

Trip Report: Kandhamal



Presented by the India Coalition

Delegation

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History of the India Coalition

The India Coalition was formed in January 2009 to prevent fragmentation and duplication in efforts to address religious freedom issues in India. The coalition is comprised of over 25 organizations with various affiliations and foci. Recently we have collectively focused on the 2008 attacks in the eastern state of Orissa, most notably in the remote district of Kandhamal, which is a six-hour drive from the state capital of Bhubaneswar.

Since the violence broke out in August 2008, members of the India Coalition have carefully monitored the damage done to the Christian community, the Indian government's subsequent response at local, state and federal levels, and the reaction of the United States government to the unprecedented violence against the minority Christian population.

We followed Kandhamal as a group for over a year, writing advocacy letters to the Indian government, and encouraging U.S. Ambassadors, Members of the U.S. Congress, and the Secretary of State to issue statements in support of religious minorities of India. In March 2010, we decided to go to India to assess the situation for ourselves. We arranged meetings with the main Christian groups doing work on the ground in Kandhamal and with government leaders of both moderate and more radical groups to better understand the mindset of those whose decisions affect the minority populations.

Kandhamal, March 13, 2010



The India Coalition visited 5 villages in Kandhamal, during our visit to Orissa: Nandigiri (Beticola villagers), Raikala, Bakingia, Parigada, the Pastoral Center and Jana Vikas in Nuagam, where a nun was gang raped and a priest severely beaten.¹

¹ Some villages are too small to be shown on the map.

The Rise of Hindu Nationalism

India is a multi-ethnic, multi-religious, and multi-lingual democracy of more than a billion people. It boasts the largest number of religions in one country in the world.

Although India has a history of respect for different religions, this reputation has been increasingly threatened with the rise of the “hindutva,” or a Hindu cultural nationalist agenda, present in several powerful organizations in India today.

The mother organization of the hindutva movement, known as the Rashtriya Swayamsevak Sangh (RSS) and its five million members, many of whom meet daily in 50,000 Shakhas (chapters) across the country, have created 45 organizations which form the Sangh Parivar (Family of Associations). Among those organizations are the Bharatiya Janata Party (BJP), a major political party which held national power from 1998 to 2004, and the Vishwa Hindu Parishad (VHP), a worldwide socio-religious movement aimed at strengthening Hindu society and protecting and promoting Hindu values. The RSS is growing with new cadre (all male) entering training programs each year.

According to Ram Madhav, the RSS’ former spokesperson we met in New Delhi, the group’s mission is to “internalize Hindu culture, Hindu religion, nationalism, discipline, and health.” In our discussions with him, he expressed that their main fear is that conversions to other religions will result in the gradual dismemberment of India (as seen in secessionist movements in Kashmir which has a majority Muslim population, and in Nagaland which has a majority Christian population) and lead to the “desecration of Hindu gods” and the “dissolution of their culture.”

Approximately 2 to 2.5% of the population in India is Christian, a figure staying relatively steady for decades; yet significant, influential leaders in the RSS, BJP, and VHP believe there is an orchestrated Christian conspiracy for the mass conversion of Hindus and the desecration of all Hindu gods. Many of these leaders used the phrase, “Stop the mass conversions, and everything will be fixed,” usually after a long explanation of why the killings in Kandhamal were ethnically, socially or economically motivated and had little to do with religion.

Perhaps because of these concerns, “Freedom of Religion” laws were introduced and passed in seven states of India (Arunachal Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Orissa, and Rajasthan). Similar laws are pending in two additional states (Jharkhand and Karnataka). In Orissa, a 1967 Freedom of Religion Act prohibits “conversion from one religion to another by the use of force or inducement or fraudulent means.” In fact, this functions as an anti-conversion law since “inducement” can be interpreted very broadly to include any provision of social services (education, health) as well as any material goods (bicycles, relief aid), by Christians to non-Christians. On that

basis, anyone who chooses to convert away from Hinduism might be considered to have been “coerced.”²

The major opposition leaders we met with—Mr. Ram Madhav (RSS); Dr. Mahesh Chandra Gupta of the VHP; Mr. Pyarimohan Mohapatra, BJD Member of Rajya Sabha (Upper House of Parliament); Dr. Rajnath Singh, former President, BJP, and other VHP and BJD leaders—expressed varying levels of fear concerning the mass conversion of Hindus to Christianity, which they see as a loss of Indian culture, not just religion. This has frequently resulted in violence, historically against minorities that are perceived to threaten the Hindu majority. While the BJP lost some political traction in the last national election, extremist mentalities still strongly exist in Orissa and in Delhi.

