

COMMUNALISM IN ORISSA

Report of the Indian People's Tribunal on
Environment and Human Rights

Tribunal Led By:
Justice K. K. Usha (Retired)
Former Chief Justice, Kerala High Court

Tribunal Convenors and Report Editors:
Dr. Angana P. Chatterji and Advocate Mihir Desai

Indian People's Tribunal Secretariat

COMMUNALISM IN ORISSA

Report of the Indian People's Tribunal
on Environment and Human Rights

Printed by: New Age Printing Press

Design & Layout: Ganpat Lad

Cover Design: Pavitra Tuladhar

Suggested Contribution: Rs 60

Copyright: Indian People's Tribunal and Angana P. Chatterji

Publisher: Indian People's Tribunal on Environment and
Human Rights

Address:

Engineers House

Floor #4, 86, Bombay Samachar Marg, Near Stock Exchange
Mumbai 400 023, India

Phone: (91)-22-22676680 /22677385; E-mail: iptindia@vsnl.net

Date of Publication: September 2006

ISBN: 81-89479-13-X

COMMUNALISM IN ORISSA

Report of the Indian People's Tribunal on Environment and Human Rights

INDIAN PEOPLE'S TRIBUNAL ON COMMUNALISM IN ORISSA: PANEL, ADVISORS, AND STAFF

Tribunal Led By

Justice K. K. Usha, Former Chief Justice, Kerala High Court

Tribunal Convenors

Dr. Angana Chatterji, Associate Professor, Social and Cultural Anthropology, California Institute of Integral Studies
Advocate Mihir Desai, Mumbai

Tribunal Members

Dr. Asha Hans, Professor, Political Science (Retired), Utkal University
Ms. Lalita Missal, National Alliance of Women-Orissa Chapter
Dr. Shaheen Nilofer, Scholar-activist from Orissa
Mr. Sudhir Pattnaik, Scholar-activist from Orissa
Dr. Ram Puniyani, EKTA, Committee for Communal Amity

Advisors

Justice R. A. Mehta, Former Acting Chief Justice, Gujarat High Court, and Former Director, Gujarat Judicial Academy [Justice Mehta accompanied the tribunal on its site visit to Phulbani and due to urgent demands on his time thereafter acted as an advisor to the tribunal. We note that his guidance during the process has been invaluable.]
Advocate Colin Gonsalves, Senior Counsel, Supreme Court of India
Ms. Deepika D'Souza, Indian People's Tribunal
Ms. Preeti Verma, Indian People's Tribunal

Staff

Ms. Maya Nair, Indian People's Tribunal
Ms. Sameena Dalwai, Indian People's Tribunal
Ms. Priyanka Josson, Indian People's Tribunal

Editorial Assistance

Ms. Annie Paradise

Technical Assistance

Ms. Pei-hsuan Wu

TRIBUNAL PANEL MEMBERS

Tribunal Led By

Justice K. K. Usha (Retired) served as a judge in the Kerala High Court from 1991-2000. She was then appointed as the Chief Justice of the Kerala High Court in 2000 and served in that capacity till 2001. Following her retirement she was appointed as President of the Customs, Excise, and Service Tax Appellate Tribunal headquartered in Delhi from 2001- 2004. She is also actively involved in an organisation 'Sree Narayana Sevika Samajam' which serves as an orphanage for destitute women in Trivandrum.

Tribunal Convenors

Dr. Angana P. Chatterji is associate professor of Social and Cultural Anthropology at California Institute of Integral Studies. Since 1989, her work spans issues of cultural survival, nationalism and gendered violence, and postcolonial social movements. She serves on the board of directors of the International Rivers Network and Vasundhara, and the editorial board of the Journal of Peace and Democracy in South Asia. Her publications include the forthcoming book *Violent Gods: Hindu Nationalism in India's Present*; and a co-edited volume, *Contesting Nation: Gendered Violence in South Asia*.

Advocate Mihir Desai is a human rights lawyer practicing in the Bombay High Court. He is the Director of the India Centre for Human Rights and Law, a non-governmental organisation in Mumbai, and Human Rights Law Network. He is also co-editor of *Combat Law*, a human right magazine. He has filed numerous human rights and public interest litigations and has worked on cases of survivors of the Gujarat Carnage of 2002. He is the author of various publications and co-editor of the book *Women and Law*, Volumes 1 and 2.

Tribunal Members

Dr. Asha Hans served on the faculty of Political Science and as Coordinator of the Centre for Women's Studies at Utkal University. Her work focuses on issues of gender and children's rights, migration and refugee rights, social violence and militarisation, and land reforms. She has authored various publications, including *Gender Discrimination in Land Ownership: An Exploratory Study of Orissa State*; and is co-editor of *Women, Disability, and Identity*.

Ms. Lalitha Missal is a social worker from Orissa. A graduate of Utkal University, she has worked on gender issues since 1989, as well as those connected to watershed management and forestry, and livelihood concerns of marginalised peoples from a human rights perspective. Currently, she serves as the State Coordinator for the National Alliance of Women-Orissa Chapter.

Dr. Shaheen Nilofer is a scholar-activist and development practitioner with fifteen years of experience working primarily in eastern and central India with issues of gender and diversity, minority rights, and disaster management. She is from Orissa, and a Muslim who identifies with secular belief and ideology. She is currently working with an international development

organisation based in Delhi, and has authored several articles on issues of gendered violence, Muslim women's rights, and governmental-non-governmental accountability.

Mr. Sudhir Pattnaik is a scholar-activist from Orissa. For sixteen years he has been working with issues of social and economic reform, local governance, and globalisation connected to the empowerment of marginalised peoples. He also works with issues of secular democracy seeking to challenge the communalisation of society. He is editor of Samadrusti, a fortnightly human rights newsmagazine published from Bhubaneswar in the Oriya language; a member of the Independent Media Group, developing alternative media in Orissa; and works with a collective on documentary films.

Dr. Ram Puniyani served on the faculty of the Indian Institute of Technology in Mumbai until 2004. He is associated with various secular initiatives and human rights investigations. He has been conducting workshops across India connected to issues of democracy, communal politics and communalisation, myths about minorities, and the politics of 'terror'. He is the author of Communal Politics: Facts Versus Myths; Fascism of Sangh Parivar; Communalism: An Illustrated Primer; and an edited volume, Religion, Power, and Violence.

ACKNOWLEDGEMENTS

The Tribunal extends its gratitude to the following:

From Orissa:

We are grateful to those whose work and commitments have enabled the People's Tribunal on Communalism in Orissa, and for the courageous support and cooperation the Tribunal has received from members of marginalised-minority communities, including women. The Tribunal thanks concerned citizens, activists, scholars, journalists, lawyers, Adivasi and Dalit leaders, student leaders, members of labour unions, grassroots leaders and those from people's movements, Christian, Muslim, and Hindus leaders, those who identify as irreligious, those affiliated with organisations such as People's Union for Civil Liberties and People's Union for Democratic Rights, and with state agencies and supportive parties in Bhubaneswar and across Orissa, who have generously sustained and made possible the work of this Tribunal. We extend our gratitude while regretfully withholding the names of those we thank here for fear that releasing these names may compromise their safety, as local people, in this context, appear to be at greater risk of reprisal.

Elsewhere:

- Dr. Chetan Bhatt, Reader, Sociology, Goldsmiths College, University of London
- Dr. Purnima Bose, Associate Professor, English and History, and Director, Cultural Studies Program, Indiana University, Bloomington
- Ms. Urvashi Butalia, Kali for Women and Zubaan Books
- Dr. Ashgar Ali Engineer, Centre for Study of Society and Secularism
- Ms. Shabnam Hashmi, Act Now for Harmony and Democracy
- Adv Indira Jaisingh, Lawyers Collective and Senior Counsel, Supreme Court of India
- Dr. Pralay Kanungo, Associate Professor, Department of Political Science, Jawaharlal Nehru University
- Mr. Smitu Kothari, Lokayan and Intercultural Resources
- Mr. Harsh Mander, Centre for Equity Studies
- Dr. Manoranjan Mohanty, Professor, Department of Political Science, Centre for the Study of Developing Societies
- Ms. Chittaroopa Palit, Narmada Bachao Andolan
- Dr. Kavita Panjabi, Reader, Department of Comparative Literature, Jaduvpur University
- Dr. Biswamoy Pati, Reader, Department of History, Shri Venkateswara College, University of Delhi
- Ms. Medha Patkar, National Alliance of People's Movements and Narmada Bachao Andolan
- Ms. Teesta Setalvad, Communalism Combat and Sabrang Communications

TABLE OF CONTENTS

1. The Tribunal and the Report	1
2. Context for a People's Tribunal	8
3. Political and Organisational Structures	12
4. Reported Violence Against Christian Communities	23
5. Reported Violence Against Muslim Communities	27
6. Case in point: Bhadrak District, Bhadrak Town	29
7. Case in point: Jagatsinghpur District, Kanimul and Kilipal Villages	32
8. Case in point: Jagatsinghpur District, Pitaipura Village	35
9. Case in point: Keonjhar District	37
10. Case in point: Phulbani District, G. Udaygiri Town and Raikia Village	45
11. Excerpts from Interviews and Statements	53
12. Hindu Right-Wing Activists Target IPT	60
13. Recommendations	69
14. Appendix I: Saraswati Shishu Mandirs in Eight Districts	79

1 THE TRIBUNAL AND THE REPORT

Concerned by reports of the growth of communalism in Orissa, and reports of claims by certain Hindu right-wing organisations that Orissa is a 'Hindu Rajya' (state) second to Gujarat,¹ in January 2005, a group of citizens appealed to the Indian People's Tribunal on Environment and Human Rights (IPT)² to constitute a People's Tribunal on Communalism in Orissa. The mandate of the **People's Tribunal on Communalism in Orissa** was to investigate the allegations concerning the present situation of increasing criminal activity and human rights violations in the state by Hindu right-wing organisations; the consolidation of these forces; and the related growth of social violence against disenfranchised caste, class, ethnic and other social groups, and religious, gender, and sexual minorities,³ and women and children. Therefore, it was proposed that the People's Tribunal be convened to investigate the situation in the state.

An eight-member panel for the People's Tribunal on Communalism in Orissa (henceforth referred to as 'People's Tribunal', 'Tribunal', or 'we') was convened by the Indian People's Tribunal on Environment and Human Rights. Secondary research for the People's Tribunal was undertaken between January 2005-April 2006, and the primary state level investigations ensued from 11-14 June 2005.

During the primary investigations, panel members of the People's Tribunal undertook visits to areas reportedly affected by communalisation in Orissa, including to Bhadrak, Jagatsinghpur, Keonjhar, and Phulbani (changed to Kandhamal in 1994-96, but still referred to as 'Phulbani') district, and met with diverse individuals and groups in the state capital, Bhubaneswar. Three subgroups of the People's Tribunal travelled to various districts in the state, attending hearings organised by local people and independent organisations, which included representatives from impacted communities, as well as Hindu right-wing and other organisations.

¹ 'In the country, Orissa is the second [to Gujarat] Hindu Rajya.' Statement made by Subash Chouhan, Bajrang Dal (militant wing of the Sangh Parivar) State Convenor, in July 2003, interviewed by Angana Chatterji. Between 28 February and 02 March, 2002, approximately 2,000 people, mostly Muslims, were killed in Gujarat, following which approximately 200,000 persons were internally displaced. Former President of India, K. R. Narayanan, stated that there was a 'conspiracy' between the Bharatiya Janata Party governments at the Centre and in the State of Gujarat behind the riots of 2002, see The Hindu (2005) 'Gujarat riots a BJP conspiracy: KR Narayanan' (02 March), URL (consulted September 2006): <http://www.hinduonnet.com/thehindu/holnus/001200503022152.htm>. The National Human Rights Commission of India held Narendra Modi, in his capacity as the chief executive of the state of Gujarat, with complete command over the police and other law enforcement machinery, responsible for the role of the Government of Gujarat. According to independent human rights observers, the events in Gujarat meet the legal definition of genocide. These events can be classified as a genocide under the Second Article of the Genocide Convention of 1948, adopted by Resolution 260 (III) A of the United Nations General Assembly on 09 December 1948, which delineates the following criteria in determining 'genocide'. 'Genocide', the Convention clarifies, occurs when any of the following acts are committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, such as: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group. In Gujarat, as the International Initiative for Justice identified, the (first) four of the above criteria were met: Killing members of the group through massacre; causing serious bodily or mental harm to members of the group through massacre, rape, burning, stabbing, beating, etc.; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part through massacre, economic boycott, psychic, physical, and social trauma; and imposing measures intended to prevent births within the group through rape, trauma, destruction of family, sexual violence, and mutilation. See International Initiative for Justice (IIJ) (2003) *Threatened Existence: A Feminist Analysis of the Genocide in Gujarat*, pp. 81-96, URL (consulted September 2006): <http://www.onlinevolunteers.org/gujarat/reports/iiij/2003/>.

² The Indian People's Tribunal on Environment and Human Rights was founded in 1993 to conduct investigations on issues of human rights, and social and environmental justice, see later.

³ Such as those that identify as gay, lesbian, bisexual, hijra, kothi, transgender-transsexual-intersexed, questioning, queer, and others.

We would like to note that extremists from Hindu right-wing organisations disrupted and threatened one of the hearings organised by the Tribunal on 14 June 2005 and targeted Tribunal members, and continued to threaten the Tribunal and its members afterwards (see section entitled 'Hindu Right-Wing Activists Target Indian People's Tribunal').

Given the disruption, the Tribunal was compelled to cancel a public hearing scheduled for the afternoon of 14 June 2005, and request those invited to testify at it to instead submit their statements after the period of the primary investigations. The Tribunal continued to receive statements between July 2005-January 2006. We also note that Dr. Angana Chatterji submitted some interviews she had conducted prior to January 2005 and supplied additional research to the Tribunal for its use.

Premise of the Tribunal on Communalism

The premise of the People's Tribunal on Communalism in Orissa was to investigate the current impact of human rights abuses connected to majoritarian communalism (instigated by those belonging to the majority community) in the state, to highlight future plans and their compounding effect, and to provide insight that may permit preventive action to further human rights abuses.

Majoritarian communalism, in this context, refers to extremist, right-wing nationalism mobilised by Hindu supremacists in India. Although such peoples and groups identify themselves as 'Hindus' it appears that their ideology and behaviour undermines Hinduism in propagating violence and discrimination against minority communities. These groups hold distorted views of history and religion. In the finest traditions of Hinduism, as it is understood by all peaceable Hindus, there are many who object to the monopolisation of diverse Hindu religious traditions by communal organisations to portray their intolerant understanding of what constitutes Hinduism as the sole interpretation. The aggressive and violent nature of the activities of communal organisations often intimidates the secular viewpoint, suppressing its expression, and even distorts its perspective.

In using the term 'communalist', 'communalism', 'communalisation', we refer to divisive politics based on communal identifications and the use of communal identity. We note that the term 'communal' or 'communalisation' usually refers to situations and tensions between communities organised around and mobilised by, and identified with, organised religion. 'Communalist' refers to an individual or organisation that acts to further communalism. 'Community' can refer to any collective of persons having a common religion, and/or ethnicity, race, gender, sexuality, culture, or identity politics. 'Communal group' can refer to any group engaging in, or having engaged in, or likely to engage in, or having a tendency to engage in, or preparing to engage in, a communal act or crime, for the mobilisation of, or conspiracy to mobilise, hate speech or action with the intent to impact, harm, and/or destroy, in whole or in part, another group organised on the basis of religion, ethnicity, race, gender, sexuality, culture, or specific sub-culture or identity. We note that in elaborating on the terms 'communal' or 'communal organisation' above, it is our intention to clarify their meaning and not to reference any particular organisation(s) per se.⁴

⁴ For further elaborations, see Angana P. Chatterji (2006a) *Violent Gods: Hindu Nationalism in India's Present*. Narratives from Orissa, New Delhi, Three Essays Collective; Asghar Ali Engineer (2003) *Communal Challenge and Secular Response*, Delhi, Shipra Publications.

Majoritarian communalism operates with an explicit mandate to maintain dominance and Hinduise⁵ non-Hindus, and other marginal and secular⁶ groups, including Christians, Muslims, Adivasis,⁷ and Dalits,⁸ with the goal of creating a Hindu state in India. Communal groups generally propagate violence against sections of Indian society and hence pose a threat to internal peace and security. Communal groups and their affiliates and cadre often operate outside the purview of the law, actively dissuading citizens from discharging their fundamental duties.

The Fundamental Duties of every citizen of India, as delineated in the Constitution of India, in Article 51A, Clause E, include: 'To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.' The promotion of enmity between different groups on grounds of religion is a recognised criminal offence under Indian law. We note that Indian Statutory Law also provides protection for the rights of minorities across the country. The Indian Penal Code (IPC) also prescribes criminal prosecution for 'wantonly giving provocation with intent to cause riot' (Section 153); 'promoting enmity between different groups on grounds of religion' (Section 153A); 'imputations, assertions prejudicial to national integration' (Section 153B); 'uttering words with deliberate intent to wound the religious feelings of any person' (Section 298); 'statements conducive to public mischief' (Section 505 (1), A) and C); and 'statements creating or promoting enmity, hatred or ill-will between classes' (Section 505(2)). We observe that the 'Guidelines to Promote Communal Harmony' issued by the Ministry of Home Affairs, Government of India, in October 1997, specify the precise responsibility of the state machinery when dealing with potentially inflammatory statements in the context of communal tension. Guideline 15 states that 'effective will needs to be displayed by the district authorities in the management of such situations so that ugly incidents do not occur. Provisions in Section 153A, 153B, 295 to 298 and 505 of the IPC and any other Law should be freely used to deal with individuals promoting communal enmity'.

The Tribunal notes its strong opposition to communalisation as instigated by majority or minority groups. While both minority and majority communities may be involved in fostering communal violence, the responses of minority groups to systemic and structural forms of injustice are often situated in the context of majoritarian communalism and its associated forms of oppression and tyranny. We reiterate our strong condemnation of communal activity by any group, be it majority or minority, and the gendered and violent effects it produces.

Past inquiries and a formidable body of work on postcolonial nation-building in India, South Asia, and elsewhere points to how majoritarian nationalism and its links to state power undermines the rights of minorities.⁹ It is through drawing on this work that the Tribunal determined to prioritise an investigation of issues and injustices that serve and maintain majoritarian communalism in Orissa.

⁵ Hinduisation: Forcible incorporation into dominant Hinduism.

⁶ Secular refers to the accordance of equal rights to religious and non-religious peoples and groups within the state, and the separation of religion and state, per the Constitution of India; we do not use the term in opposition to religion. See Engineer (2003).

⁷ Adivasi: Tribal, indigenous communities.

⁸ Dalit: Erstwhile 'untouchable' groups.

⁹ See Chetan Bhatt (2001) *Hindu Nationalism: Origins, Ideologies and Modern Myths*, New York, Oxford University Press; Partha Chatterjee (ed.) (1997) *State and Politics in India: Themes in Politics*, New Delhi, Oxford University Press; Angana P. Chatterji and Lubna Nazir Chaudhry (eds.) (2006) *Contesting Nation: Gendered Violence in South Asia. Notes on the Postcolonial Present*,

Given the above premise, the objective of the People's Tribunal in Orissa has been to focus on the systemic processes that mobilise, in this case, majoritarian communal forces, and their relationship to state and civil society; and to examine communal forces and their connections, if any, to political parties, and the state government. The Tribunal seeks to highlight incidents and processes that perpetrate injustices and jeopardise human rights. It does not seek to place on trial or assign blame to any specific community. The Tribunal notes the linkages between communalisation and other facts of oppression: such as displacement, land alienation, environmental degradation; the detrimental and gendered and classed consequences of corporate liberalisation; and how socioeconomic and political injustices fuel the conditions within which (majoritarian) communalism is maintained, enhanced, and enacted in Orissa.

Separation of Religion from State

The Tribunal recognises that the United Nations International Covenant on Civil and Political Rights, 1966, ratified by India, delineates the rights of minorities, as does the Constitution of India, in Articles 25-30. Furthermore, each state in the Union, according to the National Minorities Commission Act, 1992, is empowered to determine which communities are recorded as religious and linguistic minorities. However, we note that the rights of all groups that are identified by the state, or groups that self-identify, as 'minorities' based on religion, ethnicity, gender, or sexuality, are not necessarily guaranteed or protected by the state. For example, in a recent ruling in August 2005, the Supreme Court of India refused to accord minority status to Jains and Sikhs, describing these communities to be sub-sects of Hinduism. Jains are identified as minorities in Chhattisgarh, Maharashtra, and Uttaranchal. While Anglo-Indians, Christians, Muslims, and Parsis are listed as national religious minorities, the Court ruled against granting Jains and Sikhs minority status.¹⁰

We note as well that despite a long tradition of Supreme Court judgements upholding the secular character of the Indian Republic, the most deplorable communal conflagrations have taken place leading to the massacre of minority communities time and again, as in the anti-Sikh carnage of 1984, the bloodbath against Muslims in Mumbai/Bombay in 1992, and the Gujarat genocide in 2002.¹¹

The developments highlighted in the report stress the need for the judiciary and government to reaffirm the constitutionally mandated separation of state and religion and reaffirm the decisions that require such dissociation, and prohibit attempts to use the state machinery for any remotely religious purpose, as mandated in the following judicial decisions:

1. In the Sardar Syedna Taher Saifuddin Saheb versus State of Bombay case of 1962 (AIR

New Delhi, Zubaan Books; Thomas Blom Hansen (2001) *The Saffron Wave: Democracy and Hindu Nationalism in India*, New Delhi, Oxford University Press; Christophe Jaffrelot (ed.) (2005) *The Sangh Parivar: A Reader*, New York, Oxford University Press; Ayesha Jalal (1995) *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective*, Cambridge, Cambridge University Press; Ayesha Jalal and Sugata Bose (1998) *Modern South Asia: History, Culture, and Political Economy*, London, Routledge; Aditya Nigam (2006) *The Insurrection of Little Selves: The Crisis of Secular-Nationalism in India*, New York, Oxford University Press; Romila Thapar (2004) *Cultural Pasts. Essays in Early Indian History*, New Delhi, Oxford University Press.

¹⁰ See S. S. Negi (2005) 'Jains, Sikhs part of broader Hindu religion, says SC', *The Tribune* (10 August), URL (consulted September 2006): <http://www.tribuneindia.com/2005/20050811/nation.htm#1>.

¹¹ This segment summarises, and draws upon, notes provided by Advocate Colin Gonsalves and the following article, used with the permission of the author: Colin Gonsalves (2004) 'Justice Khare, seize the moment', *Indian Express*, (16 February), URL (consulted September 2006): http://www.indianexpress.com/res/web/ple/full_story.php?content_id=41166.

- 1962 SC 853), the Supreme Court struck down a statute purporting to outlaw the practice of excommunication.
2. In the 13 Judge decision of the Constitutional Bench in the Kesavananda Bharati versus State of Kerala case of 1973 (AIR 1973 SC 1461), the Supreme Court held that the Parliament's power to amend the Constitution did not extend to changing the basic structure of the Constitution.
 3. In the Ziyauddin Burhanuddin Bukhari versus Brijmohan Ramdass Mehra and Others case of 1976, the Apex Court laid down the proposition that: 'a secular State is neutral or impartial'. It went on to say: 'Under the guise of protecting one's own religion one cannot whip up low herd instincts or irrational fears between groups'.
 4. In the Baburao Bala Bahirat and Others case of 1980 (1980 CR LJ 529), when the editor of a magazine castigated Muslims as: 'a basically violent race,' and proceeded to condemn the community, the Supreme Court held him liable to be prosecuted for creating enmity between religious groups.
 5. A 9 Judge Constitutional Bench decision, in the S. R. Bommai and Others versus Union of India and Others case of 1994 (1994 3 SCC 1), held that: 'The State stands aloof from religion. Matters which are purely religious are left personal to the individual and the secular part is taken charge of by the State. There can be no democracy if anti-secular forces are allowed to work dividing followers of different religious faiths flaying at each other's throats. The secular government should negate this attempt and bring order in society. The State is neither pro-particular religion nor anti-particular religion. It stands aloof'. In S.R. Bommai's case the Supreme Court held that secularism was part of the basic structure of the Constitution and thus the principles of secularism could not be removed as basic tenets of the Indian Constitution even by an overwhelming majority of the Parliament.
 6. The minority judgement of Justices Ahmadi and Bharucha in the Ayodhya¹² case (Ismail Faruqui and Others versus Union of India and Others, 1994) contains an interesting observation: '.... Asked to obtain instructions and tell the court that the mosque would be rebuilt if the question posed by the Reference was answered in the negative the learned Solicitor General made the statement ...[which] leaves us in no doubt that even in the circumstance that this Court opines that no Hindu temple or Hindu religious structures existed on the disputed site before the disputed structure was built thereon, there is no certainty that a mosque will be rebuilt'.
 7. However, responding to the contempt with which Kalyan Singh, the Chief Minister of Uttar Pradesh, permitted the demolition of the mosque in Ayodhya despite his undertaking to the Court, the Supreme Court imposed a derisory judgement 'It is unhappy that a leader of a political party and Chief Minister has to be convicted of an offence of contempt of court. But it has to be done to uphold the majesty of law. We convict him of the offence of contempt of court. Since the contempt raises larger issues which affect the very foundation of the secular fabric of our nation, we also sentence him to a token imprisonment of one day.

¹² Ayodhya is in Uttar Pradesh, and is held by Hindu communalists as the birthplace of Ram. They claim that the sixteenth century Babri Masjid (mosque) in Ayodhya is built on the ruins of a shrine honouring Ram.

We also sentence him to pay a fine of Rs. [Rupees] 2000/-'.

8. In 1996, while the Bombay High Court held campaigning on the premise of 'Hindutva' to be a corrupt practice, the Apex Court reversed the decision in Manohar Joshi's case (AIR 1996 SC 796) saying: 'however despicable be such a statement [that the first Hindu State will be established in Maharashtra] it cannot be said to amount to an appeal for votes on the ground of religion'. Chief Justice Verma added: 'Hindutva does not invariably mean Hindu religion'.
9. In Bal Thackrey's case (1996 1 SCC 130), the Supreme Court held that the following statement amounted to a corrupt practice: 'We are fighting this election for the protection of Hinduism. Therefore, we do not care for the votes of the Muslims. This country belongs to Hindus and will remain so'.

The Report

The People's Tribunal thanks all individuals and organisations that have contributed to, and enabled, this report. The People's Tribunal will use the findings of the report to generate information and develop public awareness about the scope and extent of communalisation and related human rights violations in relevant local, national, and international fora. The purpose of the report is to create contexts for greater social awareness and mobilisations for ethical religious, secular, and democratic movement and coalition building across Orissa. The People's Tribunal will present its findings to the Orissa State Assembly, the Parliament of India, the Prime Ministers' Office, the National Human Rights Commission, the National Minorities Commission, and citizen's and human rights organisations in India and internationally.

