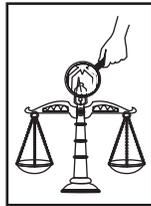


KANDHAMAL (ORISSA)

ROOT CAUSE



JUSTICE ON TRIAL

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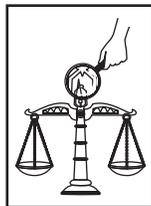
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**KANDHAMAL
(ORISSA)**

REPORT

**RELEASED ON 7-2-2008
AT
BHUBANESWAR**

BY



JUSTICE ON TRIAL

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Nr. Judges Bungalow's Cross Road,**

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FACT FINDING COMMITTEE

1. **Sardar G.S. Gill** *Chairman*
Additional Advocate General, Rajasthan. Jaipur.
2. **Shri P. C. Dogra** *Member*
Former Director General of Police, Punjab, Chandigarh.
3. **Smt. Nafisa Hussein** *Member*
Former Member, National Commission for Women, Mumbai.
4. **Captain M. K. Andhare** *Member*
Social Activist, Ahmedabad, Gujarat.
5. **Shri Ram Kishor Pasari** *Member-Secretary*
Social Engineer, Gandhinagar, Gujarat.

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JUSTICE ON TRIAL

AN INTERIM REPORT

All attempts have been made by Justice On Trial (JOT) with the constraint of resources available and prevailing circumstances to collect factual information regarding the situation in Kondhamal district. This report is based on the basis of the depositions made by the persons who were available at different sites and the persons who came across to put up their version. No doubt different persons would have been telling truth but tendency was found to tell only half-truth. Generally the persons were avoiding answers which go against them/ their case. The committee constituted by the JOT was the first to solace the persons and to make the queries in a routine cool and calm way, so that maximum factual information could be collected. The committee tried its level best to meet all the concerned persons but due to busyness of certain persons to spare the time or might be due to avoiding to face, so there might be probability of biasness or also may be discrepancies but the JOT ensured that those would have been bonafide. If there are any “biases” and “discrepancies” in the conduct of the committee this sole responsibility is ours and not of the Committee. We see our effort is an attempt for impartial enquiry into the incident of Kondhamal district and establishing the truth about what really happened in Kondhamal, in the interest of ensuring justice to all the victims of human rights violation there as well as to find out the root cause behind this happening so that efforts may be made to avoid the repetition of such incidents, in future.

This report is an interim one as a number of facts which are yet required to be incorporated as well as a certain persons who are very much concerned in this incident could not be interviewed even after best of efforts. So the final report shall be submitted later on. As it was not proper to wait for a long time because un-timely report becomes irrelevant so this interim report is being submitted for necessary action, perusal of the Hon'ble His Excellency Governor of Orissa, Hon'ble Chief Minister, all concern and public at large.

CHAPTER - I

PREFACE

An enlightened and joyful environment of holly Christmas day which was just continuing and a number of persons were waiting at their homes to come and give the gift they were praying for but suddenly a news flashed that the homes of certain persons have been burnt in Kondhamal district. Every person, who believed in humanity, was naturally shocked, especially at the state of Orissa which was earlier in highlights due to alleged Hindu – Christian conflicts, Justice On Trial tried to know the factual position as well as the background of the incident through internet and came to know two conflicting theories. So one of the coordinators of Justice On Trial travelled to Orissa and met a number of persons representing both the sides as well as the persons having their concern regarding the human rights. He also collected certain materials from the English newspapers as well as from the local press i.e. Oriya Language Newspapers. There was a very wide gap between the reports received from the said two media. The leading news paper in Oriya language “Samaj” and “Dharitri” were stating different stories while English newspapers were putting their cases on different footing. There were also reporting in the news paper with background of Kondhamal incident telling that it was not a communal one but was a caste-conflict between tribals and S.C. persons which has roots in the long past. They smelt the role of Naxalite / Maiosts in Kondhamal district as number of sophisticated arms were recovered by the state police during the conflict. News also suggested that though due to steps taken by the State Government by deploying para military forces etc., there was peace but the persons belonging to those areas were terrified. So on the basis of brief made by the coordinator of JOT, it was decided to send a Committee, firstly to console the victims and secondly to know the root cause behind the incident and to find out the truth regarding the incident on the one hand and measures/ way to maintain peace in future on the other hand. The Committee was constituted under the Chairmanship of Mr. G.S. Gill, Addl. Advocate General, Govt. of Rajasthan, Jaipur. Other members of the committee were Shri P.C. Dogra, Retd. Director General of Police, Punjab, Chandigarh. Smt. Natisa Hussain, Residing at Mumbai, Ex-Member of National Women’s Commission, Capt. M. K. Andhare from Ahmedabad and Mr. Ram Kishore Prasari, Member Secretary.

TERMS OF REFERENCE OF THIS COMMITTEE

1. Console the victims.
2. To know about the steps taken by the State Government regarding maintenance of peace as well as relief work.
3. Truth of the incident,
4. Background / root cause behind this incident, and,
5. Suggestions for non-occurrence in future.

The committee reached Orissa on 18th of January, 2008. There were two ways to know the truth; one was that it should be publicised in the media and whoever may be interested to depose the factual position may come to see the committee at Bhubaneswar/ Cuttack. The second was to go to the place of incident and first to console the victims and then the matter should be enquired into. So the committee chose to adopt the second method because that was nearer to the goal of the committee because sometimes only the interested persons come to tell the facts according to their convenience and aggrieved and real victims may not approach the committee due to their educational, geographical and economic shortcomings, and the truth remains in their heart and mind without reaching the committee. The committee visited Phulbani, Balliguda, Barakhamba, Budaguda, Gumikia, Darsingbadi, Godapur, Brahmanigaon, Kinarigaon, Jagannathpuri for meeting Swami Laxmanananda to get the first hand information. The victims were consoled and the committee was satisfied that as far as this part of the role was concerned, the committee succeeded. They saw burnt houses of the victims, relief camps, medical camps and the manner in which the issue was tackled by the Government. The committee members won over confidence of the victims. The victims were telling their grievances in such a manner as if they were telling their pain, grievances to their own elder family-members and near and dear ones. A number of persons broke down when hands were put on their shoulders with love and affection. A number of ladies bowed to the feet of the committee members due to intimate and affectionate behaviour of the committee members.

Regarding the second part, i.e., the reasons and back-ground of incident, the committee members observed that every person was trying to put up his own case only and deliberately connived at the other side of the case. As the committee tried to console the victims, the committee members were not in a position to cross-examine deeply to test their testimony because it may make them over-conscious. Secondly, in deposition regarding the incident which might incriminate them would prevent them from opening the whole truth. So, being cautious of this fact, the victims/ witnesses put their cases from their own angle but then the whole truth may not come out.

In the second part of the enquiry the committee decided to meet persons who have concern regarding the issue. The first part was concerned about getting first hand information only from the victims. The committee met on 21st and 22nd January, 2008 Mr. Bhagirathi Mahasur, a noted columnist, Dr. Umesh Patri, a Professor and noted educationist, Prof. Dr. P.C. Tripathi, former V.C. of Sambalpur University and a Lecturer in Sanskrit Smt. Indulata Das.

In its second visit on 26th and 27th January, 2008 the Chairman of the Committee tried to meet both the MLAs concerned i.e. Smt. Ajayanti Pradhan from G. Udayagiri and Sri Karendra Majhi, MLA from Baliguda, as both the MLAs Constituencies come in Kondhamal district as well as the incident took place in their respective constituencies. Mr. Karendra Majhi came in person on our request at Hotel Swosti to meet the Chairman and he was interviewed. In our attempt to meet Smt. Ajayanti Pradhan, MLA, G. Udayagiri, she told that she was in her Constituency and will not be available on the next day also. Certain queries were made to her regarding the issue on telephone.

There were two facts of this issue contradictory to each other; one is made by Kui Sanskrutik Parishad and another by Phulabani Kui Jana Kalyana Sangha. We got the copy of the writ petition No.(C) 7068/07 from which we can gather their stand but on the next day, with our untiring efforts, we could get an appointment from Mr. Pinos Digal, the President of the Sangha. He came to us and discussed the matter in details. Mr. Padmanabha Pradhan, President and Sri Ajaya Kumar Pradhan, Vice President of Kui Sanskrutik Parishad also came to the committee for discussion. As the name of RSS was being alleged by certain persons to be behind this incident, the committee tried to know the fact of this issue from their side. In this regard Dr. Laxmikanta Das, General Secretary, Banabasi Kalyan Ashram who had also given his services as a doctor, through mobile run by the Ashram for a period of 5 years in the Kondhamal district, was requested to enlighten us on the issue. He accepted and came to meet the committee.

Mr. R.K. Naik who is believed to the mind behind all this movement being run for getting ST status to PANA community, was also contacted on telephone for getting appointment. Mr. S.G. Khan, P.A. to Mr. Naik responded but when he was informed of the constitution of this committee and its task, he replied that Mr. Naik is not available. In the evening also he was again contacted but till that time he had not returned. On 27th morning Chairman of the Committee Mr. Gill talked to Mr. R.K. Naik on telephone and told him that the committee is constituted to console and find out the truth regarding the incident as well as to see the reasons behind the incident and that they had visited the site personally and had met most of the concerned persons, and now want to meet Mr. Naik, then Mr. Khan told that Mr. Naik was on the way to Delhi, so he was not available at that time.

Archbishop Raphael Chenath who has been a signatory to the Memorandum given by the Christians organisations to National Minority Commission, was not available on that day. Next day the

committee interviewed him. The committee also interviewed the President, Kui Jana Kalyana Sangha Mr. Pinos Digal.

The committee is also in receipt of a copy of the writ petition No.7068/2007 filed by Phulbani Kui Jana Kalyana Sangha as well as a copy of the Misc. Application No.10349/07 filed for recalling of the orders dt.12.7.2007 passed in writ petition No.7068/2007 filed by one Mr. Duguni Konhar along with the Annexures of the respective writ petition as well as of recalling application. The committee also received a copy of the Memorandum submitted by Kondha Janajati Suraksha Mancha; a copy of the Memorandum sent to the President of India by VHP, Orissa; Banabasi Kalyana Ashram, Daringibadi, District Kandhamal collectively; Joint Chairman, National Minority Commission; Representations submitted by Kandhamala Zila Kui Samaja Coordination Committee to the Chief Minister and Chairman, Tribal Advisory Committee, Orissa. The committee also received copies of the court orders regarding land in dispute at Barakhama. The committee, to know the factual position, obtained certain information from the "Census Report" so that the issue may be examined analytically. The committee also obtained the official report submitted by the administration regarding incident of arson etc. including FIRs regarding the incident. The gist of the evidence, oral as well as documentary, is presented precisely in narrative form in the next Chapter of this Report.

The Chairman of the Committee talked to Smt. Ajayanti Pradhan, MLA, from G. Udayagiri. As she was not in a position to come in person, as being in the Constituency, a few queries were made to her, as follows:-

- a. As far as the relief work was concerned she told that at most of the places where the harm is too much, the relief work is going on properly. But where loss is lesser, or the affected persons are very few, the government officials are reluctant to provide appropriate relief.
- b. Regarding conflict between PANA and KONDHA she told that root of this conflict lies in long past. She told that in the year 1994 there was also a blood shed and a conflict between PANA (SC) and KONDH (ST) people though she added that if government would have taken appropriate steps, this mishappening could have been avoided. Regarding Kui issue she responded that Kui is not a caste or sub-caste but it is a language being spoken by the people of Kandhamal district.
- c. Regarding the incident of assault on Swami Laxmanananda, she told that party workers of BJD were behind this incident. When she was asked whether she can name a few specifically, she laughed in response but further commented that she is told that the persons of Sugrib Pradhan, M.P. from that area were behind this incident. When she was told that certain ladies from Darsingibadi alleged that no incident took place on Swamijee at Darsingibadi then she told the incident regarding assault to Swamijee and his driver etc. took place at Darsingibadi.

On the morning of 27th January, Shri R.K. Naik communicated to this Committee on telephone that he was very happy and thankful that somebody from outside came to Kandhamal to console the victims. The Chairman, during the discussion, told him that despite communal violence in our country, people live together in more peaceful manner than what one sees in advanced countries like the USA or the UK which boast of carrying the flag of human rights in their hands. In India, normally, there is no communal disharmony among people of various religions, castes, creeds, colour and languages. As against that, in USA, even today, the fight between the blacks and the whites continues, that too very serious.

At 11:15 AM on 27th Shri Ramabisi Digal, Vice President, Distt. Congress Committee, Kandhamal visited the hotel to meet the Chairman to extend his cooperation and to submit certain facts about the issues. He was also interviewed.

Before concluding the preface of this report we thank that without the active and devoted assistance of Mr. Prabhu Kalyana Mohapatra, a Free Lancer Journalist and a friend it was not possible for us to understand the things due to certain language problem. Tough most of the persons can understand Hindi and made trial to express their version in Hindi but for explaining in Oriya and getting the response the role of Sri Mohapatra was very vital and important. This committee would like to give cordial thanks to Sri Mohapatra for the same.

