

NATIONAL COMMISSION FOR MINORITIES

Report of the NCM visit to Orissa, 6-8 January 2008

A semblance of normality appears to be returning to the violence hit districts of Orissa. The reasons for the outbreak of violence on the eve of Christmas are far more varied than was apparent from media reports, but there is no doubt that the Christian community and its places of worship were the principal target of attack. They bore the brunt of violence and suffered the maximum damage. As a result, the Christian community continues to live in fear and feels insecure and unsafe. It may take months and even years to restore their confidence. This will depend, above all, on the State Government's ability and willingness to address both the immediate and long term issues that were responsible for the violence. This is the overall conclusion reached by the NCM delegation.

Members Zoya Hasan and Dileep Padgaonkar visited Orissa from 6-8 January 2008. During their stay in Bhubaneswar and visit to Phulbani in Kandhmala district, the Members met a cross-section of political, civil society, religious groups and organizations and the affected people. The team held meetings with district officials engaged in restoring peace and normality in the disturbed areas. They apprised the team of the measures taken by the administration in the past two weeks to restore peace. In the State capital the Members met the Chief Secretary, Home Secretary, DG (P) and other senior officials before calling on the Chief Minister. The team also paid a courtesy call on the Governor.

Several factors were at work and converged to create tension and violence which started on 24th December 2007 and continued until 27th December 2007.

The long simmering Kondh-Pana conflict was in part responsible for the agitation and violence. The Kondhs are Scheduled Tribes (STs) who constitute

51.96 percent of the population in Kandhmal district, the Scheduled Castes (SCs) (many of whom are Pana) are 16.89 percent, and Christians are 18.20 percent. A section of Christian Panas have been seeking inclusion in the ST category which would entitle them to the benefits of reservation. Their demand is based on their linguistic and cultural affinities with the Kui group. However, the Kuis have been resisting this demand on the ground that they were ethnically different from the Panas.

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.

A second, if not more important factor, is the anti-conversion campaign conducted by the VHP and the Sangh Parivar organizations for the past few years. The campaign has aimed to prevent the conversion of tribal and Dalits to Christianity. Swami Saraswati Lakshmanda, the leader of the anti-conversion campaign, established an Ashram in this area in 1969 and has opened educational institutions for tribal boys and girls.

The 1991 Census shows the Christians constituted 75597 of the population of Kandhmal district whereas in the 2001 Census their population had gone up to 117950. While the increase in population in percentage terms is substantial, there is no evidence whatsoever that this increase occurred under duress or on account of inducement to conversion.

A stringent law regarding conversion the Orissa Freedom of Religion Act has been on the statute books for the past four decades. The NCM Members asked both district officials and senior officials in the State Secretariat whether any cases had been reported or filed with regard to infringement of this law over the past 10 years. Not one incident of forcible conversion was cited or adduced. We also inquired from the Church representatives whether they keep a register of conversions. Such a register is a routine practice at the time of baptism. The Church representatives confirmed that they indeed maintained such a register. But no one has apparently bothered to check it. In fact the Archbishop of Bhubaneshwar told the NCM team that neither he nor anyone in the Diocese was ever summoned by the authorities with regard to matters relating to conversion.

From the above the NCM team has inferred that there is no basis whatsoever to justify the anti-conversion campaign. On the other hand, this mischievous campaign has created an atmosphere of prejudice and suspicion against the Christian community and Christian priests and organizations. The role of the Sangh Parivar activists and the anti-conversion campaign in fomenting organized violence against the Christian community deserves close scrutiny. This is especially urgent in view of the official explanation to the effect fact that the recent incidents in Orissa are largely of an ethnic nature rather than motivated by an anti-minority intent. The NCM team noticed that there was a concerted effort

on the part of government officials to evade and prevaricate on the communal dimension of the conflict and to explain the violence in terms of the Kondh-Pana conflict.

The NCM team 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 Bhubaneswar 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 co-incidence. 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.