

briefing

India

Preliminary Report: Communal Violence in Kandhamal District, Orissa

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CHRISTIAN
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'It is the acrid smell from the burnt-down churches, vehicles and homes that remains with you after a visit to Kandhamal district after the worst instance of anti-Christian violence in independent India.'

S. Anand, Tehelka

'You will feel and hear testimony from the victims that either India is not a democratic country, or there is at least no rule of law in this place, or Hindu fundamentalists are on the ruling throne of the nation.'

The Rev. Harish Arisalya, All India Christian Council

'The largest attack on the Christian community in the history of democratic India.'

Dr Joseph D'souza, All India Christian Council

'It was an organised and pre-planned attack on the Christian community.'

Dilip Padgaonkar, National Commission for Minorities

'The administration failed miserably to take necessary actions to prevent such unprecedented destruction of establishments to [the] Christian community.'

The Rt Rev. Raphael Cheenath, Archbishop of Cuttack-Bhubaneswar

'Hate so deep and pungent does not augur well for the country, and of course, poses an immediate threat to the ideals of secularism and freedom of faith, the right to life and the right to dignity enshrined in the Constitution of India.'

Dr John Dayal, All India Catholic Union

2. Recommendations

The following recommendations have been developed in the light of representations made by the Christian community to the government of India.⁴

The requests of the Christian community as articulated at these meetings and events have informed the recommendations of this report. They are designed to secure justice and rehabilitation for victims of attacks, and the implementation of measures to prevent similar major outbreaks of communal violence in future.

2.1. To the government of India

It is recommended that the government of India should:

1. Open an investigation into the violence in Kandhamal district by the Central Bureau of Investigation (CBI);
2. Ensure that the First Information Reports of victims of violence are properly registered, regardless of religion or caste status;
3. Respond to the attacks under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;
4. Urge the Orissa state government to carry out a proper assessment of the damage;
5. Ensure that full and proper compensation is given to victims of attacks, in line with the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and its rules;
6. Establish a fast-track court to deliver justice to the victims of attacks;
7. Ensure the establishment of a state-level commission for minorities in Orissa, whose members are appointed by transparent and non-partisan procedures;
8. Address the widespread allegations (included those made by the National Commission of Minorities) of incitement to violence by Hindu extremist groups, specifically the VHP and its local leader, Swami Lakhmananda Saraswati, and ensure that any extremist religious groups found to be complicit in inciting violence are banned in Orissa state;
9. Adopt the recommendation of the National Commission of Minorities that an official paper should be released to clarify the issue of conversions, which has been exploited to vilify the Christian community;
10. Condemn and take steps towards the abolition of the Orissa Freedom of Religion Act, 1967;
11. Adopt and implement the recommendations of the Justice Ranganath Mishra National Commission for Religious and Linguistic Minorities, specifically that the eligibility for membership of the Scheduled Castes should not be linked to religious status.

⁴ Representatives of the Christian community have held meetings with Prime Minister Manmohan Singh; President Pratibha Patil; Congress Party leader, Sonia Gandhi; Minister for Home Affairs, Shivraj Patil; Orissa Chief Minister, Naveen Patnaik; National Commission for Minorities chairman, Mohamed Shafi Qureshi; and National Commission for Human Rights chairman, Justice S. Rajendra Babu. Large-scale protest rallies were held in numerous locations, including Delhi on 27 December and Bhubaneswar on 10 January.

2.2. To states and regional actors

It is recommended that states and regional actors should urge the government of India to implement the recommendations given in section 4.1 above.

2.3. To the UN Special Rapporteur on Freedom of Religion or Belief

It is recommended that the UN Special Rapporteur on Freedom of Religion or Belief should attempt to visit Orissa state during her next mission to India, to investigate the dimension of religious hatred in the Kandhamal violence, and the issues of structural religious discrimination as indicated by the official response to the violence.

3. Introduction

Christian Solidarity Worldwide (CSW) was extremely concerned to receive reports of the outbreak of severe violence in the Kandhamal district of Orissa following 24 December 2007, of which the Christian community was the largest, though not the only victim.