CHAPTER - II

EVIDENCE

Dt.19.01.08 (Saturday) forenoon visit to riot-hit Barakhama village

The fact-finding committee under the chairmanship of Mr. G.S. Gill visited the riot-hit Kandhamal district from the State Capital Bhubaneswar on 18.01.07 evening at 5 pm. The Committee covering a distance of around 300 km reached Phulbani, the district headquarters, at 1.30 am. Next morning (i.e. on 19.01.07) at 9 am, the Committee started its journey to oversee the strife-torn area of Barakhama under Baliguda sub-division which is about 90 km away from Phulbani.

The committee reached Barakhama at 11:30 am and visited the relief camp at Barakhama High School Campus. Chairman of the Committee Shri G.S. Gill wanted to know from the doctor on duty Dr. S.C. Patnaik about the kind of diseases / injuries the people are suffering and availability of the medicines.

In reply Dr. Pattnaik said there was no dearth of medicines and people were having no major ailments expect seasonal diseases like loose motion etc. in the camp. He stated that 1420 people of the camp have been treated till that day for minor ailments out of which 2 cases were severe in nature. No case of injury was reported at the Centre.

Tehsildar of Baliguda Manoj Kumar Parhi said he was on duty at this government run relief camp since 28th December, 2007 and people are returning to their homes gradually as normalcy was fast restoring. In reply to a query Tehsildar Mr. Parhi told, only 4 to 5 families of Barkhama village belonging to minority (Christian) Community had not returned to their homes as yet.

On query it was found that a total of 262 houses were damaged in this communal riot at Barkhama village out of which 132 houses were fully damaged. At least 4 to 5 churches have been burnt on 26th & 27th December, 2007 and no untoward incidents had taken place after 28th Dec 2007. Mr. Suresh Chandra Saur, PA, ITDA (Project Administrator, Integrated Tribal Development Agency, Govt. of Orissa) remarked, attack on Swami Laxmananda Saraswati was the immediate provocation for the

tribals to resort to Rasta Roko at Baliguda and torching of 6 Churches at Barkhama on 24th December evening. In protest Kui Samaj of Phulbani gave a 36 hour bandh call (i.e. 25th to 26th for Khandhamal district).

The main demands of Kui-Samaja were annulment of Presidential assent to tribal status for scheduled caste (SCs) converted Christians, de-registration of Kui Jana - Samaja Kalyana Sammiti (Bhubaneswar), cancellation of fake caste-certificates issued by minister Mr. Padmanav Behera, CBI inquiry against Mr. Radhakanta Nayak, MP eviction of encroachment from over the lands of Adivasis. CRPF Jawans were subsequently deployed at the relief-camp. Wahid Khan, a CRPF Jawan told, one platoon of forces are developed in each shift.

During the visit, Ketri Digal a widow in the relief camp told that each family has been provided with 50 kg. of rice, 5 kg of dal, 1 packet salt, clothes etc. But since yesterday no oil for cooking was given. Hence Chairman of the fact finding team drew the attention of the special ADM (Addl. District Magistrate) to oversee the relief and rehabilitation Mr. D.P. Panda to look into the problems faced by the people of the camp. Another inmate Mrs. Sunanda Digal wife of Kunda Digal of Barkhama told that there is absolutely no problem at the relief camp regarding supply of food items.

While visiting riot-affected Barakhama village, Paramananda Nayak, (S/o Mahindra Nayak) said, anticipating attack from tribal communities, we sought for protection of our life and wealth. Hence, we drew the attention of the Sub-Collector & IIC, Police by lodging FIRs. Chairman of the Committee Mr. Gill wondered and asked when there is not even a single Kondh (Adivasi) in your village, why did you anticipate danger from them? Umesh Nayak (S/o Gora Nayak of Barakhama) said communal tensions cropped up in the area in 1986, 1994 and 2001 though there was no violence or casualty due to timely police intervention. "This time we pre-empted attack by tribals by registering complaints before the district & police administration," he said.

Chairman of the committee asked - when did Kui Samaja, Phulbani, an outfit of Adivasis, give notice to the administration about the bandh call ? Pastor Siman Sagar & Pastor Pitabash Digal said notice was served on 10th of December, 2007 to the district administration regarding the two-day bandh of Kandhamal district.

Former Punjab DGP & another member of the fact finding committee Mr. P.S. Dogra wanted to know the number of pastors and churches in Barkhama village ? Mamuna Digal and Ranjit Kumar Nayak said there were about 15 pastors, 20 co-workers and 7 churches in the village.

Pastors are taken care of by the churges & Bishop Bijaya Nayak of G. Udayagiri is in charge of all religious activities in this area. The 7 churches belonging to different Christian communities are CNI

(Church of North India), Catholic Church, Agape Church, Arch Church, B.C.P.I. Church, IEP Church, DP Church etc. Out of these CNI & Arch Church have been burnt & damaged. On 24th December 2007 evening, large number of tribals from the nearby 4/5 gram panchayats (GPs) congregated and after some time went berserk ransacking police station, telephone booth, police motor cycle etc. They also attacked the houses and churches of the village as a result of which Christians fled away to the adjacent jungles. After hiding in the forest for some days, they came back to the relief camp and then to their home.

Mrs. Mandakini Bagh, wife of Susanta Bagh, a resident of Khamankhul village said she had taken shelter in a relatives residence in Barkhama because her house had been burnt. Mrs. Sradhanjali Nayak, wife of Pastor Samson Nayak of Barkhama remarked there were 20 religious co-workers, besides 20 pastors, working in the village. In addition to it, many persons of his community were also working as priests or pastors outside the village for spread of the religion. Some of the residents of Barakhama working as pastors outside the village are Sujan, Bikram, Naveen, Nilakantha, Santu, Sameer etc.

Barakhama is a Christian dominated village of Khandhamal district where 90% of the SCs are converted Christians. But Mera Mallick (S/o Saku Mallick) and Pureshar Mallick (S/o Ganja Mallick) of Rebingia village have a different story to tell. They refuted the allegations of Christians that they had arms and ammunitions with them while demonstrating in the rally. Instead they alleged that due to heavy stone pelting by the Christians community on the rally of District Kui Samaja Samanwaya Samittee, a Kondha boy died on 25th December, 2007. If the demonstrators of the rally would have been in possession of arms and ammunitions, then certainly large number of Christian community persons would have been injured. As Christian community persons have not been injured to a great extent, it is evident that demonstrators didn't clash with the Christians with arms and ammunitions.

The members of the committee wanted to know why the Christian community of Barkhama was sacred of being attacked when the bandh call was given by Kui Samaj for the entire district ? Umesh Nayak, Simon Sagar, Pitabash Digal (all pastors) said there was communal commotion in the area in 1986, 1994 and 2001. In 1994 a Christian leader named Sadhu Kisan Singh was not allowed to attend a meeting and SP Kandhamal had to order lathi charge in order to control the situation. This time tribals also threatened us and announced in the poster that kandharmal is the place of Adivasis. Nobody can live here without Adivasis. So, anticipating trouble during X'Mas we filed complaint with the police on 23rd Dec, 2007 and drew attention of the Sub-Collector, as there was threat in the poster of call for Bandh. Members of the community asked whether anybody had seen the poster of the Kui Samaj Samanwaya Samiti and what had been written in that poster and leaflets. The Christian people present there told they had heard about threats to their community which had been written

in the poster but they had not seen the poster.

But a poster of the district Kui Samaj Samanwaya Samiti, Kandhamal pasted on the gate of Barakhama Government High School reads as follows:

1. A permanent directive be issued that nobody except Kondh can be given caste certificate as Kui.
2. Caste-mafia Padmanav Behera be dropped from the ministry.
3. Appropriate steps be taken against Rajya Sabha member Radhakanta Nayak who has forged his caste.
4. Direct IAS officer be posted as Collector of Kandhamal district instead of Minister Padmanav's supporter.
5. Conflict between Adivasis (ST) and Panas (SCs) be controlled effectively.

In protest against the inaction of the Chief Minister with regard to above matters, Samiti has given a call of Kandhamal bandh for 25th & 26th Dec' 07.

Barakhama is a converted Christian dominated village where about 90% of the scheduled castes particularly Panas have adopted Christianity.

Dt.19.01.08 Saturday afternoon visit to Gumikia village

Distance of this village is about 53 km from Baliguda, sub-divisional head-quarter via Simanbadi through hilly tracks which are very badly maintained. So, communication is a major problem for the inhabitants of Gumikia alongwith basic amenities like water, electricity etc.

Around 80% (about 500 houses) of the people of Gunikia are converted Christians, while rest 20% (22 houses) are Adivasis. It was alleged that dominant Christian community people had burnt the Lord Shiva temple (a thatched house) of this village on 8th January, 2008. So the priest of the temple has rescued the Shiva Linga and worshipping the Lord at his residence now.

The Committee reached Gumikia before sunset and visited the brunt shrine near a spring of the mountain-range. Members of the committee came across three female priests (Banduli Pradhan, Sunaphula Mallick and Nandini Satpathy) three mail priest (Sadrak Pradhan, Jagyna Pradhan and Randeria Pradhan) and interrogated them.

Arjun Patra S/o Bikram Pradhan, Surendra Mallick S/o Nada Mallick of this village alongwith the above mentioned priests told the committee that after the 25th & 26th Dec' 07 communal strife at Brahmanigaon and Barkhama, the Christians of nearby areas of Gumikia congregated at the cultivated land (adjacent to the Shiv Temple) and thereafter threatened us to leave the village or face dire consequences of arson. After threatening for three to four times finally on 8th January, 2008 night miscreants came with arms ammunitions and torched the temple. We left our houses and fled to the adjacent forest in the darkness of the night out of fear.

Committee Members wanted to know the reason of provocation behind the incident. In reply, the villagers said attack on churches at different places of the district was the main reason. They added that frequent meetings were held by the Christian community at regular intervals to garner support for such type of activation. In the mean time 5 meetings (at village Pikusi, Rairangpur, Alimaha, Pakari, Pangalmaha, Kilukupa had joined hands with the fellow men of their village to burn the Lord Shiv Temple.

Dt.19.01.08 Evening Visit of Budaguda Gram Panchayat

On the way back members of the committee dropped down at Panchayat Headquarter Budaguda, It was held that this gram panchayat has a population of about 5000 out of which Hindus are only 900. Budaguda village has about 400 house hold (i.e. 1000 population) where Brahmins, Khatriya (Kayasth) and Christians thrive. Most of the scheduled caste population has adopted christianism in this village and they speak Kui language.

Committee interrogated the Budagada villagers namely Jitendra Padhi, Bhudheshwar Patra, Ramanath Sahoo, Dhiraj Kumar Pati, Bijoy Kumar Pati, Iswar Chandra Patra, Chintamani Patra, Arun Kumar Pati, Sanjaya Kumar Patra, Kishore Chandra Patra and wanted to know the reason of burning the Lord Shiv Temple at Bumikia. The villagers said, the incident of 25th & 26th at Brahmanigaon, Barkhama is the main reason for immediate provocation & Christian People have burnt the temple. Daringibadi Panchayat Samiti Chairperson Junesh Pradhan is a Christian and he mobilized his community-people for attack from the nearby areas. They held meetings in the name of peace committee but actually mobilised support from their community for an attack. Thus, after holding meetings on 27th, 29th and 31st December, 2007 at different places like Gengakia, Demengia, Gumikia, Kundapanga, Bandhungia, Pakri, Christian people burnt the Lord Shiv Temple at Gumikia in the night of 8th Jan. 2008.

The villagers also narrated their plight poised by Christian Community. They said, Christians are stealing away their cows, goats, sheep's and not allowing them to bring wood from the forest. Christians are restraining their community people from purchasing from the Hindu shops and trying to whisk away Hindu businessmen from that area. Missionaries are luring innocent poor Adivasis to adopt Christianity through many incentives. Missionaries lure Adivasis by providing money, jobs and foreign trips etc. Christian children are given free education in their convent schools and free medical treatment in their health institutions, while the same facilities to Hindu is available only on payment of charges - as fixed by the institutions. This fact is self-speaking that Christians are receiving huge money from the sources best known to them. Christian people are obtaining Hindu caste certificates through unfair means in order to avail of all the benefits earmarked for the tribal.

Dt.19.01.08 NIGHT AT THE HOTEL OF BALIGUDA

Some people of Rebingia village came to meet the members of the committee to put forth their grievances. Mera Mallick S/o Saku Mallick, Puresar Mallick S/o Ganja Mallick of Rebingia village told that Christian people have snatched away more than 20 acres of their land. Despite repeated requests at different quarters they have not been able to get back their lands so far. Committee asked for the relevant documents with regards to the land in question and the villagers provided some papers pertaining to their landed property to the committee.

