangh's governance in Orissa parallels that of the state and collaborates with it. In the last decade, violence against minority groups in Orissa has included social and economic boycotts, forced conversions, intimidation, murder, arson, rape, looting and other extralegal actions. The sangh uses local militarism (as in Kandhamal) as consort to state controlled militarisation (as in Kshipur, where in December 2000, three Adivasis were killed in police firing, and Kalinganagar, where in January 2006, 12 Adivasis and a policeman were killed in police firing).

Hindu cultural dominance organises Hindu nationalism. Orissa amalgamated as a majoritarian/Hindu state between 1866 and 1936, consolidating its position as the earliest linguistic province. The absence of structural reforms and assertion of Hindu elites defines post-colonial governance. The sangh has proliferated into 10,000-14,000 impacted villages through sectarian relief work in the aftermath of the 1999 cyclone that left 10,000 dead.

The sangh parivar seeks to build a cadre comprised of Hindus, men and women, and targets Christians, Muslims, Adivasis and Dalits and other disenfranchised and progressive and secular groups in Orissa. Orissa has a population of 36.8 million (Census 2001). Of this, 7,61,985 – 2.1 per cent – are Muslims. Orissa Christians number 8,97,861 – just 2.4 per cent of the state's population per the census of 2001 (in 1991, it was 2.1 per cent and in 1981, 1.7 per cent). There are 6.08 million Dalits in Orissa, 16.5 per cent of the population. Adivasis are 8.14 million in number, 22.1 per cent of the population, the largest among all states in India.

The sangh has amassed between 35 and 40 major organisations with numerous branches (including paramilitary hate camps) in 25 districts in Orissa, with a massive base of a few million operating at every level of society, ranging from, and connecting, villages to cities, and Orissa to the 'Hindu nation'. Conscripted into Hindu activism is coordinated through political reform, propaganda/thought control, cultural and religious interventions, developmental/social service and charitable work, sectarian health care, unionization and revisionist education. The Sangh has inaugurated various trusts and branches of national and international institutions in

Orissa to aid fund-raising, including the Friends of Tribal Society, Samarpan Charitable Trust, Sookruti, Yasodha Sadan and Odisha International Centre.

The Sangh Parivar's agenda is enabled by the staggering inequities present in the state, where severe social and institutionalized forms of caste, class, gender and heterosexist oppressions and caste, class, gendered and sexualised violence are rampant. Unemployment is on the rise in Orissa and abysmal daily wages prevail; 47.15 per cent of the total population lives in poverty while 57 per cent of the rural population is poor (87 per cent of the state's population lives in villages currently and per the 2001 census, there are 51,352 villages in Orissa). Among the Adivasi population, 68.9 per cent are poor while 54.9 per cent of Dalits live in need. Among the Muslim population, 70 per cent are poor in Cuttack, Jagatsinghpur and Puri districts, where they are concentrated.

The female to male ratio is a problematic 972 per 1,000 in Orissa and the Human Rights Protection Committee and the Orissa Crime Branch reported that in the last decade (1990-1999) the state has recorded a 460 per cent increase in dowry related deaths relative to the previous decade.

In Orissa, about 2.5 hectares of irrigated agricultural land is required for a family of five to meet subsistence requirements while the average family owns about 1.29 hectares. Women seldom hold joint or individual title to land, which debilitates their ability to independently secure livelihood resources. Additionally, only 21 per cent of all land available for cultivation is irrigated. The cyclone of 1999 and the droughts of 2000 and 2003, the floods of 2001, 2003, 2005, 2006 and 2007, have presented overwhelming challenges for the environmental and economic well-being of the state.

In Orissa, efforts at land redistribution and reforms have been insufficient and state and bilateral development, anti-poor and pro-corporatisation politics and practices and the privatisation of resources and development have systematically deprived the poor of rights to decision making over livelihood and survival resources, led to rampant displacement, police brutality and even deaths and denied them their customary rights to public resources such as forests and water.

#### Recommendations for action in Kandhamal

In Kandhamal, Hindu militant groups, neighbours, the police, the chief minister, the central government, acted with egregious impunity. The activities propagated by Lakshmanananda Saraswati and his followers are of serious concern to the health of society and prompt seditious, anti-minority propaganda and hate actions. The BJD-BJP coalition government in Orissa refuses to honour the constitutional mandate to maintain the separation of religion and state. Political parties, focused on politicking the issue, are ill-equipped to respond to immediate and long-term needs of people. The communal situation in the state remains at par with an emergency. The Government of Orissa has failed to respond to these issues and the serious concerns they pose to democratic governance in the state.

The state government has halted individual relief measures, stating that such action escalates tensions in the area. Church leaders organised to provide relief, which has been targeted as an act of missionising. The police have been reticent to act against Hindutva activists who mobilise Hindu contingents in and around relief camps, or

take action against sectarian relief organised in the 'Hindu Relief Camp' in Karadavadi village in adjacent Ganjam district. State-organised relief and rehabilitation measures have discriminated against the Christian community and not met local needs.

The state government must provide adequate short-term supplies to the families whose homes have been destroyed. Compensation must match the values of demolished homes and enable people to rebuild and restock their dwellings. Surveys to determine losses must be undertaken collaboratively with local people, rather than ethnocentric treatment of them as a hindrance to the process, as 'thieves' intent on profiting from the situation.

Initially, in response to queries, the Orissa state government had claimed that as many as 4,000 trees may have been felled to allow for the blockade of roads and breakdown in communications. According to the forest department, it appears that as few as 351 trees may have been felled. This indicates negligence on part of the state's ability to respond and points to the frailties in communication and infrastructure networks. Faced with this, the government must undertake the necessary steps to provide adequate security to the Christian community in Kandhamal. The centre and civil society groups must monitor such action.

The CBI must immediately investigate the activities of the Bajrang Dal, VHP and RSS, and apply, as appropriate, relevant provisions of the Unlawful Activities (Prevention) Act, 1967. Section 2G of the act, 'unlawful association' denotes: (1) 'that which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or through which the members undertake such activity'; or (2) 'which has for its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code 1860 ([Central Act] 45 of 1860) or which encourages or aids persons to undertake any such activity; or of which the members undertake any such activity'.

The status, actions and finances of communal groups and their affiliates and cadre, and the actions of their membership must be identified and investigated. These groups must be investigated and monitored, and, as appropriate, requisite action must be taken and sanctions be imposed on their activities, and reparations be made retroactively to the affected communities and individuals.

Certain organisations, such as the VHP and Vanvasi Kalyan Ashram, have been registered as charity organisations. As their work appears to be political in nature, they should be audited and recognised as political organisations. A serious concern is whether the activities of these fall within the objectives of a trust; whether in fact these organisations should have been registered as social trusts given the nature of their activities; whether the monies collected are indeed used for the purposes for which they were collected; and whether illegal and political activities are being carried out in the name of social work. Given these concerns, the charitable status and the rights and privileges enjoyed by these groups must be reviewed.

The right of individuals to undergo religious conversions is constitutionally authorised, unless under duress. Historically, conversions from Hinduism to Christianity or Islam have occurred for multiple reasons, such as being a form of resistance among the elite and as a way to escape caste oppression and social stigma for Adivasis and Dalits. Societal or Hindu 'feelings' about conversions to Christianity or Islam does not render these conversions inappropriate, invalid or

illegal. It is only in circumstances where conversions occur coercively or are undertaken with the intent of mobilising a culture of hate, as, for example, undertaken by Hindutva activists, that conversions must be disallowed.

It must be noted that 'reconversion' strategies of the sangh parivar appear to be shifting in Orissa. In Kandhamal, for example, public and exhibitionist conversion ceremonies that particularly targeted (primarily Dalit and Adivasi) Christian community members and non-Christian Adivasis, forcing them to submit to Hinduism, have been fewer in number in 2007 than between 2004 and 2006. Converting politicised Adivasi and Dalit Christians to Hinduism is proving difficult for the sangh parivar. The outcry against such ceremonies from the Christian community and certain human rights groups might have influenced a shift. The sangh parivar has instead increased its emphasis on the Hinduisation of Adivasis by making them a part of Hindu rituals and ceremonies (as during the Sammelan) which, in effect, 'convert' Adivasis into Hinduism by assuming that they are Hindu. Such 'conversion' tactics are diffused and no longer have to negotiate certain legalities which public and stated conversion ceremonies did. On converting/'reconverting' to Hinduism, Adivasis are expected to join Hindu caste society as Sudras, a 'higher' placement than Dalits in the caste hierarchy, sangh activists say.

Dalit Christians are doubly discriminated against, as Dalits and as Christians. Post-Hinduisation, Adivasis are being mobilised against Christian groups. Adivasis are incited into targeting Dalit Christians, both fomenting Adivasi-Dalit divides and vitiating the historical solidarities between them. This is crucial to Hinduisation. It also acts to warn non-Christian Dalits against conversion to Christianity.

The Hindutvaisation of the Hindu community, and Hinduisation of the secular, allows the sangh's escalation. This process unfolded in Brahmanigaon, for example, where the growth of the business community has supported the rise of the sangh parivar. Hindutva conversions served to terrorise the Adivasi and Dalit community, via which the sangh parivar achieved its preliminary expansionist goals. While ceremonial conversions continue sporadically, a more protracted and dispersed strategy of Hinduisation through incorporation and assimilation is aggressively pursued as effective methodology.

The Orissa Freedom of Religion Act, 1967 must be repealed. Provisions for preventing and prohibiting conversions that commence under duress and coercion already exist under the Indian Penal Code (IPC). There is no basis for the existence of a separate law, especially one that sets draconian parameters and has been used by communalists to target and prohibit voluntary conversion within minority, especially Christian, communities. The Orissa Prevention of Cow Slaughter Act, 1960 too should be repealed. Provisions for preventing and prohibiting cruelty to animals already exist under the Prevention of Cruelty to Animals Act, 1960 and there is no basis for the existence of a separate law, especially one which is utilised to intervene on the livelihood practices of economically disenfranchised groups with detrimental effects, such as among Adivasis, Dalits and Muslims, who engage in cattle trade and cow slaughter.

Postscript

The Kandhamal riots story betrayal, indifference, negligence – of nation, government, humanity, disregard for law and order, gendered violence enacted with impunity. 'Minorities' and other disenfranchised are denied self-determination. The

state endows the 'victor', the hegemon named 'majority'.

The Kandhamal riots of 2007 barely registered in the nation's memory. Muslims targeted in the Bhadrak riots of 1991 still await justice in Orissa. The history of state accountability in preventing and administering justice in instances of majoritarian violence is frail. The incapacity of the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, introduced in the Parliament of India in December 2005 and approved by the union cabinet in March 2007, attests to this. The bill, advocated by citizen motivated efforts for the prevention of genocide and crimes against humanity, in its official formulation as introduced by the Congress government, remained deficient in defining procedures for state and public answerability. It failed to address issues of negligence displayed by state authorities in preventing and controlling communal violence, and in disbursing timely and just compensation and psychosocial rehabilitation, as well as establishing parameters for witness protection and for soliciting and recording victim testimonies. It failed to chart measures to bring justice and accountability with regard to gender and sex-based crimes in the event of communal violence (which is not effectively addressed by the IPC or separate legislation), and in imposing checks and balances on the state and its police and security forces, whose inertia and majoritarianist complicity in communal collisions have been consistent.

In 2003, Subash Chouhan, then state convenor of the Bajrang Dal, had stated: "Orissa is the second Hindu Rajya (to Gujarat). Whatever happens here, say politics happens, it will have to be Hindutva politics, with Hindutva's consent." In December 2007, Narendra Modi, Gujarat chief minister, in command over police and law enforcement machinery and as such culpable for the participation of the Gujarat government in the genocide of 2,000 Muslims, was re-elected. On December 31, 2007, Prasant, upper caste RSS worker in Orissa, stated: "Gujarat remains the guiding light for Hindutva and our conscience as Hindus." Recent atrocities in Kandhamal confirm his assertion. n

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Note:

Readers will notice certain statistical and other discrepancies in the two reports on the violence in Orissa's Kandhamal district. A possible explanation for this is the time-lag between the two pieces. The preliminary report by the fact-finding team was brought out within days of the violence whereas Angana Chatterji's piece was written some weeks later.