The report will be made available to the public, and translated into relevant languages, specifically Oriya and Hindi. The purpose of this report is to focus attention on the findings concerning allegations of injustices and human rights violations taking place in Orissa due to communalisation, and to make recommendations in a remedial and preventive capacity. Depending on the appropriateness of circumstances, the recommendations vary from being focused in relation to specific contexts and being broad.

This report confines its observations to certain instances of allegations of communalism and communalisation in Orissa, even while it refers to other areas of malfunction within the state. The report sets a context and elaborates on some of the reasons and examples upon which the recommendations in the last section are premised. We must emphasise, however, that the report of the People's Tribunal is necessarily not exhaustive, and points to only a few of the vast and egregious violations ongoing in the state of Orissa.

Based on circumstantial and legal evidence, the People's Tribunal recommends procedures for determining state and collective responsibility. The recommendations of the People's Tribunal are formulated in accordance with constitutionally protected rights, and existing Indian and international law. The purpose of the Tribunal is not to charge the 'accused', but to determine procedures for accountability and justice, and to propose mechanisms for state responsibility. The report of the People's Tribunal notes current and future concerns, summary conclusions, and recommendations for action and intervention.

The statements and documentary substantiations offered during the Tribunal's visit, as well as secondary research conducted prior to, and following, the visit, and relevant government and court records, and documents form the evidentiary basis of this report. These documents have been referenced, as necessary, in the text and in the footnotes. When using statements in the report, as appropriate, quotations are anonymous or pseudonyms have been used and place names listed or omitted at the request of the contributor. Insertion(s) within [] have been added in the quotes for clarificatory purposes, as necessary.

This report demonstrates the state of preparedness of communalist mobilisations in Orissa, as the nation appears poised for oncoming cycles of violence. The inculcation of hatred toward minorities in Orissa is deep, so much so that, in the event of another massacre, there will be little hesitation in the execution of the most brutal acts.

2 CONTEXT FOR A PEOPLE'S TRIBUNAL

I looked down, all the way as I walked. I felt unclothed, I tried to hide myself, as I walked. My body hurt, but my mind hurt more. As I was walking, the things I see everyday were peculiar to me. I was terrified. They wanted to tear my home and my body, and destroy my faith. As I lifted the pot of water to my head I I kept thinking "there is a God that wants us," and I wanted to be free.¹³

Christian Dalit Women, Kilipal, August 2004

'The drive is to rouse the communal passion of the majority community in search of immediate electoral benefits and ultimate establishment of the Hindu Rashtra [state]. The Hindutva [Hindu extremist] forces continue their uninterrupted drive to put Hindutva into action as defined and called upon by Savarkar¹⁴ in the following words: "Hinduise the politics and militarise the Hindus" to achieve the goal of "Hindu Rashtra".'

Santosh Das, CPI(M) Secretariat Member,¹⁵ December 2005¹⁶

'What ever happens here, say politics happen it will have to be Hindutva politics, with Hindutva's consent. India is a world power, what is in India is nowhere else, and we want to create India nicely in the image of Ram Raja.'¹⁷

Subash Chouhan, Bajrang Dal State Convenor, July 2003¹⁸

A People's Tribunal

The mandate of a People's Tribunal may be to respond to and adjudicate on alleged crimes, human rights abuses, and the conditions that create injustice, and to seek justice and reparations and prevent crimes and human rights abuses. A People's Tribunal may be constituted as a fact-finding and remedial mission after an event and/or act as a preventive and injunctive mechanism toward avoiding future injustices. A People's Tribunal may arise from a growing concern about human rights crises in the areas of religious, economic, social, political, and cultural rights. These rights, and access to them, may be worsening in the face of inadequate attention from relevant authorities and institutions. A Tribunal's goal may be to create greater awareness of these violations and corresponding human rights abuses, those already carried out, or those being planned and yet to be executed, and situations and circumstances that incite and engender predictable and unpredictable violations.

Based on the conviction that people's voices must not be silenced, a People's Tribunal seeks to investigate existing evidence, and hear statements through public processes that maintain transparency. A People's Tribunal may be assembled in response to growing concerns of

¹³ Interviewed by Angana Chatterji.

¹⁴ Vinayak Damodar Savarkar of the Hindu Mahasabha (great assembly) defined 'Hindutva', Hindu supremacism, in a pamphlet entitled Hindutva: Who is a Hindu?' in 1922, see Vinayak Damodar Savarkar (1942) Hindutva: Who is a Hindu?, Poona, S. R. Date.

¹⁵ Communist Party of India (Marxist).

¹⁶ Statement offered to the Indian People's Tribunal.

¹⁷ Literally refers to the rule of the Hindu deity Ram, depicted in the Ramayana epic. The term is used as shorthand to depict a Hindu theocracy, which the Sangh Parivar would like to establish in India.

¹⁸ Interviewed by Angana Chatterji.

human rights violations, to evaluate the impact of social violence perpetrated on minority and marginalised groups, to examine whether and how economic, social, political, and cultural rights of groups are compromised or deteriorating.

A People's Tribunal relies on the willingness of victims and others affected to testify about their experiences and circumstances, as well as on the participation of credible and competent persons, especially those not enacting political agendas, to document such testimonies, develop records, and assess the evidence within participatory, socio-legal, and human rights frameworks.

Indian People's Tribunal on Environment and Human Rights

The Indian People's Tribunal on Environment and Human Rights was founded on 05 June 1993 to conduct principled investigations that focus on issues of human rights, and social and environmental justice. The Tribunal was imagined at the 'Human Rights, Environment and the Law' conference earlier that year, where over 400 judges, lawyers, human rights and social and environmental organisations met to determine democratic and public processes that seek judicial and executive accountability.

The Indian People's Tribunal on Environment and Human Rights investigates and adjudicates on human rights violations and environmental injustices, emphasising issues of state accountability and the conditions of the marginalised, in particular, women, children, Adivasi peoples, Dalits, minority groups, including sexual identity based groups, labourers, the disabled, and prisoners.

People's Tribunal on Communalism in Orissa

Through detailed consultation between organisations and groups in Orissa and the Indian People's Tribunal on Environment and Human Rights in January 2005, the idea, process, and membership of the Tribunal was vetted, endorsed, and elaborated upon. Prior to this process, broad-based discussions were held with people's groups across Orissa since 2002, undertaken by certain members of the Tribunal and other citizen's bodies and human rights organisations.

The purpose of this Tribunal was to examine the allegations and reports concerning the rule of law particularly with respect to the secular fabric of the state, and the extent to which the rule of law had broken down with respect to the secular fabric of the state as defined in the constitutional bench decision of the Supreme Court in the S. R. Bommai and Others versus Union of India and Others case of 1994. In that case, the Supreme Court held that the state had no religion and it stands aloof from religion. In Orissa, however, various groups and peoples contend that the constitutional protection given to minorities has been undermined. It has also been claimed that the state has been actively involved in promoting communal organisations that engage in violence and promote hate and hate actions against marginalised and minority communities. This is supposedly undertaken by all manner of state organisations including most political parties for narrow political ends. As a result, it is contended that the unity and integrity of the nation-state is being undermined from within and this poses a grave

internal threat to the security of the nation.

Investigations

During the primary investigations, Tribunal members focused on meeting with persons and communities claimed to have been impacted and victimised by communalism. These meetings were held consensually, and had been in the process of being arranged since January 2005. Primary investigations were held across Orissa, where, in addition to Bhubaneswar, the People's Tribunal received statements from:

1. Bhadrak District
2. Jagatsinghpur District
3. Keonjhar District
4. Phulbani District

During the site visits, persons from diverse constituencies offered statements to the People's Tribunal. The Tribunal met with members from local communities who stated that they had been/are being impacted by communalism and communal violence, and human rights violations, as well as with members of the state government and other state agencies, opposition leaders, police and political parties, members of educational institutions, individuals and groups associated with non-governmental organisations and institutions, local religious leaders, including members of the church, Muslim clergy, Hindu and Hindu communal organisations, Dalit and Adivasi leaders, rights groups (such as women's groups), activists, academics, and journalists. The Tribunal also met with members of the press in Bhubaneswar.

The Tribunal worked with local groups to ensure that the process had local support and that various local concerns were taken into account. The Tribunal visited communities after consulting with members of affected communities and securing their consent, and after consultations with groups in Bhubaneswar and other urban areas that are in alliance with local communities in rural areas. Tribunal members travelled and worked in subgroups during the site visits. Subgroups contained members and aides with requisite language skills, familiarity with the terrain and issues, women representatives, etc.

The Tribunal had scheduled a public hearing in Bhubaneswar on 14 June 2005, after concluding the site visits. Unfortunately, this public hearing had to be cancelled as members of Hindu right-wing organisations disrupted the morning session, to which they had been invited to testify, and targeted the People's Tribunal (see section entitled 'Hindu Right-Wing Activists Target Indian People's Tribunal').

Evidence

Official documents; depositions, affidavits, signed statements; visual documentation; sworn personal and group, oral and/or written, testimonies and expert witnesses; recordings in-person on audio-tape or video, have been used by the Tribunal, while respecting and adhering to issues of security and confidentiality as appropriate.

Concerns put forward by individuals and groups have been scrutinised and examined careful-

ly by the Tribunal, and corroborated through other sources, including interviewing witnesses and securing additional documentary and analytical evidence, in order to ensure a complex understanding, and conduct a principled and non-discriminatory investigation.

Timeframe

Preparatory Phase: January - mid-June 2005

Primary Investigations: Held on 11-14 June 2005, conducted by the Tribunal, assisted by the team of local advisors.

Receipt of Statements: June 2005-January 2006.

Continuing Research: June 2005-April 2006.

Report Completion: September 2006. The report will be released and press conferences will be held in Bhubaneswar and New Delhi. The report will be written in English with subsequent translations into Oriya and Hindi.

Follow-up Activities: These include awareness building within political groups; grassroots mobilisations for anti-communalism campaigns; strengthening bodies such as the People's Union for Civil Liberties and Other human rights groups building alliances between different communities, based on caste, class, faith, gender, and sexuality, and between local, state-level, national, and international groups, as appropriate; working with the press to ethically highlight communal violence; creating lobbies that can propagate social and political resolutions.

3 POLITICAL AND ORGANISATIONAL STRUCTURES

'Everyday little things happen, the clothes I put on the clothesline we share are thrown on the ground, the women tell me that we are achool [untouchable]. Men and women react differently. My four year old daughter goes to play with the neighbours and they push her head out of the door to their house, and whisper about me every time I see them.'

Muslim woman, January 2004¹⁹

This section highlights some key issues based on the deliberations of the Tribunal, arrived at after the hearings, and on the basis of site visits by Tribunal members and the reading of various archival materials. The contents of this section are based on archival materials to which the Tribunal had access. In their visits and hearings, Tribunal members were able to confirm that the contents of the archival materials were corroborated by the realities on the ground, and the reference materials were therefore deemed credible.

Majoritarian Communal Mobilisations in Orissa

Majoritarian communalist mobilisations in Orissa are based on the following propagandist principle: That Hindus in Orissa and India are threatened, and that this requires the consolidation of Hindutva and Hindu right-wing forces, meriting retaliation against those that threaten Hindus and Hinduism.²⁰ The primary affiliates of the Sangh Parivar, family of Hindutva organisations, in Orissa include the Bajrang Dal (self-described, 'Warriors of the Hindutva Revolution'), Vishwa Hindu Parishad (VHP, World Hindu Council), and Rashtriya Swayamsevak Sangh (RSS, National Volunteers' Association), as well as the Bharatiya Janata Party (BJP), the parliamentary wing of the Sangh Parivar, which, together with the regional Biju Janata Dal (BJD), leads a coalition government in Orissa.²¹ Hindu right-wing individuals and organisations elaborate on the specific and fabricated nature of threats to Hindus from Muslims and Christians, especially those they allege are due to Muslim 'infiltration' and 'Islamic assertion', and a high birth rate among Muslim communities connected to polygamy, and through what they claim are copious and coercive conversions to Christianity. These Hindu right-wing organisations do not address the factual reality of social oppression against Adivasis and Dalits that propels, in most instances, their desire for conversion to Christianity or Islam. Muslim men are also rumoured to present a threat to the sanctity and safety of Hindu women.

Adivasis and Dalits are understood as constituencies that must be integrated into Orissa through Hinduisation, through securing their compliance and submission to the ideology and practises of Hindutva. As Badal Satpaty, an RSS pracharak stated:²² 'The RSS is working with, first, the Hindu Dalits to mobilise them and tell them about the dangers of defection. Then, we are bringing Christian Dalits and Adivasis back to the Hindu fold through education

¹⁹ Interviewed by Angana Chatterji.

²⁰ The section draws on research undertaken for the following publications: Chatterji (2006a); Angana P. Chatterji (2006b) 'Memory-Mourning: The Biopolitics of Hindu Nationalism', in Chatterji and Chaudhury (2006).

²¹ The RSS was banned by the Government of India for its connection with the man who murdered Mohandas Karamchand Gandhi in 1948. On 10 December 1992, the RSS, VHP, and Bajrang Dal were banned for their role in the destruction of the Babri Masjid in Ayodhya. See Naunidhi Kaur and Ravi Sharma (2001) 'Organisations: An ineffective Move' in Frontline, Volume 18, Issue 11, 26 May-08 June 2001, URL (consulted September 2006): <http://www.frontlineonnet.com/fl1811/18110360.htm>.

²² Pseudonym used. Pracharak: Office bearer.

and reconversion.²³ We note with concern that Sangh Parivar activists claim India to be a Hindu nation and all Adivasis and Dalits to be 'originally' Hindus, even as Adivasis and Dalits often do not self-identify as such.

In addition, communal groups seek to eliminate rights sanctioned under the reservation (affirmative action) system for scheduled tribes (STs, Adivasis) and scheduled castes (SCs, Dalits) that convert to Christianity or Islam. 'At a 15,000-strong Vanavasi²⁴ Kalyan Ashram [VKA, a Sangh Parivar-affiliated educational institution] organised rally in Bhubaneswar in December 2003, Dilip Singh Bhuria, then chairperson, National Commission for Scheduled Castes and Scheduled Tribes, commended the BJP for its pro-Adivasi policies. Bhuria said, "We are passing through a governance similar to Ram Rajya"... Vanavasi Kalyan Ashram President Jagadev Ram Oram insisted that Adivasis converting to Christianity should not be allowed to access the benefits of "reservation". Through espousing another religion, he said, Adivasis no longer retain their tribal status. Speakers condemned Christian conversions declaring "all tribals are Hindus".²⁵

In legitimating violence against minorities, the Hindu right-wing in Orissa is supported by those who are silent about Hindutva's inroad into Orissa out of varying degrees of complicity, indifference toward, and aversion for, non-Hindus, combined with fear and/or apathy.

The Sangh Parivar has been establishing centres at the village and township level, as well as in cities in Orissa. State-level leaders of the Bajrang Dal, VHP, and RSS coordinate with shakhas (branches), akharas (Bajrang Dal centres), and other Sangh-affiliated organisations throughout Orissa. National-level Sangh leaders also offer support, such as when RSS leader K. S. Sudarshan participated in an RSS training camp in Angul district in May 2005. The Sangh Parivar in Orissa defines 'communalism' as actions taken by minority and other communities to secure rights that are not beneficial to Hindu communalists and compromise the premise of Hindutva, and the premise of India as a Hindu nation, thus usurping the commonly understood association of the term (communalism) with sectarianism.

Outreach

The Sangh Parivar's activities are strongly concentrated in 25 of 30 districts in Orissa: Angul, Bargarh, Balasore, Balangir, Cuttack, Gajapati, Ganjam, Jagatsinghpur, Jharsuguda, Kalahandi, Kendrapara, Keonjhar, Khordha, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nayagarh, Nuapada, Phulbani, Puri, Rayagada, Sambalpur, Sonepur, and Sundargarh.

Target

The Sangh Parivar seeks to build a cadre comprised of Hindus, men and women, and targets Christians, Muslims, Adivasis, and Dalits, and other disenfranchised and progressive and secular groups in Orissa. The state has a population of 36.8 million (Census, 2001).²⁶ Of this,

²³ Taken from Chatterji (2006a).

²⁴ Vanavasi (forest dweller) is a derogatory term for Adivasi (first dweller) communities. 'Vanavasi' is used derogatorily by the Sangh to imply 'backwardness', and label Adivasis as 'primitive'.

²⁵ Taken from Chatterji (2006a).

²⁶ Census of India (2001) 'Index of Data Released', New Delhi, Government of India, URL (consulted September 2006): http://www.censusindia.net/results/2001census_data_index.html.

7,61,985, 2.1 percent, are Muslims (Census, 2001). Christians constitute 8,97,861, 2.4 percent, of the population (Census, 2001). There are 6.08 million Dalits, 16.5 percent of the population (Census, 2001). Adivasis are 8.14 million in number, 22.1 percent of the population, the largest among all states in India (Census, 2001).

Socioeconomic Oppression

The Sangh Parivar's agenda is enabled by the staggering inequities present in the state, where severe social and institutionalised forms of caste, class, gender, and heterosexist oppressions, and caste, class, gendered, and sexualised violence, are rampant.²⁷ Unemployment is on the rise in Orissa and abysmal daily wages prevail, and 47.15 percent of the total population live in poverty, while 57 percent of the rural population is poor (87 percent of the state's population live in villages currently, and per the 2001 Census, there are 51,352 villages in Orissa).²⁸ Among the Adivasi population, 68.9 percent are poor, while 54.9 percent of Dalits live in need. Among the Muslim population, 70 percent are poor in Cuttack, Jagatsinghpur, and Puri districts, where they are concentrated. The female to male ratio is a problematic 972 per 1,000 in Orissa, and Human Rights Protection Committee and the Orissa Crime Branch reported that in the last decade (1990-1999), the state has recorded a 460 percent increase in dowry related deaths relative to the previous decade.²⁹ Gay, lesbian, bisexual, hijra, kothi,³⁰ transgender-transsexual-intersexed, and other sexual identity groups are discriminated in social and legal contexts in Orissa, as was evident in the suicide of Monalisa Mohanty, and the attempted suicide of Mamata Mohanty in 1998, in response to familial opposition to their lesbian relationship.³¹ In October 2005, in Bargarh district, Sudam Dharua, a hijra who had been jailed for petty crimes was mistreated in custody. Hijras are not permitted into women's cells, and are held in male wards. In this instance, male prisoners mocked and attempted to strip and beat Dharua.

In Orissa, about 2.5 hectares of irrigated agricultural land is required for a family of five to meet subsistence requirements, while the average family owns about 1.29 hectares.³² Women seldom hold joint or individual title to land, which debilitates their ability to independently secure livelihood resources.³³ Additionally, only 21 percent of all land available for cultivation is irrigated. The cyclone of 1999, in which 10,000 died, and the droughts of 2000 and 2003, the floods of 2001, 2003, 2005, and 2006 have presented overwhelming challenges for environmental and economic well-being of the state. In Orissa, efforts at land redistribution and reforms have been insufficient, and state- and bilateral development, and anti-poor and pro-

²⁷ B. N. Neelima (2005) 'Violence Against Women: A Case Study of Rural Orissa', in K. Uma Devi (ed.) *Violence Against Women: Human Rights Perspective*, Delhi, Serials Publications, pp. 77-84.

²⁸ Poverty: Per capita income was estimated at Rupees 6,487 in 2003-04.

²⁹ Elisa Patnaik (2003) 'Orissa's IMR Mission', Infochange, URL (consulted September 2006): <http://infochangeindia.org/features115.jsp>; also see Manipadma Jena (2005) 'Marriages that 'work'', in *The Hindu* (22 July), URL (consulted April 2006): <http://www.thehindubusinessline.com/life/2005/07/22/stories/2005072200100400.htm>.

³⁰ Hijra: People who may be hermaphrodite and intersexed at birth, or undertake voluntary castration and sex-change procedures and/or hormone therapy. Kothi: Biological males with feminised identity. See Arvind Narrain (2005) 'Queer Rights: Issues in Sexual Orientation and Gender Identity', in Angana Chatterji and Shabnam Hashmi (eds.) *Dark Leaves of the Present*, New Delhi, Anhad.

³¹ Meena Gopal (2005) 'Mamata with Monalisa', *Humanscape*, January, Volume XII(I), URL (consulted September 2006): <http://www.humanscape.org/Humanscape/2005/Jan/mamata.php>.

³² 1 hectare equals 2.47 acres; 1 acre equals 0.40 hectares.

³³ Asha Hans (2003) *Gender Discrimination in Land Ownership. An Exploratory Study of Orissa State*. SWS Monograph Series 8, Bhubaneswar, Utkal University.

corporatisation politics and practises, and the privatisation of resources and development, have systematically deprived the poor of rights to decision-making over livelihood and survival resources, led to rampant displacement, police brutality and even deaths, and denied them their customary rights to public resources, such as forests and water.

Organisational Structure and Cadre

The Sangh Parivar operates about 35 major organisations in Orissa. These organisations include ideological, service and charitable institutions, confrontational and educational groups, trade unions and student unions, political and women's organisations. The Sangh Parivar's cadre in Orissa totals a few million, and constitutes the largest voluntary effort in the state. The primary organisations of the Sangh Parivar in Orissa are the Bajrang Dal, RSS, and VHP. The RSS runs 2,273 shakhas in Orissa, with a membership of 100,000. The VHP has a base of 60,000 in the state. The Bajrang Dal has 20,000 members who serve in 200 akharas in the state. The Bajrang Dal, RSS, and VHP work in tandem with each other.

The Sangh has also established various charitable foundations in Orissa to allow for the collection of funds. These trusts include Friends of Tribal Society, Samarpan Charitable Trust, Yasodha Sadan, and Odisha International Centre. The BJP has 450,000 members; the Bharatiya Mazdoor Sangh operates 171 trade unions with 182,000 members; the Bharatiya Kisan Sangh functions in 100 blocks with 30,000 members; the Akhil Bharatiya Vidhyarthi Parishad, an RSS-affiliated student organisation, operates in 299 colleges and has a membership of 20,000. The RSS women's wing, Rashtriya Sevika Samiti, has 80 centres, and the Durga Vahini, a VHP and Bajrang Dal affiliate for women's training and empowerment, has 7,000 centres. The BJP Mohila Morcha, BJP women's wing, Durga Vahini, and Rashtriya Sevika Samiti are three key women's organisations associated with the Sangh Parivar in Orissa. Communal activists seem to be operational in state-run development agencies such as the Council for Advancement of People's Action and Rural Technology (CAPART),³⁴ which aids various RSS activities in Orissa.³⁵

Sangh Parivar organisations obfuscate or omit recording membership lists, making it difficult and even impossible to clearly identify the role of their cadre in instances of communal violence. When such incidences occur, it is difficult to distinguish between non-Sangh affiliated witnesses and those planted by the Sangh Parivar. For example, in speaking of incidents of various communal violence that have occurred in the Keonjhar and Mayurbhanj districts, Hindu communalist leaders stated that, in each instance, Sangh Parivar cadre was not involved. In speaking of the murder of Australian missionary, Graham Staines, and his two sons, in Manoharpur village in Keonjhar district in 1999, Hindu communalist leaders stated that people were in support of Dara Singh, a Bajrang Dal activist and the primary accused, and his actions, but that those supporting Dara Singh are not affiliated with Sangh Parivar organisations. In the absence of membership lists, their claims could neither be proved nor disproved.

³⁴ RSS member Paresh Naik has served as a member of the governing body of CAPART.

³⁵ This section draws on Banerjee (2003); and interviews conducted by Angana Chatterji with various informants.

Education and the 'Hindu Worldview'

The RSS has constructed a network of educational institutions across Orissa. Vidya Bharati operates 391 Saraswati Shishu Mandir schools with 111,000 students in Orissa (see Appendix I). The VKA runs 1,534 projects and schools. The Sangh has initiated 932 Ekal Vidyalayas in 10 districts in Orissa. Most RSS run schools are affiliated with the State Board of Education and adhere to the state approved curricula.³⁶ The Sangh has infiltrated into supervisory bodies and has been actively involved in the rewriting of textbooks. With the increasing impetus to privatise education, the RSS has been proclaiming its links to these schools and actively inaugurating schools in areas across Orissa where the government fails to provide public funding. The Government of Orissa has neglected to provide functioning, viable, and affordable schools, therefore creating an educational vacuum and market for the education offered by Sangh-affiliated schools. The literacy rate in Orissa is 63.61 percent (Census, 2001), with female literacy rates at 50.97 percent.

Communalisation of education is a serious concern across India. Sectarian education campaigns undertaken by Hindu extremist groups demonise minorities through the teaching of fundamentalist curricula. Such corruption of education incites the political and social fires of communalism. The RSS has spearheaded the education campaign, successfully penetrating into the educational systems of both the grassroots and centralised regulatory commissions. The RSS has fashioned an institutional umbrella that has had a damaging impact on secular education at the local level. The RSS has established a network of schools, such as the Vanavasi Kalyan Parishad, Vivekananda Kendra, Sewa Bharati, Ekal Vidyalaya, and others, to advance the ideological agenda of Hindutva. For Adivasis and Dalits, the ongoing reality of Hinduisation offers evidence of their coercive incorporation into Brahmanical Hinduism and Brahminic caste system. Created by the RSS in 1977, the Vidya Bharati Akhil Bharatiya Shiksha Sansthan network focuses on moral, extracurricular and physical education for 'mind, body and spirit'. The Vidya Bharati system supervises over 18,000 schools in India, with a shared curriculum across the country.³⁷

The Sangh's curriculum legitimates the sanctity of a 'Hindu worldview' in India and the assembling of a Hindu state, and the RSS pronounces this education as 'holistic', 'patriotic', and 'accessible'. An RSS worker in Bhubaneswar stated: 'We ask people to devote one hour a day for their country, in the name of the motherland. To gather in a field and play Indian games; with sticks, swords, other exercises, teach youth to march, some musical instruments. And then we workers discuss the ideology of the RSS -- what Hinduism is, how Hindu culture was great and how it is fading, how the youth must become involved to revive and purify it.'³⁸ These schools are financed by individual donations from various charitable organisations such as the Mumbai based Bhansali Trust. Students receive ideological training through extra-curricular activity as well. They participate in development work and disaster relief, politicising education and linking it to social service. The medium of instruction in these schools is Oriya, even while certain religious teachings are conducted in Sanskrit, which are learned through memorisation.

³⁶ This section draws on Banerjee (2003).

³⁷ The above section is taken from Angana P. Chatterji (2003) 'RSS Schools Orissa', in *Asian Age*, 11 November 2003, URL (consulted September 2006): <http://www.countercurrents.org/comm-angana1121103.htm>.

³⁸ Interviewed by Angana Chatterji in 2003.

However, Sangh leaders are conversant in Hindi, to enable state-wide and Orissa-to-centre coordination between different levels and layers of the Sangh Parivar.