India’s reputation for being an inviting, majority Hindu, and pluralistic society is threatened by the movement to stop religious minorities from flourishing and growing.

Avoiding Further Impunity, Inaction

A common point we raised with government officials was the impunity following the 2002 Hindu-Muslim riots in Gujarat state that left a stain on the reputation of India. The attacks were reportedly orchestrated and many criticized the state government of Chief Minister Narendra Modi, BJP Party, for its inaction or for its bias in favor of Hindus. Nonetheless, Modi was re-elected twice after producing minimal convictions for the victims and their families. We elicited a relatively positive response from those with whom we met when we encouraged them not to allow this communal violence in Orissa to become another incident like Gujarat, leaving India looking corrupt and indifferent to protection of its citizens.

Current Peace Somewhat Volatile

Our visit to Kandhamal, (where a quarter of the population is Christian according to the 2009 United States Commission on International Religious Freedom report), revealed that the current peace is shallow. One spark or incident could reignite the whole wave of violence, and no significant efforts have been made by the local government to resolve the problems that the victims face or ensure their security. The compensation received is not enough to rebuild the houses. Even if additional money is available through other sources, the main point of contention for the victims is the lack of justice they have received. Because victims lacked access to proper legal counsel, they have watched those extremists who burned down their houses and killed their family members go free. We have raised this issue with the State officials to improve the conditions for prosecution, including possibly reopening cases due to problems in the police investigations or judicial process.

In the villages we visited, if the families are not living in tents, they most assuredly have holes in the sides of their houses. Bricks lay everywhere waiting to be stacked and mortared. Many feel their lives are at risk if they return to their original village and are

² Note: Despite VHP, BJP and RSS concerns about “forced conversions” or any conversions, no cases of “forced conversions” have ever been filed with the magistrates in Orissa as is required under the 1967 law.

scared to rebuild for fear that extremists will come and tear everything down once again. The security risk was also raised with government officials.

Social Mobilization between Governments and NGOs

The most encouraging meeting we had with leaders was with Mr. Pyarimohan Mohapatra, member of the Upper House of Parliament and key figure in the Biju Janata Dal (BJD), the ruling party in Orissa. He had a balanced view of the situation, understanding the strain on the religious communities, but also recognizing the need for action to stop the impunity. He recommended “social mobilization,” where government and NGOs work together to solve the most urgent issues on the ground, including reconciliation between Christians and non-Christians. (People have already started heading in this positive direction by establishing youth camps promoting peace and harmony).

Another promising meeting was with Dr. Rajnath Singh, former head of the BJP, who said he abhorred violence and discrimination. While he blamed the violence against Christians on mass conversions, he expressed remorse for their losses and was sympathetic to our suggestion that he contact local Sangh Parivar leaders about abstaining from violence and improving conditions for Christians in Kandhamal.

Misperceptions of Conversion

Contrary to the claims made by Hindutva leaders who accused Christians of forcible conversions, we observed the opposite on the ground, where Christians were forced to convert to Hinduism.

In one village, we met 28 men and women who were tonsured and compelled to drink cow urine as an act of cleansing to reconvert to Hinduism. The victims were not converts, but had been born Christian and were part of a Christian village. Some Hindu extremists down the road came and took them forcibly to their village to perform the conversion ceremony. The men and women were eventually allowed to leave. When asked if they reconverted to Christianity, they replied, “We never left the church. We were forced to do those things against our will.” We noted to government officials that rather than Christians forcing Hindus to convert, instead Christians were being forced to “reconvert” to Hinduism. And contrary to some who believe that scheduled castes and tribals become Christians only for material gain, many of the Christians, who had family members beaten and killed and had property destroyed during the 2008 riots, risked their own lives to return to their Christian faith communities in a bold demonstration of the genuineness of their beliefs.

