

Whither Women's Rights?

Report on Behalf of the Women Who Were Part of the Minority Community That Was Attacked in Kandhamal, Orissa, India

Contact:

Dr. Ila Pathak, President, WILPF-India Section
C/O AWAG Kunj, Bhudarpura, Ambawadi, Ahmedabad-380015
Gujarat, India, Tel & Fax: 079-026442466
E-mail: awagbox@yahoo.com

Acknowledgements

This rapid assessment survey was conceptualized with the help of Mr. Dwarikanath Rath, an expert on the eco-socio-political life in Orissa. The larger political background was discussed with Mr. Prakash N. Shah. We thank both of them for the time and expertise they shared with us. Dr. Meenakshi Gopinath, the director of Women in Security, Conflict Management and Peace (WISCOMP), New Delhi, generously supported our venture. We thank Dr Meenakshi Gopinath and other staff members from WISCOMP for helping us to examine the effect of violence in Kandhamal on women in detail.

We thank Prin. (retd.) Ashwin N. Karia, who helped convene the meeting of experts in Law, Dr. B.M.Shukla, Director (retd), School of Law, Gujarat University, Ahmedabad, Prof. H .S. Pathak, Director (retd.), School of Law, Gujarat University, Ahmedabad Mr.Bhushan Oza, (Advocate) and Justice (retd) D.G.Karia. We thank them all for guiding us through a thorough discussion of legal aspects of the situation in Orissa. Our special thanks are due to Justice (retd.) D.G.Karia for his willingness to file the proposed Public Interest Litigation on behalf of WILPF-India Section team.

We express our sincere gratitude to the Honourable Governor of Orissa, Mr. Murlidhar Chandrakant Bhandare for providing crucial insights into the incident that wrecked Kandhamal. Our grateful thanks are due to Mr. Pyarimohan Mohapatra, the Member of Rajya Sabha, for giving us time from his busy schedule to share with us some fresh insights pertaining to this incident. This work would not have been successful without the cooperation of Mr. Man Mohan Praharaj, Director General of Police, Orissa, Mr. G.V.V. Sharma, Commissioner-cum-Secretary, Revenue and Disaster Management Department, Orissa, Mr. Krishan Kumar, the Collector of Kandhamal district, Orissa. We express our sincere thanks to all of them and to all officials of the State who helped us at some stage of our study.

This work would not have been complete without the help received from Ms. Binapani Das, Dr. Mujibur Rehman, and Dr. Jharna Pathak. Given their experience of working in the state, their insight into various aspects were of great help. We wish to express our sincere thanks to Mr. Dharendra Panda, Mr.Ashok Nanda, from Lok Samukhya, Shashiprova Bindhani from Human Rights Law Network, Ms. Pramila Swain, convenor of NAWO, Mr.Satyanarayan Biswal of VIKASH, Hemant Naik from Kuidina Forum for Peace and Justice and other Non-Governmental Organisations working in the state. We express our sincere thanks to them. We express our gratitude to Ms. Mrinalini Padhi, Advocate, Cuttack for making our stay comfortable at Bhubaneswar and other areas of our field sites.

Our sincere gratitude is due to WILPF-International, India and Gujarat Executive Members who kept us going at times when the future seemed gloomy.

We thank Ahmedabad Women's Action group-AWAG for providing administrative support, especially, Ms. Farida Masavvawala for managing the accounts, Ms. Dalia S. for helping in correspondence as well as documentation and Ms. Aruna for providing support throughout.

Foreword

The poor in Kandhamal, Orissa had suffered violence intermittently from the Christmas of 2007. In August 2008 there was a sudden huge flare up. A Hindu leader, Swami Lakshmanand Saraswati and his four followers were murdered on August 23, 2008. Soon after, violence was unleashed on the 'other' community, the Christians living in the hinterland of Kandhamal district of Orissa State.

Human rights of thousands were violated, men, women and children had to run for life, leaving their homes, patches of land, small fields on which crops were coming up, poultry and cattle and in some cases their dear ones, because men were caught, killed and burned while their family escaped. Then there were camps, wherein shelter was offered by the State that could not protect them earlier.

Many recommendations were made about improving the camps, for providing protection, compensation etc. And the poor homeless, turned into destitute waited to return to their homes. Some petitioned the high Court of Orissa and Supreme Court of India with prayers to get succour for the hapless who were violently ousted from their homes.

A team of Women's International League for Peace and Freedom – WILPF – led by the President, WILPF- International, joined by President WILPF – India Section, and the Vice-President of the India Section decided to go to Kandhamal to research the background and consequences of violence and the way women were affected by them. The team also wanted to check if recommendations made earlier were taken into consideration by the State government and were followed up. The team of WILPF was more concerned with the wellbeing of women and children, both in camps and in rehabilitation, because, we, WILPFers are convinced that in any such mayhem women are worst sufferers.

India, our nation, has ratified a number of international conventions and signed many instruments. WILPF's focus was to check if women's rights are protected as spelt out in the 'Universal Declaration Of Human Rights', the 'Vienna Declaration', 'Convention on Elimination of all kinds of Discrimination Against Women' and Security Council Resolutions 1325 on Women Peace and Security and 1820 on Sexual and Gender Based Violence during Armed Conflict. The WILPF team approached the camps with these in mind. The recommendations made so far by other visiting teams or the prayers made to the High Court of Orissa and to the Supreme Court of India did not seem to include women's specific demands. It is accepted that in conflict situations, men also suffer and that is not gainsaid. Thereafter whatever is demanded for men is, largely, good for women; yet women are more vulnerable and do have specific demands. Such demands ought to be responded to and this is the theme of the above cited international covenants. WILPF chose to focus on them. This report presents the humanitarian approach of the WILPF team to the violent happenings in Orissa and its impact on women.

While analysing the situation in Kandhamal, Orissa, it turned out that there were many similarities with the incidents that took place in Gujarat in 2002. In both cases, the minority

communities were attacked; Muslims in Gujarat and Christians in Orissa. Since this amounts to serious violation of human rights including violation of explicit rights of women the WILPF team apprehends repetitions of such violence.

We entreat the Government of India to establish a special mechanism for women, which could be activated in such eventualities to demand special provisions for women, to monitor their implementation and to ensure their continuity as long as it is needed.

**Annelise Ebbe,
President, WILPF – International, Geneva**

**Ila Pathak,
President, WILPF India Section**

**May 23, 2009,
Ahmedabad, Gujarat, India**

Contents

	Acknowledgements	
	Foreword	
Chapter I	Introduction	1
Chapter II	Basic characteristics of the Orissa State	3
Chapter III	Factors responsible for the Outbreak of violence	11
Chapter IV	WILPF's concern with Human Rights of Women and International Covenants	17
Chapter V	Life in Camps	21
Chapter VI	Legal Actions	38
Chapter VII	Conclusion	47
	References	51

CHAPTER I

Introduction

India is a member of United Nations and has ratified a number of conventions and signed many instruments. As per these instruments ‘no one should be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation’. With this background, violence in Kandhamal on Christians can be viewed as the utter disregard of stipulations agreed upon in the conventions ratified by our nation. Within the state boundary, this violence is the episodic breakdown of state machinery to meet familiar symbolic framework that legitimises the pre-existing socio-economic, political, ethnic and religious order. Such violence has the scope to test the resilience of a society and to expose the shortcomings of its leaders and public institutions. In the situation it tends to throw light on immediate relief provided by the state and the conditions for women and children in the relief camp.

This report has attempted to put the whole issue of ‘causal factors’ of communal riots into perspective; most theories, however, are interconnected and any explanation of communal riots in India needs to consider a multiplicity of theories.

This report summarises the context and nature of violence in Kandhamal district of Orissa State, which occurred, from August 24, 2008 to August 30, 2008. The focus is on the attack made by the Kandha tribe, which is predominantly an Adivasi tribe on the Pana community of Kandhamal, which is mainly Dalit community. The study uses multiple sources of information and includes all of them to build as complete a picture as possible.

The case studies are therefore “representative” of the conflict, though not comprehensive. They were randomly selected after discussion with several victims of violence from Tikabali camp, G.Udaigiri camp and the halfway camp at Mondesoro separated from Raikia camp. The paper uses data collected in December 2008 from site visits, interviews with survivors, eyewitnesses, government officials and related material such as images, published and unpublished eyewitness accounts and memoirs (in English and Oriya).

The approach of the team was humanitarian with a specific focus on women. A number of fact-finding missions had made their reports on violence in Kandhamal and the conditions prevalent in the relief camps. The Citizens' Committee's and others' reports carried recommendations also. Our team did not want to make a fresh list of recommendations but wanted to ensure that the earlier recommendations are accepted and translated into action. Preoccupation of this team was to check if the recommendations made in international instruments were honored in the State's dealings with the refugees, both in the refugee camps and later, during rehabilitation. The international instruments have been ratified by our nation; the Security Council Resolutions are also binding. Hence it was valid that questions be raised, especially with respect to women.

We see this study as a round up of issues related to violence on Christians in Kandhamal and its aftermath with a special focus on women. The intention was to study whether the States follow international guidelines with any amount of seriousness and thoroughness and whether they focus on gender issues. In the backdrop of violence inflicted in Gujarat and Orissa on

the minorities, the role of the governments in making provisions in the relief camps and later in rehabilitation was put under scanner especially through the lens of protection of human rights. WILPF considers this approach most relevant as it focuses on the plight of women, as women's rights are also human rights and they need to be protected. Lapses in them need to be pointed out so that in future there is more awareness of the issues raised herein.

Methodology

A checklist of questions was prepared to study the status of women and children in the relief camps. Information about the time and process of attack of mob on the village, the characteristics of mob fury and damage done was collected. We also asked them about the days spent in the forest, the number of days taken and problems faced before reaching the camp and so on. Our checklist had series of questions on quality and quantity of food, clothing, water and sanitation, shelter, health care, education for their children and so on.

During the course of literature review on the topic of this project work, we had gathered material on the violence in Kandhamal. From the literature it was clear that Kandhamal violence was the result of economic, social and religious conflicts between two communities residing in the district. To understand this socio, economic and religious dynamics of the place, we collected information on right to religion, forest rights act and so on. Thorough understanding of these issues helped shed light on how fundamentalism takes advantage of the vulnerable classes of society by dividing it along socio-economic and religious lines.

Limitations of the Study

The report suffers from inevitable limitations on account of the short period of research and the small number of interviews carried out in three relief camps in Kandhamal. Another limitation of the study is that all the three relief camps were mostly homogeneous settlements of Christians and therefore atrocities like violence and reconversion may have been overestimated. The data reported are considered to be trustworthy on the grounds that care was taken to crosscheck and corroborate the information obtained from diverse informants like government officials, NGOs and civil society groups. As the atrocities and the trauma faced by Christians during riots and its aftermath went underreported, this study was deliberately carried out to extract information about the process of reconversion and acute trauma faced by Christians in villages. There is little understanding about most of the factors, which contributed to violence on Christians in Kandhamal. These are described in the report and are worthy of separate research studies.

1.3. Organisation of the Report

This report deals with the background for and consequences of the violent incidents in Kandhamal from humanitarian point of view with special focus on women. In chapter II, we discuss basic characteristics of the Orissa State with emphasis on Kandhamal. Chapter III elaborately examines factors responsible for the outbreak of violence. In chapter IV, we explain WILPF's concern with human rights of women and various international Covenants. Chapter V depicts life in camps. Legal action is discussed in chapter VI while in Chapter VII we present our conclusions.

CHAPTER II

Basic Characteristics of Orissa State

Orissa is an eastern state of India. Scheduled Tribes constitute nearly 22 per cent of the total population of Orissa. 62 communities have been designated as Scheduled Tribes. Out of these, 13 have been recognised as Primitive Tribal Groups. Nearly half of the State's area (45%) is under Schedule V¹ of the Indian Constitution (GOO, 2006).

Map 1: Map of Kandhamal in Orissa State



Source: <http://kandhamal.nic.in/km-map/orissa.htm>

Orissa Tribes

Behura (1965) has classified the tribes of Orissa into various categories such as hunter-gatherers, pastoral, artisans, hill and shifting cultivators and settled cultivators. Kharia, Mankidi, Mankadia and Birhor are the tribes, which are exclusively hunter-gatherers, and they stay in the forests of Mayurbhanj, Keonjhar and Sundargarh. Behura classifies Koyas of Malkangiri as pastoral communities, though they also carry out settled and shifting cultivation. Mahali and Kol-Lohara are two tribes, which are classified as artisans, and their primary crafts are basket weaving and blacksmithing (Behura et al., 2004).

¹ Following areas are under Schedule V in Orissa : Mayurbhanj, Sundargarh, Koraput, Rayagada, Nabarangpur and Malkangiri districts in whole, Kuchkinda tahasil of Sambalpur district. Keonjhar, Telkoi, Champua, Barbil of Keonjhar district, Khondamal, Balliguda and G. Udayagiri tahasil of Khondamal district, R. Udaygiri tahasil, Gumma and Rayagada block of Pariekhemundi tahasil in Pariekhemundi Sub-division and Suruda tahasil of Ghumsur sub-district. Thuamul Rampur and Lanjigaryh blocks of Kalahandi district and Nilagiri block of Balasore district. The total area of the scheduled area contain almost 70% of the forest areas of Orissa even though they are the state area.

Kandhas are the largest tribal group of the State with population of over a million. Although they live all over the state, they are concentrated mainly in Kandhamal, Koraput, Rayagada, Nabarangpur, Kalahandi and Gajapati districts. They are an agricultural tribe and carry out both settled and swidden cultivation.

Basic Characteristics of Kandhamal

Kandhamal, one of the 30 districts of Orissa, was created in 1994 by the then Chief Minister, Biju Patnaik and is so called because it is the land of the Kandha tribes. According to the 2001 Census, 52% of Kandhamal's population is made up of Scheduled Tribe (ST) (Kandha tribe) while 17% is Scheduled Caste (SC). The Kandha tribals are predominantly pro-Hindu or Hindus. However, nearly 70% of dalit Panas are Christians. Out of a total of 100,000 Christians, 60% are converted Christians and because they were formerly Panas, they are now locally known as Pana Christians. The per capita income of the district is Rs 4,730, while that of Orissa as a whole is Rs 5,264. The district has only 15 sanctioned police stations with a meager 647 personnel looking after the safety of 648,000 citizens.

Religion

Kandhas were worshippers of lord Jagannath. Legend has it that lord Jagannath belonged to the Savara tribe. The word Jagannath is neither a Sanskrit word nor a Pali word but is a derivation of an Austric word, Jagant. All historians agree that Vindhya region in Western India was the habitat of the Savaras. The Savaras speak Mundari dialect, which is considered to have originated from Austro-Asiatic languages. The Mundari dialect is the primitive form of modern Oriya and Purva Magadhi language. Though the tribals speaking Mundari language were divided into different tribes like Savara, Kandha, Munda, Gonda etc., they primarily belonged to a larger community. The descendants of these primitive people still inhabit the hilly regions and forests of Orissa. Savaras and hence Kandhas were worshippers of lord Jagannath since time immemorial.

