

## **REPORT OF THE COMMITTEE CONSTITUTED BY THE DGP, ORISSA ETHNO-RELIGIOUS CONFLICT IN KANDHAMAL DISTRICT**

This Committee was constituted by the DGP, Orissa to visit the Kandhamal to look into the allegations made before the Hon'ble NHRC by the spokesperson of Catholic Bishops' Conference of India and a group of NGOs. The Committee was directed to meet the affected people their representatives, leading citizens and seek their co-operation in maintaining peace and harmony; review the over all law and order scenario in the district.

The team visited Kandhamal on 8<sup>th</sup> and 9<sup>th</sup> of January. Sri Arun Bothra was in Baliguda Sub-division, the worst affected area from 28<sup>th</sup> December to 9<sup>th</sup> of January. Sri Arun Ray was in Odisha and Kandhamal from 6<sup>th</sup> of January to 15<sup>th</sup> of January. Both these officers had also independently met people earlier and made enquiries. The team visited Tikabali, Phulbani Town, Phulbani Sadar, Phiringia, Sarangada, Balliguda, Daringibadi and Bamunigaon Poice Station areas of the District.

The allegations made by Rev. Dr. Babu Joseph and other NGOs are as under.

1. There were a series of well planned attacks on Christians and their institutions.
2. Unruly mob went on rampage in villages where Christians were preparing to celebrate Christmas.
3. The fundamentalists continued their destructive activities in the presence of police force.

4. The Christians were prevented from filing FIRs by the fundamentalists.
5. Large scale damage to christian places of worship.
6. State machinery and the poolice sided with radicals against the Christians.

To appreciate the sequence of events and the long stanking communal-cum-ethnic problem in the Disrictn of Kandhamal, we have to briefly delve into the demography and socio-economic equations in the District. Basic data relating to the district is placed atAnnexure-1.

The total population of Kandamal District is 6.48 lakhs as per the census of 2001. Percentage wise scheduled tribes constitue 51.96% , Scheduled caste 16.89%, Christians 18.20%, and Muslims 0.35% of the population. The District represents a rich cultural diversity. Though the major caste groups lived in harmony in the past, cultural, scial, economic and political changes has affected the social dynamics to a considerable extent leading to a clear cut division betwee the two ethnic groups in Kandhamal namely Pana(SC) and Kandha(ST). This conflict is more than one hundred years old.

The KhondsKonds, kands or the Kandhas are a Dravidian tribe. They are numerically the most dominant and significant tribe in the state as well as in the district of Kandhamal. The main occupation of the Kandhas is agricultuure and their language is “kui”.

Numerically Pan, Pana, or Pano is the largest Scheduled Caste community in the state and the district. They are found inhabiting in almost every village and have close relationship with the Kandhas. The District Gazetteer where in he had said "in the Kandhamal the Panas were serfs of the Kondhas. They worked on their farms and wove cloths for them, in return for which they obtained a small area of land, grain for food and all their marriage expenses..... their serfdom was so well recognized that if a " Pan" left his master and worked for another, it caused serious dissensions amongst the Kondh community." However, with the passage of time the "Panas" have got quick acclimatization with the process of development and progressed much faster vis-à-vis the Kandhas economically, educationally, socially and politically. A significant number of "Panas" have also converted into Christianity.

During the first survey and settlement operation in late sixties/seventies, some of the "Pana" people got the land, thereafter which was in the possession of tribal communities, mostly Kandhas for generations and got it recorded in their Christinames. Even though as per the constitution, the benefits of reservation are lost after a Scheduled Caste person gets converted into Islam/ Christianity, the Pana people who, converted into Christianity, wanted to retain the benefits of reservation by continuing to claim SC status, which is opposed affected Hindu Parishad became active in tribal areas of the district and tried to broad-base their organisation by

capitalizing on this simmering discontent. Thus, there has been discontent over conversions.

Kandhamal district had witnessed violence of a much bigger magnitude in 1994 mainly due to the following factors:

In course of time kandhas developed a feeling of exploited by the Panas, who happened to be the middleman in the minor forest produce trade and a number of other economic activities.

