

NATIONAL HUMAN RIGHTS COMMISSION  
(Investigation Division)

Case No. 403/18/26/08-09

1. PRELIMINARY

- (a) Name and address of the complainant : Rev. Dr. Babu Joseph, SVD & others  
Spokes Person,  
Catholic Bishops' Conference of India  
CBCI, Centre,  
1, Ashok Place, Near Gole Dakkhana,  
New Delhi-1.
- (b) Dates of incidents : 23.08.2008, 11.9.08 to 14.9.08
- (c) Places of incidents : Brahmanigaon, Raikia, Phiringia  
Balliguda,  
G. Udayaigiri, Tumudibandh,  
Kurtamgarh, Tikabali, Daringbari, K.  
Nuagam, Phulbani, Cuttack,  
Bhubaneswar, Bhanjangan and other  
adjacent villages of District Kandhamal  
and Gajapati.
- (d) Date of complaint received in NHRC : 18.9.2008
- (e) Date of Commission's direction for spot investigation : 16.9.2008
- (f) Date of receipt of file in the Inv. Div: 17.9.2008
- (g) Proposed dates of investigation : 23.9.2008 to 3.10.2008
- (h) Places to be visited  
District Kandhamal : Brahmanigaon, Raikia, Phiringia Balliguda, G. Udayaigiri,  
Tumudibandh, Kurtamgarh, Tikabali, Daringbari, K. Nuagam, Phulbani,  
District Khurda : Bhubaneswar.  
District Cuttack: Cuttack.  
District Koraput : Jeypore, Borigumma and Koraput.  
District Sambalpur : Sambalpur.  
District Sundergarh: Biramitrapur  
and other affected areas in Orissa.
- (j) Name of the IOs : Shri. Mukesh Singh, SSP-II  
K H.C.Rao, Dy.S.P  
Ravi Singh, Inspr.  
D N Rath, Inspr.

(k) Proposed date of submission of report: 20.10.2008

2. GIST OF COMPLAINT

Catholic Bishops' Conference of India submitted a petition to seek protection from violence at the hands of fundamentalists. The attacks on Christians started with the murder of Vishwa Hindu Parishad leader Swami Laxmanananda Saraswati on August 23, 2008 in Kandhamal District of Orissa. Some organizations pointed the accusing finger at the Christian community in Orissa for the murder of Swami Laxmanananda Saraswati and thereafter the Christian community was targeted. The petitioners submitted that even though the Government has been assuring all protection to the Christians, the fundamentalists are moving about with lethal weapons threatening the Christians. They indulge in destructive activities even in the presence of police. They are forcing the Christians to leave their homes and to take refuge in the forest and even to leave the State. As a consequence, there are forty to fifty thousand refugees in the State of Orissa.

3. DIRECTION OF THE COMMISSION

As per the proceedings dated 16.9.2008 the Commission directed as under:-

*"Catholic Bishops' Conference of India has submitted a petition to seek protection from violence at the hands of fundamentalists. The attacks on Christians started with the murder of VISHWA HINDU PARISHAD leader Swami Laxmanananda Saraswati on August 23, 2008 in Kandhamal District of Orissa. Some Organizations pointed the accusing finger at the Christian community in Orissa for the murder of the Swami Laxmanananda Saraswati and thereafter the Christians community was targeted. The petitioners submit that even though the Government has been assuring all protection to the Christians, the fundamentalists are moving about with lethal weapons threatening the Christians. They indulge in destructive activities even in the presence of police. They are forcing the Christians to leave their homes and to take refuge in the forest and even to leave the State. As a consequence, there are forty to fifty thousand refugees in the State of Orissa.*

*The allegations made by the petitioners raise serious questions of violation of human rights.*

*A copy of the petition be sent to Chief Secretary, Government of Orissa and DGP, Orissa and they be called upon to submit report with in two weeks.*

*In the mean time DG(I) shall depute a team to visit the affected areas of Orissa and make an enquiry at the spot to ascertain the factual position.*

4. FACTS IN ISSUE

- i) Whether the Hindu Fundamentalists who attacked the Christians on 23.8.2008 onwards had any preplanned movement against the Christians of the area or it started spontaneously? What was the difference in the violence in December 2007 and August 2008?
- ii) Whether the District Administration had any intelligence inputs on the issue. If so, what precautionary measures taken to avert any such situation? What are the issues involved behind the violence?
- iii) Whether the police force posted was sufficient to handle such riot situations and what were the contingency plans of the police if any? Did the district authorities take adequate measures to control the situation after 23.08.08?
- iv) Whether the fundamentalists attacked the Christian villages in the presence of the police as alleged? Did the police side with the perpetrators and allowed the fundamentalists to attack Christian institutions, houses and churches and dissuaded the victims to lodge their complaints? If not, details of the complaints registered and action taken on them.
- v) Whether the institutions, churches and houses were burnt by the fundamentalists? If yes, the details of loss of life and property. What action has been taken by the district authorities?
- vi) Whether the Christians fled to save their lives due to the fear of the fundamentalists? What is the present position?
- vii) Whether there was any forceful re-conversion or the campaign titled as 'GHAR VAPASI' by the fundamentalists against the tribal Christians?
- viii) Conditions of the relief camps
- ix) Circumstances that led to the death of Swami Laxmanananda Saraswati. The status of investigation held so far in the case.
- x) To enquire into the case of the alleged rape of a nun at Balliguda in Kandhamal.

## 5. METHODOLOGY ADOPTED BY THE TEAM

- 5.1. A team headed by Shri Mukesh Singh, SSP Investigation and comprising of Shri K.H.C. Rao, Dy.SP, Inspector Ravi Singh and Inspector D.N. Rath visited Orissa from 23.9.2008 to 3.10.2008. Further sub-teams were formed in order to cover large areas of the district. The sub team headed by Shri Mukesh Singh, SSP-II visited the areas of Raikia, G-Udaigiri, Phulbani and Phiringia in District Kandhamal and also interacted with State officials at Bhubaneswar. The other sub-team headed by Shri K.H.C. Rao, Dy.SP visited district Bargarh, Gajapati and some parts of district Kandhamal.
- 5.2. The teams thus visited 32 villages and 15 relief camps during investigation. Statements of 92 witnesses were recorded. Concerned police stations were also visited and statements of investigating officers of the cases pertaining to riots were recorded. All the relevant documents concerning the riots, arson and killing were collected. Copies of reports of the District Magistrates, Superintendents of Police and other officials were collected.
- 5.3. The team had visited Kandhamal earlier in December 2007 to enquire into the violence against Christians and report was submitted after investigation vide case File No.825/18/26/06-07. Another spot investigation was ordered by the Commission regarding specific complaints on the incidents of rioting in 2008. The report on the investigation into these specific cases is being submitted vide Case File No.475/18/26/08-09.

## 6. ABOUT THE REPORT

- 6.1. This report consists of ten volumes including the main report. The index page gives the main index. Besides, an index is placed in different volumes at appropriate places.
- 6.2. A background note is given in the main report for better appreciation of the matter and the various issues involved.

## 7. PERSONS EXAMINED

The following persons/groups of persons were examined during the enquiry :-

- i) Complainants.
- ii) Available family members of the deceased and injured persons in the riot.
- iii) Eye witnesses and other independent witnesses.
- iv) Respectable persons of the area of all communities including tribal leaders of the area.
- v) IOs of the cases registered regarding riots against Christians and murder of Swami Laxmanananda Saraswati.
- vi) Accused persons if any have been arrested.

- vii) Local press and media representatives.
- viii) Witnesses of late Swami Laxmanananda Saraswati Ashram's attack 23.8.08.
- ix) Local RSS, Vishwa Hindu Parishad and Bajrangdal leaders.
- x) Block Development Officers of the respective Blocks of the riot affected areas.
- xi) District Authorities at the time of incident DM, SP, SDPO, OICs of respective police stations and other staff on duty during the period of the districts other witnesses as required.

#### 8. DOCUMENTS OBTAINED

The following documents/records were collected :-

1. General diaries of the respective Police Stations.
2. Case Diaries of the respective cases.
3. Control Room registers of the respective Districts
4. Car Diaries of the respective police stations and police officials.
5. Copies of Intelligence inputs received earlier from CID/IB and other sources.
6. Copies of communications seeking additional force requirements.
7. Copies of statement of man power of police posts and police stations.

#### 9. BACKGROUND NOTE

9.1 'Kondh' is the most important adivasi tribe in Orissa. The origin of the name 'Kondh' is said to have been derived from the Telugu word 'Konda' which means a 'small hill'. The Kondhs call themselves 'Kui' and their dialect is also known by the same name ever since their origin. Literary the word 'Kui' means "Above". The 'Gonds' of adjoining district Bastar too bear a strong affinity to the 'Kondhs'.

9.2 The name of the district 'Kandhamal' originated from its inhabitants i.e. 'Kondhs' who were inhabiting the hills/terrain of the area since long. At present Kandhamal District of Orissa is inhabited by the Kondh tribals who comprise 51% of the population. In the past, they were completely dominating the area but some people belonging to scheduled caste community namely 'Panos' moved in from the coastal areas and settled in large number. Gradually over a period of time, they mixed with Kondh tribal people and also started speaking the language of the tribals namely 'KUI' language. Since Kondh tribals were always ruling the area, they had a sense of superiority and always looked down upon the 'Panos'. In the last years of British rule the Panos started buying farmland in Kondh area. The British had then passed a resolution named "Hillmen Protection of Land Rights Resolution" in which both Kondhs and Panos were

recognized as 'Hillmen' but later after independence, the law of the land restricted any transfer of tribal land.

9.3 The Christian missionaries reached the area more than 50 years back and started providing education and social services in the area. Due to this effect a large section of scheduled caste people (Panos) who were earlier being looked down upon by the tribals, got converted into Christianity. At the same time the Orissa Land Reform Act (OLR Act) of 1957 prohibited any transfer of land belonging to the tribals. During interaction with various eminent persons during our previous visit of the area, it was noticed that a large number of Panos procured scheduled tribe certificates and also procured land on this certificate in Kandhmal area in connivance with revenue officials.

9.4 Due to better education provided by the missionaries, a large number of Panos became government servants and their economic status in the society started rising. As per the constitution of India, the Central Govt declared 'Kondh' as ST and 'Pano' as SC. It is pertinent to note here that the Pano community took the advantage of scheduled caste reservations to get jobs and later converted to Christianity. Even now some members of Pano community are taking advantage of scheduled caste reservations (being Hindus) and at the same time have associated themselves with the Christian community. A decade after independence, the Sangh Pariwar realized about the conversion of scheduled caste community and started a movement to re-convert the Panos and the Kondhs who had converted to Christianity, back to Hinduism. The Orissa Government also passed the Orissa Freedom of Religion Act 1967 which prohibited conversion on the basis of any inducement, allurement, force etc.

9.5 The Panos approached the High Court of Orissa for recognition as Scheduled Tribes on which an order was passed in 2006 by the Orissa High Court asking the State Government to consider their case. On this order, the tribals started a protest and also appeared before the CM of Orissa and gave a memorandum. They had other grievances also as mentioned in the memorandum.

9.6 The present conflict between 'Kondh' and 'Panos' started before independence in the area of Kandhamal and both are fighting for the domination of Kandhamal. In 1994 ethnic violence between Kondh and Panos lasted for six months and a large number of cases were registered in district Kandhamal. But after the 2002 Presidential Proclamation (published on 8.1.2003) when all Kui speaking people were categorized as scheduled tribe, the 'Kondhs' agitation was intensified. The leaders of 'Kondh' tribe projected that the state as well as central govt. were acting against their interests. They alleged that the Orissa State Minister, Shri Padmanabh Behera of the ruling BJD party and his associate Shri R K Naik, a retired IAS officer and subsequently Rajya Sabha MP are at the roots of this problem. They thought that this was done to give the benefits of ST to their Pano community which was earlier declared as SC since the day reservations started in the country. By the inclusion of Kui speaking people as a tribe, the members of Pano community can take the advantage of being a member of a scheduled tribe as they also speak Kui dialect. This will give them the advantage to get govt. jobs and the status of scheduled tribes even after converting to Christianity. At present as per provisions of law a converted Christian who is a tribal can take all the benefits of scheduled tribes, whereas a converted Christian who is a SC can not take the benefits of being a member of Scheduled Caste.