The local and international media has been criticised by local NGOs for poor and distorted reporting of the situation; the former for its bias against the Christians and the latter for its superficial treatment of the attacks as a simple outbreak of Hindu-Christian violence. This may have detrimentally affected the effort to highlight the attacks as the more complex culmination of a long-term campaign to Hinduise a tribal population, which involved the vilification of religious conversions to Christianity, and the fact that the violence was targeted primarily at the Christian community. There has also been little recognition or condemnation of these events by international actors.

Although CSW has been unable to undertake a visit to the affected area due to restricted access, this report is produced in consultation with those who have visited the area, and is based on a combination of eyewitness reports, the testimony of those who have visited, and the reports of numerous fact-finding visits. Some of the allegations made in these initial reports have not been fully confirmed, but demand and highlight the need for a comprehensive and impartial investigation into the violence and its aftermath.

4. Summary of Events

4.1. Chronology of major attacks

The events which immediately catalysed the series of attacks through Kandhamal district took place in Brahminigaon⁵ village on Christmas Eve, 24 December. They occurred in the aftermath of a meeting between local Vishwa Hindu Parishad (VHP) figurehead, Swami Lakhmananda Saraswati, and Hindutva groups in the village, which reportedly led to heightened communal tensions.

In the context of these simmering tensions and amidst fears of violence, which had been articulated to the authorities, Christians in Brahminigaon had obtained official permission to hold their normal Christmas activities, but no police protection was given.

On 24 December, a group of men affiliated to the Rashtriya Swayamsevak Sangh (RSS) and its subsidiary, the VHP, threatened and disrupted the customary preparations for Christmas being undertaken by Christian villagers and the local Ambedkar Banika Sangh group. They had protested against the erection of a traditional public Christmas decoration in a market. Although their complaint was not upheld by local police, they nevertheless disrupted the market, leading to a public altercation, in which they reportedly violently assaulted those present. Later, an armed mob attacked the market, where they destroyed the Christmas decoration and burnt and looted shops belonging to Christians. According to the testimony of the Catholic parish priest, a boy of fifteen was shot and injured during the attacks. In panic, the Christians in the village fled into a nearby forested area, where they remained overnight. Police reportedly took no action to stop the violence.

On the same day, the car of VHP leader, Lakhmananda Saraswati, was stopped in nearby Daringbadi village. He is believed to have been travelling towards Brahminigaon, which the

⁵ Brahminigaon is also rendered as Bamunigaon, Bamunigam and other local variations.

NCM interpreted as an indication that he intended to 'exacerbate communal tensions'.⁶ The details of the incident in Daringbadi have not been clearly ascertained, but local media reports suggested that members of his entourage were either confronted by, or that they themselves confronted Christians who were beginning their Christmas celebrations. Lakhmananda Saraswati later alleged to have been physically assaulted, but serious doubts exist as to the veracity of this claim, as it was never substantiated.

On Christmas Day (25 December), the Catholic Church of our Lady of Lourdes and its compound in Brahminigaon was stormed and attacked by a large mob numbering several hundred, armed with guns, traditional weapons and inflammable liquids, reportedly shouting abusive anti-Christian slogans. They attacked, burnt and caused severe damage to the church building, priest's residence and presbytery. The church was severely damaged, and the elements of holy communion trampled underfoot in a deeply insulting act. The mob also destroyed houses belonging to Christians.

Eyewitness reports claim this violent rampage took place in the presence of police, who took no action against it. Fact-finding visit reports by the aicc and NCDHR articulated a belief in the culpability of the VHP for the attacks.

Later, on 27 December, several houses of Hindus in Brahminigaon were attacked, though responsibility has yet to be established. A number of Hindu properties were also reportedly destroyed in Gadaipur. The predominant theories were that this was a retaliatory attack by a section of the Christians, or that it was carried out by Naxalites, as alleged by the state government. The notion of Christian-Naxalite cooperation has been heavily criticised as pure conjecture, and the issue of culpability remains unclear.

From soon after the initial dispute in Brahminigaon, attacks on Christian targets spread throughout the district. In nearby Balliguda town, on the evening of 24 December, an armed mob attacked a Catholic church, reportedly shouting, "kill the Christians, destroy the church". The Christians in the compound fled, and the church, convent, priest's residence, student hostels and other church property were burnt down. A Baptist church and a Pentecostal church were also attacked.