About the communal strife at Barkhama, these villagers told, while they were coming back from a rally raising slogans, Christian people of Barkhama attacked them with stones. Christian people remained prepared well in advance packing stones in gunny bags. There was heavy stone pelting on the rally. As a result of heavy stoning Shri Khageswar Mallick (45 years) died. The mob burnt houses of three Hindu families. Thereafter the communal commotion picked up. As the demonstrators of the rally were not armed with weapons, they could not retaliate the stone-pelting and casualties are more on their side.

20.01.08 (Sunday)

Committee started for Dasingbadi village from Baliguda at about 9:30 am. Dasingbadi is about 60 km. away from the sub-divisional headquarter Baliguda where the christian community people attacked the Hindu Seer Swammi Laxmananda Saraswati on 24th December, 2007. This Christian dominated village is the native place of Rajya Sabha Congress member Radhakanta Nayak who is

a Christian. Kui Samaj of the district which gave a bandh call on 25th & 26th Dec'07 also demanded a CBI enquiry against Radhakanta Nayak alleging that he has forged his caste certificate. It may be mentioned here that Christian populace of Kandhamal districts are availing all the benefits from the missionaries and demanding schedule tribe status from the government. In the prevalent law, a schedule tribe if converted to Christianity can avail all the benefits earmarked for the Adivasis, but reverse is the consequence in case of schedule castes. That means, if a scheduled caste adopts Christianity, then he/she will lose all the benefits of reservation earmarked for the castes. Hence, mostly the scheduled caste converted Christians of Kandhamal districts are demanding the status of tribes for a longtime basing on their Kui language. On the other hand the original inhabitants of the district Kondh (Adivasis) are opposing the demand of Christians saying that Kui is their language and anybody speaking Kui language can not be termed as tribes.

Committee reached Dasingbadi village at about 10:30 am and went to the spot where Swamiji was attacked. The village had a deserted look as no males were found in Dasingbadi. This village houses only one Hindu family of Benugopal Pattanaik whose door was locked. Another Hindu family, which stays in the government accommodation was also closed. It was the house of Giridhari Padhi (an auxiliary health worker) and his wife is also an ANM who stays in govt. accommodation. Sarathi Dalai, an assistant teacher of the Dasingabadi Govt. UP School told some of the male members of the village have been rounded up by the police and rest others have fled away fearing arrest. His school, which has about 300 students and 8 teachers, remains closed since 23rd December, 2007.

Committee went inside the village and asked the women folk about the incident of attack on Swamiji on 24th December, 2007. But all the lady members were tight lipped about the event and said they know nothing about any attack. When members of the committee asked, why some male members alleged police has arrested them without citing any reason, they told that the arrests were made wrongly and no incident took place at Dasingabadi, with Swami Laxmanandji.

Suryakanti Singh, a native of Dasingabadi but working as Sikhya Sahayak at Baliguda told the Committee that the population of the village is about 1200 and has 1 high school along with 4 upper primary schools, Nearly 700 students studied in all these schools which have remained closed since last week of December, 07.

Committee also asked Chandrakanti Singh, Reena Nayak, Rohit Chandra Behera (a student of Class VII) S/o Ripu Chandra Behera, Sonu Mallick, Pratima Mallick about the happenings but nobody was prepared to share their views. Then committee left Dasingabadi at about 11:30 am.

Dt.20.1.2008 (Sunday) 12:30 p.m.
Visit of strife-torn Gadapur Village

Committee reached Gadapur at about 12:30 pm and visited the burnt-households of the village. Gadapur has about 700 house-holds out of which 48 houses were burnt in two phases due to the communal riot.

Committee interrogated Mrs. Dusila Behera Dalai Ex-Sarpanch and wanted to know the reasons of this happening. Ex-Sarpanch Mrs. Dalai alongwith Tilotama Sahoo (W/o Prohallad Sahoo), Bipin Charan Sahoo (S/o Rankanath Sahoo), Mamata Sahoo (W/o Balakrishna Sahoo), Bitchitra Sahoo, Sarat Chandra Behera, whose houses have been burnt, told that this is a reflection of the Brahmanigaon communal strife. Christians have attacked the Gadapur villagers in two spells i.e. on 25th and 27th Dec' 07. Soon after the communal flare broke out in Brahmanigaon on 25th, Christian community from adjacent areas come out in large numbers (about 300 to 400) having pistols, guns, sticks, weapons etc. in their hands and shouting anti-Hindu slogans. They made some blank fires and threatened Gadapur's Hindu people to flee from the village. If by evening they did not leave their houses, then Naxals will come and burn the houses. Fearing for their life, villagers went to the nearby jungles in the evening and miscreant-Christians came with fire and torched the Hindus' houses. As Christians are in majority in the surrounding areas, they attacked the villagers on 27th December again. In the process many houses and shops have been damaged completely and no property could be rescued. Government of Orissa has provided tents and rations to all the affected homeless victims.

Christian community people of the village alleged before the committee that, first, Hindus burnt our Maoist group of SHG (Self Help Group) on 25th night and thereafter the commotion started between both the communities, but Hindus said, Christian community people were having their feast for x-mas on that day and fire might have caught during cooking but they don't have any role to play in it.

Interestingly, all the houses burnt or damaged in Gadapur village strife are of Hindus except one Christian family. The name of this Christian person is Prabhakara Behera (held master of a private high school) whose family was absent during the incident. Ironically, all the Christian institutions such as society of St. Vincent Depait Health Care, Churches etc. remained unaffected or untouched. It is pertinent to mention here that, Gadapur is a Christian dominated village of Kandhamal district.

Dt.20.01.2008 (Sunday) 1:30 p.m.
visit to Brahmonigaon – the worst affected village

Committee reached Brahmanigaon, the most devastated village of the Kandhamal communal strife, at about 1 p.m. and the magnitude of violence was assessed from the heaps of ashes lying on the road, itself. Committee enquired from the persons of both the communities about the incident that took place on 24th Dec'07.

Jiban Kumar Nayak (Son of Bibhisan Nayak) Kusina Nayak, Pintu Baliarsingh, Rama Chandra Nayak, Pramod Kumar Nayak, Thomas Nayak, Meria Nayak, Sanuja Dandasena, Naveen Sabhasunder, Mere Baliarsingh, Jaya Badaseth, Willium Singh, Rabindra Ku. Senapati of Christian community said on 24th evening Hindu people came in large number and forced the to close the shops. As the next day was Xmas, people of their community came from far off places to purchase commodities from Brahamnigaon Haat. After closure of the shops they were disappointed and shattered. Soon after closure of the Brahamnigaon haat two shops of dalit Christians were set on fire and church was attacked the next day. Members of the committee asked what prompted the situation to be so explosive ? Christian community persons said like previous two years they wanted to construct “torana” (gate) on the road itself to observe Christmas day to which Hindus objected. As due permission was obtained from the police earlier we wanted to have the torana for Christmas. They also showed permission letters which were only for the use of loudspeakers. Nothing about construction was mentioned therein.

But Hindu communities had a different story in this regard. They said, construction of “torana” (gate) on the road with grandeur was objected by them much before. Not only local police was informed but also higher administrative authorities were also intimidated about the matter. Durga Puja is celebrated at that spot each year with much gaiety but for last two years Christians are constructing a decorated “torana” (gate) over there, to which they are vehemently resisting. Although “torana” was built in a low-key in the past this year that was done with much pomp and grandeur having a long tent near it. There was commotion and clash over the issue of construction of gate in which some persons were injured. Hindu seer Swami Laxmananda Saraswati was coming to oversee the situation but was not only confronted at Dasingabadi village but he was attacked. When the news of attack on the Swami reached here, people were infuriated and closed the shops of the haat. In the process there was clash between the two communities and some shops were damaged. Ashok Patra, Banita Patra, Banabasi Bisoi, Harihara Bisoi (S/o Narasingha Basoi), Duryodhan Patra, Pratap Patra, Ashok Patra, Nalinikanta Patra, rama Ch. Bisoi, Chaitanya Bisoi, resident of Oriya-sahi, Brahamnigaon said that Christians of Katama Damadua grampanchayat of Gajpati district and Tajungi, Gadapur, Hatimunda, Brahamnigaon grampanchayat of Kandhamal district congregated in large numbers (about 5000) and burnt/ ransacked their houses on 27th Dec, 2007. When Christians came with

arms and ammunitions shouting slogans, they were frightened and took shelter in the police stations or jungle. Prior to this gory incident, Christians threatened them to leave their houses or else face dire consequences. While 120 out of 200 houses of Oriya Sahi were burnt, story of incidents of arson was noticed in Christian bustee / slum). Besides houses, 4 burnt trucks and 1 charred tractor was also lying in Oriya-Sahai of Brahamnigaon. Christian community claimed that, 10 houses, 32 shops and a church was damaged. The committee saw the burnt houses of both the communities and so far as the relief work was concerned, both the communities were more or less satisfied.

As per the villagers' version, Brahamnigaon has about 900 houses out of which 600 are of Christians and rest 300 are of Hindus. Rasimal College, Pravatira Girls High School (Christians) Govt. High School, ZUP School of Brahamnigaon have remained closed since 23rd Dec. '07. The victims who have lost their houses, are being provided with tents, foods and ration commodities by the State Government at camps like Barakhama relief camp, CRPF Jawans were also deployed in Brahamnigaon village.

People of both the communities were of the opinion that, they have repented a lot for the gory incident that took place at their village on 24th, 25th and 27th December, 2007. Although peace has been restored and situation is under control now, still the anger and anguish persists. If CRPF is withdrawn today, there may be clash between two communities, again. Now efforts are made for restoration of normalcy by forming peace committees in which persons of both the communities have been included as members.

Committee visited the devastated market areas along with Oriya Sahi where the magnitude of loss of property was enormous and it discussed various matters with the victims.

20.01.08 (Sunday) 3:30 p.m. Visit of Kinarigaon village

After leaving Brahamnigaon, committee headed for another strife torn village Kinarigaon. This inaccessible village of Kandamal district has 50/60 Hindu families and about 20 Christian families. But nearby Jhingiriguda, Hatimunda, Paiganda, Katama, Aliganda, grampanchayats are Christian dominated, 5 houses of Hindu community have been burnt and one house has been damaged.

Committee witnessed the burnt and damaged houses of the village and asked about the reason behind such ugly incident. Victims Pabitra Mohan Patra, Debendra Patra, Kailasya Patra, Chittaranjan Patra, Pradip Bindhani, whose house have beenn burnt, told attack on them were in two spells. In the first phase i.e. 7th January, 2008, Christians of surrounding areas came in hundreds shouting anti-Hindu

slogans and burnt 3 houses. Next, on 11th ghastly act christens spread the rumour that naxals will come and devastate the village. So we had to take shelter in the forest for six/seven days. About the cause of provocation, the villagers cited that attack on Swamiji and its reflection in Brahamnigaon, had also a ripple in Kinarigaon village. They are spending sleepless nights since the day Swamiji was attacked i.e. 24th December, 2007 and guarding their village turn-wise during night hours.

Replying to different queries Pabitra Patra said, Swamiji is not only a religious leaders rather he is a social economical reformer. He has established many schools, chakapada and Jalespata collge in tribal dominated Kandhamal district for the spread of education amongst the illiterate Adirasis. Students of all communities are imparted education in these institutions. On the other hand Swamiji has also set up many health institutions camps in this inaccessible hilly areas where free medical treatment is provided to the poor people. Besides, Swamiji used to distribute clothes, blankets etc. to the downtrodden people of the society. So Swamiji is considered to be an icon and attack on him emotionally recharged the sentiments of Hindus of the district.

Dt.21.01.2008 (Monday) visit of the Committee to Puri

Committee started from Cuttack city to puri town to meet Hindu Seer Swami Laxmanananda Saraswati in the morning hour. Swamiji was delivering 'Prabachan' with Puri Sankaracharya in the mutt near Sri Gundicha Mandir. Committee reached at the Mutt at about 1:45 pm and waited a while for the interview of Swamiji. Completing his 'Prabachan' Swamiji came to meet the committee and replied to different querries put to him as follows:

Swamiji said, Hindus are minority in Brahmanigaon, Christians wanted to install the statue of Jesus Christ on the road where Hindus were having their Durga Mandap. Hindus were of the opinion that whatever you like you can have at your own place i.e. Church but not of the public place like road or square, where Durga Puja is being celebrated. That was the main reason of discontentment between the two communities. I got the information that there is commotion and clash between both the communities and some Hindus have been injured and shops of hindus were burnt on 23 Dec. 07. So, I wanted to visit the place on the 24th December, 2007, however, I was obstructed at Dasingbadi village. I was moving with my vehicle. We were five persons including my driver and security-man. At Dasingbadi bus stop a bus was standing across the road covering the entire space. So my vehicle had to stop there. As soon as my vehicle stopped, number of persons having arms in their hands started attacking my vehicle. I was sitting inside the vehicle and my driver locked the doors. Miscreants wanted to drag me out of the vehicle but driver, security man and others sitting in my vehicle resisted tooth and nail. As a result of which miscreants could not do much harm to

me except a few injuries through broken glass pieces but my fellowmen were injured. Driver whisked away the vehicle to save our life but one person remained outside the vehicle who has been brutally beaten by the miscreants. Later he was admitted to the M.K.C.G. Medical College Hospital, Berhampur in a critical condition.

