

**REPORT ON THE VISIT OF THE VICE CHAIRPERSON,
NCM TO ORISSA – 11TH TO 13TH SEPTEMBER, 2008**

1. Following the outbreak of communal violence in Orissa after the assassination of Swami Laxamananda Saraswati, the National Commission for Minorities (**NCM**) decided to depute a team to the State to study the situation at first hand. Accordingly, I visited Orissa from 11th to 13th September, 2008, covering in the course of my visit, the blocks of Tikabali, Udaigiri, Raikia etc. I also called on both the Hon'ble Chief Minister of Orissa and the Governor of Orissa to share my experiences with them. Finally, I had in depth discussions with a team of officials from the Government of Orissa headed by the Chief Secretary and including the Director General of Police, Home Secretary and others.
2. In the first nine months of the year 2008, this is the third team from the **NCM** that has visited Orissa following the outbreak of communal violence in that state. The situation on the ground as I saw it holds out little hope that this will be the last. Orissa has been traumatized by vicious attacks on the Christian community which, in some pockets, continue even today. They are subjected to repeated threats that they will never be safe if they do not convert immediately to Hinduism. Earlier in December, 2007 and January, 2008, the violence was confined to Kandhamal District. On this occasion there were incidents of violence in other districts like Gajapati, Ganjam and even Bargarh. I had the opportunity to interact with three Catholic priests who were badly injured in the riots and had been shifted to a Mumbai hospital for treatment. The testimony of one of them who worked in Bargarh district is attached as an **annexure "A"** to this report. As in the past, the brunt was borne by Kandhamal district in general and the blocks of Tikabali, Udaigiri, Raikia and K Nuagam in particular.
3. On the night of 23rd August, 2008, Swami Laxamananda Saraswati was brutally assassinated in his ashram at Jalespata. The very next afternoon, his body was taken in procession to Chakapad, the place where his first ashram was established. It is reported that at a place called K Nuagam, a large crowd obstructed the procession and insisted that it be diverted to places where his followers were waiting to pay homage to the slain leader. In contravention of the earlier agreement regarding the route the procession was to take, it was now diverted to cover the blocks of Udaigiri and Raigarh. This was an invitation to the mob to take over and soon mindless violence was unleashed. The Christian community fell innocent victims to wide spread acts of arson and destruction. The State Government estimates that 17 people were killed while 2,853 houses and 127 institutions were either destroyed or damaged. Unofficial estimates say that the actual figures are much higher. Since Government

estimates are based on confirmed figures alone, the unofficial estimates are probably closer to the truth.

4. In the immediate aftermath of the violence, Christians across the district fled for their lives and took refuge in the forests nearby. Fear of attacks from Hindus in the area made it impossible for them to return to their homes. To cope with this the State Government has so far opened 14 relief camps in the 6 most affected areas of the district and approximately 20,000 people are estimated to be staying in these camps.
5. On my arrival in Phulbani, I visited camps in Tikamballi and its surrounding areas. I then proceeded to Udaygiri where a very large camp is located in a school in the area. The following day, after interacting with members of civil society at Phulbani I visited the huge camp at Raikia. Throughout the journey I was able to visit houses and places of worship that had been destroyed and observe the viciousness with which even everyday items like motorcycles, auto-rickshaws and tractors belonging to the Christian community had been reduced to ashes.
6. There can be no doubt that the entire Christian community has been completely traumatized. Retired officers from the armed forces, retired civil servants who had served the Orissa Government in senior positions and others who met me had exactly the same story to tell: they had been attacked, their homes destroyed and their family members threatened with every sort of retaliation if they did not forthwith change their religion and embrace Hinduism.
7. As a start, the Government must bring back a sense of normalcy and ensure that Christians are able to pursue their everyday lives without living under constant fear and threat in relief camps. The Government must also strain every nerve to see that those who murdered Swami Laxmananda Sarswari must immediately be brought to book. If outside help in the conduct of investigation is necessary it should be taken but the crime must be solved and those guilty made to pay.
8. Along with this the steps taken by the State Government to maintain law and order following the crime must be put under the spotlight. It was obvious that public reaction to the murder of a prominent religious leader like the Swamiji would be extreme. Yet when options to be followed after the murder were being considered, there is little evidence that high level political and official leadership offered guidance and support to the local district administration. Given the near certainty that a procession of over 170 kms with the body of the slain leader was bound to arouse huge passions it would have been proper for the senior leadership of the State to try to persuade the Swami's followers to avoid a long procession and bury him in the ashram where he was murdered. Even if his followers had been adamant that he had to be buried at the site of

his first ashram in Chakpad, the alternative of airlifting the body should have been examined.