9.7 The NGO namely 'The Phulbani Kui Janakalayan Sangha' has filed a civil writ petition No.7068/07 in Orissa High Court for the implementation of Presidential Proclamation year 2002, allegedly on the instructions of Shri Padmanabh Behera, a Cabinet Minister in the State. The NGO has also become the bete noire of the opposite camp.

9.8 The Orissa High Court disposed of the writ on 12.7.2007 by directing the respondent to look into the matter and make necessary correction in Record of Revenue, in accordance with the Presidential Order, 2002". Since then Lambhodar Kanhar (the tribal leader in Kandhamal) declared before his community that his stand is vindicated viz. that not only the govt. but the courts were also acting at the behest of the Pano leader Minister Padmanabh Behera and intensified his agitation and held many dharnas/rallies in the year 2007.

9.9. When the ruling BJD party declared a rally on 26.12.2007 in Bhubaneswar the State Minister, Shri Padmanab Behera, a leader of Panos, in Kandhamal district mobilized all his sympathizers and supporters to attend the rally in large numbers to show his strength to the BJD party leadership. The leader of 'Kui' samaj or 'Kondh tribals' Lambhodhar Kanhar found an opportunity to counter the influence of Padmanab Behera and to mobilize Kondh tribal people against Panos on a huge scale. He hurriedly called the meeting of 'Kandhamal Zilla Kui Samaj Co-ordination Committee' and decided to call for a 30 hour 'Bandh' in Kandhamal district from morning 25<sup>th</sup> December in 2007. He sent an intimation to SP/DM Kandhamal a week in advance on 18.12.07.

9.10. The District Collector, Kandhamal and other local authorities tried to pacify Lambhodhar Kanhar and other leaders of Kui Samaj Coordination Committee to change the date of the Bandh but Lambhodhar Kanhar stuck to the dates as he did not want to miss this opportunity to show his hold on the Kondh tribes, in the area to the state level leaders.

9.11. It is also a fact that several Christian missionaries, NGOs and Priests are working in the Tribal area of the Orissa State to convert the tribals or Panos to Christian religion. They have opened several schools, hospitals and other institutions to show to the general public that they are engaged in the genuine welfare of the people even while the govt. is neglecting them. Several European countries and USA are sending money in the area through different NGOs to support their cause. An NGO named World Vision has several offices in the area and is doing social activities in different domains to influence the tribals and Panos.

9.12. In the riots of December 2007 the issue of reservations for SC (Pano) Christians was the core issue. The attack on Swami Laxmananand Saraswati in which he got injured in December 2007 provided the spark which resulted in riots between Christians and the Tribals / Hindus. The present incident of riots between Christians and Hindus



started after the death of Swamy Laxmananada Saraswati on 23.8.2008. This time the riot was primarily communal in nature which was perpetuated by activists of Bajrang Dal, BJP and RSS and actively supported by the tribals who were already agitating on the issue of reservation for Pano Christians

#### 10. FINDINGS ON THE FACTS IN ISSUE REGARDING SITUATION IN KANDHAMAL

10.1. The violence in the present case started after the death of the Vishwa Hindu Parishad leader Swami Laxmanananda Saraswati allegedly by the Christians supported by the naxalites. The violence spread after the procession of the dead body of Swami Laxmanananda Saraswati was taken through various parts of the district on a grand scale. Although the large scale violence started after his death, the cracks within the society were already existing as is evident from the data regarding clashes between these communities in the previous years. (ref report of SP Kandhamal at P-911-913 of Annxure-II) This is also evident from the fact that litigations between both the communities are existing on the issue of reservation for the SC (Pano) Christians. Unlike December 2007 (previous spot investigation done by our Team), this time violence was primarily communal in nature led by elements of Bajrang Dal, BJP and RSS supported actively by the tribals who were also agitating on the issue of grant of ST status to Pano (SC) Christians. In December 2007, the violence was primarily ethnic in nature between tribals and Pano (SC) Christians. (Refer background note at page 06-09). That the present violence was of communal nature this time is evident from the fact that this time even tribal Christians were attacked on a large scale unlike the last time (December 2007, vide Case No.825/18/26/07-08). Also, this time the rioters were heard shouting slogans like " bajrang bali ki jai" "Swami Laxmanananda Saraswati ki jai" etc which was not a general phenomenon last time (December 2007). Another feature last year (December 2007) was that the violence had an origin in the bandh call given by the tribals against the moves to grant the ST status to the Panos, whereas this time (August 2008) the violence was not pre-planned but started automatically after the killing of Swami Laxmanananda Saraswati.

10.1.1. The spontaneity of the present violence can be gauged from the following sequence of events and various station diary reports at various places in different districts:-

10.1.2. A church of village Chandipali, district Bargarh was attacked during the night of 23/24.8.08 by the miscreants who set it on fire. In this regard FIR No. 79 PS-Padampur, was registered and five accused were arrested and forwarded to the concerned Judicial Magistrate who sent them to judicial custody. It was stated by the residents that there was a dispute between local residents and the church on the issue of a market and a case was also pending in the civil court, which was the motive behind the attack on the church on 23.8.08. On 24.8.08, after getting the post-mortem on the body of late Swami Laxmanananda Saraswati, the followers and workers of religious organizations started the procession of the dead body of Swami Laxmanananda Saraswati from Tumudibandh in Kandhamal district to his Ashram at Chakapad via Baliguda, Phiringia and Phulbani (all in Kandhamal district). It was alleged by the victims/complainants that the riots on large scale were started in Kandhamal district with the movement of the procession of the dead body of Swami Laxmanananda Saraswati. However, this was not found to be true since the timing and place of occurrence of below mentioned cases do not corroborate with the timing of the procession of the dead body of Swami Laxmanananda Saraswati.

10.1.3: Cases of rioting which occurred on 24.8.08 in Kandhamal also depict the spontaneity of events which is given as under.

R.S. Baliguda	Occurrence and place	F.I.R No.
	7 A.M. at Gudimarashi	84/08
	9 A.M. at Situdasahil	83/08
	4 P.M. at K-Nuagam	69/08
P.S Kotagarh	3.30. P.M. at Bandapipli	34/08
	4 P.M. -do-	32/08
	4.30 P.M. -do-	29/08
	5 P.M. -do-	31/08
	6 P.M. -do-	33/08
	7 P.M. -do-	35/08

P.S. Raikia	1 P.M. at Tatamaha	59/08
	8 P.M. at bus stand	84/08
	8 P.M. at Baptist Church, Raikia	85/08
	8 P.M. at Padisila	86/08
	9 P.M. at Raikia	64/08
P.S. Sadar	9 P.M. at Lahabadi	52/08
	10 p.m. at Sarasaiada	53/08
	11.40 P.M. at Rasimendi	47/08
	9 P.M. at Rupagam	118/08
P.S. Tikabali	5.30 P.M. at Pasara	85/08
	7 P.M. at Chatihar	103/08
	8 P.M. at Tudibaly	111/08
	8 P.M. at Baradakhhol	116/08
	8.30 PM at Gadragam	91/08
P.S. Sarangda	11 A.M. at Bariguda	45/08
	4 P.M. at Malikpada	46/08
P.S. Daringbadi	12 P.M. at Dandimah	62/08

10.1.4. It is pertinent to mention here that in the wee hours of 25.8.08 at 2.20 a.m. the two wheeler of journalist Arup Kumar Jena was set on fire by some miscreants (at Peonpara, Phulbani at district Kandhamal) as earlier there was dispute with the neighbouring Hindu religious group on the use of loudspeaker in late night hours. The complainant Arup Kumar Jena also mentioned this fact in his statement that he had an argument with late Swami Laxmanananda Saraswati when he held a religious function in his neighbourhood (P-217-218 of Annexure-I). FIR No. 114/08 PS Town was registered on the statement of Arup Kumar Jena. From the incident of Arup Kumar Jena at Kandhamal and Church of Chandipali at district Bargarh it is evident that the occasion was also used by vested parties to solve individual issues.

10.2. The district administration of Kandhamal had intelligence inputs which were generic in nature. However, two events were enough indicators regarding the sequence of events to follow. One was the letter of threat dated 9/07/08 given to Swami Laxamananda Saraswati by the Pahari Group by post (Ref SD entry at P-392-395 of Annexure-I) on 22/08/08. The other was the case registered against Swami Laxamananda Saraswati on 10.7.08 regarding attack by him and his followers on the Christians at Tumudibandha (district Kandhamal). This attack was carried out near the place of his death when he received the information regarding cow slaughter by the Christians. A case was also registered against the Christians regarding cow slaughter. (ref FIR no. 30/08 P/S Tumudibandha at P-367-371 of annexure-I). It is worth noting here that in the aftermath of the Naxalite attack in Nayagarh district on February 16, 2008, CPI (Maoist) had circulated a booklet under the caption "operation ropeway" in which the outfit had lashed out on the BJP, RSS and the Vishwa Hindu Parishad for creating a divide on religious and caste lines and for helping the police against the Naxalites. (ref P-857-894 of Annexure-II). However, after the killing of Swami Laxmanananda Saraswati by the alleged Maoists there were efforts by the district administration to send messages in order to prevent further violence.

10.2.1. Regarding the sensitivity of the issue, the State Intelligence Bureau had sent a report regarding the influence of Swami Laxmanananda Saraswati in the tribal area of Kandhamal which was an indication that attack on Swami Laxmananand Saraswati could lead to communal violence in Kandhamal district. Last year in December, 2007 also this was one of the reasons behind the riots against Christians when the vehicle of late Swami Laxmanananda Saraswati was attacked by local Christians at Daringbadi in district Kandhamal on 24.12.07 and he sustained injuries and a FIR No. 83/07 PS-Daringbadi, of district Kandhamal was registered.

10.2.2. The general diary entries were lodged in P.S. Padampur and P.S. Sohala at district Bargarh by their respective Officer-in-charge on receiving information regarding killing of Swami Laxmanananda Saraswati by District Intelligence Bureau Inspector of Distt Bargarh and possibility of backlash against the Christian community by the Hindus and tribals. A wireless message signed by an Inspector on behalf of S.P. Kandhamal was sent for broadcast to in-charge Wireless control room at 1445 hours

dated 24.8.08, to all Police Station/Police force for intensifying patrolling at vulnerable places. But, this wireless message was broadcasted at 2045 hours on 24.8.08 to alert the police personnel for maintaining law & order in the area. (P-1333-1335 of Annexure-II)

10.2.3. As far as the deployment aspect is concerned, after the killing of Swami Laxmananda Saraswati, the following was the sequence of deployment.

- From 23.8.08 to 27.8.08 there were six companies of CRPF in Kandhamal for law & order duty (P-1747 of Annexure-II).
- On 23 & 24.8.08, 24 platoons of OSAP and 9 sections of Armed Police Reserved (APR) were present in Kandhamal for law & order duty.
- 11 platoons of Orissa State Armed Police (OSAP) were provided by the Orissa Govt. to Kandhamal district to augment the force in Kandhamal on 25.8.08.