Besides language, close similarity is seen in their religious thought and worship, and in the forms of their presiding deities. That lord Jagannath is being worshipped in Shreekshestra Puri from time immemorial is based on Puranic evidences given by scholars. It appears that Lord Jagannath was considered to be a Buddhist deity before anti-Buddhist plunderers ransacked the village in which it was housed. However, prior to the destruction of the village, Lord Jagannath was safely buried under the earth and was thus saved. The place where the deity was kept was ruled by the Nagas (Snake worshippers). They were originally Saivites but under the influence of King Asoka, they were attracted to Buddhism. According to historical records, Saivism, Naga (snake) worship and Buddhism were part of the religious faith of the Bhanja kings at different times. The images, which were conceived in these three types of worship, were combined together in the conception of Jagannath images by the kings belonging to the Naga dynasty. Among the Savara tribals, tree or khamba (pillar or post) worship was in vogue. In trying to give a human shape to the tree or Khamba (post) they in fact gave it strange shapes. Perhaps the shape of Lord Jagannath might have originated that way. We see a unique combination of shape and shapeless in this tree or Khamba deity (GOO, 2007).

With the spread of Hinduism, the Aryans introduced Jagannath into Hinduism. Thus, even now, Jagannath cult is an amalgam of diverse religious cults like tribal religion, Brahmanical religion, Buddhism, Saivism, Shaktism, Tantricism and Vaishnavism. According to some, this evolution has started with the appearance of the primitive man and has undergone the process of evolution till Lord Jagannath came ultimately to be worshipped as Rastra (Universal) Devata, Jagannath (GOO, 2007).

Economic and Social Factors of the People of Kandhamal

Problem of indebtedness in tribal areas seems to be root cause and result of poverty. The tribal people are living in an economy, which provides them livelihood only for a couple of months. Rampant liquor consumption impoverishes them. Not finding the existing livelihood sources sufficient, and with limited alternatives; the tribal people turn to any one available within their access for help in both cash and kind. The level of education and awareness among the tribal people is much below the average level. The moneylenders (most of them unregistered) seize this opportunity for exploiting them and grabbing their land under mortgage. With no alternatives, poor tribals agree to a lien of their piece of agricultural land for a paltry loan. On several occasions the tribal people fail to repay the loan as per the terms and conditions of the Sahukars (moneylenders) and forfeit their land to the moneylenders who enjoy the occupancy rights over the land. The terms and conditions imposed during such transactions normally vary from region to region and also from community to community. Due to chronic indebtedness, tribal people of Orissa continue to be the victims of exploitation in the hands of moneylenders who are mostly non-tribals. Data on the extent of ongoing money lending in the tribal regions of the State are not available. However, it is a fact that the imbalance between the income and consumption expenditure of the tribal people make them an easy prey in the hands of the non-tribal moneylenders (Behura and Panigrahi, 2002). Communities like Panas, Sundhis, Komitis, Mohantas and Goudas have been in money lending business for a long time.

The development of communication systems linked the inaccessible tribal areas with the outer world. This has facilitated the inflow and outflow of labourers, raw materials and produces from and to the tribal areas. This increased the inter-regional movement of non-tribal population to tribal areas (Jha, 1977; Mohanty 1997). In fact, the money lending business paved the way for large-scale transfer of land from the tribals to non-tribals (Sahu, 1942). In this context in 1940, Nabakrushna Choudhury, one of the members of the Partially Excluded Areas Inquiry Committee of Orissa and also the Chief Minister of Orissa, stated the backward tribes of the tracts under our inquiry had been left completely at the mercy of the non-aboriginal Maharajas, hill chiefs, Bissoyees, Patros etc. (Sahu, 1942).

The Christian missionaries worked in the poverty stricken area, which was otherwise overlooked by developmental programmes of the Government. They opened schools, hospitals and orphanages and worked tirelessly in the most inhospitable terrain serving the poor and destitute for more than a century. However, the chief grouse against them is conversion to Christianity; but the missionaries claim that that was not their only agenda or else the number of Christians would have burgeoned exponentially and would not have remained at a meager 2.4% of the population.

Table I: Customary Land Tenure and Rights Systems of Kandha Tribe of Orissa

Name of the Tribe	Types of Land and Traditional System of Ownership		Existing System of Ownership		Pattern of Inheritance on Privately Owned Land	Remarks
	Individual Ownership	Communal Ownership	Individual Ownership	Communal Ownership		
Desia Kandha, Kandhamal	Kandhas living in plain land areas individually owned lands basically paddy lands.	i. Swidden lands on hill slopes distributed in common village meeting for cultivation. ii. Sacred places, ritual sites and lands of communally important affairs.	i. Swidden lands on hill slopes handed down from father to son. These lands are rarely mortgaged. ii. Plain land owned under the Survey and Settlement.	Sacred places, ritual sites and lands having communally socio-cultural importance.	Patrilineal inheritance	Homestead

Sources: Mohanty, 1994

Historical Aspects of Tribal Land and Forest Issues

During the British rule, tribal dominated areas were categorised as “excluded” and/or “Partially excluded”, since the British recognised that the tribal communities needed to be dealt with a separate administrative set up from the rest of the country. Tribal parts of Orissa have inherited their land and forest administration systems from Madras Presidency (South Orissa), Central Provinces (Parts of western Orissa), Bengal Province (coastal Orissa) as well as many princely states such as Mayurbhanj, Keonjhar, Bamra, Bonai, Boudh, Kalahandi, and Rairakhol etc. The extension of state power to remote tribal areas was an uneven process, based on conflicts and conquests.

During Pre-British period most tribal areas were comparatively autonomous with a high degree of political and economic independence in tracts on the borders and peripheries of large kingdoms (Padel, 1995). During the British reign, there was an increased incursion of state and administration in tribal areas but was often resisted violently. Local kings with the help of British army crushed these resistances brutally. As Padel puts it, in context of the Kandhas; the local chiefs and rajahs, who were earlier dependent on tribal goodwill and compliance for the legitimacy of their rule, were able to seek their legitimacy from the British backing and military power...the Rajahs became the figureheads of British rule and ‘sucked the blood’ of their Kandha subjects for their own aggrandisement (Padel, 1995). The need for

revenue was often the most important motivation for both the British and the princely states for the subjugation of the tribal areas.

With the princely states and ex-Zamindari areas being merged into Orissa and emergence of uniform administration systems for the whole state, the period immediately following independence was a time of flux and change as far as land and forest governance in Orissa was concerned. For land administration, this implied moving from an intermediary based system to a *raiyatwari* system all over the state, following the principle of “tillers as owners”. This was implemented by abolishing intermediary tenure holders. This was accompanied by laws regulating concentration of landholding through a process of fixing land ceiling.

However, the process of land reforms in Orissa was piecemeal and full of loopholes, failing in its goals to ensure equity and efficiency in agriculture. The Orissa Estates Abolition Act, 1952, abolished all intermediary tenure holders and vested all land rights in the State. However, it also allowed the intermediary tenure holders to hold up to 33 standard acres of land for their personal cultivation. This has had major implications in tribal dominated tracts with non-tribal intermediary tenure holders because they could now evict longstanding tribal tenants and get the land settled in their own names. This malpractice got a further boost owing to the absence of proper land records in many of these areas.

The Orissa Land reforms Act, 1960, provided for permanent, inheritable and alienable rights on land for the tiller. It initially continued with the ceiling of 33 standard acres but then reduced it to 20 standard acres in 1965 and further reduced it to 10 standard acres in 1972. However, the period between 1960 and 1972 provided ample leeway to large landowners for transferring excess land to the names of relatives and thereby maintaining de-facto control while escaping land ceiling provisions (Mearns and Sinha 1998). This high ceiling limit was again used to evict tenants on a large scale. Tenancy reforms have also been weak in the state, even though Orissa Land reforms Act, 1960, provides full ownership rights to tenants to the land in their possession and bans tenancy. The tenants have found it very difficult to prove their possession of land as large landholders resort to rotating informal tenants among their holdings and periodically evicting them to escape the provisions of the law. The major effect of the tenancy laws has been to drive tenancy underground, making it more insecure and exploitative (Mearns and Sinha 1998). For Forest administration, a uniform legal governance system was achieved only in 1972 with the passage of Orissa Forest Act, 1972. The process included the incorporation of ex-princely state forests, Zamindari forests and forests under the Madras Forest Act, 1882. The whole process was done in fits and starts, and problems and shortcomings in forest administration consolidation have major consequences for both forests and tribals.

At present, in Scheduled areas of Orissa, the transfer of private land from scheduled tribes and castes to non-scheduled groups is regulated by Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribe) Regulation 1956 (OSATIP Regulation, 1956). Section 3(1) of this law originally stated that any transfer of property by a member of a Scheduled Tribe shall be null and void unless it is made to another member of a Scheduled Tribe or with the prior consent of the competent authority. The above law was amended by regulation I of 1997, wherein a clause had been inserted that no member of Scheduled Tribe shall be allowed to transfer land if after such a transfer the total land owned by the member of

the ST will be reduced to less than one standard acre (as defined in Orissa Land Reforms Act, 1960).

Based on a number of studies which showed alarming trends in alienation of tribal land, the GOO amended the Regulation once again by regulation 1 of 2002 and has made the act much more stringent. The salient features of the amended law are:

- Section (3) of the law states that any transfer of property by a member of a scheduled tribe in Scheduled areas to a non-tribal is not permitted.
- No tribal owner can transfer land to even another ST if the total land remaining with the tribal is less than two acres of irrigated land or five acres of unirrigated land.
- All transfers from ST to non-STs between 4th October 1956 and 4th September 2002 shall be verified to ascertain their genuineness and the persons possessing such land must prove that such transfer was carried out legally by the sub-collectors concerned. Those who don't provide such proof shall be treated as illegal encroachers and the land shall be restored to the original tribal owners.
- Persons in fraudulent possession of tribal land shall be liable to fine up to Rs. 5000/- and two years of rigorous imprisonment.

In non-scheduled areas, the Orissa Land Reform Act, 1960 (Section 22 and Section 23) also forbids the transfer of *patta* land by a member of a Scheduled Tribe to any person who is not a member of a Scheduled Tribe, unless written permission is obtained from the competent authority. The OLR Act, 1960, also provides for penalty of Rs.200/- per acre per year of land held illegally under this section. The dramatic protection provided in Scheduled areas under the amended OSATIP Regulation, 1956 as amended in 2002, has not been extended to the non-scheduled areas where protection to tribal land is provided by the Orissa Land reforms Act, 1960 (Kumar et al., 2005).

At the same time, the Government of Orissa has followed up with the local revenue officials to detect cases of land alienation and institute cases under sections 3(2), 3A and 7(2) of the Regulation. As per the latest information available, 103,474 cases have been filed involving 103,189 acres of land. A total of 54,250 acres of land has been restored to over 60,000 ST households. This is a remarkable achievement, at least on paper, though the actual situation on ground needs to be evaluated with the help of empirical studies.

Freedom of Religion: Legal / Policy Framework

The Constitution of India provides for freedom of religion. The country is a secular state with no official religion. The Constitution protects the right of individuals to choose or change their religion as well as practice the religion of one's choice.

It has been observed that the National Government has generally respected this right in practice. However, some State and local governments have limited this freedom by enacting or amending "anti-conversion" legislation and by not efficiently or effectively prosecuting those who attack religious minorities. Despite the National Government's rejection of "Hindutva," the ideology that stridently advocates Hindu religion and espouses the belief that Hindu religious and cultural norms are superior to all other; it continues to influence some government policies and actions at the State and local levels. The National Government, led

by the United Progressive Alliance (UPA), has continued to implement an inclusive and secular platform that includes respect for the right to religious freedom.

Where "anti-conversion" laws are not in place, local authorities on occasion have relied upon certain sections of the Indian Penal Code (IPC) to arrest people engaged in religious activities. For example, IPC Section 153-A prohibits "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony." IPC Section 295-A prohibits "deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs."

The country is a secular state with no official religion. The constitution protects the right of individuals to choose or change their religion as well as practice the religion of one's choice.

Despite the National Government's efforts to foster communal harmony, some extremists continue to view ineffective investigation and prosecution of attackers on religious minorities, particularly at the state and local level, as a signal that they could commit such violence with impunity.

The Ministry for Minority Affairs, the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM) are governmental bodies created to investigate allegations of discrimination and make recommendations for redress to the relevant local or National government authorities. Although NHRC recommendations do not have the force of law, central and local authorities generally follow them. The NCM and NHRC intervened in several high-profile cases, including the 2002 anti-Muslim violence in Gujarat, the attacks against the Christian community in Orissa and other instances of communal tension, the enactment of anti-conversion legislation in several States, and incidents of harassment and violence against minorities.

The Orissa Freedom of Religion Act of 1967 states, "No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion." The law defines 'force' as "a show of force or a threat of injury of any kind including threat of divine displeasure or social excommunication," 'fraud' as "misrepresentation or any other fraudulent contrivance," and 'inducement' as "the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise." Individuals breaking the law are subject to penalties such as imprisonment, a fine, or both. These penalties are harsher if the offence involves minors, women, or an SC/ST member. The law also requires that district magistrates maintain a list of religious organisations and individuals propagating religious beliefs, that individuals intending to convert provide a declaration before a magistrate, that priests declare the intent to officiate in a conversion ceremony, and that police officers determine if there are objections to a given conversion. There were no reports of district magistrates denying permission for religious conversions or of convictions under the Act so far.

CHAPTER III

Factors Responsible for the Outbreak of Violence

There was a brief respite from violence in Kandhamal after Christmas 2007. That proved to be the proverbial lull before the storm; for in August 2008, violence again flared up in Kandhamal. Christian community bore the brunt of the violence. The apparent reason for the attack on Christians was that they had killed a Hindu leader, Swami Lakshmananda, and needed to be 'punished'. However, the fact that Maoist insurgents had claimed responsibility for the killing was conveniently ignored. To quote from the interim report of Concerned Citizens' Independent Fact finding Mission to Kandhamal, Orissa, ". . . the past couple of months, witnessed violent attacks on Christians in some States. Particularly since August 24, the Christians in Orissa have experienced the worst ever communal violence, their Churches have been burnt, Christian orphanages and other institutions have been set on fire, pastors attacked, one was killed, one nun was burnt alive, while another was gang-raped."

Our team was concerned with the lives of women during and after the conflict so we had proposed to make inquiry into the follow up actions taken by the State administration vis-à-vis the recommendations made by a number of 'fact finding missions' which were actively probing the aftermath of violence in Kandhamal Orissa, during September-October, 2008.

The Vice Chairman of the National Commission of Minorities (NCM), Mr. Michael P. Pinto regretted that the State Government had not so far implemented the recommendations made by the Commission after the 2007 violence: "Had the State Government implemented the Commission's earlier recommendations like constitution of a State Minority Commission, rebuilding of damaged churches, holding of peace march by political leadership and a time-bound investigation ensuring punishment to culprits, the situation could not have come to this point in this time".

On reaching Bhubaneswar our team contacted the State officers. We were informed by first, the Director General of Police of Orissa and then the District Magistrate of Kandhamal that the multiplicity of tensions brewing among different groups of people led to the eruption of gruesome violence.