9. It is certainly possible that if the procession had been banned or even delayed there might have been serious trouble at Jalaspeta. This might possibly have spread to other places as well. But a reasoned analysis of the pros and cons does not appear to have taken place. Less than 18 hours after the murder, the funeral procession was taken out and the state still reels under the events that followed it. There is little evidence that anyone at the senior levels of either the political or the official establishment participated in or attempted to influence the decision making process in such a vital matter. This is unfortunate because mature advice could have introduced a measure of sanity into the situation and resulted in a balanced, considered response.
10. In every camp I visited the main feeling was one of despair and hopelessness at the cruel turn of events. Practically everyone complained of the threats they had received that their return to their homes was predicated on their acceptance of the Hindu religion. I was even shown a letter addressed by name to one woman stating that the only way she could return to her home and property again was if she returned to the village as Hindu. (A copy of the letter, written in Oriya, complete with the picture of a blood stained dagger is attached with this report – **Annexure “B”**).
11. Some groups did complain that large scale conversion was at the root of the disturbances and that the Swamiji’s murder was only the trigger that set off the seething unrest that was already brewing in Kandhamal. While exact figures of the number converted are hard to come by, there is no doubt that the Christian population has registered a larger increase than that of the Hindu population. But although the Freedom of Religion Act has been in existence for about 40 years, not a single case has been registered under this Act for forced conversion in Kandhamal. If indeed conversions by force or fraud were responsible for the feelings against Christians, it is absolutely amazing that the provisions of an Act designed precisely to address such conversions have never been invoked. It gives rise to the suspicion that conversion had really very little to do with the problem.
12. Indeed the matter goes deeper than this. I was informed that only 2 applications for permission to convert have been received in the last 10 years in the district but I could not ascertain what action had been taken on those applications. They are probably still pending. This only underlines the fact that not much was expected of the legislation and it was treated more as a political instrument than a means to bring transparency into the conversion process. In fact further probing revealed that rules under the Act were framed only in 1999, more than 30 years after the Act was passed. This underlines, as few other things could, how legislation is sometimes passed in haste not to address a

particular problem but to mollify different groups. The State Government must examine this issue in some depth. Merely keeping an Act on the statute book without implementing it or using it for the purpose for which it was intended does not help.

13. Since the Act is now on the statute book, however, its provisions must be used against the pernicious threats to Christians to convert forcibly to Hinduism or lose all their property and their right to return to their homes. In camp after camp I was bombarded with complaints of such threats and the fear they inspired. The provisions of an Act that seeks to outlaw and punish conversions made by force and fraud must now be used to achieve that purpose, viz. to take action against those who seek to convert others to Hinduism by using threats and force.
14. During my last visit to Orissa in April 2008, I was told that 127 cases had been registered and 187 people had been arrested. On checking I found that only 14 of these had been charge sheeted, 5 cases closed and about 108 cases were still pending. On this occasion 203 cases have been registered against 223 people who have been arrested. It is impossible to over emphasize the importance of quick investigation and early filing of charge sheets in court. If the impression gains ground that those indulging in rioting, arson and murder will get away with little more than a slap on the wrist in the form of arrest and early release on bail and that investigation will invariably be tardy, it will be an invitation to people to take the law into their own hands. For this purpose the State must depute special investigators to Kandhmal district for as long as it takes them to complete the investigation into all the cases registered in the district. It will be quite impossible for the local administration to cope with this huge task without any outside assistance and if it is not done speedily, it will, as I have pointed out above, be seen as the weakness and ineptitude of the administration.
15. One particularly heart rending experience in relief camps was the problem faced by those who lost their loved ones to violence but were unable to recover their bodies because these had been burnt or had been destroyed by wild animals. Without the recovery of the body and a post mortem being performed on it, compensation promised to the next of kin of those killed in the riots is not given. The trauma faced by such persons can well be imagined. Not only have they lost their loved one (usually the breadwinner) but insult is added to injury when relief promised to them is denied for reasons beyond their control. While Government procedures do call for the recovery of the body and for the performance of a post mortem, a more flexible approach is needed in times like this. Perhaps Government can rely on the testimony of eye witnesses to the murder and even take an indemnity bond from anyone receiving compensation in respect of a person whose body has not been found. But human suffering on such a massive scale should not be compounded by insistence on bureaucratic

procedures. Since compensation for the next of kin of those killed in such riots is also offered by the Central Government, both the sums received should be pooled and invested in some security that will give a good return to the individual.