Given the nature and inaccessibility of the terrain as well as the current status quo in Orissa, exact figures will probably not be available until some time later.

## **Annexure-1**

### **Burning Case studies of the people who have sacrificed their lives for the Christian faith.**

Abhimanyu Nayak

Age-44 years

Village- Barapalli

Block-Chakapad

District-Kandhamal.

Date of incident: 27.07.09

Home is a place where the joy and happiness of heaven is found; it was that home where Priyatama Nayak with her daughter Ragini and son Tukuna and her beloved late Abhimanyu Nayak lived together. A small family of late Abhimanyu Nayak, for the last 25 years at Barapalli resembled a small stream having no objection towards flowing the great ocean. On 27th Aug'08 Mr. Nayak with his daughter Ragini was asleep in their Verandah with a sweet dream of new day and new life. At about 11 o'clock in the night, around 150 perpetrators wearing mask on their face carrying lethal weapons in their hands rushed towards Barapalli. The rushing sound of the perpetrators echoed like a heavy snore of a dragon. Without much delay they came to Abhimanyu's house, snatched him from the clutch of his sweet daughter Ragini and dragged him to the nearby jungle. Abhimanyu felt that a furious tiger had eloped him from home to devour. He was hopeful of giving a good kick, if the tiger attack him for he possessed a sound health. Soon he found himself with heavy flogs all around his body by the so-called human beings (perpetrators). He was mercilessly beaten up and made naked and struck with iron rods and axe. He was then completely exhausted and with folded hand appealed for release but he was mocked at and was taken to a nearby mango tree with his hands and legs tied and were made to hang from the branch of a tree. A drum of kerosene and diesel were poured on him and finally he was set ablaze. The perpetrators believed he was dead, so they dispersed from the spot. The rope with which he was hanged from the branch got perished because of the fire and immediately he fell to the ground like a ripe mango. When he found himself untied he collected all his left energy and ran towards his home, which he desired the most. Eighty percent of his body was burnt and roasted because of the fire. His daughter Ragini witnessed this entire incident done to her father; she became dumb and speechless. Her father asked Ragini to call her mother, perhaps to share his last words with her. When his beloved wife came closed to him she was stuck with wonder and was breathless. When she tried to place his head on her chest she found fleshes dropping down from his arms. She found her husband burnt completely and was scared to touch him lest all his flesh would come out from the body. This made her feel as if a sword had pierced into her hearts. Abhimanyu full of hope and faith called his family members together and advised them to be loving and forgiving as Jesus loved and forgave the sinner for those who did crime to him. He further appealed them to leave the village and tell others to do the same. Priyatama and her two kids meanwhile had shed all their tears and their hearts broken. Priyatama was hopeful that her husband would never dismay them and would be healed. So she took her courage and struggled to bring her husband back into normalcy, but all her efforts were in vain. Abhimanyu sternly looked at Priyatama for a while and his two loving kids and breathed his last.

Christian faith takes away husband's life

Name of the Victims: Sibino Pradhan

Village: Shisapanga

Panchayat: Manekeswari

Block: Raikia

District: Kandhamal.

My name is Smt. Anita Pradhan, age about 28 years, w/o-late Sibina Pradhan belong to Kandha by caste and Christian by religion of Shisapanga village, police station Raikia of Kandhamal district. So far the incident is concerned; on 22nd Aug'08 some body (unknown person) had died from Nilagiri Street (cluster), which is coming under our village (Shisapanga). But on 25th Aug'08 (Sunday) my husband (Sibino Pradhan), age about 32 years had gone to pay his condolence to the death family, but when he didn't return back to our home in timely, who was supposed to be returned after two days, we started searching to him where about for over his five days but couldn't get his address, In the due course of time on 6th day, having a whiff of his killing we rushed to the spot to see his dead body. When we reached there and saw his dead, by the time it was already in a rotten position where the severe bad smelling was came out. From the reliable sources we came to know that he was brutally killed and mutilated on his way back to Shisapanga village. In the same day I had filed a FIR about the killing of her husband at the Raikia police station. Soon after having the complain the OIC concern went to the spot with his police force and brought the dead body in his police van and did post mortem. Being conformed about the names of the assassinations from the reliable sources, once again filed another FIR against them.

Moreover, in the due course of time, the three murderers sent a warning message to me, by saying if I informed to the police against of them, then they would definitely kill us unlike my husband death including my three children and warn us like "if you are interested to return back to our village with your children, then come ready to adopt Hinduism". When we were in the relief camp our houses and properties were destroyed and looted completely.

Unprecedented riot claims the old man's life

Name of the Victims: Kasipatra Digal

Village: Tatamaha

Panchayat: Mandakia

Block: Raikia

District: Kandhamal.

My name is Sabita Digal, daughter in-law of late Kasipatra Digal, age about 70 years old, resident of Tatamaha village of Mandakia Panchayat in Raikia block of Kandhmal district a believer of Jesus Christ. So far the details of dead Kasipatra Digal is concerned, even though he was a Asthma patient, still he was fine at all prior to the second time communal violence, occurred on 23rd August'08 in Kandhamal district including Raikia block. On 24th Aug'08 when people heard about the wide spread news of Raikia's

communal violence, almost all Christian people of our village were scared overwhelmingly with lot of panic and chaos with having no idea to go where else. On 25th Aug'08 morning the late Mr.Kasipatra digal had fled to jungle along with other 6 members of his family and stayed there in the night and in the very next day returned back to their village and knew that, the Mandakia village Church and all Christian houses would be set fire. Soon after having this news I had packed some of our important articles and fled into jungle with my children. On our way to jungle, due to age old weakness and unable to walk many distance in the jungle my father in law didn't agree to go towards jungle, so I kept him in my friends house belongs to ST Hindu community in our village and fled to jungle once again. In the same day all the Christian houses were burnt completely and destroyed the village church and so on. In the same day the pastor Akbers was also killed barbarously and some acid was put on his face to disfigure it in such a way that it was quite difficult to identify him from his deceased body. By seeing his disfigured dead body he extremely shocked and due to his consistent thinking on same event affected with horror, and upset and got serious. In the next day I went to Raikia relief camp and brought him to there. When his seriousness gets increased, we took him to Raikia govt medical, but the doctor denied keeping there, rather referred to Phulbani district hospital. But Unfortunately due to profound financial crises we couldn't take him and in the next day morning at 9.00 is he died.

In fact my father in law has not been died because of his past disease but due to the repeated thinking and flash backs on disfigured dead pastor Akber and many other horrible scenes of the violence and got serious and died.

Name of the victims	VillagePanchayat	Block	District
Suadev Nayak Budringia	Mandakia	Raikia	Kamdhamal

Wide spread Communal tension claims dying destitute

I am Israel Nayak; belong to Budringia Vt/Po- Mandakia, Panchayat- Mandakia and police station- Raikia, Block- Raikia district-Kandhamal. Ours was a four member family comprised of one son and daughter and my wife. The slain of VHP leader Swami Laksmananda Saraswati on 23rd Aug'08 by some unidentified Moists caused lot of panic and havoc resulting communal violence claimed some many innocent Christian life's, thousands of people became homeless, crores of rupees valued properties looted and destroyed and caused a wide spread damages lead to forceful displacement and migration to neighboring cities' slums and so on. But after all what kind of problem was with us, even if the culprit belong to some other unknown community and religion still why this Christian people are victimized, being a Christian, how I could have escaped from those rioters. So far the violence is concerned, On the next date of Swami' assassination when we heard about the communal violence, within no time we fled to jungle and tried to hide ourselves quite desperately without any food and drinking water, but later we went to Raikia relief camp. When we were in the jungle, my old father was at our house, due to inability to run and walk, at that moment the angry mobs (rioters) came to our house and brought out to my father by giving some kind of forceful pull and push inside our house and forced him to stay outside the house and burnt down all the household assets besides

house. After some days we brought him to Raikia relief camp. In the relief camp, one day when he was in deep sleep in the night fell down all of suddenly, due to which he fell sick and its sickness increased gradually. The day when he got very serious, we took him to Raikia hospital and made him hospitalized as per the doctor's suggestion. In due course of time he kept on toileting in the bed unconsciously and when he got very serious once again he couldn't able to breath in and out, so the doctor applied some oxygen still his seriousness couldn't get over rather came to comma stage. When the oxygen brought out from his nose suddenly toileted severely and died all of sudden. In fact my father's death is not because of his illness but due to the extreme sock he experienced out of violent scenes taken place in front of him. So far my suggestion concerning the rioters they should be punished according to the court of Law.

Name of the victims	village Panchayat	Block	District
Joseph Nayak	Budringia Mandakia	Raikia	Kamdhamal

Name of the victims	village Panchayat	Block	District
Gundramati Nayak	Budamaha Mandakia	Raikia	Kandhamal

Inflicted sick old lady put to death with no medicine

My name is Surendra Nayak, s/o-late Gundramati Nayak, age about 38 year, Village-Budamaha of Mandakia Panchayat that comes under Raikia block of Kandhamal district, On behalf of my mother Gundramati Nayak, I am going to give the details of the death story my father late Gundramati Nayak, age about 60 years, that on 25th Aug'08 evening at around 9.30 pm virtually entire houses of our village were set torched and destroyed properties and some live stokes including our house. Two days before this event my mother had been suffered from Malaria. Having a whiff of communal riots, we had fled to nearby jungle, but due inability and agedness my mother couldn't come to jungle among us, so she was in our house with my elder sister Salamina. During her fever no medicine was available in our home so she couldn't provide her due to the widespread communal violence and scaring of sure killing. On 29th Aug'08 when we were still in the jungle, a person from our village came to us and informed about our mother's death news at around 4 pm in the after noon. Within a moment we returned back to our house notwithstanding consistent tensions in the same evening. On the next day i.e. on 29th Aug'08 we were supposed to bury the dead body but the Hindu people didn't allow us the dead body to be buried as per the Christian faith, but any way they agreed to burn it with the Hindu belief by arranging woods and all necessaries by themselves. Then aftermath of my mother's death they even didn't allow us to do the purification activities as per our rituals and customs rather were forced us to adopt Hinduism.

I had stayed in my village after that incident till ten days, but when I got repeated threatening, came over to the nearby relief camp.

Name of the victims	village Panchayat	Block	District
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Rajesh Digal Bataguda Bataguda Balliguda Kandhamal

I am Smt. Asmita Digal, wife of late Rajesh Digal, belong to Bakingia village of Mandakia Panchayat which comes under the Raikia block of Kandhamal district wanted to give the detail death information on late Rajesh Digal. The late Rajesh Digal was born and brought up in Bakingia village but he and his family had been staying at Bataguda since 5 to 6 years for their livelihood, he had a small cycle mart at Bataguda and a strong believer of Jesus Christ. He was maintaining his family with the little amount of income from this small repairing shop. As it was rainy season so there was no income for their survival, so he had been to Hyderabad in search of alternative livelihood. He had a small hut at Bataguda, after his 10 to 15 days of departure this violence took place. When Rajesh heard about the killing of Swami Laxmanand Saraswati, decided to take his family to Hyderabad and returned back to his village Bataguda with his friend Tungura Mallick belongs to Bataguda village, who was with him in Hyderabad. The day when they started their journey from Bhanjanagar to Balliguda then the buses were not running properly, so they started journey on foot through jungles and forests from Bhanjanagar to Paburia without any food or water to drink. As they were very tired and hungry they hurriedly rushed to Paburia to have something very soon at Paburia.

On last 26th Aug'08 he was returning back to our village from Hyderabad with a local person named Tunguru Mallick, age about 24, s/o- Titura Mallick belongs to Bataguda locality after staying there for 7 days. The moment our bus reached at Paburia, group of rioters rushed to check the bus, and when they could identify to late Rajesh Digal inside the bus pullout him from the bus and started beating up and forced to adopt the Hinduism but he denied to do so. The moment he denied once again to adopt the same in response to the second time forceful event they started cutting his legs and hands. In third incident, when they force him repeatedly to the same, he kept on denying they started immerging him under the ground in a jungle by digging a whole. Owing to acknowledged the Hinduism the rioters set him free. Some later when they filed an FIR against of them the rioters gave threatening to especially to Tungura Mallick to kill him.