Swamiji told, Christians are targeting him since seventies. In the meantime 8 attacks or attempts have been made on his life by Christians but due to God's grace he has narrowly escaped. Only once miscreants could hit his forehead, injuring him.

Spread of Hinduism through 'Bhagbat Paath', 'Naam Sankirtan', 'Gyana Yagna' and the like activities are the irritants to Christian community. Earlier missionaries were converting the poor, innocent schedule caste people to their religion, but my efforts have put a grinding halt to their conversion. I came from Kailash mountain range in the late sixties (1966 in connection with Go-Raksha Andolana) and started my work here in this inaccessible remote part of Kandhamal district. Since then I have established educational institutes for both boys and girls besides my Ashram at Chakapada. First attack on my life was on 26th January, 1970. I had to hide myself in a school for more than three hours. Nobody came to my rescue. Then I thought, so many Hindus were there but nobody came forward at the time of adversity. Then I took a promise to awaken them and kindle the light in their soul. I established Bhagbat Tungi, Radha Krishna Idols, evening prayer centres in different villages. Besides, I taught the people how to cultivate their lands properly, worship the mother cow, save forests etc. Adivasis are simple, innocent and truthful persons. The Missionaries were initially giving money for the conversion but thereafter poor Hindus are exploited like anything and stated that each converted Christian has to give muthi rice (a handful of rice) everyday for the Church, first calf of the cow has to be donated to the Church. Missionaries have vowed to make this place a Christian land but I have pledged to convert this scenic spot to be an united Hindu Rashtra.

Now students from Gajapati, Kalahandi, Nuapada, Balangir, Angul districts are coming for study in his educational institutions where basic education in Sanskrit language is imparted. At present 275 boys and 180 girls are reading in the college set up by him in Kandhamal district where students of all communities are availing the opportunities. At present 'Gyan Jagyan' is conducted not only in 'sankranti' like past but daily in different villages due to the spontaneity of the people for Hinduism.

Ashok Saha, Retd. I.G. Police and Coordinator of Hindu Jagran Samukhya, told the committee that it should not be viewed as merely pana Christian and Kondh conflict but in real sense it is a socio-economic-political conflict in Kandhamal district since 70's. Pana converted Christians are not getting any benefit of reservation but Adivasis converted Christians are enjoying all the benefits of reservation. This has prompted panas to acquire tribal status and they have made Kui language as the instrument. He alleged that mass conversions are going on in Kandhamal district illegally and government is not

taking any step to control the menace. Like Manoharpur incident of the past, Kandhamal communal strife is also the outcome of government apathy and inaction. Opining that this communal strife is a deep rooted conspiracy of the Christian, Mr. Sahu justified his point by saying that John Nayak, a retired police officer had pre-empted this violence and forewarned the police to remain alert on 22nd Dec., 2007. Likewise, Angana Chatterjee, Asstt. Professor of California University also foretold about the communal - riot of Kandhamal in her article published in 'Asian Age' news paper on 26th December, 2007. Narrating the atrocities committed by Christians he said, while Birupakhya Mahadev Mandir was burnt, bones/ defecation were poured on lord Shiva at Diga village. The sacred sword worshipped since 200 years by Hindus in Katingia village was thrown away by Christians and of late Adivasis are lured to adopt Christianity in Kandhamal, he remarked. At Puri, ex-DGP Mr. R.N. Mahapatra told that the issue of conflict between Kandhs and Panas is old. In 1994 there was big communal violence in which 19 people had died.

Committee met a former Judge of Orissa High Court Mr. Papanna at his Bhubaneswar residence to know about Kandhamal incident. Justice Mr. Pananna who unsuccessfully fought last Lok Sabha election from reserved Koraput seat, told, he doesn't know the exact reason of the strife at Kandhamal district because he is not in touch with the place for a long time. Whatever knowledge he has acquired about the incident is from the newspaper reports. He told, panas are a caste and they speak Kui language in Kandhamal district. Based on language, they demand the schedule tribe status and they have a grievance that the Presidential Order has been wrongly passed citing Kui as a tribe. Kui Jana Kalyana Sangha of Bhubaneswar had filed a Writ in Orissa High Court to accord tribe status to Kui speaking people. But, Hon'ble High Court disposed of the writ petition at the stage of admission giving a direction to Orissa Government that, if the contention raised by petitioners is correct, the Government may do the needful. Mr. Papanna remarked, he was working as a district judge in Kandhamal during 1987-89 and panas (schedule caste) were deliberating in the court in Kui language then as that was their only language for which help of an interpreter was always sought.

Asked about the conversion by the committee, Justice Mr. Papanna said, conversion is not confined to Kandhamal alone, rather, it has spread its tentacles to Koraput, Keonjhar, Mayurbhanj like districts. He told, if anybody wants to embrace any religion he/she is free to do that but that shouldn't be through coercion.

Mr. Bhagirathi Mahasuara

Committee met Mr. Bhagirathi Mahasuara, a noted columnist, and wanted to know his views regarding Kandhamal incident. Mr. Mahasuara said, had the local people's representatives and local administration more responsive, alert, then this disdainful incident could have been averted. We

thought during our childhood that, missionaries are working for the needy and helpless populace. But now, we could know that conversion is their underhand intention. Converted Christians have been engaged by the missionaries to create trouble and communal riot with the adivasis in Kandhamal district. Moreover Kui is a language or dialect but not a caste or tribe, he clarified. The Presidential Order including Kui as a Scheduled Tribe has given rise to this gory incident in Kandhamal.

Dr. Umesh Patri

Professor Dr. Umesh Patri is a noted educationist having commendable knowledge over Quran and Bible. Committee elicited his opinion over Kandhamal incident. Professor Patri said, attack on Swamiji emotionally surcharged the entire atmosphere of Kandhamal where he is considered as a incarnation of God by Adivasis/ Hindus this attack made the situation more explosive. Conversion is there in different parts of Orissa including Kandhamal since long long years even Swammi Brahmananda Saraswati of Arya Samaj reconverted large number of Christians into Hinduism in 1972-73 in Kandhamal but that was done in a very peaceful manner because converted Harijan Christians were not getting any benefit from the government for their converted Christians has made the situation more volatile. One speciality of Kandhamal incident is that, there is no link of RSS or VHP to this communal strife. People belonging to Hindu communities clashed with the Christians spontaneously when there was attack on Hindu Seer Swammi Laxmananda Saraswati.

Professor Dr. P.C. Tripathi, *Former Vice Chancellor of Sambalpur University*

Committee met Dr. P.C. Tripathi at his Bhubaneswar residence and solicited his views over Kandhamal incident. Dr. Tripathy said, the present strife is not due to immediate provocation but an outburst of brewing discontentment over the years. People of that region are deprived of basic amenities over decades which remain unaddressed by the Government, NGOs and everybody as of now. So a social transformation is the only solution to Kandhamal problem.

Smt. Indulata Das, *Writer*

One of the reputed lady writers of the State Smt. Indulata Das opined before the committee that, attack on Swamiji was the immediate cause of provocation which was manifest in the form of communal riot throughout Kandhamal district. He is very well respected by the entire Hindu community in the area. Swamiji's activities were putting a grinding halt to the conversion process as a result of which he was the target of attack. Moreover, one's community or caste can't be charged if he/she speaks different language, she asserted.

Dt.26.1.08 Saturday
Hotel Swosti, Bhubaneshwar

Discussion with Mr. Karendra Majhi, MLA, Baliguda, Kondhamal district

Mr. G.S. Bill, Chairman, Fact Finding Committee, JOT, on Kandhamal district communal strife discussed with Mr. Karendra Majhi, MLA, Baliguda of Kandhamal district about the incident. Mr. Gill wanted to know the reasons behind this ethnic conflict. In reply Mr. Majhi, MLA, Baliguda opined that conversion is the main reason for this communal riot. About five months back Kondh Community of the district could come to know that Pana-Christians (converted Christian from Scheduled Caste Pana Community) are trying to get the tribal status for all Kui speaking people. This game plan of Pana-Christian is designed mainly to grab landed properties of the Kondh community or Kondhamal district. The Churches have converted most of the 'Pana' as Christians but as privileges of S.C. extinguishes due to conversion so they want S.T. status so that the converted Christians would continue to get benefit of reservation, even after conversion. So we met the Chief Minister on 12th October, 2007 on behalf of District Kui Samaj Samanwaya Samiti, Kondhamal, Phulbani and pressed for fulfillment of the demands. The primary demand was deregistration of Phulbani Kui Janakalyan Sangha, Bhubaneshwar and arrest the office bearers of that association. But Chief Minister did not take any action on this demand of Samanwaya Samiti as a result of which discontentment grew within the Kondh Community of the district. So, a call was given by Samanwaya Samiti for two days (i.e. 25th and 26th December, 2007) for Bandh of Kandhamal. Adivasis of 7 gram panchayats brought out a rally from Rebingia village to Barakhama on 26th December, 2007 in support of Samanwaya Samiti's demand. When the rally reached Barakhama some Christian people attacked the demonstrators in front of the Church by throwing stones. The stone pelting was so severe that a demonstrator named Khageswar Malick succumbed to the injuries. The death of Khageswar created sharp reaction amongst the Adivasis of Kandhamal and communal strife broke out.

Elaborating on the game plan of Pana - Christian to get tribal status, MLA Baligudh Mr. Majhi said, although Kui is the main caste of the tribals. They succeeded in their game plan by adopting a resolution in the TAC (Tribal Advisory Committee), highest statutory body of the Adivasis in the State level, in this respect on 18.3.1981. This resolution or recommendation of TAC was referred to GOI for amendment in the scheduled caste of Orissa. This recommendation of TAC was assented to by President of India in 2002 after GOI offered it. Since 2003 Kandhas or Adivasis are demanding to scrape the working Presidential order which had not been corrected as yet. In 1990 Pana - Christians registered an association named Phulbani Kui Jana Kalyana Sangha, Bhubhaneshwar, with an intention to achieve tribal status for them and grab lands and properties of the Adivasis.

This association master minded to include Kui as a caste of Tribals in the Schedule list of Orissa through the recommendation of TAC. Soon after President of India assented to this wrong schedule list of the State in 2002, we all Kondha (Adivasis) are resisting it since 2003. Kui is a dialect of Kondh, which can be known from the documents of Academy of Tribal Research Institute of Bhubaneswar. Even Kui language has the script of its own but is not recognised. Amongst other things he said, although there was a clash between Pana and Kondh in 1994 in Kondhamal, that was for a different cause. Mr. Majhi said, as a peoples representative, conversion should be stopped, forged caste certificates issued till now be cancelled and snatched away lands of Adivasi be restored to them.

Mr. Gill pointed out, money provided by the State Government to the victims for reconstruction of houses is only Rs. 10,000/- per house, which is quite insufficient. As a ruling party MLA Mr. Majhi should press the government to enhance the amount of money for those building, likewise, at least sufficient edible oil should be supplied to the refugees of the relief camp for cooking of food.

During discourse Mr. Majhi told 22 acres of land of Adivasis has been forcefully taken away by Pana-Christians. Although government has directed for eviction, encroachers (i.e. Pana-Christians) are still in possession of that land and have illegally constructed houses over it. As per the law, Adivasis' land cannot be taken away by anybody. But in reality the law is confined to pen and paper only.

Telephonic discussion with Mrs. Ajayanti Pradhan,
MLA, G. Udaigiri, Kondhamal district

Mr. Gill had a telephonic discussion with Mrs. Ajayanti Pradhan, MLA, G. Udayagiri of Kondhamal district. Replying to different queries Mr. Pradhan, alleged ruling party BJD (Biju Janta Dal) is responsible for this communal strife. She has heard that, supporters of Mr. Sugriva Singh, M.P. (Member of Lok Sabha) have attacked Swami Laxmanand Saraswati at Dasingbadi which resulted in communal riot. As Mr. Sagriba Singh is a BJD candidate, that party is responsible for this gory incident, Mr. Singh is a Pana-Christian.

Interview with Mr. Pabitra Kumar Kanar,
State Coordinator, Kondha Surakhya Manch, Kondhamal, Orissa Chapter

Replying to queries Mr. Pabitra Kumar Kanar said, Panas are deprived of reservation benefits after adopting Christianity. To avail the benefits of reservation from the Government, they are trying to get tribal status through manipulation which is the reason of this communal strife.

He told, Kondhas are residing in 12 out of 30 districts of Orissa. They are Bolangir, Koraput, Raygada, Nabarangpur, Ganjan, Gajpati, Kalahandi, Nayagarh districts. Kui language of the Kondhas of one district is little bit different from other district.

The State Coordinator of Surakhya Manch opined that Swamiji has been working for the all round development of Adivasis in Kondhamal district for last 40 years and he is considered as a fatherly figure by all Kondhs. He said, peace will be restored in Kondhamal only when Pana-Christians will give up their demand for tribal status.