16. All the camps that I saw had medical teams in position and I was informed that they were manned by personnel drawn from different parts of the State. I was also informed that some NGOs had offered their services to conduct medical operations. Such offers should be freely accepted even if they come from the so called Christian NGOs. Since inmates of the camps are all from the same religion there is little prospect of controversy arising out of a discriminatory approach to medical services. In the same way there should be no objection to allowing Christian groups to distribute relief in the camps. Since only Christians are housed in the camp there can be no allegations of a sectarian approach to the distribution of relief.
17. Once peace and normalcy are restored, the emphasis must go to rehabilitation. The State's record on this front last time was satisfactory but if the same level of efficiency is to be maintained some more manpower would be needed. There is a strong case for deputing extra officers to work in Kandhamal district for rehabilitation on the same lines as extra officers from the police department assist in the work of investigation. The details should be worked out by the State Government and the district authorities in Kandhamal.
18. In my last report I had covered the need for confidence building measures to build bridges between estranged communities. This is a vital tool in the quest to maintain lasting and durable peace between neighbours. Mohalla Committees have worked wonders in bringing people together in places like Mumbai. But the initiative must be taken when there is peace and people are receptive to such ideas. It is doubtful if the State Government acted on this recommendation in the past. I believe that it is vitally important for them to do so when things settle down in Kandhamal.
19. Although Orissa has a sizeable minority population it is surprising that it does not have a Minority Commission. Such a Commission will not guarantee that no riot will ever take place but it does provide a useful feedback to Government and, more importantly, a place where people who feel marginalized can let off steam. This recommendation also has been made in the past but has yet to be acted upon.

Conclusions and Recommendations

The agony of Christians in Orissa continues unabated even today in selected pockets of Kandhamal. Full normalcy is yet to be restored and reports of arson, attacks on

houses and places of worship and harassment of Christians still come in. Indeed reports that have come in after my return from Orissa show that far from improving things have actually got worse and trouble is spreading to districts which were so far quite peaceful. The communal divide appears to be as strong as before and there has been little success in reining in the extreme fringe that has encouraged and fostered the spread of intolerance.

Christians are still forced to live in an atmosphere of extreme insecurity under threat that if they do not convert to Hinduism their lives would not be safe and their properties would be forfeited. The community has suffered immense damage to their property, their places of worship and above all to their psyche in this macabre drama that has played out twice in the space of less than a year. This reflects very poorly on a secular multi ethnic country like India with a proud tradition of not merely tolerating diverse cultures and beliefs within the body politic but actively encouraging their growth and development. Unless steps are taken immediately to restore normalcy and instill a measure of confidence and security among Christians, we will not only irreparably damage the pluralistic society of which Orissa is so rightly proud but we leave the door open for lumpen, extremist elements to occupy space that should rightly be occupied by the state and civil society groups. The implications of this for a sensitively located state like Orissa are frightening. Steps must be taken immediately to identify those responsible for promoting hatred and the poison of communal unrest. They must not be allowed to roam freely around the area to spread their pernicious doctrines as they now do. If the state is unable to do this the Central Government must consider their own response.

Recommendations.

1. Strong steps to restore full normalcy must be taken immediately and a sense of confidence should be built up among Christians. This should be done in a variety of ways but most especially by seeing that firm action is taken against the instigators of violence who spread communal hatred. If the state is unable to do this the Centre should consider an appropriate response in accordance with the provisions of the Constitution
2. The political leadership should consider holding a peace march in the most affected areas along with religious leaders of both sides. The top cadres of the state leadership should also re-examine their response to incidents like the murder of Swami Laxamananda Saraswati and ensure that they play a more effective role in influencing important decisions..
3. The provisions of the Orissa Freedom of Religion Act must be invoked against those using force to convert Christians to Hinduism.

4. Investigations into cases filed must be completed under a time bound programme and charge sheets filed in the court. If the number of cases is sufficiently large, establishment of special court(s) could be considered.
5. Extra manpower at a sufficiently senior level must be deputed to Kandhamal to assist in investigation of cases and in rehabilitation measures. It will be impossible for the district administration to cope with this task by relying only on their limited resources.
6. Christian medical relief teams should be allowed to work in the affected areas. Similarly, Christian groups should be allowed to distribute relief materials in the camps, if necessary, in partnership with the Red Cross.
7. In special cases where the dead body of a victim of the riots cannot be traced for good and sufficient reasons, ex gratia compensation must be given to the heirs of the victim after getting an indemnity bond from them if necessary.
8. Compensation from the Centre and the State must be pooled together and invested in a good security that can bring in a rate of return of about 10 percent.
9. Once peace is restored, confidence building measures between the two communities must be put in place. These can include street plays, poetry competitions dramas and mohalla committees.
10. Orissa must constitute a Minority Commission as soon as possible.
11. Compensation must be given by the Government for reconstructing all religious places destroyed or damaged both in the recent riots and those which took place earlier. Since the rationale for this recommendation has been covered in detail in my last report of April 2008 it will not be repeated here. In fact the last three recommendations have been made in previous reports but because they have not yet been implemented they are reiterated here.