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INDIA Orissa legislative assembly member returned to custody in 2008 rioting case after bail rejected

Manoj Pradhan, a Member of the Legislative Assembly (MLA) in Orissa, India, was remanded into judicial custody on Wednesday, after being convicted last year for his role in the murder of Bikram Nayak by a mob on August 27, 2008. He surrendered himself six weeks after the Supreme Court overturned his bail, which had been granted by the Orissa High Court.

Elected to Orissa's legislative assembly in May 2009, where he represented G. Udayagiri constituency in Kandhamal for the Bharatiya Janata Party (BJP), Pradhan was sentenced to seven years' imprisonment on June 29, 2010 for rioting and causing grievous hurt. He secured bail from the High Court on July 9, 2010, which was overturned by the Supreme Court on January 25 when it was appealed by Bikram Nayak's widow.

The original ruling against Pradhan in this case was handed down by one of the fast-track courts in Phulbani, set up to deal with the 2008 communal violence. It stated that he "is a responsible person of the locality and he is also a public representative. Commission of riot by him with others can not be considered lightly. The crime committed by the convicts was not only against the individual victim but also ... against the society at large", and therefore the punishment should be "consistent with the atrocity and the brutality with which the crime has been perpetrated".

The Orissa High Court granted him bail, but the Supreme Court ruling criticized the basis for this ruling, stating, "The High Court was obviously impressed by the singular fact that [Pradhan] is a sitting MLA", whereas, "The law treats all equally".

Colin Gonsalves, Founder-Director of the Human Rights Law Network (HRLN), who appeared for Nayak's widow in the Supreme Court, said, "The victim community must be very pleased that Pradhan is back where he belongs, because he went from place to place instigating riots and violence. However, this is not the end of the story, because there are still several cases against him, and he is a powerful figure, whereas the courts in Orissa are not very strong".

The detention of Pradhan follows reports from various Christian networks that Hindu extremist groups have carried out at least fifteen attacks on the adivasi (tribal) Christians of Malkangiri district, Orissa, since December 2010.

Mervyn Thomas, Chief Executive Officer of Christian Solidarity Worldwide (CSW), said, "The development of Pradhan's case shows that the ailing justice system can work in the favour of the victims, despite many setbacks to the cause of justice in the area. The cases against Pradhan are of symbolic importance for the victims of communal violence in Orissa, and it is a positive development that he is again being held in custody after his conviction.

"The recent incidents in Malkangiri show that the tribal areas of Orissa continue to be extremely sensitive. Justice being done and being seen to be done is a crucial part of restoring peace and stability".

Notes to editors

1. Pradhan was implicated in a total fourteen cases relating to the 2008 communal violence.
2. HRLN and CSW partners, the All India Christian Council (AICC), are among those providing legal aid to victims of the 2008 communal violence in Orissa.
3. The AICC is among those providing relief and legal aid to victims of the violence in Malkangiri district.