Name of the victims	Village	Panchayat	Block	District
Dauda Nayak	Tatamaha	Mandakia	Raikia	Kandhamal

I am Smt Maharani Nayak, w/o- late Dauda Nayak, village- Tatamaha, post-Mandakia, Panchayat-Mandakia, Police station cum block- Raikia of Kandhamal district is going give my statement on behalf of my husband late Dauda Nayak in the following ways. Ours was a family of five members, including three daughters and wife and husband. All three daughter have already got married, we both were in our house. On 27th Aug'08 on whiff of possible riots in our village almost all the villagers fled to jungle to secure their lives but due to my husband incapacibilities, we couldn't fled to jungle and both of we did hide ourselves in the existing backside bamboo bush of our family. Unfortunately the

rioters came all of sudden and entered into our house and took away to my husband lying down in the coat and putting down in the floor severely, that very moment he cried out loudly and requested them to let me set free, after some times my husband's voice didn't hear to me, the moment they left the place, all of sudden I rushed to the spot and got him unconsciously. After few moments he got sense, when I poured some water on his face and body. Since that day onwards his sickness had been increasing gradually that lead to extreme stage, at last he left food and diet, as result of which he couldn't able to even walk and stand by own. Because of absent of the neighbors in the village I couldn't able to take him to nearby medical he go very serious and at last he died. In fact my husband has died not due to his past illness but got serious and died due to repeated recalling to the entire scenes of chaos and violence.

Name of the victims	VillagePanchayat	Block	District	
Meghananda Digal	Dakal panga	Sankrakhole	Tikabali	Kandhamal

The fact-finding teams have been to the village called Dakal panga of Sankrakhole panchat of tikabali block in kandhaml district and met with the villagers and collected the relevant data from the villagers. As per the data, on behalf of the victims, the villager gave their statements basing on their real experience and referring to the witnessed present. As per their statement on 24th Aug' some of the people from Sankrakhole panhayats had come over to their village and take them to Sankrakhole by saying of attending meeting. When late Mr. Meghanad started to leave his home his wife late Priyatam Diagal also went along with them. In the middle of the way to Sankrakhole the took them to the jungle and bitten up severely to Meghanad and put to death in the spot and when his wife protected to them she was also bitten up inhumanly. According to them the rioters first cut down her sex organ breast and killed her brutally and threw them in the nearby river. Two days later the deceased body was recovered near the Bisipada river. Five days later their own son filed a case against them and did cooperate to the police in post mortem and claimed for the compensation declared by the state Govt.

N.B:-Referring to the data the eye witnessed are their own son Mr. M.P. Narashingh Digal. The contact person for information having mob. No- 943703

Name of the victims	VillagePanchayat	Block	District	
Gopan Nayak	Kambaguda	Mandakia	Raikia	Kandhamal

By knowing to the death news of Mr Gopan Nayak the fact finding team had been to his second wife's' village called Kambaguda, post and Panchayat Mandakia, police station and block Raikia of Kandhamal district and met with his parents, two of his wives and collected some information basing on their data and referring to the witnessed present. As per their statement, on 25th Aug'08 the rioters had gone to his second wife's village Kambaguda at around 12 o'clock in the night and set fire on the motor bike of Gopan Nayak along with their whole properties and house to ashes completely. When they started burning and destroying the entire households of the village the two wives and

their children fled elsewhere to hide them. One day later after this incident Mr. Tapan Nayak was going to his own village Badimunda. Unfortunately when the rioter saw him on his way to his village attacked him in a massive way and bitten up and put to death and burned down in front of the Gandaguda Church. Soon after hearing this death news his (Tapan) second wife Mrs. Sara Nayak filed an FIR against the rioters at Raikia police station. It is very unfortunate and painful incident that the OIC of Raikia police station haven't even taken yet, neither any action nor investigation rather avoiding of lack of witnessed and evidence against them.

N.B:- Referring to Mrs. Sarabati Nayak, provider of information having mob.no-9437075069.

Name of the victims	VillagePanchayat	Block	District
Hrudananda Nayak	Ganjuguda	Rudaingia	G.Udayagiri Kandhamal

By knowing the death news of Mr. Hrudananda Nayak the fact finding team had been to his village Ganjuguda, Panchayat Rudangia, and block G.Udayagiri of Kandhamal district and met with his mother Smt Prasana Kumari Nayak and collected some information basing on their real experiences and referring to the witnessed present. As per their statement on 18th Feb'09 Wednesday in the evening hours the then late Mr.Hrudananda Nayak had gone to G.Udayagiri to bring some vegetable. Unfortunately, on his way back to his village some group of rioters taken him away to nearby mountain and there in a cave they killed him by crusing his head with the help of a big stone along with some armaments and pushed him to the cave and left out. They killed in such a way that the blood of his dead body reaced down to the road besides his sleeper laying aside the road and the trouser in the east side. In response to the filed FIR, on 19th Aug'08

the G.Udayagiri police team had been to the spot with the snifter dog and got the wounded body. Later on, his relatives had been to G.Udayagiri along with his wife and mother for post mortem and did it in the place, where the district collector, Tahsildar and BDO concern were present in the spot and counseled them with some condolence words and allowed his deseased body to be buried in Ganjuguda. The fact team had been got an opportunity to meet with his inflicted wife and mother and collected the relevant data and information.

N.B:- Referring to the contact information person Mr.Prasana Kumar Nayak bearing mob. No- 9438231257 and the FIR reporter Mr.Dillip Nayak uncle of late Hrudananda Nayak.

Name of the victims	VillagePanchayat	Block	District
Phidem NayakRaikia	Raikia	Raikia	Kandhamal

Hearing the death news of Mr. Phedem Nayak the fact finding team had been to his village. Breka of Pikaradi Panchayat in Tikabali block of Kandhamal district and met

with his wife Nalini Nayak and collected some information about Phedem Nayak basing on their real experiences and referring to the witnessed present. As far his family member is concern he had a six member family including one small daughter and two son. The elder one is working as the teacher in the Xavier school at Rutungia and the yonger son is in Kerala. As per their statement on 25rd Aug'08 during the communal riots Mr. Phedem Nayak was return back to his home soon after their prayer service from Garginaju Church along with his friend Sri Sachi Nayak and his younger brother. On their way back to Raikia through Dakamaha jungle road they were cut by the rioters and killed. When Mr. Phedem didn't returned back to home for long time mother Smt. Nalini Nayak sent a message to the younger son and kept on searching. At last on 4.09.08 by having the death news of her husband went to the spot. On conforming about the 11th sept'08 investigation police concluded of his murder by referring to his lying sleeper and spectacles along with their ashes. Any way the victims family got compensation from the state Govt.

Name of the victims	VillagePanchayat	Block	District
Sidheswar Pradhan	Panganaju	Malikapada	G.Udayagiri Kandhamal

Hearing the death news of Mr. Sidheswar Pradhan the fact finding team had been to his village Panganaju, panchayat–Mallikapada of G.Udayagiri block of Kandhamal district and met with his family members and relatives and collected some information about Sidheswar Pradhan basing on their real experiences and referring to the witnessed present. As per the data, sharply on 25th Aug'08 i.e. two days later the rioters entered into their village and started burning houses and destroyed properties, at that moment Mr.Sidheswar came out and shouted to them and all of sudden he entered into his house. The moment he entered into his housed set fire on their house and having without any way to take shelter and went to nearby forest and there the rioter bit him severely by saying why you are providing support to the Christian pano and on the spot he got died.

N.B:- Referring to the witness of Mr. Daniel Digal, his elder brother and Bulgan Digal who has written an FIR on behalf of the victims family.

Name of the victims	VillagePanchayat	Block	District
Ramani Nayak	Ganjuguda Rudangia		G.Udayagiri

Considering the death news of Mrs. Ramani Nayak, w/o- Christodas Nayak, village Rudangia, panchayat Rudangia in G.Udayagiri block of Kandhamal district and met with her husband and family member and relatives and collected some information about her on their real experiences and referring to the witnessed present. As per the statement of Mr. Christodas Nayak on 30th Aug'08 at around 4.00 pm to 5.00pm the rioters surrounded the village concern by shouting with Jai Sriram. At that moment some of the people were taking rest and some of them were engaged themselves in their respective work. When thy started attacking on the villagers almost all the people fled here and there, but my wife Mrs.Ramani Nayak, age about 40 to 45 years of age also ran but

couldn't run faster and fell down in the ground. All of sudden some few rioters assaulted her and put a hard stroke to her back and head with axe and armaments and in the spot she died due to excess bleeding.

N.B:-Referring to Mr.Christodas Nayak, H/o- Ramani Nayak.

Name of the victims	VillagePanchayat	Block	District
Bispati Digal	Dapapadar Kainjar	Tikabali	Kandhmal

My name is Subrat Digal, village –Dagapadar; panchayat- Koinjhar of Tikabali block of Kandhamal district is giving my statement on the death incident of my elder brother Bispati Digal on behalf my family. On 26th Aug'08 at around 1.00am in the night some huge group of people from Kui samaj committee and RSS outfit came over to our village and took away forcefully to my brother late Bispati Digal, s/o- Chandra Digal and Sri Sukeswar digal towards Tikabali, but on the middle of the road Sir Sukeswar digal escaped any how from their hand and fled to Tikabali relief camp but Sri Bispati Digal Couldn't escape got died by the rioters in the nights. Even though a case has been given in the Tikabali police station against them by Sri Sukeswar digal till now no single police had been to that place for investigation. It is a very painful and unfortunate things neither any police administration nor any Govt. support have been provided their family till now.

N.B:- Referring to the witness provided by Mr.Sukadev Digal ,S/O- Chandra Digal who has also filed a case against of them.

Name of the victims	VillagePanchayat	Block	District
Iswar Digal	Mallikapada Gutingia	Tikabali	Kandhmal

I am Smt. Runima Digal,w/o- late Sri Iswara Digal, age about 30 years, village-Mallikapada, panchayat Guttingia, police station- Sarangada in Tikabali block of Kandhamal district hereby giving my statement of my husband death incident. So far my family condition was concern ours was. a six members family including two sons and two daughters and my husband. On 26th Aug'08 when some of the rioters had come over to our village at 10.00 pm in the night and asked all of our villagers to convert into Hinduism, including my husband .But in response to them he denied to acknowledge it. As they threatened repeatedly, all the villagers were fled here there fearing of communal violence. We had also planned to go to G.Udayagiri and started moving through the dense jungle and mountain and reached nearby the main road. Due to my husband illness he couldn't walk anymore so we caught the V.S. bus that was going till G.Udayagiri. on the middle of the road some group of rioters block the bus. When they did so some of them had recognized my husband and pulled out from the bus and taken away. The moment they took my husband I was got down and follow them. After moving to a few distance they started biting to him by the sword and armaments and at last they push a sword to his body and all of sudden he fell down. After that I had rushed to Sarangada police station and informed. In response to my request the police had reached to the spot

and started inquiry, but they couldn't get it. So I requested to the police department kindly find my husband and submit me.

N.B.:- Dharmendra Digal, in-law having mob.no-9438602830/9437521183 as the eyewitness and writer of the FIR.

Name of the victims VillagePanchayat Block District

Lalgi Kayak Gadaguda Rudangi G.Udayagiri Kandhmal

As the fact finding heard about the death news of Lalzi Nayak belongs to Gadaguda village, Rudangia panchayat in G.Udayagiri block of Kandhamal district and met with their family members and asked about the root cause of his death. In response to queries asked, Mr. Umesh Nayak had replied. As per him on 30th Sept'08 at the early morning hour my parent were still in the bed, that moment a group of rioters came to our house with sword and armaments and entered into our house by breaking the front door and started assaulted to them. First they axed on to the head and back of my father and then started to mother, but when the police reached over to the spot, they fled away. My parents were recovered in a very serious conditions and then planned to take them into nearby G.Udayagiri, and later taken them to Berhampur hospital. Despite proper treatment on 1.10.08 my father couldn't survive anymore but my mother.