Some government officials appear to have strongly held misperceptions about the number of new Christian converts and the size of existing Christian communities, some of which have existed for generations. Better education and first-hand interaction between Christians and government officials may help correct these misperceptions.

The Need for Justice

Under the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, governments should have judicial and administrative mechanisms to enable victims

to obtain redress in a prompt, fair and inexpensive manner.³ Instead, as the trials concerning the 2008 violence proceed through the court system, impunity brought on by possible corruption or indifference by police investigating attacks, refusal to accept First Information Reports (FIRs) or misfiling of FIRs, and lack of experienced lawyers creates a “re-victimization” of the people seeking justice. Although the state has the duty to protect witnesses so they can be deposed without fear, in many cases brought to court in Kandhamal, witnesses are being intimidated and will refuse to testify or retract earlier statements.

Because of the vernacular languages (Oriya, Kui or Kuvi) used in the local courts, seasoned lawyers are unable to consult with public prosecutors, leaving less experienced lawyers who do speak the local languages with limited support. Thus, members of the Christian Legal Association estimate that up to 95% of the cases may result in acquittals, although retrials and appeals are possible if it can be proved that mistakes were made in the judicial process.

The greatest need for the victims is justice; then, to rebuild their houses and for some, to reintegrate back into society. While the cause of the violence is multi-layered due to decades of economic, social, and religious tensions, the solution is simple—to meet violence with justice.

When those who were violated see their perpetrators convicted, their confidence in returning to or rebuilding their original homes is possible. After the communities have been reconciled, they can focus on building the houses, finding work, and getting the proper education for their children. The lack of justice for the victims has led to a sort of paralysis or inability to move forward due to fear of repercussions for rebuilding.

The district government has encouraged the formation of *Peace Committees* in violence-affected villages, inviting Hindus and Christians to come together to talk about how to live in harmony. In one village which was about 50% Christian, this has worked relatively well. A Hindu man gave part of his land to house tents for Christian villagers and tries to get his Hindu friends to support them as well, usually to no avail. He was elected head of the *peace committee* and it was clear that Christians in that village were much more confident to return to their original living site and to rebuild. It served as proof that interfaith reconnection is going to be essential to rehabilitating these communities. Unfortunately, in several other villages we observed, *Peace Committees* existed in name only as Hindus were often either unwilling to participate or would dominate meetings, overriding concerns expressed by Christians.

³ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly through a resolution 40/34 November 29, 1985, states: Article 4: Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered. Article 5: Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

Our discussions with victims, clergy, and government leaders highlighted the benefit of genuine interreligious dialogue between Hindus and Christians. By opening channels of constructive communication, Hindus and Christians can find ways to re-establish some sense of normalcy in which they can live as neighbors without fear.

Before real peace-building measures could be introduced at any level, justice is needed for the victims who were killed or injured and who lost their homes, property and livelihoods. The government's cooperation is necessary. Thus, our recommendations are in order of greatest need to the victims: Justice, Reconciliation, Compensation, and Rehabilitation.

Recommendations on how to partner with India's efforts to improve the situation for minorities

- **Access to Justice and Proper Legal Counsel:** One of the initial problems that has had many negative repercussions was the original misfiling of several FIRs (First Information Reports) due to improper legal counsel, insufficient information, and possibly some tampering with evidence by police investigators. A legal initiative should be taken to reopen these cases, provide sufficient evidence, and give the victims a viable chance at justice. The government should appoint experienced and senior public prosecutors in these mistrials.
- **Coordination for the Legal Team:** After meeting with Hindu and Christian lawyers and advocates working on the victims' cases, we noted the lack of communication in sharing information and approaches on handling court cases. We recommended that they create some sort of coalition of lawyers to discuss successes and failures in the courts as well as an appropriate exchange of information that might advance the cases of the victims in the courts. Creating an advisory board for inexperienced junior lawyers could also help improve the chances for convictions. With good coordination, the team could approach the High Court and the Supreme Court in a more systematic manner to ensure proper processing of cases and successful reopening of cases that were unjustly closed.
- **Social Mobilization:** NGOs on the ground should work with government officials, when possible, to secure and rebuild the areas that were demolished and work towards community restoration through discussions on communal violence and interfaith dialogue.
- **Compensation to Victims:** Victims did receive compensation from the government as mandated in the amounts of 50,000 Rupees from the State and Central governments for completely demolished homes and 20,000 Rupees for partially-demolished homes. Most victims used the compensation for immediate needs such as food, clothing, and education, and are unable to complete rebuilding of their homes. An average house costs 85,000 Rupees to construct, and additional funding should be considered. Government and local NGOs in support of the rebuilding can help donate time and money to reconstruct. Beyond building the houses, compensation is needed for