Interview with Mr. Padmanav Pradhan,
President, Kui Sanskritik Parishad, Bhubaneswar (A.G. Colony)

Mr. Padmanav Pradhan, President, Kui Sanskritik Parishad, alleged that Mr. Radhakant Nayak, M.P. (Member of Rajya Sabha) has master-minded this communal riot of Kondhamal district. Hence, appropriate action should be initiated against him. It has been wrongly mentioned in the Presidential Order that Kui is a tribe and that should be corrected immediately.

Mr. Pradhan said, 3 organisations have formed the District Kui Samaj Samanwaya Samiti in Kondhamal which is spearheading the agitation. Those organisations are (1) Kui Seva Samiti, Phulbani, (2) Kui Kula Seva Samiti, Baliguda and (3) Nikhil Utkal Kui Samaj. G. Udayagiri Lambodara Kanhar is the Secretary of that Samanaway Committee.

Mr. Ajaya Kumar Pradhan,
Vice President, Kui Sanskrutik Parishad, Bhubaneshwar

Mr. Ajaya Kumar Pradhan, replying to different queries, said that their community persons came to know in July, 2002 that Pana - Christians have filed a writ petition in Orissa High Court demanding tribal status for them. They also heard, some Kui certificates have been issued in favour of pana-Christians. Even Pana-Christians are changing their title to Pradhan, Malick, Kanar (which is the title of Kondhs) with an ulterior motive.

Dr. Laxmikant Das,
General Secretary, Banabasi Kalyan Ashram, Orissa

Dr. Laxmankanta Das said, 24 out of 30 districts and about 200 out of 314 blocks of Orissa has tribal concentration. Tribals constitute about 23% of the population of the State and they reside over 70% of the land of the State. While areas like Daringibadi of Kondhmal district have less than 10% literacy, so, missionaries are taking advantage of this illiteracy and poverty for conversion.

Dr. Das added, flow of foreign money is the root cause of this communal riot, foreign founded NGOs are getting enormous amount of money for communal strife. Hence, these NGOs deliberately create disparity amongst the villagers, which leads to communal riot, while more than 50% of SCs have been converted to Christianity, only 20% Kondhas have adopted Christianity.

He also made some startling revelations about involvement of Naxals in this communal riot. Dr. Das remarked, money coming through Churches / NGOs are being spent for Naxal activities. World vision, Niswas, VRO (Village Reconstitution Organisation) are a few leading NGOs which work for conversion, he alleged. Even Oxtam like NGO has also been banned for their activities since 1994. In Baliguda sub-division 90% SCS (Pana) are converted Christians.

Dt. 27.01.08 (Sunday)

Interview with Mr. Rambisi Digal,
vice-president, dist congress committee, kandhamal

Chairman of the Fact Finding Committee Mr. G.S. Gill met Mr. Rambisi Digal, Vice-President of Kandhamal District Congress Committee in Swosti Hotel of Bhubaneswar at 11.30 am. Replying to different queries Mr. Digal said, Kondhs & panas of Kandhamal were living like monarchs and ministers in the past. But political parties are creating differences among them for their own benefit. In his opinion, political parties should not poke their nose too much in the affairs of Kondhs & Panas.

Mr. Digal told, he was first came to know about the incident of attack on Swammiji from ETV Oriya news bulletin of 7pm on 24th December 2007. Prior to that, i.e., on 23rd December 2007, businessmen of Hindu community closed their shops of Brahmanigaon market & Haat. As Christmas day was approaching & people of Christian community from far and near places were depending on Brahmanigaon Haat, they insisted for opening of the shops, so, there was a clash between the two

communities; Hindu community people made blank fires from 5/6 guns & burnt the torana (decorated gate constructed on the road). They also demolished the statue of Marryama (Mother of Jesus Christ). So, there was violence at Brahmanigaon. This incident took place in the morning of 24th Dec, 2007 morning at about 8.30 a.m. Swami Laxamananda Saraswati was there at Daringibadi. Receiving the information of clash, Swamiji wanted to visit Brahmanigaon but police denied him to go on security ground. Defying the police order, Swamiji was moving towards Brahmanigaon when he was obstructed by some miscreants at Dasingibadi.

Some people are of the opinion that the bus (No. OSP-6488) was standing at Dasingibadi as the accelerator-wire of the vehicle tore off. Others said, keeping the bus across the road was a pre-planned game to obstruct Swamiji there. It is pertinent to mention here that Swamiji could not reach Brahmanigaon on 24th, Dec, 2007 because he was obstructed by some miscreants at Daringibadi. The miscreants were loaded in the bus and they got down from the vehicle as soon as Swammiji's van reached the spot. Some are of the opinion that the driver and the bodyguard of Swammiji scolded the bus passengers in filthy language as a result of which there was a clash. Others said, as per the game plan designed earlier, the miscreants got down from the bus the moment Swammiji's van reached the spot and attacked him. Mr. Digal clarified, as per Govt. records, the bus belonged to Mr. Sugriba Singh, MP (Lok Sabha) who is a ruling BJD candidate. So the Congress party people thought that the attack on Swammiji was master-minded by Mr. Sugriba Singh who is a pana-Christian but Swammiji himself clarified to the electronic media that the attack was orchestrated by the supporters of Mr. Radha Kant Nayak, MP (Rajya Sabha).

News was circulated in the TV channels that Swammiji was hospitalized at Berhampur Medical Hospital. Hindus, especially Kondhs of Kandhamal were furious and they burnt Baliguda Church on 24th & houses /churches at Barakhama on 25th Dec., 2007. A man from Kondh community named Khageswar Mallick died due to stone-pelting by the Christians at Barakhama. Then communal tension spread throughout the district.

Answering other queries, Mr. Digal said, Kui is the language of the Adivasis but Brahmins, Kayasthas and people of other castes of Kandhamal also speak Kui language. He pleaded ignorance to a question, whether Mr. Radhakant Nayak, Member of Rajya Sabha, is a Hindu pana or Christian pana? Replying to other questions, he said, while about 300 Christian families' houses have been burnt in Barakhama while more than 100 houses of Hindus have been gutted in Brahmanigaon.

Dt. 27.01.08 Sunday

Discussion with Archbishop Raphael Chenath, Bhubaneswar

Mr. Gill met Archbishop Chenath at his residence within the premises of the Church near Ram Mandir Square at 1 p.m. Mr. Chenath held Swammi Laxmananda Saraswati responsible for this communal riot. Terming him (Swammiji) as Bal Thackery of Orissa, Mr. Chenath refuted the allegation that conversion is the main reason for this communal strife. Justifying his stand Mr. Chenath told, Churches have been established in Kandhamal district for more than 130 years & in the meantime only 13% of the population have adopted Christianity. On the other hand, he alleged, after several years of preparation this communal riot has taken place to facilitate the process of re-conversion, to give an impression that rampant conversion is in vogue in that area..

Replying to different queries Mr. Chenath said, about 1 million Churches are there in Orissa out of which more than 50% (50 lakhs) are Catholics. Missionaries have established many educational institutions and hostels in different inaccessible tribal-dominated parts of Orissa in which 77,000 students are studying and 2,800 students are residing in the hostels. Our main enemies in Kandhamal district are not Hindus but VHP and Bajrang Dal. In 1990 while Swammiji was moving in a Ratha-Yatra throughout the districts, 17 Churches vanished. Three/Four years back VHP and Bajrang Dal activists torched many Churches in Kandhamal.

To a question, why Govt. didn't take any action against Swammiji, while Congress was in power at the centre during 90's, Mr. Chenath replied, although the Govt. ordered to arrest Swammiji then, he couldn't be put behind the bars due to public pressure. People said, there would be blood-shed if Swammiji was arrested.

Among other things Mr. Chenath disapproved were: the Govt's ban on NGOs providing relief to the victims of Kandhamal communal riot. He asserted, Christian community is not partisan in providing relief to the victims of super cyclone, floods of 2000 & 2002 etc. When they have a clean track record of providing relief materials to the victims of the natural calamities impartially & effectively, Govt. shouldn't have prohibited them in doing so in case of Kandhamal incident.

When reminded, earlier ones were natural calamities while Kandhamal incident is a communal one, Mr. Chenath retorted, Govt. would have taken the relief materials from us & distributed those through their own agencies. When asked what relief you could provide if permitted by the Govt. ? He said, Rice, Dal like foodstuffs as immediate relief and thereafter construction of houses etc.

Discussion with Mr. Pinas Digal,
president, Phulbani Kui Jana Kalyan Sangha, Bhubaneswar

Mr. G.S Gill, Chairman, Fact Finding Committee of JOT, discussed with Mr. Pinas Digal on 27th January 2008 at 3.30 pm in Swosti Hotel, Bhubaneswar.

Replying to different queries Mr. Digal said, Kui Panas (Panas speaking kui language) should be given Scheduled Tribe status by the Government. He has filed a petition in the Orissa High Court in this respect. Kui Panas and Kui Kondhs means hilly Panas and hilly Kondhs. While Kui Panas stay together in cluster, Panas residing in the plain land reside in a scattered manner. Kui Panas' marriage, death anniversary, ceremonies are quite different from those of general Panas for which they should be treated a Tribe.

To a question, whether Kui Pana has been mentioned as a caste in ROR of the Panas in Kandhamal district, Mr. Digal replied in negative and hastened to add that that is why I have filed a writ petition in the High Court. Replying to different queries Mr. Digal said neither Mr. Radhakanta Nayak, Member, Rajya Sabha is involved with his association, i.e., Phulbani Kui Jana Kalyana Sangha, Bhubaneswar, nor is he associated with NGO named NISWAS. Even he does not know whether Mr. Nayak (Radhakanta) is a Hindu Pana or Christian Pana but he is aware that, Padmanav Behera (Minister who resigned on Kandhamal issue) is an Oriya Pana, Mr. Sugriba Singh (Member of Lok Sabha) is a Desi-Pana, Lambodar Kaanar (General Secretary of Kui Samanwaya Samittee) is an Oriya Kondh. While 1.5 Lakh Kui Panas reside in Kandhamal district, the number of Oriya Panas is more than 2 lakh. Likewise more than 75% population of Baliguda sub-division are Christians.

He clarified, although Brahmins, Kayasthas & persons of different castes residing in Kandhamal speak Kui language to some extent, their entire family members don't speak Kui fluently. On the other hand, these other caste people also do not observe Kui traditions in their rituals. But Kui-Panas family members entirely speak Kui language fluently & observe certain conservative traditions. So, Kui-Pana should be treated as a Tribe.

When asked whether Kui is a language or caste? Mr. Digal replied, Kui in Kandhamal implies to the tribes. So, people speaking Kui & observing specific rituals should be conferred tribal status including Kui-Panas. Earlier there was 'ROTI BETI' tradition among the Panas & the Kondhas, he clarified. But, others completely refuted this opinion of Mr. Digal.

Brief of the Documentary Evidence

1. Writ Petition (C) No. 7068/07 filed by Phulbani Kui Jankalyan Sangh through its President Mr. Pinos Digal.

This Writ Petition is filed with the prayer that the Kui community, who (which) have been declared as tribe but have been shown as SC (Pana) in ROR, be corrected on the basis of inquiry and till then no caste certificate is to be issued regarding land holding passbooks.

The main contention of the petitioner is based on the logic that the Pana people of Kandhamal District speaks Kui language and have their traditions similar to the tribes. So, they should be recorded as tribe in their ROR. This Writ Petition was disposed of with the direction that the opposite parties i.e. State of Orissa, Principal Secretary, SC-ST Development, Government of Orissa, Principal Secretary-cum-Commissioner, Department of Revenue, State of Orissa, Collector, Kandhamal District and Tehsildar G. Udayagiri, Dist. Kandhamal, to look into the matter and make necessary correction of the ROR in accordance with the Presidential Order, 2002. A copy of the Writ Petition along with order dtd. 12/07/2007 passed by the High Court is being annexed as Annexure -1.

2. Application for recalling order dtd. 12/07/2007 passed in Writ Petition No. 7068/07.

Mr. Duguni Konhar, resident of Kambaraha, Dist. Kandhamal and Maheshwar Konhar of the same District filed an Application No. 10349/07 for recalling of the order, mainly on the ground that the petitioners of the Writ Petition, in fact belonged to SC group and they wrongly want the ST status for their own benefit. It was also alleged in the application that Shri Padamnava Behera, Hon'ble Minister, Steel & Mines, has wrongly given a certificate and same is being used for the purpose of converting Schedule Caste to Schedule Tribe. This application was disposed of by the Hon'ble High Court with the observation that while passing order dtd. 12/07/2007, the Hon'ble Court had considered the merits of the case one way or the other. The Hon'ble Court also observed that the letter of the Minister Shri Padamnava Behera, i.e. Annexure-8 of the Writ Petition, does not show that the Minister has certified Kui community people of Kandhamal District as Scheduled Tribes and this Court had not taken into consideration the said letter and only left the matter open for the opposite parties to look into. The Hon'ble Court further

observed that if the opposite parties, especially the Tehsildar, G. Udayagiri, Dist. Kandhamal, considers the matter and finds that “Kui” community to which the petitioner of the Writ Petition relates, is so categorized as SC (Pana) and not ST, he may reject the application for correction of ROR, as we had never directed the Tehsildar or any opposite party to make correction in the ROR showing the petitioner or his community as ST. In the light of these observations, the Hon’ble Court declined to recall the order dtd. 12/07/2007.