10.2.4. The first and immediate issue behind the violence was the killing of Swami Laxmananda Saraswati by suspected Christian youth/local naxalites. Then there was the long standing issue of large scale conversion of SC/Panos to Christianity, by the priests by means which can be termed as inducement. It is notable that there was an increase of 66% in the population of Christians between 1991 & 2001 as per the census. On the other hand the growth in the population of Hindus was 12.3%. As per provisions of Orissa Freedom of Religion Act (OFRA) 1967, the persons interested for changing their faith/religion have to give an intimation of 15 days to the District Magistrate in this regard. There is also a provision in the Orissa Freedom of Religion Act, (OFRA) that the religious priest who presides over the conversion also has to intimate the date and time in advance to the DM. The DM in turn had to seek a report from the SP in terms of OFRA and also had to inform the Government regarding the same. However, it is surprising to note that as per record only two persons have applied to D.M. Kandhamal for conversion to Christianity. None of the provisions of OFRA have been followed by the DM or the people. The DM informed me (SSP-NHRC) verbally that these provisions were not followed. Later a fax was sent on 7/11/2008 confirming this statement. (Refer P- 999- of Annexure-II). This reflects the casual approach of the district administration and the State Administration in dealing with such

an issue. It is also worth noting here that the people of Orissa by and large identify themselves with lord Jagannath and have a very strong bias against other religions. Some Hindu religious leaders argued that all the Missionaries and all Christian NGOs were working to identify the poor and innocent tribals and SC(Panos) for conversion and these vulnerable persons were being lured for conversion through their activities. This is being facilitated due to the lack of opportunity and development in the area and easy Medical and Education facilities being provided by the Christians in Kandhamal.

10.2.5. The main issue still remains the 90 year old ethnic problem between the Kondh tribe and SC Panos in Kandhamal.(Refer report in previous case No.825/18/26/07-08 submitted by the same Team). In 1994, riots broke out between both the communities and lasted for six months and a total number of 67 riot-cases were registered. The other root causes of the problem of Kandhamal can be seen in the background note (page 06-09).

10.3. The police force posted in the district as per the sanctioned strength cannot take on the rioters at such a large scale unless additional force is supplemented.

10.3.1. Generally, in each police station of Kandhamal only 8 to 10 policemen were posted that too unarmed due to apprehension of Naxalite attacks on police stations in the Orissa as stated by the policemen on duty. (This was found during previous visit by the same team in case No.825/18/26/07-08).

10.3.2. Going by the past experience, the district requires a substantial strength of force as a standby. (As per reply of Home Department of Orissa regarding additional deployment in Orissa after the violence at P-2423 of Annexure-III). Probably locating a battalion headquarters of the OSAP or the CRPF at Kandhamal would serve the purpose. A training school for them can also suffice the requirement. This time, the arrival of forces as per the log book was as follows:-

10.3.3. On 23.8.08, the following extra force was available in Kandhamal:

Central Reserve Police Force (CRPF) - 6 companies

Orissa State Armed Police (OSAP)	- 13 platoons.
Armed Police Reserved (APR)	- <u>9 Sections.</u>
Total	918 men (approx)

(NOTE: One battalion comprises of six companies, each company has three platoons and each platoon has three Sections of force. One Section has nine police personnel.)

10.3.4. Later, on 25.8.08, eleven platoons of OSAP were sent as reinforcement and on 27.8.08 four companies of CRPF were also sent to Kandhamal. This was the only force available for deployment till 1.9.08, which was insufficient for maintaining law & order in the district, which has an area of 8,200 sq. kilometers. The data of deployment pertaining to different dates from 23.8.08 to 6.10.08 and on 17/11/08 is placed at P- 1585- 1751 of Annexure -II)

10.3.5. We did not receive any response to our letter dated 27.10.08 (P-1069-1075 of Annexure-II) from Home Department of Orissa Govt regarding the details of deployment sought and that was provided to district Kandhamal.

10.3.6. In the reply to our letter regarding deployment of forces from the centre, the Under Secretary, MHA, Govt. of India stated that Orissa Govt. had requested for additional four Battalions and extension of seven companies of CRPF vide letter dt. 24.8.08. (There are six Companies in each Battalion & in each Company there are 142 personnel). In Para III of the report of MHA Govt. of India, it has been mentioned that a total 57 Companies of CPMF were provided to the State Govt of Orissa. (P-1047 of Annexure-II).

10.3.7. As per the reports received, the state Government of Orissa demanded four Battalions ( 24 companies) on 24-08-2008 whereas only three companies of CRPF reached Kandhamal on 28-08-2008 as reinforcement. (Page-1047 of Annexure-II)

10.3.8. The situation went out of the control of the District Administration and the workers of political parties, Hindu religious groups and local Kondh tribals indulged in violence against Christian people, institutions and their property on a large scale.

10.3.9. After the occurrence of several riot incidents in various parts of the Kandhamal district which accounted to 26 cases on 24.8.08, the District Administration did not get more armed policemen from the Home Deptt. of the Orissa Govt. in the wake of Orissa Bandh on 25.8.08 (in protest of killing of Swami Laxmanananda Saraswati) by political parties- BJP, Vishwa Hindu Parishad and RSS. As no CRPF was deployed in Kandhamal district on 25.8.08 except eleven companies of OSAP which was insufficient to deter the miscreants from rioting on a large scale. Consequently, 87 riot cases occurred on 25.8.08, in the district in the jurisdiction of eleven out of fifteen police stations, details mentioned in P-545 to 805 of Annexure-I).

10.3.10. Despite the deployment, as per record the riot cases occurred in the jurisdiction of following eleven police stations of district Kandhamal.

1.	Raikia	-	17 cases
2.	G-Udaigiri	-	04 cases
3.	P/S Town	-	13 cases
4.	Sadar	-	08 cases
5.	Daringbari	-	02 cases
6.	Khajuribad	-	01 case
7.	Tikabali	-	19 cases
8.	Phiringia	-	02 cases
9.	Sarangda	-	12 cases
10.	Balliguda	-	04 cases
11.	Kotagarh	-	05 cases

NOTE: There are 11 police stations in Kandhamal and cases were registered in the jurisdiction of all the police stations.

10.3.11. It is evident that more forces were sent as and when the violence started spreading to different areas of Kandhamal. Had the forces arrived in sufficient strength in the initial stages itself, the violence and the number of deaths could have been



controlled. As far as the contingency plans are concerned, it seems that it was not properly formulated in the district. In December 2007, the deployment was issued by the District SP in the form of a small wireless signal instead of a detailed order whereas the danger of communal violence was imminent. The district authorities took measures to control the violence after 23.08.08. Additional deployments were made, FIRs were lodged promptly and arrests were made. A total number of 732 FIRs were lodged and 597 arrests were made till 17/11/08. Out of the arrests made 259 numbers of arrests were of persons against whom FIRs were lodged by name. Relief camps were also provided with armed guards and patrolling was being done. Despite all the effort, the force strength was not to the extent that all the migrants could be provided with security in their own villages. A total of 38 number of companies of the CRPF, seven platoons of the OSAP and seven sections of APR, have been deployed in Kandhamal so far.

10.4. If we peruse the beginning of riot incidents of Kandhamal and in the area of adjoining districts i.e Bargarh and Gajapati, the riot incidents against Christians and destruction of their property occurred very much in the presence of armed police force. It is worth mentioning here that in the first incident of riot in Bargarh district on 25/8/08, a church was set on fire by the mob in the presence of SDM Padampur, OIC Padampur and armed police force. ( ref P-1933-1939 of Annexure-II). On 25.8.08, when the procession of the dead body of Swami Laxmanananda Saraswati entered Phulbani town (District Headquarter of Kandhamal) in the morning hours, the miscreants started damaging and set fire to two churches and houses of Christian families. The DIG Berhampur, DM Kandhamal alongwith local police officers, three Platoons of OSAP and one Platoon of CRPF were present at Phulbani but they did not take effective action against the rioters and the rioting continued for several hours. As per the statement of Inspector incharge of PS-Phulbani Town, no tear gas was used or bullets fired in the air to deter the rioters. SP Kandhamal had been suspended on 24<sup>th</sup> August after the killing of Swami Laxmanananda Saraswati and the new SP joined only on 29<sup>th</sup> August in the evening. Curfew was clamped in the town as per the order of DM Kandhamal after the burning of properties of the Christians. During cross examination, when he was asked being in-charge of the area as to why he did not order firing to prevent the rioting, he answered that as DIG Berhampur and DM Kandhamal were present in the area, they were following their orders and it was better to ask this question to them (P-209-216 of

Annexure-I). It is worth noting here that no curfew can be effective if the force is not in full strength and the orders to impose it are not clear.

10.4.1. The DM Kandhmal was also not available during our visit to Kandhamal for his statement regarding the riot incident on 25.8.08 in district HQ Phulbani.

10.4.2 Similarly, in district Gajapati on 25.8.08, at main town Raigarha the then OIC/PS-Raigarha narrated the incidents of rioting in which one Church was burnt and several adjoining houses of Christians were damaged by the miscreants, while 1 Platoon of Armed force was present at the spot (P-365-366 of Annexure-I). In this regard, case FIR No 31/08 P/S Rayagada was registered and later the accused were arrested and sent to judicial custody. The concerned SI A K Sethi who was incharge of the force was not available for his statement during our visit to Gajapati district.

10.4.3. These initial riot incidents on 25.8.08 in the presence of armed police force, might have sent a message to the rioters that the police was not against them. Consequently the fundamentalist elements could organize themselves and instructed the miscreants to spread the riot, to the other parts of the districts.

10.4.4. The SDM Padampur who was incharge of the area in district Bargarh on 25.8.08 in whose presence a church was set on fire could not answer as to why he did not order the use of force to prevent the burning of church (P-321-324 of Annexure-I).

10.4.5. Later, the police registered the cases of riots on the complaint of the victims and investigation was being conducted and accused were being arrested as per evidence.

10.4.6. There is no evidence regarding the police conniving with the perpetrators of violence and allowing the fundamentalists to attack the Christian community. The details of cases registered against the perpetrators of violence and the details of persons arrested is available in Page 545-805 of Annexure-I)-.

10.5... The institutions and churches of the Christians were burnt in large numbers by the fundamentalists. The photographs of burnt churches and houses depict the picture very clearly. The details of loss of life and property as follows:-

32 persons Died during present riots - the police cases in respect of each have been registered and ex-gratia payment @ Rs. 2 lakhs have been made to the NOKs of the deceased.

3 persons - Missing - Police cases were registered.

4 followers of Swami Laxmanananda Saraswati were killed on 23.8.08 along with him in which police case was registered.

4 persons - Killed during police firing when the mob attacked PS Tumudibandh, Raikia district Kandhamal.

2 police persons - Killed during attack on PS Gochapara and PS Raikia district Kandhamal.

10.5.1. The District Administration has made assessment, Block wise regarding damages during the violence in the months of Aug-Sept, 2008 (P-987).

2699 houses	-	Partially damaged
985 houses	-	Fully damaged

10.5.2. As per the decision of Orissa Govt. letter No. 43189 dated. 8.10.2008 (page 981 of Annexure-II) Rs.10,000/- has been disbursed to all the affected families as first installment. The Block wise details of the disbursement are at (P-987 of Annexure-II).

10.5.3. Total numbers of 732 cases were registered in various police stations of Kandhamal regarding riot incidents and the investigation of all the cases are being carried out by the respective Investigating Officers. A total number of 597 accused were arrested in the riot cases of 2008 from 23.8.2008 to 17.11.2008. As per the report of SP Kandhamal, 100 persons were arrested under preventive arrest provisions of Cr.P.C. from 23.8.2008 to 17.11.2008 (P- 541-543 of Annexure-I).

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10.6. The Christians had to flee from their houses due to fear of attack by the fundamentalists. They initially fled to the nearby jungles and then moved on to the camps established by the district authorities. They are presently staying in camps which are on a much larger scale than the previous time. As per our investigation conducted it was not possible for them to move back to their houses since security for each village could not be provided by the District administration. It was found during investigation that some Christians converted back to the Hindu religion and they were allowed to come back to their villages.

10.6.1. About 15,000 riot affected persons were living in relief camps of Kandhamal being run by the State Govt. and about seven hundred were living in relief camps being run by religious groups and aided by the Govt. in Bhubaneswar. Many of the inmates of the camps stated that they wanted to return to their native villages when the situation gets normal.

10.6.2. There were some incidents where the local women (Hindus and tribals) of the area demonstrated that they should also be given free food as the victims were intentionally living in the relief camps only to get the assistance and free food (P-1557 of Annexure-II). On 4.9.08, about 1500 ladies and 100 male members (mostly Hindus) from adjoining villages of Tikabali relief camp demanded that they should also be given relief material like those in the relief camps. In this regard FIR No.95/08 u/s 147/148/336/353/323/149 IPC was registered at PS Tikabali.