household items that have been lost—beds, clothes, pots and pans, etc.—and for means to rebuild their livelihoods.

- **Increased Medical Assistance:** Victims of all age groups are in need of increased medical assistance. One village reported that a Catholic nun visits once a week to provide basic health needs, but some villagers suffer more severe injuries and are not receiving proper care.
- **Education:** Educational opportunity must be restored to those affected by the violence to ensure a better future for the next generation. Schooling was interrupted for many children when they fled with their parents following the August 2008 violence. Some Christian schools and hostels were burned. Children, particularly those still living in tents, are in dire need of access to near-by educational facilities. Even if tuition is free in government-run schools, in some cases funding is needed for uniforms and study material as parents have little income.
- **Microfinance and Microenterprise:** The villagers are keenly aware and wish to be active in microfinance and microenterprise programs offered by various organizations. They note that this cannot be done until the houses are constructed because of the investment capital required, but they want to farm, raise goats, or create crafts to sell at the local towns or have a small scale retail shop when possible.
- **Operating Guidelines:** Since Christians are often accused of “forced conversions,” different Christian faiths should consider developing their own, self-regulated church operating guidelines, which they should make public, to counter misperceptions.

Recommendations for the U.S. Government

- Urge the Indian government to take stronger steps to **protect the rights of minorities** consistent with the Universal Declaration of Human Rights, of which India is a signatory, so as to encourage stability and peace within pluralistic India. Sectarian violence destabilizes a society.⁴ To rehabilitate its positive image in the global community as a vibrant democracy and an attractive tourist destination, India must first take stronger steps internally toward fulfilling its obligation to protect the life and liberty of all its citizens, including its minorities.
- Urge the Indian government to specifically **protect freedom of religion**. The Indian Constitution provides that “all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.”⁵ But unfortunately, in

⁴ In August 2009, despite India’s progress to address such sectarian violence, the U.S. Commission on International Religious Freedom placed India on its Watch List. See http://www.uscirf.gov/index.php?option=com_content&task=view&id=2668&Itemid=1.

⁵ Part III, ¶ 25.

direct contradiction to this fundamental right, “Freedom of Religion” laws in seven states of India actually function as anti-conversion laws that are interpreted very broadly and punitively against minorities. Appropriate steps should be taken to repeal or limit the scope of these laws vis-à-vis the constitutional freedom to propagate religion.

