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INDIA | Supreme Court Orders Re-Opening of Kandhamal Cases

On Aug. 2, the Supreme Court of India directed the Odisha State government to re-investigate 315 cases of communal violence in Kandhamal from 2008, widely regarded as the most severe incidence of violence against the Christian community in India's history.

The 315 cases concerned are instances in which reports were made to the police but were not followed through or did not result in prosecution of the offenders.

The government estimates that 38 people were killed in 2008's communal violence targeting the Christian community in Kandhamal, Odisha State. Local monitoring groups, who have documented the violence, say that at least 90 people were killed and 54,000 displaced. An estimated 5,600 houses were looted and burned while an estimated 300 churches and other places of worship were destroyed. During this time, approximately 2,000 people were forced by Hindutva fundamentalists to renounce their Christian faith and more than 10,000 children had their education severely disrupted.

The Supreme Court ruling is the result of a Private Interest Litigation (PIL) filed in 2008 by the former Archbishop of Cuttack-Bhubaneswar, Raphael Cheenath.

Chief Justice TS Thakur and Justice Uday U Lalit observed that the Odisha State government should see to it that the offenders were "brought to book." The Justices reiterated that "...minorities are as much children of the soil as the majority and the approach has been to ensure that nothing should be done, as might deprive the minorities of a sense of belonging, of a feeling of security, of a consciousness of equality and of the awareness that the conservation of their religious, culture, language and script as also the protection of their educational institutions is a fundamental right enshrined in the Constitution."

Father Ajaya Kumar Singh, the Director of the Odisha Forum for Social Action said, "The court ruling recognizes the atmosphere of insecurity and fear among the religious minorities and things are not yet normal in Kandhamal. The direction to the state to re-open the cases, which have been closed down with a plea that there were no clue or lack of witnesses is a great relief and revived the survivors' hope for justice. We now hope that there will be adequate protection of the witnesses, experienced prosecutors and a good team of police investigators so that there

would not be a repeat of earlier trials. I wish the court could have compensated the humanitarian organizations, private run boarding hostels and health centres and churches that were destroyed. We welcome the Apex Court's call on the state government to create an atmosphere of peace and justice where every member of society feels secured."

Many civil society groups were disappointed that no financial award was made to churches, institution and humanitarian organizations. Dr. John Dayal, the former National President of the All India Catholic Union noted that, "we are disappointed that Christian traders, NGOs and others who lost their businesses to arson and violence have not been compensated. The economic strength of the Christians in the district had been severely impacted in the violence. Above all, church buildings, some of them destroyed have not been covered by the court award. We want justice for these hapless victims. The district needs a comprehensive, holistic development, urgently. Fear is still a reality in Kandhamal."

CSW's Chief Executive Mervyn Thomas said, "We warmly welcome the Supreme Court's decision but continue to call for more to be done to ensure adequate restitution is given to the victim-survivors of the violence. The Christians of Kandhamal have long faced intimidation, fear and uncertainty about their future. This decision offers hope to the victim-survivors of Kandhamal and sends out a clear message to the perpetrators of these crimes that they will be held to account. We now call on the Odisha State government to take the required steps to ensure that justice, which is so long overdue in these cases, is finally served."