A copy of this Recalling Application along with order dtd. 20/09/2007 is being annexed as Annexure-2.

3. The Memorandum of Kui Jankalyan Sangh. The Kui Jankalyan Sangh made a prayer to Principal Secretary, Department of Revenue, Government of Orissa, with the submission that Panos of Kandhamal belong to Scheduled Tribe but they are being wrongly classified as Scheduled Caste. Copy of this Memorandum is already annexed with Annexure-1.
4. Letter dtd. 21/06/2006 of Government of Orissa, Revenue Department, which indicates that after making inquiry, it was directed to say that the claim to change the caste name from Pano to Kui did not appear to have merits as that was not based on historical and anthropological facts. Copy of this letter is also annexed. Similar letter was also issued by the Department of SC & ST Development, Government of Orissa on 16/02/2002 in which it was clarified that the claim to change the caste name from Pana to Kui had no merits as the same was not based on historical and anthropological facts. This letter is also annexed with Annexure-1.
5. Memorandum submitted by the Christian Organizations to National Human Rights Commission. Regarding the incident of 24th December and onwards, a representation was made collectively by the All India Christian Council, All India Confederation of SC & ST Organizations, Archbishop of Cuttack and Bhubaneswar, Church of North India, All India Christian Council, Delhi, Philadelphia Churches in India, Christian Legal Association and Archdiocese of Delhi in which allegation is made that the State Government did not take the matter seriously and the situation became out of control as the fundamentalists went on rampaging the Christian minority. There is also allegation that 15 shops of Christians were destroyed and looted on 20th December and later on number of Churches/ institutions were attacked, broken and torched. They narrated in brief the loss and also made demands regarding compensation and further to make an inquiry regarding the incident, including lodging of FIR on the basis of complaints filed by the victims. Copy of this Memorandum is annexed as Annexure-3.
6. Representation made by Kandha Janajati Suraksha Manch. In this representation, the background of the Christian activities has been shown and it has been alleged that the Christian activists demolished their place of worship called “Dharani Penu”. It is also alleged that the Christian Missionaries were systematically grabbing the land belonging to local tribes in spite of the High

Court's order to the contrary. In this representation, certain instances of grabbing lands are also mentioned and it is further averred that in number of matters the Church and Christians are under illegal possession of the lands of the tribe persons. There is allegation that the conversion is being made by bribery, allurements, frauds and cheating and there is clear-cut violation of Act of 1967, i.e. Orissa Freedom of Religion Act, 1967. It is also alleged in the representation that the Christian people deliberately decided to celebrate Christmas at a place where Hindus celebrate Durga Pooja in Brahmanigaon. Due to large scale protestant action, Hindu villagers, the local S.P. interfered to assuage the tension and suggested to build a separate structure for Christmas celebration, maintain a reasonable distance from Puja Mandap. It is further alleged that in reaction to it, the converted Christians set on fire one hotel and three shops in the very presence of S.P. and the District Magistrate and they started the construction of their Pandal on the plot, which was protested by the Hindus. It is also narrated therein that the Swami Laxmananand, while he was on the way to Brahmanigaon was attacked at Dasingbadi. In the representation, it is also clarified that against the conspiracy to reschedule the Kui-speaking Panas as Scheduled Tribe, there was a call for Bandh on 25th December. At Brahmanigaon, arsoning to the Hindu people's houses was also alleged and it is mentioned that the converted Christians' mob attacked S.P. also and police persons were severely injured. At that time, 20 guns and crude bombs were recovered from arrested persons which smelled the involvement of Maoists in this incident, from the Christian side. Anxiety was shown that such acts of Christians may terrorize the tribals' conversion. Copy of this representation is annexed as Annexure-4.

7. Memorandum given by Vishwa Hindu Parishad. The Vishwa Hindu Parishad along with ex-President of Utkal Sahitya Samaj and Justice M. Papanna, Retd. Judge of Orissa High Court, had made a Memorandum to the Chief Minister of Orissa in which very serious allegations regarding conversion by the Christian Missionaries, for a long back. An allegation is also made that the Christian Missionaries are exploiting the simple poor and illiterate tribe people by fraud and threats and now the conversion is going in aggressive manner and the same is a root cause of the tension. In this Memorandum, certain demands are made out of which to construe a Judicial Commission regarding attack on Swamiji as well as inflow of foreign funds to Christian Missionaries in the area are main. There is also demand for strict enforcement of the Orissa Freedom of Religion Act, 1967. Copy of this Memorandum is annexed as Annexure-5.
8. Memorandum sent to President of India by the General Secretary, VHP, Orissa, General Secretary, Vanvasi Kalyan Ashram, Orissa and one Shri Arun Kumar Karji, Riot Victim from Katinga Daringbadi, Dist. Kandhamal. In this Memorandum, incident of attack on Swamiji is mentioned at the initial stage and demography of Brahmanigaon is also mentioned along with contribution of Swamiji to the tribe people and it is alleged that the conversion is going on with the unaccountable flow of huge money from inside the country as well as from abroad to the Christian Missionaries. Dispute of "Issuance of Tribe Certificate to Panas, people of SC" is also

mentioned as cause behind the conflict and certain demands are made in this Memorandum which include to check the inflow of funds as well as amendment in the Act of 1967 to make it more effective. There is also a demand to arrest and prosecute the attackers of Swami Laxmananand. Copy of this Memorandum is annexed as Annexure-6.

9. Report of Shri Simanchal Khatua. This Committee is also in receipt of a report prepared by Shri Simanchal Khatua, Prant Prachar Pramukh of Orissa in which he described the background of this incident which includes report of Rangnath Mishra Commission, role of Radhakant Naik (M.P. & Retired I.A.S.), social issue involved in this matter and a strong note made regarding projection of incident in media. Copy of this report is annexed as Annexure-7.
10. Report of Fact Finding Team led by Dr. John Dayal. This report includes conclusions of the Fact Finding Team, issues of prime concern to Orissa State, Nation and Church in India, main findings of simultaneous violence, suggestions to Union and Orissa Government and Church. Copy of this report is annexed as Annexure-8.
11. Copy of the order sheet drawn by Officer on Special Duty (LR), Balliguda. The Officer on Special Duty, (LR), Balliguda while considering the Application No. 521/2000 of Disuka Malik S/o Ugesa Malik, resident of Barkhama, under Sec. 3(2) of the Regulation 2 of 1956, ordered after hearing both the parties that the possession over the said land by the opposite party was wrongful and attracted the provisions of Sec. 3(2) of the Regulation 2 of 1956 as land of an ST (First Party) has been taken away wrongly by a non-ST (Second Party) hence, withstanding on the case, land was thereby restored to First Party and penalty was also imposed on Second Party. Copy of this order is annexed as Annexure-9.
12. Representation of Kui Sanskrutik Parishad. This Committee also received the representation addressed to Hon'ble Chief Minister and Chairman of Tribe Advisory Council, Government of Orissa, Bhubaneswar in which it is alleged that the inclusion of word "Kui" in the list of ST at Entry No. 31 in the Amended Presidential Order, 2002 created a problem and in the garb of this amendment, the Pana caste persons who have specified at Entry No. 69 in the Scheduled Caste List are trying to get ST status. Migration of any caste from Scheduled Caste to Scheduled Tribe is not permissible under Article 342 of the Constitution of India and in this representation, they relied upon the judgment of the Hon'ble Apex Court passed in Civil Appeal No. 2294/85, State of Maharashtra V/s. Millind & Others. In this representation, role of the police is also deprecated and alleged that some peace loving Kandhas are being implicated in false cases though Hindus and Christians were equally affected. Fingers are also raised regarding the role and activities of Shri Radhakant Naik, M.P., Rajya Sabha, Shri Padamnava Behera, M.L.A. Phulbani (Ex-Minister) and some NGOs viz., The Phulbani Jankalyan Sangha, Bhubaneswar; NISWAS; Young Men's Christian Association, WORLD VISION, etc. The demand is also made to make inquiry regarding forged certificates of ST issued in favour of SC Pana people.

Copy of this representation is annexed as Annexure-10. The Committee is also in receipt of a note regarding all these incidents in which the issue is related to inclusion of Kui in the list of ST in the Presidential Order, 2002. Copy of this note is also annexed as Mark-10/A.

13. The Committee also received the handbill distributed by the Kui Samaj Samanvaya Samiti as well as the poster issued by it. Copies of the handbill and poster which are originally in Udiya are annexed as Annexure-11/A and Annexure-11/B. The demands mentioned in the poster spell as below :

- (a) A permanent directive be issued that nobody except Kondh can be given caste certificate as Kui.
- (b) Caste-mafia Padmanav Behera be dropped from the ministry.
- (c) Appropriate steps be taken against Rajya Sabha Member Radhakanta Nayak who has forged his caste.
- (d) Direct IAS officer be posted as Collector of Kandhamal district instead of minister Padmanav's supporter.
- (e) Conflict between Adivasis (ST) & Panas (SCs) be controlled effectively.

14. Memorandum made by Kandmal Zilla Kui Samaj Coordination Committee, having Office at Phulbani College, Chhak. This Committee submitted a Memorandum to the Chief Minister of Orissa and made demands. One was related to denoting question regarding the Kui community and demanded that no other than Kandh, Kandha Khond, Khond, etc. are entitled to get Kui certificate; another was related to take action against the persons who have obtained fake / forged religion (caste) certificates. They also demanded a probe and to take action against Mr. R.K. Nayak; Ajoyanti Pradhan M.L.A., Udayagiri; P.N. Behera, M.L.A., Phulbani. They also demanded for development of the area keeping in view the education, health, employment, land development, forest land allotment, political environment in administration, etc. by P.N. Behera and raised certain similar issues. Copy of this Memorandum is annexed as Annexure-12.

15. Newspaper Cuttings

There was a lot of reporting in the newspapers, internet including Orkut, but incorporating all in this report will natural increase the bulkiness of the report on the one hand, but on the other side, which reflects the genesis of the incidents should find place in the report because those were the reasons to construe by this Committee as they were entered into reporting of the newspapers. One of the Orkut's clips indicates that the media gave the communal colour to this incident, later on while in the initial conflicts there was no mention of any Hindu organization. It referred 3 news stories from October to September; (1) September 27th, communal trouble growing up

in Kandhamal District, no mention of VHP, Hindutva or violence against Christians; (2) October 9th, communal tension in Kandhamal, no mention of any Hindu or Christians organization conflicts and (3) October 15th, Kui Tribal Up In Arms in Kandhamal District, no such mention. This clip equated this clash similar to Gurjar-Meena clash of Rajasthan. The news item in the website www.indiancatholic.in also indicates regarding controversies / conflicts. Other news items relate to demand by CPI(M) for probe by CBI, intervention of Central Government, constitution of Inquiry Commission, etc. There are some editorial and some news items in magazines such as Economic Times, Times, etc. Few are being annexed collectively for reference and to understand the facets of the issue.

16. F.I.Rs

The Committee came across that number of FIRs were registered at various police stations. Copies of the following FIRs could be made available to the Committee, list of which is as below:

- F.I.R. No. 83/07 registered at Daringbadi Police Station on 24/12/2007 under Sec. 147, 148, 353, 323, 324, 307, 426 and 149 of the I.P.C. This F.I.R. is received at police station at 2.45 p.m. regarding the incident which occurred at 2.00 p.m. at village Dasingbadi. It is lodged by Mr. Bhubaneswar Jain, P.S.O. to Swami Laxmanananda Saraswati and this relates to attack on Swami Laxmanananda.
- F.I.R. No. 213/07 registered at Balliguda Police Station on 25/12/2007 regarding the occurrence of 24/12/2007 at 10 p.m. under Sec. 147, 148, 294, 436, 452, 342, 307, 353, 149 r/w s. 149 of the I.P.C. It relates to the incident of Barakhama, Beat House.
- F.I.R. No. 215/07 registered at Balliguda Police Station on 26/12/2007 regarding the occurrence of 24/12/2007 at 7.30 p.m. under Sec. 147, 148, 452, 427, 295, 436, 379 r/w s. 149 of the I.P.C. It relates to the incident of Baliguda Catholic Church.
- F.I.R. No. 216/07 registered at Balliguda Police Station on 26/12/2007 regarding the occurrence of 24/12/2007 at 8.30 p.m. under Sec. 147, 148, 452, 427, 436, 379, 295 and 149 of the I.P.C. It relates to the incident of St. Paul Minor Senainary, Balliguda.
- F.I.R. No. 217/07 registered at Balliguda Police Station on 26/12/2007 regarding the occurrence of 25/12/2007 at 12.30 a.m. under Sec. 147, 148, 452, 295, 427 and 149 of the I.P.C. It relates to the incident of Patemaha Church.
- F.I.R. No. 218/07 registered at Balliguda Police Station on 26/12/2007 regarding the occurrence of 24/12/2007 at 6.00 p.m. under Sec. 147, 148, 452, 427, 295 and 149 of the I.P.C. It relates to the incident of Gesukia Church.
- F.I.R. No. 219/07 registered at Balliguda Police Station on 26/12/2007 regarding the

occurrence of 24/12/2007 at 1.00 a.m. under Sec. 147, 148, 452, 427, 295 and 149 of the I.P.C. It relates to the incident of Depaketa Church.