As stated before, the spark in this explosive brew was provided by the murder of Swami Lakshmananda Saraswati, a Hindu fundamentalist and his three followers on August 23, 2008. A Maoist group took responsibility for the murder but a canard was spread that Christians had murdered the Swami and his killing needed to be avenged. The fallout was that the Christians became the quarry of the Hindus.

On getting the reports of Swami Lakshmananda's death, Dr. Pravin Togadia of Visva Hindu Parishad went to Daringabadi where the murder had taken place. From there, the slain bodies were taken out in a procession to Chakapada, the site of the ashram founded by the slain Hindu leader, some 150 kilometres away from where he was executed. During the two days, which it took for the procession to reach that place, mayhem occurred and continued for a few days and at certain places even thereafter.

Swami Lakshmananda Sarswati, aged 82 at the time of his death, had come to this poverty stricken area in 1969 and had launched his career there as a volunteer in an anti-cow

slaughter movement (Gau Raksha Abhiyan); rapidly gaining considerable clout among Hindutva supporters. He was a strident advocate of Hindutva and used to proclaim that God had sent him from Himalayas to drive out Christians from the (Phunlbani) district.

As part of the Rashtriya Swayamsevak Sangh (RSS)-VHP strategy he was sent to Phulbani (now Kandhamal) district to set up base at Chakapada with two primary objectives: persuading the tribals to embrace Hinduism and countering the proselytising activities of the Christian missionaries. The Swami focussed his efforts on the tribals, primarily the Kandhas, constituting more than half of Kandhamal's population, to bring them closer to Hindutva.

Claiming, "Vanavasis are Hindus" he systematically introduced satsangs and yagyas, Hindu gods and goddesses, Hindu religious scriptures and mode of worship, and organised mega-religious congregations ('ashtaprahara namayagyas'), attracting and mobilising the Kandhas in a big way. As part of the long-term strategy of the Hindutva organisations, this proved to be a laboratory for the systematic behavioural control of a group. Like Christian missionaries, he also opened schools, colleges and hostels for tribal boys and girls. The Sangh parivar trained them ideologically and created a pool of permanent cadre. Though Hinduisation did not offer any substantive socio economic empowerment to the poor tribals, the VHP's "Packaged Hinduism" gave them a sort of religious and cultural gratification; in an otherwise hopeless existential world.

Lakshmananda made all his effort to demonise Christian Panas as the traditional rivals of "Hindu" Kandhas. This provided them with a purpose to be a part of Hindutva. Once the process of Hinduisation picked up momentum, Lakshmananda took up reconversion ('ghar wapsi') of the Christian converts back to Hinduism. Moreover, Lakshmananda's agenda had various implications. Firstly, an alternative welfare system challenged the Christian missionaries who had formerly monopolised education and healthcare services in the non-state sectors, compelling them to be more competitive in order to retain their influence. Secondly, aggressive Hinduisation and militant "reconversion" propelled them to reorient their proselytisation discourse and strategy. New Christian denominations entered, more churches were opened; energetic evangelical groups mushroomed leaving the "laid back" Catholic church behind. Thus a quiet Kandhamal became a site of competing religiosity. Thirdly, militant Hinduisation deeply divided tribals and dalits along communal lines. Lakshmananda successfully pitched "Hindu" Kandhas against Christian Panas (Kanungo, 2008).

The militancy of Hinduised tribals, the Kandhas wrought havoc in various ways. In 1970, Lakshmananda led attacks on small Christian villages. In 1987, 16 churches were burnt under his leadership. In 1986-87, more than 50 cases were registered against him, but no action was taken against him. In 1998, 500 Sangh activists attacked Ramgiri Udaygiri village in Gajapati district. 92 houses, one church, one police station and several government vehicles were torched. In 2002, 5000 Christians were converted back to Hinduism. In 2005, hundreds of Gonda Advasis in Malkangiri were converted back to Hinduism. The Golwalkar Centenary was celebrated in 2006 at Chakapada (Kanungo, 2008). In April 2006 aiming at converting Christians to Hinduism, he exhorted the Oriya population to assemble for a gathering, which he pompously called 'Akhand Hindu Rashtra'. 30,000 Adivasis attended. During Ram Janmabhoomi movement, in the absence of Muslims in the district, which was under his leadership, dalit Christians were the target of attack. Then in 2007, he spearheaded the

Ramsetu agitation. Forty years of his stay in Kandhamal helped the Sangh Parivar consolidate its position and gave momentum to their crusade against missionaries and Christians.

Lakshmananda was attacked several times so he was given official protection. However, on the day of his assassination on 23rd August, the guards were mysteriously absent. It is well known that his death triggered the pogrom that followed. This has led a popular historian to comment: "Whoever has killed Lakshmananda, has given a golden opportunity to Sangh Parivar to crucify the whole of Kandhamal" (Rath, 2008).

The violence that rocked Kandhamal in the aftermath of the murder and the funeral procession of the dead body of the Swami is recorded thus: "Within 72 hours there were 114 major acts of violence against Christians. 4041 houses are destroyed. More than 50 people died, 194 villages affected, 127 Churches attacked, 26 Panchayats of 12 Blocks are affected in Kandhamal district. Christian institutions were attacked in Kandhamal, Bargarh, Koraput, Rayagada, Gajapati, Boudh, Sundargarh, Kendrapada, Bolangir and Jajpur districts" (Rath, 2008).

It was learnt through various reports and discussions with the officers of the state of Orissa that there were other aggravating circumstances, which led to the flare-up.

1. Previous Happenings

Hindus and Christians in Kandhamal district had clashed at Brahmanigoan village, on December 23, 2007. In Brahmanigoan, Christians had got the permission to erect a Christmas gate in the same place where the Hindus had previously erected their pandal for Puja. The local Hindus disliked this and questioned the motive of the Christians for insisting on building a second gate near a Hindu place of worship while one gate was already erected at a place where it was done every year on Christmas Eve. This had led to initial clashes and as Christians were more in number in that village, the Hindus were at the receiving end. As the news of clashes reached Swami Laxmanananda Saraswati, he set out for Brahmanigoan on December 24. His car was attacked en route by a violent Christian mob in which the Swami himself and two of his followers sustained serious injuries. It was this attack that led to further clashes in the district. Seven days of clashes resulted in both communities suffering in various ways in which at least some 60 Christians were killed and some 50,000 people were displaced.

2. Land Rights:

Like many other conflicts, in the conflict at Kalinganagar, 12 tribals were killed on 2nd January 2006. However, unlike other conflicts, the root cause of violence was not communal but was related to land alienation and marketing rights of ginger and turmeric for which Kandhamal is one of the biggest producers in India. Land alienation in Kandhamal is not because of acquisition of the state. Kandhamal has been declared an industry-free district and the state has not acquired much land for development projects. The real problem here is land alienation favouring the non-tribals particularly the Pana (dalit) community.

The Kandhas consider themselves indigenous to this district. They cultivated most of the land in the district till the British land laws changed their means of livelihood

from community owned property to state property. These new laws recognised only individual land ownership and turned all community owned land into state property. As their land was jointly owned by their whole community, the tribals then became encroachers on the very land that was their habitat for centuries before the colonial laws were enacted.

Owing to their higher education, better exposure to the outside world and superior affluence, the Panas of dalit community are more influential than the tribal Kandhas but Kandhas have always considered themselves superior to them (Panas). However, the Tribal-Dalit problem began only when the moneylenders coming from outside the district and even from outside the state used the Panas as their agents. After independence the state encouraged growing of ginger and turmeric in the district but the producers themselves got very little out of it. Merchants who had advanced them money took away most of their produce. Initially the dalits used to be the agents of the moneylenders but later on they began to lend money directly and supply the produce to the merchants. Since the lending operations here were too small for the established merchants, they found it convenient to depend upon these local agents to control the marketing of the produce.

Those tribals who could not pay back the dalit Panas, the moneylenders, saw their land being annexed by them. Gradually because of money lending a lot of tribal land got alienated in favour of the Panas That is when the dalit-tribal tension got intensified. Despite the land acquisition, the dalits did not grow very rich because most plots that got alienated to them were small but for the tribals, they were their very sustenance. These circumstances added fuel to the fire and the turning point came in 1996 when the Central Parliament enacted the Panchayatiraj Extension to the Scheduled Areas (PESA) Act. The state already had a law banning the transfer of tribal land to non-tribal ownership but this Act strengthened the clauses for the protection of their land. The district has many social activist groups working among the tribals and they made the Kandha aware of their right to the land they had lost. The tribals began to demand their land back under this Act.

That is the background of the 1998 communal conflict. A large number of Christians in that district happen to be dalits. It does not mean that a majority of the dalits are Christians but only means that a majority of the Christians are dalits. The 1990s also happened to be the decade during which some Christian fundamentalist evangelical groups and Hindu fundamentalists led by the Swami tried to convert the people in the district to their own religion. The focus of the Christian evangelists was on the dalit Panas and that of the Hindu fundamentalists was on the tribal Kandhas. So what was a land related tribal-dalit conflict was given a communal dimension.

3. Poverty and lack of education:

The officials of the State saw the reasons for conversion of the Panas to Christianity as poverty and lack of education. In Orissa anti-conversion law was enacted as early as 1967, but the Christian population in Kandhamal has still increased in large proportion. The Hindutva groups accuse Christian missionaries of 'forcing' dalits to convert, conveniently forgetting the oppressive casteist order under which the dalits exist. It is also reported that apart from the Catholic missionaries, the protestant and

Pentecostal groups had in recent years increased their activities, which included luring the poor to convert.

4. Demand of Pano community to be declared Scheduled Tribe:

Some Panas were demanding inclusion of their caste in Scheduled Tribe category, as they also spoke the Kui language spoken by the Kandhas, the tribals. This was resented not only by the tribal Kandhas but also by the upper caste Hindus in Kandhamal as well as other parts of Orissa. The stereotypes to describe the Panas as "betrayers", "cunning", "deceitful", "exploiter", etc, have entered into the caste discourses in Orissa. In Kandhamal, a large number of Scheduled Caste people who converted to Christianity have reportedly obtained ST certificate by claiming that they were Kui tribals since they spoke the dialect. The clamour for an ST certificate had peaked because under the existing laws, an SC person converting to Christianity is stripped of his SC status whereas for STs, the tribal status is not affected and he continues to enjoy the perquisites of a tribal despite changing his faith. The Kandhas, however, allege that the Panas hide their Christian identity and even claim to be Scheduled Tribes (ST) or Hindu Scheduled Castes (SC) by producing forged certificates. After the riots, specially appointed Vigilance Inspectors have been investigating 593 cases of fake tribal certificates and have found 266 false cases so far.

The agitation for a tribal status grew stronger in 2007 when the Christians among the Panas also joined the movement. They were till then demanding a Scheduled Caste status. By then they saw very little possibility of dalit Christians being accorded the SC status. Tribals remain in the schedule whatever their religion. The Kandha in their turn felt that if the Pana were accorded tribal status they would lose all rights over the land alienated to them. Thus the demand was a threat to the tribals and the fundamentalists were able to give it a communal dimension. That is how, the December 2007 trouble had begun.

The upper and middle caste Hindus and the Sangh parivar leaders, both being outsiders in the district, enjoy a symbiotic relationship. While most of the caste Hindus like Brahmins and Kumutis have migrated from the neighbouring districts of Ganjam and Gajapati as government servants and traders, Lakshmanananda and many of his close associates came from outside as well. Both see the assertive Panas as a threat to their hegemony; they would prefer a "docile" Kandha to a "defiant" Pana any day; it is not really the latter's religion so much, as his informed consciousness. However, religion here becomes an additional stick to beat the dalit panas. On hearing the assault news on Swamiji, the already agitated Kandha community reacted and protested throughout the district against the Pana community converted to Christianity. Hence, the Sangh parivar, in collaboration with the upper caste elite and middle caste petty bourgeoisie, has been mobilising Kandhas as Hindus against Panas who are dalit Christians by giving it a communal colour, thereby widening the ethnic cleavage further.

5. Burgeoning Christian population:

As part of the exercise taken up in 1994 for reorganisation of districts in Orissa, Phulbani was divided into two; Kandhamal and Boudh districts. Kandhamal is named after the tribals; "The Kandhas comprise more than 51.96% of the 6.5 lakh population. The Scheduled Caste constitutes about 17% of the population. Percentage of Christians in Kandhamal is 25% compared to 2.44% of those in the rest of Orissa. The 1991 census shows that number of Christians in Kandhamal was 75597 whereas in 2001 census, it had gone up to 117950. The Christian population in 1981 was 1.71%, in 1991, it was 2.1% and in 2001, it was 25% in Kandhamal (Rath, 2008). This is interpreted as a result of forced conversion to Christianity and this additional population of Christians is the target for re-conversion for the Hindutva leaders and they refer to this operation as 'ghar-wapasi' or a return to the Hindu home.

6. Pound of flesh extracted by the BJP and RSS:

Multiple factors fanned the flame of hatred between Kandhas and Panos, and this opportunity was exploited by the RSS for their own political advantage. They demonised the Christians in the eyes of the Kandhas. BJP, which is affiliated to the RSS, has been a coalition partner with BJD in Orissa for more than ten years and it sought to strengthen its position by inciting the Hindus against the Christians, both dalits and tribals. Unresolved socio-economic political cultural issues gave rise to riots, which were triggered by religious frenzy. Among the first victims was a nun, Sister Mina, who was dragged out by a mob and raped in Divyajyoti Pastoral Centre, Nuagaon block, Kandhamal district. In Bargarh district another woman, Rajni Majhi was burnt alive as the missionary school hostel in which she was working was set on fire. Rioting became intense, throwing thousands of men, women and children into camps.

CHAPTER IV

WILPF's Concern with Human Rights of Women and International Covenants

Sudden outburst of violence disrupted lives of many in Kandhamal district of Orissa in August 2008. Poor families were thrown on the brink of destitution after their houses and modest belongings were savagely ransacked and destroyed. The mayhem that continued unabated for five days went unchecked by the State's powers. Those who were attacked ran helter-skelter trying to reach the safety of the forest. Even there, some were pursued and killed. For the survivors, the State set up camps at 18 different places and accommodated approximately 25,000 persons. The whole socio-economic fabric of those who were sheltered in camps was ruptured, even the rhythm of life was disturbed; panic reigned and fear dominated all emotions.

All human rights of those who were huddled in camps were stripped away. Bereft of human dignity and suddenly thrown out of their usual surroundings; men, women and children did not know how they were going to survive. Memories of their homes, of small patches of land on which crops were coming up, of poultry and cattle nurtured by them, were haunting them. Almost all of their rights were suddenly undermined: their right to live, earn livelihood, maintain their self-respect, and even access potable water. They hardly knew when their miseries would be alleviated and whether they would ever be able to get back to their homes and lead independent lives.

In situations of conflict, it is understood the world over that women are more vulnerable than men. They are subjected to crimes like rape and other sexual violence. Girls are abducted and trafficked. News of rape of a nun and burning alive of a woman were first to be reported by dailies reporting on the violence in Kandhamal.

