

Aftermath of Anti-Christian Violence in Orissa State, India

December 2009 update

CSW has conducted three fact-finding visits to Orissa since August 2008. This briefing is an assessment of the aftermath of the violence, based on site visits in Kandhamal and interviews with victims and eyewitnesses of the attacks, NGO leaders from the region, church leaders and Hindu members of civil society.

Background

In 2008, Orissa witnessed the worst spate of 'communal violence' ever faced by the Christian community in post-independence India, including brutal murders and rapes, widespread destruction of churches and property, and forcible conversions to Hinduism. The attacks, centred in Kandhamal district, were catalysed by the assassination on 23 August 2008 of Swami Lakshmananda Saraswati, local figurehead of the radical Hindu nationalist group Vishwa Hindu Parishad (VHP), by assailants believed to have been Maoists. By 24 August, mobs were rampaging through the district, setting up roadblocks, shouting Hindu nationalist and violent anti-Christian slogans, openly blaming Christians for the murder and calling for revenge as they attacked Christian targets. Although rural poverty and underlying issues of ethnic tensions over entitlements in Kandhamal played a role in the violence, these were not the primary causes but provided a context for the radicalisation of one community and the incitement of violence. The Orissa chief minister publicly acknowledged the role of extremist Hindu nationalist organisations in the violence in the legislative assembly for the first time in November 2009.

The violence which started in August 2008 continued for over eight weeks. At least 50,000 were displaced and 70 were killed; among the victims were Hindus opposing the rioters. Widespread anti-Christian attacks had also taken place in Kandhamal in December 2007, impunity for which laid the foundations for the second, more serious wave of violence in 2008. The state government failed to implement detailed recommendations made by India's National Commission for Minorities in early 2008.

The government is to be commended for actions taken in the aftermath of the violence, including dispatching a consignment of the central reserve police force and establishing two fast-track courts, but contrary to official statements, the situation now is scarcely "normal".

Current situation and priority areas of concern

1. Official relief camps have closed, but many victims are now living in makeshift shelters or displacement camps near the villages in which they lived previously, with no clear idea of whether or when they will be able to return home. These camps offer very little security and poor living conditions. Many people live in tents provided either by the state government or by NGOs and have no sustained supply of food or healthcare. In September 2009, a woman in one camp said that she had no choice but to sell her rice in order to purchase medication. The provision of security at these camps is inconsistent at best, and some of the most vulnerable are left without any security, susceptible to threats from nearby villagers. The welfare of women and children in these camps gives particular cause for concern.
2. Compensation promised by the government has been delivered to some extent, but it is rarely commensurate with needs. Routinely, a house with little more than half a wall remaining is categorised as "partially damaged" and receives a low level of compensation that does not match the cost of rebuilding, especially given that demand has considerably pushed up the price of building materials. The fact that many Christians are ostracised by their Hindu neighbours mean that they struggle to gain any employment as (labourers), and, with no other means of income or any government provision of food or other basic necessities, they use their compensation to meet these needs. As a consequence, they fail to display evidence of rebuilding their homes, and therefore do not receive the second instalment of compensation. If the current system is left unchanged, it could greatly accentuate the impoverished, disenfranchised and landless status of victims.
3. There are legitimate fears of impunity on a large scale: there is evidence of endemic bias and dereliction of duty in the investigation and prosecution of offences, and the majority of cases that have reached the courts have resulted in acquittals. As of September 2009, lawyers in Kandhamal said that, of 3,223 complaints submitted to the police, only 831 had been registered as First Information Reports (FIRs). An FIR must be registered as a prerequisite for a case to be investigated and brought to trial. Police are accused of sabotaging attempts by victims to register FIRs and refusing to investigate them properly, including by failing to obtain the complainant's signature or providing duplicate copies to the complainant. Some FIRs have been stultified by simple inaction, or by the failure of the police to interview material witnesses. In addition, police have registered 'group FIRs', for instance covering all incidents in a

particular village, suggesting that they lack the will to investigate individual allegations; this seriously damages transparency. Some of the public prosecutors are accused by lawyers of lacking impartiality and failing to remedy defects in the investigatory process, such as by not opposing bail for the defendants. The granting of bail to high-profile defendants has done little to assuage fears of impunity; for example, Manoj Pradhan, who was charged in fourteen cases including murder and arson and elected to the Orissa Legislative Assembly from prison in May 2009, was given bail in all cases on 29 October.