The Sangh Parivar exploits, and builds on, the failure of the state to deliver accessible and affordable education and health services in Orissa. Concentrating on these two key developmental issues, the Hindu right-wing has, to a certain degree, established a parallel structure of power to that of the state government. The right-wing claims that its policy of using education to build a cadre is also utilised by Christian missionaries to convert Hindus to Christianity. However, we note that there are vast and crucial differences between Christian schools and Hindutva schools in Orissa and India. While Christian schools may use education to proselytise, and we note that this happens on occasion and not as the norm, the right-wing seeks to offer education that teaches hate and intolerance, and self-loathing (for Adivasis and Dalits), and uses education as a tactic in building citizenship that will rally to formulate an authoritarian state in India. We also note here that Hindutva's policy of using development to build cadre is also different to the Christian integration of proselytisation and aid, when it occurs, as the former seeks to build a cadre to foment hate and divisive politics.³⁹ Significantly, in 2005, certain church organisations in India and the United States National Council of Churches have cautioned about the integration of proselytisation and aid.⁴⁰

Hindutva Politics and the BJP-BJD Coalition

The Sangh Parivar's mobilisation has been complemented and aided by the BJP's growth in Orissa. The BJP-BJD coalition came to power in the state in 2000. With the aid of the Sangh Parivar, the party had consolidated its position, so much so that even while the BJP was defeated in the 2004 national elections, the BJP-BJD coalition was victorious in Orissa, and won 18 of 21 parliamentary seats.

On 16 March 2002, following the riots in Gujarat, about 300-500 communal activists attacked the Orissa Assembly, demanding that the construction of the Ram temple in Ayodhya must proceed; they also complained about allegations against the two organisations made by some house members. No substantive legal action was taken.

In November 2004, during the Bharat Bandh, the all-India strike in protest against the arrest of the Sankaracharya of Kanchi, the communal cadre attacked the Communist Party of India office in Bhubaneswar, and attacked the chief of the Orissa Gana Parishad, a regional political party. They also mistreated the delegates of the All India Democratic Women's Association and activists of the Ambedkar Lohia Vichar Manch.

Notwithstanding the presence of certain fora, such as the Campaign Against Communalism in Bhubaneswar, and the vigilance and opposition of left political parties and certain civil society organisations to the Sangh Parivar, the absence of sustained and organised resistance to the Sangh Parivar has helped the Hindu right-wing consolidate their position in the state.

³⁹ We note that there are contexts where Christian fundamentalism is of issue and concern, such as in the United States. This is not of concern in India, as the problem we refer to arises when majoritarian religion is linked to political dominance. See Richard Shapiro (2006) 'Religion and Empire: Secular Christian Cultural Dominance in the United States', in *International Journal of the Humanities* (06: 2).

⁴⁰ See Scott Baldauf (2005) 'A New Breed of Missionary', *The Christian Science Monitor* (April).

Communal tensions and minority disenfranchisement are used to advantage by political parties, such as the Congress, the ruling BJP-BJD coalition, and in turn benefit the Sangh Parivar.

Breakdown of Governance

It is important to mention that under the BJP-BJD coalition government in Orissa there appears to have been a severe breakdown of law and order and governance in the state as evidenced by the following illustrative incidents:

In Kashipur, on 16 December 2000, three Adivasis were killed in police firing while protesting the unconstitutional mining of bauxite on their lands by a consortium of industries.⁴¹

On 02 January 2006, police brutalised and fired on displaced and dispossessed Adivasis protesting the activities of the Tata Steel industry in Kalinga Nagar,⁴² killing five Adivasis (and one policeperson) on the spot and eight others who died later from injuries.⁴³

Gender and Right-Wing Women's Movements

Across Orissa, there has been a significant increase in women's participation in right-wing movements in the last decade. Communalists claim that women's empowerment can occur only under the conditions that also allow for male dominance and communalist culture. Identifying women as integral to cultural and biological preservation, RSS campaigns command families to substitute the two-child norm with a three-child minimum, asking women to procreate in order to strengthen the nation and maintain its Hindu majority status.⁴⁴ Hindu women are asked to prioritise domesticity, as communalists misrepresent Muslim women as insecure and consistently threatened by the 'over-sexualised' violence of Muslim men.⁴⁵

A woman organiser from the Rashtriya Sevika Samiti stated: 'I understand that violence is bad, but their [Muslim] women must allow us to control their men, otherwise they [Muslim women] will be inflicted with more violence [from Muslim men].'⁴⁶ The Hindu male is presented as one who offers security to both Hindu and Muslim women: 'The Hindutva movement tells Muslims that to belong in this country they have to be of this country', an RSS male organiser says, 'no special deals. We Hindu men have been violated. We have become feeble. We in the Bajrang

⁴¹ See Debi Singh Tewatia and Swami Agnivesh (2001) 'Police Firing on Tribals. A Report', Rayagada, Maikanch.

⁴² Also Kalinganagar.

⁴³ See Independent Media (2006a) 'People's Version of Kalinganagar Firing' (6 January), URL (consulted September 2006): <http://www.countercurrents.org/hr-im060106.htm>; and Independent Media (2006b) 'Some of the findings of Sri A.B. Tripathy, NHRC [National Human Rights Commission] Representative and Former DG of Police on Kalinga Nagar on the incident of 9th May 2005', Press release (9 January).

⁴⁴ See a publication entitled *Ghatata Hindu Mitata Bharat (Declining Hindus, Vanishing India)* produced by the Hindu Jagaran Manch (2005). It must be noted that India remains a Hindu majority nation, with 80.5 percent of the population recorded as Hindu in the 2001 Census.

⁴⁵ See Paola Bacchetta and Margaret Power, eds. (2002) *Right-Wing Women: From Conservatives to Extremists Around the World*, New York, Routledge; Nivedita Menon (2000) 'Embodying the Self: Feminism, Sexual Violence and the Law', in Partha Chatterjee and Pradeep Jeganathan (eds.) *Community, Gender and Violence. Subaltern Studies XI*, New York, Columbia University Press; Ram Puniyani (2005) 'RSS and the Gender Question', posted on *Countercurrents* (19 April), URL (consulted September 2006): <http://www.countercurrents.org/comm-puniyani180405.htm>; and Tanika Sarkar and Urvashi Butalia, eds. (1995) *Women and Right-Wing Movements: Indian Experiments*, London, Zed Books.

⁴⁶ Interviewed by Angana Chatterji in 2004.

Dal have sworn to protect our women. We encourage our sisters and mothers to allow the men to be protectors.⁴⁷

Subash Chouhan, State Convenor of the Bajrang Dal, when asked if violence was allowable in mobilising the Hindu nation, stated that the Dal would engage in militancy if needed, to 'get the job done'.⁴⁸

Training and Militancy

The RSS takes the lead in coordinating the training regimen for the Sangh Parivar cadre in Orissa. The RSS conducts month long training sessions across Orissa during the summer vacations, drawing youth, students, and young children. The RSS enlists officers for the Officers Training Camps (OTC) from amongst the trainees, where further training is undertaken. Four different levels of RSS and other Sangh Parivar functionaries are trained through the OTCs. The OTCs are held twice each year, and provide training in self-defence and ideological and political leadership. Once the training is completed, the Sangh cadre begins mobilisational work at the grassroots level in different villages. The instruction received at the OTC is not compulsory for those who join the Bajrang Dal or the VHP directly. The RSS cadre is expected to undergo the training, which is required. At the same time VHP and the Bajrang Dal cadre may also volunteer to undergo the trainings conducted by the RSS through the OTC. After training through the OTC, RSS members may have the option of joining the VHP or the Bajrang Dal, depending on the nature of the work they foresee undertaking. Each December, the RSS also organises the Sita Shibir in Orissa, which is a 7-10 day winter camp. The families of the attendees finance the camps and the growth of the RSS and the Sangh Parivar bears testimony to their success.

In June 2003 the Bajrang Dal had announced that it would organise a trishul diksha (trident distribution, the trident is a weapon used by the Sangh Parivar cadre with mythological symbolism) in Orissa. This project was postponed due to protests from secular political parties. In May 2005, the Bajrang Dal, together with the VHP, undertook a trishul diksha programme in Nimapara village in Puri district, and tridents were distributed to about 400 youth from throughout Orissa. These youth undertook an oath to defend Hinduism and 'reconvert' Christians. The BJP-BJD Government of Orissa refused to ban the trident distribution programme, despite protests from opposition leaders from the Orissa Gana Parishad, Communist Party of India, Communist Party of India (Marxist), and Janata Dal (Secular).

In October 2002, a Shiv Sena unit in Balasore district announced the formation of the first 'suicide squad' to train youth to undertake dangerous missions for Hindutva's cause. In August 2005, the Shiv Sena also announced that it would establish Sena units in every district in Orissa.

Funding

Substantial funds were raised by Sangh Parivar organisations during the Gujarat earthquake (2001) and Orissa cyclone, which enabled the expansion of communalist networks in both

⁴⁷ Interviewed by Angana Chatterji in 2004.

⁴⁸ Interviewed by Angana Chatterji in 2003.

states. Such funding was mobilised both in India and abroad. After the Orissa cyclone, the India Development and Relief Fund (IDRF, a Sangh-affiliated charity registered in the United States) reportedly collected \$90,660 for Sookruti; \$23,255 for Orissa Cyclone Rehabilitation Foundation; and \$37,560 for Utkal Bipanna Sahayata Samiti, as documented in the report Foreign Exchange of Hate.⁴⁹ In the United Kingdom, Seva International, the fundraising wing of the Hindu Swayamsevak Sangh (HSS), which is the RSS equivalent in United Kingdom and United States), sent a majority of the £2,60,000 raised for cyclone relief to Utkal Bipanna Sahayata Samiti in Orissa (Awaaz, 2004).⁵⁰ Currently, Utkal Bipanna Sahayata Samiti undertakes disaster relief on a sectarian basis, and has been working with approximately 50,000 beneficiaries after the floods of 2001, funded by RSS-affiliated organisations abroad. Also, IDRF allocated \$13,010 to Banabasi/Vanavasi Seva Prakalpa in Kalahandi district in 2002, and \$11,000 to Aurobindo Srikshestra Trust in Cuttack district, \$10,525 to Loka Shakti Unnayan Sanstha in Jajpur district, and \$5,730 to Sahayoga Seva in Bhubaneswar (Department of the Treasury Internal Revenue Service, 2002).⁵¹ The IDRF sent \$29,570 to Sookruti in Bhubaneswar in 2003, \$13,625 to Banabasi/Vanavasi Seva Prakalpa, \$10,290 to Loka Shakti Unnayan Sanstha, and \$8,045 in 2003, and \$7,500 in 2004 to Keonjhar District Tailik Vaisya Samaj, listing the continuation of cyclone rehabilitation work.⁵²

Tactics

Majoritarian communalist organisations have been utilising social, economic, political, legal, physical, and psychological violence against minority groups in Orissa, through the destruction of property and means of livelihood; social and economic boycotts; intimidation, exploitation, propaganda, and surveillance; and arson, rape, and murder. They have also utilised the media and the law and order system to perpetrate violence and expand their power. They have used the Orissa Prevention of Cow Slaughter Act, 1960, to lobby against cattle traders, who are predominantly Muslims and economically disenfranchised Dalits. They have used the Orissa Freedom of Religion Act (OFRA), to successfully lobby against conversion rights of Christian communities. OFRA was passed in 1967, a harsh and authoritarian Act. The

⁴⁹ See Sabrang Communications & Publishing and The South Asia Citizens Web (2002); and Awaaz, South Asia Watch Limited (2004).

⁵⁰ Two reports, one entitled A Foreign Exchange of Hate: IDRF and the American Funding of Hindutva assembled by the Campaign To Stop Funding Hate in the United States (in November 2002), and the other In Bad Faith: British Charity and Hindu Extremism by Awaaz, a citizen's group, in the United Kingdom (in February 2004) have highlighted the nature of such funding from diaspora, and speak to related activities after the earthquake in Gujarat. The reports specifically link communal organisations to two overseas charities, IDRF in the United States and Sewa International in the United Kingdom. Over 5.5 million dollars has been raised in the last decade by the United States charity IDRF, and about £2 million was raised from the UK by Sewa International for relief work for the Gujarat earthquake alone, allegedly funding sectarian charitable, cultural, development, and relief work in India. A network of right-wing organisations abroad including overseas chapters of Sangh bodies, such as the HSS, the VHP of America (VHP-A), the Ekal Vidyalaya Foundation of America, Indify (Indicorps), Hindu University, Vivek Welfare and Education Fund, and many others, including Hindu temples where Sangh members serve on the board, proliferate across the United Kingdom and United States. The United States Commission on International Religious Freedom has asked for investigations into Hindu communalist organisations registered as charities in the United States. See Sabrang Communications (2002); Awaaz (2004). The above section also draws on Chatterji (2006a, 2006b).

⁵¹ Department of the Treasury Internal Revenue Service (2002) 'Form 990, Return of Organisation Exempt from Income Tax. Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code. India Development and Relief Fund, Inc.' Department of the Treasury Internal Revenue Service (United States).

⁵² Department of the Treasury Internal Revenue Service (2003) 'Form 990, Return of Organisation Exempt from Income Tax. Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code. India Development and Relief Fund, Inc.' Department of the Treasury Internal Revenue Service (United States); Department of the Treasury Internal Revenue Service (2004) 'Form 990, Return of Organisation Exempt from Income Tax. Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code. India Development and Relief Fund, Inc.' Department of the Treasury Internal Revenue Service (United States).

Government of Orissa strengthened OFRA in 1999, mandating the sanction of local police and district magistrates prior to any conversions. Those who perform conversions without the necessary permissions may be imprisoned for up to two years. OFRA also requires that district magistrates submit monthly reports on statistics of conversions to the government.

While the Constitution of India insures freedom of religion (Article 25) and prevents intolerance based on religious affiliations (Articles 15), the state can ban religious organisations under certain circumstances: if they participate in heightening communal tensions, or in acts of terrorism or sedition,⁵³ or if religious organisations violate provisions of the Foreign Contribution Regulation Act (FCRA) of 1976. However, no provision currently exists for the scrutiny of Hindu communalist organisations as they accumulate funds from abroad for anti-minority work.

Right-wing sectarian organisations have also undertaken coercive conversions, through the 'Ghar Vapasi' (homecoming) programme. Communalists rumour that all Adivasis and Dalits are Hindus, even as Adivasis and Dalits often do not self-identify as such, and therefore justifies 'bringing back' Christian Adivasis and Dalits to Hinduism. Christian social service providers and clergy have been charged with forcible conversions, or with the intent to convert, and with using money to induce poor Adivasis and Dalits to convert to Christianity. Numerous Christian organisations have protested these allegations, and have also issued injunctions against the integration of proselytisation and charity, such as the warning issued by the United States National Council of Churches following the tsunami and its impact in 2004-05.⁵⁴

Contrary to available information, Hindu right-wing organisations have undertaken campaigns to activate the rumour that Muslims are 'infiltrating' in large numbers from Bangladesh, and that they threaten the livelihood, security, and well-being of Hindus in Orissa. They also spread rumours that Muslims from Bangladesh are linked to insurgent activity in Pakistan seeking to undermine India. In actuality, it is primarily Hindus that emigrate from Bangladesh. In instances when Muslims migrate from Bangladesh, poverty is the major motivator.

People who migrate from Bangladesh are categorised by the state into three groups: (1) immigrants before 25 March 1971; (2) between 25 March and 16 December 1971; and (3) those who migrated after that timeframe. Immigrants in the first group have the right to reside in India. Those in the second category have been authorised for deportation by the Government of India, and those in the third category may be deported as well. The Orissa Home Department has listed that approximately 3,000 'infiltrators' from Bangladesh are currently resident in Orissa. Nearly all of them are of Hindu descent. In January 2005, the Government of Orissa served notices to evict 1,551 immigrants it has determined are from Bangladesh. Some of those identified stated that they are initially from Orissa, and some claim to have families that migrated from Bangladesh during 1951 and 1955, and are therefore not actionable.⁵⁵ In response to a Public Interest Litigation, the Orissa High Court required an inquiry seeking to verify the status of 1,551 immigrants who had been listed as 'illegal' immigrants by the Government of Orissa. After an initial verification process was undertaken by the Orissa Police, together with the relevant district magistrates, and revenue and extension officers, it

⁵³ Also see Mihir Desai (2004) 'Editorial: Judicial Response', *Combat Law*, Volume 03(2) (November-December), URL (consulted September 2006): http://www.combatlaw.org/information.php?article_id=519&issue_id=19.

⁵⁴ See Baldauf (2005).

⁵⁵ See Gopal (2005).

was found that 227 persons possessed the necessary documents, such as identity cards or refugee registration papers, which established that they were legal residents of Orissa. This inquiry contradicts the Government of Orissa's allegation that these persons were residing in Orissa illegally.

4 REPORTED VIOLENCE AGAINST CHRISTIAN COMMUNITIES

'The Christian community in Orissa, they are living in fear and anxiety because of increased persecution by the Sangh Parivar. In some cases, the affected people went to nearby police stations and filed complaints but in some cases they were not entertained. Police did not take their complaints. The Christian community, they are not getting support from the police or from the state administration. The Hindu activists are very much encouraged because the political forces are behind them.'

Reverend Pran R. Parichha,
President, All India Christian Council, Orissa Chapter, January 2006⁵⁶

December 1998:⁵⁷ 5,000 Sangh activists allegedly attacked a Christian area, Ramgiri-Udaygiri, near Ranalai village in Gajapati district in early December, setting fire to 92 homes, a church, a police station and government vehicles. Earlier that day, Sangh Parivar activists allegedly entered the local jail forcibly and burnt two Christian prisoners to death.⁵⁸

January 1999: Graham Staines, 58, Australian missionary, and his 10 and 6 year-old sons were torched in Manoharpur village in Keonjhar district.⁵⁹ The Inquiry Commission led by Justice D. P. Wadhwa charged Dara Singh, alias Ravindra Pal Singh, a key Bajrang Dal organiser, with the act, even though it failed to hold Sangh Parivar organisations responsible. In September 2003, the Khordha Sessions Court delivered a verdict, sentencing Dara Singh to death,⁶⁰ and 12 others to life imprisonment.⁶¹ Dara Singh's sentence was commuted to life imprisonment in May 2005. Of those formerly sentenced to life in prison, 11 have been acquitted. In August 2005, the Central Bureau of Investigation filed a special leave petition with the Supreme Court, challenging the Orissa High Court's decision to convert Singh's sentence. In August 2005, Dara Singh also filed a special leave petition with the Supreme Court, seeking discharge.⁶² Both appeals were admitted in October 2005 and are pending.⁶³

February 1999: Jacqueline Mary, Catholic nun, was gang raped by men in Mayurbhanj district.⁶⁴

⁵⁶ Interviewed by Angana Chatterji.

⁵⁷ This section also draws on research undertaken for the following publications: Chatterji (2006a, 2006b).

⁵⁸ The Times (1998) 'Mob kills prisoners; World in brief' (10 December).

⁵⁹ Venkitesh Ramakrishnan (1999) 'An Outrage in Orissa', Frontline 16(3) (30 January- 12 February).

⁶⁰ Amnesty International (2004) 'The Death Penalty', URL (consulted September 2006): <http://web.amnesty.org/pages/deathpenalty-index-eng>.

⁶¹ Press Trust of India (2003) 'Humanity Not Yet Fully Civilized: Judge' (23 September), URL (consulted September 2006): <http://www.rediff.com/news/2003/sep/23staines.htm>; and The Tribune (2003) 'Dara, 12 Others Convicted for Killing Staines: Sentence on September 22' (15 September), URL (consulted September 2006): <http://www.tribuneindia.com/2003/20030916/main1.htm>.

⁶² Press Trust of India (2005) 'Dara Singh challenges conviction in SC' (17 August), URL (consulted September 2006): <http://www.newindpress.com/Newsitems.asp?ID=IEH20050816102858&Title=Top+Stories&Topic=0&>; Press Trust of India (2005) 'CBI [Central Bureau of Investigation] moves SC seeking death penalty for Dara Singh' (29 August), URL (consulted September 2006): http://www.hindustantimes.com/news/181_1475766,0008.htm; and The Tribune (2005) 'CBI seeks death for Dara ?Legal Correspondent' (29 August), URL (consulted April 2006): <http://www.tribuneindia.com/2005/20050830/nation.htm>.

⁶³ The Hindu (2005a) 'National Supreme Court admits pleas by Dara Singh, CBI' (19 October), URL (consulted September 2006): <http://www.hindu.com/thehindu/holnus/002200510191233.htm>.

⁶⁴ Harbaksh Singh Nanda (1999) 'Catholic nun gang-raped in India', United Press International (05 February).

February 1999: Communalists allegedly damaged a crucifix on a hillside near Ranalai.⁶⁵

March 1999: 157 Christian homes were set afire and more than 12 persons injured in Ranalai village. Three persons received gunshot wounds. About 100 Adivasi activists working for Hindutva are claimed to have attacked the village bearing firearms and other weapons. After the attack, Bharat Paik, a BJP leader, said that the Christians had burnt down their own homes.

September 1999: Arul Das, Catholic priest, was murdered in Jamabani village, Mayurbhanj district, followed by the destruction of churches in Phulbani district.⁶⁶

December 2000: Communalists in Jharia banned the statue of Jesus from being installed by local Christians. That same month, about 4,000 people from 8 villages in Balasore and Mayurbhanj districts announced that they would not allow conversions to Christianity.

June-July 2001: 18 Hindu Dalits converted to Christianity in Korua village, Kendrapara district. Sangh Parivar organisations protested. On 08 July, police arrested 18 persons who converted and the pastors who administered the ceremony, using OFRA. While police reports stated that the conversions were consensual, 22 cases were registered for not obtaining permission prior to the ceremony. On 26 July 2001, 15 of the 18 persons who had converted to Christianity were 'returned' to Hinduism by Sangh activists.

June 2002: VHP converted 143 Adivasi Christians from 46 Adivasi families to Hinduism in Tainser village, Sundargarh district.

January-December 2002: The VHP claimed to have converted 5,000 people to Hinduism in 2002.

December 2003: A 15,000 member rally was organised by the VKA in Bhubaneswar, and Jagadev Ram Oram, President, VKA, stated that Adivasi converts to Christianity must not be accorded the benefits of reservation. Dilip Singh Bhuria, then chairperson, National Commission for Scheduled Castes and Scheduled Tribes, commended the BJP for its pro-Adivasi policies.

February 2004: Seven women, Sanjukta Kandi, 45 years, Shanti Kandi, 25, Sumitra Kandi, 22, Umitra Kandi, 19, Nayana Samal, 21, Nisha Samal, 40, and Subhas Samal, 28 and a male pastor, were forcibly tonsured in Kilipal, Jagatsinghpur district, and a social and economic boycott was imposed against them.

March 2004: 212 Adivasi Christians converted to Hinduism in Jharsuguda district, in a ceremony held by the VHP and VKA, with BJP leader and former Union Minister, Dilip Singh Judeo, attending.

⁶⁵ United States Department of State (1999) Annual Report on International Religious Freedom, 1999. India, Released by the Bureau for Democracy, Human Rights, and Labour, Washington, D.C. (09 September) URL (consulted September 2006): http://www.ces-nur.org/testi/irf/irf_india99.html.

⁶⁶ Times News Network (2003) 'Murder in the Cathedral' (19 May), URL (consulted September 2006): <http://timesofindia.indiatimes.com/cms.dll/html/uncomp/articleshow?msid=46674913>.

August 2004: On 26 August 2004, Our Lady of Charity Catholic Church was vandalised, figures of Mary and Jesus shattered, some sacred objects burned, and the community targeted in Raikia, in Phulbani district. Continued targeting of the Christian community led by a communal proselytiser and his cadre has forced the Christian community there to segregate themselves economically by opening up their own markets rather than using the local market. Local community members claim that the Sangh Parivar has also infiltrated into the Adivasi community in the area, organising Adivasis against Christians.

September 2004: 75 Adivasi Christians converted to Hinduism by the VHP in Sarat village, Mayurbhanj district.

October 2004: 336 Adivasi Christians converted to Hinduism from 80 families within 11 villages in Sundargarh district.

February 2005: Gilbert Raj, Baptist pastor with the India Mission, was murdered and allegedly tortured before being killed.

February 2005: Dilip Dalai, Pentecostal pastor, age 22, was stabbed to death at his residence in Begunia village, Khordha district.

May 2005: 567 Christians converted to Hinduism by the VHP, in Bargarh district.

June 2005: Motivated by Hindutva activists, 268 persons from 19 villages in Gajapati district filed a Public Interest Litigation. The petition argued that missionaries were forcing conversions to Christianity in the area. The Orissa High Court instructed that charge-sheets be filed immediately, and cases registered. Invoking Sections 3, 4, and 5 of OFRA, the Division Bench of the Chief Justice ordered that district magistrates act strongly against Christian conversions.

October 2005: 200 Adivasi Christians were converted to Hinduism in Malkangiri district.

November 2005: Hindu communalists are alleged to have burnt 15 Christian homes in Gandahati village in Gajapati district, seriously injuring 6 people and leaving others homeless. In response, police arrested 8 Christians from the village for instigating violence.

November 2005: 58 Adivasi Christians, 27 women and 31 men, were converted to Hinduism by the VHP in Dharanidharpur village, Sundargarh district.

December 2005: 16 Christians from Jamundar, Tabada, and Tangarashi village, Sundargarh district, were converted to Hinduism in Tainda village. The Bajrang Dal and VHP conducted the ceremony and informed the local administration. Subash Chouhan stated that 733 conversions had taken place from among 161 families in 2005, in western Orissa.

January 2006: Reportedly led by the village BJP leader, Pastor Kulamani Mallick was attacked and his home set on fire in Matiapada village in Jajpur district. Seven adjacent houses, six belonging to Christians, also caught fire. The police asked that the name of the BJP leader be removed from the First Information Report [FIR] and questioned the Christians under OFRA; 50 RSS activists attacked a Christian home in Koikonda village, in Malkangiri district, where four missionaries from the Indian Evangelical Team were meeting with 14 Christian families;

136 Adivasi Christians, 75 women and 61 men from Tumbei, Kodaligoccha, and Pankadihi village, were converted to Hinduism in a ceremony organised by the Bajrang Dal and the VHP in Tumbei village in Rourkela district.

March 2006: A church was burned in Nandapur village in Koraput district; 913 Christians from 150 families from Sonapur, Bargarh, and Balangir districts, were converted to Hinduism in Kandumunda village in Sonapur district.

April 2006: 342 Christians from 74 families were converted to Hinduism in Chakapad in Phulbani district, connected to the RSS and VHP organised Rath Yatra and Sammelan (conference, gathering) held in Orissa on April 8-10.

5 REPORTED VIOLENCE AGAINST MUSLIM COMMUNITIES

Orissa's Musalman [Muslim] community, in the years of Biju Janata Dal and BJP rule, have not been given financial, economical, political, social benefits. The situation of minorities in Orissa is critical and our demands, which we have placed to the National Government and Orissa Government, are not heeded. In Bhadrak [city] the population of minorities is large and it is a sensitive area. The situation is increasing and there is no response from the Orissa Government to stop those that are creating communal disharmony and there is no regard for our security and health.'