A team of Women's International League for Peace and Freedom – WILPF – had decided to visit Kandhamal to research the background for and consequences of the violent incidents from a humanitarian point of view with specific focus on women. In conflict situations men also suffer and that is not gainsaid. WILPF however chooses to focus on women because they on the one hand have unexploited potentials and resources in conflict resolution, conflict prevention and peace and democracy building, on the other hand are more vulnerable during war and conflict.

Commitment of India to United Nations

Our nation, India, as a member of United Nations, has ratified a number of conventions and signed many instruments. The WILPF team concerned itself with Universal Declaration of Human Rights (UDHR)(1948), the Vienna Declaration (VD)(1993), the Convention on Elimination of all forms of Discrimination Against Women, (CEDAW)(1976) with the Optional Protocol (2000), and the UN Security Council Resolutions, 1325 on women, Peace

and Security and UNSCR 1820 on Sexual and Gender Based Violence During Conflict². In addition, India has National Human Rights Commission constituted to protect human rights of the people of India as per the Constitution of India or as embodied in the International Covenants and enforceable by courts in India.

As per these instruments the focus was to check if the rights to life, liberty and security of persons were violated (art. 3, UDHR), if the persons were subjected to torture or to cruel, inhuman or degrading treatment or punishment (art 5, UDHR) did they get protection of law? Art. 7, UDHR lays down, 'All are equal before the law and are entitled without any discrimination to equal protection of the law.' Art. 12 of UDHR demands, 'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation'. Art. 18 of UDHR lays down, "Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, workshop and observance. Art. 25 adds, 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Subsection 2 of art. 25 draws attention to women and children specifically thus: 'Motherhood and childhood are entitled to special care and assistance'. 'All children, whether born in or out of wedlock, shall enjoy the same social protection'. Next art. 26, emphasises children's right to education.

The Vienna Declaration (VD) pertaining to human rights asserts equal status and human rights of women in Part II, 3. It lays down in II.3.36, "The World Conference on Human Rights urges the full and equal enjoyment by women of all human rights and that this be a priority for Governments and for the United Nations". In view of the vulnerability of women and specific crimes perpetuated against women it is stated in II.3.38, "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy; require a particularly effective response".

CEDAW is, as stated in its Introduction, 'often described as an international bill of rights for women'. It lays down that 'Countries that have ratified or acceded to the Convention are legally bound to put into practice its provisions'. India has ratified CEDAW and has expressed reservation only with reference to article 16((2) and article 16(2) refers to marriage, specifically child marriage, minimum age of marriage and registration of marriage.

CEDAW reaffirms the fundamental human rights, in its preamble thus:

"The Universal Declaration of Human Rights affirms the principle of inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex".

² . For the texts, see *Human Rights: A Compilation of International Instruments*, vol. 1 (2 parts), *Universal Instruments* (United Nations publication, Sales No. E.94.XIV. 1).

In the preamble, the concerns, that despite various such instruments, extensive discrimination against women continues to exist and that in situations of poverty, women have the least access to food, health, education, training and opportunities for employment and other needs, are expressed.

Moving to Security Council Resolution 1325, pressed for by the women's organisation, Women's International League for Peace and Freedom (WILPF), and adopted by UN Security Council on October 31, 2000, the call is for gender sensitivity in all UN missions including peace keeping, for women to participate equally at all negotiating tables and of the protection of women and girls during armed conflict. In the preamble, concern is expressed that 'women and children account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons'. 'The important role of women in the prevention and resolution of conflicts and in peace building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision making with regard to conflict prevention and resolution' is reaffirmed.

Article 8 of the UNSCR 1325 calls on actors involved when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia (a) the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post conflict reconstruction (b) measures that support local women's peace initiatives and indigenous processes for conflict resolution . . . (c) measures that ensure the protection of and respect for human rights of women and girls'. Article 10 'calls on all parties to armed conflict to take special measures to protect women and girls from gender based violence, particularly rape and other forms of sexual abuse . . .'

As recently as June 2008, UNSC Resolution 1820 reaffirms the political commitment of the Security Council to protect women and girls from sexual violence in conflict by demanding the 'immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians'.

Awareness of the above-cited international instruments guided the team of WILPF that visited Kandhamal in January 2009.

The camps were set up after eruption of violence on August 24, more than four months earlier. When the team made a rapid survey of three camps, one a day, on January 22, 23 and 24, the refugees were being sent back to their homes. Lives in the camps for more than last four months were very clearly delineated to the team. The way the refugees were accommodated, fed, provided with basic necessities was all like an open book. No more promises were to be made; only an aftermath was to be witnessed. Referring what was visible to the concerns expressed in the international instruments was in itself a disappointing exercise.

Whether to call this situation a result of armed conflict as per the perception of the international community is a moot question but, for sure, the attackers were armed with a variety of weapons and their method could be described as follows.

Once a situation of conflict arises, a group of men attack their rivals including women and children in their homes; bloodshed, killings, escapes take place. Those who attack are armed, weapons may or may not be firearms, but they maim and kill. To save themselves from the

hate and fury of the invaders, the victims take to their heels to save themselves. There is hardly any retaliation because the attacks are unexpected. This is the modus operandi of armed conflicts that have been taking place in India, whether they take place in Gujarat or Orissa.

The modus operandi of the attackers is comparable to that of a wild cat on a hunt. It pounces suddenly and while doing so roars loudly so that the prey gets paralysed and dumbfounded. This technique helps the cat get the prey easily without it ever getting a chance to fight back. The human predators too follow these atavistic instincts. They announce their arrival with noisy drumbeats, chanting loud war cries, screaming obscenities and for added effect sometimes they have canned noises too. Heralded by these noises, a large cohorts of men, armed with lathis (sticks), pipes, shovels, knives, daggers, trishuls, swords or anything resembling a weapon like a branch of a tree, rush towards the houses baying for the blood of the intended victims. Some human beings are quickly caught, killed, cut into pieces and burned to exemplify what lies ahead for anyone who dare oppose them. When people hurry out of their homes to check what the noise is all about, they witness these gory sites. Terrified to the core they then start fleeing. Belatedly the State gets into action and offers refuge to those who have run away in camps. While the refugees resent the tardiness of the State in not helping them to stave off the attackers in the hour of their need, the attackers resent the State for offering refuge to those whom they want to see 'punished'.

The reasons why one group wanted to 'punish' the other are discussed fully in another chapter. Suffice it to say that the wrath of the Hindu fundamentalists was triggered off by some action, which offended them. So they reacted against those who they saw as responsible for that specific action. In Gujarat, after seven long years it is not yet certain who or what burned the S-6 coach of the train but the minority, the Muslims, were seen as the wrong doers. In Orissa, the minority, the Christians, are seen as the wrongdoers. In Orissa, Maoists took the responsibility for the murder of Swami Lakshmananda Saraswati but the Hindu fundamentalists saw Christians as the murderers, because, after all the Maoists were also Christians.

CHAPTER V

Life in Camps

Our mission was to visit some of the camps that sheltered human beings who were earlier subjected to inhuman torture. This was to ascertain at first hand whether the recommendations made by earlier fact finding missions were implemented by the State or not. The national Commission of Minorities had sent a communication stating that its recommendations made after the riots in December 2007 were not heeded; otherwise what happened in August 2008 would not have happened.

The team had met the Director General of Police of Orissa State who defended his force by arguing that the police were not able to control the violence immediately because the police force deployed at the time of outbreak of violence was quite inadequate. The collector supported the thesis and added that in every place there were crowds of 400-500 people armed with sticks or weapons while the district had only 71 policemen. So they were forced to wait for the paramilitary forces to arrive.

Orissa Government had organised 18 relief camps, which sheltered more than 25,000 affected people. However in January, when this team visited Kandhamal, six relief camps, which were sheltering more than 8000 people, were still operational. Out of these, the team could visit three: Tikabali on January 22, G. Udaigiri on January 23, and Mondasoro in Raikia on January 24, 2009.

The collector explained that the administration was trying to wind up the camps by persuading the sheltered refugees to return to their homes. He further clarified that though the paramilitary forces were being withdrawn, care was taken to ensure that each camp still had adequate security arrangements. Towards this end, Peace Committees were being formed and half way camps were set up. One such camp was at Mondasoro, which was nearer to the villages where the people had to return. A nearby camp meant that in daytime people could go to their houses to try and make it liveable, and then return to the safety of the camp in the evening. The collector also elaborated on the estimation of damage and compensation paid to the victims. After the initial estimation was done there were protests, so a second round was carried out and damages were paid to those who had started the process of returning. The officer also claimed that people returning to the villages were provided with police protection.

Experiences of the Refugees

When the team reached Tikabali camp, approximately 1200 refugees were still sheltered there. As the team started sharing experiences with them the first impression that got carried across was that they were still apprehensive about returning to their homes and villages. This awareness stayed with us throughout all the three camps that we visited. In G.Udaigiri there were about 3000 refugees while there were about 650 of them in Mondasoro.

The refugees narrated their horrific experiences of violence. A man reported that one of his relatives, who had taken out his goats for grazing, was chased and his head smashed with a stone. A widow narrated the violence faced by her husband who had managed to run away

initially and hide in the forest behind his home. Two days later when he decided to get away from the forest to safety; he was caught, attacked and hacked into two. His body was then burnt.

It appeared that there was a pre-ordained strategy in place among the rioters. The mob of attackers would invariably come wearing broad red bands on their heads with their brows anointed with red powder (rakta sindoor). Large groups of such roughnecks chanting slogans like 'Jai Bajrang Bali' 'Bharat Mata ki Jai' would home in on a village which was selected to be ransacked and would exhort the village panchayat members to take the lead in driving out the intended victims. When their war cries would draw the people out of their homes, they would brutally assault them.

Comprehending that there was no way the villagers could stave off the mob of hooligans,

Cattle killed, crops burned, Father-in-law died without medical aid

Pushpakala Pradhan, Female, Age 43.

We met Pushpakala Pradhan, a resident of Katadi village in Tikabali camp. There were 65 Christian families living in her village. On August 27, 2008, a mob shouting slogans like 'Bajrang Bali ki Jai', marched into their village. They destroyed two churches. She saw the fury of the mob from a distance as they destroyed furniture of the house. They dumped electronic equipments, vehicles in front of their homes and set them on fire. They took away their cattle. She and other villagers ran for their lives to the nearby forest where they lived without food for some days until August 31, 2008 when they reached the camp. In the camp, she had only received one pair of clothes. She complained that she did not even possess kholi (plate made with leaves) in which she could eat. Thus, possession of hair oil and soap was a luxury in the camp. She grieved about the sickness of her father-in-law. He was suffering from diarrhea after coming to the camp. Missionaries were not allowed inside the camp for the first two months. They had no money to buy medicines, food or even give first aid to the patient. In absence of treatment, he died. She suffered from insomnia and was worried about the future of her family. They had no savings left. Cattle were taken away and crops that were ready for harvest were burnt in the field. At present, her jobless husband is living in the camp. They have one daughter. They prefer to keep her in her uncle's place to exposing her to the harsh environs at the camp.

they would flee leaving behind their home and property. Next, the miscreants would burn down their homes but before torching them they would bring the furniture and other valuables out and burn or destroy them. They would proclaim that this would make their victim poorer because the government would never reimburse loss of such small articles. They would deviously state that the government would offer aid for loss of homes but never for such articles. Moreover, in case they were arrested for committing the crime of arson, they would be punished for some years in prison, but for destruction of non-valuable objects, they would be in for only a few months.

We could gather information about the above modus operandi by talking with several persons in the camps. Whatever their articulation skills, they were traumatised by the ghastly violence. A person whom we met in G.Udaigiri relief camp, logically recounted the events in an orderly sequence: the sounds and

noises of mob attack from the cross roads leading to the village, the sudden attack of the Kandha groups including women and children of all ages, the murder, the lust, the loot, the fires, the pillage, the evacuation and the destruction of the village and all that. In Tikabali

camp, we came across a woman whose house was burned and her husband murdered before

Village attacked, husband burned

Nalini Nayak, Female, Age 50

Nalini Nayak, 50, is a resident of Beeka village. In that village of 500 houses, there was a church and her husband Fidem was its pastor. On August 27, she had fetched water and was about to start cooking when she heard noises of a crowd, which was approaching their home. Her husband was caught and burned by the mob on that day while she and her daughter were able to escape. Her two elder sons were away working in mission schools. Her daughter was engaged so she was married in the camp.

her very eyes. The body of her husband was thrown into fire. Along with him, she saw numerous others killed. She described how their church was set on fire and told us that rioters systematically burned down the Bible, furniture, idols of mother Mary, and everything else that she had valued. She reached this point in her recital when she pronounced the word 'marilae (beaten), then pausing a bit and biting her quivering lips she murmured 'lae marilae . . .' then halting again, she repeated in a heart wrenching voice, 'marilae . . . marilae... ', and then finally she bent down her head and wept.

Irrespective of which camp we visited, their tales of death and destruction were similar. Men were beaten and killed in front of their terrified families. A young man, thirty three years of age, was tied up together with his son and made to watch his house burn. Then he was beaten with sticks and swords till he died. Others were killed during the night as they fled from their burning houses. There were incidents of execution of men who had taken refuge in the forest. Several other people who had taken refuge in homes of Hindus were dragged out and killed. Even when they escaped to the forest, they were not completely safe because they had to survive without food and water for days before they were able to reach the relative safety of the relief camps. Some of those who escaped the mayhem walked 150 Km to reach the relief camps.

When their families exhumed some of the corpses, it was found that there were not only sword wounds, but also signs that they had been possibly tortured. This indicated that the 'executions' were carried out with extreme violence and emotions of great hatred. The dead were dumped pell-mell in ditches while some were burnt. Houses, churches, institutions were set on fire using petrol and gas cylinders. Such goods are so uncommon among the locals that it was apparent that they were supplied from outside. The arson continued unabated for several days. Buildings were turned to rubble while valuables inside the buildings were stolen before hand. While traveling in the area, we could see blackened desolate homes and stone columns standing as mute witness to the gory crimes of religious frenzy.

In Mondasoro too, there were similar tales. On August 24th, people from nearby villages gathered with knives, swords and other weapons near a Shiv temple about 1 Km away from the village. They started shouting provocative and abusive slogans to incite the Christians to attack them. Then that mob blocked all the routes that led out from the village by felling huge logs and tree trunks on the roads. By that time, the mob had swelled significantly. Sensing trouble, some kind-hearted people advised the Christians to leave the village. Some good Samaritans also gave them shelter but they themselves were threatened. Some people fled from the attackers to the forest to hide in a nearby hut. They stood huddled in fear, as there was not even enough space to sit. Around midnight the church bell started tolling. That was a

signal that things were not right. The whole group again stealthily moved to another area near the village. From there, they saw that arson had begun, village shops were set on fire and they could hear blood-curdling shrieks and screams, and gut-wrenching war cries and sounds of bombs. More people came running towards the forest to escape the attack. Through them came the news of shops belonging to Christians burnt and looted and the murder of one person by the attackers. That group of Christians finally did manage to reach the camp after crossing hills and walking several miles through the jungle.