In Barkhama village on 24 December, a mob estimated to comprise 2000 armed men shouting anti-Christian slogans attacked a Pentecostal church, after a joint service had been held. The attack involved substantial physical damage to the building, and the impromptu cremation of a recently-deceased Hindu man in the church; this was interpreted by Christians as an insult to their religion. Barkhama village was the scene of the largest number of attacks on Christian property during 24-25 December: in total, an estimated 415 houses were destroyed and six of the seven church buildings in the village were seriously damaged. When the violence began on 24 December, many Christians fled into the forest, some of whom were since temporarily accommodated in the village high school. Despite the severity of the attacks and the proximity of a police station, police reportedly did not investigate until late on 25 December.

Reports also emerged of the forced conversions of some Christians to Hinduism. In Kutikia, a small village near Balliguda, a small church was attacked, and its pastor, the Rev. Kalia Mani Digal, and twelve Christians were forcibly taken into a field, where they were tonsured and forced to eat raw rice mixed with goat's blood, in an act of coerced 're-conversion'.

Attacks on Christian targets were widespread between 24-26 December. On the evening of 24 December, a crude bomb was thrown by extremists at the house of Archbishop Raphael Cheenath in Bhubaneswar. Numerous other locations saw violent attacks on churches and

⁶ 'Report of the NCM visit to Orissa, 6-8 January 2008' (<http://ncm.nic.in/pdf/orissa%20report.pdf>), p. 5.

Christian property. In Pobingia, the church, presbytery and convent were burnt down. A convent was also attacked in Phulbani.

Churches or Christian property were also attacked in Bodagan, Dalagaon, Iripiguda, Kamapada, Kalingia, Khajuripoda, Kothaghar, Kulpakia, Nuagaon, Padangi, Phirignia, Sankharahole, Sirtiguda, Srasananda, Tikapali and Tumudibandha.⁷

4.2. Assessment of damage

As yet, no final audit of the human and material damage caused in the violence has been carried out.

The total number of deaths caused by the violence or by police shootings remains unknown. No official figure has been given, although the NCM reported three deaths: one Christian, one Hindu and one unknown. The fact-finding visit report of the aicc, published on 8 January 2008, noted four deaths.⁸ Among these was the murdered Barkhama Christian Bhogra Naik, whose death was witnessed by the pastor Adam Naik; according to this report, Bhogra Naik was brutally killed by VHP members, and his body was cut into pieces. A significant number of people are still believed to be in hiding or are otherwise unaccounted for, among whom some may have been killed.

In terms of material damage, the fact-finding visit report of the aicc gave a provisional figure of 95 churches or Christian institutions damaged or destroyed, and 730 houses burnt down or otherwise destroyed, the majority of which belonged to the Christian community. Houses and shops of the 'lower'-caste Hindu community were destroyed in Brahminigaon and Gadaipur.

4.3. Official responses

The reports of attacks received by CSW included consistent and serious allegations of police negligence, particularly among senior officers.⁹ Such negligence was a significant feature of NGO reports of attacks in several locations. According to Archbishop Raphael Cheenath, 'Destruction took place even in the presence of police force in [Brahminigaon], who were mute spectators'. In Barkhama village, where a large number of attacks on Christian properties took place on 24-25 December, police did not arrive until late on 25 December, despite the proximity of a police station twelve kilometres away in Balliguda. According to the fact-finding visit report of the aicc, they took no action and left the scene. Similar allegations were also made of police inaction in Daringbadi.

The government compensation package has also been criticised as minimal by the Christian community and the NCM:¹⁰ revised figures announced on 23 January promised no

⁷ English renditions of these locations may vary.

⁸ Those listed as deceased were: Bhogra Naik (Christian, Barkhama), Tileshwar Mistri (religion unknown, Kasupanka), Rajesh (Christian, Alanjori) and Kundan Mantri (religion unknown, Jholasahi). The NCDHR alleged five deaths at the time of its visit.