4. The judicial system in place has been partially successful, but the realities of trying cases in a rural situation amidst widespread fear, combined with poverty and illiteracy, create special needs which the current system is failing to address adequately. Many witnesses or victims are reluctant to testify in court for fear of retribution and lack of confidence in the efficacy of the system, and they have been intimidated and threatened, sometimes by mobs outside courtrooms. Judges have refused to order the protection of witnesses, instead merely notifying the police of alleged cases of intimidation. Where witnesses are willing to testify, they require thorough preparation. Lawyers in the area believe that the courts need to be more sympathetic to these problems, and that many cases have been thrown out for arbitrary reasons or for lack of proper investigation and evidence. This problem may be indicative of the difficulties that witnesses face in articulating their evidence in the courtroom context. Many victims are dependent on comprehensive assistance from legal NGOs, which includes assistance with registering an FIR, preparing them to give testimony, providing transportation to and from the police station or court and providing remuneration to cover the lost earnings needed to sustain their families. There is a chronic shortage of capable legal assistance, despite commendable efforts from certain groups. Some lawyers believe that the judicial process would benefit from major trials being held outside Kandhamal (as after the 2002 anti-Muslim violence in Gujarat), and police protection or relocation being offered to victims.
5. Fear is ubiquitous among the victims, and is compounded by the lack of effective action to secure justice and peace. The victims continue to live in fear of further attacks, and many perpetrators of violence remain free to threaten them and demand their conversion to Hinduism as a condition for peaceful coexistence. Many victims are concerned that there will be large-scale impunity and lack confidence in the will of the authorities to deliver justice; one man in a temporary displacement camp said, "Only if the culprits were arrested, would we feel confident to go back to our village". There is still no viable means of community reconciliation; several interviewees reported that peace meetings were not attended by the aggressors, or that they were used as forums for insisting upon conversion to Hinduism. Many victims appear to assume that they will need to convert in order to live peacefully in the area, but they are unwilling to do this. The consequence of this is a widespread sense of utter helplessness and fatalism; as one man in a displacement camp told CSW, "We are not sure about going back to our village ... maybe this is our fate. We cannot become Hindu and go back".

Recommended actions

(See also CSW's briefing, "[India: Religiously-Motivated Violence & Discrimination against Christians in 2008](#)").

1. The Orissa state government should:
 - a. Invite the Central Bureau of Investigation (CBI) to carry out an investigation;
 - b. Prosecute police who fail to register FIRs;
 - c. Implement a basic witness protection scheme, and provide assistance and remuneration to victims in order to ensure they are able to testify in court;
 - d. Establish police outposts not more than 20kms apart, towards maintaining law and order;
 - e. Prosecute forcible conversions to Hinduism under the provisions of the Indian Penal Code (IPC);
 - f. Repeal the Orissa Freedom of Religion Act, 1967, which fuels prejudicial attitudes towards religious minorities;
 - g. Establish a State Commission for Minorities, in the model of its national counterpart.
2. The central government should:
 - a. Announce a more comprehensive package of compensation for institutions and individuals, including covering loss of crops, livestock and employment, and use independent assessors of the damage; and implement measures for the broader socio-economic development of Kandhamal district;
 - b. Investigate the activities of extremist groups implicated in the incitement of the violence;
 - c. Investigate the legitimacy of the election of Manoj Pradhan to the Orissa Legislative Assembly;
 - d. Remove the link between membership of Scheduled Castes and religious status.
3. The international community should: raise recommendations 1-2 with the government of India; closely monitor the judicial processes; investigate the funding of extremist Hindu organisations in India through domestic organisations; share best practice on community reconciliation; and target developmental funding at projects to tackle extreme poverty in rural Orissa.