10.7. There were many allegations regarding forceful re-conversion during our spot investigation. Some of the allegations were verified and found to be true. Notable among them were Shri Senapati Mallik & Shri Krishna Digal both residents of village Sasananda. (P-65-68 Annexure-I). The police has also registered four cases ( P-1813-1821 of Annexure-II) in this regard (Ref Photos at P-2401-2403- Annexure-III) . Many of the Christians also reconverted themselves due to the prevailing situation in Kandhamal, in order to return to their native villages and to live in peace. However, due to fear no body has come forward to report to the authorities.

10.8. The relief camps have been well established by the District authorities. The size of the relief camps are very large this time. Thousands of people have taken shelter in each of these camps. Relief work however, was going on in full swing and basic requirements of food, clothing shelter and medicines were being met. The inhabitants of the camps did not complain regarding any shortcoming in the relief operations. All the relief camps are guarded with armed guard. Compensation has been provided to those killed in the recent violence at the rate of Rs. Two lac from CM Relief Fund. (Ref Page 983-985 Annexure-II). In some cases recommendation of grant of compensation of Rs three lac has been sent to the Central Govt. Ref Page 983-985 Annexure-II). The investigation team also observed that efforts were being made by the district authorities to carry out a census of children in these camps and provide them education in the camps itself. Doctors were found attending the patients in these camps. There was also a stock of medicines in these camps.

10.9. It is a fact that Swami Laxmanananda Saraswati was living in Kandhamal for the past 40 years and was working against the expansion of Church activities of conversion of local Kondh/Pano to Christianity and had established two Ashram Schools for local children of the area. Although, Orissa Freedom of Religion Act (OFRA) was in force since 1967, its implementation was poor as only two persons had applied before the DM Kandhamal for converting to other religion till date. Swami Laxmanananda Saraswati was also preaching and holding religious meetings and was very vocal on the issue of conversion of locals to Christianity.

10.9.1. He was also against Cow-Slaughter and several cases were registered in this regard in District Kandhamal. In the latest incident on 8.7.08 following cow slaughter at village Malipada under Tumudibandh PS in district Kandhamal by unknown Christians, Swami Laxmanananda Saraswati enquired about the matter through one Bulu @ Brundaban Nanda (Madhab Baba) of his Ashram. Madhu Baba rushed to the spot and while taking the photograph of the scene of crime, he was assaulted and his camera was snatched away by the Christians. On getting this information, Swami Laxmananda Saraswati rushed to the spot with his followers and rescued Madhab Baba. Subsequently, the supporters of Swami Laxmanananda Saraswati closed down Tumudibandh Bazar and obstructed the main road protesting against the illegal activity

of Christians. Another group of Hindus entered into the residence of Father Prafulla Lakra of Tumudibandh and damaged the statue of Mother Mary in absence of the Father. Two counter cases were registered vide FIR No.30/08 and 31/08 dated 8/7/08 and 9/7/08 at PS Tumudibandh in district Kandhamal.

10.9.2. Swami Laxmananada Saraswati launched a stir in the area and blocked the road. However after the assurance of A.D.M. Kandhamal and S.P Kandhamal they lifted the "Rasta Roko" at Tumudibandh district Kandhamal. The situation in the area was tense. Accordingly one company of CRPF and 2 Platoons of recruit constables were deployed for maintaining law and order in the area of PS Tumudibandh and no untoward incident occurred.

On 22.8.08, a threat letter in Oriya addressed to Swami Laxmanananda Saraswati was received by Madhab Baba at Jalespetta Ashram located under the jurisdiction of PS Tumudibandh, district Kandhamal. The contents of the letter was as under :-

*"We with your grace are writing this letter to you so that you can read this with devotion. If you criticize this letter, your Ashram will be destroyed in phased manner. Due to your action in the district the villagers are in distress though no damage has been done to you. You should change the action of your organization otherwise it will be ruined. We the 'Pahari/Hilly group' inform you that you are going against religion and caste. Now, it has reached the last stage. Our people are after you and they are watching your activities. Within seven days of receipt of this letter you should distance yourself away from these activities and remain peaceful. This letter is the first and last letter. If you still indulge in these activities, we will kidnap you and keep you confined in the forest but not kill you."*

*Yours faithfully,  
(Pahari Group)  
9.7.08*

10.9.3. On receipt of the above letter, the Officer-in-charge of Tumudibandh informed the matter to the authorities and on their advice issued command certificate to six home guard personnel for deployment at Tumudibandh, Kampur Chowk and

Jalespetta Ashram for night patrolling and to keep a watch on the movement of outsiders. He also instructed the ten constables of 3<sup>rd</sup> Special Security Battalion who were staying in a tent outside the Ashram. The constables were informed about the threat to Swami Laxmanananda Saraswati and to remain alert. In this regard, station diary No. 412 dtd. 22.8.08 was lodged by the Officer-in-charge at PS Tumudibandh. (P-392-395 of Annexure-I).

On 23.8.08 at 19.55 hrs. when Swami Laxmanananda Saraswati was in his room, some armed men attacked his Jalespetta Ashram. Two of them took control of the four unarmed recruits standing outside the Ashram at gun point. The rest of them entered the Ashram and started indiscriminate firing killing Swami Laxmanananda Saraswati in the attached toilet of his room where he tried to hide himself. Mata Bhakti Mai and Kishore Baba were killed in the adjoining room. Simultaneously, some of them went into the room of the Personal Security Officer (PSO) who was not present that day and killed Swami Amrita Nand and local villager Puranjan who were lying in that room. The attackers fired about 50 rounds in fifteen minutes and ran away from the Ashram. In this regard FIR No. 37/08 u/s 147/148/149/452/302/120-B/IPC, PS Tumudibandh was registered on the statement of the eyewitness brahmachari Madhab Baba.

10.9.4. During enquiry, the team recorded the statements of all the four recruit Constables who were deployed on 23.8.08 at Jalespetta Ashram without any arms. From their statements & cross-examination, it was found that one Constable was performing sentry duty and three of them were taking dinner in the tent when three attackers suddenly entered the tent at about 1945 hrs and took control of them at gun point. Ten to Fifteen attackers went inside the Ashram. Subsequently they heard the sound of gun shots in the Ashram for ten minutes. Afterwards all the attackers gathered near the tent and ran away after leaving a letter in the tent directing the constables to hand it over to the media. (The letter was on the letter pad of Vansadhara Divisional Committee dated 23.8.2008). [Refer copy of the letter at page 451 Annexure-I]. All the Recruit Constables stated that the attackers were speaking Oriya language. They also said that most of the attackers were carrying 9.mm Carbines.

10.9.5. Later, the investigation of this case was transferred to Crime Branch who gave a status report of the investigation (P-455 of Annexure-I) and suspected the involvement of Maoists and Christians groups. Later, seven accused persons who were residents of the local area were arrested in the case (P-455 of Annexure-I).

10.9.6. It is worth noting that in the threat letter the alleged Pahari Group had threatened to take action within one week of the receipt of the letter. (During enquiries from local officers no previous history of existence of Pahari Group came into light. Local intelligence officers informed that the letter might have been sent by local Christians under the name of a fictitious organization). However, Swami Laxmananda Saraswati was killed on the next day of the receipt of the threat letter itself i.e. 23.8.09. It is possible that the attackers or the locals of the area were watching the activities at the Ashram and had observed that unarmed policemen had been deployed. They might have realised that Swami Laxmananda Saraswati would get additional guards after the threat and that is the reason why he was killed the very next day.

10.9.7. The team tried to interact with the Investigating Officer of the case which was registered regarding the death of Swami Laxmananda Saraswati but they could not provide the full details for the reasons of confidentiality of the source information. However I (SSP NHRC) interacted with the IG Crime Shri Arun Kr Rai on phone who informed that this primarily appears to be the work of the Maoists who have taken up the cause of the depressed minorities and the dalits. There was a note found at the site of the killing which is signed by one Azad (divisional commander of the naxalites of Phulbani and Nayagarh areas). The note says that they had warned Swami Laxmananda Saraswati earlier not to trouble the Christians. According to the verbal information provided by the IG, the naxalites had trained a group of 22 Christians along with an action squad of five members to carry out this killing. There were intelligence inputs also given earlier in this regard; The fact that AK 47 rifles and sten guns were used and 9mm ammunition was used shows that the naxalites were behind the incidents. Three groups had come to the site and after killing Swami Laxmananda Saraswati, they went in three different directions. The fact that the killers had fired on the CRPF camp (approximately one kilometer away from the camp as found by the Investigation Team), to confine them to their barracks before the killing of Swami



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Laxmanananda Saraswati and also the fact that they fired into the specific room where the Personal Security Officer (PSO) was residing shows that this was a carefully planned operation. The possibility of support of Christians in the killing of Swami Laxmanananda Saraswati is also supported by the fact that before the killing, Swami Laxmanananda Saraswati had an argument with the Christians staying nearby on the issue of cow slaughter. After our visit it has been learnt that some arrests have been made regarding the killing of Swami Laxmanananda Saraswati by the crime branch. The IG crime was again contacted on telephone to know about the latest update on the investigation of this case. He informed that seven arrests had been made in the case so far. Five of those arrested were Christians. These were the members who were picked up on way from six places by the naxalites while carrying out their operation. The IG said that they were not involved in the assault on Swami Laxmanananda Saraswati directly. Those who carried out the assault were naxalites led by Unashekhara Rao and Uday (both hindu naxalites from Andhra Pradesh). An operation was launched on the 18<sup>th</sup> to arrest them but the forces suffered a casualty in which one constable died and one Improvised Explosive Device (IED) explosion took place. Speedy investigation of this case and arrest of the main culprits can go a long way in cooling the tempers in Kandhamal.

10.10. During our enquiry at Kandhamal in the alleged case of rape of a nun at Balliguda, neither sister Meena nor the father Chellan (as mentioned in the complaint) were found. The statements of the owner of the house (where the incident took place on 25.08.2008) and an independent witness were also recorded. The scene of crime was also inspected by the team. The Investigating Officer who was suspended was also contacted on telephone and the statements of the doctors who conducted the medical examination was also recorded. From the scrutiny of the records and the statements it was found that a FIR no. 70/08 dated 26/08/08 was recorded at P/S Balliguda on the written complaint of the victim sister Meena. She was medically examined at Balliguda Government hospital. Later the police arrested four accused persons on 2/10/08 in the case. Another case no. 71/08 was lodged on the complaint of father Chellan. The Inspector In-charge Shri K N Rao and five other policemen were suspended by the administration for dereliction of duty. Later the case was transferred to the Crime Branch. Sister Meena, the alleged victim was tried to be contacted through Archbishop

Bhubaneswar and a number of mails were sent by SSP NHRC to which we received a reply of the nun through e-mail which corroborated the statement of the FIR. ( P-457-495 Annexure-I). The incident was found to be true during spot enquiry. However, there was a delay in the collection of the medical report from the hospital and in arresting the accused persons. As per the recent media reports, it appears that during the Test Identification Parade (TIP) the victim sister Meena has identified two of the accused persons. (Refer page 2452 Annexure-III).

#### 11. GENERAL OBSERVATIONS

- a. Cognizance of all the cases reported by the christian community is being taken promptly and cases were registered. A large number of cases registered were against persons by name. Arrests were also being made by police and some guilty have also been arrested. However, as policemen were occupied with law and order duty and the Christian community was not coming forward to give their statement openly due to fear, the progress of investigation is not satisfactory.
- b. The record building regarding conversion to Christianity is not done properly in the district. In fact there is no procedure by which such converts are identified and listed in the district. There have been large numbers of complaints in which SC Christians have availed the benefit of reservations despite having converted into Christianity. There is also a resentment against the NGOs working for the Christian community who get large amount of funds from abroad. The decadal growth of Christian population for the past decade was almost 70% as compared to a growth of 10 per cent among other communities.
- c. There is also large scale resentment among the Hindu community against conversion to Christianity. Although there is a law viz. "The Orissa Freedom of Religion Act 1967", against conversion by any means of threat, allurement, inducement etc. , only two cases have been registered under this Act. The team also found during the enquiry that a number of



converts to Christianity were poor and illiterate and some of the members did not even know as to which sect of Christianity they were following (Catholic or Protestant, refer P-109 of Annexure-I). This also indicates that there might be other factors contributing to conversion to Christianity including allurement or inducement.