The Kandhas developed ill-feeling with Panas, as political space was monopolized by the Panas. Both the locala MPs and MLA (Phulbani Sadar) belonged to that caste. They found it unreasonable that the two seats of MP and MLA were reserved for SC, although the majority of people of these constituencies are Kandhas(ST).

The rift between two powerful leaders of the district also to an extennt, aggravated the Pana-Kandha conflict in 1994.

The stastics relating to the ethnic conflict and communal discord in Kandhamal district since 1994 is at Annexure-II.

In the instant case, the present ethno-communal problem in the district can be attributed to the claim of an NGO called "Phulbani Kui Jana KalyanaSangha", founded by some members of Scheduled Castes (Pana) community of Kandhamal district; for Scheduled Tribe status for the "Kui" speaking Panas. This NGO filed a petition in the Orissa High Court vide

WP No. (C) 7068/2007 demanding Scheduled Tribe status for the Kui speaking Panas on the ground that the Presidential order, as amended in 2002 shows "Kui" community as Scheduled Tribe. The line of argument is that since Pana caste people speak 'Kui' (a tribal language) their caste should be changed from 'Pana' (SC) (as mentioned in the revenue records) to 'Kui'(ST).

Hon'ble High Court, in their order dated 12.07.2007 while disposing of the writ petition at the admission stage, directed to look into the matter and make necessary correction in the Record of Right as per the Presidential order 2002. On the basis of this High Court order, 'Phulbani Kui Jena KalyanaSangha' started a campaign/propaganda that all those, recorded as Scheduled Caste(Pana) in the revenue records of Kandhamal district, would be treated as ST(Kui) in future.

Reacting to the claim and the campaign of the said NGO, the members of tribal communities under the banners of 'KuiSamajSeva Samiti', Phulbani, 'Nikhil UtkalKuiSamaj Union', G. Udayagiri, KuiKulla Samiti', Balliguda, 'Kandhamal District KuiSamaj Coordination Committee' and others organized protest rallies, processions, etc and made demands which included cancellation of registration of 'Phulbani Kui Jena KalyanSangha', deletion of 'Kui' from the Presidential Notification of 2002 and related administrative changes in the district.

The functionaries of 'ZillaKui Coordination Committee', and umbrella organization of various tribal groups of Kandhamal district, refused to attend the meeting convened on 11.09.2007 by the Collector, Kandhamal to discuss the issues raised by them. The Revenue Divisional Commissioner (Southern Division), therefore, invited them for a discussion on 20.09.2007. they were assured by the Revenue Divisional Commissioner that the demands raised by them would be examined carefully and appropriate actions taken. In the meantime, Government issued a clarification regarding inclusion of 'Kui' in the list of Scheduled Tribes of Orissa as per the Presidential order 2002. It was clarified that the communities mentioned in the Presidential order at Entry 31 are in relation to 'Khond/Kond/ Kandha' in terms of synonyms and sub groups which include 'Kui' and there is no scope to read 'Pana' which is a Scheduled Caste in the Presidential order vide Entry No.69 into the Entry No.31 as Scheduled Tribe. Secretaries of Revenue and ST & SC Developments Departments visited Kandhamal district to clarify the Constitutional status of various communities and castes mentioned in the Presidential Order in the meeting of field functionaries of Revenue and Welfare Departments on 07.10.2007. however, the situation created by 'Phulbani Kui Jena KalyanaSangha' by claiming ST(Kui) status for Panas(SCs) could not be resolved to the satisfaction of the tribal group and the discontent among the tribal's continued to simmer.

The members of Kandhamal District KuiSamaj Co-ordination Committee had given a call for 30 hours Bundh in the District from 6.00AM to 25<sup>th</sup> December to 6.00PM 25<sup>th</sup> December, 2007 on a six point charter of demands, the gist of which is given below.