Leader, Muslim Jamaat, Bhadrak, January 2006⁶⁷

April 1998:⁶⁸ A truck transporting cattle owned by a Muslim man was halted in Satkoshia Ghat in Keonjhar district and the cattle confiscated and given to local Adivasis, to organise them against Muslims.⁶⁹

June 1998: Another such incident took place in Thakurmunda block in Mayurbhanj district, and the driver was beaten.

August 1998: Another truck transporting cattle was looted and burned in Mayurbhanj district.

October 1998: Another truck transporting cattle was looted and burnt, and the driver's aide was beaten to death in Keonjhar district.

November 1998: A shop was looted in Kendumundi weekly market in Karanjia block in Mayurbhanj district. Haji Ali Baig, the Muslim male trader, was dragged out and threatened with death. Local gangs intervened and allowed for his escape.

August 1999: Shiekh Rehman, a male Muslim clothes merchant, was mutilated and burnt to death in public demonstration at the Padiabeda weekly market in Mayurbhanj district, and various social and economic boycotts placed against the Muslim community. Buluram Mohanty, a colleague of Dara Singh's, was charged. It was also alleged that Dara Singh was involved in this case. Andha Nayak, an accomplice of Dara Singh's, was arrested in 2003 for inciting Adivasis against Muslim cattle traders in the Padiabeda area.

November 2001: In Pitaipura village in Jagatsinghpur district, it is contended that there is an ongoing attempt by Hindu communalists to orchestrate a land-grab connected to a Muslim graveyard. On the morning of 20 November 2001 around 3,000 activists from nearby villages started rioting, as Muslim houses were burnt down, Muslim women were ill-treated, and their property, including goats and other animals, stolen.

August 2005: In Kendrapara district, a male contractor was shot on Govari Embankment

⁶⁷ Interviewed by Angana Chatterji.

⁶⁸ This section also draws on research undertaken for the following publications: Chatterji (2006a, 2006b).

⁶⁹ See S. M. Farooque (1999) Operation Dara: A Report on the Incidences of Minority in Mayurbhanj, Bhadrak, Fellowship.

Road, supposedly by members of a Muslim gang. Sangh Parivar groups claimed that the shooting was part of a gang war associated with Islamic extremism, and called for a 12-hour bandh [strike]. Hindu right-wing organisations are alleged to have looted and set Muslim shops on fire.⁷⁰

⁷⁰ Stated by a human rights lawyer who requested anonymity. Interviewed by Angana Chatterji in 2005 and 2006.

6 CASE IN POINT: BHADRAK DISTRICT BHADRAK TOWN

The Tribunal Subgroup that undertook a site visit to Bhadrak town included:
Tribunal Affiliates: Justice K. K. Usha, Ms. Lalita Missal, Dr. Shaheen Nilofer
Staff: Ms. Priyanka Josson
In addition, in June 2005, a site visit was undertaken by Dr. Angana Chatterji

Background

In Bhadrak town, where Muslims are in a majority, constituting approximately 51 percent of the population, there were claims that there has been an escalation in the activities of Sangh Parivar organisations. The Tribunal subgroup met with members of the Chouda Mohallah Committee, the Muslim Jammat, as well as Fellowship, a non-governmental organisation, and various other members of the community, including women. The Tribunal subgroup also met with members of the Hindu Mahasabha and with Mr. Bishtu Sethi of the BJP and a former Member of the Legislative Assembly (MLA).

Context

The situation in Bhadrak has been communally charged since the riots of 1991, and the organisation of the Hindu Right is strong in Bhadrak. In Bhadrak, historically there has existed a clear geographical demarcation between the Hindu and Muslim community. There are a few Hindu families that reside in the Muslim concentrated area and vice-versa. The market area is a diverse place of exchange. Most of the shopkeepers and hawkers are Muslims with customers ranging from both communities. The primary occupation of Muslims in Bhadrak is cattle trading, along with other businesses such as vegetable and fish vending, clothiers, manual labourers, rickshaw pullers, automobile mechanics, and bidi workers.

Issues

Communalisation of Civic Issues: Recently, an incident took place where a Hindu male on a cycle collided with a Muslim male on a motorbike. This traffic related accident was played out socially and in the media as an accident between a Hindu and a Muslim, as a communal occurrence. In another instance, where a Muslim woman elected to marry a Hindu male and accept Hinduism, the union was portrayed as an event where the Muslim woman gave up Islam to embraced Hinduism. It was demonstrated as the victory of Hinduism over Islam.

Systematic Targeting of Muslims in the Education System: There appears to have been continuous efforts to stop Urdu language education in Bhadrak. Despite vacancies, no new teacher appointments have been made, and the Urdu department in postgraduate studies at the local university has one faculty on the staff. In D. N. Urdu Girls High School, the Urdu teacher retired three years ago, but no alternate appointment has been made, even while there have been various and qualified applications for the post.

Usage of Abusive and Inflammatory Language: It was uniformly alleged that various slogans are being used against the minority community, especially during Hindu religious processions that pass through Muslim concentrated areas, such as: 'Mussalman ka ek hi sthan, Pakistan ya kabristan' (For Muslims there is one place, Pakistan or the grave), 'Hindustan Hinduo ka hai, na kisi ke baap ka hai' (Hindustan belongs to Hindu's, does not belong to anyone else's father), 'Hindustan me Rehna Hoga, Ram, Ram kehna hoga' (To stay in Hindustan, [one] will have to say 'Ram, Ram').⁷¹

Strong Organisation of the Hindu Suraksha Samiti/Manch: This is a group that has been formed recently. Its objective is to protect Hindus in Muslim dominated areas. This group has been extremely active during religious processions during which it has reportedly raised provocative slogans, and rumoured the infiltration of Bangladeshi Muslims into the area.

The Use of Public Place for Worship: A Mazaar (shrine) that was situated at the corner of a road that was to be extended along the National Highway was not destroyed during a road reconstruction process. Hindu communalists claim that contrary to this, there had been previous cases around Bhadrak where small Hindu worship places (small structures with idols) that were obstructing road construction had been demolished. This issue has been utilised by Hindu right-wing organisations to further communalise the area.

Cases Pending since the Riots of 1991: While none of the cases against Muslims have been withdrawn, all the cases against Hindus have been withdrawn. Local Muslims stated that attempts at peace making and appeasement and threats to life and livelihood prompted Muslims to withdraw the cases. Contrarily, that Hindu right-wing has rumoured the withdrawal of cases by Muslims as evidence of Hindu innocence and the continuance of cases against Muslims as evidence of Muslim guilt.

Systematic Debilitating of the Muslim Economy: Working as cattle transporters in Orissa and West Bengal is a primary economic trade for the Muslim community in Bhadrak. Bribes, primarily cash, are expected and paid at various points during the transportation and are often exorbitant, and failing payment, traders are unable to continue, and such inability may even jeopardise their own safety. Due to the escalation in expected amounts due in bribes, Muslim traders have been sustaining regular losses, putting their livelihood at risk.⁷²

Media Precipitation of the Communal Situation: A large section of the media has persistently failed to provide adequate and responsible coverage of communal issues, and of the mobilisation of communalists. There has been a substantial saffronisation⁷³ of a large segment of the media, and the reportage, when present, is often prejudiced against minorities, with issues presented out of context and/or sensationalised, and therefore plays a very instrumental role in the escalation of communalisation.

Myth of Heightened Increases in Muslim Population: The Hindu Right has been rumouring that the Muslim population is growing in number in Orissa and that it threatens Hindu influence in Orissa. They also rumour that Muslim population increases stand to impact the majority sta-

⁷¹ Statement offered to the Indian People's Tribunal (June 2005).

⁷² We would like to note here that corruption extends across religion and caste.

⁷³ Saffron is the colour of the Hindu Right. 'Saffronisation' refers to the infiltration of the Hindu Right.

tus of Hindus in India. Both the former MLA of the BJP and a member of the Hindu Mahasabha stated that Hindus in Bhadrak are becoming a minority due to an increase in the Muslim population in the state, and that the increase in population was due to the practice of polygamy. They also alleged that the Hindus in India are soon to become a minority due to the disproportionate growth in the Muslim population.

However, figures indicate that Orissa's Muslim population is only 2.1 of the population percent per the Census of 2001, and was 1.8 percent in 1991. Muslims in India number 138 million, inclusive of Indian administered Kashmir, per the Census of 2001, and constitute 13.4 percent of the population. In Bhadrak, per the Census of 2001, of a total population of 1,333,749, only 83,993 are Muslims.

They also levelled charges against Muslims claiming that that they were involved in anti-social activities during the Mumbai riots of 1992-93, and that RDX (Cyclotrimethylene Trinitramine, an nitroamine and explosive material, also known as cyclonite or hexogen), was imported from Bhadrak (by Muslims) to Mumbai.

Myth of Rampant Muslim Polygamy: Communalists rumour that Muslims are uniformly polygamous and misogynistic, whereas, local information puts the number of Muslim polygamous relationships at approximately 15-25 percent of all Muslim marital relations in Orissa, and report that incidences of polygamy are more frequent in a few districts such as Bhadrak. Also, community activists stated that while polygamous relationships are abusive in instances, they do not uniformly abuse and denigrate women, as communalists portray. We also find it important to note that various progressive segments within the Muslim community have also initiated, and encourage, reforms within polygamous structures, and that polygamy exists among Hindus as well.⁷⁴

Observations

The Tribunal found that social services to Muslim community members in Bhadrak are being systematically denied. It has also become customary practise for political parties, especially the BJP, in recent times, to draft the local Muslim leadership during elections to accrue electoral gains for the party, without honouring and putting into practise the pledges that are made. In particular, the BJP, as the party in coalition power in state government, and the Hindu Mahasabha, are exploiting the plight of the minority community.

Utilising the political gains manifest by the BJP-BJD government, various Hindu merchants have and continue to take control of Muslim businesses, creating fear and vulnerability among its members. We note that communalists have taken a strident and forceful stand in its agenda of communalisation and Hinduisation of Bhadrak. The situation in Bhadrak is being orchestrated and manipulated by Hindu right-wing organisations, creating social tension and intensifying mistrust between Muslim and Hindu communities.

⁷⁴ We note here that, with regard to social and family reform, Muslims and other rights activists have also raised concerns about, and have been working to reform, legal and social issues concerning the practise of talaq (divorce), as was evidenced in the Najma Bibi case in 2003, where she was divorced through triple talaq by Seikh Sher Ali, following which she and Seikh Sher Ali reconciled and determined to stay together. At which time, the local Muslim Jamaat (community organisation) asked that she perform halala (marry someone else, then divorce, before remarrying Sher Ali) if she and her husband were to continue as a couple. The case was taken up in court and resolved in 2006 in Najma Bibi and Seikh Sher Ali's favour, even as they had to relocate. It is important to note that the state demonstrated negligence and indifference throughout this process, which compromised the ability of the couple to secure their rights.

7

CASE IN POINT: JAGATSINGHPUR DISTRICT KANIMUL AND KILIPAL VILLAGES

The Tribunal Subgroup that undertook a site visit to Kanimul village included:

Tribunal Affiliates: Justice K. K. Usha, Ms. Lalita Missal, Dr. Shaheen Nilofer

Staff: Ms. Priyanka Josson

In addition, in August 2004, January 2005, and June 2005, site visits were undertaken by Dr. Angana Chatterji

Background

In Kanimul village, where seven women and a male pastor were forcibly tonsured in February 2004, the Tribunal subgroup met with members of the Dalit Christian community, who are residents of Bauri sahi (hamlet) of Kilipal village, near Kanimul. A social and economic boycott had been imposed on them prior to the tonsuring and continues to this day. The Tribunal subgroup also met with those who had been tonsured, some of whom were in Kilipal and travelled to Kanimul to meet with the Tribunal, and some others who were resident in Nilachakra Nagar, a slum colony in Bhubaneswar, where Tribunal members went to meet with them. The Tribunal subgroup met with officers of the Tirtol Police Station. The Tribunal also met with project workers of 'Bartimies Project' that works to secure the rights of beggars in the area.

The Tribunal subgroup was denied access to Kilipal village, where residents, who had formed a decision-making committee reportedly constituted of those who had participated in the tonsuring, denied the Tribunal entry stating 'religious tension' as the reason.

A constable from the police outpost at Bauri sahi also approached Tribunal members in the midst of their meeting at Kanimul, to inform the Tribunal that they may not travel to Kilipal. The Tribunal subgroup met with police officials to request access to Kilipal and was denied access again, based on the claim that the Tribunal's visit to Kilipal could escalate existing religious tensions in the village.

Context

Per the 2001 census, there are 1188 people in Kilipal, 879 from dominant castes, 307 from scheduled caste groups, and two Adivasis. There are forty households in Bauri sahi, whose residents are economically disenfranchised subsistence farmers or wage labourers. Caste repression has reportedly led to consensual conversions by certain Dalits to Christianity, the first in 1994, undertaken by Subash Samal, the pastor who was tonsured. The conversions resulted in the ostracisation of Christians from the Hindu Dalit community. The villagers accused Pastor Samal of being a traitor and demanded that he return those who had converted to Christianity to Hinduism.⁷⁵

In 2003, a person empathetic to the Sangh Parivar leased land in Kilipal and soon after his entry Hindu right-wing individuals and organisations reportedly commenced an anti-minority

⁷⁵ The section draws on research undertaken for the following publications: Chatterji (2006a, 2006b).

campaign in the village. Between December 2003 and early 2004, these individuals and organisations targeted Christians in Kilipal, who then were prohibited from the use of public water, roads, and grazing lands, and seeking employment. The Christians had one ally among the Hindus, Mr. Sarat Dash. Prior to 10 February, Pastor Samal was attacked by right-wing activists/sympathisers in the village, including by his relatives, and held and mistreated by the local police. The Dalits who had converted to Christianity were intimidated and threatened. On 9 February, most Christian men left the village for Bhubaneswar for fear of being targeted by Hindus.

On 10 February, as we note earlier, when Hindus tonsured Dalit Christians, they beat and tore off their clothing, and threatened them with murder afterwards, to discourage Christians from testifying against them. During the tonsuring, the perpetrators chanted: 'Where is your god now? Where is your Jesus? He cannot save you now.'⁷⁶ After the tonsuring, the women and members of their families fled to Bhubaneswar where they resided for six months.

The Hindu Jagaran Samukhya (also Manch), a Sangh Parivar organisation, alleged that the Christians were influenced by missionaries and had tonsured themselves to defame Hindus. Mr. S. K. Mohapatra, the Inspector in Charge of Tirtol Police Station stated that: 'Had they been forcibly tonsured there would have been injury marks on their head or body. But nobody has even a scratch mark on their body'.⁷⁷

Pastor Samal was charged under OFRA, for illegally converting Hindus to Christianity. He was also taken to a 'reconversion' ceremony under duress. Thirty-three cases were filed against those who had committed the tonsuring, while only 13 were registered, and of which only three were against non-Dalits. In April 2006, charge-sheets were filed and a trial date set for both sets of cases.

The police set up a camp in Kilipal, from August 2004 until November 2005, and did not permit visitors to Bauri sahi, as it would reportedly escalate tensions. Mr. Dash's farmhouse was torched in June 2005, destroying his means of livelihood, including the destruction of approximately 2,000 chickens.

Issues

Denial of Right to Freedom of Religion: The right to freedom of religion and the right to movement under the Constitution of India are being denied to the Christians of Kilipal.

Targeting and Intimidation: It is widely alleged that the Dalit Christian community of Kilipal is intimidated and threatened on a regular basis, without any recourse. They continue to be threatened with harm, including death. They live in constant fear despite the presence of armed police in the village. Land (ancestral property) has been denied to those who have converted to Christianity. Livelihood opportunities and access to public resources such as land, roads, and water, continue to be denied them as well. Continuous taunting by the relatives and

⁷⁶ See Angana Chatterji (2005) "'Where is your God now?': Gendered Violence and Hindu Nationalism', Special report in Communalism Combat, 109/110: pp. 55-61; and People's Union For Civil Liberties (2004) A Report on Fact-Finding into the Incident of Atrocities on the Christians in Kilipal Village (April), Bhubaneswar, People's Union For Civil Liberties.

⁷⁷ See People's Union for Civil Liberties (2004).

neighbours and other communalists threaten the Christian community with dire consequences. The group of communal elements from Kilipal that had constituted itself to force the Christians to reconvert to Hinduism has now reconstituted itself as the 'Peace Committee', and leads the targeting.

Neglect of the State and Police: State agencies have not responded to the tonsuring event, offered to intervene, or expedited justice. The state failed to appoint a special commission to investigate the matter, and no reparations have been made, negating the injustice and violence of the tonsuring incident. Police intimidation and mistreatment of some members of the Christian community (especially Pastor Samal), their refusal to act on behalf of this community to stop the boycott, and their public questioning of the right of Christians to convert have compounded the suffering of the Dalit Christian community. The Inspector-in-Charge, Tirtol Police Station, libellously charged that Pastor Samal with sexually violating two Christian women who are sisters, which the Christian community denied. The police appear to be in complicity with, and protecting of, the Hindu community, and fearful of their reaction against the police force.

Growth of Communal Organisations: The inaction of state and local authorities have enabled and acted to strengthen communal organisations in the area. In November 2005, after the police restricted their watch in Kilipal to night-duty only, communal organisations set up an office in the village, and began holding regular training sessions in martial arts and lathi (stick). That these Sangh organisations set up an office in the village is both unusual and indicative of the intensity and seriousness with which the Sangh Parivar is targeting those who convert to Christianity.

Lack of Access for non-Kilipal Christians: The larger Christian community has been denied full access to its members in Kilipal, and interaction with Christians outside the village is being limited. Pastor Mohanty, who sheltered the tonsured women at his residence in Bhubaneswar between February and August 2004, was not allowed to enter Kilipal. The prospective groom of the daughter of one of the women who was tonsured, who is not a resident of Kilipal, was harassed whenever he entered the village.

Observations

The Tribunal observed that the Christian community of Kilipal has been living in fear and remains apprehensive of the future. Among those tonsured, the women in Kilipal and the young girls who are presently staying at Bhubaneswar remain vulnerable psychosocially. The Tribunal subgroup also raised the question of sexual harassment with the girls who are staying in Bhubaneswar, who revealed that they have not been, and are not being, sexually harassed as alleged.

8 CASE IN POINT: JAGATSINGHPUR DISTRICT PITAIPURA VILLAGE

The Tribunal Subgroup that undertook a site visit to Pitaipura village included:

Tribunal Affiliates: Justice K. K. Usha, Ms. Lalita Missal, Dr. Shaheen Nilofer

Staff: Ms. Priyanka Josson

In addition, in January 2004, a site visit was undertaken by Dr. Angana Chatterji

Background

In Pitaipura village, where there were reports of an ongoing attempt by the Hindu right-wing to orchestrate a land-grab connected to a Muslim graveyard, the Tribunal subgroup met with members of the Kabarstan (graveyard) Committee and villagers, including with women. The Tribunal subgroup visited 6 predominantly Muslim villages in Pitaipura Panchayat,⁷⁸ including Arlasuja, Bhaganpur, Denga, Kokilpur, Panaspadar, and Pitaipura.

Context

There are 12 revenue villages around Pitaipura, 6 of which are Muslim dominated and comprise approximately 30 percent of the total population of 12 villages. The primary issue here relates to a plot of land measuring 4 acres and 17 decimals, which had been in the possession of the Muslim community in the area and used as the graveyard. This land was officially recorded as 4 acres of Gorostan (also graveyard) land, and 17 decimal as Kabarsthan land in 1931. A Gazette Notification, Number 382, in 1981 also re-noted the same configurations, and declared the land as the property of the Wakf Board.⁷⁹ In the next settlement, the total land was recorded as Kabarstan, and during the next, it was noted as Gorostan. Hindus in the village began to insist that Gorostan is Gaochar (grazing) land. The dispute began when the Muslims started to build a compound wall around all the 4.40 acres (.23 acres was added to the land in 1981). The foundation stone was laid in 1984 by then Sub-Collector of Jagatsinghpur, Mr. Issac Behera. Due to the dispute, the construction was halted shortly after.

In December 1990 the building of the compound wall resumed and the dispute re-started. The then Sub-Collector stopped the work, and a case was filed in 1991 in the Orissa Municipal Court. The Orissa Municipal Court gave permission to restart construction on the compound wall, and a case was also filed in the Orissa High Court. Following which, the Deputy Director scheduled a visit for spot inquiry on 19 November 2001. The night before, it is alleged that activists from Hindu right-wing organisations from the village entered the graveyard and placed a Hindu idol to claim it as their land. This was discovered by Muslim residents, who removed the idol. The next morning activists from right-wing organisations pelted stones at the Muslim village, and Muslims retaliated, as more than 100 people from both the communities started pelting rocks. On the morning of 20 November 2001 around 3,000 Hindu right-wing activists from nearby villages started rioting, and Muslim houses were reportedly burnt, Muslim women

⁷⁸ The Panchayat system refers to local governing bodies from the village to the district level.

⁷⁹ The Central Wakf Council states that: 'Wakf is a permanent dedication of movable or immovable properties for religious, pious, or charitable purposes as recognised by Muslim Law. The Wakf Institutions deal with the religious, social and economic life of Muslims'. See Central Wakf Council, URL (consulted September 2006): <http://centralwakfcouncil.org/>.

were ill-treated, and their property and livestock, including goats and other animals, vandalised and stolen.

Issues

Land Issues Used to Mobilise People on Religious Grounds: The Tribunal notes that land issues have been politicised by communalists to enable polarisation, as seen in the past in Ayodhya, where ownership of land has been used to divide and communalise people. Pitaipura demonstrates an obvious instance of land acquisition by the majority community in which the district administration and the state have both witnessed and encouraged the majority community.

Mobilisation Of the Right-Wing Forces: It is significant that the mobilisation of 3,000 people to attack Muslims in Pitaipura occurred within a 24-hour span. For mobilisation to have taken place on such a large scale requires a considerable amount of prior preparedness. We also note that since the incident, Hindu communalist presence has increased in the area. People fear the increasing presence of the Bajrang Dal, RSS, and VHP.

Economic Ghettoisation: Since the incident, Muslim community members stated that they have stopped using the common market and have instead shifted their businesses into their village, and created new ones to serve the community, as women and men are apprehensive of accessing the common market.

Observations

The Tribunal observed that the Muslim community lives in perpetual anxiety, and has withdrawn into themselves. While this incident, in its complexity, has been under-reported in the local media, we note that both the ghettoisation of minority communities and the land-grab are deliberate tactics utilised by communal organisations to create fear and psychological, social, and economic vulnerability among the minority community in Pitaipura. The mobilisation of communal organisations in the area and the absence of state intervention and citizen's initiatives are of serious concern.

9 CASE IN POINT: KEONJHAR DISTRICT

The Tribunal Subgroup that undertook a site visit to Keonjhar district included:
Tribunal Affiliates: Dr. Angana Chatterji, Advocate Mihir Desai, Mr. Sudhir Pattnaik
Staff: Ms. Maya Nair

Background

In Keonjhar district it was reported that communal organisations have intensified mobilisation and action, including those directed toward converting Adivasis and Dalits to Hinduism, targeting Christian and Muslim minorities, and an escalation in cadre building. Travelling to various sites in Keonjhar district, the Tribunal subgroup sought to investigate the processes and mechanics allegedly utilised by communal organisations through which to broaden and strengthen their base, propagate Hindutva, and enlist mobilisations for a Hindu Rashtra. The Tribunal subgroup met with Hindu leaders of Keonjhar, including with the Pramukh (chief) of the Bajrang Dal; the President of the Citizen's Forum of the Rotary Club; a government employee who is also a former member of the BJP; an advocate who is the President of the District Bar Association and a member and leader of the VHP; a District President of the State Bank of India who is a member of a Sangh-affiliated organisation, Sanskrit Bharati; and an employee of the Central Cooperative Bank. The Tribunal subgroup also visited and met with the General Secretary of the VKA in Keonjhar, and other staff, including a teacher, associated with the VKA. In addition, the Tribunal subgroup met with other individuals, including from minority communities.

Context

We note that the gruesome murder of Graham Staines and his two sons in Keonjhar district continues to incite majoritarian communalists in the area. Right-wing Hindu organisations portray Dara Singh, the primary accused in the Staines murder case, as the 'Protector of the Hindu Faith', as a national hero who acted in defence of the Hindu nation, and the killings as necessary and retributive vengeance.

Sangh Parivar leaders in Keonjhar mandate that minorities must assimilate into dominant society, and not engage in politicising their own identities. They present Hindu society as peaceful, and Hindutva culture and ideology as the framework and parameters for minority assimilation. All those who resist assimilation or oppose Hindutva, be it among minority communities, other non-Hindus, or progressive Hindus, are categorised as anti-Hindus, and as anti-national.

While Keonjhar district is rich in ecological resources such as minerals, it lacks sustainable development opportunities that empower the socially and economically disenfranchised; this lack of economic opportunity coupled with political and legal corruption, irresponsible corporatisation, and air and water pollution make for a very tenuous infrastructure. The absence of basic amenities such as safe drinking water, schools, colleges, railway linkages, roads and highways, contributes to the Sangh Parivar's success.

We observed that the primary emphasis of the Bajrang Dal, RSS, and VHP in Keonjhar district

is to outreach extensively and exhaustively throughout the district to propagate their vision and ideology for the Hindu Rashtra and consolidate their position in the area. The Sangh Parivar works to both recruit and train people to offer vigilant leadership and build a cadre that can both carry orders from the leadership and implement them at the grassroots. While the RSS is the parent organisation comprised of people who provide ideological leadership and constitute the grassroots cadre, the VHP works as the implementing and mobilisational agency, and the Bajrang Dal takes a more physically militant stance. The Bajrang Dal and VHP usually take responsibility for events, steering responsibility away from the RSS. The structure and functioning of the RSS is rigid and predetermined, while the other implementing agencies (Bajrang Dal and VHP) have a flexible structure in order to respond to emerging needs and evolving situations. The Sangh Parivar is aided by the political power and institutional and governmental reach of the BJP at the district and state level. It is important to note that while many Sangh Parivar activists are BJP and BJD supporters, many of them are also aligned with the Congress Party. We found that identification with Hindu communalism crosses party affiliation and politics. While party ideologies may be at odds with each other, they are not insurmountable with regard to, or at odds with, Hindu communalist aspirations and coalition building.