N.B.:- Referring to Mr. Umesh Nayak who provided the information and filed an FIR.

Name of the victims VillagePanchayat Block District

Pastor Akbar Digal Tatomaha Mandakia Raikia Kandhmal

Myself Smt. Ludhia Digal, w/o- pastor Akbar Digal, village –Totamaha, panchayat-Raikia, Police station- Raikia, block –Raikia of kandhamal district states that my husband was a pastor of Totamaha church. On 27th Aug'08 at around between 12.00 o'clock and 1.00 pm approximately 400/500 people from RSS and Kui seva sammitee had come over to our house. As we saw the crowd rushing to our house my husband and my sons went to the turmeric field to hide there, but unfortunately some of the people saw to him and went to that place and pulled out and taken him into the community hall and bit him severely and put him to death and left him behind the community hall. In the next day morning as I went to see my husbands deceased body, I became very strange, because his head was separated and belly pushed with a sword. At the very moment I got frightened extremely and fled to nearby jungle and hide there. In the same day some rioters come over to that place and set fire to that deceased body and made it into ashes. Since I couldn't recognize the people in the crowd so I lodged an FIR against of them. But no such actions have been taken so far against of them yet.

N.B.:-Referring to the eyewitness Mrs. Ludhia Digal, wife cum FIR writer.

Name of the victims VillagePanchayat Block District

Rasananda Pradhan Gadragam Ruapangam Chakapad Kandhmal

My name is Sri Sankritana Digal, village Gondrgaom of Rupagam panchayat of Chakapad Block in Kandhamal district. On behalf of his family I am going to statement what I have seen during his violent attack. The name of that victim was Rasananda Pradhan, age about 46 bearing same address, who was living with his four brothers. Before he was working as a conductor in a private bus, but after as accident when he was paralyzed, he was living in his own house with the family. His brother were arranged him proper sanitation facilities.

On 24th Aug'08, at 9pm, a group of people approximately 150 came to his house with some lethal weapons, kerosines and petrol. That time most of the people were outside the village, because they were informed before that they are going to be attacked by a group of people when the criminals were in the village. At that time Mr. Rasananda was in his room because he was not able to walk. The criminals were first beat him as much as they could, then they attacked with the weapons they had with their hands. They took him to the latrine and burnt him with the help of Kerosene and petrol. That time he was shouting for help, but nobody was also hearing his voice but they were unable to save him.

After 5 days, the police came to the spot, filed a FIR and went back. Till now nobody is arrested for this cruelty. Now almost all the people are living in the village but they are under threat.

N.B.:- Referring to Mr. Sankirtan Digal, Gadadhar Digal and Nanda Ganda with all his details

Name of the victims	Village	Panchayat	Block	District
Abhimanyu Nayak	Barapali	Barapali	Chakapad	Kandhmal

My name is Tukuna Naik, s/o late Abhimanyu Nayak belong to Barapali village, panchayat Barapali in Chakapad block of Kandhamal district, on behalf of my father I am going to give my statement. The name of the victims is Abhimanyu Nayak, age about 44 years with the same address. In fact this story is based on the heart touching incident. Sri Abhimanyu Nayak had been living in this village since around 20/25 years with his one daughter Ragini and son Tukuna along with wife Priyatama. The day i.e. on 27th Aug'08 at around 11 pm he was sleeping on the verandah of his house with his daughter Ragini. All of sudden around 100 to 150 masked covered group of people entered into the Barapali village and took Abhimanyu into nearest jungle and beat him severely as much as they could with the help of axe, sword till his last condition next to death and at last did tie him in a mango tree and set fire on him with help of kerosene and petrol in his living conditions. As the flame got increased the rope get separated and with the flaming body he returned back to home and called to his daughters. When he reached at his house half of his was burnt, and the moment his daughter saw this scene get shocked and feared extremely by seeing this unprecedented horrible incidents and her mouth became dumb she couldn't even called her mother. His father kept on burning for another ten minutes, but after his repeated request she called her mother at time his entire body was burnt

completely and when his wife caught his hand, suddenly the flesh came out with her. In this way at that time it was already six hour had been past. In the next day morning at around 9 am in presence of his daughter, son and wife he passed away from the world leaving them orphan.

During his last moment he had not even neither any sorrow nor any angriness upon the rioters but suggested to his family members not to live in that village anymore. so they went to the Tikabali relief center and since then they have not returned backed to their village yet.

Name of the victims	VillagePanchayat	Block	District
Bhumika Digal	Paderiakia	Gmamaha	Raikia District

My name is Krispina Digal, f/o- late Bhimika Digal, village- Paderikia, Panchayat-Gumamaha in Raikia block of Kandhamal district. On behalf of my own daughter I am giving my statement about the cuases behind her death. Her name was Bhumika Digal, age about 9 years old. On 27th Oct'08 at around 11 am my daughter was caught suddenly with fever, so I immediately informed to the relief nodal officer. As per his instruction we took her to govt.hospital at Raikia. Based on the testing and diagnosis report, doctor told us about her blood deficiency in her body and started his treatment and it lasted till entire night still there was no changes in her condition. In the very next morning the doctor referred to Phulbani district medical. Then within a moment I had reached to BDO concern for urgent Ambulance service, but the BDO ordered me to await in the outside and it was also continued till 1pm to 2 pm. Feeling of very urgent I kept on crying and after 5 hours awaiting once again I went inside to his office and requested him with continuous tear rolling down. At last the BDO had made a call to the driver concern. but at that moment her condition was very very worst and she was in the last stage. Still hoping of her recovery we started our journey at around 5pm in the evening, but unfortunately on the middle of the road she got very serious again and we stopped our ambulance and saw her condition but after few moment she passed away and we returned back from that spot with great desire and mental anguish.

Name of the victims	VillagePanchayat	Block	District
Ramesh Digal Petapanga	Petapanga	Raikia	Raikia

Personal data-Ramesh Chandra Digal, age about-35,

I am Sri Naresh Digal, B/O-late Ramesh Digal, village- petapanga, Panchayat Petapanga, police station- Raikia, block- Raikia, District –Kandhamal. The statement I am going to give is about the all the details of root causes behind his death during the communal violence. So far our family status is concerned I and my brother were living at Raikia with our family. On 24th Aug'08 my brother Ramesh had gone to Petapanga by my cycle to bring to my mother scaring of wide spread violence and tension. First he had been to Paburia to see our elder brother shop and motor bike which had been burnt down by the rioters and soon after that he headed towards Petapanga and reached there any way. In Petapaga, when some group of rioters was rushing towards them with violent slogans, he

had fled to jungle with my mother. On 25th Aug'08, on his way back to Raikia, reached at the village. The moment he reached in that village people asked him about his religion, in response to their question he answered of his Christian belief. At that moment in the same spot they started axed in his leg so as to make him lame. Despite that he tried a lot to seek help from his friends belong to that village by reaching their houses desperately, but unfortunately they closed their door scarring of their possible attack, if they would give him shelter. Sharply at around 5 pm they kept on torturing physically and mentally with sword and knife as much as they could till 9 pm and at last killed him.

Hearing the piteous death news of my brother, I had rushed to the spot on 26th Aug'08 morning. But it was very painful that, the moment I saw his deceased body I couldn't able to recognize him, but it was possible when I saw his trouser he had put on. The reason behind all this was because of tremendous disfigurement by the rioters. I had tried a lot to bring back his dead body to Raikia, due couldn't possible. In the next day when I reached there to bring back his dead body but it was burnt this burning skeleton at the police station, in front the OIC Raikia it got squeezed so he denied to receive the FIR. Again when I reached in the police station with all his small bones and his trouser he had put on, the OIC agreed to receive it.

N.B:-Referring to Naresh Digal his own brother, who is the witness.

Name of the victims	VillagePanchayat	Block	District
Samuel Nayak Bakingia	Mandakia	Raikia	Kandhmal

My name is Rajesh Nayak, s/o Late Sri Samuel Nayak belong to Ketanaju village of Mandakia Panchayat in Raikia block of Kandhmal district. On 26th Aug'08 time at around 10 am some group of rioters came over to our village by biting the bell and giving violent slogans, that very moment my father was praying to Jesus Christ to call off the violence in this district, on the floor in front of our house by knelling down. When they saw him praying openly, suddenly rushed to our house by saying that was the person to whom we were looking for and entered into our house and pulled out and took him to some distance in our village. At that moment my mother and grand mother went to hide inside the cattle shed. When they started beating him severely and about to set fire on him with the help of kerosene and petrol, my grand mother came out and pleads them to set him free, despite that the angry mob didn't control them but pulled her too and threw her into the fire where my father body was burning. My grand mother cried and sought help by saying help me lord and after few minute he passed away and get burnt alive. Again third time when my mother plead before them to set them free, that time also they were about to set fire upon her by pouring inflammable oil and lighting match stick by saying finish all the Christian people from this area, but it couldn't possible at all, due to one of the lady from their group who protected them and saved my mother by saying not to kill all from the same family and she herself pulled out her from the angry mob and let my mother free by advising not to be here any more. Looking to this situation I fled to nearby jungle and in the next day both me and my mother went to see our house, by then the half burnt body of my father was there. A day later, we informed to the OIC of police, at

Raikia regarding this. When the police reached at the spot, none of that dead body was there but was turned into ashes.

N.B:-Referring to his mother (eye witnessed) and the person concern who has given this information.

Name of the victims	village Panchayat	Block	District
Janamati Nayak	Bakingia	Mandakia	Raikia Kandhmal

My name is Rajesh Nayak, g.s/o Late Sri Samuel Nayak belong to Ketanaju village of Mandakia Panchayat in Raikia block of Kandhamal district. On 26th Aug'08 time at around 10 am some group of rioters came over to our village by biting the bell and giving violent slogans, that very moment my father was praying to Jesus Christ to call off the violence in this district, on the floor in front of our house by knelling down. When they saw him praying openly, suddenly rushed to our house by saying that was the person to whom we were looking for and entered into our house and pulled out and took him to some distance in our village. At that moment my mother and grand mother went to hide inside the cattle shed. When they started beating him severely and about to set fire on him with the help of kerosene and petrol, my grand mother came out and pleads them to set him free, despite that the angry mob didn't control them but pulled her too and threw her into the fire where my father body was burning. My grand mother cried with distressed and anguished word help me! Help me! Lord, several times with tear-jerking shout and after few minute he passed away and gets burnt alive. Again third time when my mother plead before them to set them free, that time also they were about to set fire upon her by pouring inflammable oil and lighting match stick by saying finish all the Christian people from this area, but it couldn't possible at all, due to one of the lady from their group who protected them and saved my mother by saying not to kill all from the same family and she herself pulled out her from the angry mob and let my mother free by advising not to be here any more. Looking to this situation I fled to nearby jungle and in the next day both me and my mother went to see our house, by then the half burnt body of my father was there. A day later, we informed to the OIC of police, at Raikia regarding this. When the police reached at the spot, none of that dead body was there but was turned into ashes.

N.B:-Referring to his mother (eye witnessed) and the person concern who has given this information

Name of the victims	village Panchayat	Block	District
Balia Mallick Banemila	Parampanga	Tumudibandha	Kandhmal

My name is Nimanti Mallick, w/o Balia Mallick, age about 45 years belong to Banemila, panchayat-Parapanga, in Tumudibandha block of Kandhamal district. Ours was the six member's family including two sons (8-yr & 6yrs) and two daughters (12 & 4 yrs) along

with my husband. Before this incident, we were living quite happily and peacefully with lot of hardship with meager income of our agricultural products. On 23rd Aug'08 the time at around 1pm my husband had been to Kurtamgargh for selling the mushroom and bring back some rice and salt and chilly out of that amount. On that day at Kurtamgargh due to the assassination of Swami Laxmanananda Saraswati, the angry mob were about to attack to the Christian Sarapancha Motto, so they took him along with them. On their way to attack they offered him excess wine by saying (Hindu, Hindu brother, brother) and about to attack, at that time the CRPF came to protest him and in the mean time situation compel them to exchange the bullets and consequently the forces shot him dead in the spot. In the very next day when a rushed to that spot, the dead body was not and it was taken to Balliguda with the help of police van for post mortem on 24th Aug'08, so I couldn't able to see his deceased body. When my presence was required in the post mortem the police van had come take me. In my presence his dead body was post mortem. Basing on the most mortem report a FIR was lodged in the Balliguda police station by my brother in law (younger brother of my husband). As per the state govt. declaration I got Rs.2, 00,000/- and it is in my newly opened bank account.