1. A declaration by Government that Panas speaking Kui language should not be treated as ST.
2. Removal of Sri PadmanabhaBehera, minister, Steel & Mines from the council of Ministers.
3. CBI inquiry against Sri R.K. Nayak, Rajya Sabha M.P. and his associates, who conspired to give S.T. status to Kui Speaking S. C.(Panas).
4. Enquiry into the large number of cases of Panas enjoying government services and Political posts producing fraudulent Kui/Kandha Certificates.
5. Withdrawal of jST certificates issued by District Administration and allotment of Government lands to non-ST people without consulting the KuiSamaj.
6. Posting of a direct recruit IAS officer as Collector.

Though this Bundh was to be observed w.e.f. 6.00 AM on 25.12.2007, the agitators in very large numbers, started blocking the approach roads simultaneously all over the district in the late hours of 25.12.2007 itself. They felled a large number of trees (estimated between 800 and 1000) on the roads and at some places, placed huge boulders on the roads. The agitators, equipped with traditional tribal weapons like spears, bows and

arrows, sickles and swords also guarded all these roadblocks, thereby making the district virtually cut off from all sides.

In another disconcerting development that coincided with the Bundh, communal tension erupted at Brahmanigaon on 24.12.2007 morning, when some people of Hindu community protested the erection of arches by the Christians (as a part of their 'X-Mass celebrations). In the meantime, while Swami Laxmanananda Sarawati (VHP) of Chakapada Ashram was proceeding to Brahmanigaon, having heard of this incident, he was allegedly detained and assaulted by a mob (300 to 400), mostly belonging to Christian community, at Darihingibadi under Daringbadi Police Station. In protest against this incident of assault, the Viswa Hindu Parishad gave a call for Bundh in the whole State on 25.12.2007 itself. The two simultaneous bundh calls with well organized road blocked at all most all entry points (as a part of the first Bundh call), further worsened and aggravated the whole situation and communal tension engulfed into interior areas of the district especially in Balliguda Sub-Division.

It has been alleged by a fact finding team led by Dr. John Dayal in a Non Government White paper, prepared and circulated, that the Bamunigaon incident was masterminded by Sri Laxmanananda Saraswati, who had visited Bamunigaon on 9<sup>th</sup> of December and had instigated the local Hindu population to oppose the Christians in constructing the gate for Christmas. This matter was enquired into. We have found that the problem between the Christians and the Hindus over erection of a gate for

celebration of Christmas had indeed been simmering for about a week. On 18.12.2007, getting information from Bamunigaon PS, about discontentment between Christian and Hindu community over the issue of erection of pandals and decorations at Bamunigaon, SDPO, Balliguda visited the area and held discussion with bothg communities and obtained assurance from them that the celebration will be peaceful. On 20.12.2007, SP, Kandhamal visited the area and discussed with leading members of both communities and advised them to maintain communal and trouble broke over closure of local market by the Christian community on 24<sup>th</sup> December. Sub collector, Balliguda and SDPO, Balliguda were rushed to the spot and thereafter, both DM and SP also reached the place. However, both the communities resorted to rioting, ransacking of shops and damage to property in the Bazar area. There was no evidence about Sri Saraswati having visited Bamunigaon on 9<sup>th</sup> December.

On 27 December, 2007 at Bamunigaon (a Left Wing extremist affected area), a 2000 strong mob attacked a “basti” and a ploice picket stationed nearby. Loud explosions were heard and the basti dwellers ran to the Police Station for protection. A Police party while rushing to the area was attacked by the mob just behind the PS premises. The mob was much bigger in size in terms of numerical strength and most of the members of the mob were carrying lathis and other deadly weapons. Police tried to disperse the mob, but the mob went berserk, attacked the police from all sides and even one Police constable received gun shotunjuries in the attack. The situation came to such a pass that police had to

fire in self defense having no other alternative left to disperse the mob and prevent loss of life and property. After the mob dispersed and situation was brought under control, one person was found lying dead on the spot with bullet injuries. It has been ascertained that the group which attacked the village and the police party was armed and was going about in an organized manner. Most of the members were using a white head band. Their firing positions, when they fired on the police, also indicated that they were trained. The hand of left wing extremists behind this group is apparent. It is also a fact that most of the attackers had come from outside the area including some Adawa under Gajapati District.