While the work of the right-wing, particularly through Sangh Parivar organisations, has spread to the rural areas of Keonjhar district, there are important distinguishing characteristics between the Sangh Parivar's cadre in rural and urban areas of the district. In townships, it is the educated elite that guides the Hindu right-wing. The elite is embedded in, and connected to, various strata of the state administrative machinery and bureaucracy. At the same time, it is this elite that forms the intellectual nerve centre, planning and reflecting upon the strategies for implementing the concept of Hindutva, and, ultimately the Hindu Rashtra. For example, the Tribunal met with an advocate who is the President of the District Bar Association, and also a leader of the VHP. Many of those that deposed before the Tribunal were employed by the state or business leaders in the community, and were also connected to the Sangh Parivar, either to the Bajrang Dal, RSS, or VHP, or the BJP. Alternatively, if they were not associated with any of these organisations, they were affiliated with some cultural organisation established by these groups.

Through our investigations in Keonjhar, we noted with grave concern that the lines of communication between national-state-district-village levels of the Sangh Parivar have been carefully laid and are evident in the pace with which action and propaganda travel. We were struck by the fact that stories which circulate nationally are effectively utilised to serve the local context, such as the use of the Ayodhya issue or feigning the Gujarat riots of 2002 as grassroots Hindu rebellion in response to being targeted by Muslims, contriving such violence as responses to 'national threats' that impact Hindus in Orissa, to consolidate Sangh cadre in the state.

Issues

Cadre Building: We found that the foremost strategy of the Sangh Parivar is to create and expand a base of volunteers (predominantly youth) who would internalise, adhere to, and implement the ideology of Hindutva, and gather political, social, and fiscal support for the movement from different cross-sections of the Hindu community. The Sangh Parivar's outreach covers 600-700 villages from among a total of 2,122 villages in Keonjhar district

(Census, 2001), with an active cadre of approximately 90,000. The RSS has instituted shakhas across Keonjhar district. These units train members of the Hindu right-wing in different cultural, ideological, political, and developmental activities, as well as educational activities, and offer instruction in physical education, and self-defence. The RSS and other Sangh Parivar functionaries in Keonjhar are trained through the OTCs at the state level.

In Keonjhar district, as has been the pattern in other areas, the Sangh Parivar has ensconced itself in the towns as well as rural areas. Leaders testified that in 1991 there were 48 branches of the RSS in Keonjhar district. They explained that there has been a shift in the rural-urban ratio of the RSS cadre in Keonjhar in the last decade (1995-2005). It appears that while the membership in the RSS shakhas has declined or remained stable in townships, compared with the ratio it commanded in 1995, currently, the Sangh membership is burgeoning in rural areas. The rural-urban ratio is approximately 45,000 to 10,000 members respectively. Communalist leaders also stated that if and when the Sangh Parivar issues a call to former members of Sangh organisations to serve the Sangh, these former members inevitably respond in the affirmative. Communalist leaders also reiterated their belief that the urban membership has reached a lull because many of the cadre in townships have established themselves in other walks of life and continue to support the Sangh's agenda from these arenas even though they may not be active in cadre building, and attributed the growth of the Sangh Parivar in rural areas to the dedication and effective proliferation of the RSS cadre.

Citing reasons for the urgency to mobilise the Sangh Parivar cadre in rural areas, a Hindu right-wing leader stated: 'You cannot keep town people at one place. Cities are always a better attraction for the rural people especially places like Delhi. Once they go there they adopt Western values and Western culture and become corrupt. At the same time it has also been felt that the Sangh organisations have found it difficult to carve out a space for themselves in the urban areas, as the people living there do not trust these organisations and their leaders much, and are moving constantly. On the other hand people living in the rural trust these organisations more as they have been able to provide better services in the rural areas more. Also, in rural areas people have more respect for their leaders and will not oppose them. The fact is also that development in the rural areas is very poor. Our organisations have taken advantage of this situation and we are able to convince people to work for economic and social development and use that development in the interest of the Hindu Rashtra. We provide education through Shishu Mandirs and also provide healthcare, which is very lacking, through the VKAs. This is one of the main reasons for the people to get attracted to the RSS and serve the group loyally. Shishu Mandirs have provided hope to the students in the rural areas. The issue in the village is about Adivasi and poor people's education. At least by the time they pass out they know that they have some future. Every village has a Shishu Mandir, and if not, then a VKA. Later on these students are given training to run the VKAs or at least to mobilise people for the BJP either during elections or otherwise and therefore the BJP base is also expanding in the village.'⁸⁰

Education and Mobilisation: The Sangh Parivar has been exceedingly active in the entire district in operating educational institutions and running health education and healthcare services through some of these institutions, such as the VKA. The Sangh Parivar operates Ekal

⁸⁰ Statement offered to the Indian People's Tribunal (June 2005).

Vidyalayas, Saraswati Shishu Mandirs, and VKAs. Ekal Vidyalayas focus on Adivasi children, and sports, health, and education. Saraswati Shishu Mandirs provide education to children, though primarily to those of Hindu descent. There are currently 87 Shishu Mandirs in Keonjhar district, with approximately between 12,000-13,000 students, among which between 7,000-8,000 are new enrollees. Teachers who work there are volunteers, serving for a nominal salary of Rupees 500. They contribute their labour, and sometimes, if applicable, their savings, and rely on others in the local Sangh-affiliated community to provide food and housing. The objective is to involve Hindu youth in social service for the betterment of their community by volunteering time, services, and knowledge for minimally a year. VKAs also focus on Adivasi children and provide basic health facilities, through on-campus and mobile clinics, to members of Adivasi communities that identify as 'Hindus'. Local Hindu communalist leaders categorically identify all Adivasis as Hindus, and state that they are working to bring about this realisation among Adivasis. Hindu right-wing leaders testified to the Tribunal subgroup that Adivasis are 'backward' and placed on par with 'untouchables', and after being reconverted to Hinduism, may join the Hindu caste hierarchy and society as Sudras.⁸¹ One man commented: 'Vanavasis are a backward and poor group of people, and we are helping them by accepting them into the Hindu fold'.⁸² While activists from the Bajrang Dal, RSS, and VHP participate in managing these educational organisations, however, it is always cadre trained through, and active in, RSS shakhas that head these institutions.

Through the Tribunal subgroup's visit to a VKA school, and a detailed examination of the boards, posters, and charts placed throughout the VKA campus, and the curriculum and extracurricular activities, and by cross-referencing this information with other VKA schools elsewhere in Orissa, we conclude that communalist propaganda is embedded in the curriculum, and in the curricular and extracurricular activities offered in the VKA system. The schools are rumoured as necessary to maintain the majority status of Hindus in India, which, according to unsubstantiated allegations of the Sangh Parivar in Keonjhar, is threatened with the influx of Bangladeshi Muslim refugees and by Christian conversions of Adivasis and Dalits. A Hindu communalist leader in Keonjhar claimed: 'With the government in the state not being able to reach out to the children and give them an opportunity for education our efforts in this area have given the tribals some hope of a better future'.⁸³ This claim contradicts our findings that the education offered in many of these schools is dogmatic, rooted in anti-minority sentiments, and denigrates Adivasis. These schools do not offer or equip Adivasis to seek out self-determination or freedom from the structural oppressions experienced by them, rather they restrict Adivasis within a communalist way of life. These schools are ideological institutions that systematically indoctrinate students in the concept of Hindutva, toward mobilising them as soldiers for the Hindu Rashtra.

Trainings sessions for VKA teachers were introduced in Keonjhar in 2004, prior to which they were sent to train in other districts. The RSS states that it seeks to train one teacher per village to act as a patrol officer and ideological gatekeeper for the entire village. The teacher will be responsible for motivating and mobilising youth and adults in the village, and organising them to volunteer time for activities that protect and strengthen their religion. By asking all vil-

⁸¹ Sudra: Caste groups lowest in the hierarchy.

⁸² Statement offered to the Indian People's Tribunal (June 2005).

⁸³ Statement offered to the Indian People's Tribunal (June 2005).

lages to commit time to undertake shared actions, the RSS also hopes to unite the village socially, culturally, and ideologically.

Minorities: Hindus constitute the majority in Keonjhar district, and Christians and Muslims are in a minority. The population of Keonjhar district totals: 1,561,990. Of this, the rural population is 1,348,967, and the urban population is 2,13,023. The Dalit population is 1,81,488 and Adivasi population is 6,95,141 (Census, 2001). In 2001, the Hindus population numbered 15.26 lakhs⁸⁴ in Keonjhar, while Christians numbered 6,144. Hindu right-wing activists target Christians and Muslims through separate and distinct means, and with varying strategies. Hindu right-wing groups also attempt to set Christians and Muslims against each other. As one of their leaders stated: 'There is general peace and harmony in the area. This is especially true of the relationship between the Hindus and the old Muslims. But it is people coming from outside who are causing trouble. People like Graham Staines. The problem is especially with the Christians. They do not observe our customs. It is people coming from outside [both Muslims and Christians] who are creating problems for the Hindu community. So we have to protect our culture and heritage against these infiltrators.'⁸⁵

Christians: Hindu right-wing organisations falsify all Christian activity by charging that Christians conspire to increase forcible conversions to Christianity. They allege that Christian missionaries have developed bases for this agenda in Christian schools and all other institutions managed by Christians. They accuse missionaries of persuading Hindus, especially Adivasis (who the Hindu right-wing presumes to be Hindu), Dalits, and other Hindus from the lower socioeconomic strata, to convert to Christianity. Communalists also foment rumours to this effect. Another popular charge against Christian missionaries or those acting on their behalf is that they offer money and other valuable church-related paraphernalia, such as silver or gold crucifixes, to attract Hindus. They also allege that Christians offer other economic incentives for conversion, including the willingness to grant employment opportunities and loans. They stress that induced and forcible conversions to Christianity have been ongoing for a very long time, and if unchecked, present a high likelihood of rendering the Hindu community a minority in 'their own land'.⁸⁶

Majoritarian communalists do not make distinctions between proselytisation, which is a constitutional right, and the cultivation of hate, which communalists seek to do through education campaigns. Hindu right-wing activists state that Christian missionaries work in two main areas, tribal health and education, and claim that it is through these efforts that Christians propagate Christianity. In Keonjhar district, they stated, the base for these activities is Nirmala Convent, a Roman Catholic institution, which has been in operation for more than 30 years. Christian missionaries also operate in the region from Balasore and Banspada.

The members of Sangh Parivar organisations stated that they have initiated various processes for reconverting Christians to Hinduism. Communalists charge that, as in other parts of Orissa and India, the strategy of 'reconversion emerged as a needed and distressed response to the aggression of Christian missionaries'.⁸⁷ Hindu priests that oversee purification rites to

⁸⁴ Lakh: A hundred thousand.

⁸⁵ Statement offered to the Indian People's Tribunal (June 2005).

⁸⁶ Statement offered to the Indian People's Tribunal (June 2005).

⁸⁷ Statement offered to the Indian People's Tribunal (June 2005).

cleanse those that had converted from Hinduism to Christianity perform the actual process of reconversion. The communal cadre usually works at the village level attempting to convince those that have converted to Christianity to convert to Hinduism. If the Christian community is not amenable, then the communal cadre may, in some cases, impose a social and economic boycott against the Christian converts.

Communal leaders also stated that the socioeconomic status of poor people who convert to Christianity does not change post-conversion. On the contrary, it deteriorates even further as the families of the converted are often faced with social and economic boycotts from the other Hindu families of their village. The boycott extends to practically all aspects of life for those who have converted. For example, while the elders of the family face discrimination at their work place or even in their daily interaction with the villagers, the same extends to the children when they attend schools. The families who face this boycott often offer resistance for as long as they are able, however, they are usually forced into submission, and under duress convert to Hinduism.

The Tribunal noted that communal elements do not operate on the basis of reliable figures and statistics regarding the number of conversions performed by Christian missionaries. The limited conversions undertaken by Christian missionaries are distorted by Hindu right-wing organisations to install fear and insecurity in the minds of Hindus about their becoming a minority should the conversions continue.

Muslims: Relations between Hindus and Muslims are largely superficial.⁸⁸ The dominant Hindu community describes collaboration and alliance, as, for example, when Hindus invite Muslims to eat at their homes during the Hindu festivals. Muslims are expected to attend, even contribute fiscally if the festival is held by the village or town association, and are expected to eat in a demarcated place. Hindus generally do not reciprocally contribute to Muslim festivals. Muslim political affiliations usually rest with the Congress Party and the Janata Dal.

The Sangh Parivar portrays Muslims as a 'race' that threatens the sanctity of Hindu culture and identity. As part of a larger strategy of categorising Muslims, and demarcating those who belong and those who are identified as 'outsiders', the Sangh Parivar classifies Muslims as 'new Muslims' and 'old Muslims'.⁸⁹ Those labelled 'new Muslims' are recent immigrants from Bangladesh, while the 'old Muslims' are referred to as 'Indian Muslims'.

The Sangh Parivar in Keonjhar alleges that a large number of Muslims from Bangladesh first 'infiltrate' into West Bengal and then come across to Orissa. The Sangh Parivar charges that these Muslim immigrants are illegal and that they refuse to admit that they are from Bangladesh. They insist that a large number of Muslims have been 'infiltrating' into Keonjhar, taking up menial jobs, such as carpentry and stonework, once they become settled there. As a result, the Sangh claims, these 'new Muslims' take away livelihood opportunities that would have otherwise gone to poor Hindus in the area. The Tribunal notes that there is no evidence that supports this contention and that state records suggest that it is predominantly Hindus that migrate from Bangladesh (see section entitled 'Political and Organisational Structures,' sub-section entitled 'Tactics'). By creating the image of the 'infiltrating Muslim' taking away livelihood opportunities

⁸⁸ The section draws on research undertaken for the following publications: Chatterji (2006a, 2006b).

⁸⁹ Statement offered to the Indian People's Tribunal (June 2005).

from the Hindu community, the Sangh Parivar has successfully heightened anxiety over a fictive scarcity of jobs, using that to mobilise a large segment of the Hindu community against further Bangladeshi migration and escalate xenophobic and anti-minority sentiments.

From conversations with local leaders and all available documentation, we have concluded that the Sangh Parivar's explanation of Bangladeshi immigration is factually incorrect; both 'legal' and 'illegal' immigrants as demarcated by the state, are predominantly of Hindu descent and poor, who come to West Bengal and Orissa in search of livelihood. Muslims who migrate to Orissa are often from neighbouring states, such as Bihar and West Bengal, and are also poor and in search of work. Therefore, the issue of 'infiltrating Muslims', as propagated by the Sangh Parivar and its cadre, has been a tactic to label Muslims from Bangladesh as the 'other', as an enemy that threatens the security of resident Hindus within the local economy. It also has had an impact on how Hindus perceive 'old Muslims', who are now put in the impossible position of having to continuously demonstrate their loyalty (according to the terms coined by Hindus/Hindu communalists) to India and Hindus, of disproving intent to commit, or having committed, acts of sedition and betrayal, and of having to demonstrate their dissociation from Muslims from Bangladesh.

The Sangh's explanation of Muslim immigration from Bangladesh has gained widespread social acceptance, and is believed by the majority of Hindus in the district. It has generated anger on the part of the Hindu community toward 'new Muslims' as 'infiltrators', and toward 'old Muslims' as those who clandestinely support, and are in alliance with, their Bangladeshi counterparts. It has also created the image of the treacherous Keonjhar and Oriya Muslim as the pan-South Asian Muslim, whose alliance to Muslims elsewhere is not based on shared religious or cultural heritage, but on the collective ambition for the future invasion of Hindus. It has created a context where avenging Muslims, 'new and 'old', becomes further justifiable, and ensued a context of secondary citizenship, monitored by a Hindu communalist society, in which Indian Muslims in Keonjhar and Orissa are expected to live. The Sangh Parivar also distinguishes between Muslims immigrants from Bangladesh Muslims as 'infiltrators', whereas Hindu immigrants from Bangladesh are labelled 'refugees'.⁹⁰ Such differentiation is made to legitimate the claims and rights of Hindu immigrants, to whom, in the Sangh's view, help should be extended because their immigration is perceived as a 'homecoming'.

The Tribunal ascertained whether the claims made by the right-wing and widely accepted views in the region on the influx of Muslim immigrants from Bangladesh in the area was based on a census or survey carried out by the former. The Tribunal's findings show that these claims stand in contradiction to the information currently available from the Orissa Home Department, which states that approximately 3,000 immigrants from Bangladesh are currently resident in Orissa, and that nearly all of them are of Hindu descent (also see section entitled 'Political and Organisational Structures'). Indeed, no such census or survey has been undertaken by the Sangh Parivar, and that their claim that there is a heavy influx of Muslim immigrants from Bangladesh into Orissa, which lessens the economic security of the local Hindu community, is based on falsehood.

The Sangh Parivar also instigates the community in Keonjhar by playing on the stereotypical

⁹⁰ Statement offered to the Indian People's Tribunal (June 2005).

notion that if Muslims come into the area in large numbers, the safety and security of Hindu women will be jeopardised. Communalist leaders in Keonjhar claim that Muslims will avail themselves of every opportunity to degrade the physical integrity of Hindu women and perpetrate sexualised violence. Or, alternatively, if they do not physically harm Hindu women, Muslims will attempt to enter into marriages with Hindu girls, and at the same time force the girls to convert to Islam for purposes of marriage. This highly charged, libellous, baseless, and defamatory allegation has been successful in promoting a general suspicion of Keonjhar and Orissa Muslims, as much as of Muslims elsewhere.

The right-wing groups' strategy of rumour mongering and instigating fear was evident in the following incidence, whereby before the confirmation of an alleged rape case in Champua village in Keonjhar District in June 2005, Sangh Parivar organisations charged that: (1) a Muslim male was the perpetrator, and (2) that the offender was most likely a Muslim 'infiltrator' from Bangladesh who was working as a labourer in Keonjhar. These rumours communalised the issue, facilitated social insecurity, and helped mobilise members of the Hindu community to assert their identity and the priority of their claims over any other religious community that resides in Orissa. BJP leaders strategically highlighted the alleged rape as a political issue, which was picked up by the media, leading to numerous visits to the area by political leaders, who also intervened at various levels. The Congress Party, however, failed to respond to this problematic politicisation.

The Sangh Parivar circulates the notion that polygamy is rampant in Muslim society, and uniformly abusive, to enforce the idea that if Hindu girls are married to Muslim men, even after converting to Islam, they will be violated because of the prevalence of polygamy among Muslim men. As stated earlier, polygamy is an issue among, approximately, only 15-25 percent of all Muslim marital relations in Orissa (also see section entitled 'Case in Point: Bhadrak District').

Observations

Mobilisation of Right-Wing Forces: The Tribunal is acutely concerned that, given the nature of the mobilisations undertaken by Sangh Parivar organisations and their cadre in Keonjhar district, the right-wing has successfully infiltrated into, and adversely impacted, all arenas of civil society and the state administration in Keonjhar district, and is poised to grow further in both urban and rural areas.

Future Actions of the Sangh Parivar: The Tribunal notes with critical concern that the mobilisations of the Sangh Parivar in Keonjhar district reflect a readiness and political and ideological militancy to an extent that, in the foreseeable future, it is probable that the Sangh Parivar will act further, in an episodic or gradual manner, by implementing an organised event or a long-term process of significant proportion, against minority communities and disenfranchised populations in Keonjhar district.

Conciliation and Complicity within the Local Administration: The Tribunal notes with apprehension that if such an event or process were to transpire, it is exceedingly likely that the entire state administrative machinery would be oriented in support of the Sangh Parivar and Hindu communalists, enabling dangerous complicity and allowing the Sangh Parivar control over its outcomes.

10 CASE IN POINT: PHULBANI DISTRICT G. UDAYGIRI TOWN AND RAIKIA VILLAGE

The Tribunal Subgroup that undertook a site visit to Phulbani district included:

Tribunal Affiliates: Justice R. A. Mehta, Dr. Asha Hans, Dr. Ram Puniyani

Staff: Ms. Sameena Dalwai

In addition, in January 2005, a site visit was undertaken by Dr. Angana Chatterji and Mr. Sudhir Pattnaik

Background

In G. Udaygiri town, where Sangh Parivar mobilisations have reportedly increased considerably in the last five years, the Tribunal subgroup met with the BJP District Secretary, as well as BJP members from the gram panchayat, lawyers, and other local leaders. The Tribunal subgroup also interviewed members of the Nikhil Utkal Kui Samaj, a Sangh-affiliated Adivasi organisation. The Tribunal subgroup also heard from other local leaders and members of the Christian community in G. Udaygiri, including from the Church of North India and the Heart of Compassion. The Tribunal subgroup also travelled to Raikia village, where a Catholic church had been vandalised, and the Christian community allegedly targeted and threatened. In Raikia, the Tribunal subgroup met with the President of Raikia Church, the Secretary of SAHARA, a non-governmental organisation, members of Vijay High School and J. J. College, and other community members from marginalised groups. The Tribunal subgroup also met with traders from the Hindu community, including those associated with the Raikia Chamber of Commerce, and the Hindu Jagran Samukhya.

Context

In G. Udaygiri and the larger Udaygiri block area the Sangh Parivar has been operational since the 1960s. The Sangh Parivar recruited Lakshmanananda Saraswati, a VHP proselytiser, to supervise the Hinduisation of Phulbani district. Sangh supporters state that Lakshmanananda Saraswati has been active in the area since 1969, and that his speeches and influence have led to many conversions to Hinduism, claiming that: 'He has saved souls'.⁹¹ We observe with concern that Hinduised Adivasis and Dalits have been indoctrinated in erroneous histories that confuse distinctions between colonial rule and its imperialism, and Dalit and Adivasi Christianity, which acts as a form of resistance to caste oppression practised by dominant Hindus. The Sangh Parivar makes claims that are unsubstantiated that Christian missionaries (who are mostly of Indian descent) and Muslim traders have caused the destruction of tribal culture and undertaken the illegal acquisition and encroachment of tribal lands since the early 1980s. We note that while the delegitimation of Adivasi rights to lands, and their displacement from customary and communitarian property, are serious and righteous grievances, Christian missionaries and Muslim traders are not the primary reason for the land-grab and the paucity of land reforms in Orissa. In 1998 there was an agitation for land reforms that did not translate into practical implementation. The situation is compounded by a decline in the actual number of available employment and income generating opportunities in the area. Udaygiri block

⁹¹ Statement offered to the Indian People's Tribunal (June 2005).

remains socioeconomically vulnerable, with a large percentage of the population living below the poverty line.

The heightened Hinduisation of a large segment of the Adivasi population in Udaygiri, and the infiltration of local Adivasi cultural and political bodies with Sangh-affiliated tribals, has resulted in turning Adivasis against Christians. We also noted that Sangh Parivar organisations have not been held accountable for prior hate crimes and actions against minority communities, such as the burning of churches in 1999 and the attack on Raikia in 2004, and that this has emboldened the Sangh Parivar cadre, who appear confident and powerful. We also noted the existence of links between various levels of the Sangh Parivar and civil society and state government, as in Keonjhar, whereby the same individual may be affiliated with, and serve, in different capacities within a number of organisations such as the BJP-RSS-VHP-VKA and be simultaneously affiliated with bodies of local government and commerce.

Issues

Hinduisation: Sangh leaders state that they act against Christian and other missionary activities that create social tensions, such as when someone marries from or into a Christian family or a family that is non-Hindu, and disunites the family. Sangh leaders proclaim, contrary to evidence, that Hindus are in danger of becoming a minority. Sangh leaders also state that Christian missionaries are financed from abroad and are able to construct churches while temples cannot be built due to a shortage of funds. The factual evidence however shows that there is substantial funding of Sangh-affiliated organisations from abroad (see section entitled 'Political and Organisational Structures,' sub-section entitled 'Funding'); and per the Directorate of Census, there are currently 1,03,350 houses that serve as places of worship in Orissa, which are assumedly predominantly associated with Hinduism.⁹²

Christian leaders explained: 'The community here [G. Udaygiri] has always been peaceful and cooperative. The enmity between Hindus and Christians was non-existent in the past. Going to each other's festivals, celebrations were part of normal social life. Lakshmanananda Saraswati started the propaganda against Christians [since the early 1970s, which has escalated since the 1990s], saying: "They are not from India. They should leave India and go back." It took some time for people to fall in with him. After 1988, VHP, RSS started telling the tribals that they are Hindus'.⁹³

A close associate of Lakshmanananda Saraswati, an Adivasi who has undergone extensive training in RSS shakhas and is a worker for the VKA, and a self-proclaimed expert at lathi wielding, states: 'Christian Missionaries oppose nature worship so are opposed to our culture. We are promoting Hindu rituals amongst vanavasis who all are Hindus. Lakshmanananda Saraswati has been a restraining force on the Christians who were doing the conversion work. We are adopting the Hindu rituals and oppose those who are for Christian mode of worship'.

Sangh leaders assert that Adivasis today worship Ram and Jagannath (Oriya tribal god, now Hinduised), revere the land, and are increasingly developing greater awareness of Hindu cus-

⁹² Census of India (2001).

⁹³ Statement offered to the Indian People's Tribunal (June 2005).

toms and marriages that are based upon the Vedic system, and conducted by male Brahmin priests. The Sangh Parivar states that Christians do not respect these age-old and emergent 'vanavasi' traditions, and that the above socialisation is disturbed as Adivasis convert to Christianity. Hindu communalists claim that Christian practises can offend Adivasi Hindus, such as the practise of cow slaughter. Yet, according to the statements offered to the Tribunal, contrary to the Sangh Parivar's allegation that Adivasis that convert to Christianity consume beef, both Christian and non-Christian Adivasis and certain Dalits may consume beef, either in times of celebration or in times of need. It was also stated that non-Adivasi Christians in Udaygiri do not consume beef. We note that cow slaughter and associated labour connected to beef and other cow products is usually provided by poor Adivasis and Dalits, for whom this is critical to their livelihood and who are often of different faith backgrounds, including Christians, Hindus, or Muslims. We would like to point out that the Sangh Parivar is continuing its efforts to popularise the 'Cow Protection Movement', which is linked to Brahmanical traditions that are anti-poor and that gained support in Orissa in the post-independence context after the Orissa Prevention of Cow Slaughter Act was passed in 1960.

Hindu right-wing cadre also claim that Dalit conversions to Christianity result in social disequilibrium in areas where Adivasis are being Hinduised. The Sangh Parivar attempts to reorient Adivasi and Dalit resistance with pride in 'Indian-ness', and being Indian as an integral aspect of being Hindu. Sangh leaders state that the RSS has been effective in intervening upon and halting Christian conversions. They allege that Christian conversions are coercive, and that missionaries offer financial and other inducements, and trick Adivasis into believing that Jesus has greater prowess than Jagannath, therefore persuading them to alter their faith. We note here that Sangh leaders did not offer any evidence in justification of their claims. They also alleged that male Dalit Christians enter into marriage with Adivasi women to acquire benefits from land that are accorded Adivasis. However, in reality, Adivasi land has been appropriated primarily by the state and by immigrant traders of Hindu descent.