Stray incidents of horror were recounted by the refugees. One incident that happened on August 24, 2008, the day the VHP had called a *Bundh* (closure of markets, schools, offices, vehicular traffic etc.). It is about two friends Ram and Shyam (names changed) who were returning to their village Bataguda from work. They could not get any transport because of the *Bundh* so they set out on foot. They were stopped near G. Udaigiri by a mob intent on mischief. They were asked to identify themselves. They told the truth about themselves but the mob did not believe them and suspected them of being Christians. Their suspicions were confirmed when they checked Ram's bag and found a copy of the Bible. That proof was enough for the mob fury to erupt. While Ram was being beaten, some others started digging a pit. When they completed the pit, they threw Ram, who was still alive, in it. "Why are you burying me? I am still alive" Ram pleaded. "Call your Jesus. He will save you" they replied and buried him alive. Then they caught hold of Shyam who stood dumbfounded, watching everything helplessly. They poured kerosene on him and prepared to set him on fire. But he somehow escaped and ran for his life and reached his village. Ram's family was in the refugee camp and they were not able to lodge even an FIR with the police. He left behind two young girls and an aging mother.

A few individuals at Mondasoro put their experiences across in this way. A person narrated that 18 destitute Christians of Bhalipada village had run away and reached the refugee camp in Bhubaneswar. A resident of Phiringia village, currently residing in Mondasoro camp stated that houses of five Christians in her village were set on fire and the rest were destroyed. Another stated that about 50 houses of Christians were attacked in Baligada and all the household articles were set on fire. A Catholic and a Baptist church were also set on fire there. It was reported that at Kakadabadi village, the residents were chased out of their village, and their houses burnt. Those who could not get away quickly were attacked and killed. Residents of Katadi village said that 25 houses were burnt in their village. Ten houses in Birangi and 12 in Murudipanga were attacked, ransacked and destroyed. People had fled from these villages to relief camps. One man, Raju Paricha, stated that his half constructed house was only 1.5 km from the nearest police station, yet it was burned down. Similarly a Christian's house in Badapata was situated only 1 km away from the nearest police station but it was attacked and destroyed. A Catholic church and a Baptist Church at Kakadabadi village were also burnt. Residents of Pudunbadi village narrated how a catholic church in their village was attacked, ransacked and demolished. The walls of the Churches were broken. The rioters spat on the statues and urinated on them.

Baliguda had seen the vandaisation of three very important and big Catholic institutions during the previous violence. This time the damage was minimal. The mob only wanted to make a statement that they could do what they wanted to do. Only some stones were thrown and some few articles from kitchen etc. were taken out and burnt. Hindus and Christians used

to live in this hamlet, which is very close to Baliguda. As the crowd advanced most people including the Hindus, left the houses and went off to the forest. It was noticed that all the houses were not destroyed in a row. Only the houses of Christians were targeted. The leaders that led the crowd seemed to have done their homework well. They also seemed to brook no interference. One refugee narrated how a Hindu man was killed by the rioting mob of his own religion when he stopped them from burning the house of his Christian neighbour.

The hundred years old Catholic Parish Church of Mondasoro was attacked, vandalised, looted and set on fire. The residence and the vehicle of the parish priest met the same fate. While travelling to this camp, when we passed through villages, we noticed that houses by the roadside were destroyed or burned down. They appeared to be empty with nothing inside. Some were partially demolished while some others were fully destroyed.

The refugees narrated attacks on the camps. An attempt was made by a fundamentalist group to poison the drinking water source of the relief camp in Hubback High School, at G. Udaigiri. It was only because of an alert security guard that another tragedy was averted. Hindutva extremists from VHP were objecting to the Christians "eating at government expense". On Sept. 4, a group of nearly 2500 Hindutva extremists barged into the relief camp in Govt. High School at Tikabali, shouted at the Christian refugees and took away supplies meant for them while police stood around as silent spectators to the event. Instigated by the VHP, a group of women attempted to set a relief camp on fire when its inmates were demonstrating near the block office demanding sufficient aid at Tikabali in Kandhamal district.

The Pastor of Mondasoro Camp narrated the plight of the people in the camp. As the experience of an attempt to poison water of camp was fresh in the minds of the people, refugees in Mondasoro camp had requested that no members of RSS, VHP or Bajrang Dal be allowed into the refugee camp set up near the Block Development Office (BDO). Despite this, the BDO was found in closed-door meeting with three members of the fundamentalist group. Demanding an explanation, the agitated refugees threateningly surrounded (gheraoed) him. One of them, Mr. Godda, managed to flee the place. He then threatened to bring in thousands of fundamentalists to attack the refugee camp. The destitute had to go on a hunger strike to settle the matter. In the evening people found that the tank water had turned blue in color and that gave them enough reason to suspect that someone must have poisoned it. Panic reigned. This was reported to the sub-collector and RDC, who then reached the spot and assured adequate security and protection. Bishop of Kharvelnagar met the Chief Minister and explained the situation of Kandhamal. Chief Minister assured him that they would be provided with protection and adequate relief and rehabilitation arrangements would be done. Bishop also mentioned about forceful conversion to Hinduism and asked for succour.

Re-conversion

While talking to residents in these three camps, we came to know that Hindu extremists were holding ceremonies to purge tribal communities of Christian influence in the district's indigenous belt for past several years. It is impossible to know how many have been re-converted here, in the wake of the latest violence, though a three-day journey through the villages of Kandhamal turned up plenty of anecdotal evidence.

A few steps from where the nun had been attacked in Nuagaon, five men with their heads freshly shorn, fled from a soggy tent and reached a relief camp for Christians fleeing their homes. All of them had been earlier summoned to a village meeting in late August, where hundreds of their neighbors had stood with machetes in hand and issued them firm orders to shave off their heads and bow down before Hindu gods failing which face dire consequences. Trembling with fear, Daud Nayak and his mates had submitted to shaving, a Hindu sign of sacrifice. They were then asked to drink cow dung and water mixture, as a means of purification. In the eyes of their neighbors, they reckoned, they became Hindus. All these five men fled the next day with their families and were so terrified even then that they were refusing to return to their homes in the village from the camp.

Most of the houses in Kandhamal sported saffron flags. They were to differentiate the Hindu households from the Christian ones. The colour of some of these flags had faded while the rest were bright and new. The bright ones were of households who had recently re-converted. Once a family got re-converted, Hindu neighbors promised to protect them. The re-converted families were not allowed to share their experiences with anyone but if they disobeyed, they were fined Rs. 501 by the Hindu leaders. Some refugees in G.Udaigiri camp stated that even after their houses were looted and burnt, they could not breathe easy as they had not yet converted to Hinduism. Hindu fundamentalists believed that the war was not over until the spirit of the Christians was broken and the proof of that was in their conversion to Hinduism. People were thus trapped in an utterly defenceless position where they had to choose life and property over religion and faith.

Even in the camps, fundamentalists continued their coercive activities. Several Christians in all the three camps were complaining about forced conversion. They elaborated that the radicals in the village had given them an ultimatum that only Hindus would be allowed to stay in the village so they had better convert or be prepared to face the worst. They had given them a deadline to re-think their decision and abandon their faith or be prepared to face another bout of violence. Uday Digal (name changed), a refugee at G.Udaigiri camp narrated his hapless experience. When he did not agree to convert, his house was razed. Some of the priests and relatives had also been threatened, and as a sign of their 're-conversion', they were sporting shaved heads like Hindu sadhus (ascetics). People from camps had made several attempts to return to their villages. On seeing them, residents of the village had raised alarm by beating pole, drum and had gathered other village folks. Then if they did not agree to convert to Hinduism they were chased out of the village. According to people in camps, villagers under the guidance of fundamentalist groups were forcing the Christians to sign papers saying that they were "freely" returning to Hinduism. Those who refused were beaten and driven away.

In G.Udaigiri, some of the residents furnished proof of coercion used to deter people from their faith. Subhas Digal (name changed) of Balliguda block showed a letter signed by his father and ten other members of his family. This letter was addressed to VHP official stating willingness of the persons "to voluntarily embrace Hinduism". The residents from Mondasoro and G.Udaigiri camp narrated incidents about the way in which their relatives were killed by Hindu fundamentalists when they resisted them in their zeal for forcing them back to Hinduism. These two residents of Mondasoro and G.Udaigiri blocks did not succumb to the pressure of reconverting so they had to lose their lives. In G.Udaigiri camp, a person narrated

how a fundamentalist group slaughtered his father and grandmother who had refused to give up their religion. In Mondasoro camp, we met four pastors who also recounted that a fundamentalist group had threatened them with their lives if they did not adopt Hinduism. They were also ordered to attack churches and to burn the Bible to prove their loyalty towards Hindu faith.

Christians in the village of Padani were forced to perform Hindu ceremonies at gunpoint. Residents staying in G.Udaigiri camp narrated similar plight of Christian families of their neighbouring village, Belghati, who were coerced into adopting Hinduism. Residents of Tikabali camp reported that more than 2000 Christians had got re-converted to Hinduism. They also added that this figure would increase if the VHP leaders were given free reign in the future because their zeal was to bring all 'mised' Hindus back from Christianity to Hinduism.

Refugees at the camps were haunted by the fear of conversion and death so instead of going back to their homes, they preferred to stay in the makeshift shelter. The Government wanted to vacate the school buildings where the camps were run because exams were fast approaching. To give them confidence, they set up Peace Committees. We learnt from victims who took part in Peace Committee meetings that Hindu majority had placed many preposterous conditions, which had to be met before they would be allowed back into their own homes. These conditions that numbered from 9 to 19, included reconversion to Hinduism, voting for the BJP, making a commitment not to eat beef, not to indulge in cow slaughter, abide by everything else that Hindu villagers wanted them to do etc.. Victims were also asked to withdraw First Information Reports (FIR) that they had lodged against the perpetrators of violence. In such cases, victims naturally remained unwilling to go back.

In some Peace Committees, the refugee Christians found that they were far outnumbered by the opposite group. They would be 15 while the Hindus facing them would be 50. In some cases, we were told that a few victims did re-convert to Hinduism before they were allowed to return to their homes in the villages. In some Peace Committees, people were asked to move back to their houses without any conditions. It was reported that the District Collector and other officers usually attended these Committees and there were equal numbers on both sides.

Accommodation

The refugees were accommodated in tents as well as school buildings. Refugees of the Tikabali Relief Camp said that in the initial days, there were approximately 6000 persons living in 110 tents. So 50 to 55 persons belonging to 9 or 10 families including all, men, women and children were huddled together in a single tent, 15' x 15'm in size. When this team reached there, the situation had eased with only about 1200 people still in the camp. People began migrating in search of work, or to relatives, or to settle in another district or in a nearby state. The government had also initiated rehabilitation so a sizable number had left from Tikabali and G. Udaygiri. Mondasoro camp was established as a halfway camp in late November and had sheltered 650 persons in a large school building.

Food supplies and Nutrition

Everyday in the morning each refugee was given puffed rice (known as Chura) with jaggery. This team found the jaggery to be of extremely low quality almost unfit to be consumed by

anybody. For lunch and dinner, rice and dalma (a semi liquid preparation of dal and vegetables) were served. Initially dalma was not cooked with vegetables. However, these were added later but the dalma remained watery. The main diet of the people in the state is rice, but that is not the only food they eat.

For young children in the age group of 1 to 5 years, a packet of biscuits (brand 'Tiger', made of fine wheat flour and sugar as major ingredients) was given every morning as nutritional input. A packet of 'Tiger' brand biscuits was also given every morning to pregnant women as well as lactating mothers towards providing nutrition to them.

When the team visited Mondasoro camp in the morning of January 24, 2009, it was reported that it was the fourth day on which the breakfast of Chura and jaggery was not served. Ostensibly it was due to supplies not reaching in time.

Kitchen and water

The makeshift kitchen in a corner of the camp appeared to be un-hygienic for it was surrounded with dirt and slush. In two camps, we saw cows wandering around the kitchen area.

Drinking water source was either a tubewell or a tanker. The daily supply for a family was received in a bucket which had to be left uncovered in a room / tent. Our team examined a sample and found that impurities were clearly visible in the water rendering it unsuitable for drinking.

Sanitation

Neither in Tikabali camp nor in G.Udaigiri camp were there any toilets. Whatever was put up in August / September 2008, had not survived. The team could only see pieces of flex / jute cloth, which would have served as screens to the toilets, blowing in the wind. The officers said that the toilets were redundant as the refugees never use them but go out into the forest to relieve themselves. UNICEF authorities could not have thought of such arrangements for toilets when they offered support for toilets to District Administration as is stated in the affidavit submitted by the State of Orissa to the Supreme Court of India.

Wash places were not so earmarked and people bathed wherever the main supply of water was. There were no curtains. For women, a specific time was decided but they also bathed in the open. Wash places were not separate. Naturally, one could not risk going nearer because of the slush around the waterspout / hand pump.

Relief Material

In one of the camps a woman was dressed in a nightgown. She said that it was in the early morning that she had to flee the attackers so did not have time to change or carry any other garments with her. On asking them whether they had received any garments from the government or the local ngos, they responded that they had received just one pair of clothing from the government. Some other woman pointed to a towel that she had received as a gift.

Electrical supply was not arranged in the vast open areas of the camps. Total darkness at night must have bred fear in the minds of those who had fled from violence.

The Risk of Sexual Abuses

Electrical supply was not arranged in the vast open areas of the camps. Total darkness at night must have bred fear in the minds of those who had fled from violence. Furthermore there was a much bigger risk for a woman who had to go into the forest to relieve herself of getting raped or sexually abused in other ways.

When talking to the DG and the Collector the team asked if there had been incidents of sexual violence, and if so also rape. It seemed from those talks as well as the interviews with the victims that there had been such incidents.

In the preamble to the SCR 1820 it is noted that during conflicts “women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group; and that sexual violence perpetrated in this manner in some instances may persist after the cessation of hostilities”. The team also asked if there were policewomen with relevant training ready to handle such serious cases. There are obviously not many women in the police, and apparently they don’t get such a special training.

Health

Complaints of dysentery, diarrhoea and recurring cough were common. There were complaints of fever and typhoid too. Older persons were losing weight and complaining of weakness. Mothers were worried about lack of nourishment to children. A Medical officer from the nearest Primary Health Centre (PHC) looked after their health.

Education

Books were reported to have been distributed to students in the camps. Teachers who were also refugees were asked to look after their studies. The Anganwadi worker also ran Anganwadi in the camps. Yet none of the young men spoke of study or examination. When the refugees shifted to halfway camp at Mondasoro books were not given in that camp. It appeared that those students who were in Mondasoro camp did not have any books brought in from the previous camp.

Counseling

Nobody ever seemed to have had any counseling in any of the camps visited by the team. Reports later heard from ngos did mention counseling services provided to the refugees. At Mondasoro, the Bishop stated that the first Mass held on December 23, 2008, was a very moving experience. Their prayers healed them.

Improvement in the Conditions of the Relief Camps

In the affidavit made by the Principal Secretary to the government of Orissa, with reference to the petition made by Archbishop Raphael Cheenath, Archbishop of Cuttack, it was stated that the State had taken steps to bring 'improvement in the condition of relief camps'. Unfortunately the team noticed nothing that could be described as 'improvement'. Details noted above do not indicate any improvement in any of the sectors.

