

Truth and Reconciliation in Kandhamal – One year on, the crisis of State continues

By John Dayal

Our Lord teaches us not to hate. We do not hate our enemies.

But Fear is real, especially in Orissa's Kandhamal district.

It is not just Kandhamal, or indeed Orissa. Unfortunately, circumstances in India are such that the religious minorities and the marginalised groups, the Dalits and others, have to live under the shadow of fear, of violence and domination, hate and official impunity, always looking over the shoulder for the next threat. Priests in forest parishes, pastors in villages, evangelists in distant rural areas, and social activists live under a very real and very dark shadow of fear.

On 23rd August 2008, Lakhmanananda Saraswati, the vice-president of the Vishwa Hindu Parishad (VHP), was shot dead in Kandhamal, Orissa, a local group of the Left extreme Maoists claiming credit for killing man they held to be guilty of many anti-people activities in the region. His body was taken around in a day long procession through Kandhamal's forest villages and townships by the VHP leaders as the police provided help, or just looked on. The violence followed in its wake, as surely as anti-Muslim violence had followed in the wake of Lal Krishna Advani's notorious Yatra 20 years earlier or the anti-Muslim pogrom erupted in Gujarat after the bodies of people burnt in the Sabarmati Express in February 2002 in Godhra railway station in the state. As in Gujarat, the State looked on, many of its agencies almost abetting the violence by acts of omission and commission. The parallels with Gujarat 2002 continue.

In Kandhamal a year after that dreadful day of 24th August 2008, the situation remains terrible.

We know for a fact that perhaps as many as 20,000 [of the 50,000 who were rendered homeless when almost 5,000 houses were torched by Hindutva mobs] remain internally displaced persons, living as refugees or beggars in other towns of Orissa and in nearby states, some even in Mumbai and New Delhi. Some live in Christian ghettos created by the government which could not protect them in their home villages.

We know that so called fast track courts of the Orissa government have set free known killers because the police did not prepare a sound case and because the state failed to protect witnesses who were threatened and who could not give evidence. We know that government has reneged in its promise of financial relief and rehabilitation of widows and other victims of the violence. We also know to our deep regret how even so called judicial commissions headed by retired High Court judges have tried to pin blame on Christians citing conversions as the main cause of violence without even trying to identify the perpetrators of murderous violence.

The threat is potent enough for many Christians to prefer to live in government refugee camps in ghastly conditions because the killers roam scot free in their home villages while the police look on. All this has been documented not just by me since the first spark of 24th December 2007, but by the international media, and by noted Indian Christian investigative reporters such as Anto Akkara and Vishal Arora. Independent scholars Professor Angana Chatterji of California, and Prof Manoranjan Mohanty and Advocate Vrinda Grover, both of New Delhi have documented this. Even the National Minorities Commission has commented on it. And of course the Church and its Human Rights activists continue to raise the issue with the National and

State governments. The uneasy peace is maintained by armed police whose energies have however been diverted to cope with Maoist militant activity in this region and other states.

The main threat continues to be from Hindutva elements who have tasted blood and who have prospered and flourished under official patronage. Many of them are now joining the ruling party, the Biju Janata Dal (BJD). The police and administration is also heavily infiltrated by these elements. The lack of a witness programme and the involvement of crucial police officers prevent real investigation and ensure a miscarriage of justice. We await superior court judgments to petitions that these criminal cases be tried outside Kandhamal and outside Orissa so that witness protection programmes can be put into place. Official impunity, the tacit support to Hindutva, and increasing polarisation do not augur well for religious minorities.

But this is our homeland, and we will remain, even if the struggle for justice has to continue indefinitely. It is the state's duty to end violence, a duty it must carry out. We are before the Supreme Court for this, as also before the President of India. We also know that the international human rights community is watching India.

For the Christians of Orissa and of Kandhamal in particular, there is the strength of faith which prevents the fear from becoming a routing or crippling paralysis. Even in the darkest hour of violence in Orissa a year ago, the people refused to abandon their faith, and that is where they conquered fear of that sort.

As for reconciliation, most of us have been working for reconciliation and peace. Not reconciliation as a compromise, or as a sign of defeat; not reconciliation as surrender; but reconciliation born out of forgiveness and underpinned by justice ensured by the state. Murderers and killers, who did the violence out of ideologies of hate and mischief, need to be punished, but communities need to get over the suspicion and hate and come together once more.

Time is ripe for genuine reconciliation in Orissa and elsewhere, if the State were to take a few small steps.

Demands and Recommendations which the government must implement in Orissa:

- i. Investigate the forcible conversion of Christians to Hinduism, and prosecute perpetrators under the provisions of the Indian Penal Code;
- ii. Ensure that (with reference to the ruling of the Supreme Court in Writ Petitions) police unflinchingly assist victims of violence to submit FIRs.
- iii. There must be a Witness Protection Programme put into immediate operation giving serious consideration to the need for a suitable atmosphere for victims and witnesses to testify, in order to expedite prosecutions and convictions.
- iv. Investigate reports of police officers failing to register cases or showing complicity in attacks, and bring prosecutions against offending officers;

- v. Supply a substantial number of investigating officers and public prosecutors, and implement fast-track courts in at least four locations in Kandhamal district.
- vi. Request that the Central Bureau of Investigation (CBI) carry out an investigation into the assassination of VHP leader Lakhmanananda Saraswati and the subsequent anti-Christian violence from 24th August 2008, paying specific attention to the root causes of this violence, including the propagation of anti-Christian hatred;
- vii. The Government should take measures to carry out an extensive research with the view to rehabilitating the victims of violence, make the recommendations public, and implement them without loss of time.
- viii. Provide education to displaced children
- ix. Provide further compensation for those who have been affected by the violence, including covering the loss of crops, livestock and employment, and assess required levels of compensation on a case-by-case basis through certified independent evaluators;
- x. Undertake to follow the recommendations of the National Commission for Minorities in September 2008 on the establishment of Peace Committees, and further to take measures to ensure that all communities are adequately represented within such Peace Committees, to enable these to promote reconciliation and inter-communal understanding with integrity;
- xi. Establish a State Commission for Minorities (in the model of its national counterpart) and ensure that members of the commission are appointed by transparent and non-partisan procedures;
- xii. Repeal the Orissa Freedom of Religion Act, 1967.

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Annexure

LEST WE FORGET

In its annual report for 2008, India's Ministry for Home Affairs recorded that the country had witnessed a high incidence of communal violence --- as many as 943 communal incidents, mainly against Muslims and Christians, took place in which 167 persons were killed and 2,354

persons were injured. The figures were up from those of 2007, when there were 761 incidents in which 99 persons were killed and 2,227 persons were injured.

Some details:

ORISSA

14 (of 30)	Districts hit
315	Villages destroyed
4,640	Houses burnt [State government earlier estimates 4,215]
54,000	Homeless initially
20,000	People still living as Internally Displaced Persons
1,500	People still in Government run camps / enclaves
120	People murdered [Estimated, but not officially acknowledged]
7	Priests/ Pastors killed
10	Fathers/Pastors/Nuns injured
3	Rapes confirmed [One of Nun]
252	Churches destroyed [estimated by State government]
13	Schools, colleges destroyed
827	cases have been registered
6	persons convicted
4	Cases in which all accused acquitted

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8 (of 29)	Districts affected
33	Churches attacked update again
53	Christians injured in attacks, including Nuns assaulted by state police.

[This does not include incidents of violence and persecution witnessed in Tamil Nadu, Madhya Pradesh, Maharashtra, Kerala, Andhra, Chhattisgarh, Delhi and several other States in 2008-09]