⁹ Dr John Dayal reported a less partisan attitude among junior police officers. The aicc reported that a Christian police officer in Balliguda warned the Christian community in Barkhama of the high probability of an attack, but he was reportedly later transferred to another post, in what may have been a punitive measure.

¹⁰ The fifth recommendation of the NCM report is that, '[The] 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' (NCM report, p. 7). The 1995 rules of the Scheduled Castes and

compensation for destroyed churches, 200,000 rupees (approximately £2,570/€3,470/\$5,090) per damaged school, hospital or hostel, and 50,000 rupees (approximately £645/€865/\$1,270) per 'completely damaged' house.

Religious discrimination has been alleged in the relief camps set up by the Orissa state government. Separate reports suggest that one relief camp in Balliguda was vacated prematurely by state officials in order to give the impression of a return to normality, although others are still in operation. NGO access for relief has been largely denied, although reports suggest that the RSS and VHP have been able to distribute aid to Hindus in Brahminigaon.

At the central governmental level, Minister of Home Affairs Shivraj Patil visited Kandhamal district with the Orissa Chief Minister, Naveen Patnaik, on 2 January, but did not issue any public statements on his return. A three-member delegation of the National Commission for Human Rights also visited the area from 9-11 January.

Two representatives of the National Commission for Minorities visited the area from 6-8 January 2008. Its report concluded that 'the principal issue ... is that the Christian minority was the target of organised attacks'. The report condemned the role of Hindu organisations in their campaign against conversions, and called for close scrutiny of 'the role of the Sangh Parivar activists and the anti-conversion campaign in fomenting organised violence against the Christian community'. The report was also critical of the state government's attempt to detract attention from the communal element of the conflict.

5. Context and Analysis of Events

The violence was primarily directed against Christian targets, and spread quickly from the initial altercation in Brahminigaon to a sustained sequence of attacks across the district. These attacks did not happen in isolation, but within the context of a campaign of Hinduisation of tribals, which included the vilification of religious conversions and the particular scapegoating of Christians. Although a smaller number of Hindu properties were damaged or destroyed during the violence, no satisfactory account has yet been given of the perpetration of these attacks.

Some accounts of the violence have highlighted a protest which had been organised by the tribal group, Kui Samaj from 25-26 December. This was being planned to protest against the petition of the Pana caste (among whom were a relatively large number of Christians) to be enumerated among the Scheduled Tribes. No clear evidence has been adduced to link this directly to the violence, but it may have contributed to the communal tension which was being fomented by Hindutva groups, and the absence of any police protection indicates an irresponsibility on the part of the authorities.

5.1. Hindutva and anti-conversion campaign among tribals

Media and NGO reports have indicated that the attacks took place in the context of a long-term programme of 'Saffronisation' (propagation of a nationalist form of Hinduism, associated with the ideology of Hindutva) among the tribal community of Kandhamal district, in which tribal traditions were co-opted into Hinduism. This has been particularly associated with local VHP leader, Lakhmananda Saraswati, and involved the vilification of religious conversions and scapegoating of the minority Christian community. The NCM report is

the Scheduled Tribes (Prevention of Atrocities) Act, 1989, provide that, 'Brick/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed'.

highly significant for naming the VHP as being implicated in the violence; it is extremely rare for a government body or commission to directly connect instances of religious persecution to specific Hindu extremist groups.

The nature of this campaign was amply illustrated in an April 2006 edition of RSS publication, *Organiser*, which described a major religious rally for tribals, held in Kandhamal in April 2006 in which Christian missionary activities were demonised. The article described the singling out of the Pope by one of the speakers as ‘the most extensive violator of human rights’ by ‘throwing all human values to [the] winds’ and ‘advocating conversion’. It also specifically commemorated Lakhmananda Saraswati for having ‘successfully awakened the spirit of Hindutva among the [tribals] and drawn them away from the missionaries’. Lakhmananda Saraswati is quoted as having said, ‘the sooner Christians return to the Hindu fold, the better it is for the country’.¹¹

The verdict reached by the NCM report was: ‘Before the VHP’s anti-conversion campaign the tribal Christians and non-Christians had lived in harmony but the [Sangh] Parivar’s efforts had succeeded in creating a chasm [between them].’¹² Indeed, no clear evidence exists of Christians converting others illegitimately, and no convictions had been brought under the Orissa Freedom of Religion Act, 1967 (known dysphemistically as the state’s ‘anti-conversion law’), which serves to legitimise social antagonism towards religious conversions, despite the protection of the right to change one’s religion under the Indian constitution. On the contrary, reports exist of forced conversions of Christians to Hinduism during the violence.