While, generally speaking, the gate and the area around appeared to be swept and clean, the places where water and food were accessed were dirty. Food was nothing more than survival diet reduced to the barest minimum. It is difficult to imagine how the people in the camp

could have consumed Chura and jaggery day after day in the morning and that too of such low quality.

When the team reported that the refugees had received only one pair of clothing, the secretary in charge of Disaster Management looked surprised because he had dispatched two per head. The loss, then, occurred in transition!

It might not seem that important to have two pairs of clothing compared to what they already had experienced before they came to the camps. However it is well known from other refugee camps in the world that women in the camps try to retain their dignity by being clean, wear clean clothes and some also by using jewellery and make up. In all three camps it was very obvious that they tried hard to be clean and well dressed.

After witnessing such violence, and living in a transit camp as described above, students could have hardly concentrated on studies. That voluntary activity does require a secure home and a warm family. Parents who were themselves torn in many ways could hardly have provided necessary succour to their children, which is of course bad for the children but also for the mothers who are traditionally the ones who are supporting the children.

The traumas

During the mayhem and in the camps women appeared to have suffered the most. Sudden uprooting, running around for shelter and insecurity of the family weighing heavily on their hearts and shoulders could have been unbearable for many. Total lack of privacy in the tents

Depressed, Traumatized

Tarila, Female, Age 65 and

Kasturi, Female, Age 29

Tarila, 65, of Padunbadi village had left the village in the morning of the attack on their homes, with her husband. They had sheltered in the camp at Raikia. From there they were sent to Mondasoro.

Since this was a half way camp, she was asked if she was going to her home in the daytime. She did not respond but Kasturi, who was sitting next to Tarila, said that her home was in the next village. She had gone there once but then she did not go again. Kasturi said that she also used to live in that village but she was not going. She did not feel like going again.

She was not talking much but on asking she said that she knew they had to go back and because the police was there, they did not have to fear. She was all right sitting in the verandah of the church with the old woman whom she was helping because of her age. She was asked why she was not getting her house repaired in time, she looked sharply at the person asking the question and muttered that it was so very black, so very black that . . . she did not communicate further .

shared with men of other families could not have allowed them either to relax or to realize that *they* were not inadequate as mothers. Their worries about children's hunger, their demands and lack of nourishment compounded by inability to fill that need personally must have kept their nerves on edge. What they needed most was counselling and private places to relax. Their traumas seemed to have been deepened and not lessened. The feelings of guilt and inadequacy add to the traumas as well as the experiences in the camps, for instance the risk of water being poisoned in the half-way camp in Mondasoro. It was noticed that some of them behaved curiously. One very young woman was noticed hurting the inside of her elbow with her own fingernails

over and over again. Another was seen drawing her sari repeatedly as if to cover her eyes. The example which has already been mentioned with the woman who had reached a certain

point in her recital when she began to pronounce the word ‘marilae’ (beaten) – she had said ‘lae marilae . . . ’ and she stopped suddenly and bit her quivering lip, ‘marilae . . . ’ she went on – and then, putting her head down she wept. Most of them spoke shrilly, trying to get the attention of whoever would listen to them because they wanted to speak of inhuman acts of violence that they had suffered, seen and dreaded. The fear was in their eyes as well as in their voices.

At the half-way camp the group of women appeared to have been as if they were lost. They seemed to be quieter. Maybe the prayers in the church in the presence of the Bishop and the sisters were healing their bruised psyches. Or maybe they were again traumatized visiting their vandalized, burned homes in which they were going to live again. Maybe they were more worried about the possibility of being hit again! The inhumanity of the perpetrators of violence seemed to surge in their eyes, in their muted tongues, in their body language, which spelled fear invading them from all sides.

The Secretary and Commissioner in the Revenue and Disaster Department asked what it would take to make these women return to their homes. After having gone through the area with lots and lots of burnt down houses, it was obvious that the answer could only be that returning to these houses would immediately trigger the traumas if they hadn’t received thorough trauma treatment and counselling before returning and continued after. Such treatments would cost a lot, and they would probably not be enough. Reconciliation executed by professionals between the victimized groups and the aggressors would also be needed.

Case Studies

Ran to the forest with children, even camps could be insecure

Namita Nayak, Female, Age 25

Namita Nayak, 25, is a Pano Christian and a resident of Petapanga. She has a 9-year-old daughter and an 8-month-old son. On August 26, at about 9.30 am in the morning, when she was cooking in her home, she suddenly heard noises and so she went to the door of her home to find out what was happening. She found that many men were advancing towards their home. They were wearing red headbands and their foreheads were anointed with red powder (rakta sindoor). Among the men were those of their panchayat. Sushanto Patro and Shibu Pradhan had joined those men who had daggers, dandas, guns and other weapons in their hands.

As the attackers advanced, she picked up her children and ran to the near of her home and thence to the forest in fear. Before running away she watched from behind a tree that the men were collecting things from their homes and yards and then burning them all. Having stayed in the jungle for some time they started towards the nearest police station. The police directed them to the camp. Bombs were thrown in that camp so they had all run to this camp where they have been staying.

Home and Cycle shop both destroyed

Hateful slogans haunting the refugees

Sarada Behta, Female, Age 27

Sarada Behta, 27, is a resident of Panganaju. Her husband had a cycle-mart and his trade was going on well. The mob that attacked their village destroyed both their shop as well as their home. The government servants who had come to list damages did not list that destruction.

The people of their own village panchayat had joined the mob. The slogans they were shouting made the Christians fearful because they shouted.

Christians not wanted, Hindu Hindu bhai bhai,

Christian hoga to aag jalega, Hindu hoga to ruk jayega

(If he is a Christian, burn him, if he is a Hindu stop)

In the Raikia camp they lived in tents but in the halfway camp they were living in a school building. There were a large number of people in that first camp but drinking water was not good. There they did not leave the camp. In the halfway camp, they moved freely, because they had less fear. They were living in the proximity of the church, so even death was going to be all right.

Son burned alive, cattle lost

Priyatama Nayak, Female, Age 60

We met Priyatama Nayak, aged 60 in G.Udaigiri camp. She was a resident of Barapalli village of Chakapada block. Her son was an agricultural labourer. He was attacked by the mob when he was working in the field. They tied him to the tree and poured kerosene on his body and left him to burn to death. Before he was caught, that brave man had run to his home

to urge his family members to escape to safety to the forest. With tears rolling from her eyes, Ms. Nayak narrated that all the family members had fled to save their lives leaving her son to die alone. His wife, one son and she, herself, a dependent mother, survive him. She was suffering from psychological distress. She complained about sanitation facility in the camp. She stated that she had been wearing the same sari for a week.. They had received Rs. 20,000 as compensation for the damaged house. She and the wife of her deceased son had lodged FIR against the culprits but they were still moving freely in the village. As a result, they felt frightened about returning to their village and starting life anew. In the situation when the earning member of the family was killed and cattle stolen, she was worried about the future of her grandson and daughter in law.

Will neighbours accept them on return?

Shanti Digal, Female, Age 40

In Mondasoro Camp in Raikia block, we interviewed Ms. Shanti Digal, resident of Kilakiya village. Her village was consumed with violent riots on August 27, 2008. 200 families belonging to Hindu community and 15 families from Christian community lived in this village. During the riots, her village had witnessed one death and massive destruction of property. On August 27, 2008 when a mob of 400 people attacked their house, Shanti Digal along with her husband and three children fled to the forest. She was grieved to see men, women and children from their own village, carrying weapons approaching their house. After a few days, she came to the Raikia Camp and later moved to this camp. She tried to go to their village but did not feel safe yet. She failed to understand why their Hindu neighbours who were so friendly towards them in the past had attacked them. She stated that they were not the newly converted families but their forefathers had got converted to Christianity. She is worried about the future of her children. She narrated the trauma faced by her when she tried to rejoin her school where she was working earlier. She was not allowed to enter the school and had to return. The only source of livelihood for the family was lost. Her children were not able to go to school.

Daughters sent away from the camp

Narmada Digal, Female, Age 36

Narmada Digal, 36 years old, lived in Gondoga village of Keonjar Panchayat. Her husband was a labourer while she was employed in the Anganwadi in the village where they lived. They had three children.

On the day the noisy mobs came to their village, they came out of the home to see what was happening. They noticed the men of their own panchayat leading the crowd to their home. They were frightened and ran to hide behind their home. But the mob was very violent; their home was being set on fire so they ran towards the jungle behind them.

Narmada had three daughters and the eldest was married. Her second daughter had passed school board examination but had no work. Her youngest was to appear in the School Board examination but then they did not have enough money to pay for the fees at that time. On being asked where the daughters were, she said that they were sent away to her relatives.

She was asked to run an Anganwadi in the camp, which she did. As a part of her duty she had attended on five women who gave birth in camp. Narmada added that these women were given a small packet of biscuits every morning during pregnancy and later also.

Christians for generations, no reconversion

Rukmi Nayak, Female, Age 45

Rukmi Nayak, 45 years of age, lived in Nuasahi with her pastor husband. The Hindus of their village held a meeting with her husband and told him they would only break the Church and would not harm them. But on August 26, the Hindus had gone first to their house and burned it. At the time they were in their Church but when they saw violence erupting and noticed their home burning they ran for life.

Their children were grown up and were serving the Baptist Church in the district, so they were not with them. Having run through the forest in the night of August 26, they reached a police station from where they were asked to go to the camp. She said that it was difficult to accept all that but they had faith in their religion

She wondered why they were attacked for being Christians while their ancestors were all Christians. She added that they did not want to convert to Hinduism. She emphasised that it was not 'reconversion'; they have been Christians for generations.

Difficult to live in tents

Moni Digal, Female, Age 33

On that day, Moni Digal, 33, was at home with her three daughters, aged 10, 7 and 2.5 years. Her husband, a pastor, had gone out on a tour. In the morning of August 25, large crowds came to her Kotingin village. The men having red bands on their heads were shouting slogans loudly and making variety of noises. She had heard rumours in her village about murders somewhere and revenge that was to be taken by burning their churches.

Moni had looked out from her kitchen where she was cooking food for the children to be taken to the Anganwadi. But what she saw shocked her. The men in the crowd had dandas, sambals, shovels etc. in their hands and were shouting slogans loudly. Her youngest daughter was so frightened by the noise and what she saw that she had started screaming and crying loudly. The faces of the men were hideous, and frightening to look at. She collected her daughters and started running towards the back of her house. Having gone some distance, they stopped to look back and saw to their horror, the roof of their house being broken down.

Moni joined others in the forest and with them came to the camp. She and her daughters have lived in a tent with many others. It was difficult to live in the tents. They were good friends but she did not know when she would go to her home.

Daughter married while in camp

Rani, Female, Age 35

Rani, 35, illiterate and mother of two was married to Ravikant and lived in Raikale. Her husband was an itinerant hawker who sold turmeric (one of the major agricultural products of the district), and utensils of aluminium. Her husband was not at home on August 26, nor was her son at home. Ravikant had gone out hawking and the son had migrated as a labourer.

When the crowds came she and her daughter were frightened and worried. She could not decide what to do but when she found the crowd of men advancing towards their home menacingly, she started running with her daughter in the direction of the forest.

Asked about her daughter, she said that she got her married in the camp as the marriage was earlier decided upon. Her husband had come to the camp looking for them. Her son was away.

Frightened and traumatised

Pushpa, Female, Age 25

Pushpa, 25, of Breka, was cooking at home when her parents suddenly came in and asked her to leave everything and run with them. They were calling her younger brother frantically to join them. When she looked out of the door, she saw a large number of ugly looking men with sticks or sword or iron bars in their hands moving towards their homes. She ran as her father led them. Occasionally they looked back and saw smoke rising from their village and screams as well as shouts of many.

One day and one night they walked and lived in the forest and again walked the forest. Then, it was the camp. Pushpa had to be asked questions again and again. She appeared to have been traumatised by what she had seen and suffered.

Peace committees

Vikash Nayak, Male, Age 47

Mr. Vikash Nayak is a resident of a Betigala village that falls in Lingagada gram panchayat having around 36 Christian and 70 Hindu families. The village had a Catholic Church. The violence erupted when a large mob of about 2000 people entered the village, around 1.00 p.m. on August 26, 2008. They were making variety of noises and were also shouting slogans 'Jay Bajrang Bali', 'Bharat Mataki Jai' etc, which created panic in the villagers. Vikash Nayak and other villagers ran to nearby forests where they stayed for a few days. The matter was reported to police but police responded late almost by 2 hrs and by that time massive destruction of properties had already taken place. It was found out later that those attackers had informed the police about their plans and time of their attack, which is why police deliberately chose to respond late. There appeared to be collusion between police and perpetrators of violence.

Efforts are on to help him to return to his village. Peace committees have been set up. In the Peace Committee that he attended, there were around 200 people from the Hindu community, and only 3 people from the Christian community. They put as many as 19 conditions for the safe return of the Christian victims. Some of these conditions were 1) vote for BJP; 2) reconversion to Hinduism, 3) withdrawal of FIR and so on.

Mr Nayak has lodged FIRs against the following people: Gobardhan Pradhan (RSS leader), Sarangdhar Pradhan, Mallar Pradhan, Chitrasen Pradhan, Ugrasen Pradhan and Ganath Pradhan. No action has been taken yet.

Desecration of Churches and Peace Committees

Sitansu Digal, Male, Age 35

Mr. Sitansu Digal belongs to a village called Luhuringia, which falls in Gandagara gram panchayat. He runs a non-governmental organisation. There were 35 Christian families and 80 Hindu families in his village. It has a Church, which is called Church of North India (CNI). On August 25, 2008, at around 1.00 to 2.00 p.m., a mob of 500 people attacked his village. They urinated in the Church, and burnt the Bibles. Then they returned the next day at around 9 pm, and unleashed destruction and violence upon the village. Sitanshu ran with other villagers for his life to the forest on August 27, 2008. Later when they heard of the camp, they moved in.

There were efforts by the government to set up peace committees and help victims return to villages. These peace committees were not successful because members of Hindu communities attached many conditions on the return of the victims to their villages. So far, there were two meetings of the peace committees already. One took place on January 12, 2009 and the other took place on January 19, 2009. Both were failures.

He had registered FIRs against some people, and their names are Sanjeev Pradhan, Nakul Pradhan, Bhimsen Pradhan, Subhas Pradhan and others. But no arrests were made.

Losing hope of legal action

Dinanath Nayak, Male, Age 32

Mr. Dinanath Nayak belongs to a village called, Kalangia. It has 70 Christian families and 55 Hindu families. On August 26, 2008, at around 12 noon, a mob comprising of around 300 people marched to the village. Nayak and other villagers ran into the neighbouring forest and stayed there for nearly six days. On Sept 3, 2008, Nayak came to the camp with others. He is a schoolteacher and now lives in the camp. He has not registered any FIR, although he knew some of the people who were part of the mob. He thought it was futile to register complaints.

Anger expressed

Rakesh Digal, Male, Age 45

Mr. Rakesh Digal is from a village called Nuasahi. The village had 20 Hindu families and 3 Christian families. The village had a Baptist Church. On August 26, 2008, at around 12 noon, a large mob came to the village with all sorts of arms and weapons. The mob first attacked the Church damaging it and then turned their attention to the village and began vandalising the same.