The incidents at Barakhama, under Balliguda PS were a follow up of the incidents at Bamunigaon and Darshingibadi. On 24<sup>th</sup> evening a mob of about 100 Hindu activists attacked the Police Beat House at Barakhama and set it ablaze. They also damaged property. On 25<sup>th</sup> morning, the day of the Kui and VHPbundh, pro-bundh supporters in large numbers took out a procession in Barakhama. They moved about in the village shouting slogans. When they were coming back for a second, the Christians, who had assembled at the Church for Christmas celebrations, countered them by throwing stones. A stone hit a tribal, who unfortunately succumbed to the injury. This incident, totally charged up the situation. The mob became a marauding mob, and attacked churches, prayer houses and Christian houses. The result was large scale destruction of Christian places of worship, dwelling houses and property.

To sum up, the observance of bundh by the tribal assertive groups on 25.12.2007 and the sudden turn of events after the attack on VHP leader Sri Sarawati, leading to the Vishwa Hindu Parishad to call for a bundh on the same day, flared up the situation to an extent beyond expectation and the District Administration within its resources and infrastructure. It may not be out of place to mention here that the Maximum destruction of property and dwelling houses have been at Barakhama under Balliguda PS and Bamunigaon. At Barakhama, the Hindus went on a rampage and destroyed Christian houses and property, whereas at Bamunigaon it was the other way round. This is because at Bamunigaon the Hindus are the minority.

As regards the response of the State Govt. to the situation, despite constraints, all possible measures were taken to nip the trouble in bud by deployment of adequate force, supervising officers, etc. Altogether 123 cases were registered and 169 accused arrested so far. Investigation of all the cases is continuing and more arrests are likely. Up to 15.08.2008 altogether 162 accused persons have been arrested out of which 137 are Hindus and 25 are Christians. The details of the cases registered are at Annexure-III. As this chart indicates the number of cases registered under various Police Stations of Kandhamal district during the turbulent period, all cases relating to attack on Christians and desecration of places of worship occurred from 24<sup>th</sup> afternoon onwards. It is pertinent to mention here that these were the after events of the attack on Sri Laxmananda Saraswati

on 24<sup>th</sup> December at Darshigibadi leading to registration of Case No. 83 dt.25.12.2007 at Daringbadi PS.

The attack on Sri Saraswati by Christians at the spur of the moment while trying to resist him from going to Bamunigaon resulted in a communal backlash throughout the District. Therefore, the violence against the Christian community appears to be a spontaneous retaliation to the attack on Shri Saraswati. The allegation that the attacks were pre-planned in advance could not be substantiated.

During our visit to the affected places of religious worship at Sadar, Pabingia, Balliguda, Tikabali, Daringbadi, Barakhama and Bamunigaon, we found that Police had made arrangements for the Christmas celebrations keeping in view the bundh call given by the KuiSamaj. (Copy of arrangements is at Annexure- IV) This arrangement, in the normal course should have been sufficient to provide security for the Christmas celebrations, despite the bundh call. In fact, the District administration had impressed on the leaders of the KuiSamaj not to disturb the Christmas celebrations to which they had agreed. However, the incident of Darshingbadi on 24<sup>th</sup> afternoon was totally unexpected. The backlash of this incident was so sudden and violent that the arrangements in place were not able to contain it. Reinforcements could not reach the area as the KuiSamaj had blocked all roads by felling large trees and it took hours together to clear the road. Despite extremely adverse circumstances, Police had tried their level best to stop the mob at Balliguda, Barakhama and Phulbani, but they

were overpowered. The allegation that the police sided with the mob seems to be incorrect.