- F.I.R. No. 220/07 registered at Balliguda Police Station on 26/12/2007 regarding the occurrence of 25/12/2007 at 4.00 p.m. under Sec. 147, 148, 452, 427, 436, 295 and 149 of the I.P.C. It relates to the incident of Bara Khama Church.
- F.I.R. No. 221/07 registered at Balliguda Police Station on 27/12/2007 regarding the occurrence of 26/12/2007 at 10.00 p.m. under Sec. 147, 148, 294, 436, 506 r/w s. 149 of the I.P.C. It relates to the incident of Budrukia village.
- F.I.R. No. 223/07 registered at Balliguda Police Station on 28/12/2007 regarding the occurrence of 26/12/2007 at 11.00 p.m. under Sec. 147, 148, 294, 436 r/w s. 149 of the I.P.C. It relates to the incident of Sudumila.
- F.I.R. No. 224/07 registered at Balliguda Police Station on 28/12/2007 regarding the occurrence of 24/12/2007 at 02.00 a.m. under Sec. 147, 148, 294, 506, 295, 427 r/w s. 149 of the I.P.C. It relates to the incident of village Sirtiguda.
- F.I.R. No. 225/07 registered at Balliguda Police Station on 28/12/2007 regarding the occurrence of 24/12/2007 at 12 midnight under Sec. 147, 148, 294, 427, 506 r/w s. 149 of the I.P.C. It relates to the incident of Kudipakia.
- F.I.R. No. 226/07 registered at Balliguda Police Station on 30/12/2007 regarding the occurrence of 26/12/2007 at 10 a.m. under Sec. 302 of the I.P.C. It relates to the incident of Barakhama, Gandhinagar Field.
- F.I.R. No. 228/07 registered at Balliguda Police Station on 30/12/2007 regarding the occurrence of 24/12/2007 at 6.30 p.m. under Sec. 147, 148, 427, 295-A r/w s. 149 of the I.P.C. It relates to the incident of Dahel Padi Church.
- F.I.R. No. 229/07 registered at Balliguda Police Station on 30/12/2007 regarding the occurrence of 25/12/2007 at 7.30 p.m. under Sec. 147, 148, 379, 295-A, 506, 427 r/w s. 149 of the I.P.C. It relates to the incident of Dumudisahi Church.
- F.I.R. No. 230/07 registered at Balliguda Police Station on 31/12/2007 regarding the occurrence of 26/12/2007 at 5 p.m. under Sec. 147, 148, 295-A, 427, 506 r/w s. 149 of the I.P.C. It relates to the incident of village Barikia, P.O. Midiakia.

Discussions and Inferences

Before coming to the issues regarding “Term of Reference”, it will be proper to bring a notice certain facts regarding Kandhamal District. The Kandhamal District is a totally hilly forest area having population 6,48,000 (as per 2001). As per official portal of the State, the language of this district is KUI i.e. tribal language of Kondhs. Its population density is 80.78 persons / Sq.km. in comparison to average density of population of the State, 237.74 / Sq.km. The tribal population is 166283 males and 170526 females = 336809 i.e. 51.97% of the total population of the District. Among the tribal persons, only 6272 reside in urban area and rest of the persons reside in rural areas, i.e. in forest areas. Non-working population of this district is 341992. It means that this district has more than 50% of its population as non-workers.

In this district, the tribal people are known as Kondhs and they speak KUI dialect (language). They belong to Scheduled Tribe. On the other hand, there are Scheduled Caste people known as Panas. Kondhs find their place in Entry No. 31 in the Scheduled Tribe list and Panas have its place in Entry No. 61 in the Scheduled Caste list.

The role of the Christian Missionaries in this district started in 19th century when the English forces could not enter in this area. So, they tried to infiltrate between Kondh people through Missionaries. At present, most of the sects of Christians are having their branches/churches in this district, but Christianity and conversion drastically increased in previous years. As per 2001 census, the population of Christians came to a figure of 11.6% in comparison to 8.8% of Christians in 1991 census. The Archbishop Mr. Raphael Canneth told that he is working over a period of 40 years in this area and while replying to a query regarding conversion, he emphasized that no one can prevent the expansion of Christianity. They have number of churches in this district and running number of schools, hospitals, hostels and S.H.G. Centres. On the contrary, Swami Laxmanananda is working for Hinduism. Swami Laxmanananda told that 40 years ago, when he was making Tapasya in the Himalayas, he came to field at the time of Gauraksha Andolan when he knew that in the tribal area of Orissa, Christians are trying to convert the Hindu people, he in the year 1967 came to Kandhamal. He went door to door and started the Samkirtan prayers etc. collectively and taught the tribal people, how to plough their fields. He told that he preached to the tribal people that they should preserve their Sanskriti and Dharma, preserve the forests, grow the vegetables in their fields and cultivate the lands in a scientific manner. He started a movement known as “Dhenu_____”, established school for boys and girls as well as Sanskrit College.

TERMS OF REFERENCE OF THIS COMMITTEE

1. Console the victims.
2. To know about the steps taken by the State Government regarding maintenance of peace as well as relief work.
3. Background / root cause behind this incident,
4. Brief of incidents, and
5. Suggestion for future non-occurrence.

1. Console the Victims

As far this issue is concerned, this will not actually be the part of term of reference, but it was the duty assigned to the Committee by the JOT that in our dealing we should have human touch. Whoever may be the victims, after this all they are human beings. So, their person, property and prestige, ought to be protected by everyone. It is not material that who was wrong or who was initiator or aggressor, but any act which deteriorates the human values or adversely affects on the humanity as a whole, should not be justified. No one is to be allowed to take the law in his own hands and any person who became victim of this failure, should be consoled by heart. The Committee tried to understand the grievances of the victims and console them with the humanistic approach.

2. To know about the steps taken by the State Government regarding maintenance of peace as well as relief work.

This Committee visited the medical and relief camp of Barkhamba as well as met to the person at Barkhamba, Gadapur, Brahmanigaon, Kinnarigaon and others. We also talked to the public representative of these places including MLAs of the affected area. Though people made a sort of complaint that the police forces reach a little bit late, but after deployment of the forces, the situation was under control, undisputedly. Nobody was complaining of any insecurity or threatening at present, though they were smelling probability that after lifting of police forces, the people of different communities may conflict with each other again. As per relief work is concerned, the Government gave Rs.10,000/= as compensation for burnt houses and supplied 60 Kg rice, 5 Kg cereals, spices and salt and they were appearing to be satisfied, clothes were also distributed, but this Committee found that no any cooking media i.e. vegetable oil was provided and the same was brought to the notice of the In-charge of relief camp. This Committee discussed with the people regarding cost of construction and found that the amount was not sufficient to erect the structure, but the State's machinery may be thanked that the efforts made towards the maintenance of peace and providing relief, were genuine and effective.

3. Background / root cause behind this incident

If we go through the newspapers or the statements made by various political parties, the allegations are made against each other. The CPI(M) alleged that the communal violence in Orissa were not an isolated breakdown of law and order but a part of an overall strategy of Rashtriya Swayamsevak Sangh to subvert republican principles. The National Commission for Minority took a serious note of the incident and not only sought a detailed report from the State Government but sent a delegation of the NCM to enquire into the matter. The Archbishop Mr. Canneth told that bring in the notice of the administration that something is going to be happened wrongly, at the auspicious occasion of Christmas. Mr. Canneth specifically alleged Swami Laxmanananda responsible for the communal riots. At the Barakhama, few persons, who were mostly Pastors, made the same allegation though they failed to name any person. At Brahmanigaon also, there was such allegation and at that place, they named specifically the persons belonging to RSS, etc. On the other hand, the Kondh and local Hindu people alleged the conspiracy by the Christian Missionaries behind this incident. At Budaguda, the persons told that the Christian people convened number of meetings in the name of Peace meetings, but actually they instigated the converted Pana people and in retaliation, they arsoned the Shiva Temple at Ghumikia. Similarly at Brahmanigaon, the persons told that the attack on Swami Laxmanananda was pre-planned one. At Gadapur and Kinnarigaon, the same allegation was made against Christian Missionaries. At Gadapur, this Committee saw that all of the shops and houses of Hindu people were set to fire, but none of the Christians' houses, except one, which was locked at that time, was burnt, though the houses of the Christian community are just adjacent to houses of Hindu people. In such a way, apparently due to cross allegations, it was difficult to find out that who was aggressor or what was the initial cause of bursting out of the situation, but if we analyze the things, we may reach near the truth. From the evidence and facts came forward, following things may be inferred:

A. Dispute of SC / ST Status

No doubt that over a long time the Pana people were trying to get the ST status, though their caste is incorporated in SC category. Kondh people were taking this effort as against their interest. Mr. R.N. Mahapatra, Retired DGP, who had been S.P. of Kandhamal District, also told that Kondh and Panas conflict has its root in the long past and in the year 1994, there was bloodshed in which 19 people were killed. A man of common prudence may ask that the SC is also privileged one, while they will insist upto such extent to switch over to ST. This dispute does not involve a number gain issue, but from the geographical, economic and legal aspects, the things can be understood. In the Kandhamal District, most of SC persons got converted to Christianity. Though they were concealing their conversion for the reason of getting deprived of SC facilities, but 2001 census brought in light the increasing of conversion. Any SC, if adopt Christian religion, in the present situation of law,

he can't claim the benefits of Scheduled Caste in getting employment, social security and other privilege and facilities, but if they get the ST status, then the conversion does not come in their way. For that reason, the Christian Missionaries and their leader were pursuing the matter to get the ST status. The SC people generally are comparatively more educated and are economically sound in comparison to tribal people. They are more organized too. Certain lands of the tribal people are under the possession of Pana people through mortgage, etc. or through encroachment or adverse possession. As per provisions of the Regulation 2 of 1956, any land belonging to ST person, cannot be transferred/ alienated/ recorded in ROR to a person of any caste including SC. Section 3(2) of the above Regulation makes the provision for ejection of any person other than ST, from the land of ST. In Barakhama, a dispute of 22 Bigha exists on which the Christian people have established their Church and residential accommodation too. Similar situation is reported at other places also. For this reason also, the Pana people are pressing for their demand to provide them ST status. It is alleged that anyhow they managed to get it entered the "KUI" in the list of ST, but the Department of SC & ST Development, Orissa as well as the Revenue Department declined to enter the Panas as "KUI" in the ROR, as both the departments did not find any justification for this demand on historical or anthropological grounds. Against this effort of Panas, Coordination Committee in the name and design of Kandmal Zilla Kui Smaj Co-ordination Committee gave the call of Bandh of 36 hours for 25th & 26th December on the pretext that the Government was not paying heed to their demands, even after repeated requests. This fact was also corroborated by the Kandhamal people as well as the Archbishop Mr. Canneth. Though there were exaggerated version regarding this call, but factum of call was not denied by anyone i.e. the Christians or Kondh people. Furthermore, earlier conflict between Kondh and Pana people in the year 1994 and afterwards as well as latest incidents of September and October 2007 and the facts mentioned above, is suggestive of the fact that the incidents of December 2007 were having their roots in the past.

B. Dispute of Kui, Kondh and Panas

The President in his Writ Petition No. 7068/07 averred that the Pana people of Kandhamal District are tribe people, but Annexure-1 annexed with his Writ Petition, spells that they made their demands/requests that in the ROR, "KUI" in place of Pana. Mr. Pinas Diga, who is President of Phulbani Kui Jankalyan Sangh, and who filed above Writ Petition, was also personally interviewed. He told that the Panas are of two categories; one are known as Kui Panas and others known as Udiya Panas. When he was asked to differentiate this, he told that the Panas who speak Udiya language are known as Udiya Panas and the Panas who speak Kui language are known as Kui Panas. Earlier having its number more than 2 lacs and later have its number equivalent to 1.5 lacs approximately. He told that the Kui

Panos should be given ST status and reasons for that he reiterated were the same which were given in the Writ Petition. When he was asked that the Brahmins or other castes residing in Kandhamal District, speak which language, then he replied that most of the persons in that area used to speak Kui language. When he was categorically asked that the Kui is a language or a caste, then he told that Kui is a language and not a caste. Similarly, Mr. Majhi, M.L.A. from Balliguda, Dist. Kandhamal, Mrs. Ajyanti Pradhan, M.L.A., also told that Kui is a language and not a caste or sub-caste. Mr. Rambisi Digal, Vice President, Congress Committee, Kandhamal, also told that Kui is a language and Adivasis, Brahmins, Kayastha and people of other caste of Kandhamal also speak Kui language. From the depositions made by the above persons and other persons, it leaves no doubt that Kui is a language and not a caste or sub-caste. So, inclusion of Kui in Entry No. 31 was not proper and the same was also the cause of disputes between Pana and Kondh communities. The Pana people, residing in Kandhamal area, are the tribes or SC, may be a subject matter of agitation and a point may be of controversy, to be resolved, but pressing to replace word "Kui" in place of "Pana" in ROR, does not hold water. Even otherwise, nobody can claim such change in ROR. Undisputedly in the ROR, the Pana people of Kandhamal area were having entered in ROR as Pana and were also getting certificate of SC on that basis. How they can ask that those are not Panas but Kui.