Name of the victims	village	Panchayat	Block	District
Ajuba Digal	Barakhama	Parakhama	Balliguda	Kandhmal

Details of the incidents:-

My name is Nimanti Digal, m/o- late Ajuba Digal belong to Barakhama village, panchayat- Barakhama in Balliguda block of Kandhamal district states all the details of the death mysteries of late Ajuba Digal that, on 25th Aug'08 in the evening around 5 to 6 thousand rioters had come over Barakhama Village straight away from Chakapad by finishing the burial incident of Lakhanda and they had a meeting at that village. In the next day this planned Saffron outfit started attacking to the Christian dalits. When they started attacking on them some of the Christian youths also tried to retaliate but due to lack of groups' efforts and available weapons they couldn't face them and ultimately fled into the jungle. In the mean time one of the rioters called Belara san Dehuri did shot to Mr. Ajuba Digal at his chest and within a moment he fell down in the spot and died there.

Soon after filing the FIR against the rioters only 15 people had been to jail and out of them around 12 people got bail and released and rest are in the jail still.

Now the family members of the victims got some sorts of compensations as per the state govt. declaration on the riots incident that taken place in this district.

Name of the victims	village	Panchayat	Block	District
Prafula Nayak	Barakhama	Parakhama	Balliguda	Kandhmal

Details of the incidents:-

My name is Chanhala Nayak, w/o- late Prafula Nayak belong to Barakhama village, panchayat- Barakhama in Balliguda block of Kandhamal district states all the details of the death mysteries of late Prafula Nayak that, on 25th Aug'08 in the evening around 5 to 6 thousand rioters had come over Barakhama Village straight away from Chakapad by

finishing the burial incident of Lakhananda and they had a meeting at that village. In the next day this planned Saffron outfit started attacking to the Christian dalits. When they started attacking on them some of the Christian youths also tried to retaliate but due to lack of groups' efforts and available weapons they couldn't face them and ultimately fled into the jungle. In the mean time one of the rioters did shot to Mr. late Prafula Nayak at his chest and within a moment he fell down in the spot and died there.

Soon after filing the FIR against the rioters only 15 people had been to jail and out of them around 12 people got bail and released and rest are in the jail still.

Now the family members of the victims got some sorts of compensations as per the state govt. declaration on the riots incident that taken place in this district.

Name of the victims	village	Panchayat	Block	District
Mathew Nayak	Dadabali	Gardingia	K.Nuagam	Kandhmal

I am Mr. Purusottam Digal belong to Dadabali village of Gandrigia panchayat that comes under the K.Nuagam block of Kandhamal district. So far the details of the victims late Mathew Nayak are concern he was a primary school teacher and believer of Christ always used to go to differrent places for the prayer service.

In the aftermath of Lakhanananda's assassination, around 400 people from Gardingia and Chanchedi village had come over Dadabali village with arms and ammunition, swords giving a violent slogan like we cannot leave any Christians alive from this village. On that day Mathew Nayak had come over to this village with his motor bike from Kanwagiri of G.Udayagiri after his prayer service in order to attend the prayer service in that villages. The moment the angry mobs come towards their assembles to attacked violently, virtually all the Christian people started running to the jungle along with Mathew Nayak. But it was a very painful incident that every went successfully except this fellow and fell down in a dip corn field where the violent rioters caught him and beat him severely as much as they could with the help of iron rod and swords and put him into a dip hole and tide his legs with the help of a roap to a motor bike and drag him mercilessly and lastly tide in the common worship wooden pole and again beat him very seriously and buried alive inside the Gudrikiya Church. I have seen this particular incidence in my naked eye. The above rioters not only killed to Mathew Nayak but destroyed every thing in the village.

N.B:- Referring to Mr. Purusattom Nayak the eye witnessed and informant this incident.

Name of the victims	Village	Panchayat	Police
Lalita Digal	Dadabali	Gudrikiya	Sarangada

Station Block District  
K.Nuagam Kandhmal

Name of the respondent: Prakash Digal s/o- Late Lalita Digal.

Died on: 23rd Nov'08, Place of killing: Kopanga, Time: afternoon, age: 52

FIR Date: 26th Nov'08 in K.Nuagam but later it was shifted to Sarangada police station.

Police case No.-69/08

Source of information: from our personal interaction.

According to his own son, Lalita Digal was a Chatholic Christian man age about 65 years old and Mrs. Salgi Digal was his wife age about 52 years and were having one young son named Prakash Digal was a businessman. Even though the Late Lalita Digal was a labour, as their young son was doing some sorts of small petty business, they had a good income because of which they were living happily despite the poor background. Moreover, one of the reasons behind the good living condition was because they all were working in their respective work like labour and business. The neighboring people who were besides them were quite jealous to have this kind of changing good living condition of his families, they were always in a very

Since 31st Aug'08 we have been staying in the Nuagam relief camp. According to her, their family had been depending upon the summer paddy crop (Sree methods), where they used to get around 6-7 months food. As the rioters were targeted to male only so, on 11th Nov'08 she went to her village for cultivation. In the due course of time Mrs. Abhaginini Digal had made a phone call to us on 26th Nov'08 early in the morning at around 5 am informed that, the rioters have been killed to Mrs. Lalita Digal. After having this news I personally made a phone call the villagers to enquiry about the death news and get conformed. Now I want to go back to my village but due to life threat till now couldn't even.

Name of the victims	village	Panchayat	Block	District
Divya Singh Digal	Drepanga	Chanchedi	K.Nuagam	Kandhamal

My name is Raliban pradhan, village- Drepanga, Panchayat- Chanchedi, Block- K.Nuagam of Kandhamal district. Being the eyewitness of that incident states, on 23rd Aug'08 late Divya Singh Digal, had to see the Church program and in the next he was supposed to go to Raikia, but due to Lakhnananda's assassination he couldn't go but stayed that day. On Monday i.e. 25th Aug'08 at around 12 o'clock a group of people had come to their house and surrounded and did knock their door but due to late night I couldn't response them but the moment they called me repeatedly I simply response who they are? That moment they asked about late Divya Singh Digal repeatedly I replied about his absent, still they didn't believe on me and requested me to open our door. When I did so, some of them come inside our house all of sudden and one of them beat me with her hand and kept on searching all the rooms and under the bed also and got him and took him to some distance and killed him and threw into a well. On the very next day when we had been to that well for taking bath, and got his deceased body floating in the water.

Based on the post mortem report a case was filed against of them in the Raikia police station.

Name of the victims	village	Panchayat	Block	District
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Jubaraj Digal K.Nuagam K.Nuagam K.Nuagam Kandhmal

My name is Bidyadhara Digal, age 21 years, s/o late Jubarj Digal, village-K.Nuagam, Panchayat- K.Nuagam, block- K.Nuagam, district-kandhamal. My father was a contractor, age about 45 years dedicated village level Congress leader closely associated with G.Udayagiri Congress MLA Ajayanti pradhan and physically also handicapped.

On 17th Dec'08 morning we had gone to Sitapanga village of Tikabali block near to G.Udayagiri with my father for the bank work related to contracting work. With the consultation work with the contracting partner we had gone to Ajyanti pradhan's residence and stayed till 5 pm. At around 5 pm on his way back to our house in the middle of the village some 20 to 30 people were blocked us and started scolding by saying nonsense Christians, because of you our Laskhmanananda and beat to us. When they beat severely to my father he fell down and some of them took him to nearby jungle, but when they started beating me any way I escaped from them and ran away from their hand, but the moment I ran away from that spot they started running after me and tried to catch me but they couldn't because all of sudden I climbed up to the trees. After some time I went to G.Udayagiri police station to inform them by walking through the jungle road and informed them. In the next day the OIC had gone that spot but didn't get any thing and again one day later the SP and Collector had also rushed that spot with the snifter dog but didn't find any thing. Till now we have not got neither compensation and nor any justice.

Name of the victims	village	Panchayat	Block	District
Meghananda Digal	Barasahi	Sankrakhole	Chakapad	Kandhmal

The details about of the victim's couple are that they had been living in the Barasahi of the Sankrakhole since 25 years. The husband Meghanad Digal was a business man and the wife was a govt. servant belongs to Barasahi of Snkrakhole, Panchayat Sankrakhole, Block- Chakapad and district Kandhamal.

On the incident day i.e. 25th sept'08 the couple were sleeping in their resident, all of sudden a group of rioters came over to there and started burning to their house. By knowing to this the couple came out and was in the panic situation at that moment the angry mob again came over to that place and took away to Meghanad Digal by saying to his wife we are going to give sacrifice to your husband before the Lord. Despite the repeated request by wife they didn't hear to her rather taken away by putting a garland in his neck, in the mean time she had also followed them by saying let me also sacrifice along with my husband and killed both of them very cruelly and threw them in the jungle. Police in the next day went to that place and could find out their dead body near the canal in jungle. Presently none of their family members are staying in that village and even no body from the rioters group have been sent to jail notwithstanding police initiatives.

Priyatama Digal	Barasahi	Sankrakhole	Chakapad	Kandhmal
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The details about of the victim's couple are that, they had been living in the Barasahi of the Sankrakhole since 25 years. The husband Meghanad Digal was a businessman and the

wife was a govt. servant belongs to Barasahi of Snkrakhole, Panchayat Sankrakhole, Block- Chakapad and district Kandhamal.

On the incident day i.e. 25th sept'08 the couple were sleeping in their resident, all of sudden a group of rioters came over to there and started burning to their house. By knowing to this the couple came out and was in the panic situation at that moment the angry mob again came over to that place and took away to Meghanad Digal by saying to his wife we are going to give sacrifice to your husband before the Lord. Despite the repeated request by wife they didn't hear to her rather taken away by putting a garland in his neck, in the mean time she had also followed them by saying let me also sacrifice along with my husband and killed both of them very cruelly and threw them in the jungle. Police in the next day went to that place and could find out their dead body near the canal in jungle. Presently none of their family members are staying in that village and even no body from the rioters group have been sent to jail notwithstanding police initiatives.

Name of the victims	village	Panchayat	Block	District
Kantheswar Digal	Hatapada	Sankrakhole	Chakapad	Kandhmal

The details of the victim is late Kantheswar Digal, age about-50 years, belongs to Hatapada of Sankrakhole, which comes under the Sankrakhole Panchayat of Chakapad block of Kandhamal district had been staying there since time immemorial with his family. He was a business man had a little shop besides his goatary and poultry.

On the incident day i.e. 24th sept'08 a group of rioter around 100 to 150 people came over to their house and set fire on his house shop all of sudden and burnt down completely and advised him to leave the place very soon. So deciding to leave the place he sold all his left over goats and other assets got around Rs. 30,000/- and get in to the bus leading toward Phulbani. All of sudden what came to their mind they decided quickly and pull down to him once again from the bus. Completing the whole worships and rituals they put a garland to his neck and taken him to the nearest jungle and sacrificed him. The very next day people found out his deceased body in the jungle. The information that has been collected is from the entire villager. None of the eyewitness were there in that village

Name of the victims	village	Panchayat	Block	District
Bikram Nayak Tiangia	Kattingia	G.Udayagiri	Kandhmal	

The details of the victim is that the late Bikram Nayak, village- Tiangia, Panchayat-Katingia, block- G.Udayagiri, district- Kandhamal. On 25th Aug'08 time at around 1 pm in the afternoon, a group of people almost 300-400 had come over to their village shouting violently by saying Jay Sriram and Joy Bajrang bali ki and so on and suddenly rushed toward our house and surrounded us. That moment they were three in their house including late Parikhit and late Dasarathi Pradhan besides their family members. When they were about to catch them with sophisticated arms, armaments, kerosene and petrol. Knowing to their plan they had climbed up to the roof and tried to escape by destroying the house top. in the due course of time one of us Mr.Parikhit Nayak escaped went through jumping from one house to another house, but the two of them couldn't but

killed by the rioters by pieces. One of the most strange things is that in spite of killing Bikram still he was alive till around 3 hours. Then he taken into his relative and later he had been taken into the govt. medical at Raikia, but due to lack proper treatment, ultimately he died.