Christian leaders express concern at (re)conversions to Hinduism and the increasing presence and strength of the Sangh Parivar in Phulbani. They state that Sangh Parivar cadre undertakes widespread anti-Christian propoganda, and on various occasions, has threatened and targeted the Christian community. They reveal that such intimidation has forced the Christian community to retreat and curb their participation in community-welfare activities. Christian leaders stated: 'RSS supporters are going from village to village to spread the message of VHP and also are talking against Christians. They threaten the tribals against conversion to Christianity. Traders and immigrants are more with VHP and RSS. We do not consume beef in general. The traders who buy material from Adivasis deduct 10 percent of the amount in the name of Dharma Puja [faith prayers]. Most of the traders who are RSS followers, their children study in the missionary school (Bijoy school)'.

Education: Sangh-affiliated Adivasi leaders state that while the Adivasi concentration in Phulbani district is high, the reservation quota remains identical to that followed in places with a lower Adivasi population, and campaign for an increase in the quota system and for limiting such benefits to 'Hindu Adivasis'. While G. Udaygiri has educational facilities available, people stress that access to education is a critical issue in Udaygiri block, with state-operated schools being inaccessible due to prohibitive fees and commuting costs. In addition, 60 percent of state-operated schools are without teachers while schools operated by Christian organisations

are usually available in townships. In a context of disenfranchisement and poverty, and the need to work and the unfeasibility of acquiring employment after basic schooling, the rate of student attrition within Adivasi communities in G. Udaygiri is very high at the school level, with only 3 percent continuing through completion. There are numerous Ekal Vidyalayas in the area, and the Tribal Welfare Department has initiated a few Ashram Shalas,⁹⁴ each enrolling about 160 students. Some of the Ashram Shalas operate as residential schools managed by Sangh-affiliated teachers, and function as VKAs. The VKAs also act as cultural organisations and organise satsangs and other programmes.⁹⁵ Saraswati Shishu Mandirs and Gyan Mandirs also exist in G. Udaygiri, and Sangh-affiliated Adivasi leaders state that classes are held up to Standard 7, while there are no Vidya Mandirs to offer classes at the +2 level.

Conversions to Christianity: Contrary to the Sangh Parivar's claims, the Christian community in G. Udaygiri is economically disenfranchised. A majority of the Christian population, local Christian leaders explain, is landless or marginal landholders, with an average holding of half an acre per family. Christian leaders said that the church does not convert under duress or offer money in lieu of conversions. In the 1960s and 70s, when there was a thrust in conversions, Adivasis benefited through accessing healthcare, education, and employment offered by Christian missionaries.

In Phulbani there are approximately 521 churches of various denominations. Many are administered by the Church of North India, which was inaugurated in Nagpur in 1970, and is registered as a society under the Societies Act XXI of 1860. Some are Baptist while some others function as 'independent churches'. In Adivasi and other rural areas, small ceremonial spaces or buildings often operate as churches serving a congregation of 10-12 families.

Sangh-leaders rumour that: 'By the VHP data there are 927 churches [this falsifies Church data, which states that there are 521 churches, see above] in Phulbani district built on illegally taken land. We have been living here from '51 onwards but they [Christians] keep calling for migrants to leave. Baba Saraswati came here in 1969, and the peace reigned till 1980s, so how can he bring trouble? After 1981, the Christian population in this area grew a lot. The trouble also came with that.'⁹⁶

In Phulbani, per the Census of 2001, the Christian population is 1,17,950. In Orissa, per the Census of 2001, only 2.4 percent of the population is Christian.

Currently, Christian leaders estimate that approximately 200-300 consensual conversions and baptism ceremonies take place annually. The count, Christian leaders state, might be a little higher when including the rural areas of Phulbani. All conversions, they say, take place through informed consent: 'We do not believe in forcible conversion. I gave a choice to my son at the age 16, to choose his religion. He asked for a month to think about it, and then opted for a baptism. My wife was a Brahmin, so I went to temples with her, and she came to church with me. Then she accepted Christianity after 8 years of marriage'.⁹⁷

⁹⁴ Communal organisations control various Ashram Shalas, operated by the Tribal Welfare Department in Adivasis areas, and uses them as VKAs.

⁹⁵ Satsang: Congregation for prayer, meditation, and chanting.

⁹⁶ Statement offered to the Indian People's Tribunal (June 2005).

⁹⁷ Statement offered to the Indian People's Tribunal (June 2005).

Christian leaders distinguish between charitable acts and conversion work. They claim: 'Foreign funds are not used for conversions. We have a children's home for orphans. We put the funds in that. But I preach religion as a pastor. They are two separate activities'.⁹⁸

A leader from the same community commented: 'People who come to us, if they are Hindu Dalits, are also oppressed by their own religion, and if they are Adivasis, are hated by the Hindus and dismissed by them. They seek us out as well because Christianity talks about all being equal, all of us.'⁹⁹ Another leader said: 'Why do people opt for Christianity? It's a simple religion. No hierarchy. Anyone can become a priest. In Hinduism, the Brahmin is the STD [Subscriber Trunk Dialling] booth through which others have to call the god. There is too much noise and chaos and ritual there. Our congregation is peaceful and disciplined. People develop within Christianity as they get education, and then their socioeconomic status can rise'.¹⁰⁰ Another remarks: 'SC and ST communities are downtrodden and underdeveloped. We work with them for their upliftment not for conversions. But caste Hindus want them to remain ignorant so that they can be exploited. So the caste Hindus are against the Christians. SCs-STs do not own houses. Missionary activities aim mainly at the development of the STs and SCs, who are severely exploited in this region'.¹⁰¹

People utilise the clinic affiliated with the church, explain Christian leaders who remain respectful of the difference in Adivasi worldviews: 'People come to us with ailments, we give them medicines, and sometimes they believe that they come with evil spirits, as the tribals believe. We pray for them, the "demons" leave them, they feel good, and so they come to us'.¹⁰² Membership and attendance at church remains robust: 'We preach Christianity. Jesus not only saves the soul but also helps the socioeconomic status of an individual. We tell the tribals that it is a sin to drink. They stop drinking and start working for their families, when they join the path of Jesus. But people are making false accusations that we convert by giving money or other allurements. We never do that. We tell about life and support them in deciding on the right path'.¹⁰³ Christian leaders disclose the fact that they are also working to eliminate the dowry system, which has become prevalent among Adivasis due to the impact of Hinduisation.

Christian leaders also state that while few members of certain Christian sects, such as Pentecostals, may preach in public places, most, such as Catholics, do not do so. The Tribunal's investigations in Phulbani reveal that, overwhelmingly, conversions to Christianity do not occur with the intent to destabilise the Hindu community,¹⁰⁴ or other communities, and that the content and program of church-based education does not foster communal hatred or divisiveness in thought or deed.

Raikia Church Wreckage: On 26 August 2004, the fifty-year old Our Lady of Charity Catholic Church was vandalised and its property demolished by Hindu right-wing activists, figures of

⁹⁸ Statement offered to the Indian People's Tribunal (June 2005).

⁹⁹ Interviewed by Angana Chatterji in 2005.

¹⁰⁰ Statement offered to the Indian People's Tribunal (June 2005).

¹⁰¹ Statement offered to the Indian People's Tribunal (June 2005).

¹⁰² Statement offered to the Indian People's Tribunal (June 2005).

¹⁰³ Statement offered to the Indian People's Tribunal (June 2005).

¹⁰⁴ The Tribunal did not come across any incidences to the contrary.

Mary and Jesus were shattered, while other objects such as Bibles and clothes belonging to the church were burned, furniture and musical instruments destroyed, 8 Christian homes were burnt, and the Christian community was targeted. Continued targeting of the Christian community has forced the Christian community in Raikia to segregate themselves economically by opening up their own markets rather than using the local market.

During the previous year, upper-caste traders appropriated government land adjacent to the boundary of the local school operated by the Christian community. The encroached land lay between the school and the road. The school is located near the Raikia Church. They constructed wooden booths from which to carry out business. The Sub-Collector of Baliguda had evicted these businesses, declaring them illegal. The Christian community had supported the Sub-Collector in the matter of the eviction of the illegal structures.¹⁰⁵ Earlier, in September 2000, the local administration had similarly demolished approximately 80 shops, which were constructed on the same encroached land, and the businesses were relocated close to the local bus terminal.

On 02 August 2004, Raikia church authorities erected a wire fence around the land, to discourage possible future construction by the traders. On 04 August, the traders organised a protest in front of the Block Development Office¹⁰⁶ and submitted a memorandum to the District Collector of Phulbani, demanding that the fence be removed. The traders held the Christian community responsible for the dismantling of their businesses, even as these structures were encroachments on government property, and had been demolished by the state and not the Christian community.

A Hindu trader claimed: 'In front of Vijay High School, merchants were doing business since 40 years by putting cabins and selling things. Around 100 people lost their business when the Sub-Collector evicted them all suddenly one day. We made representations and the local authority decided to build a market complex in that place. But father of the Raikia church and other Christians were against this. One day they came to the premises and started putting barbed wires on the piece of land. There was a fight between them and the merchants. The father told the merchants that he had directions from the local administration to put up the wire. The matter went to the police station. Later on the administration told the traders that they had not granted any permission to the father to undertake work on the said premises'.¹⁰⁷

On 04 August, the Tehsildar (revenue office) for Raikia removed a segment of the wire fencing. The local administration convened a Peace Committee on the following day, and determined that the fence would be dismantled and saplings would be planted on the encroached land, to prevent future encroachment. However, responsibilities were not demarcated for the fence removal work or the planting of saplings. The Christian community began the task of planting saplings and creating a circular fence around each sapling, to create a protective barrier for them.

On August 26, merchants held a meeting at the Hanuman Temple. The business community

¹⁰⁵ See Prafulla Das (2004) 'A run-in at Raikia', *Frontline* 21(20) (25 September-8 October).

¹⁰⁶ Block: 'Samati', an administrative unit of a group of villages.

¹⁰⁷ Statement offered to the Indian People's Tribunal (June 2005).

holds this meeting regularly on the last Thursday of each month. A Sangh-affiliated community member testified to a rumour that circulated on 26 August: 'We heard sirens around 3.30 in the afternoon. We learnt that they [Christians] had started breaking the Trinath Temple. They attacked the RSS leader Mangal Patro and burnt down a truck. The father and Madhav Nayak headed the mob. They were shouting slogans like, "Call the migrants out, we will burn their houses," against the traders'.¹⁰⁸ At the meeting it was also rumoured that the church authorities were reinforcing the fence. These rumours resulted in street clashes; a truck that was parked near the church, and belonged to a Sangh-affiliate, was set on fire by local goons.

Our investigations confirm that Christians had not targeted the Trinath temple or the RSS leader. We note that priests or other members of the Raikia Church community had not set the truck on fire. In fact, it appears that spectators extinguished the fire and the truck was not charred. Nor had the Christian community threatened to torch the homes of the Hindu traders.

Following this incident, Hindu right-wing organisations mobilised traders and Sangh activists, both local and from outside, who attacked the church on the same day, which is adjacent to the school and across the street from the Christian locality. Eyewitnesses estimate that a mob of approximately 700-1,000 people with axes attacked the church. Some travelled on foot while others came in trucks. Christian leaders stated: 'They broke everything in the church, the idols, and burnt the Holy book. They burnt some of our houses. The Parish priest watched all this helplessly. The people who entered the church were traders and other RSS activists, but many were outsiders, maybe from Katingia, where there is an RSS stronghold. The police were there but did not do anything'.¹⁰⁹

The scale and speed of the operations suggests that the aggression against the Raikia Church and community was pre-meditated. However, Sangh Parivar organisations alleged that the attack was a spontaneous expression of local rage. Sangh-affiliated leaders claimed: 'The breaking into the church did not happen intentionally. Otherwise there was a school and hospital as well in the vicinity, which would have been harmed too. When the chaos heightened the Christians entered the church. The Hindus followed them in and the fight there resulted in the damage of the church'.¹¹⁰

Leaders of various opposition parties visited Raikia jointly and blamed the Sangh Parivar for the attack on the church, and demanded the arrest of Lakshmanananda Saraswati. A BJP delegation denied the involvement of the Sangh Parivar, and urged that the government repair the church without delay. The Ambedkar Lohia Vichar Manch, a Bhubaneswar-based human rights group, demanded an inquiry by the Central Bureau of Investigation or the National Commission for Minorities.

After the incident, the police arrested some Christians and held them in custody for almost a month. Only 12 persons were arrested and released on bail, of whom seven persons were from the Christian community and five were from the Hindu community. Only two cases were filed. The Peace Committee was reconvened by the Revenue Divisional Commissioner

¹⁰⁸ Statement offered to the Indian People's Tribunal (June 2005).

¹⁰⁹ Statement offered to the Indian People's Tribunal (June 2005).

¹¹⁰ Statement offered to the Indian People's Tribunal (June 2005).

(South), without any actual resolutions or conciliations made by the majority community. Sangh Parivar organisations instead demanded that the government halt all land allocations for community service to minority organisations.

A Christian leader stated: 'There was a point when the fear was so much that [we] dared not go out of my house. They used to roam around with arms. Tires were burnt on the street. We asked for protection but to no avail. So many people have come for investigation of the matter but nothing has happened to give us justice and compensation. We were forced to renovate the Church on our own, as the RSS supporters threatened us saying the broken Church gives a message about recent happenings.'¹¹¹

Observations

Communalisation: Relations between Hindus and Christians are tense in the area. The activities of the VKA, RSS, and VHP have increased since 1990, with a focus on Hinduising Adivasis.

Hindutva Leadership: The activities propagated by Lakshmanananda Saraswati of the VHP are of serious concern to the health of the society, and prompt anti-minority propaganda and hate actions.

State-Hindutva Collaboration: Individuals and segments within the Government of Orissa are aware and supportive of the activities of Sangh Parivar organisations in G. Udaygiri.

¹¹¹ Statement offered to the Indian People's Tribunal (June 2005).

1. Muslim Woman
2. Christian Dalit Women that were tonsured in Kilipal
3. Reverend Pran R. Parichha, President, All India Christian Council, Orissa Chapter
4. Leader, Muslim Jamaat, Bhadrak
5. Former RSS Member
6. Subash Chouhan, Bajrang Dal State Convenor
7. Santosh Das, CPI-M Secretariat Member
8. S. Padhi, Journalist
9. Lawyer
10. Senior leader within people's movements

1. Muslim Woman, January 2004

(Name withheld on request. Interviewed by Angana Chatterji):

Everyday little things happen, the clothes I put on the clothesline we share are thrown on the ground, the women tell me that we are achool. Men and women react differently. My four-year old daughter goes to play with the neighbours and they push her head out of the door to their house, and whisper about me every time I see them.

2. Christian Dalit Women that were tonsured, Kilipal, August 2004

(Name withheld on request. Interviewed by Angana Chatterji):

I looked down, all the way as I walked. I felt unclothed, I tried to hide myself, as I walked. My body hurt, but my mind hurt more. As I was walking, the things I see everyday were peculiar to me. I was terrified. They wanted to tear my home and my body, and destroy my faith. As I lifted the pot of water to my head I ... [felt her shaved head]. I kept thinking "there is a god that wants us," and I wanted to be free.

3. Reverend Pran R. Parichha, President, All India Christian Council, Orissa Chapter, January 2006

(Interviewed by Angana Chatterji):

Orissa is perhaps the first target in India, and also Gujarat. These two states are the targets of the Hindu fundamentalists. Since the assassination of Graham Staines in 1999, the persecution in Orissa has increased to a great extent in different parts. Christian workers were attacked, manhandled, in some cases they were put to death. The Christian community in Orissa, they are living in fear and anxiety because of increased persecution by the Sangh Parivar. In some cases, the affected people went to nearby police stations and filed complaints but in some cases they were not entertained. Police did not take their complaints. The Christian community, they are not getting support from the police or from the state administration. The Hindu activists are very much encouraged because the political forces are behind them. The police force is influenced by the Sangh Parivar, which has a very good network and is spread all over.

4. Leader, Muslim Jamaat, Bhadrak, January 2006

(Name withheld on request. Interviewed by Angana Chatterji):

Orissa's Musalman [Muslim] community, in the years of Biju Janata Dal and BJP rule, has not been given financial, economical, political, social benefits. There are various schemes for minorities, for development work, education, but in Orissa minorities are not able to benefit from them. The situation of minorities in Orissa is critical and our demands, which we have placed to the National Government and Orissa Government, are not heeded. In Bhadrak the population of minorities is large and it is a sensitive area. There are those that wish to make trouble and endanger the condition of minorities, and for us to keep family and community together is becoming difficult. The situation is increasing and there is no response from the Orissa Government to stop those that are creating communal disharmony and there is no regard for our security and health.

5. Former RSS Member, Bhubaneswar, July 2003

(Name withheld on request. Interviewed by Angana Chatterji):

The Sangh thinks that all Indians are Hindu, and that over time and because of Muslim and Christian conquest they have become other, but originally they are Hindu. So, the Sangh converts Christians to Hinduism and calls it a homecoming.

6. Subash Chouhan, Bajrang Dal State Convenor, Hindu male, Bhubaneswar, July 2003 (Interviewed by Angana Chatterji):

We mostly focus on seva [service] work. In the entire state we have selected some districts, such as Sai based Sundargarh district, Gajapati zilla [district], Phulbani, Keonjhar, Mayurbhanj, Koraput, Nabarangpur districts -- we are undertaking seva work here, hospitals, one teacher schools, Hari Katha Yojana, orphanage[s], these types of jojona [planning] and seva [charitable] work are being undertaken all over the state. After the training we select people based on their capacity, based on their yogiata, we select and send one or two people, minimally two people, Behn [sister] and Bhai [brother] both. We recruit them from the villages, from about the 1700 Bhagabat Tungi's [cultural reform centres] ongoing -- we recruit them from [the villages] and then send them for training. After they train they are tested and then we select and use them. There are wonderful results in the 700 villages where these people are working today, we are getting strength. In these areas Christians are not entering, they are afraid to enter. And, those who have become Christian they are changing and returning 'home'. They are having the realisation of their past mistakes and they are returning. This work is going on full swing. In the country, Orissa is the second Hindu Rajya. Today, Sai [Christian] missionary and Islam, they both want to convert the entire pradesh [state] into Sai and Islam. In the tribal belt they have been planning to convert the people into Christians, and harijans [Dalits] into Muslims. This work is moving with force in Orissa state. This is the reason the Bajrang Dal and VHP have taken up the task of consolidating Hindu shakti [strength] in Orissa. We in the VHP believe that this country belongs to the Hindus. It is not a dharamsala [guesthouse] and people cannot just come here and settle down and do what ever they want. That is not going to happen. We will not let that happen. Whatever happens here will happen with the consent of the Hindus. If you come to another's house and live as a guest and then start doing what you please, that is not going to happen. Whatever happens here, say politics happens, it will have

to be Hindutva politics, with Hindutva's consent. India is a world power, what is in India is nowhere else, and we want to create India nicely in the image of Ram Raja.

7. Santosh Das, CPI-M Secretariat Member, Bhubaneswar, December 2005

(Statement to the Indian People's Tribunal on Communalism in Orissa):

During the recently solemnised Gajalakshmi puja, the worship of the goddess of faith, the head of the idol at one of the places in Bhadrak in Orissa was chopped up by a group of degenerated youth, of course belonging to the same Hindu community. The sensitive Hindu response was confined to condemnation only and the matter was left to law and order authority for prosecution. Had the culprits been from a different community what would have been the reaction? How would the Hindutva forces have behaved? The same district township of Bhadrak having tens of thousands of Muslim population witnessed a worse hit, a communal riot in early 1991 when the Hindutva forces, the key organisers of Ramjanmabhumi procession, deliberately took offensive to give shape to such a riot in their bid to expand the electoral base of BJP. Those were the days that followed Advani's infamous Rath Yatra,¹¹² fall of V.P. Singh Government and preceded the midterm poll for the constitution of ninth Lok Sabha. Much water has flown in the rivers of Orissa. The Hindutva forces accelerating their communal activities on the one hand and striking an electoral alliance with the major non-Congress outfit, currently bearing the nomenclature Biju Janta Dal, are sharing power in Orissa since 2000. The communal activities that preceded BJP's ascendancy to power comprises incidents ranging from Bhadrak and Dhamnagar riots; to the burning alive of Christian Missionary Graham Stains and his two infant sons; killing Arul Das, another Christian priest and stabbing and burning alive of Rehman, a Muslim small trader in broad day light at Padiabeda (Mayurbhanj), etc. BJP's sharing power in the state in alliance with the BJD has led to the consolidation of communal forces, with the administration and police remaining insensitive in the face of their offensive. The following instances are enough to draw such a conclusion:

1. On 16 March 2002 a combination of BJP, Bajrang Dal and Durga Bahini attacked the Orissa Legislative Assembly, justifying the misdeed as Hindu retaliatory response to anti-Hindu deliberations in the House. In spite of the assertion by the state General Secretary of VHP, Mr. Gouriprasad Rath, the videograph proof collected by OTV and ETV, and the joint report by the district collector and superintendent of police, no action has been taken. The presence of BJP in state power prevented police to rise to the occasion before the attack in spite of prior warning by the intelligence agency. In the post attack period, the senior partner of the ruling alliance, the BJD, laboured hard to bail out its ally in spite of the rhetoric it made in public and in the floor of the house to take stern action against the culprits. The multi-party house committee (boycotted by the Congress and the JD(S) [Janata Dal (Secular)]) from the inception itself sought to bail out VHP, Bajrang Dal and Durga Vahini. The speaker of the house elected in BJD ticket was presiding over the committee and pioneering this drive. However, the resistance put forth by the CPI(M) and the CPI prevented the committee to reach this goal, and finding the goal unachievable the speaker did not convene any other meeting of the committee. The investigation remained inconclusive. The author of this piece had the opportunity to appear before the committee as a witness.

¹¹² Rath: Chariot; Yatra: Journey.

2. The second instance was the Bharat Bandh, the all India strike observed in protest against the arrest of Sankaracharya, the seer of Kanchi in November 2004. The administration and the police stood paralysed in the face of the anarchy created by the Hindutva forces. They ransacked the CPI state office, attacked the motorcade of the Chief of Orissa Gana Parishad, a regional party, and misbehaved with the delegates of All India Democratic Women's Association and injured the activists of Ambedkar Lohia Vichar Manch.

3. In June, 2005 in the capital city, the VHP and Bajrang Dal leaders, creating pandemonium at the public hearing on communalism conducted by the Indian People's Tribunal, threatened to stop the work of the Tribunal and rape the women panellists and activists. No police action followed, and even the authorities, like the Chief Minister Naveen Patnaik, paid a deaf ear to the complaints that were lodged and representations made.

During the second tenure of the government formed with the partnership of the BJP, a church was attacked at Raikia of Kondhamal district. Members of the Christian community were attacked in Jagatsinghpur district, Jajpur, and Mayurbhanj. Petty and individual crimes are given a communal colour. The drive is to rouse the communal passion of the majority community in search of immediate electoral benefits and ultimate establishment of the Hindu Rashtra. The Hindutva forces continue their uninterrupted drive to put Hindutva into action as defined and called upon by Savarkar in the following words: "Hinduise the politics and militarise the Hindus" to achieve the goal of "Hindu Rashtra".

8. S. Padhi, Journalist, Bhubaneswar, December 2005

(Statement to the Indian People's Tribunal on Communalism in Orissa):

The activities of communal organisations in Orissa are going on in a planned manner. It is only when a communal episode takes place one finds a protest or a reaction. But such reactions or protest don't sustain through continuous programmes. The [Sangh Parivar] communal organisations have penetrated into the backward and tribal areas by organising health and educational programmes. The ordinary and innocent people get influenced by such programmes and then get indoctrinated in their communal ideology. These organisations are very particular in choosing deceptive names. They take good care while selecting a name for the organisations with the purpose of motivating the workers and make the organisation acceptable among the locals. This helps them to conceptualise a long-term plan to spread communal thoughts and organisations based on it. The impact of such organisations on education is intense and serious. They take advantage of the collapsing governmental primary education and start working in the name of providing an alternative system. After a few years the communal Shishu Mandirs will stand as everywhere as an alternative to government run schools and provide young cadre to the Sangh Parivar.

9. Lawyer, Orissa, June 2005

(Name withheld on request. Statement to the Indian People's Tribunal on Communalism in Orissa):

Orissa is an experimental case. The Sangh Parivar here keeps talking about Ayodhya and Gujarat and when most people here are not concerned about it, and how the Oriya people must avenge what happened to Hindus there. Here the conversion-reconversion and the infil-

tration issue is being made of paramount importance by the Sangh, and the RSS uses it to convert the brains of rural people, of children, and fill them with hatred. The RSS does not distinguish between Pentacostals, Catholics, or Evangelists, or between legal and illegal Muslim migrants or whether they are from Calcutta or from Bangladesh. They see anybody who is a non-Hindu as the enemy, and somehow as 'guilty'. The Sangh Parivar is telling the rural people that they are with them, and the BJP says that they are the party for the tribals and SCs. Tactically, they are communalising education and energising cultural groups that arouse people's passions, without addressing any of the social problems at hand: untouchability, violence against women, caste violence, or poverty.

10. Senior leader within People's Movements, Bhubaneswar, December 2005

(Name withheld on request. Statement to the Indian People's Tribunal on Communalism in Orissa):

Orissa continues to be a place where people don't bother much about communalism. Intellectuals in Orissa often get worried if they find some people to be over 'emphasising' on the possibility of a communal tragedy of the Gujarat type any time in the future. They think it is better if we don't discuss the issue at all, thus preventing any kind of religious antagonism to grow. These intellectuals don't realise that the Sangh Parivar would not ask for a better situation than this to spread its network without any resistance anywhere, even on the intellectual front. Parents in Orissa are dejected and disappointed, while state-run educational structures are fragile and fund-starved, and desperately look for an alternative to patronise for the benefit of their young lads. The Saraswati Shishu and Vidya Mandirs emerge to satisfy their unmet felt needs. The Christian missionaries do not seem to be as active as they once were in the education sector. The madrassahs [Islamic schools], equally starved of fund and lack of state support and normally accessed by low-income group Muslims, don't pose any threat to the educational mission of the RSS. The process of globalisation has not only enhanced the income of the relatively developed and advanced rural and semi urban elites it has also brought hopes and dreams for their children to live a better future if they could be made to access better education. Since the expanding network of English medium schools are either run by commercial interests who make cost of education unaffordable for the relatively less poor categories of population, or are run by groups who don't inspire confidence in the lower middle class Oriyas, the demand for Saraswati Shishu Mandirs and Vidya Mandirs is on the rise as it not only creates an impression that it has got a dedicated team of teachers and patrons who are very serious about education, it is also less expensive than any English medium school. That apart, the Sangh Parivar schools also attract the elites who have patriotic sentiments by saying that their pupils can compete qualitatively with the students of any acclaimed English medium school.