The methods employed by the Hindutva groups within this campaign included the exploitation of existing tensions between some tribals and some Pana Christians, which readily divided the district population along religious lines.¹³ Many of the Hindu Kui-speaking tribals were converts to Hinduism from their traditional religious beliefs, whereas many among the Pana caste were converts to Christianity. The Kui community was listed under a 2002 Presidential Order as a Scheduled Tribe, but membership of this community had not been clearly defined and was the subject of investigation under an Orissa High Court order. The Pana community (among whom were a large number of Christians), was enumerated among the Scheduled Castes, despite sharing a language with the Kui tribals. Under current legislation, those among the Pana who convert to Christianity surrender their Scheduled Caste status, and with it, eligibility for reservations.¹⁴ Some Pana Christians were petitioning to be reclassified as Kui Scheduled Tribes on linguistic grounds; this would be to their benefit, as Scheduled Tribe status is not tied to religious affiliation. This claim was reportedly vigorously opposed by some Hindus among the Kui community.¹⁵ It was on this issue that the Kui Samaj had organised a protest rally to take place from 25-26 December.

Lakhmananda Saraswati opposed the reclassification of the Pana as Scheduled Tribes. This contributed towards widening the divisions and developing a religious flavour to the existing

¹¹ Sanjaya Jena, ‘Mammoth Vanvasi rally in Chakapad, Orissa: Demand for central law to ban conversion’, *Organiser*, 23 April 2006.

¹² NCM report, p. 5.

¹³ The colonial-era roots of these tensions are noted in Biswamoy Pati, ‘Re-convert or Die’, *Tehelka*, vol. 5, issue 2, 19 January 2008. This article concludes that, ‘What is being witnessed in the name of re-conversion in Orissa is the attempt by fascist forces to convert tribals to Hinduism. The attack on Pana converts to Christianity is aimed at terrorising them into submission.’ The NCDHR fact-finding report noted that no attacks took place in Mohana village, where the Hindutva-based incitement to violence was unsuccessful as a result of inter-caste unity.

¹⁴ This term denotes the government’s system by which a number of places in public sector education and employment are ‘reserved’ for certain caste and tribal groups.

¹⁵ Among the Christian Kui, it was supported by some and opposed by others.

tensions, which eventually fuelled the attacks on the Christian community.¹⁶ This deliberate conflation of agenda happened to the extent that, according to the NCM report, a tribal Kui leader reported that the VHP had ‘penetrated the ranks of the Kui Samaj’ was presenting the Kui issue as the main dimension of the conflict.¹⁷

Irrespective of the dimension of tribal tensions in the background to the attacks, the Christians who were targeted included members of the Oriya, Kui and Pana communities. It is therefore a distortion of the facts to represent the violence as being rooted in ethnic tribal tensions, as the state government has inferred.¹⁸

5.2. Premeditation and organisation of anti-Christian attacks

The speed at which attacks were launched on Christian targets following the original dispute in Brahminigaon village, the fact that they were sustained for several days, the fact that an estimated 2000 trees were quickly felled to block access to the area, and the preparedness of the assailants for the extensive damage which they caused, led analysts to conclude that they were premeditated and represented the culmination of long-term preparations. This conclusion was reached in reports by the NCM, aicc, Dr John Dayal, Archbishop Cheenath and the NCDHR, and in the media reports by *Tehelka* and NDTV.

The organisation of the attacks is widely attributed to Lakhmananda Saraswati and the VHP. Lakhmananda Saraswati visited Brahminigaon village in early December, leading to increased inter-religious tensions. Meetings of RSS leaders in Kandhamal district also took place in the days leading up to the attacks. According to reports from Orissa, many of the attackers had been drafted in from other areas of the state, which has rendered their recognition as difficult.