C. Whether Communal-Conflict

Mr. Karendra Majhi, M.L.A., Balliguda, while stating the reason behind this incident, opined that conversion is a main reason for these communal riots. But he explained that the Pana people at the one hand got converted to Christianity, but on the other hand to grab the land, property, etc. of Kondh community, want the ST status and such converted Christians are the cause root behind these conflicts. Mr. Canneth told that Swami Laxmananand is responsible for the conflict. At Brahmnigaon, Christian people told the RSS and Hindu organizations to be responsible for incident while the Hindu told that even after the intervention of police, the Christian people were adamant to lay the welcome gate near the Pooja Mandap, was a reason for this conflict. They further told that the conflict started when the Christian people on 23rd December torched shops of Hindu community and when Swami Laxmanananda was coming to pacify the situation, he was attacked at Dasingbadi, by the Christian people. Though the ladies at Dasingbadi denied about the incident of attack on Swamiji at Dasingbadi, but except them, persons from both the sides do not dispute the incident of Dasingbadi, though Ajyanti Pradhan and Mr. Rambisi Digal alleged local M.P. Mr. Sugriva behind the incident. At Brahmnigaon, though due to incident of 23rd December the conflicts started on 24th morning, but attack on Swami Laxmanananda, aggravated the situation. There is no clear evidence in this regard where the incident of Barakhama was a repercussion of attack on Swamiji or was an independent incident. The

Christian people told that a mob of thousands people of nearby area attacked on their locality and their houses were set to fire. They also alleged that the rioters were having traditional as well as sophisticated weapons. When they were asked that there was not a single incident of assault to anybody, how they justify their allegation, they told that they flew to jungles. This version creates certain doubt regarding the story as it does not appear natural that the people armed with deadly weapons had attacked collectively and nobody could have been got injured. On the other hand, the Kondh people told that they were attacked by stones by the Christians when they were returning after making rally. They also alleged that one person named as _____ Malik succumbed to death due to stone injuries and in reaction to that, the incident might have occurred. They also alleged that some houses would have been burnt by the Christians themselves to get the compensation, though the loss caused to houses does not support this cause. Undisputedly, the house of the Christians and various churches including school, institutions run by Christian Missionaries were set to fire / damaged at the one hand and on the other hand, the Shiva Temple at Ghumkia, shops and houses at Gadapur, Brahmanigaon and Kinnarigaon were also set to fire but all this appears to be in reaction, for one or other reason, but the incident of 23rd December of Brahmanigaon and incident of 24th December at Dasingbadi appear to be genesis of the mishappening of 24th, 25th, 27th December and January 7th, 8th and 11th.

D. Samiti V/s. Sangh

There are four organizations working for Kui Kondhas; one is working at Bhubaneswar and other three at Kandhamal District. All these four organizations have joined together to form a Mahasangh. The four organizations are –

1. Phulbani Kui Seva Samiti, Phulbani,
2. Nikhila Utkala Kui Samaj, G. Udayagiri,
3. Kui Kula Samiti, Balliguda,
4. Kui Samskrutik Parishad, Bhubaneswar

The Mahasangh is named as “Kui Samanvaya Samiti”. Damodar Pradhan is the President and Lambodar Kanhar is the General Secretary of this Samanvaya Samiti. This Samanvaya Samiti is agitating for the cause of Kondh people. On the contrary, Kui speaking Christians Panas have formed an organization at Bhubaneswar named as “Phulbani Kui Jankalyan Sangh”. Pinas Digal, who is Ex-Army person, is the President of the same and Mr. Antaryami Pradhan is the Secretary of the same. There are on-going fights between these two at every level including in the Courts for securing benefits for themselves. These conflicts between converted Christian Panas and Kondh people have been persisting since 1981.

4. Brief of incidents

- A. Occurrence of arson of various Churches, houses etc. has been mentioned in earlier Chapters of this Report at para no. 16. Such occurrences were caused by the mobs at various places, where the various Churches, houses etc. were burnt and the police registered FIRs accordingly. Occurrence of mass level took place at Barakhama village, hundreds of houses were burnt. Dr. John Dayal has mentioned in his report (Annexure 8) a chronological list of the incidents.
- B. Occurrence of 23-12-2007 at Brahmnigaon regarding arson of 3 shops.
- C. Occurrence of 24-12-2007 at Dasinbadi regarding attempt to murder Swami Laxmananand.
- D. Occurrence of 24-12-2007 at Brahmnigaon regarding arson of Church and houses of Christians.
- E. Occurrence of 27-12-2007 at Brahmnigaon regarding arson of Hindus' houses at Udiyasahi-Mohalla / locality where 10 to 20 houses were burnt. 4 trucks and 1 tractor were also found burnt in this Mohalla. Certain houses of Christians were also found burnt, adjacent to this Mohalla.
- F. Occurrence of 7 & 11-1-2008 at village Kinnarigaon regarding arson.
- G. Occurrence of 8-1-2008 at village Gukukia regarding burning of Shiv Temple.

Note :

- 1. There might have been other incidents also but those could not be brought to the notice of the Committee.
- 2. Matter is already being investigated by the police agency, so detailed comments are not being made in this regard.

INFERENCE

The following factors have very important role behind these incidents.

- A. S.C./S.T. DISPUTE:** Most of the Schedule Caste person belonging to Kandhamal District have been converted to Christianity and this fact specifically came into light after Census of 2001. In the present scenario of legal prepositions if any person belonging to Schedule Caste converts to Christianity he loses his privileges as Schedule Caste, while any person belonging to Schedule Tribe continues with all the privileges and protection even after he got converted to another religion from Hindu Religion, so for this reason the Pano / Pana people of Kandhamal District want ST status. In addition to it, a lot of lands of the Kandhamal ST people is under the control and possession of the SC Panos while as per Regulation of 1956 no land of any ST person can be transferred to any person of Non-ST category and if any land is in possession of such person the same may be got evicted, to circumvent this legal provision, the Pano people want the ST status. Due to this demand of the SC people there is a continuous tension and reaction within the Kondh ST people, moreover as the State Government did not pay any heed to the demand of Kondh people the Kondh people gave a call of Bandh for 25th & 26th December, 2007. This tension remains the main reason for the December, 2007 incidents of the Kandhamal specially in the Barakhama, Baliguda and nearby places.
- B. DISPUTE OF KANDH, KUI & PANA:** Most of the people residing in Kandhamal District speak the Kui language, which is dialect of Kondh ST peoples. The SC people residing in this area also speak the Kui language. In the President's Amendment Order 2002, Kui is included in Entry No.31 of the ST category so this raised the dispute between ST Kondh and SC Panas. The Pana people requested the Government Department of Revenue as well as SC/ST Department to enter their caste as Kui in place of Pana but both the department at different times, refused to enter the same for the reason that the claim of Panas does not have any historical or anthropological background. On this the Phulbani Kui Jan Kalyan Sangh filed a writ petition before the Cuttack High Court for making entry in the Record of Rights (ROR), as per President's Order, 2002 and the same was disposed of with certain directions but on the recall application the Hon'ble High Court clarified that they have not given any direction to make any entry in the ROR but left it to the concerned authority to decide the matter. The Kondh people were demanding that the Kui word creates confusion so it should be deleted from the Entry No.31 of ST category while the Pana people were demanding the ST status for them on the basis of their speaking Kui language as well as they having their traditions and faith similar to Kondh Peoples. In the opinion of this committee this reason was very important factor for the previous incidents of December, 2007. The committee is also of the opinion that whether Panas come under ST or not may be determined as per procedure and form but there is no dispute

that Kui is not a caste or sub caste but a dialect only.

C. COMMUNAL REASONS: Behind these incidents communal reason is also one of the important factors. The above said reason is in itself a communal one and as Mr. Karendra Majhi MLA Baliguda told that the Pana People despite getting converted to Christianity want save them from loss of financial benefits due to conversion, are demanding ST status so since 1981 time to time this has been reason for the tension. The dispute of Brahmanigaon approves purely communal one. According to the villagers, on the occasion of Christmas the Christian people were wanting to erect a welcome gate and tent on the market road while the Hindu people were opposing this on the ground that the erected gate is at the place of Durga Puja Mandap and when the Church is inside why the gate is required on the road? For this reason there was conflict between Hindus and the Christians, in which certain Hindu youths were injured and shops of Hindus were burnt. It infers that though there was earlier tension this incident became the reason for a communal dispute. Similarly, on hearing regarding this incident when Swami Laxmanananda was coming towards Brahmanigaon, he was attacked at Dasingbari. There may be difference of version regarding the initiation of the Dasingbari incident but that the Swami was attacked by Christian youths is not much disputed. As a reaction, the Hindu people burnt the shops, vehicles etc. of the Christian people at Brahmanigaon and later on the houses of Hindus at Udiashahi Mohalla were burnt by the Christians. After number of days of this incident the houses of Hindu People of Kinarigaon were burnt. In these incidents involvement of Maoist is also alleged on the basis of recovery of sophisticated arms from the rioters by the police. Though at Barakhama the stoning on the rally of the Kondhs and death of one Khageshwar Malik aggravated the situation in which number of the houses of the Christian people in Barakhama were burnt and Churches at Barakhama and Baliguda or nearby places were either burnt or damaged. Incident of burning the Shiv Temple at Ghumikia was also an aggravating factor. The Christian people alleged Swami Laxmanananda responsible for this incident and also alleged hand of R.S.S. and Vishva Hindu Parishad behind it, while Swami Laxmanananda alleged that the reason for these incidents has been forceful and deceitful conversion of Hindus to Christianity. Though there were allegations regarding the hand of RSS and VHP no evidence regarding their involvement came forward. Undisputedly, Swami Laxmanananda has been working in Kandhamal for more than 40 years and people have great faith in him while at the time of attack on him there was not a single follower of RSS or VHP there. These organisations may have faith and following in Swamiji but this incident was clearly an out come of the incident of 23.12.2007 at Brahmanigaon and 24th December at Dasingbari. The police on 23rd tried to pacify the things but if the gate would not have been erected by the Christians forcefully then the incident of 23rd would not have been caused. Thousands of houses would not have been set on fire and in lacs of the people there would not have been any terror, doubt or hatred.

D- KUI JAN KALYAN SANGH VS. KUI SAMANVAYA SAMITI: Both these organisations were fighting in and out the Courts for a long time and this conflict got a place in the heart of the people of both the community and these became the cause of tension, anger and reaction, which caused this incident. The Kui Jan Kalyan Sangh was fighting for Panas to get ST status for them while the Kondh people were fighting through organisation, Kui Jan Kalyan Samiti. (Federation of (1) Kui Seva Samiti, Phulbani, (2) Nikhil Utkal Kui Samaj, G. Udaigiri, (3) Kui Kula Samiti, and (4) Kui Sanskriti Parishad.

RECOMMENDATIONS:

1. The relief works undertaken so far appear to be more or less satisfactory yet basic amenities such as cooking media, household articles of domestic use need to be provided urgently. So also compensation towards damaged / burnt houses etc. need to be adequately increased with due consideration to the prevailing cost of construction in that area.
2. To restore peace in the area, deployment of paramilitary forces should continue for some more time and in the meantime the efforts should be made at the social level to restore the amicable relations between the various sects of the society.
3. The scope of the Commission of Inquiry should be enlarged to include the incidents, background of incidents and role of the administration / police forces as well as role of the persons, who may be enlisted as responsible for this incident including Maoists.
4. Matter should also be inquired into from the angle of inflow of funds from foreign countries and its alleged utilization for conversions.
5. Matter should also be inquired into from the angle of encroachments / possession on the land of tribal people by non-tribal people.
6. A Commission should also be appointed to inquire into the matter : (a) whether “Kui” is a language or a caste / sub-caste, (b) whether “Kui” should be deleted from Entry No. 31 of the List of Scheduled Tribes, (c) whether panas of Kandhamal should be considered as a tribe. (ST)
7. Effective measures of development, including education, employment and infrastructure, of Kandhamal district, should be taken.
8. Effective measures to stop the recurrence of above incidents in future be taken due prudence and without any delay.