On Sept 4, 2008, Rakesh reached the camp. His name did not appear in the list of people whose properties were damaged. He applied to get the damage to his property included in the government's list.

Rakesh Digal has registered several FIRs against some people who he believed were the key perpetrators. Some of the names include: Sanjay Pradhan, Tiki Deo Pradhan, Udhav Pradhan, Gokul Pradhan and Sebasini Pradhan. He reported that no action was taken against them

Not sure of safety on return

Santosh Parija, Male, Age 75

Mr. Santosh Parija is from a village called Patan badi. He is a daily wager.

In his village there were 30 Christian families and 80 Hindu families. The village had a Catholic Church. A mob of around 600 had come in the middle of the night to their village. They first attacked the church and later attacked the homes; one by one, which were burnt and destroyed one after another. Together with other villagers, he ran away to the forest where he remained hidden for a few days and later came to the camp. He has been visiting his village, and has been there a couple of times, but is not certain if he could return and feel safe. No peace committee is yet organised about his village but he had heard about such a possibility.

CHAPTER VI

Legal Actions

On August 23, 2008 in Jalespeta Ashram in Kandhmal district, Orissa, Swami Lakshmanand Saraswati and his four followers were murdered. This criminal act set in motion a chain of incidents that led to a complete breakdown of law and order in Orissa for a few weeks. Violence left in its wake 47 dead, over 25,000 persons homeless, 4041 houses damaged, 127 churches attacked and 194 villages affected.

FIRs in Police Stations

Having witnessed and suffered violence, the victims turned to the police. They complained that the police were not even registering the First Information Reports (FIRs).

The State government, in response to this allegation had stated that in September and October 2008, a large number of FIRs were recorded. On October 25, 2008 a retired bureaucrat, Mr. Ramakant Rath sent his report on his visit to Kandhamal. One of the points he made was about the FIRs. He was convinced that the complainants had included a large number of names in their complaints, to harass as many people of the other community as they could. He suggested that the veracity of the complainant be ascertained before an accused was formally prosecuted.

Petitions in the High Court of Orissa

Then there were petitions in the High Court of Orissa.

In August 2008 two writ petitions (civil) were filed.

The president of Ambedkar Lohia Bichar Manch filed a petition. In the W.P. (C) no. 12318 of 2008 the prayers were *inter alia* to direct the Central Bureau of Investigation to take up investigation on the whole incident and related cases of riot and direct parties to deploy CRPF, RAF, Army or Para military forces in adequate strength to restore the law and order institution in the affected areas till normalcy is restored and passed the following order.

"This public Interest Litigation (PIL) has been filed by the petitioner, claiming to be a public spirited person seeking direction to the respondents to deploy adequate number of C.R.P.F/ other Para Military Forces in the affected areas in the district of Kandhamal.

The State was willing to protect them and willing to take measures to prevent any atrocity on any resident of that area. Sufficient numbers of paramilitary forces have already been deployed therein. We hope that in case more paramilitary forces are required they will be deployed accordingly by assessing the existing circumstances.

In case any person claims any kind of relief for rehabilitation or seeks protection from any kind of harassment before the District Collector, Kandhamal, we request him to take all possible measures immediately to redress the grievances; of such person in accordance with law".

The petition was thus disposed of.

There was another writ petition no. W.P. (C) 12575 of 2008 filed by Utkal Christian Council having similar and identical prayer as that made in the previous writ application. This too was disposed of by order dated August 29, 2008.

The third writ petition in the High Court of Orissa W.P. (C) No. 428 / 2009 was made on January 8, 2009 by Mrs. Keshamati Pradhan. Her prayers were the following.

1. *Direct the Opp. parties to stop the illegal and forceful closure of relief camps of the Kandhamal district and stop forceful evacuation of the relief camps and forcing the victims to go back to their villages without ensuring adequate life protection, safety and security measures.*
2. *That, immediate steps may be taken to nab the culprits who were participated and abated the crime in the riot and the list of accused who are involved in murder, arson, looting the valuable property of the victims and setting fire to the houses of the victims and the prayer halls may be submitted to the court within a specified time.*
3. *That, immediate steps may be taken by the state to identify the victims of the violence and also the persons killed, missing and forced to leave their villages to outside their villages, district and the state and time bound action may be taken to bring back the victims from their present settlement providing adequate life protection relief compensation & Transportation.*
4. *Direct the state to create a "help line and a citizens committee" at District level headed by a distinguished local person essentially from ST / SC / Minority Community and also an experienced human right activist to collect first hand information from the victims to prepare a list of victims in need of rescue, protection, shelter, legal support and relief. The committee shall work among the victims to facilitate the peace process and to award compensation to the eligible persons, institutions and houses & property destroyed during the violence.*
5. *Direct the State Government to review and replace the officers in-charge of key posts concerning, law and order, revenue and development of the district basing on the recommendation of the district level committee in order to ensure sensitivity of the officers to the issues of S.T., S.C. and minority Community as per the law.*
6. *Direction to Opp. Party No. 5 and 6 to stop further proceeding in the camp court established for speedy disposal of cases under the Orissa scheduled area transfer of immovable property (by scheduled tribes) regulation - (II). 1956 for vacation of land purchased and occupied by particularly the affected community till the victims were returned to their houses and able to participate in the proceedings.*
7. *That, immediate inquiry measures may be taken to trace out the persons/ organisations supplied, arranged and used the bombs, arms and weapons, kerosene, petrol, cooking gas and other explosive to organise violence and destruction and be booked under criminal law as a protection measure.*

8. *That, immediate steps may be taken to find out the cases of Human Rights violation, nature of offences and ensure enforcement of protective legal instruments through an effective mechanism for safety and security.*

And the Opp. Parties showing no cause, insufficient cause or cause not to the satisfaction of the Hon'ble Court, the writ petition may be allowed.

And pass such other orders or directions as this Hon'ble Court may deem just and proper, in the facts or circumstances of the present case.

The bench of the Chief Justice B.S. Chauhan of the High Court of Orissa and Justice I Mohanty permitted the writ petition ,

'to be withdrawn with liberty that aggrieved persons may file writ petition individually, more so this matter has been dealt with by the Hon'ble Supreme Court in W.P. (Ct) No. 404 / 08 Archbishop Raphael Cheenath S.V.D Archbishop of Cuttack Vrs. State of Orissa. Where in it has been directed that the State Govt. shall take steps for giving protection to the life of every person living in that area. In such situation, we do not consider it proper to multiply the proceeding'.

Commission of Inquiry

Orissa Government had ordered a judicial inquiry under the Commissions of Enquiries Act (1952) on 3rd September 2008. Mr. Justice S.C. Mohapatra (Retd.) was entrusted with the inquiry.

The commission was asked to enquire and report on the following:

- (i) *Analysis of the sequence of events and circumstances leading to the killing of Swami Laxmananda Saraswati on 23.08.2008 and the incidents of violence in its aftermath.*
- (ii) *The role, conduct and responsibility of the individuals, organisations, group and / or agencies in precipitating / committing the above crimes.*
- (iii) *Whether the measure taken, the quantum of force used in anticipating, preventing and handling situations were adequate.*
- (iv) *Any other matter connected with the incidence or incidental thereto as the Commission may consider appropriate.*

Petition in the Supreme Court of India

Archbishop Raphael Cheenath filed a petition in the Supreme Court on September 2, 2008. The prayers in the petition were as follows:

- A. *Issue a Writ of Mandamus or any other appropriate writ, order or direction, to the Respondents to forthwith deploy adequate police force as well as the rapid action force and the CRPF in the affected villages as set out in this petition.*
- B. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to forthwith deploy the Rapid Action force and the CRPF in all such other villages immediately on being informed by the Petitioner or by any other affected person that a particular village or area is likely to come under attack due to the build up of communal forces*

- C. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to forthwith act by deploying the Rapid Action Force and the CRPF in any village where the officials or the police are given information that there is an assault taking place or there is a likelihood of an attack taking place;*
- D. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the State of Orissa to forthwith pay compensation to all those families whose houses have been fully damaged @ of Rs. 4 lakhs per family and Rs. 2 Lakhs per family for partial damage, and Rs. 5 Lakhs for every family where death has taken place and Rs. 1 Lakh for every family where injuries have taken place.*
- E. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the National Human Rights Commission to forthwith investigate and report to this Hon'ble Court within 2 weeks, the identity of the groups and leaders thereof who are active in the communal violence and to order the criminal prosecutions of these organisations and individuals and to direct they pay compensation to the victims as set out above.*
- F. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the CBI to investigate and prosecute all the criminal offences committed in respect of the communal riots set out in this petition.*
- G. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to constitute and appoint an Independent Commission for the framing of the rehabilitation and compensation scheme and to asses the quantum of damage, extent of damage, methodology of assessment and for proportionate allocation of funds in the affect areas.*
- H. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondent State to pay all the victims of communal violence full compensation for all the loss incurred at actual market value proportionate to their loss.*
- I. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to pay compensation to the tune of Rs. 3 crore for Churches destroyed during the communal violence.*
- J. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to formulate a pension / employment scheme for the kith and kin of the victims who died due to the communal violence.*
- K. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to pay compensation to the kith and kin for loss of lives in the communal violence.*
- L. *Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to pay compensation for medical expenses and provide free medical treatment.*
- M. *And pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.*

Additional Affidavit in the Supreme Court of India

Archbishop Raphael Cheenath filed an additional affidavit on October 13, 2008, in the Supreme Court of India.

The Court was requested to pass the following directions in the interests of justice.

- (a) *Pass an order directing the State of Orissa and the Union of India to forthwith provide central forces protection to the petitioner, NGOs belonging to the victims like Pallishree Seva Samiti, Gramya Pragati, Love India, Pahora, Agraneer Jan Kalyan Association, Garden, Sahara, Catholic Charity, Jana Vikas, Vikalp and charitable institutions nominated by the Petitioner to do relief and rehabilitation work among the victim communities in the affected districts.*
- (b) *To pass an order directing the Union of India to submit a report to this Hon'ble Court forthwith specifically setting out therein the organisations and individuals who are responsible for the acts of violence in the affected areas.*
- (c) *For an order directing the State of Orissa to disclose on affidavit the details of the persons arrested and those released on bail, and also details of what action has been taken against the persons mentioned in the criminal complaints made in the Magistrate courts by the victims of the violence as set out in ANNEXURE - A3.*
- (d) *To pass an order directing the State of Orissa to reopen the relief camps in Raikia and K. Nuagaon and provide in every relief camp proper food, drinking water, canvas sheets for flooring, proper tents, trauma counselling, medical supplies and assistance:*
- (e) *For an order directing the Respondents to ensure that no assailants roam free in the relief camps and to record the FIRs of the victims in the relief camps with particular attention to the names of the assailants and to take action thereafter in accordance with law.*
- (f) *To pass an order directing the State of Orissa to pay as an interim measure Rs. 60,000/- (Rupees Sixty Thousand only) for every fully damaged house and Rs. 25,000/- (Rupees Twenty Five Thousand only) for every partially damaged house and Rs. 5,50,000/- (Rs. Five Lakhs and Fifty Thousand only) to the family of persons killed in the violence and further to compensate the Petitioner's church a sum of Rs. 3 Crores (Rupees Three Crores only) for the demolition of churches and destruction of property during the first wave of violence in December 2007 / January 2008 as set out in the petition.*
- (g) *For an order directing the State of Orissa to direct the criminal courts in Balliguda, Phulbani & Daringbadi to expeditiously hear and dispose off the criminal complaints filed as set out at ANNEXURE - A3 hereto and while doing so to provide protection to the witnesses so that they may depose without fear.*
- (h) *To pass an order directing the Central Bureau of Investigation (CBI) to take over the investigation into the assault and rape of Sister Mina Lalita Barua and for a direction to the CBI to submit its report within two weeks.*
- (i) *And pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.*

Summarily speaking, the prayers in the Supreme Court were for

- Protection of the community which was victimised in the rural areas,
- Compensation for death within family,
- Damages for fully or partially demolished houses,
- Thorough investigation to bring culprits to book,
- Directing the CBI to take over the investigation and prosecution,
- Appointment of an independent commission for framing of the rehabilitation and compensation scheme,
- Full compensation for all victims of communal violence, or compensation for rebuilding churches that were destroyed during the communal violence,
- Formulating a pension employment scheme for the kith and kin of the victims of communal violence
- Compensation for medical expenses.

In an additional affidavit, the prayers were again for directions to be issued

- To provide protection,
- To issue report on those found guilty of violence,
- To reopen relief camps in two places and to provide for the victims,
- To ensure that assailants did not get access to relief camps,
- To pay specifically mentioned amounts as compensation for damages to houses, and churches,
- To direct criminal courts to hear the cases expeditiously and
- To direct the CBI to take over investigation into the assault and rape of Sister Mina Lalita Barua.

The additional affidavit served as a reminder of demands with specific inputs. What was expected was yet to be done, with stress on certain specificities.

Recommendations made by the National Commission for Minorities

The Vice Chairperson of the National Commission for Minorities visited Orissa from September 11, 2008 to September 13, 2008. In that year within the first nine months of the year the Commission had visited the State thrice, following the outbreak of violence. The recommendations made by the Vice Chairperson are as follows:

1. *Strong steps to restore full normalcy must be taken immediately. This will help build a sense of confidence among the Christians. This should be done in a variety of ways but most important is to ensure that firm action is taken against the instigators of violence and those who propagate 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 Lakshmananda 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 organisation 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 streetplays, 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 that were destroyed or damaged both in the recent riots and 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 yet not been implemented they are reiterated here.

Mention of Women and their Needs / Rights Missing

However, none of these prayers or recommendations specifically mentioned women or their rights. It is true that demands for protection and compensation etc. were meant for both men and women, yet specific mention of women's needs is nowhere noticed. This is what has been happening over years, women specific demands are subsumed within general demands. It was because of this that in 1993, when the Universal Declaration of Human Rights was being discussed, women asked for inclusion of their specific rights and these were included in the Vienna Declaration.

Therefore it becomes necessary to raise women's issues repeatedly so that those are responded to. In situations like those received in relief camps, it is necessary to look at specific needs of women and provide for them. Moreover, it is noticeable that the additional affidavit in the Supreme Court reiterated earlier demands with added specificity. The applicant must have felt the need to repeat and to ask for more specific directions. Such strategising applies to women's cause as well.

The petition and the affidavit in response to it by the State together indicate that repeated demands could generate positive response. The petitioner had prayed in para marked 'I',

"Issue a writ of mandamus or any other appropriate writ order or direction, directing the Respondents to pay compensation to the tune of Rs 3 crore for Churches destroyed during the communal violence".

The response, in the affidavit of the State, dated October 17, 2008, is as follows:

Under para 15, titled 'Relief and Rehabilitation', ... *'It is respectfully submitted'* ...in para 15.3,

'That it is against the secular policy of the State to pay any compensation for the religious institutions'.