5.3. Fears of further violence

It has been widely suggested in the public debate about the attacks, that Hindu extremist groups perceive Orissa as a second ‘laboratory of Hindutva’, after Gujarat.¹⁹ The large, illiterate tribal population has provided fertile ground for propagating a nationalist brand of Hinduism, to the exclusion of religious minorities. Lakhmananda Saraswati has been recorded as recently propagating the view that ‘when people become Christians, they become enemies of the nation’. *Tehelka* also quoted him while speaking on a telephone on 25 December in the presence of police and journalists, as saying, “How many *Isai* [Jesus] houses and churches have you burnt? Without *kranti* [revolution] there can be no *shanti* [peace]. Narendra Modi has done *kranti* in Gujarat, the reason why *shanti* is there.”²⁰

This has contributed to fears that further violence could take place, unless decisive measures are taken to forestall this possibility. Subsequent media reports have supported this view: a letter between RSS members has reportedly been intercepted by intelligence sources,

¹⁶ An analysis of the situation in *Tehelka* saw an indication of a Kui Samaj stake in the violence, in that after the resignation of Padmanav Behera, a Pana Christian and a minister in the state government, was sought by the Kui Samaj, his house was targeted by a large mob during the violence on 26 December (S. Anand, ‘Next Stop Orissa’).

¹⁷ NCM report, p. 5.

¹⁸ This argument is made in the NCM report, p. 3.

¹⁹ ‘Laboratory of Hindutva’ is a popular designation for Gujarat. In 2002, Hindu extremists perpetrated severe violence against Muslims, in which at least 2000 are thought to have been killed, with the alleged complicity of the BJP administration.

²⁰ S. Anand, ‘Next Stop Orissa’, in *Tehelka*, vol. 5, issue 2, 19 January 2008.

outlining a Hindutva plan entitled 'Mission 2008' to 'create Gujarat-type communal frenzy in Orissa' and to incite further attacks.²¹

5.4. State government failures

Strong allegations have been made of a state government cover-up about the religious nature of the attacks. The government of Orissa is a coalition of the BJP and BJD; the BJP is linked to the RSS, whose subsidiary group, the VHP, has been strongly implicated in the violence. At a minimum, it may be asserted that the actions of the state government have utterly failed to inspire confidence within the Christian community, but more serious allegations have also been made.

The report of the NCM claimed 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.'²² Additionally, the state government made allegations of an alliance between Christians and Naxalites, which it adduced as a contributory factor to the violence. However, this inflammatory allegation has not been supported by evidence, leading to condemnation by Christian and Dalit representatives. Dr Udit Raj, National Chairman of the All India Confederation of SC/ST Organisations, stated after a rally in Bhubaneswar on 10 January 2008 that, 'The state government has ... made baseless allegations that some Christian NGOs are aligned with Naxalites. The authorities must write a white paper or give proof of these sensitive issues instead of spreading rumours.' Precedent suggests that the absence of an admission of responsibility by any Naxalite or Maoist groups, as might be expected if they had been involved in attacks, further strengthens this perspective.

The state government has also been accused of a betrayal of the victims of attacks through the inadequacy of its relief and compensation provisions. NGO access to the area has been largely prevented, and relief has been mediated only by the state government. Reports suggest that relief camps have been prematurely closed, leaving many in desperate need of assistance. Staff of the aicc in Orissa have also indicated their understanding that RSS and VHP have been permitted to distribute relief to Hindus; if this were confirmed, it would indicate a deeply concerning partisanship on the part of the state government.

The police response has also received heavy criticism. Archbishop Raphael Cheenath delivered the verdict that, 'We could not rely on [the] police force because they were very few or they were indifferent'. The response of officials was also chided by the delegates of the NCM, immediately after their visit to Kandhamal district. It has also been alleged that police have exercised a bias against Christians in the registration of First Information Reports (FIRs); this is unconfirmed and demands further investigation. However, such an allegation reflects the lack of confidence in the existing mechanisms for the administration of justice within Orissa state, and highlights the need for an independent and impartial investigation.

²¹ Vishal Arora, 'Hindu Nationalists Plan to Revive Tensions in Orissa, India', Compass Direct, 23 January 2008.

²² NCM report, p. 4.