

# Aftermath of Anti-Christian Violence in Orissa State, India

June 2009

CSW conducted fact-finding visits to Orissa in September 2008 and April 2009. This briefing is an assessment of the aftermath of the violence, based on site visits in Kandhamal and interviews with victims and eyewitnesses of 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. It was centred in Kandhamal district, but spread to fourteen districts of the state. The attacks were catalysed by the assassination of Swami Lakshmananda Saraswati, local figurehead of the radical Hindu nationalist group Vishwa Hindu Parishad (VHP) on 23 August, by assailants believed to have been Maoists. By 24 August, mobs were rampaging around 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. The violence continued for over eight weeks. At least 50,000 were displaced, 70 killed; among the victims were Hindus opposing the rioters.

## Current situation in brief

Many victims are currently living in makeshift shelters outside the villages in which they once lived. CSW visited several such camps, in which the Christians consistently reported that they were ostracised by their neighbours. In several locations, Christians reported that villagers demanded they withdraw their police cases and convert to Hinduism as a condition for returning to their homes. In the meantime, many Christians are living in flimsy shelters, with no means of income and relying largely on charitable handouts for sustenance. Of the 24,000 initially sheltered in formal government relief camps, around 2,600 remain. These are the victims whose villages are deemed too hostile to allow them to return yet. Some victims are accommodated in village-level relief camps; some have been able to return to their villages; others have left the region. Further violence is feared with the gradual withdrawal of the central reserve police force. On 31 May, three houses of Christians were burnt down. A case was filed, but police reportedly pressurised the victims to remove the name of the alleged leader of the attack, Mr Dilu Mohanty. He had been accused of several murders during the 2008 attacks, but had never been arrested; this attack underlined the threat of impunity.

## Priority areas of concern

1. Victims need assistance in building permanent housing, and the urgent provision of food and other essentials while they remain under temporary shelters.
2. All victims need proper compensation, in line with government promises and Supreme Court rulings on 1984 anti-Sikh and 2002 anti-Muslim violence. Only between one third and half of the deaths have been compensated. Damage to property is categorised as 'partial' (leading to compensation of Rs. 20,000 in two instalments) or 'full' (Rs. 50,000). In practice, houses with little more than half a wall remaining are typically categorised as partially damaged. Consequently, very few people have received compensation commensurate with their needs. Loss of crops, livestock and employment has not been compensated. Catholic sources report that of 185 churches destroyed, just 73 have been listed for compensation.
3. Perpetrators and inciters of violence need to be brought to justice, without which further violence could take place. This process is being impeded by several factors:
  - a. Police have routinely failed to register First Information Reports (FIRs). The registration of an FIR opens a police investigation: the complainant submits a written complaint, which should be stamped and given an FIR number, and a duplicate supplied to the complainant. According to the most recent statistics kept by the Catholic Church, only 651 FIRs have been filed from a total of 2,532 complaints submitted, meaning that fewer than 26 per cent of the cases are subject to police investigation. Some police stations have a very poor record: G. Udayagiri, K. Nuagaon, Raikia, Sarangada.
  - b. Victims and witnesses of crimes are subject to harassment and pressure to withdraw police complaints. This is not legally permissible for serious, cognisable offences. Without any form of witness protection, there is a lack of incentives for pursuing cases against perpetrators. A simple witness protection scheme is being considered in the aftermath of anti-Muslim violence in Gujarat in 2002; a similar initiative should be attempted in Kandhamal.
  - c. The shortage of investigating officers in Kandhamal has resulted in the current law-enforcing infrastructure being totally overwhelmed.
  - d. Victims are often unaware of their legal rights and the procedure for filing an FIR.

4. Efforts need to be made to curtail further incitement to hatred. Many of CSW's interlocutors in Kandhamal expressed concern about continuing hate speech against Christians, which perpetuated their sense of vulnerability. The BJP candidate jailed on charges of murder during the violence, Manoj Pradhan, was elected to the Orissa Legislative Assembly for G. Udayagiri constituency in Kandhamal during the 2009 elections; this gives considerable cause for concern.
5. Coercive conversions to Hinduism are a continued threat, and hundreds of Christians who have been 'converted' to Hinduism no longer attend church, out of fear.
6. There appears to be no viable means of community reconciliation at present. According to interviewees, government-sponsored peace committees have been ineffectual: in some cases, they are merely forums for demanding that Christians convert to Hinduism and withdraw their police complaints. There is a need to consider expert intervention in the area of reconciliation.
7. Many victims are visibly scarred by their experiences and are showing signs of trauma.

### **Root causes in brief**

1. Impunity, especially after the outbreak of violence against Christians in the same area in December 2007, laid the foundations for this, more serious wave of attacks. Detailed recommendations made by India's National Commission for Minorities were not implemented by the state government.
2. The violence should not be construed as the product of natural animosity between Hindus and Christians or between different ethnic groups, but as the systematic targeting of Christians by proponents of an extremist, nationalist interpretation of Hinduism, known as 'Hindutva', which is based on the proposition that to be an Indian citizen is to be Hindu.
3. Although ethnic and economic factors played a role in the violence, these were not the primary causes and simply provided a context for the radicalisation of one community against another.

### **Reactions of international governments and actors**

A 24 September 2008 European Parliament resolution expressed "deep concern" at the attacks and called on the state and national authorities "to do all in their power fully to protect the Christian minority". President Sarkozy criticised the Indian Government at the 29 September EU-India Summit, citing the "massacre" of Christians, and an EU delegation visited the region in December. A resolution was introduced in the US House of Representatives on 26 September, "Condemning the recent religious violence in India and calling on the Government of India to stop the violence and address its root causes". The attacks were noted with concern in the 2009 report of the UN Special Rapporteur on freedom of religion or belief on her recent visit to India, and in the UK Foreign & Commonwealth Office Annual Report on Human Rights 2008, and were highlighted during the launch of the US State Department International Religious Freedom Report 2008.

### **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 into the assassination of Saraswati and the subsequent violence, paying specific attention to the root causes of this violence, including the propagation of anti-Christian hatred;
  - b. Prosecute police who fail to register FIRs;
  - c. Ensure the supply of a substantial number of investigating officers and public prosecutors and use fast-track courts to expedite prosecutions and convictions;
  - d. Implement a basic witness protection scheme;
  - e. Prosecute forcible conversions to Hinduism under the provisions of the Indian Penal Code (IPC);
  - f. Repeal the Orissa Freedom of Religion Act, 1967;
  - 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. Third-party governments should: raise recommendations 1-2 with the government of India; 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.