Name of the victims    village Panchayat    Block    District  
Parikhita Nayak        Barapanga        Manikeswari    Raikia Kandhmal

The details of the victim is that the late Prikhita Nayak, village- Tiangia, Panchayat- Katingia, block- G.Udayagiri, district- Kandhamal. On 25th Aug'08 time at around 1 pm in the afternoon, a group of people almost 300-400 had come over to their village shouting violently by saying Jay Sriram and Joy Bajrang bali ki and so on and suddenly rushed toward our house and surrounded us. That moment he was staying with his friend's house including late Bikram and late Dasarathi Pradhan besides Bikram's family members. When they were about to catch them with sophisticated arms, armaments, kerosene and petrol. Knowing to their plan they had climbed up to the roof and tried to escape by destroying the house top. In the due course of time one of us Mr.Parikhit Nayak escaped went through jumping from one house to another house, but the two of them couldn't but killed by the rioters by pieces. One of the strangest things is that in spite of killing Bikram still he was alive till around 3 hours. The late Parikhita Nayak in the later stage went to Karada with his family through Raikia and reached at the small village called Barepana. When the people from that village informed about his fled caught them and inform them and kept there till the people (Katingia) come. After the arrival of the said people he was killed barbously in front of his wife and daughter. The moment they cut down him his mother get fainted in the spot and when the sense came over to her took her two children and sought help from her relatives but couldn't avail it. At last she filed a FIR in the Raikia police station.

Name of the victims    village Panchayat    Block    District

Dasarathi Pradhan    Budedpada    Kattiangia    G.Udayagiri    Kandhmal

The details of the victim is that the late Dasarathi Pradhan, age about-40 years, belongs to Hindu by religion and village- Tiangia, Panchayat- Katingia, block- G.Udayagiri, district- Kandhamal. On 25th Aug'08 time at around 1 pm in the afternoon, a group of people almost 300-400 had come over to their village shouting violently by saying Jay Sriram and Joy Bajrang bali ki and so on and suddenly rushed toward our house and surrounded us. That moment they were three in their house including late Parikhit and late Bikram Nayak, besides Bikram's family members. When they were about to catch them with sophisticated arms, armaments, kerosene and petrol. Knowing to their plan they had climbed up to the roof and tried to escape by destroying the house top. In the due course of time one of us Mr.Parikhit Nayak escaped went through jumping from one house to another house, but the two of them couldn't but killed by the rioters by pieces. One of the most strange things is that in spite of killing Bikram still he was alive till around 3 hours. But the late Dasarathi Pradhan was died in the spot only. Despite filing of case no such action has been taken so far.

Name of the victims    village Panchayat    Block    District

Niharika Pradhan      Lengersuga      Budaguda      Daringabadi      Kandhmal

The details of the victim is late Niharika Pradhan , age about-25 years, belongs to Lengersuga, which comes under the Budaguda Panchayat of Daringabadi block of Kandhamal district had been staying there since time immemorial with his family. On the incident day i.e. 31st Aug'08 a group of rioter around 100 to 150 people came over to their house and set fire on entire households of the village and burnt down completely. Unlike other people in the village, she had hid in the jungle and was keenly looking to the scenes. Some days later she got very serious and she had been taken into the PHC primary health centre, day by day she got very serious and on 5th Sept'08 she died.

Name of the victims    village Panchayat      Block    District  
Baby(10 days) Sraniketa      Sraniketa      Daringabadi      Kandhmal

The detail of the victim is late late 10 days baby belongs to Sraniketa, which comes under the Sraniketa Panchayat of Daringabadi block of Kandhamal district.

As the riots grew in a very massive way and it is seen in that village despite majority Christians. On the incident day i.e. 31st Aug'08 a group of rioter around 100 to 150 people came over to their house and set fire on entire households of the village and burnt down completely. Fearing to this all people had fled to jungle, but the unfortunate things are the mother couldn't go any where but stayed there. When they came nearer the baby was also crying in that rate. On scarring to these angry mobs the mother put her hand on its mouth and it continued till the violence stopped. In the due course of time the was died completely, but its mother even couldn't able to recall to remove her face its mouth by scarring the group, the baby got died.

Name of the victims    village Panchayat      Block    District  
Rebati Parichha      Bandapipili      Bandapipili      Kottagargh      Kandhmal

The details of the victim is that the late Rebati Parichha, age about-67, village- Bandapipili, Panchayat- Bandapipili, block- Kottagargh, district- Kandhamal. On behalf of my mother I am Mr. Atul Parichha, s/o late Rebati Parichha having same address wanted to give this statement that, On the incident day i.e. 25th Aug'08 a group of rioters come over to our village with sophisticated arms and armamaments with kerosene and petrol by shouting violently with the furious word like kill the Christians from this village and all of sudden they started burning houses and properties and all. Seeing to these scenes all the villagers fled to jungle to hide and stayed in the entire night. When they stayed in the jungle in the entire night and stayed for many days without having proper diet and with so much cold in the nights. in the due course of time my mother got very sick. When she got very serious again in spite of medicines they we took her to Muniguda hospital, but the doctor referred to Balliguda Hospital. Notwithstanding proper treatment and all she became very serious and at last she died at Baliguda hospital.

Name of the victims    village Panchayat      Block    District  
Lamba Sandi Majhi    Girit      Durgapanga      Kottagargh      Kandhmal



villagers. At last having no medicines he died, but before going die he told them not to go against of them, now I am going die in the name of Jesus Christ.

Name of the victims	village	Panchayat	Block	District
Gayadhara Digal	Kasinpadar	Kasinpadar	Phiringia	Kandhmal

The details of the victim is that the late Gayadhara Digal, village- Kasinpadar, Panchayat- Kasinpadar, block- Phiringia, district- Kandhamal. On 26th Aug'08 after 3 days time at around 5 pm in the evening, a group of people almost 300-400 had come over to our village shouting violently by saying Jay Sriram and Joy Bajrang bali ki and so on and suddenly rushed toward our house and surrounded us. All of sudden they caught to my husband and started beating with sword and iron rod and wooden stick. At that time I shouted at them not to kill his any more and went near to them politely. As I came near to them they also started beating to me with iron rod. After that I went to jungle with my son and watching over to it. At last they killed him and left his dead body in that spot. One day after I gave a FIR at Phiringia police station but only two of them are in the jail and it was happened after many days of incident.

Name of the victims	village	Panchayat	Block	District
Pastor Madan Nayak	Dakedi	Rattingia	G.Udayagiri	Kandhmal

The details of the victims are that the late Pastor Madan Nayak, and Pastor Shikanta Nayak village- Dakedi, Panchayat- Rattingia, block- G.Udayagiri, district- Kandhamal. They had been associated to Philadelphia institution. On 24th Oct'08 the two brothers were returning from the Sirtiguda prayer service. On their way back to their village some RSS activists, Bajrang dal and Kui samaj samittee members were blocked them in the way and killed them and burnt them with the help of Petrol in the spot. Later the people from nearby villages informed to the Dakedi villager about this. They got conformed when they did inquiry on this and written a FIR against of the people of nearest village Gudakia but no such action have been taken so far.

Name of the victims	village	Panchayat	Block	District
Mathew Nayak	Kanwagiri	Kanwagiri	G.Udayagiri	Kandhmal

The details of the victim is that the late Mathew Nayak, village- Kanwagiri, Panchayat- Kanwagiri, block- G.Udayagiri, district- Kandhamal. He was a govt primary teacher by profession and the secretary of the CNI church. On 27th Oct'08 he had been a house for the prayer service. By getting the news of his prayer service some group of RSS, Bajrang dal and so on had been to that house and started beating him severely and took him to a church and buried him alive inside the church. Despite a case against them no body has been neither arrested nor provided any compensation so far in connection to that incident.

Name of the victims	village	Panchayat	Block	District
Purendra Mallick	Nilungia	Lingagada	G.Udayagiri	Kandhmal

The details of the victim is that the late Purendra Mallick, age about 60 years belongs village- Nilungia, Panchayat- Lingagada, block- G.Udayagiri, district- Kandhamal. Ours is three member family were living with agricultural activities along with some unskilled labour in the village. During the violence almost all were in the jungle to hide themselves and later returned back to the G.Udayagiri relief camp. One day he had come to his village from the relief camp, on his way to his house a heavy rain had occurred. In order to rescue from the heavy rain he went to a rest shed. In the mean time some RSS and Bajrang out people had come and took him to a nearby jungle and beat him seriously and killed him in the spot and threw him in the nearby dam. One day later a fisher man had been to that dam and informed the Sarapancha concern. After take out from the dam did post mortem. File a FIR against of them. In spite of this no such compensation and action have been taken so far in this regard.

Name of the victims	village	Panchayat	Block	District
Soraj Ku.Deo	Kurtamgargh	Kurtamgargh	Tumudibandha	Kandhamal

The details of the victim is that the late Soraj Ku.Deo, age about-40 years, belongs to Hindu by religion and village- Kurtamgargh, Panchayat- Kurtamgargh, block- Tumudibandha, district- Kandhamal. On 13th Sept'08 in the afternoon, a group of people almost 10000-12000 had come over to Kurtamgargh and entered into a big street started attacked on the Sisir malick house furiously, in the mean time the CRPF forces were taking to the children of Lakhanananda's Ashrama to Balliguda. On that way by seeing this, they gave blank fire, that moment, the rioters thought that CRPF are going to attack them, so all of sudden they fired a bullet on one of the CRPF force and made him severe injured. At that moment there were only 3to 4 forces were there in the spot. Very soon they informed this news to their chief and begged permission to bring the situation under control and got the firing order along with another forces of battalion. Despite road blockade by the big trees the CRPF reached on the spot and within a moment they started firing and lathi charge. In the mean time the CRPF caught a man from the house and beaten him extremely, in such a way that in that moment onwards he got sick and it lead to very seriousness. When they took him to Balliguda hospital but notwithstanding treatment he died in the hospital.

Name of the victims	village	Panchayat	Block	District
Medha Majhi	Kurtamgargh	Kurtamgargh	Tumudibandha	Kandhamal

The details of the victim is that the late Medha Majhi, age about-25 years, belongs to Hindu by religion and village- Kurtamgargh, Panchayat- Kurtamgargh, block- Tumudibandha, district- Kandhamal. On 13th Sept'08 in the afternoon, a group of people almost 10000-12000 had come over to Kurtamgargh and entered into a big street started attacked on the Sisir malick house furiously along with the CNI church, in the mean time the CRPF forces were taking to the children of Lakhanananda's Ashrama to Balliguda. On that way by seeing this, they gave blank fire, that moment, the rioters thought that CRPF are going to attack them, so all of sudden they fired a bullet on one of the CRPF force and made him severe injured. At that moment there were only 3 to 4 forces were there in the spot. Very soon they informed this news to their chief and begged permission

to bring the situation under control and got the firing order along with another forces of battalion. Despite road blockade by the big trees the CRPF reached on the spot and within a moment they started firing and lathi charge. Scaring to this firing order and lathi charge virtually all people fled to jungle except Medha Majhi. As he was attacking, one of the CRPF shot him and in the spot he died. His dead body had been to Balliguda for burning after the postmortem was get done.