Therefore, the anarchy created by the state in the education front under World Bank and DFID [Department for International Development] pressure, leading to privatisation of school education from an early stage, the hopes generated by economic forces for better economic prosperity for better educated pupils, cost of primary and secondary education in the private sector becoming more expensive, have together strengthened the cadre building exercise of the Sangh Parivar by making primary and secondary education their convenient medium which, too, faces no resistance from any quarter. If I remember correctly I had come across only one incident where the Sangh Parivar abandoned its mission of opening new schools because of

resistance from ordinary people, led by a retired teacher, Natabar Sarangi, in Nariso of Khorda district in 2003-04. The launching of these Shishu and Vidya Mandirs and subsequently their management works wonderfully in neutralising political opposition to Sangh Parivar, as these processes provide enough space at the grassroots level to local politicians of mainstream political parties to get involved in pseudo cultural events organised around their educational institutions. The opening of Saraswati Shishu Mandir in Niali was presided by one retired Inspector General of Police who happens to be the chairperson of the Human Rights Cell of the Congress Party in Orissa in 2002. The Shishu Mandirs and Vidya Mandirs work as cadre making machines with faster and wide ranging production capabilities. They not only create a disciplined class of people adhering to their ideology from a very formative period of their life, they also create a cadre of dedicated workers among the teachers who can be entrusted with any task in the future when such need arises. They also create a class of sympathisers who in any adverse situation would not at least desert them, and most probably would work for their defence. They also neutralise their political opponents who otherwise would have put up a resistance when they ensure their participation in the name of cultural and educational events. Now, who is going to challenge them? Political parties in Orissa do not consider the growth of Sangh Parivar as a threat to them. They calculate the strength of the BJP in power politics by excluding Sangh Parivar from it. This they have been doing partly because the BJP in Orissa combines within it political heavy weights who have left either Congress or Janta Dal or any other political party who never had any background in RSS or VHP or Bajrang Dal. Sarat Kar (ex-Speaker), Biswabhusan Harichandan (presently Cabinet Minister) and the late Harish Chandra Baxipatra (ex-Minister) belong to this category. The Sangh Parivar is fully aware of this reality and they are also appreciative of the approach of the mainstream political parties of de-linking BJP from the Parivar. The Sangh Parivar is fully aware of the pros and cons of coalition politics. They are only interested to expand their cadre by making use of their presence in the government and they are not keen on exercising political power under constraints right now. This expansion agenda is working well, which is not at all targeted by major political parties. Therefore, there may be some political opposition to BJP in the state as it is there against any other political party for other reasons, but there is virtually no political opposition to Sangh Parivar in the state.

Now coming down to progressive political parties such as the left one may not find very different or inspiring examples. Yes, there is intellectual opposition to the Sangh Parivar from the left, but there is no real opposition from the mainstream left to the diverse processes of communalisation the Sangh Parivar is carrying forward in rural, coastal and tribal areas of the state. The mainstream left is known for doing one thing - organising an event in protest of some communal events after they have actually happened. This needs to be appreciated since the instinct to oppose the unjust and barbaric acts of wrong and irrational forces is also declining in the society today. But they don't distinguish between the act to oppose and the act to prevent. The work to oppose or protest an incident after it has happened is relatively easier since media exposure of an event or incident might have created some awareness and may temporarily attract some people who don't share your ideological worldview but are hurt by a particular incident. It is indeed a challenging job to prevent such an incident from happening, since it could not be done by organising events and publicised programmes. Most often, the mainstream left suggests that communal organisations don't grow in the areas where they have a good organisational base. But they don't normally share a truth with you that their own organisational base is on the decline. They don't seem to be worried about this fact they are fast

loosing their foothold. Their indirect participation in the Union Government and direct exercise of power in certain states creates illusion in their own mind that they are a powerful force also in this state. These forces whose base is fast declining are not expected to counter the growth of communal forces through their own organisation. My conviction is that it requires the same silent, unpublicised and more accommodative strategies, which the Sangh Parivar itself has used for the last several years/decades. The process of neutralising processes of communalisation already active and building up a secular and scientific process, targeting not only the participants of an electoral process but aiming at every section of the society must begin. If we make this as a parameter to evaluate the forces active in the campaign against communalism, we don't find this concern to be there. We must remember that without targeting the processes of communalisation it is very difficult to put a check on the growth of Hindutvadi fundamentalist forces. The Sangh Parivar is not only happy today in Orissa, they are also dreaming of a happier future ahead.

12

HINDU RIGHT-WING ACTIVISTS TARGET INDIAN PEOPLE'S TRIBUNAL

'On June 14, Sangh Parivar activists disrupted the Indian People's Tribunal on Environmental and Human Rights hearing on the communal situation in Orissa. The activists harassed tribunal members and threatened to rape them and parade them through the streets.'

United States Department of State (2005) India. International Religious Freedom Report, 2005, Released by the Bureau for Democracy, Human Rights, and Labour, Washington, D.C.¹¹³

IPT PRESS RELEASE

14 June 2005

PRESS NOTE: FOR IMMEDIATE RELEASE

**SANGH PARIVAR DERAILS TRIBUNAL ON COMMUNALISM IN ORISSA, THREATENS
WOMEN MEMBERS**

The Indian People's Tribunal on Environment and Human Rights (IPT) has been travelling throughout the state as part of its investigations on communalism in Orissa. The primary investigations of the Tribunal took place from June 11-14, 2005. While conducting a hearing with Hindu nationalist organisations on June 14th, at 11 am, at the Red Cross Bhavan in Bhubaneswar, Sangh Parivar members verbally attacked Tribunal members, made false, defamatory, and inflammatory statements, sought to seize information gathered during the investigations, and shouted threats, including the promise to rape attending female members of the Tribunal.

The event began without incident. Invited representatives of the Bajrang Dal and Vishwa Hindu Parishad (VHP) came to offer testimonies. The first person to depose was Mr. Ramachandra Behera, a journalist representing the Media News Agency and also a supporter of the Bajrang Dal. Tribunal members had taken his consent for tape-recording the testimony. Sangh Parivar members Mr. Bansidhar Pradhan, Mrs. Padmaja and Ms. Mamta Mallik also deposed. During the depositions these persons received a fax from the Vishwa Hindu Parishad, Orissa. The fax was given to Tribunal members by Sangh Parivar members.

The fax made allegations against the Tribunal, its conduct, and against persons associated with it. The note stated that that IPT was, "[a] self-appointed body composed wholly of leftists, fellow travellers, all known Hindu baiters." The note of the VHP was signed by the Organising Secretary, and included allegations against Dr. Angana Chatterji, a professor of anthropology, who has been working with advocacy research in Orissa since 1995, and teaches in San Francisco, stating that "the inclusion of an NRI [non-resident Indian] well known for anti-Hindu activities in the US¹¹⁴ suggests foreign funds from sources bent on destabilising the country."

¹¹³ United States Department of State (2005) India. International Religious Freedom Report, 2005, Released by the Bureau for Democracy, Human Rights, and Labour, Washington, D.C. (08 November) URL (consulted September 2006): <http://www.state.gov/g/drl/rls/irf/2005/51618.htm>; also see United States Department of State (2006) India. International Religious Freedom Report, 2006, Released by the Bureau for Democracy, Human Rights, and Labour, Washington, D.C. (15 September), URL (consulted September 2006): <http://www.state.gov/g/drl/rls/irf/2006/71440.htm>.

¹¹⁴ Insertion: US refers to United States.

There is no merit to these allegations. The Indian People's Tribunal has provided all funding for costs related to the Tribunal in Orissa. No private funds or grants were solicited, and participation by all members is on a voluntary basis and in their capacity as individuals. IPT and the individuals participating on the Tribunal are all highly respected, and of immense credibility.

After receiving the fax, Sangh Parivar members demanded that Tribunal members give them the two micro cassettes recording their session. Tribunal members attempted to reason with them and persuade them to leave the tapes in the Tribunal's custody, stating that the Sangh Parivar statement was necessary to the Tribunal's work and that the Sangh Parivar members who deposed had done so with informed consent. Sangh Parivar members aggressively responded to Justice Usha and Justice Mehta. To Dr. Chatterji, Sangh Parivar members said that they know of her "vicious activities". Sangh Parivar members insisted menacingly and threateningly that the tapes with information gathered by the Tribunal be returned. If the tapes were not given to them, they stated that they would ensure their possession by using any means necessary. Dr. Chatterji, who had custody of the tapes, destroyed them in front of Parivar members. At this time, approximately 9 Sangh Parivar members gheraoed [circled] the Tribunal members present and the IPT staff. At that time, barring Justice Mehta, all the other Tribunal members (Justice Usha, Dr. Chatterji, Dr. Hans) and staff (Ms. Sameena Dalwai, Ms. Priyanka Josson and Ms. Maya Nair) in the room were women.

The Tribunal members present took a decision, given the escalated and tense situation, to leave the hearings and cancel the meetings scheduled for the rest of the day.

Outside, Sangh Parivar members became increasingly abusive and violent in their speech, shouting, "this is an IPT funded by the foreign funding agencies to tarnish the image of the Hindu Rashtra and we will rape those women". When the Tribunal staff was leaving, one of the Sangh Parivar members said that: "We will parade them naked". Ms. Mallik of the Sangh Parivar also forcibly took a picture on her mobile phone of Dr. Chatterji, saying that: "we will make sure that everybody knows your face". The Parivar members also took down the vehicle numbers of the Tribunal.

Tribunal members regret and would like to strongly deplore the high-handed and aggressive actions of the Sangh Parivar that has now derailed the Tribunal process.

The Indian People's Tribunal on Environment and Human Rights was constituted by a people's mandate in 1993 to investigate human rights violations and cases of environmental degradation. The IPT is particularly concerned about cases that affect the lives and livelihood of a vast majority of urban and rural poor. The IPT process endeavours to inquire into the exact nature of a problem, and provide a true picture by providing a space for all the concerned parties to present their views.

The Tribunal is headed by Justice K. K. Usha, Former Chief Justice, Kerala High Court, and Justice R. A. Mehta, Former Acting Chief Justice, Gujarat High Court, and Former Director, Gujarat Judicial Academy. The Tribunal is convened by Dr. Angana Chatterji, Associate Professor, Anthropology, California Institute of Integral Studies, and Mr. Mihir Desai, Indian People's Tribunal and Advocate, Mumbai High Court and Supreme Court of India. Other

Tribunal Members are Dr. Chetan Bhatt, Reader, Sociology, Goldsmiths College, University of London;¹¹⁵ Dr. Asha Hans, Professor, Women's Studies, Utkal University; Ms. Lalita Missal, National Alliance of Women-Orissa Chapter; Dr. Shaheen Nilofer, Scholar-activist from Orissa; Mr. Sudhir Pattnaik, Scholar-activist from Orissa; Dr. Ram Puniyani, EKTA, Committee for Communal Amity.

In case you have any further inquiries about the process or you wish to communicate to us your decision to depose before the panel then you may contact me (contact information below), or the co-convenors of the Indian People's Tribunal on Communalism in Orissa, Dr. Angana Chatterji at 9937413370 or achatterji@ciis.edu and/or Mr. Mihir Desai at iptindia@vsnl.net.

Yours sincerely,
Deepika D'Souza, National Coordinator
Indian People's Tribunal

LETTER TO THE NATIONAL HUMAN RIGHTS COMMISSION

To: Justice A. S. Anand
Chairperson, National Human Rights Commission

18 June 2005

Dear Justice Anand,

I am writing to request that the National Human Rights Commission investigate an incident, and its follow-up, characterised by dangerously antagonistic and violent conduct on part of certain persons connected to Hindu nationalist organisations, especially the Bajrang Dal and the Vishwa Hindu Parishad, toward the Indian People's Tribunal on Communalism in Orissa.

I am co-convening and serving on the Indian People's Tribunal on Communalism in Orissa organised by the Indian People's Tribunal on Environment and Human Rights (IPT). Members of the Tribunal have been travelling throughout the state as part of its investigations on communalism in Orissa. The primary investigations of the Tribunal took place from June 11-14, 2005. Persons from Hindu nationalist organisations disrupted and wrought havoc at a meeting held by the Tribunal on 14 June (for details, please see the appended letter to the Superintendent of Police). It is of urgent concern that persons connected to the Bajrang Dal, Vishwa Hindu Parishad, Rashtriya Sevika Samiti (RSS-W), the women's wing of the Rashtriya Swayamsevak Sangh, and the Bharatiya Janata Party intervened to derail the Tribunal process. It is of significant concern that these persons threatened to rape, and parade naked, women associated with the Tribunal, jeopardising the safety and security of women members. It is reprehensible that these persons undermined the Indian People's Tribunal, which was founded on 05 June 1993, based on a people's mandate, to conduct principled investigations that focus on issues of human rights and social and environmental justice.

¹¹⁵ Dr. Bhatt was unable to participate in the Tribunal, to which he was to contribute long-distance after the primary investigations, due to some urgent demands on his time. However, we note that his guidance during the process has been invaluable.

The Hindu nationalist organisations named above have maligned and targeted the Tribunal and its members. They have threatened Justice K. K. Usha, Former Chief Justice, Kerala High Court, and Justice R. A. Mehta, Former Acting Chief Justice, Gujarat High Court, and Former Director, Gujarat Judicial Academy, [Justice Mehta accompanied the tribunal on its site visit to Phulbani and due to urgent demands on his time thereafter acted as an advisor to the tribunal. We note that his guidance during the process has been invaluable.] who are heading the Tribunal. That senior and respected retired members of the Indian judiciary, one of whom is a woman, could be so humiliated and endangered is an outrage. They have also threatened other women members, and IPT staff. Especially, they have continued to directly intimidate and verbally attack me since the incident, as I remain in Orissa for a few days to continue the Tribunal's work.

After the incident, on the evening of 16 June 2005, the Bajrang Dal held a press conference at Hotel Kesari in Bhubaneswar. Through press reportage I am aware that at the meeting, Mr. Subash Chouhan, the State Convenor of the Bajrang Dal, questioned my right to be in Orissa, alleging that I have been working against Hindu organisations. It was also stated that my involvement with IPT suggests that foreign funds from sources in the United States bent on destabilising the country (India) are coming into Orissa. This is defamatory and libellous. I would like to clarify that the Indian People's Tribunal has provided funding for costs related to the Tribunal in Orissa. Mr. Chouhan also stated that if I continue, the Bajrang Dal and the Vishwa Hindu Parishad would strongly challenge and repress me. Some of his statements have since appeared in the Oriya press and has been televised (in Dharitri, Anupam Bharat, and Sambad newspapers, 17 June 2005; and on O-TV on 17 June 2005).

It is ironic that while non-resident Indians are being encouraged to participate in the well-being of the Indian nation, I am being targeted for doing so. I am a citizen of India and a non-resident Indian/resident alien of the United States who is an associate professor of anthropology and teaches in an accredited institution of higher learning. I am an academic and receive a salary from the university where I teach in San Francisco. I have also received support to conduct and oversee advocacy, policy and action research from credible institutions, including the Planning Commission of India. I am married to a Jewish-American man, who is also an academic and anthropologist and who identifies as secular. I travel to India regularly, at least twice each year, to continue my research work and visit family and friends. My work has been focused on the human rights of Dalits, Adivasis, women, as well as other disenfranchised and minority groups across religion, caste and class, inclusive of numerous people who self-define in some way as Hindu. I would also like to clarify that I am a secular person of Hindu descent and that my taking a position opposing Hindutva and Hindu nationalism is in no way in opposition to Hindus or Hinduism.

Various individuals, groups and political parties in Orissa have condemned the attack on the Indian People's Tribunal. The All India Democratic Women's Association-Orissa (AIDWA-Orissa) held a protest outside the Superintendent's Office on the morning of 16 June 2005 demanding that an investigation be conducted into the incident against the Indian People's Tribunal and these perpetrators be brought to justice. In addition, thus far the Communist Party of India (Marxist), the Communist Party of India and the Samajwadi Party (Women's Wing) have condemned the incident. This incident and its aftermath compromise the basic safety of citizens and endanger the law and order situation in the state. I am also aware that if the Indian

People's Tribunal is threatened and violated in Orissa for undertaking an inquiry in the state capital, marginalised peoples and groups will be made far more vulnerable if they speak up.

I am writing to plead that the National Human Rights Commission undertake an investigation into the above, and into matters and circumstances in Orissa that pose a threat to the sanctity and security of human rights in the state, particularly of religious minorities, disenfranchised Adivasi and caste groups, and other vulnerable groups such as women and secular organisations, and active individuals.

Various incidents have occurred and continue in the State of Orissa instigated by Hindu nationalists that communalise society and create communal violence. As you are aware, in January 1999, Australian missionary Graham Staines and his two sons, Philip and Timothy, were murdered. On 16 March 2002, the Orissa State Assembly was attacked days after the horrific targeting of minorities in Gujarat, as a few hundred Vishwa Hindu Parishad and Bajrang Dal activists burst into the Orissa Assembly and ransacked the complex, demanding the construction of the temple in Ayodhya and objecting to supposed remarks made against the two organisations by House Members. In February 2004, in Jagatsinghpur District, seven Christian women and a male pastor were forcibly tonsured and a social boycott is in place against them even to this day. In August 2004, a church in Phulbani District was attacked. Poor Muslims who trade in cows, leather and meat are intimidated and threatened on a regular basis in the state. Adivasis have been forcibly converted to Hinduism. Dalits in Orissa are being mobilised to serve the Hindu Rashtra. Violence against women continues. Hindu nationalist organisations are mobilising one of the largest volunteer bases in Orissa, creating, and infiltrating into, political, governmental, developmental, educational and charitable institutions.

The State Government of Orissa has been incapable of dealing with, or responding appropriately to, these issues and the serious concerns they pose to democratic governance in the state, and of ensuring the security and sanctity of peoples and groups made vulnerable through majoritarian communalism as perpetrated by Hindu nationalist organisations in the state.

I am hopeful that you will mobilize the considerable expertise and experience of the Commission to effectively respond to these issues and take preventative action to ascertain rule of law, freedom of speech, freedom of movement, freedom of assembly, freedom of inquiry, and the right to information in Orissa.

Enclosed, please find the following documents pertaining to the above:

1. IPT press release of 14 June 2005
2. My statement to the Superintendent of Police of 15 June 2005

If you should need to contact me, please do not hesitate to do so at the following address(es).

Yours sincerely,

Dr. Angana Chatterji
Associate Professor, Social and Cultural Anthropology
California Institute of Integral Studies

STATEMENT TO SUPERINTENDENT OF POLICE-ORISSA

To: Mr. Amitava Thakur
Superintendent of Police
15 June 2005

Dear Mr. Thakur,

I am writing to you to inform you of an incident characterised by shocking and dangerously aggressive conduct and to express my concern regarding the behaviour of certain persons connected to Hindu nationalist organisations.

I am convening and serving on the Indian People's Tribunal on Communalism organised by the Indian People's Tribunal on Environment and Human Rights (IPT). Members of the Tribunal have been travelling throughout the state as part of its investigations on communalism in Orissa. The primary investigations of the Tribunal took place from June 11-14, 2005.

Yesterday, 14 June 2005, we were conducting a hearing with Hindu nationalist organisations, between 11 am and 1 pm, at the Red Cross Bhavan in Bhubaneswar. During the majority of the hearing, along with me, other Tribunal members present were: Justice K. K. Usha, Former Chief Justice, Kerala High Court, and Justice R. A. Mehta, Former Acting Chief Justice, Gujarat High Court, and Former Director, Gujarat Judicial Academy, who are heading the Tribunal; Mr. Mihir Desai, Indian People's Tribunal and Advocate, Mumbai High Court and Supreme Court of India, who is co-convening the Tribunal with me; Dr. Asha Hans, Professor, Women's Studies, Utkal University; and Dr. Ram Puniyani, EKTA, Committee for Communal Amity. In addition, the following IPT staff members were also present: Ms. Sameena Dalwai, Ms. Priyanka Josson and Ms. Maya Nair.

(Other Tribunal Members who were not present at that meeting were: Dr. Chetan Bhatt, Reader, Sociology, Goldsmiths College, University of London; Ms. Lalita Missal, National Alliance of Women-Orissa Chapter; Dr. Shaheen Nilofar, Scholar-activist from Orissa; Mr. Sudhir Pattnaik, Scholar-activist from Orissa.)

On 14 June 2005, shortly after 11 am, the event began without incident. Invited representatives of the Bajrang Dal (BD) and Vishwa Hindu Parishad (VHP) came to offer testimonies. The first person to depose was Mr. Ramachandra Behera, who informed us that he was a journalist representing the Media News Agency and also a worker of the BD and he showed us the letter of invitation that had been sent to Mr. Subash Chouhan, State Convenor, BD. Tribunal members had taken his oral consent for audio-recording the testimony. The Tribunal members had sought consent of all subsequent persons.

Following the conversation with Mr. Behera, Mr. Bansidhar Pradhan testified, identifying as a member of the VHP. Following which, another male person testified, also identifying as a member of the VHP. Following which, Mrs. Padmaja, who identified as a member of the Rashtriya Sevika Samiti (RSS-W) and Bharatiya Janata Party (BJP), deposed before the Tribunal.

During the last few minutes of Mrs. Padmaja's testimony, between 12.25-12.30 pm, Mr. Desai

and Dr. Puniyani left the meeting for the airport, to take a flight to Mumbai.

Then Ms. Mamta Mallik, who identified as a member of the RSS-W, also deposed. During Mrs. Mallik's deposition, those who offered testimonies identifying as VHP members received a fax from the Vishwa Hindu Parishad, Orissa, Cuttack Office. These persons gave a copy of the fax to Tribunal members.

The fax made allegations against the Tribunal, its conduct, and against persons associated with it. The note stated that IPT was, "[a] self-appointed body composed wholly of leftists, fellow travellers, all known Hindu baiters." The note of the VHP was signed by the Organising Secretary, and included allegations against me. I am an associate professor of anthropology, and have been working with advocacy research in Orissa since 1995, and teach in San Francisco. The fax stated that: "the inclusion of an NRI [non-resident Indian, referring to me] well known for anti-Hindu activities in the US suggests foreign funds from sources bent on destabilising the country." There is no merit to these allegations. The Indian People's Tribunal has provided all funding for costs related to the Tribunal in Orissa. No private funds or grants were solicited, and participation by all members is on a voluntary basis and in their capacity as individuals.

After receiving the fax, one of the persons from Hindu nationalist organisations received a phone call on his mobile phone and left the room. Then some of the others followed. Those who deposed returned to the meeting room and abruptly stated that the meeting was over and that they had nothing to say to the Tribunal, and that the fax was the only information that they wanted to submit. At some point during this, when many of the people from Hindu nationalist organisations left the room for a brief time, Dr. Hans went out to see what had happened to take them out of the room. Later I learned that given the situation Dr. Hans had decided to leave the building, and had driven home.

Mr. Pradhan referred to my earlier meeting with Mr. Chouhan, stating that 'they' were aware of who I was and that my work was harmful to Orissa. Those who deposed then accused the Tribunal of anti-Hindu and anti-state activities and demanded that the tapes recording their session be returned to them. All the Tribunal members and staff spoke and attempted to reason with them and persuade them to leave the tapes in the Tribunal's custody, stating that statements from representatives of Hindu nationalist organisations were necessary to the Tribunal's work, and that the representatives who deposed had done so with informed consent. It is illogical to accept an invitation to depose at a Tribunal on Communalism, give consent to be recorded and then claim that any coercion or deception has been perpetrated. We also explained that the tapes were necessary for the Tribunal to facilitate accurate representation. At which point, Mr. Pradhan said that they had no idea that they were being taped. However, the tape-recorder was placed in front of each person during their testimony and was in full view of those deposing at all times. After the first tape was over, the tape was changed in front of those deposing. Approximately, one and a quarter micro-cassettes, each of 90-minute duration, were used during the entire session.

Those who had deposed to the Tribunal were joined by others and together they verbally attacked Tribunal members, made false, defamatory, and inflammatory statements, in obscene and vile language, and sought to seize information gathered during the investigations. At that

time, barring Justice Mehta, all the other Tribunal members (Justice Usha and myself) and staff (Ms. Sameena Dalwai, Ms. Priyanka Josson and Ms. Maya Nair) in the room were women. Those who deposed aggressively responded to Justice Usha and Justice Mehta. To me, those who deposed said that they know of my "vicious activities". Those who deposed insisted menacingly and threateningly that the tapes with information gathered by the Tribunal be returned. If the tapes were not given to them, they stated that they would ensure their possession by using any means necessary. I had the tapes in my custody and they said that they were asking me "nicely, as a sister", and if I did not listen, then they would be forced "to do what they needed to do" to take the tapes away, and that I should not force them to act. When they approached me threatening to take it away I was forced to destroy the tapes in front of those who had deposed. By this time, approximately 9 persons had gheraoed the Tribunal members present in the room and the IPT staff.

The Tribunal members and IPT staff present left the room, given the escalated and tense situation, with the intent to leave the building. Outside, those who had deposed and the others who joined them continued to shout threats, including the promise to rape attending women members of the Tribunal. They became increasingly abusive and violent in their speech, shouting, "This is an IPT funded by the foreign funding agencies to tarnish the image of the Hindu Rashtra and we will rape those women". When the Tribunal staff was leaving, one of the people said that: "We will parade them naked". Ms. Mallik also forcibly took a picture on her mobile phone of me, saying that: "We will make sure that everybody knows your face". The people from Hindu nationalist organisations also said that they would note the vehicle numbers of the cars that Tribunal members were travelling in.

On leaving Red Cross Bhavan we made a few decisions: that all the Tribunal members and staff that were staying at the Swosti Hotel would move to another place; and that given the escalated and tense situation, we would cancel the public hearing scheduled for 2.30-5.30 pm and the press conference, scheduled for 6.30-8.30, to report preliminary thoughts on the investigation. At the public hearing we had invited numerous persons to come and speak to us, including persons from political parties, people's movements, minority and women's groups. People had taken the time and care to prepare and come to attend the public hearing, and the Tribunal was forced to miss the opportunity of hearing their statements. Later in the afternoon we met with a few press persons in private to report the incident.

Since the incident occurred I have been receiving intimidating calls. Last night I received a call from Mr. Subash Chouhan. This morning I received a phone call from a number that my mobile phone recorded as 9937316110. When I asked the caller to identify himself he asked if I had heard of Dara. 'Dara Singh, the man who can take care of trouble,' he stated. He stated that he knows who I am, of my actions and movements. He stated that I should not forget that this is Orissa. He said that if I did not behave like a "woman should", I would be raped, murdered, then cut into pieces, and that no one would know how it happened. Tonight I received a call from Mr. Behera, who stated that by publicising the incident I had maligned him and his "company". I have also received a number of calls from unidentified persons who have been verbally abusive on the phone.

I am horrified and saddened by the high-handed and aggressive actions of these persons connected to the BD, VHP, RSS-W and BJP that has now derailed the Tribunal process. That sen-

ior and respected retired members of the Indian judiciary, one of them a woman, could be so humiliated and threatened is unfathomable. It has also undermined the Indian People's Tribunal, which was founded on 05 June 1993, based on a people's mandate, to conduct principled investigations that focus on issues of human rights, social and environmental justice. The Indian People's Tribunal on Environment and Human Rights investigates and adjudicates on human rights violations and environmental injustices, emphasising issues of state accountability and the conditions of the marginalised, in particular, women, children, Adivasi/indigenous peoples, Dalits, minority groups, including sexual identity based groups, labourers, the disabled, and prisoners.