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- d. The team tried to look into the aspect of religious affinity of the naxalite groups in Orissa. The data regarding this aspect was not available with the intelligence officials of the State. The team also tried to ascertain the religious identity of the naxalites who were killed in police encounters in order to come to a conclusion. This data also could not be provided. It was however, informed by the IG crime verbally that in the past there has been no incident of the killing of any religious leader by the naxalites.
  
- e. The Orissa govt. has also formed a Commission of Enquiry under the Commission of enquiry Act, 1952 headed by Justice S.C. Mohapatra to enquire into the recent incidents of violence in the aftermath of killing of Swami Laxmanananda Saraswati. The Committee has to submit a report within six months.
  
- f. The Chief Minister of Orissa has announced a development package for Kandhamal and for the upliftment of the tribals on 27/09/08 during his visit to Kandhamal and orders were issued in this regard by the Chief Secretary. (P-1089-1099 Annexure-II).

12.

RECOMMENDATIONS

1. Cases registered against the rioters are not being investigated properly. The same should be expedited. At present the DGP Orissa has constituted a team under the supervision of IG crime and sent fifty additional Investigating officers to Kandhamal. This happened almost a month and half after the riots.
2. There should be a SOP (standard Operating Procedure) with the district administration to deal with riot situations. This is necessitated by the fact that this is the third time such riots have taken place in Kandhamal. Every time the riots begin, the district administration starts all over again and comes up with new measures. There must be a proper "RIOT SCHEME" in all the districts of the State to tackle such riot situations in future..
3. The root cause of the problem i.e. the issue of conversion has to be dealt with by the State authorities. This has to be in cohesion with the implementation of the OFRA ( Orissa Freedom of Religion Act ). The State Government has been found to be very casual in the implementation of this Act. *This may be done in accordance with relevant laws applicable to the State.*
4. The strength of force present in Kandhamal has to be increased substantially considering the regularity of the riots. Perhaps stationing of a Battalion headquarters of Orissa State Armed Police (OSAP) at Kandhamal will solve the problem to some extent. Stationing a training school of the armed police can also solve the problem of ready availability of force to some extent.
5. It was found during investigation that a number of incidents took place in the presence of the police. The police was found reluctant in the use of force to deal with riot like situation. The same reluctance in the use of force was found by the team during investigation in December 2007 after the riots. The state authorities need to identify the causes and draw reasons for the failure

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6. The case registered with regard to the killing of Swami Laxmanananda Saraswati has to be brought to a conclusion at the earliest. This will help ease the situation in Kandhamal to a great extent.
  7. The DGP of Orissa said in an interaction with SSP NHRC on 28-10-2008 that fast track courts are being setup to hear the cases of riots in Kandhamal. This should be implemented at the earliest.
  8. The issue of getting employment on fake ST certificates by members of the Christian community needs to be investigated on priority. This was also one of the core issues raised by the tribals during our visit to Kandhamal.
  9. The State Government should concentrate on the developmental aspects in the district of Kandhamal. Particular attention should be given to the aspects of health care, education and creation of infrastructure. These aspects have found to be neglected in the district of Kandhamal.
  10. A twenty year old girl Late Rajni Majhi who sacrificed her life to save the life of children living in the orphanage at Khuntapalli in Bargarh district on 25.08.2008. (P-349 and 359 of Annexure-I, P-1965, 2001 and 2003 of Annexure-II). Another person namely Siddheshwar Pradhan sacrificed his life protesting against the attack on the Christians at Sullesaru village under the jurisdiction of P/S Tikabali. (Refer statement of Shri R K Mallik I/C P/S Tikabali). The Commission may consider asking the state authorities to examine such cases for appreciation in appropriate form.

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Mukesh Singh  
SSP-II

KHC Rao  
DySP

*[Handwritten signature]*  
DN Rath  
Insp

*[Handwritten signature]*  
Ravi Singh  
Insp

475/18/26/2008  
National Human Rights Commission  
Investigation Division  
Enquiry Report

1. PRELIMINARY

(a)	Name and address of the complainant	- Dr. Sajan George, President , Global Council of Indian Christians, Bangalore, Karnataka.
(b)	Date of incident	-
(c)	Place of incident	- Brahmanigaon, Raikia, Phiringia Balliguda, G.Udayaigiri, Tumudibandh, Chakapada, Kurtamgarh, Tikabali, Daringbari, K. Nuagam,,Phulbani,Bhubaneswar,Bhanjanagar.and other villages of the districts of Kandhamal, Boudh, Gajapati, Ganjam, Bargarh, and Cuttack.
(d)	Date of complaint received in NHRC	- 14.10.2008
(e)	Date of Commission's direction for spot investigation	- 26.10.2008
(f)	Date of receipt of file in Investigation Division	- 29.10.2008
(g)	Dates of investigation	- 12.11.2008 to 18.11.2008
(h)	Places visited	- <u>District Kandhamal</u> :Brahmanigaon, Raikia, Phiringia Balliguda, G. Udayaigiri, Tumudibandh, Kurtamgarh, Tikabali, Daringbari, K. Nuagam,, Phulbani. <u>District Khurda</u> : Bhubaneswar. <u>District Cuttack</u> : Cuttack. <u>District Boudh</u> : Chhapra and other affected villages. <u>District Gajapati</u> : The affected villages. <u>District Ganjam</u> : Ganjam
(i)	Name of IO's	- Shri Mukesh Singh, SSP-II, Dy. SP KHC Rao, Dy.S.P. H C Mishra, Inspr. Rajvir Singh. Inspr. D N Rath, Inspr. Ravi singh and Const. Simanchal Das.
(j)	Previous Cases of spot investigation on the same issue.	- Case No. 825/18/26/07-08 regarding violence against Christians in December 2007. Report submitted. Case No. 403/18/26/08-09 regarding violence against Christians from August to October 2008. Report submitted.

## 2. Allegations in Brief

Dr. Sajan George and Rev. Dr. Bernard Malik of Global Council of Indian Christians alleged that after the killing of Swami Lakshmanananda Saraswati, there were a series of attacks against Christians from August 24<sup>th</sup> to 2<sup>nd</sup> October 2008 in fourteen affected districts of Orissa which rendered 300 villages damaged, 4300 houses burnt, 50,000 persons home less, death of 57 people, injuries to 18,000 persons, gang rape of two women and destruction of 149 churches. They also enclosed the list of 57 incidents in which it was alleged that 81 persons were killed. There is another list of 314 alleged incidents of rioting in the districts of Orissa.

## 3. DIRECTIONS OF THE COMMISSION

The Commission passed the following directions on 26.10.2008

"Let a team of investigation also visit the state and make an enquiry into the alleged incidents at the spot. After receipt of reports, this case be linked to the main case pertaining to the violence on Christians in Orissa and put up before the Full Commission".

## 4. FACTS IN ISSUE

- i. To verify the alleged 57 incidents in which loss of 81 human lives occurred.
- ii. To verify the alleged 314 incidents of rioting which occurred during this period.
- iii. To verify the alleged incidents of destruction of churches, institutions, houses & other property.

## 5. METHODOLOGY ADOPTED

As per directions of the Hon'ble Commission, a team consisting of seven IOs headed by Shri Mukesh Singh IPS, SSP-II was detailed to carry out investigation in the affected districts i.e. Kandhamal, Boudh, Ganjam, Gajapati, Khurda and Cuttack of Orissa.

The team was divided in three groups:-

- Group I. Comprising of Shri Mukesh Singh SSP and Sh. D.N. Rath Inspector visited the Districts of Khurda, Cuttack and Bhubaneswar.
- Group II. Comprising of Shri H.C. Misra Dy SP and Sh. Rajvir Singh Inspector visited the districts of Boudh, Ganjam and Kandhamal.

Group III. Comprising of Sh. K.H.C. Rao Dy SP, Sh Ravi Singh Inspector and Sh. Simachal Das Constable visited districts of Kandhamal & Gajapati.

The complainant had given a list of 314 incidents of rioting and 57 incidents of killing in which 81 human lives were lost.

The groups selected 96 cases at random for verification/investigation in the district of Kandhamal, Boudh, Ganjam, Gajapati, Khurda and Cuttack.

Out of 96 cases 60 cases were verified in Kandhamal, 2 cases in Bargarh, 15 cases in Khurda, 8 cases in Boudh, 8 cases in Gajapati and 3 cases in Ganjam district.

The group visited the place of incidents and recorded the statement of victims, witnesses in the relief camps, officials and collected documents i.e. FIR case diary, GD entries and status of the cases. A total of 87 statements were recorded by the team.

### THE REPORT

The report consists of six parts (Part A to F)

- Part 'A' Contains the details of 16 incidents of rioting which were found to be true and in which action has been taken by the police.
- Part 'B' Contains the details of 12 cases of alleged incidents of death which were found true and in which action has been taken by police.
- Part 'C' Contains the details of 21 cases of alleged incidents of riots which were found to be true and cases have been registered but further action has not been taken by the police.
- Part 'D' Contains the details of 11 cases of death in which cases are registered but further action has not been taken by the police.
- Part 'E' Contains the details of 27 cases of alleged incidents of riots that were mentioned in the complaint were not found true.
- Part 'F' Contains the details of 9 cases of alleged death cases mentioned in the complaint which were not found true.



After analysis of all the 96 cases the team came up with the findings on the facts in issue. Recommendations were given based on the findings.

PART 'A'

ALLEGED CASES OF ATTACKS/DEATHS VERIFIED BY THE TEAM

ALLEGED INCIDENTS OF RIOT WHICH WERE FOUND TO BE TRUE CASES DURING SPOT VISIT AND IN WHICH ACTION HAS BEEN TAKEN BY THE POLICE

Sl. No.	Sl. No. of the complaint.	Incident	District	Allegation True /False	Observations
1.	3	On 25.8.08, in Mandkia, Batingia villages, the whole Christian colony was bombed and destroyed this morning. In Raikia MP Dr. R.K. Nayak's house, R.V. Joy Mandal, Brother Das, Santosh Naik and Sananu's houses were destroyed due to bombing yesterday at 10 PM.	Kandhamal	True Ref: P-237 Annexure III.	Cases have been registered vide FIR No. 76,77&88/08 of PS Raikia. Three accused have been arrested. Investigation in progress. However Dr. R K Naik does not have any house at Raikia.
2.	6	On 25.8.08, Many Christians (1000+) in Phiringia fled to the forest to save their lives but there they are under starvation now.	Kandhamal	True	After communal violence many Christians in Phiringia area fled to the Jungle. Subsequently, they were rescued and brought to the Relief Camp. No case has been registered as it was covered in other FIRs.
3.	11	On 25.8.08, The lady cook Rajni Majhi, at Missionary Orphan center at Khuntapalli, Padampur was burnt alive.	Bargarh	True Ref: P-845,863 Annexure IV.	Cases have been registered vide FIR No.81/08 dated 25.8.08 under section 147148, 135/436/353/332/506/295/153(A)/341/342/307/302/120B/149 IPC at Padmapur PS. Baragarh. Case is

					under investigation. 20 persons have been arrested. Action u/s 107 CrPC has been taken against 60 persons by the police.
4.	12	In Balliguda, at Divyo Jyoti Catholic Center at Kanjamindi, a sister namely Mina Baiua has been gang raped publicly. Father Thomas was beaten seriously, made naked also publicly and petrol was put over him to burn him alive by the perpetrators but it was not successful due to rain. In the mean time, Police arrived and rescued both of them.	Kandhamal	True Ref: P- 881,886 Annexure IV.	Regarding rape on <b>Sister Meena Lolita Barus</b> , Balliguda PS. Case No. 70 dated 26.8.08 u/s 147/148/354/355/506/376 IPC has been registreted and in this case, so far 10 accused persons were arrested and forwarded to the court. Moreover Test Identification Parade (TI) is pending due to non appearance of The Nun . The date of TI is fixed on 4.1.09 at Bhubaneshwar as per apex court order. Regarding attack on <b>Father Thomas Chalen</b> , Case No. 71/08 dated 28.8.08 has been registered and is under investigation.
5.	23	This morning violent mob made several attempts to enter the compound of Catholic church and Archbishop's house in the heart of the Capital of the State of Orissa. They could not enter because of the police presence. They threw stones at the guesthouse of Archbishop's house, damaging windows.	Khurda	True Ref: P-49 Annexure III.	There was stone pelting on the Catholic church, resulting in breaking of some of the window panes of the building. The police deployment prevented further damage. Matter was not reported by the church authorities to the police. Police deployment at the church and Archbishop's house is still continuing.