Name of the victims	village Panchayat	Block	District
Sanysi Majhi	Sindhipankhal Mundigargh	Tumudibandha	Kandhamal

The details of the victim were that the late Sanysi Majhi age about 26 years and Dusasana Majhi, age about-25 years, belongs to Christian by religion and village- Sindhipankhal, Panchayat- Mundigargh, block- Tumudibandha, district- Kandhamal. In the aftermath of Lakhanananda, the violence had been spread through out the district. In the course of time a group of RSS and Bajrang Dal had been giving threatening to this villager several times, but they didn't come over to that place in due date. One day in the night around 11 pm the same group of people came over to our village with violent shouting of Jai Sriram, Jai Bajrang Bali and etc. when I (wife) heard their violent sound I wake my children and husband and my brother in law fled to jungle and from there we kept on observing the situation. Despite my repeated awakening my husband (Sanyasi) & Dusasana Majhi didn't leave to Jungle rather stayed packing all the necessary important articles. All of sudden they reached in our house and pulled out them from the house and started beating with knives, swords, arms and ammunitions and made them to pieces. In the next morning the police tam In the next morning this news was narrated as the fighting between hind and Christian communities.

Name of the victims	village Panchayat	Block	District
Sanysi Majhi	Sindhipankhal Mundigargh	Tumudibandha	Kandhamal

The details of the victim were that the late Sanysi Majhi age about 26 years and Dusasana Majhi, age about-25 years, belongs to Christian by religion and village- Sindhipankhal, Panchayat- Mundigargh, block- Tumudibandha, district- Kandhamal. In the aftermath of Lakhanananda, the violence had been spread through out the district. In the course of time a group of RSS and Bajrang Dal had been giving threatening to this villager several times, but they didn't come over to that place in due date. One day in the night around 11 pm the same group of people came over to our village with violent shouting of Jai Sriram, Jai Bajrang Bali and etc. when I (wife) heard their violent sound I wake my children and husband and my brother in law fled to jungle and from there we kept on observing the situation. Despite my repeated awakening my husband (Sanyasi) & Dusasana Majhi didn't leave to Jungle rather stayed packing all the necessary important articles. All of sudden they reached in our house and pulled out them from the house and started beating with knives, swords, arms and ammunitions and made them to pieces. In the next morning this news was narrated as the fighting between hind and Christian communities.

Name of the victims	village	Panchayat	Block	District
Bastina Montry	Bhaliapada	Gumamaha	Raikia	

Name of the victims	village	Panchayat	Block	District
Terri Nayak	Raikia	Raikia	Raikia	

Name of the victims	village	Panchayat	Block	District
Bispati Digal	Dapapadar	Kainjar	Tikabali	Kandhmal
Sontori Digal	Gudari	Kainjar	Tikabali	Kandhmal
Stepan Nayak	Raikia	Raikia	Raikia	Kandhmal

Raghaba Digal	Shisapanga	Manikeswari	Raikia	Kandhmal
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Bakxis Singh	Shisapanga	Manikeswari	Raikia	Kandhmal
Krusna Chandra Pradhan	Panganaju	Mandakia	Raikia	Kandhmal
Trinath Digal	Pitsubali	Kattingia	G.Udayagiri	Kandhmal
Bernanda Digal	Katimaha	Katimaha	Tikabali	Kandhmal

Dinabandhu Pradhan	Lamungia	Kattingia	G.Udayagiri	Kandhmal
Gurumurthy Digal	Pitsubali	Kattingia	G.Udayagiri	Kandhmal
Sunaphula Nayak	Budedpada	Kattingia	G.Udayagiri	Kandhmal
Purendra Mallick	Nilungia	Lingagada	G.Udayagiri	Kandhmal
Subash Pradhan	Khariapada	Sugadabadi	Raikia	Kandhmal
Junusha Rupamajhi	Talipata	Durgapanga	Kottagargh	Kandhmal
Soraj Kumar Deo			Kandhmal	
Medha Majhi	Kurtamgada	Kurtamgada	Tumudibandha	Kandhmal

Dusasana Majhi	Sindhipankhal	Mundigada	Tumudibandha	Kandhmal
Sanyasi Majhi	Sindhipankhal	Mundigada	Tumudibandha	Kandhmal
Nirupama Nayak	K.Nuagam	K.Nuagam	K.Nuagam	Kandhmal
Prafulla Ku.Nayak	Barakhama	Parakhama	Balliguda	Kandhmal

Mr.Jubraj Digal

Almost 20 years he was working as a catechist and was a well known person in his area. He was the president of Kandhamal Congress Seba Dal, since 2008. He served as P.A of M.L.A Mrs.Ajayanti Pradhan for four years. He was very good leader and well known person. Mr.Jubraj Digal a well-known person and blessed by three boys and one girl. Bidyadhas is the second son.

He told us about the incident which took place on 16th December 2008 around 11 clock in the morning. He said, 'I was going along with my father to the Bank at Tikaballi to get cheque for Rs.43,000/-. Since the BDO was absent we waited for him. It was almost 5.00 pm., we received the cheque and were back to our home at Konjamendi. On our way

back, we wanted to see Mr.Rameswar Mallick in the village Sitapanga, but he was not there. It was around 6.15 p.m. we were stopped by three to four men. They inquired about our coming to Sitapanga, and within no time there came some 15 to 20 men having knives, sticks, crowbars and many other weapons. They made some conversation with us and suddenly they hit my father and me with stick. I was frightened for I was alone. I escaped from the crowd and climbed a tree remained there for an hour, tried to call my father's mobile but could not get him over the phone. I saw people carrying my father but I was helpless. Afterwards I don't know where they have taken my father. With this desperate condition I walked 8 K.m. and reached G.Udayagiri police station to give F.I.R. and came back home and I was admitted in the hospital for treatment.

Bidyadhas Digal continued saying, one month after the F.I.R being lodged, we received a shocking news through T.V. and the OIC., that Mr.M.K. Mahapatra (my father) is killed. When we received the news we were shocked. My mother broke down and she said, 'at least if I get the bone of my husband I will bury him.' Weeping and being depressed she is losing her health. Not only they killed my father, burnt him and do not know what all they did. Mr.Jubraj was devotee of our Lady so he kept the rosary always with him. When we found the burnt body of my father, the rosary was lying beside his body. Thus rosary alone was the clear evidence to recognize that he was my father. They killed my father brutally. It is very tough for me to take it easy. I feel culpable for I could not save my beloved father. Now even I see the incident before my eyes. I can't sleep, can't eat, and please pray for me. After F.I.R only one is arrested he is Mr.Rameswar Mallick.

Tikabali Camp Dt. 30.5.2009

1. Address

Name of the deceased	-	Gopan Kumar Nayak, Pastor (SC)
Age	-	35 years
Religion	-	Christian, Pentacost
Village	-	Badimunda
Post	-	Badimunda
Police Station	-	Tikabali
Block	-	Tikabali
District	-	Khandamal (Orissa)
Date of Death	-	26.8.2008
Place of Death	-	Beaten up and stoned to death in the field
Time of Death	-	
Nature of Death	-	Murder
FIR Date	-	Lodged
Police Station	-	Raikia
PS Case No.	-	
Names of wives	-	Sara Nayak, Mami Nayak
Children	-	Two, 1 girl, 1 boy (Samalinga Nayak, Absalom Nayak)

The report on the murder of Mr.Gopan Kumar was shared by the Sister-in-law of the deceased.

Gopan had two wives. The first wife is Sara, teacher in Mondakia, had no children. So Sara requested Gopan to go for second marriage to have a child. Therefore Gopan married Mami and had two children, one daughter and one son. Sara, Gopan and Mami were happy with their children and stayed together in Mondakia. During the violence Gopan was in Mondakia. On 26.8.2008, one RSS leader from the near by street came to Gopan and told him that the people of that village have targeted him and requested him to escape himself. The RSS leader was very clever to make this plan. Gopan was very simple man so he could not think about the corrupt plan of the leader. On the same day, 26th morning about eight O' clock, Gopan left his house.As soon as Gopan went out of the house, the leader informed the group about every movement of Gopan and they were following him on his way. Gopan was ignorant about all those happenings.

During this time the RSS group destroyed the Church and was having meeting in Lahuringia Gandagada. About forty five to fifty people gathered there. They were waiting to seize Gopan with sword, dagger, gun, lathi, crowbar and axe. They were shouting 'Jai Sri Ram, Bajrang Bali Ki Jai.' They had put red tilak on their foreheads. They met Gopan in Gandagada and did not allow him to go ahead. They asked him where he was going. Gopan answered them that he was going to his village. So those people told him where will you go? Heaven or village? We will see where you will go. Then Gopan told them, leave me I will go. They replied him we will not allow you to go; we will send you straight to heaven. There was a field near the road side, with fear Gopan jumped into the field. Since it was raining season the field was tilled for the cultivation. Gopan was a fat and tall man so once he jumped he could not come out from the mud. This was the chance for those people. They came to Gopan and tried to kill him with an axe. At that time Gopan could manage to catch the axe. Those people told in Oriya.....

..... and they tried to cut his arm but the axe broken into pieces, though he was injured.

So those people talked among themselves that with that axe they cannot kill him therefore they went up to the road and threw a big stone on his head. Since the field was with full of mud he could not escape from the spot and the stone fell on him. After that they put more stones on him thus he was stoned to death.

Then the crowd moved to the village to destroy the houses in Gondagada. There they had a discussion about the dead body of Gopan. They decided to take out the dead body from the mud and burn it so that there would not be any proof for the case. So they came to the field to take the dead body but it was not easy to take it out from the mud. So they tied both hands and legs, and put a lathi between and carried his body like a pig. They took body to the church then poured petrol and kerosene on the body, took out all the woods from the church and placed on him and burnt it. They took the ash and threw it in the field. But some part of the body was not burnt so they took the remains and buried somewhere and nobody knows about it till now.

When the family members got the news they went to the camp in Raikia. The situation was such that they could not go out from the camp. About two weeks after his death two

wives of Gopan went to report the case in the police station. Police accepted the report but did not go quickly to find out the body. It is only after two weeks the police went in search of the dead body. The family members also went along with the police but they got only the small pieces of bones inside the church.

They have received Rs.2,00,000/- from the government and yet to receive Rs.3,00,000/-. Now the family of Gopan is in a rented house in Udayagiri.

Information collected by Sr.Sasmita and Sr.Anita,  
Soc. Of Ursaline of Ranchi.

## Annexure-2

Situation of people in relief camps who find it difficult to go back to their native villages.

## Case Studies

Name	-	Mrs. Chandama Nayak
Husband's Name	-	Joseph Nayak
Village	-	Betikola
GP	-	Lingagada

Chandama Nayak was staying with her three kids and husband Mr. Joseph Nayak in Betikola village under Lingagada panchayat of G Udayagiri block. They were staying together supporting each other in all the needs. Joseph Nayak had a petty business of utensils.

Chandama was preparing leaf plates; and her husband was taking siesta when the mob attacked their village. Hearing about the rioters' approach Joseph Nayak and children went out side of village. Chandama remained at home. The rioters burnt their house and house assets. She was fearful and cried and moved to search for her husband. He was hiding in graveyard.

They stayed one night at uncle's house. Afterwards came to G. Udayagiri camp, stayed there 15 to 20 days then shifted to Janla camp. They received all facilities and supports in the camp. Joseph Nayak is a TB patient and taking treatment. Now what will they do in their village? The villagers are not giving chance to stay in, they have been threatening to become Hindu; if they become Hindu then they can stay in the village. For last 12 years they have not been changed, if they build house again the rioters will destroy it.

By next week the camp is going to be closed, then they have to go to Kandhamal, for how long can they stay away from their native village. The government/administration should give them place to built houses. And they can stay worshipping the same God.

2

Rabindra Pradhan,  
Village- Mundakanga  
GP- Lingagada,

I am a small farmer. in our village only four families are Christian. we all with Hindus were staying together, helping each other with practicing all socio-economical activities of the villages.

After the killing of Swami the hindus only informed us about the attacks on minorities and may attack on us. When they about to attack our village they suggested us to go forest. I with my children, wife and other three Christian families rush to forest. From there we saw how they are demolishing our houses and destroying the belongings. Two days in day time we were stayed at forest and return back at evening taking pressed rice. One day the neighbor Hindu family watered rice. On the first day when they destroyed our houses, called the neighbors to take food but we did not feel good. after the destruction we returned and gathered the left out materials those also been taken when we were in G Udayagiri camp.