The allegation that Christians were prevented from filling FIRs is also not borne out by facts. All incidents reported have been registered. However, it is a fact that the members of the Christian community had felt insecure immediately after the attack to move out and go to the Police Stations. therefore quite a few cases have been registered after a delay of one to two days. It is confirmed during our visit that large scale damages have been caused to several places of worship, dwelling houses, shops and prayer houses of both the communities. A list of such places is at Annexure-V.

Whatever may be the reasons and who so ever might be at fault, one tragic aspect, which glaringly stands out from the entire episode is that the Christian community in Kandhamal, were deprived of celebrating Christmas. The District administration should bear this in mind for the future and make adequate arrangements in coming years to prevent such vandalism, even if it is sudden and spontaneous.

It has been observed that the District has been witnessing growing religious intolerance over the years. The reasons for such polarization are not hard to find.

Conversion to Christianity has been going in the District since the British days. The process has continued even after independence. This has resulted in a sizable Christian population. There have

been allegations of use of unfair means for conversions such as threats, misinformation and lure of money. There has been flow of foreign funds for the purpose. Off late, Hindu groups such as RSS, VHP, Bajarang Dal etc, have started opposing conversions, at times violently. There have been many instances of reconversion of Christians to Hinduism. This has increased tension in the society.

Panas, belonging to the Scheduled Caste Community, are a major ethnic group that has embraced Christianity. As per existing provisions a Christian cannot enjoy the benefits of being a Scheduled Caste. But it is widely alleged that by manipulation of records most of the converted Panas are still availing reservation benefits which has caused resentment in other eligible groups. The latest effort by Panas in getting ST status also is being seen as another such move by them to corner under benefits unscrupulously.

Another factor contributing to the discord between the two communities is the activities of various missions. It is alleged that various Christian NGOs are getting large amount of foreign funds in the name of tribal development but spend them mainly on Christian groups. Some NGOs such as World Vision at Daringbadi became target of Hindu mobs because of such a perception.

**Rise of Hindu organizations such as RSS, Bajarang Dal and VHP has brought religious tension to the fore. They have taken a violent stance against conversion and other activities of Christian missionaries. Their presence and activities have come to light in various places of the district. At the fore of such activities is one Laxmanananda Saraswati who has been**

operating in the District since 1969. He started the BanabasiKalyana Ashram at Chakapada under Tikanali PS. He is a professed member of the VHP.

We also looked into the preparedness of the District police in handling such a situation. The District Police could have acquitted itself better had it got its full strength of officers. Like their districts in the State, Kandhamal is also facing the problem of large scale vacancies. Out of a sanctioned strength of 42 Sub Inspectors only 20 were in place of whom, again 8 were under problem. Hence the SP was running 15 Police Stations and his other posts, with only 12 regular sub inspectors. In the bargain, important posts remained unmanned and many were manned by officers who were unfit to hold charge. To illustrate this point, we were shocked to find that Bamunigaon PS was being run by an ASI. Similarly, at Tikabali, the OIC was so poor in quality that the SP had to place him under suspension. However, since there was no choice available before the SP, he had to perforce reinstate him and place him at the same PS before the bundh. It is not surprising that this PS was attacked and burnt down by an irate mob. Similarly there are 18 vacancies in the rank of ASI out of strength of 48.

Non availability of men, has seriously affected the working of the District Intelligence Bureau. Keeping tab on anti socials, maintain history sheets and collecting field Intelligence have become part of folklore. Since they are highly specialized jobs, starting such activity again after a long period of lull requires considerable effort and interest.

Same is the fate of the Special Branch. Vacancies and poor quality of men has plagued this organization to an extent that it is not in a position to perform basic intelligence functions. What is needed in a situation like the one existing in Kandhamal, is to keep tab on the activities of leaders of all groups and NGOs on a day to day basis keep a data base of activists and sympathizers and have the capability of stalling imminent problems for some time.

The District Armed police Reserve has to be properly utilized. Even in normal times striking force should have been posted in Balliguda and periodically sent to interior areas. This will give a feeling to the rural population that police is present and deer them from carrying out acts of indiscretion.