6.	27	Christian institutions like St. Arnold's school (Kalinga Bihar) And NISWAS report some damage	Khurda	True. Ref: P-77,891 Annexure III & IV.	St. Arnold's School was not attacked but NISWAS was attacked. Case FIR NO. 314/08 u/s147/148/294/353/33 6/427/149IPC, and 315/08 u/s147/148/294/353/33 6/427/149 IPC have been lodged at PS. Chandrashekharpur. 36 accused persons have been arrested and released on bail. Investigation of the case is in progress.
7.	28	Boudh (adjoining Kandhmal) : Fundamentalists entered the catholic parish church and destroyed property. People are fleeing to safer places. Nothing seems safe.	Boudh	True Ref:P-911 Annexure IV.	The team verified the incident at the spot. Some glass windows were found broken. A case FIR No. 112/08 dated 25.8.08 u/s 147/148/448/427/436/36/153A/149 IPC has been registered at PS. Boudh. Father of the church expressed satisfaction on the action taken by the police. So far no arrests have been made. Investigation is under progress.
8.	81	NISWAS, the institute of MP Dr. Radhakanta Nayak has been severely ransacked. Xavier institute has also been partially damaged in Bhubaneswar today by the Sangh Parivar extremists.	Khurda	True Ref: P-77,891, 899 Annexure III & IV.	NISWAS, the institute was attacked. Case FIR NO. 314/08, 315/08 has been lodged at PS. Chandrashekharpur. 36 accused persons have been arrested and released on bail. Investigation of the case is in progress.

9.	148	On 30.8.08. 54 christian houses at Raigada of R.Udayagiri of Gajapati district have been burnt, the victims demand that the district administration should provide protection	Gajapati	True Ref: P-125 Annexure III.	FIR No. 37/08 at PS Rayagada registered. One accused arrested and 15 others are wanted. Investigation of the case is in progress.
10.	150	In Mukumdipur of gajapati dist. One pastor called Mukunmda Bardhan was burnt alive by the Sangh Parivar when he refused to embrace Hinduism.	Gajapati	True Ref: P-125,127 Annexure III.	2 cases have been registered vide FIR No. 27 & 30/08, PS Rayagada In FIR 30/08, 4 accused persons have been arrested and 3 are absconding. In FIR 27/08, 4 persons have been arrested and 4 are absconding.
11.	151	In KK singh village of Gajapati district, around 200 christian houses, one Baptist church and one christian (name still unknown) were burnt by the Hindu radicals	Gajapati	True Ref: P-127 Annexure III.	Case FIR 13/08 at Ramgiri PS and 29/08 have been registered at PS Rayagada. 35 accused have been arrested and 7 are absconding in The case FIR No. 13/08. In case FIR no. 29/08, 6 accused persons have been arrested.
12.	245	Ashok singhal, International President VHP. had meeting with Puri Shankaracharya on September 11 <sup>th</sup> at Bhubaneshwar. After that he emphasised ban on cow slaughter, no Christian conversion in Orissa and to protect and defend Hindu religion & culture beginging 23.9.08. Perform Swamiji's Kalash Yatra carrying the soil of Chakapada Ashram where he was cremated, around Kandhamal and throughout Orissa.	Bhubaneswar/Kandhamal	Partially True Ref: P-305 Annexure III.	Ashok Singhal, President VHP visited Bhubaneswar and organized party meeting after the death of Swami Laxmanananda Saraswati. Yatra was not conducted throughout Orissa.

13.	300	On 2.10.08, Lalajee Nayak (75) died at MHCG Medial College Hospital, Berhampur. He was severely injured during the attack on 30 <sup>th</sup> Sept. in Rudangia, G. Udayagiri	Gangam	True.	A case No. 102 U/s 147, 148, 302, 307, 326, 325, 324, 323, 120B, 149, 429, 349 IPC r/w sec 25/27 Arms Act was registered at G. Udaygiri police station and 16 accused have been arrested and forwarded to custody. Case is under investigation.
14.	302	On 30.10.08, 12 houses were burnt at Chapara village of Kulutajore Panchyat under Kantamal block of Boudh district by the Hindu extremists.	Boudh	Partially true Ref: P-269,271 Annexure III.	As per survey of the distt. Authorities, only 4 houses were found burnt. Interim relief has been given. No police case has been registered.
15.	312.	Hindu fanatics attacked the Pana Harijan families on 8.10.08 midnight at 2 AM in Dhendokuti village under Lambasari panchayat of Ghantapada, Kantamal block of Boudh district adjacent to Kandhamal, and ransacked, looted and finally burnt their 25 houses, 35 livestock goats, paddy, rice, gold ornaments and all their house - hold material. The houses burnt were of Bhagirathi Deep, Gobardhan Mahananda, Bishnu Ganda, Nabaghan Mahananda, Rajindra Mahananda, Mandulu Mahananda and Purna Deep. Police has arrested few people namely Durjan Mallick of Kandpali, Ramesh Mallick	Boudh	Partially true Ref: P- 269-271 Annexure III	As per survey of the district. Authorities, only one house was burnt and 35 goats were killed. Case is under investigation. Statement of BDO & Tehsildar of Kantamal enclosed.

		@ Made of Kenderimal. Bashanta Nayak of Gadgadipada, Sunasira Bhoi @ Bhaler of Kanisimil and Rushav Mallik of Budhakhai villages of Boudh dist. for the said crime so far.			
16.	313	In Mukundipur of Gajapati dist. martyred Pastor Mukunda Bardhan's son Tikina Bardhan received bullet injury on his left thigh.	Gajapati	True Ref: P-127 Annexure III.	Case FIR No. 30/08 dated 27.8.08 u/s 147/148/506/153(4)/39 6/325/436/201/295/149 IPC and 25/27 Arms Act has been registered at Rayagada PS and two persons have been arrested and two are absconding.

**PART 'B'**

**ALLEGED INCIDENTS OF DEATH WHICH TOOK PLACE AND WAS FOUND TRUE DURING SPOT VISIT AND IN WHICH ACTION HAS BEEN TAKEN BY THE POLICE**

Sl. No.	Sl. Of the complaint	Brief allegation	Dist	True / False	Observation
1.	3	On 25 <sup>th</sup> Aug 08, a lady cook Rajani Majhi (29) of Missionary Orphan centre was burnt alive in Khuntapalli, Padampur.	Bargarh	True Ref: P-845,877 Annexure IV.	Cases have been registered vide FIR No.81/08 dated 25.8.08 u/s 147/148/135/436/353/332/506/295/153(A)/341/342/307/302/120B/149 IPC at Padmapur PS. Baragarh. Case is under investigation. 20 persons have been arrested and forwarded to judicial custody. Complainant u/s 107 CrPC has been submitted against 60 persons by the police..
2.	6	On 24.8.08, one man, a handicapped believer namely Rasananda Pradhan at Rupagaon, was burnt alive.		True Ref: P-3 Annexure III.	FIR No. 89/08 dated 31.8.08 u/s 147/148/436/506/302 /149 IPC has been registered at PS Tikabali against three named accused. All have been arrested on 2.10.08 and the case is under investigation.
3.	7	On 26.8.08, a Pastor nameiy Samuel Nayak (45) was killed at Bakingia village of Raikia block at about 2.30 PM.	Kandhamal	True Ref: P-237 Annexure III.	A case FIR No. 60/08 dated 30.8.08 u/s 302/201/34 IPC has been registered at PS Raikia against seven named accused. All were arrested on 5.10.08. Samuel Nayak was killed along with his mother Jamanati Naik.
4.	8	On 26.8.08, a Pastor Akbar Digal (45) at Totomaha, Raikia has also been killed.	Kandhamal	True P-163 Annexure III	A case FIR No. 59/08 dated 29.8.08 u/s 147/148/302/201/149 IPC has been registered at PS



					Raikia against four named accused. All have been arrested on 5.10.08.
5.	10	Ajuba Naik was killed in Raikia, Barakhama, Kandhamal	Kandhamal	True Ref: P-1057 Annexure IV.	A case FIR NO. 73/08 dated 27.8.08 u/s 147/148/302/120B/149 IPC has been registered at PS. Baliguda against five named accused. Out of five, two accused have been arrested.
6.	11	Prafulla Nayak was killed in Barakhama, Kandhamal.	Kandhamal	True Ref: P-1063 Annexure IV.	Case FIR No. 74/08 dated 27.8.08 u/s 147/148/302/120B/149 IPC was registered at Baliguda PS against one named accused. He has been arrested on 8.10.08.
7.	21	On 27 <sup>th</sup> Aug 08, Pastor Gayadhar Digal of Kasinipadar, Phiringia has been killed by the radicals with the help of a sword.	Kandhamal	True Ref: P-1075 Annexure IV.	A case FIR No. 85/08 dated 27.8.08 u/s 147/148/427/324/325/307/302/149 IPC has been registered at Phiringia PS. Two persons have been arrested.
8.	38	Police Constable – Bibhudendra Bishwal (26) – was killed in the Gochhaopada PS attack	Kandhamal	True Ref: P-1081 Annexure IV.	A case FIR No. 63/08 dated 16.9.08 u/s 147/148/426/427/436/435/457/380/307/302/149 IPC and 25/27 Arms Act, 3 PD PP Act, 7 CrLA Act has been registered at Ps. Gochhapada. Thirteen accused persons have been arrested.
9.	40	Banadeo Pradhan of Pajimaha village died with a head injury during Raikia PS attack.	Kandhamal	True P- 169 Annexure III	Case FIR No. 96 dated 23.9.08 u/s 147/148/332/333/337/338/324/307/447/149 IPC against fifteen named accused has been registered at Raikia PS. Eighteen accused persons have been arrested.
10.	41	On 25.9.08, at about 2.30 PM, in Sisapanga	Kandhamal	True P- 169	A case FIR No. 98/08 dated 25.9.08 u/s

		village Raghav Digal was killed by the rioters.		Annexure III	147/148/302//149 IPC has been registered at PS Raikia against two named accused and they have been arrested.
11.	53	On 2.10.08, Lalajee Nayak (75) died at MKCG Medical College Hospital, Berhampur. He was severely injured during the attack on 30 <sup>th</sup> Sept in Rudangia, G. Udayagiri.	Kanadhama	True P-169 Annexure III	Case FIR No. 102 dated 30.9.08 u/s 147/148/325/307/302/120 B/149 IPC has been registered at PS G. Udaigiri. Sixteen accused persons have been arrested and forwarded to judicial custody. The injured person died while under treatment at MKCG Medical College, Berhampur.
12.	55	Krushna Chandra Pradhan, an old man was killed in cattle shed at Gundhani village of Raikia. Police has not been able to arrest any body.	Kandhamal	True P-171	Case FIR No. 102/08 u/s 302 IPC has been registered at PS Raikia and one accused Pratap Choudhury has been arrested. The case is of a family dispute. His son Pratap killed his father. The accused son Pratap has been arrested. The investigation of the case is in progress.

PART 'C'

ALLEGED INCIDENTS OF RIOTS THAT WERE FOUND TO BE TRUE, IN WHICH CASE HAS BEEN REGISTERED BUT FURTHER ACTION HAS NOT BEEN TAKEN BY THE POLICE.