- Urge the Indian government to **strengthen and reform its judicial and legal systems and the rule of law** so that the victims of communal violence, such as the one occurred in Kandhamal, may receive justice and live in security. In addition, urge the Indian government to prevent or stop ongoing attacks against minority communities, including Christians in several other states including Karnataka, Madhya Pradesh, and Chattisgarh, so as to counter the culture of impunity. Currently attacks against minorities show no signs of abating in those states where Hindu extremists have a significant presence. The State Department must be bold in calling for more accountability from the Indian government, at the various levels, in the aftermath of the Orissa attacks.
- **Do Not Issue Visas to Hindu Extremists:** U.S. visas should not be granted to known leaders of extremist organizations whose activities and materials have supported communal violence. Giving such individuals U.S. visas serves to legitimize their message and may unduly influence the U.S. government’s stance on religious freedom in India.
- **More Visa Reciprocity:** The U.S. should pressure the Indian government to allow more Americans with religious affiliations to obtain visas to visit and work in India since hundreds of Hindu religious workers are given visas each year to come to the U.S., work in Hindu temples and related organizations, and freely propagate Hinduism in America. In contrast, India rarely issues new religious visas to U.S. citizens with religious affiliations and many humanitarian workers affiliated with Christian church organizations, who have worked in India for years, are being asked to leave the country.
- **USCIRF:** Urge the Indian government to allow a delegation from the U.S. Commission on International Religious Freedom (USCIRF) to visit India. We also endorse a May 2010 visit by officers from the State Department’s Office of International Religious Freedom (IRF) to India and especially Kandhamal. Following the IRF visit, if appropriate, amend the Human Rights report released in March 2010, as it appears to minimize the ongoing plight of Orissa Christians.
- **Partnership with Government:** We recommend that the U.S. government urge the government of India to partner with NGOs on the ground doing significant work to create interfaith dialogue, provide education, and rebuild lives for Christians in Kandhamal who still suffer. Many of these Christians are surrounded by ruined houses and churches, very visible reminders of the August 2008 violence. A partnership between government and civil society is needed to establish the rule of law and an atmosphere of mutual respect between ethnic and religious communities in many villages where Christians still often live in anxiety and fear.

ACKNOWLEDGMENTS

It was my honor and privilege to join a team of exceptional, committed and knowledgeable members of India Coalition to travel to Orissa, to meet victims of the 2008 violence against Christian population and to understand the progress, or the lack thereof, on the ground. Five members of the Coalition representing four different organizations participated in the delegation. I want to thank each of them: John Hutcheson of Greentree Global for his perseverance and interest which spurred the planning for this trip; Virginia Farris of the U.S. Conference of Catholic Bishops for her contacts with the Catholic Church in India and her wise counsel; and Erin Weston and Valerie Payne of Jubilee Campaign USA who did an excellent job of chronicling the trip in words and pictures. Two more members of the India Coalition joined us for selected meetings in Orissa and Delhi.

Special thanks go to all who helped organize the trip, especially Ms. Lindsay Vessey of Open Doors who encouraged members to join the visit. Lindsay played a very important role in the formation of the Coalition and as its convenor, she provides valuable leadership. Ms. Ann Buwalda, Executive Director of the Jubilee Campaign (USA), helps the Coalition in so many ways with her participation and ideas; she supported two of her staff to go to India with me. The delegation also thanks Dr. Sajan George, Global Council of Indian Christians; Dr. John Dayal, All India Christian Council; Fr. Babu Joseph, Spokesperson, Catholic Bishops' Conference of India (CBCI); Mr. Robin David, General Secretary of the Christian Lawyers Association; Hindu and Christian civil society activists and all the priests in Orissa who helped enormously towards the success of our visit.

Besides the visits to villages in Kandhamal, we engaged in a series of meetings with religious, political and diplomatic officials and appreciated the insights they shared with us. I thank Oswald Cardinal Gracias of Mumbai, President of CBCI; Archbishop Cheenath of Orissa; Archbishop Vincent Concessao of New Delhi; and Dr. Richard Howell of the Evangelical Fellowship of India for their help, time and advice. Our meetings with European Union and U.S. Embassy officials in Delhi provided further background on international attention being paid to religious freedom in India. We had stimulating discussions with some Hindu party leaders, including the immediate past President of *Bharatiya Janata Party* Mr. Rajnath Singh, a Central Committee member of the *Rashtriya Swayamsevak Sangh* Mr. Ram Madhav, and a leader of the *Vishwa Hindu Parishad* Mr. Gupta. We had requested appointments well in advance with the Prime Minister and government officials in the United Progressive Alliance (UPA) and regretted that conflicts with parliamentary schedules precluded meeting. I believe that having UPA meet with us would have demonstrated their resolve to deal firmly with religious extremist forces at work in India. Though the UPA government in Delhi has openly taken a stance against religious violence in India, there are doubts as to its effectiveness in dealing with such situations and as to its ability to restore the rule of law, as was evident during August of 2008 in Orissa.

Most importantly, I would like to personally thank Erin for drafting this excellent report and to Virginia, Valerie and John for their edits.

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