Having dealt with the inadequacies, we would like to highlight three important achievements made by the police administration. The Stat police Headquarters was very alert to the situation and deployed adequate force to the area within the shortest possible time. Having realized that the force was not able to make much headway because of road blocked, teams of the ODRAF (Orissa Disaster Rapid Action Force) were deployed with power saws and the equipments to clear the roads. The force deployed were able to reach the farthest point, Bamunigaon by 28<sup>th</sup> of December. In other places they had reached on 26<sup>th</sup> and 27<sup>th</sup>. 24 platoons of Orissa Special Armed Police, 6 Companies of CRPF, 1 Coy. RAF, 3 units of Special Operations Groups, were rushed to the district along with teams of the ODRAF. Detail of deployment is at Annexure-VI.

A reference has been made earlier to the violence in the District in 1994. The rioting and trouble relating to ethnic violence in the District continued unabated for a period of three to four months, causing serious dislocation of normal life. However, the current trouble could be suppressed within 4 to 5 days. The first incident occurred on the 24<sup>th</sup> of December and the last major incident was reported on 27<sup>th</sup>.

The third important aspect has been the minimal loss of life during this current problem. During 1994, 16 details were reported. During the present agitation, only 3 deaths have been reported. We have already deal with two deaths at Barakhama and Bamunigaon earlier. While one tribal was killed due to stone pelting at Barakhama allegedly by the Christians, one person died due to police during at Bamunigaon. The identity of this person is yet to be established. A third death was reported from Barakhama where it was alleged that a Christian was beaten to death by Bajrang Dal activists.

We met members of both the communities at all the places visited by us. They were assured of police protection and it was impressed on them that they are free to pursue the religion of their choice without any fear. They specifically requested us to help them get police reports on damages caused to their properties to enable them to get insurance claims. The concerned Inspectors have been directed to visit these houses along with the Revenue Inspector and hand over copies of Station Diary entries

to them for insurance purposes. Both groups at Barakhama and Bamunigaon expressed fear that once police is withdrawn there might be further trouble. It was specifically told to them that police would continue in the area till full normalcy is restored. The Christian population of Barakhama wanted the existing Beat House to be upgraded to a Police Station.

With the delimitation of Assembly constituencies, the political situation in the district will undergo a transformation. SC group may not take to this change kindly and could ferment trouble and clashes. This has to be borne in mind as any such clash can take a communal hue. The District administration has to be alert to this anticipated problem.

Though no incidents of communal nature have occurred after the 27<sup>th</sup> of December, the divide on communal lines is quite pronounced at Barakhama and Bamunigaon. It will take quite something for things to limp back to normal. Going by the history of the District and the fluid ethno-communal situation, things have to be keenly watched and monitored. We suggest that the following measures could be adopted to cope with such situations in the future, or more appropriately, to ensure that they do not happen again.

1. Expeditious investigation of all cases and arrest of hardcore communal elements.
2. Identification of fundamentalists all over the District and keeping watch on their activities.
3. Revamping of the DIB, with proper manpower.

4. Revamping of the Special Branch unit Kandhamal.
5. Immediate filling up of all vacant posts and ensuring quality manpower to District.
6. District APR should be increased in strength and properly trained. A striking force should be stationed at Balliguda under the SDPO.
7. Location of one IR Battalion at Phulbani with an ODRAF component.
8. The District police should immediately submit prosecution under section 107 and 108 of the CrPC against all factions. This should be followed up with the Executive magistrates and bonds insisted upon. Follow up action under section 113 and 116 should be invariably taken up in appropriate cases.
9. Regular joint meetings with the leaders of various religious and ethnic groups by the DM and SP, preferably on a monthly basis.
10. Watch over activities of NGOs and evangelist groups.
11. Move Govt. of India, to declare Kandhamal as a LWE affected district for allotment of funds under RSE scheme.
12. Upgrade Chakapada OP to a Police Station and Barakhama Beat House to an OP with a SI incharge and at least 10 to 15 constables.

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