Through this process, I am also made acutely aware that if bodies with the legitimacy and social recognition such as the Indian People's Tribunal can be so threatened in Orissa and violated for undertaking an inquiry in the state capital, the plight and vulnerability of marginalised people's and groups must be assumedly so much worse should/when they attempt to speak up. I am hopeful that you will take appropriate action to ensure that democratic and public processes can continue in Orissa, and that people, particularly women, as was the case here, participating in these processes do not encounter violent behaviour or fear for their safety. To ensure that there is no breakdown in governance, it is imperative that rule of law is ensured to enable freedom of speech, freedom of movement, freedom of assembly, freedom of inquiry, and the right to information.

Yours sincerely,

Dr. Angana Chatterji
Associate Professor, Social and Cultural Anthropology
California Institute of Integral Studies

13 RECOMMENDATIONS

'We have lived here for many generations, but we are called "foreigners", "traitors", "terrorists". The Hindu Suraksha Samiti threatens us :¹¹⁶ 'MUSSALMAN KA EK HI STHAN, PAK-ISTAN YA KABRISTAN' [For Muslims there is one place, Pakistan or the grave].

Where will we go?'

Muslim Elder, Bhadrak, June 2005¹¹⁷

'There is virtually no political opposition to Sangh Parivar in the state.'

Senior leader within people's movements, Bhubaneswar, December 2005¹¹⁸

Mandate

The People's Tribunal was convened to generate awareness about the organisation and growth of majoritarian communalism in Orissa, and the reciprocal effects of communalising society, as a fact-finding inquiry and preventive step. The Tribunal examined the extent of violent events and day-to-day communal violence in Orissa. The Tribunal assessed the spread of communal organisations in Orissa, which has been accompanied by a series of small and large events and some riots. It is the Tribunal's determination that such violations are utilised to generate the threat and reality of greater violence, and build an infrastructure of fear and intimidation.

The Tribunal notes with solemn concern the extent of mistreatment perpetrated by majoritarian communalist organisations and their cadre, and the grievances recorded by minority and disenfranchised peoples impacted by majoritarian communalism, along with the failure of the Government of Orissa to take appropriate and timely action. The investigations of the People's Tribunal confirm that local, state, and central authorities, and the mechanisms they have endowed and oversee, have been negligent with regard to their administrative, legal, and moral responsibilities to protect affected persons and communities in crucial ways.

The People's Tribunal takes the position that the state is accountable for safeguarding human rights, and that the state must seek to rectify conditions that may enable further violence, genocide, or crimes against humanity.¹¹⁹ The Tribunal underscores the merits of remedial and preventive action, and emphasises the imperative of citizen's interventions, even while the state and elected governments remain indisposed, as they have been, to act or react. The Tribunal holds that citizens have a responsibility to respond to violations in order to challenge the exist-

¹¹⁶ Hindu Suraksha Samiti: Association for the protection of Hindus.

¹¹⁷ Interviewed by Angana Chatterji.

¹¹⁸ Statement offered to the Indian People's Tribunal.

¹¹⁹ We note here the importance of the prospective passage of the Communal Violence (Prevention, Control, and Rehabilitation of Victims) Bill, 2005, which is a citizen motivated effort for the prevention of genocide and crimes against humanity, and delineates measures for state and public accountability. The Bill was introduced in Parliament in December 2005. See Citizens Consultation for a Law Against Mass Crimes (2004) Sabrang, URL (consulted September 2006): <http://www.sabrang.com/camp/masscrimes/lawonmasscrime.pdf>.

ing culture of impunity that generally protects perpetrators of communal violence from prosecution. Premised on the above, the Tribunal seeks to make recommendations on the current acts and impacts of communalisation in the state and corresponding human rights violations, highlighting the need for the Government of India, the Government of Orissa, and citizen's groups to oppose such violations, to prevent further and future violence.

The facts presented in this report describe the heightened preparation undertaken by communal organisations to bring about a Hindu Rashtra. The report also describes in considerable detail how the cadre of majoritarian communal organisations is indoctrinated in hatred and violence against other communities it holds to be inherently 'inferior'. If such communalisation, as being undertaken in Orissa, is indicative of the future of the nation, then the signs are truly ominous for India's democratic future.

State of Emergency in Orissa

While the Constitution of India requires that institutions of state stand apart from religion and religious practise, and remain neutral and impartial, contrarily, we find government officials in Orissa engaging in religious practices as part of their official duties and using religious sentiments in enacting their duties; idols and photographs of deities in government offices; religious ceremonies being performed on government property such as railway stations; and public institutions and military paraphernalia named after objects of religious significance.

This report shows how the state is implicated in fortifying communal activities in Orissa, far removed from the observations made in the S. R. Bommai and Others versus Union of India and Others case of 1994 on the constitutionally mandated character of the state in the Indian Republic.

Based on its findings, the Tribunal recommends that the Government of India and the Government of Orissa treat the communal situation in the state as on par with an emergency, and act promptly to address the injustices perpetrated on minority and disenfranchised persons and groups as a preventive measure against future injustices. Acknowledging the magnitude and appalling impact of the consequences of majoritarian communalist mobilisations, and the reciprocal human rights violations that have ensued, we urge that the following recommendations be acted upon expeditiously:

Law and Order

The investigations of the People's Tribunal confirm that an alarming situation has developed in respect of the supremacist ideology of Hindutva. We recommend that the Central Bureau of Investigation (CBI) immediately investigate the activities of the Bajrang Dal, VHP, and RSS, and apply, wherever necessary, relevant provisions of the Unlawful Activities (Prevention) Act, 1967. We note that under Section 2G of the Act, 'unlawful association' denotes: (1) 'that which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or through which the members undertake such activity'; or (2) 'which has for its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code 1860 ([Central Act] 45 of 1860) or which encourages or aids persons to undertake

any such activity; or of which the members undertake any such activity'.

We recommend that a review panel be appointed by the Government of Orissa, in consultation with the National Human Rights Commission, the National Minorities Commission, and other relevant independent bodies, such as the People's Union for Democratic Rights and People's Union for Civil Liberties, to identify and investigate the status, actions, and finances of communal groups and their affiliates and cadre, and the actions of their membership. The Tribunal strongly recommends that these groups be investigated and monitored, and, as appropriate, requisite action be taken and sanctions be imposed on their activities, and reparations be made retroactively to the affected communities and individuals.

We recommend that the Government of Orissa and the Central Government make concerted efforts to identify, investigate, and eradicate paramilitary hate camps being operated by the communal groups that instruct cadre in arms training and militancy with the express purpose of threatening and destroying disenfranchised and minority populations, through social and economic boycotts, sporadic and organised intimidation, arson, rape, murder, and other forms of social, gendered, economic, and physical violence.

We observe that certain organisations, such as the VHP and VKA are registered as charity organisations. As their work appears to be political in nature, we recommend that they should be audited and recognised as political organisations. A serious concern is whether the activities of these fall within the objectives of the Trust; whether in fact these organisations should have been registered as Social Trusts given the nature of their activities; whether the monies collected are indeed used for the purposes for which they were collected and whether illegal and political activities are being carried out in the name of social work. Given these concerns, we recommend that the charitable status, and the rights and privileges thereof, enjoyed by these groups be reviewed.

We recommend that the disparagement, demonisation, and vilification of any religion should be statutorily prohibited and held punishable under the IPC.

We recommend the repeal of the Orissa Freedom of Religion Act, 1967, following the precedence set in Tamil Nadu in 2004, whereby the ordinance of 2002 was set aside pertaining to the 'freedom of religion'. As provisions for preventing and prohibiting conversions that commence under duress and coercion already exist under the IPC, we find no basis for the existence of a separate law, especially one which sets draconian parameters and has been used by communalists to target and prohibit voluntary conversion within minority, especially Christian, communities.

We strongly recommend that the Government of India and the Government of Orissa take adequate and expeditious steps to ensure that those who convert voluntarily to Christianity, Islam, or any other faith be allowed to practise their religion. Failing to do so is in serious violation of Articles 25-28 of the Constitution of India, which define the Fundamental Rights of every citizen of India, and those that the Government of India and the Government of Orissa are obligated to uphold. We also find that Hindu organisations and their cadre use rumour and propaganda to influence and incite Hindu masses, preying upon stereotypical and prejudiced notions that prevail regarding minority communities in the state. They circulate inaccurate,

defamatory, and libellous information about Christians and Christian religious organisations, along with misinformation about the use of inducement and force, and numbers, regarding conversions from Hinduism to Christianity, and at times to Islam.

We note that the right of individuals to undergo religious conversions is constitutionally permitted, unless under duress. We recognise that people have complex motivations for conversion, including economic, political, and social reasons. Historically, conversions from Hinduism to Christianity or Islam have occurred for multiple reasons, such as being a form of resistance among the elite, and as a way to escape caste oppression and social stigma for Adivasis and Dalits. We note that societal or Hindu 'feelings' about conversions to Christianity or Islam may not render these conversions inappropriate, invalid, or illegal. Rather, it is only in circumstances where conversions occur coercively or are undertaken with the intent of mobilising a culture of hate, that conversions must be disallowed.

We find that Sangh Parivar organisations are converting Christians and other non-Hindus to Hinduism. We also note with concern that Sangh Parivar activists claim India to be a Hindu nation and all Adivasis and Dalits to be 'originally' Hindus, even as Adivasis and Dalits often do not self-identify as such. Drawing on such rationales, communal organisations justify coercion in 'bringing back' Adivasis or Dalits to Hinduism. We urge the recognition that by and large most Adivasi communities and Dalit groups do not identify as part of the Hindu community, and urgent steps should be taken to stop their Hinduisation by means of coercion or duress. We recommend that the police and courts act immediately and authoritatively to stop communalists from enacting forcible conversions or 'reconversions', and that the police be required to submit regular and public reports documenting their work.

We find that various police and court investigations related to crimes against minorities have not been undertaken. On occasion the police have refused to file First Information Reports. We recommend that police desks be set up for registering minority grievances and filing FIRs, and that the Government of Orissa appoint a team of Special Public Prosecutors to conduct proceedings as necessary.

We note that the BJP-BJD-led coalition government in Orissa has refused to ban the trident distribution programme, which was undertaken in May 2005, despite protests from opposition leaders, and human and civil rights groups. We recommend that the trishul be categorised as a weapon and its mass distribution be prohibited under the Arms Act of 1959, irrespective of the size of the blade.¹²⁰

¹²⁰ The permissible limit on blade size is 6 inches, as stated in the report of the tribunal conducted by the Citizens for Justice and Peace: 'On August 17, 2000, having amended the Indian Arms Act, the MP [Madhya Pradesh] Government ordered a crackdown on VHP-Bajrang Dal cadres in that state trying to foment trouble through mass distribution of trishuls. The Indian Arms Act, 1959, prohibits possession and carrying of sharp-edged weapons longer than six inches. Taking advantage of this provision, the VHP had decided to distribute Tridents measuring five-and-three-quarters of an inch. Thousands of trishuls would have been distributed all over the state. However, the government amended the Arms act, curtailing the permissible limit to four inches'. See Citizens for Justice and Peace (2002) *Crime Against Humanity: An Inquiry into the Carnage in Gujarat*, Volume II, p. 102, URL (consulted September 2006): <http://www.sabrang.com/tribunal/>. The Indian Arms Rules of 1962, Section 37, also prohibits the transportation of certain weapons: 'knives ... other such weapons with blades longer than 9" or wider than 2" other than those designed for domestic, agricultural, scientific or industrial purpose, steel baton'. See URL (consulted September 2006): <http://www.lawsindia.com/Advocate%20Library/C18.htm#schl>.

We recommend that the Orissa Prevention of Cow Slaughter Act, 1960, be reviewed. We note that provisions for preventing and prohibiting cruelty to animals already exist under the Prevention of Cruelty to Animals Act, 1960,¹²¹ and find no basis for the existence of a separate law, especially one which is utilised to intervene on the livelihood practises of economically disenfranchised groups with detrimental effects, such as among Adivasis, Dalits, and Muslims, that engage in cattle trade and cow slaughter.¹²²

Institutional Issues

We recommend that the Government of Orissa must establish and activate the State Human Rights Commission and State Minorities Commission. Given the scope and extent of human rights violations in general, and of minorities in particular, we recommend that this must be made a priority.

We recommend that the Government of Orissa appoint a task-force, with requisite participation from civil society, for a comprehensive assessment of communalism in the state, with particular attentiveness to Hindu communalism.

Taking note of the coercion applied by communal organisations in converting non-Hindus and once-Hindus to Hinduism, we recommend that the Government of India, in conjunction with the National Human Rights Commission, investigate, assemble, and release a status report regarding the issue of (re)conversion of Christians to Hinduism that is being undertaken by communal organisations.

We find that communal organisations have been orchestrating active campaigns to spread rumours about large-scale Muslim 'infiltrations' from Bangladesh that threatens the well-being of Hindus in Orissa and India. Based on our investigations, we do not find evidence of any such imminent or remote danger. We note that the use of the term 'infiltration' is deliberately misleading and inflammatory. In fact, the majority of those who have migrated from Bangladesh are of Hindu descent.¹²³ We recommend that the Government of India, with the participation of established civil society groups that work for communal harmony, assemble and release a status report on the actual number of Muslims from Bangladesh that have migrated into the area, and describe the socioeconomic forces that result in such migration.

We note that communal organisations have instituted an extensive educational network for inducting rural and disenfranchised peoples in Orissa into the Sangh Parivar. Building on a mandate that validates the paramountcy of a 'Hindu worldview' in India and the assembling of a Hindu state, the curriculum taught in these educational institutions, such as Ekal Vidyalayas, one-teacher schools, and the VKAs, often denigrates minorities. The communal curricula should not be allowed by the state or central government to masquerade as standard education, as it cultivates a culture of hate toward those who are non-Hindus. We further note that

¹²¹ Which extends to the territories of the Republic of India except the State of Jammu and Kashmir.

¹²² While we note the existence of similar laws in other states, the mandate of our investigation makes it necessary for us to comment on its existence and use in Orissa.

¹²³ Based on information released by state departments and conversations with local leaders. Also, see Giridhar Gopal (2005) 'The Rediff Special', Rediff (24 January), URL (consulted September 2006): <http://www.rediff.com/news/2005/jan/25spec1.htm>.

communal organisations are reported to utilise such educational networks as mechanisms for recruiting and mobilising local communities, including women, Adivasis, and Dalits, in campaigns against religious minorities.¹²⁴ The recent participation of women, Adivasi, and Dalit communities in the genocide of Muslims in Gujarat in 2002 is one example of this pattern.¹²⁵ We recommend that the Government of Orissa set up a special task-force to review and monitor these schools and educational institutions, and terminate state linkages and support to these institutions. We further recommend that the Government of India and the Government of Orissa ensure that the curriculum, which is prescribed in all schools of secular persuasion, should be diligently enforced, and where appropriate, religious curricula should foster understanding of difference and diversity, and not seek to promote adversity or retributive activism in the name of religion.

Furthermore, we observe that majoritarian communalists have made persistent efforts to stop instruction in the Urdu language. We recommend that the Government of Orissa intervene to remedy the environment of intimidation that prevails, and ensure that instruction in Urdu is continued and requisite teachers are hired at the school and university level.

We recommend that the Government of Orissa undertake concrete steps to secularise public offices such as police stations, the Block Development Office, and other government offices, by removing idols, religious structures, religious images from government offices, vehicles and public places, and prohibit religious ceremonies from being carried out in public places and on government premises.

Political Concerns

We urge that the BJD-BJP coalition government in Orissa honour the Constitutional mandate and maintain the separation of religion and state.

We recommend that the issue of police, judicial, and governmental reform must be seriously addressed by social and political leaders, and that action be taken against officers of the law and political servants who abuse their position of public trust by using their power to influence and support communal organisations and a climate of communalism in Orissa.

Social Concerns

We urge that the Government of Orissa take steps to identify and intervene in areas of communal tension where economic and social boycotts are being, or have been, imposed on minority communities. Further, we note with grave concern that such boycotts have been placed against the Christian community in the past in Raikia in Phulbani district, against the Muslim community in Bhadrak town, and against the Muslim community in Pitaipura in Jagatsinghpur district, and is currently ongoing against Dalit Christians in Kilipal in Jagatsinghpur district. Such action has caused minority communities to isolate and ghettoise

¹²⁴ See Sabrang Communications & Publishing and The South Asia Citizens Web (2002) *The Foreign Exchange of Hate: IDRF and the American Funding of Hindutva*, Sabrang Communications & Publishing Private Limited, Mumbai, India; and The South Asia Citizens Web, France, URL (consulted September 2006): www.stopfundinghate.org.

¹²⁵ Citizens for Justice and Peace (2002: 75-80); and Awaaz, South Asia Watch Limited (2004) *In Bad Faith? British Charity & Hindu Extremism*. London: Awaaz - South Asia Watch Limited, URL (consulted September 2006): <http://www.awaazsaw.org/ibf/>.

themselves, and some have been forced to relocate to escape fear and intimidation. We remain gravely concerned about the impact of such actions on children, women, and the poor, as well as men who are targeted among Adivasi, Dalit, Christian, and Muslim communities.

We recommend that confrontational and libellous statements made by persons and organisations to the electronic and print media that contribute to communalisation should be investigated and acted upon, and the burden of proof placed on such persons and organisations to clarify or retract their statements. We note that media and non-governmental organisations should be encouraged to take initiative and play an active and independent role in the secularisation of society.

We note that organisations such as the Ashram Shalas, which have extensive networks, have been spreading propaganda against minority communities. We recommend that such organisations must be subject to social auditing to ensure that values and ideals of plurality prevail.

We recommend that ongoing and collaborative citizen's forums be convened by civil society groups in villages, districts, and at the state-level, to discuss, debate, and deliberate upon all matters of communal concern, and to offer leadership in bringing together stakeholders from non-governmental organisations, people's movements, political parties, as well as individuals, that are inclusive of diverse castes, religions, classes, genders, and sexualities. We ask that the Government of Orissa be supportive of such organisation.

We recommend that these forums take as their civic responsibility the tasks of identifying and monitoring different areas that are prone to communal tension.

We recommend that these forums bring together organisations and movements in order to identify active links between environmental injustices, dominant development, and communalisation that operate in vicious cycles and collectively create conditions that foster disillusionment among poor and disenfranchised groups, and are utilised by communal organisations to further fragment and communalise communities.

We recommend that the Government of Orissa and forums such as those advocated above organise common festivals and festivities not only on what are identified as 'national occasions' but to celebrate and commemorate occasions that are important to diverse religious groups, with the goal of creating a culture of pluralism and respect.

We recommend that public discourse and educational programmes, including compulsory and inter-faith youth camps be convened to educate people, including youth, on diverse values, traditions, and religious practises.

We urge that the Government of Orissa adopt an integrated and sustainable approach to community development, and we strongly advocate that the Government of Orissa take concrete efforts to stop further ghettoisation of minority communities. To this end, we recommend that the Government of Orissa promote non-segregated localities, housing complexes, housing societies, clubs, educational, and recreational institutions, and that the Government of Orissa publicly support social interactions, including voluntary inter-caste, inter-faith, and inter-class unions, marriages, and partnerships.

Recommendations Specific to Bhadrak

We recommend that the Government of Orissa and other civil society organisations take appropriate and resolute steps to dispel rumours and myths against minorities, especially, in this instance, the Muslim community in Bhadrak, to de-escalate communal tensions and communalisation in the area.

We recommend that the Government of Orissa and the district administration in Bhadrak take stringent and principled action against those individuals and groups that utilise crimes committed by members of a minority community to generate communal sentiments among the general public.

We recommend that the Government of Orissa take immediate measures to appoint Urdu teachers in primary, secondary, and high schools, as well as in colleges in Bhadrak.

Recommendations Specific to Kilipal

We note that on 10 February 2004, instigated and orchestrated by communalists, eight Dalit Christians were beaten, their clothing torn off, and tonsured, and were threatened with murder afterwards. Men held down the Christian Dalit women as Hindu Dalit women shaved their heads. The relations of gendered violence and caste oppression evident here, and the fact that women were mobilised to perpetrate violence against Christian Dalit women, many of whom were also their family members, demonstrates deep social fragmentation and the ability of communal organisations to manipulate these divisions for social unrest and violence. We recommend that the Government of Orissa and the State Human Rights Commission, once initiated, undertake regular and strict monitoring of the activities of communal groups in the village.

We recommend that the Government of Orissa set up a committee to assess and offer reparations retroactively to the seven Christian women and one male pastor who were tonsured in Kilipal in February 2004.

We recommend that the Government of Orissa immediately intervene to end the social and economic boycott against the Dalit Christian community in Kilipal.

We recommend that the Government of Orissa expeditiously bring to justice those who are culpable for such acts against the Christian community.

We recommend that the Government of Orissa initiate regular and strict monitoring of the police guarding the village.

We recommend that senior police officers and other government officials undertake regular visits to Kilipal to ensure that intimidation and threats are no longer directed toward the Christian community in Kilipal.

Recommendations Specific to Pitaipura

We recommend that the Government of Orissa instate a process to compensate those affected within the Muslim community for losses incurred due to the attacks on their homes.

We recommend that the Government of Orissa take stringent action against those public officials, including police and settlement officials, who supported those who are culpable and at fault for actions detrimental to the Muslim community, including an orchestrated land-grab.

We recommend that the Government of Orissa and the State Human Rights Commission, once initiated, undertake regular and strict monitoring of the activities of the Bajrang Dal, VHP, and RSS in the village.

We recommend that senior police officers and other government officials undertake regular visits to Pitaipura to ensure that intimidation and threats are no longer directed toward the Muslim community in Pitaipura.

Recommendations Specific to Keonjhar

We recommend that the Government of Orissa and the State Human Rights Commission, once initiated, undertake regular and strict monitoring of the activities of the Bajrang Dal, VHP, and RSS, as well as the educational institutions, such as VKAs and Shishu Mandirs set up by the Sangh Parivar in the district.

We recommend that the Government of Orissa immediately intervene to end the social and economic constraints being placed against the Muslim community in Keonjhar district, and stop the coercive Hinduisation of Adivasis in the area.

Recommendations Specific to Phulbani

We recommend that the Government of Orissa set up a committee to assess and offer reparations retroactively to the Christian community in Raikia village, where a Catholic church had been vandalised, and the Christian community targeted and threatened in 2004.

We recommend that the Government of Orissa immediately intervene to end the social and economic constraints placed against the Christian community in Raikia, and stop the coercive Hinduisation of Adivasis in the area.

We recommend that the Government of Orissa and the State Human Rights Commission, once initiated, undertake regular and strict monitoring of the activities of the Bajrang Dal, VHP, and RSS, in the district.

Conclusion

We find that significant human rights abuses have taken place in Orissa due to communal violence, and that the Government of Orissa has been negligent in intervening on the actions of

Hindu communalist individuals and organisations that threaten the peace and security of minority and disenfranchised groups in the state. The imminent concern before the Government of India, Government of Orissa, and the citizenry is to prevent the unchecked cruelty inflicted by communal organisations. Through the Tribunal's investigations, including the site visits, we were witness to the extent of episodic violence and everyday brutalisation experienced by individuals and communities targeted by these groups in Orissa. These injustices also highlight the severe and existing hierarchies of caste, class, tribe, religion, gender, and sexuality in the state, and compound social suffering and cultural violence.

We find that the Government of Orissa has failed to respond to these issues and the serious concerns they pose to democratic governance in the state. We recommend that the Indian state must take preventative action to uphold the rule of law, justice, right to life and livelihood, freedom of speech, freedom of movement, freedom of assembly, freedom of inquiry, and the right to information in Orissa.

14. APPENDIX I:
SARASWATI SHISHU MANDIRS IN EIGHT DISTRICTS

Received from the office of the Shiksha Vikash Samiti in Bhubaneswar, June 2005

Balangir District

1. Kandampada, Bolangir
2. College Chhak, Bolangir
3. Tosora
4. Saintala
5. Deogaon
6. Titilagaon
7. Loisinga
8. Belgaon
9. Mahimunda
10. Salebhata
11. Kusanga
12. Kantiabanjhi
13. Patnagarh
14. Belpada
15. Harisahakar Road, Lathor
16. Bangamunda
17. Sindhekela
18. Jarasingha
19. Juria
20. Mulibahal
21. Badamal
22. Bhalumunda
23. Agalpur

Kalahandi District

24. Brajabihari, Bhawanipatana
25. Purunapada, Balajevihar
26. Bhawanipatna
27. Karlapada
28. Jorpada, Brundabati Vihar
29. Borda
30. Kesinga
31. Utkela
32. Narla
33. Madanpur Rampur
34. Rupraroad
35. Risida
36. Jayapatna
37. Mukhiguda
38. Ladugaon

39. Kusumakhunti
40. Charabahal
41. Bijamara
42. Junagarh
43. Dharmagarh
44. Kalampur
45. Chicheiguda
46. Biswanathpur
47. Rupra
48. Pastikuda
49. Golmunda
50. Habaspur

Koraput District

51. Aurobindanagar, Jeypore
52. Saradavihar, Jeypore
53. Baipariguda
54. Kotpad
55. Boriguma
56. Kundara
57. Koraput
58. Similiguda
59. Sunabeda
60. Pattangi
61. Damanjodi
62. Lakshmipur
63. Narayapatna
64. Lamakaput
65. Mathalput

Malkangiri District

66. Malkangiri
67. Balimela
68. Korkunda
69. Mathili
70. Kalimela
71. M.V-79
72. Poteru
73. Kichipali
74. Khairaput
75. Chitrakunda

Nabarangpur District

76. Nawrangpur
77. Khatiguda
78. Anchalguma
79. Umorkot
80. Chandahani
81. Papadahadi
82. Maidalpur
83. Dahana
84. Dabugaon
85. Kosagumunda
86. Jamarunda
87. Raighar
88. Pujariguda

Nuapada District

89. Nuapada
90. Khariar Road
91. Khariar
92. Budhikomana
93. Boden
94. Tukula
95. Patora(Residential)
96. Bhuliasinkua
97. Goimundi
98. Hatibandha
99. Sinapali
100. Sarabong
101. Komana
102. Baltukuree
103. Tarabod
104. Kureswar
105. Duajhar

Phulbani District

106. Phulbani
107. Baliguda
108. G. Udayagiri
109. Raikia
110. Tikabali
111. Khajipuripada
112. Sarangad
113. Janhapanpanka
114. Dariingbadi
115. Chakapada
116. Kotagarh

Rayagada District

117. Rayagada
118. Kashipur
119. Tikiri
120. J. K. Pur
121. Bhisimakatak
122. Ramakrushnanagar
123. Therubali
124. Gunupur
125. Gumuda
126. Padmapur
127. Ramanaguda
128. Amlahata
129. Muniguda
130. Durgi