We stayed 20 to 25 days in G Udayagiri camp. There were huge people. I was not got any dress or mosquito net except two blankets and saree blouse for my wife. We had no card. For 15 days I asked but did not get anymore. I saw my children getting weak, and I went to Daringabadi, there also not enough good to stay in brothers house. Again we came to Bhubaneswar. Here we feel better. We got all facilities. I am going under carpentry training.

Now I am in fear because we are only three/four Christian families in the village. Two families have been forcibly converted to Hindu. People are saying if you convert to Hindu then come otherwise we will not accept and keep you in the village. I did not go for harvesting. I have lost my livelihood. Now in my village nothing is left for me. Now the Bhubaneswar Camp is going to close. I have planned to go Raikia Camp. From there I may go to Daringabadi, because I can not go to my village.

3

Manaranjan Pradhan  
Village- Bakakamba  
GP- Grecingia

I was staying with my family in village with my parents, a brother and a sister. Before riot there was harmony in our village. In our village all are tribal Kandha, but have Hindu and Christian faiths. We all were staying together. There was neither any discrimination nor any restrictions for none.

On 23rd September, one month after the broke out of riot, at night 10.30 pm about 60-70 people came from the Ratingia and Grecingia Panchayat and attacked on Christian houses of our village. We kept ourselves aside. They chased us to kill after destroying our houses. At that time we were seven of all Christian families. We scattered ran to fields and forests. Again in the morning we came together and entered in village at that time also the villagers chased about 6 kilo miters to kill. On that day onwards all of us stayed in different relief camps.

Now the villagers are not talking to us. In village meeting they have decided to isolate us. Those who will talk to us will fine Rs.1000/-. They have separated us and other Christian families. They have decided not to involve in any socio-economic activities of their village. But most of the villagers are talking out side of the village when no one sees. We want to mix with them live the same life do the same work for our livelihood but it becomes difficulty. We will try for it. Still there is fear, there may happen any conflict and disrupt in our lives.

4

Sanjulata Pradhan  
Village- Padangi  
GP- Padangi

I am a widow was staying with my only son in Padangi village. I was working as caretaker in Padangi Convent. In December 2007 the local fundamentalist have attacked on our church and made a huge destruction. After renovation of the church the villagers and youth were looking church since June 2008. One month before the killing of Swami Laxananda people used to give us letters to destruct our houses and church.

On 26th August 2008 they started destructing houses of Christians in our village and destructed Convent, Hostel and Church. We all with about 600 girl children ran to forest. The whole night we stayed in it in the next day again we went deeper forest about 6 km. in side. In forest we stayed seven days with the children. We had neither food nor clothes. For three days were empty stomachs. On the fourth day some of the villagers gave us rice and we cooked it in forest. In this time shops were banned to us. We did not get sufficient food materials. After seven days we returned to village and informed the guardians and parents to take their children.

Since that I was staying at Church compound, because there were no father, no one to take care of the remained house and assets. At that time there was police. After one month the villagers asked me to become Hindu, they forced me. I was agreed with one condition, give me work of Rs.2200/- per month. They could not but forced me to become Hindu. One mother attacked me hold my hair and other women members gathered around and beat me, threatened to be come Hindu. But I said "I won't Leave Christianity". Then I informed it to Father and came to Janla Camp.

Now the villagers are not accepting us, even they have decided to not to give work or work facilities to the Christians. Most of the Christians consented to become Hindu and

their houses and properties were safe. But some of them started to go church which irritated the fundamentalist again. they may do any thing at any time.

Now what will I do, where will I go? Neither land nor work I have. Being a widow woman there is no place for me. If the Priest and Nun would go to the village and start the institution again then I can get the source of bread and butter.

5

Paul Pradhan  
Village- Boriguda  
GP- Paburia

I am a Social Activitst having own NGO 'Pallishree'. After a long time I would like to share my suffering and bitter experiences on Kandhmal incidence, prior to assassination of Laxananda Saraswati and his associates on 23rd Aug 2008. On 24th Aug I was going to Bhubaneswar, for that i had to reach G Udayagiri, but could not. On the way at Gecingia one of our colleague restricted me to go Udayagiri since the violence started in G Udayagiri. During my stay at Gecingia the communal violence spread over the district and killing, looting, destroying, burning the properties and institutions of Christian community. It is matter of great regret and sorrow that the district administration totally failed to maintain law and order situation there by turning Kandhamal in to a anarchism.

On 26th I got a phone call from my friend that our organization and society have already been ransacked and everything looted and the rioters have set fire on our organization and they are searching me to kill. In the evening I got news from my family members that my house was attacked. The rioters looted all the belongings and damaged my house. And my family members ran in to forest. Neither I nor my family members were secured. In next day morning my family members surrendered and forced by the villages to become Hindu. Also were threatened not to give any information or report to the police station. I was hiding my self in a Hidu family up to 27th August. From there I went to G Udayagiri on foot to my sister in law's house at night. There I stayed till 31st August and move to Bhubaneswar on 1st September 2008.

After having lost everything presently I am staying in a rented house with my family. But facing lots of troubles and difficulties to support my family due to financial crisis and feeling insecure and still i am in fear due to no adequate precautionary measures being taken by the government in the violence affected areas. The real culprits have not been arrested till date, the conspirators and kingpins have escaped. Most of the victims are in the relief camps, forest and out of the district. The victims are asked to go back to their villages but the Hindu fundamentalists are asking them to become Hindu. Unless they became Hindu they won't be allowed to stay in their villages. So it is a critical situation to exist.

## ***Case study***

### ***Name of the victims: Abhimanyu Nayak***

Age-44 years

Village- Barapalli

Block-Chakapad

District-Kandhamal.

Date of incident: 27.08.08

Place of incident: Gouda Sahi, Near Mango tree, At- Barapalli, Pasara, Chakapad.

Nature of Death: burnt alive

Contact information for eyewitness: Mrs.Priyatama Nayak

Name of the person reporting to Diases: Tukuna

FIR Filed: Yes file

Police station where FIR Filed: Tikabali Police station

Name of group attacked: Kui Samaj.

### **Details of the incident:**

Home is a place where the joy and happiness of heaven is found; it was that home where Priyatama Nayak with her daughter Puja and son Tukuna and her beloved late Abhimanyu Nayak lived together. A small family of late Abhimanyu Nayak, for the last 25 years at Barapalli resembled a small stream having no objection towards flowing the great ocean. On 27<sup>th</sup> Aug'08 Mr. Nayak with his daughter Puja were asleep in their Verandah with a sweet dream of new day and new life. At about 11 o'clock in the day, around 150 perpetrators wearing mask on their face carrying lethal weapons in their hands rushed towards Barapalli. The rushing sound of the perpetrators echoed like a heavy snore of a dragon. Without much delay they came to Abhimanyu's house, snatched him from the clutch of his sweet daughter Puja and dragged him to the nearby jungle. Abhimanyu felt that a furious tiger had eloped him from home to devour. He was hopeful of giving a good kick, if the tiger attack him for he possessed a sound health. Soon he found himself with heavy flogs all around his body by the so-called human beings (perpetrators). He was mercilessly beaten up and made naked and struck with iron rods and axe. He was then completely exhausted and with folded hand appealed for release but he was mocked at and was taken to a nearby mango tree with his hands and legs tied and was made to hang from the branch of a tree. A drum of kerosene and diesel were poured on him and finally he was set ablaze. The perpetrators believed he was dead, so they dispersed from the spot. The rope with which he was hanged from the branch got perished because of the fire and immediately he fell to the ground like a ripe mango. When he found himself untied he collected all his left energy and ran towards his home, which he desired the most. Eighty percent of his body was burnt and roasted because of the fire. His daughter Puja witnessed this entire incident done to her father; she became dumb and speechless. Her father asked Puja to call her mother, perhaps to share his last words with her. When his beloved wife came closed to him she was stuck with wonder and was breathless. When she tried to place his head on her chest she found fleshes dropping down from his arms. She found her husband burnt completely and was scared to touch him lest all his flesh would come out from the body. This made her feel as if a

sword had pierced into her hearts. Abhimanyu full of hope and faith called his family members together and advised them to be loving and forgiving as Jesus loved and forgave the sinner for those who did crime to him. He further appealed them to leave the village and tell others to do the same. Priyatama and her two kids meanwhile had shed all their tears and their hearts broken. Priyatama was hopeful that her husband would never dismay them and would be healed. So she took her courage and struggled to bring her husband back into normalcy, but all her efforts were in vain. Abhimanyu sternly looked at Priyatama for a while and his two loving kids and breathed his last.

### **Done by Adikanda**

Name of the deceased	-	Abhimanyu Nayak (SC)
Age	-	40 years
Religion	-	Catholic
Village	-	Barepalli
Post	-	Pasara
Police Station	-	Tikabali
Block	-	Chhakapada
District	-	Khandamal (Orissa)
Date of Death	-	27.8.2008
Place of Death	-	At home
Time of Death	-	11.00 am.
Nature of Death	-	Burnt to death
FIR Date	-	28.8.2008
Police Station	-	Linepada
PS Case No.	-	
Name of the Wife	-	Priyatama Nayak 35.
Children	-	Four (Tukuna 16, Priya 13, Madhuri 12, Versa 3)

Abhimanyu Nayak has some field in the village. It was on 27<sup>th</sup> August he was just back from the field, Rama Kanhar from Sugada Sahi, block chhaapada came to their house around 3 O'clock afternoon, and asked him in a friendly way, to go to have wine. When Abhimanyu refused he told him to sleep straight. Abhimanyu did not understand anything.

Around 12 O'clock 80 to 100 RSS mob entered into the village with dagger tangia, sword, arrow, gun, kerosene, petrol etc. Straightly they went to Jaya Pradhan (leader) from Barapali and asked permission. They had also put burkha.

When the mob entered into the house Abhimanyu was lying down, they dragged him out of the house. In fear Abhimanyu said "I am ready to do whatever you say please don't kill me." He also said that earlier he was in the RSS team and for two years he was servant in others house. When he came this religion he is now little bit happy. So please

do not do anything to him. They were not ready to listen to him. He had not finished telling they dragged him as dog and tied him in the Jaya Pradhan's mango tree. They tied his two hands on the tree with a rope and poured kerosene and put fire. But he got burnt only little bit, the first skin but the rope burnt fully.

According to his wife Prafulla, Rama Mallick and Jaya pradhan (RSS leader) put fire on him. He was not completely burnt. So they brought leaves from the tree, put over him and again put fire. Even then he was not completely burnt. From that place some how Abhimanyu came to his house and told his wife that Rama Mallick, prafula, sima from sugasahi and jaya pradhan have burnt him and he is going to die. He also told his wife and brothers to run from that place and not to be caught by the mob.

According to Maheswara Nayak Abhimanyu's skin came out completely and every part was visible. When the skin came out from the hands Abhimanyu told his wife to cut the skin and she cut the skin and kept on the ground, immediately dogs took it away to eat. His chest bone had broken and everybody was frightened to look at his body. He could only speak, he asked for water to drink. He drank the water and told his wife and elder son Tukuna to take care of the children and he was going back.

On 28<sup>th</sup> August 2008, at 11 O' clock Abhimanyu died. They lodged FIR on 28<sup>th</sup> August in Linepoda police station. Police from Linepoda came for the enquiry to his elder son Tukuna. Police did not take the dead body. Linepoda police gave information to the Tikabali police. Second time again they gave information to Tikabali police. On 30<sup>th</sup> August after finishing the enquiry by Linepoda police the villagers took the body for the burial. Again Tikabali police came to take the dead body for the postmortem so again the dead body was dug out from the tomb.

When Prafulla his wife, got little consolation she went to her mother's house. She was mentally distressed and was admitted in the hospital in Cuttack. After two months she came to Janla camp at Bhubaneswar. The family have received Rs.2,00,000/- (Two Lakh) from the government and three Lakh yet to be received.

Prafulla is very much miserable and like half mad. Only thinking of her husband. His son Tukuna too is so discouraged. They are all staying in the camp. She tells that for some time she cannot forgive and forget those people. She weeps every day and losing her health.

**Done by Sisters**