Sl. No.	Sl. No. of the complaint	Incident	District	Allegation true/false	Observations
1.	1	On 25.8.08, in Kandhamal district yesterday, at 4.30 to 5.00 PM, around 1000 perpetrators of Sangh parivar chased and killed four Christians by dagger and sword, on the road whose names are: Bikram Naik (38), Dasaratha Pradhan(38), Srundra Naik (40) and another Christian brother whose name is still not reported. The deceased were trying to protect their Church when the radicals tried to put it on fire.	Kandhamal	True P-625-630, 637-642, 649-668 Annexure IV	Cases have been registered vide Raikia PS.FIR No. 53/08 dt. 26.8.08 in connection with the murder of Ramesh Digal, FIR No.55/08 dt. 27.8.08 in connection with the murder of Bikram Naik, and 57/08 in connection with the murder of Dasarath Pradhan. In case FIR No. 57/08 the accused persons are unknown but in other two cases though there are named accused, the police has not taken any action till date.
2.	53	Church and Pastor's house destroyed this morning.	Kandhamal	True	The team verified the allegation at the place of incident and found the church and house were damaged. As per police report, no complaint was lodged by any one therefore no case was registered.
3.	76	A small Believers church at Bhubneshwar Development Authority (BDA), Chandrasekharapur, Siyon Sramika Slum at Bhubaneswar is ransacked today. The Christian families staying	Khurda	True Ref. P-305,1147 Annexure III & IV	This is a suo moto case lodged by the police. No arrest has been made yet. The case is under investigation. A case FIR No. 316/08 dated 25.8.08 u/s 147/148/294/353/436/295/149 IPC has been registered at PS Chandrasekharapur against 60/70 unknown persons. No arrests have

		in the slum are being threatened to be bombed.			so far been made. The case is pending for ascertaining the name and addresses of the accused persons.
4.	88	William Carey School of Dr. S N Patro at Janla, Khurda has been attacked this afternoon. The school was partially damaged and two school buses were also damaged by twenty radicals today.	Khurda	True Ref: P-75 Annexure III.	The school was attacked and window panes were damaged. One school bus was partially damaged. School authorities did not lodge any complaint with the police. As such no action was taken by the police.
5.	101	On 26/8/08 & 27/8/08 a school teacher was killed at Gulukanbagiri, Kandhamal.	Kandhamal	True Ref: P-1093 Annexure IV.	No such incident took place at Kanbagri but one person named Mathew Naik alias Gulu of village Kanbagri had been to village Gudrikia under PS Sarangarh on 26.8.08 where he was killed. Case FIR 44/08 u/s 147, 148, 302, 201, 427, 435, 144 IPC was registered at Sarangarh. Accused persons are unknown as such no arrests have so far been made.
6.	114	On 27/8/08, Orphanage and church were fully damaged in Mandasaru. Four hundred children took shelter in the forest. The Missionaries of Charity nuns were running this orphanage.	Kandhamal	True P-729-734 Annexure IV	Case has been registered vide FIR No. 71/08 u/s 147,148,435,427 IPC on 3.9.08 at PS Raikia against 60 unknown accused. No arrest has so far been made. The investigation of the case is in progress.
7.	116	On 24/8/08, Pastor Bahumulya Naik was attacked the same day in Bamunidei village.	Ganjam	True Ref: P-319 Annexure III.	As per police report, a Peace Committee has been formed represented by the selected leaders of both the groups which amicably solved the dispute. They requested the police authorities not to take legal action against both the groups and also requested to cancel the case and to submit the final report. However, the case is under investigation. Cases have been registered vide FIR No. 86/08 dtd. 29.8.08 u/s 147, 148, 294, 452, 427, 379, 323, 506, 149 IPC at PS Pattapur.

8.	130	Durgaprasad Church in Bhanjanagar was burnt on 27 <sup>th</sup> Aug 2008	Ganjam	True Ref: P-149 Annexure III.	No person was arrested and the case is under investigation. Cases have been registered vide FIR 184/08 u/s 143, 427, 295A, 43C IPC dtd. 27.8.08 at Bhanjanagar PS. Since the case was against unknown accused persons, no body has been arrested and no clue could be found during investigation of the case. Case is under investigation.
9.	133	In Adaskupa area of Kandhamal, the hindu fanatics killed and subsequently burnt unspecified number of persons. They were estimated to be more than five persons.	Kandhamal	Partially True Ref: P-353 Annexure III.	The team verified the incident from the village Adaskupa residing in relief camp at Udaygiri and found that one lady namely Palashti Naik was killed. As per police enquiry, this lady was killed in village Salesuru on 25.8.08 and a case No. 136/08 u/s 147/148/436/427/302/201/149 IPC has been registered in this regard on 12.9.08 at PS Tikabali. Though the case is against ten named accused, till date, no arrest has been made.
10.	138	On 28.8.08, Pukulinga Christian village at G.Udayagiri has been put on fire.	Kandhamal	True P-295 Annexure III	Incident actually took place and case. FIR 87/08 u/s 147/148/436/294/506/149 IPC was lodged on 21.9.08 at Ritingia and 287/08 u/s 147/148/395/436/149 IPC was registered on 18.10.08. The cases are against unknown accused and as such no arrest could be made so far. Cases are under investigation.
11.	149	In Ziranga village of Gajapati dist. Baptist church and 130 christian houses, were burnt by the radicals during last few days.	Gajapati	True Ref: P-125 Annexure III.	FIR No. 31/08 dated 27.8.08 u/s 147/148/452/506/153(A)/436/295/149 IPC at PS. Rayagada registered. No arrests have been made so far. Sixteen accused are wanted in the case.
12.	167	In Madinato village, Christian houses were burnt.	Kandhamal	True. Ref: P-529-624 Annexure IV	Team verified and found that no such place/ village under PS Sadar exists. However, as per police report, incident took place in Madina GP and cases have been registered vide FIR No.

					53,54,57,58,61,66,68,69 and investigation is under progress. No arrests have so far been made by the police despite the named accused in case FIR No. 53 & 55.
13.	170	On 1 <sup>st</sup> September 08, around 9.00 PM in the evening, the VHP extremists, burnt all the Christian houses in Beheragaon, Bastingia, Murgiguda, Balagaon and Kaijargaon under Tikabali block, Balagaon, Musuguda, Jigina gaon, Gandagaon, Beredi Sahi, under Chakapad block and at Gochhapada of Phringia block where more than three churches and around fifty three Christian houses have been burnt.	Kandhamal	True P- 11 Annexure II	FIR no. 92/93/94/113/130 have been registered at PS Tikabali against unknown accused. Case is under investigation.
14.	192	In village pottar Gajapati district, on 25.8.08 the VHP and Bajrang Dal members attacked twenty Christian families and their church was burnt down. Out of fear of their life all the Christian families ran away to the jungle.	Gajapati	True Ref: P- 129 &147 Annexure III.	Case FIR No. 17/08 dated 30.8.08 u/s 147/457/295/380/427/149 IPC has been registered at PS. Ramgiri against unknown accused. No arrests have been made and all are absconding. Investigation in progress.
15.	193	On 25.8.08, in Bolodagoma village, Gajapati District, fifteen Christian families were attacked. They all ran to the jungle to save their life but their church was broken down and burned.	Gajapati	True Ref: P- 131 Annexure III	FIR No. 14/08 u/s 147/148/323/422/436/395/295/149 IPC dated 27.8.08 has been registered at Ramgiri PS. No arrests have been made. Sixteen accused persons are absconding.
16.	194	On 25.8.08, in Lanjipatar village, Gajapati district eight Christian families	Gajapati	True Ref: P- 131	FIR NO. 33/08 dated 28.8.08 u/s 147/148/506/153A/ 436/295/149 IPC has been registered at

		were attacked by the VHP and Bajrang Dal. The Church was burnt down and their houses were ransacked and their entire valuables were burnt. Christians of these villages Potter, Bolodagoma, Lanjipatar and Mukundipur have been shifted and given shelter by the collector in a place called Rayagada in District Gajapati.		Annexure III	Rayagada PS. All named accused are absconding. No arrests have been made.
17.	246	10 year old boy called Srikanta Mallick died on 12.9.08 at the Habaq High School-relief camp at G. Udaygiri. He developed fever and diarrhoea first and later succumbed to Malaria. He was a student and inmate of a Missionary Hostel at Kalinga. Dr. Pratap Singh has confirmed his death.	Kandhamal	True Ref: P-239 Annexure III.	Srikanta Majlik died allegedly due to malaria. A UD case No. 6 /08 dated 5.11.08 at G. Udaygiri PS has been registered and the same is under enquiry.
18.	264	On Sept. 18 <sup>th</sup> 2008 at night, in many villages of Kandhamal namely Kalanaju and Dakenaju villages under Ratingia panchayat were attacked and over twenty houses were ransacked and set on fire.	Kandhamal	True. P- 1634 Annexure IV	Incident took place in Kalanju and Ratangia village. Cases have been registered vide FIR No. 100, 105, 136, 165, 166, 244, 271, 273, 292, 300/08 and are under investigation.
19.	275	In Sukananda village of G. Udaygiri, the Sangh Parivar extremists set ablaze Mother Teresa Charitable Trust House yesterday.	Kandhamal	True P- 1636 Annexure IV	Case FIR No. 106/08 dated 6.10.08 has been registered u/s 147/148/436/427/457/295/153A/149 IPC at G. Udaygiri PS. Since the case is against unknown accused no arrest has been made so far.
20.	297	On 2.10.08, In Boudh district, 300 houses were set ablaze by the radicals at midnight.	Boudh	Partially true Ref: P-949	According to the survey of the district authorities, only 13 house were set to fire and no Christian houses were damaged /destroyed.

				Annexure IV.	Case FIR No. 100/08 at PS Kantamal u/s 147/148/436/149 IPC has been registered against unknown accused. Case is under investigation. No arrests have been made.
21.	298	On 2.10.08, In villages Uma, Khuntiguda, Masinaguda, Fatamund, Matakupa and Anakutra, around 180 christian houses were destroyed.	Boudh	Partially true Ref: P-977,98 3 Annexure IV	According to the survey of the district authorities, 13 Hindu (SC) houses were set to fire and no Christian houses were damaged/destroyed. Case FIR No. 95/08 at PS Kantamal u/s 147/148/294/506/436/380/427/149 IPC has been registered against twelve named accused but no arrests have been made. Case FIR No. 96/08 u/s 147/148/436/439 IPC has been registered against unknown accused and no arrests have been made.