Later in Para 16, titled, '*Submissions*', ... *it is respectfully submitted* ... in para 16.6,

'The suggestion of the petitioner to sanction a sum of Rs. 3 crore to compensate against demolition of Churches and destruction of properties during the violence in December, 2007 - January 2008, is not acceptable since this Respondent had submitted before this Hon'ble Court in his affidavit dated 03.09.2008, that compensation towards religious institutions is not coming under the secular policy of Government of Orissa.'

However, in the affidavit submitted by the State of Orissa to the Supreme Court of India on January 5, 2009, in para 11 the following is stated:

'As per the advise of this Hon'ble Court, the State Government took a policy decision to assist places of religious worship damaged in communal violence for the first time. The rates of

financial assistance decided by the State Government for repair and reconstruction of the damaged places of worship is given below:

a) Prayer halls / smaller churches:

Fully damaged : Rs. 50,000.00

Severely damaged : Rs. 20,000.00

Partly damaged : Rs. 10,000.00

b) Bigger churches:

Fully damaged : Rs. 2,00,000.00

Partly damaged : Rs. 1,00,000.00

That the Hon'ble Chief Minister has sanctioned Rs. 15.90 lakh out of the Chief Minister's Relief Fund for reconstruction of 60 number of prayer houses / churches located on unobjectionable land. As regards financial assistance to 135 religious institutions located on objectionable land, subject to para 4 of G.O. dated 15/11/08 (Annexure - R / II), a sum of Rs. 26.60 lakh has been sanctioned from the Chief Minister's Relief Fund.'

Repeated demands and the directions of the Supreme Court made the State revise its policy on paying damages to religious institutions.

Looking back, it is noticeable that a number of fact finding missions on the violence and its aftermath had made their recommendations. No follow up was done to find out if those recommendations were followed or not. National Commission on Minorities (NCM) had noted in their report that the last three recommendations made in the previous report were not implemented.

However, the State government did act on the directions given by the Supreme Court. That generates confidence in the apex court of India.

These legal actions suggest a twofold approach. One to repeatedly remind the authorities to provide as per demands and the other to request the authorities, both the Government of India and the Supreme Court of India to grant the needs of a specific section of Indian Society.

Since half of the population of India is women, it is hoped that the Government of India and the Supreme Court of India would hear pleas on their behalf.

India has signed and ratified a number of international conventions. Indian women expect that India act in accordance with the promises made internationally. The documents that recognise and support women's human rights, viz., Universal Declaration of Human Rights, Vienna Declaration 1993, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and Security Council's Resolutions nos. 1325 and 1820 are to be referred to towards making specific provisions for women in the wake of such eventualities as rioting, armed conflicts etc., in relief camps and such other shelters.

Indian women need a mechanism, which could be activated in times of need to protect women's human rights, demand special provisions that ought to be made for women and to ensure through monitoring that such provisions are made and continued as long as needed.

CHAPTER VII

Conclusion

The analysis of the violence in Kandhmal, Orissa, through rapid assessment survey of three camps, study of ground-level incidents and cross-checking of primary material underlines the long standing disputes and feuds between two ethnic communities living interdependently in Kandhamal. Conflicting interests in ownership of land and in seeking jobs, even in pouncing upon another's identity had simmered for a long time. The Kandhas had repeatedly felt defeated, cheated and outwitted by the Panas. The Panas had advantageously taken the help of the Christian missionaries in education and in getting on, in asserting themselves. The Kandhas hated Panas for becoming a threat to them, and the fire of this hatred was fanned by the Hindu fundamentalists who offered the Kandhas what the Christians had offered earlier, education and wherewithal to get on. The fundamentalists also gave the Kandhas a religion. From pantheist worship and worship of Jagannath, the Kandhas were drawn to performance of Yagyas and women were taught the use of Sindoor to show their marital status. Panas who had turned Christians were demonised by the Hindutva preaching fundamentalists. So, when their Hindu leader, Swami Lakshmanand Saraswati was murdered reportedly by Christians, the Kandhas, led by the Hindu brigades, went on rampage.

Consequently, almost 25,000 people took shelter in relief camps. Life in the district was fully disrupted. Human rights of these people were violated to a large extent. Displaced householders turned destitute within minutes of attacks on their villages. Running for their very lives they had to take shelter in the jungle. Dignified living in a secure home was suddenly lost. They landed up at a camp where they were all huddled together in a small tent, 50 to 60 people in a 15' x 15' tent comprising men, women and children of nine to ten families. Concepts such as right to privacy and non-interference in family life were just blown away.

Those who suffered violence chose to register complaints against their attackers. But their experiences at the police stations were not encouraging; women dared not go to the police and those who did were not confident that their complaints would be investigated into and the wrongdoers arrested, or punished. Undoubtedly, the survivors must have felt their human dignity compromised.

All these hurts together bruise the minds so deeply that the victims remain disturbed for a long time. The trauma of losing one's home and health or of also losing a member of one's family, of being at the receiving end of sudden apparently meaningless violence, of losing one's physical and moral strength, strikes like a wound that keeps festering, not allowing the mind to be peaceful.

The living conditions in a relief camp are hard. A large mass of humanity struggling to survive gives rise to frictions of all sorts. The administrators struggling to cope with suddenly arisen alarming situation do not seem to do enough initially. But then, that becomes the norm. Least attention appears to have been paid to quality of life by the persons in charge of the camps. At the end of more than four months the food given was unsatisfactory and at one place even the material for breakfast did not reach for four days. A small packet of biscuits

was served as nutritive food. Potable water remained contaminated with impurities. Separate facilities for bathing for women were not considered important.

In the preamble to CEDAW, it is noted that despite various instruments extensive discrimination against women continues to exist. This was found to be true while going around the camp facility and interviewing women. If a covered bathing space was not thought of to be important, what other care could have been taken of women's needs is easy to comprehend. Privacy was at risk.

Our experience during peace efforts with reference to riots in Gujarat was that when women came to our resource centres, they preferred to stretch themselves and sleep. Some slept for more than an hour at a time. This is especially so because the custom in India is that no woman stretches herself fully if men are around. Sharing a tent with a number of families must have proved to be very difficult for women. Especially when this goes on for months, it is bound to take a heavy toll on their mental peace.

The visiting team did not notice many adolescent girls in the camps. Some mothers stated that their daughters were sent to their relatives because they did not want them to continue in the camps. A whisper was heard outside that girls were trafficked from camps. A couple of mothers got their daughters married while in camp since their engagements were fixed before.

Education for children was nominally served. Books were reported to have been given to children in camps but the parents could not pay examination fees for children who had to appear in Board Examination.

Relating this to the experience in Gujarat, it could be imagined that most boys and girls would dropout. Younger boys may continue a year later but girls would not be sent to schools for confidence in sending them alone anywhere would be eroded. About grown up adolescent boys it was heard from mothers that some were sent for training of driving or of repairs of vehicles etc. As far as we know no trainings were offered in the camps or through camp authorities.

Nearby health centres served the refugees in camps. In addition there were Anganwadi (Children's play group) workers among the refugees. An Anganwadi worker, in a village, is expected to look after general health of the people and report cases, which she might not be able to handle. Once again this could be related to CEDAW: 'in situations of poverty women have the least access to food, health, education and training'. Probably this was true of their lives before they came to the camps, in the camps their situation appeared to be no better. Article 14 (b) of CEDAW states women's right to 'access to adequate health care facilities'. That right did not seem to have been protected. Right to nutritive food, pure water, health, and other ingredients that make for good quality of life seemed to evade the refugee women, undermining their human rights, which the governments need to protect.

As per art-18 of Universal Declaration of Human Rights, 'everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief and freedom . . .' Constitution of India in art-24 reiterates the same thus: ' . . .all persons are equally entitled to freedom of conscience, and the right freely to profess, practice and propagate religion'.

Loud complaints were heard in camps that when the refugees tried to return to their villages or went to attend peace-committees they were asked to re-convert to Hinduism. The fundamentalists called the activity of re-conversion as 'ghar wapasi', meaning thereby, returning home (to one's own fold). However, the Christian refugees did not see that as return. They considered it as a torture inflicted on them. Those who were compelled to re-convert had to have their heads shaved and were made to drink cow-dung mixed with water. The Christians resented that. The right to freedom of religion was pounced upon earlier with violent attacks and later by such heavy-handed treatment of individuals. Individuals thus humiliated find their rights to live with dignity etc. lost un-retrievably.

In the UN Security Council Resolution 1325 on Women, Peace and Security there are two premises; both are stated in the preamble. One is that “women and children account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons.” The other is the stressing of “the important role of women in the prevention and resolution of conflicts and in peace-building,” and later: the need to increase women’s “role in decision-making with regard to conflict prevention and resolution,”

Here it is important to draw the attention to the fact that there were nearly no women and absolutely no woman refugees in the peace committees.

Peace Committees were organised with the Kandhas on one side and Pana refugees on the other. In some committees the complaints were that the refugees were outnumbered by their counterparts. There was a report that in a large group of more than fifty men, three or four women were noticed, but no woman was asked to join from among the refugees. The government needs to take cognizance of such recommendations and include women in peace building efforts.

Security Council Resolution 1820 noted that during conflicts, women and girls were particularly targeted by the use of sexual violence! During the team's visit to the camp, such crimes were not spoken of. Sexual crimes carry such stigma that these are not discussed in the open. Yet it is necessary to get such complaints registered. Nowhere did the team find women police in or around the camps. The police chief and the District collector had reported that there were a few women in police force. Neither women police, nor their male counterparts were trained in investigating such crimes. When such crimes are not registered, later when peace prevails, such crimes are likely to be repeated with impunity. The fact that a climate of impunity reigns regarding the violence of the past encourages violence in the present. In this vein, scant progress will be made in holding individual perpetrators of crimes against humanity, including gender crimes, accountable for their actions. Nor will there be effective challenges to many of the structural and systemic factors that conspired to create a framework of collective gender insecurity. The reality of life for the women in the camps and ‘after’ the camps remains one of struggle within a climate of fear. It is therefore necessary that such crimes be registered and investigated. Trained personnel need to help victimized women in both uncovering the crimes and in soothing the women who feel stigmatized as victims of such crimes. Resources ought to be allocated for these services.

It appeared that the State Government failed primarily in protecting the victims of violence and next in providing necessary assistance to the refugees sheltered in camps. The Central Government assisted with security and violence subsided. Since India has ratified

international conventions, it becomes the duty of the Central Government specifically to see that the rights of the victims are protected and the recommendations made in international covenants followed.

Due to the inaction of the Central Government of India as well as that of the State Government, the poor disadvantaged groups of human beings of minority communities suffered acutely, continued to live in degradation and their human rights got eroded. Those who perpetrated the violence that jeopardised the human rights of a whole section of Indian society ought to be strictly dealt with so that such actions are not repeated, and the victims should get the needed help to return to their villages including all the treatment they need to get through their traumas.

Unfortunately Kandhamal 2008 was a repeat of Gujarat, 2002. That is why the present team got into action. It is necessary to bring to the notice of the nations that their promises to the United Nations through their being signatories to International instruments have to be fulfilled, human rights of the downtrodden have to be respected. It was time to remind that women's rights are human rights and these ought to be honoured.

REFERENCES

- Behuria, N. C., 1965. Final report on the major settlement operation in Koraput District, 1938-64.
- N. K. Behura and N. Panigrahi, 2004. Tribal indebtedness and the functioning of money lenders regulations in the scheduled areas of Orissa: An empirical study in Journal of the Anthropological Survey of India. 53 (1), pp. 1-20, March
- Behura, N.K. and Panigrahi, N., 2002. Impact of Special Micro Project on the livelihood of Kutia Kondhs- Adivasi: Vol.42 nos. - 1 & 2, June & December.
- Brass, Paul (2003): The Production of Hindu-Muslim Violence in Contemporary India, University of Washington Press, Washington, DC, US.
- Government of India, 2001: Census of India, 2001.
- Government of India, 2006. Report of the Panchayat Extension to Scheduled Areas Act 1996 (PESA) Enquiry Committee, Ministry of Panchayat.
- Government of Orissa, 2007. Website http://orissagov.nic.in/e_magazine/Orissareview/june_july-2007/engpdf/Pages80-84.pdf as on February 11, 2008
- Government of Orissa, 2006. Economic Survey, Directorate of Economics and Statistics, Government of Orissa.
- Government of Orissa, 2001. Agricultural Census 2000-01, Agricultural Census Commissioner, Board of Revenue, Orissa.
- Government of Orissa, 1980. Kalahandi District Gazetteer. Cuttack, Government of Orissa.
- Government of Orissa, 1972. Orissa Forest Act 1972
- Government of Orissa, 1967. Orissa Freedom of Religion Act 1967.
- Government of Orissa, 1960. Orissa Land Reform Act, 1960
- Government of Orissa, 1956. Orissa Scheduled Areas Transfer of Immovable Property Regulation, No 2, Orissa
- Government of Orissa, 1952. Orissa Establishment Abolition Act 1952
- Haan and Dubey, 2003. Extreme Deprivation in Remote Areas in India: Social Exclusion as Explanatory Concept. Paper presented at the "International Conference on Staying Poor: Chronic Poverty and Development Policy, Manchester, IDPM, University of Manchester, 7 to 9 April 2003. Also available online at <http://idpm.man.ac.uk/cprc/Conference/conferencepapers/Dehaan%20Arjan%20-dubey%2007.03.03.pdf>.

Jha H., 1977. "Lower-Caste Peasants and Upper-Caste Zamindars in Bihar (1921-1925): An Analysis of Sanskritisation and Contradiction between the Two groups" The Indian Economic and Social History Review Vol. XIV, No. 4

Kanungo, Pralay, 2008. Hindutva's Fury against Christians in Orissa, Economical and Political Weekly, September 13.

Kundan Kumar and Pranab Ranjan Choudhary, 2005. 'A Socio-Economic and Legal Study Of Scheduled Tribes' Land in Orissa', A Report submitted to the World Bank, Washington, Bhubaneswar, Orissa

Mearns, Robin and Saurav Sinha, 1998. Social Exclusion and Land Administration in Orissa, India. Washington, World Bank

Mohanti, B.B., 1997. Traditional Institutions of the Lanjia Saora of Puttasingi Area of Rayagada District, Orissa, Scheduled Castes and Scheduled Tribes Research and Training Institute, Government of Orissa. Bhubaneswar.

Mohanty K.K., 1994. Tribal Traditions and Customs: An Anthropological Study of the Hill Kharia of Similipal, Mayurbhanj District, Orissa. Tribal and Harijan Research and Training Institute, Government of Orissa., Bhubaneswar.

National Commission for Minorities, 2007. Available online at <http://ncm.nic.in/pdf/orissa%20report.pdf>

Padel, F. (1995). The sacrifice of human being: British rule and the Konds of Orissa. New York, Oxford University Press.

Rath Dwarikanath, 2008. "Trident vs. Cross", Indian Age, October

Reddy, 2008. Communal Violence in Orissa, in the battle for the loyalty of the tribals, the adivasis are victims twice over.

Sahu, Laxminarayan, 1942. His Tribes of Jeypore,

Samu, 2008. Minorities: Christians – 2008, Human Rights Documentation, January to October, Indian Social Institute, Lodi Road, New Delhi,