**PART 'D'**

**ALLEGED DEATH CASES THAT WERE FOUND TO BE TRUE, IN WHICH CASES WERE REGISTERED BUT FURTHER ACTION HAS NOT BEEN TAKEN BY THE POLICE.**

Sl. No.	Sl. Of the complaint	Brief allegation	Dist	True / False	Observation
1.	1	On 25 <sup>th</sup> Aug 2008, the perpetrators killed four Christians by the help of dagger and sword. They were Bikram Naik (38), Dasaratha Pradhan (38), Surendra Naik (40) and others.	Kandhamal.	True Ref: P-625 Annexure IV	Two cases have been registered at Raikia PS vide case No. 53 dated 26.8.08 u/s 147/148/427/436/302/149 IPC and 57/08 dated 28.8.08 u/s 147/148/302/149 IPC against unknown persons. No arrests have so far been made by police.
2.	4	Two Christians namely Jaka Naik (35) and Gapanayak (42) were killed in Budamaha village of Raikia. Their body is lying near Abasi Kupa road for the last 24 hours. From Budamaha village, 400 Christians fled to the forest.	Kandhamal.	Partially true Ref: P-763 Annexure IV	Death of Gopan Nayak was confirmed. In this connection a FIR No. 78/08 dated 4.9.08 at PS. Raikia u/s 147/148/436/302/201/149 IPC was registered against unknown accused. Nobody has been arrested so far.
3.	9	On 26.8.08, a non Christian called Sidheswar Digal was killed by the radicals at Sulesaru village for the reason of giving shelter to his own Christian son-in-law in his house.	Kandhamal	True Ref: P-359 Annexure IV	A case FIR No. 138/08 dated 12.9.08 u/s 147/148/436/427/302/201/149 IPC has been registered against unknown accused at PS. Tikabali. No accused have so far been arrested.
4.	13	Ramesh Ch. Digal was killed in Budamaha.	Kandhamal	True Ref: P-625 Annexure IV	A case FIR No. 53/08 under PS Raikia has been registered on 26.8.08 u/s 147/148/427/436/302/149 IPC against unknown accused. No arrests have been made so far.
5.	14	Trinath Digal was killed in Tiangia, Kandhamal.	Kandhamal	True Ref: P-643 Annexure	A case FIR No. 56/08 dated 28.8.08 u/s 147/148/302/149 IPC has been registered at PS. Raikia against unknown

				IV	accused. No arrest has been made so far.
6.	15	A school teacher namely Gulu was killed in Kanbagiri, Kandhamal.	Kandhamal	True P- 1093 Annexure IV	A case FIR No. 44/08 dated 7.9.08 has been registered u/s 147/148/302/201/427/435/149 IPC against unknown persons at Sarangada PS.
7.	23	Pastor Ditya Sunder Digal of Drepang Church of Sipeaju was killed on 27 <sup>th</sup> August 2008 with sword.	Kandhamal	True P- 1087 Annexure IV	Case FIR No. 40 dated 26.8.08 u/s 302/34 IPC has been registered against unknown accused. No arrests have been made.
8.	25	Young man called Abimanyu Nayak was burnt alive after locking him inside his house by the members of VHP at Barapalli village of Pasara, Chakapada of Kandhamal, on 29 <sup>th</sup> August 2008.	Kandhamal	True Ref: P- 339 Annexure IV	Case FIR No. 90 dated 31.8.08 u/s 147/148/436/506/302/149 IPC has been registered against unknown accused at Tikabali PS. No arrests have been made.
9.	27	Parikhita Nayak of Tiangia village, Raikia was killed at Alankuipa.	Kandhamal	True Ref: P- 649 Annexure IV	Case FIR No. 58 dated 28.8.08 u/s 147/148/436/302/201/149 IPC has been registered against unknown accused at Raikia PS. No arrests have been made.
10.	31.	Pastor Fitham Nayak (62) of Breka village, Tikabali PS and block, Kandhaamal Dist, two Christian friends Madan Nayak (62) and Saschitan Nayak (62) of Dakedi village, PO Ratingia, PS. G. Udayagiri, were killed, their bodies cut into pieces and burnt on 24 <sup>th</sup> August.	Kandhamal	True Ref: P- 805 Annexure IV	Case FIR No. 90 dated 11.9.08 u/s 147/148/302/149 IPC has been registered against unknown accused at PS. Raikia. No arrests have been made.
11.	36	Decomposed body of Purander Mallick of Nilungia village who was missing since 10.9.08 was found in the Dam.	Kandhamal	True Ref: P- 1207 Annexure IV	Case FIR No. 81 dated 15.9.08 u/s 302/201 IPC has been registered against two named accused at PS. G. Udaygiri. No arrests have been made.

**PART 'E'**

**ALLEGED INCIDENTS OF RIOTS THAT WERE MENTIONED IN THE COMPLAINT BUT DID NOT TAKE PLACE AS FOUND DURING SPOT VISIT.**

Sl. No.	Sl No. of the complaint	Incident	District	True / false	Observation
1.	5	On 25.08.08 Pastor Khyamasila Bagh of Rudaangia of Raikia has been severely attacked and all the houses have been damaged.	Khandamal	False Ref: P-138,202 Annexure III	No report has been received by the police. The team also visited the village but did not find any such report regarding the incident.
2.	10	On 25.8.08, Loyla School at Chankdrashekharpur Bhubaneswar was attacked and damaged.	Khurda	False Ref: P-305 Annexure III	The BJP supporters had only gathered near the school with an intention to cause damage. Their action was prevented due to police presence.
3.	17	In Bhagamunda seven houses were destroyed.	Kandhamal	False Ref: P-17 Annexure III	As per police report, there is no such village under PS Sadar district Kandhamal
4.	26	A Baptist Church in Akamra Jila in Bhubanewsar has been damaged.	Khurda	False Ref: P-305 Annexure III	In a rented house in the colony, the Believers church has an administrative office on the 1st floor and a prayer hall on ground floor. Mr. Arun Kr. Nayak (Apostal) said he was not present on the day of the incident. One worker Prajaad Pradhan said that no damage had taken place that day and nobody entered the premises. There is also a very big church in the same lane which was not attacked.
5.	77	Catholic church of Bhubaneswar has been attacked and stoned twice during Bandh time today. Radicals were trying to enter by force but police guards	Khurda	False Ref: P-307 Annexure III	No incident took place. The church was under police protection.

		checked them			
6.	78	IPC Faith Home Church at VSS Nagar, Bhubaneswar was stoned and the front door damaged by the radicals.	Khurda	False Ref: P-307 Annexure III	No incident took place. It was a prayer hall and was left locked on the eve of BJP rally. No damage was done.
7.	82	An independent Church in a slum behind May Fair Hotel has been burnt by the radicals.	Khurda	False Ref: P-1109 Annexure IV	No such incident occurred there. The representative of GCIC Mr. Mohanty denied any such incident. Instead he took us to Brit Colony "Church of God" at Nayapalli. There were two marks on the wall which was allegedly due to stone pelting. Regarding attack on Nayapalli, a case has been registered vide FIR No. 276/08 u/s 143, 451, 336, 427, 295, 506 and 149 IPC at Nayapalli PS. No arrest has been made as the accused are unknown. The case is under investigation.
8.	112	On 27 <sup>th</sup> August 2008, Pastor Dainel Nayak was martyred with family members.	Kandhamal	False Ref: P-217,202 Annexure III	The person alleged to have been killed is alive and presently in Raikia Camp.
9.	113	On 27 <sup>th</sup> August 2008, Christian leader Michel Naik was martyred with family members.	Kandhamal	False Ref: P-217,202, 237 Annexure III	The person alleged to have been killed is alive and presently in Raikia Camp.
10.	122	On 27 <sup>th</sup> August 2008, at Raikola village of G. Udyagiri when radicals were putting fire to the Christian homes, all the Christian women of that village came to the PS and met the Circle Inspector Mr. D.P. Mahanta and cried before him for security. On reply, they were	Kandhamal	False Ref: P-295 Annexure III	No such incident was reported to the police. The team visited the police station and the relief camp to ascertain the fact. No clue was found to substantiate the allegation. However there are 46 cases of arson which have been registered at the PS G. Udaygiri.

		misbehaved with and the inspector used harsh words and said that, "they have not got orders to shoot at sight, so they cannot do any thing. Why did you all kill Swamiji and his inmates, now you better die. If you all want the police to go and rescue, then give money to buy diesel for our vehicle, and then we will go to protect you".			
11.	126	In Telapalli village, Sadananda Pradhan, Anthou Digal, was murdered by the radicals on 27 <sup>th</sup> August 2008.	Kandhamal	False Ref: P-239,202 Annexure III	i)Sadananda Pradhan s/o Kapila Digal is presently at Bhubaneswar with his family. ii) No person namely Anthou Digal exists. However one Andre Digal s/o Somya Digal is staying outside the village.
12.	129	A Christian namely Bideyadhar Digal of Dugabadi Kotagada has been murdered by the Hindu fanatics on 27 <sup>th</sup> Aug.	Kandhamal	False Ref: P-241,243 Annexure III	He died at the age of 74 at his house on 26.8.08. It was a natural death. Statement of his wife Smt. Sumati Digal enclosed.
13.	141	Mrs. Gundauri Nyak (65) died because of her stay in the forest for 3 days without food in Budamaha village. Hindu radicals did not allow the body to be buried and burnt the body according to the Hindu culture.	Kandhamal	False Ref: P-237,202 Annexure III	Lady expired due to fever in her house. Death was natural. Verified in the presence of Suranjan Nayak, the representative of the Complainant . Dr. Sajjan George.
14.	145	Seven Christian houses at Badakati village of Phiringia block, Kandhamal have been burnt by the Hindu radicals.	Kandhamal	False Ref : P-241 Annexure III	No village by this name exists.
15.	163	In Kantamal block of Boudh district, 40 Christians were forced to embrace Hinduism 01.9.08.	Boudh	False. Ref: P-269 Annexure III	The SDM/ Tehsildar and BDO of Kantamal block stated that no Christian family lives in Kantamal block.

16.	164	Emergency Medical Treatment in Relief camps is required. Several hundreds of Christians were suffering from Diarrhoea in the relief camp at Habvaq high school at G. Udayagiri. Among them, were children Srija Nayak ( 6 months) Sablum Nayak ( 10 months) and Nibedita Nayak ( 2. & ½ years) There was a lack of basic amenities and sanitation at relief camps.	Kandhamal	False Ref: P-303 Annexure III	No such incident took place at Habvaq School relief camp.
17.	168	In Bhagamunda village, Christian houses were burnt.	Kandhamal	False Ref: P-17 Annexure III	Team verified and found no such village exists (Statement of OIC Sadar may be referred)
18.	171	On 1 <sup>st</sup> September 2008, while it was raining all over, the district administration ordered in the evening that the riot victims and refugees should vacate the Habaq school for re-opening the school for students. This has created more tension and agony among the people who have taken shelter. Many small children, pregnant ladies and sick persons were in the camp. GCIC immediately intervened and the district administration extended the stay for two more days during which they would find some other safe arrangement for the refugees.	Kandhamal	False Ref: P-303 Annexure III	Verified. No incident took place.

19.	185	In Bhubaneswar, a team of left leaders were stopped from going to visit the violence affected villages of Kandhamal and told to defer their visit by a couple of days. As violence continued to be reported from interior areas of Kandhamal during the day; curfew remained in force in nine towns of the district.	Khurda	False Ref: P-307 Annexure III	No such case of prevention of visit of any leader of leftist party was found.
20.	195	On 31.8.08 Mission India Preachers were chased away by the radical VHP from slum churches in Bhubaneswar while praying and worshipping. Pastors fear for their lives. Police is not able to give them security. They are worried.	Khurda	False Ref: P-307 Annexure III	No report exists with the police. Preachers remained away by hiding themselves on the eve of BJP rally. The prayer halls were locked. No police protection was sought by the preachers.
21.	244	It has been reported that during the Sangh Parivar's rally by the ladies on 10.9.08 at G. Udyagiri, two Christians from Adaskupa village were killed. This news needs to be confirmed with detailed information.	Kandhamal	False Ref: P-303 Annexure III	Allegations were not substantiated and it was verified from the villagers.
22.	249	There are reports today, that fanatics have gone to attack six villages around Kurtamgarh, near Balliguda. We do not have any information with regard to the damages of houses as the attack was on.	Kandhamal	False	No evidence was found during verification.
23.	251	There are reports from different parts of the district about the dead line of forceful conversion to Hinduism	Khurda	False Ref: P-309 Annexure III	No evidence was found during the verification by the team. Police expressed their ignorance of the fact. No such matter was reported to them.

		with a threat. Not only they set the dead line, they had drafted a paper on how they should request the local VHP cadre for writing against Priests/Pastors and their willingness to become Christians. They have given a list of things to be brought for the ceremony. One such dead line is 15 <sup>th</sup> of the month. The three members of the village here in Bhubaneswar are ready to share their story. They are helpless here, educated and illiterate, rich and poor all are victims. Even a respected political leader or lawyer cannot escape.			The representative of GCIC also could not provide evidence to support his version.
24.	253	VHP World Hindu council has prepared a list of 140 people from Christian community alleging to be the killers of Swamiji with out any substantial proof and were distributing it among its supporters with a purpose to kill them and punish them in case the government fails to do the same. This is the latest move by the VHP to foster communal violence against Christian community and to divert the attention from the heinous crime committed by its cadres against Humanity and the democratic society. Mr Ashok Singhal of the World Hindu Council is	Khurda	False Ref: P-309 Annexure III	No evidence was found during verification by NHRC team. The representative GCIC also could not provide any evidence regarding any such list prepared by the VHP.



		with a threat. Not only they set the dead line, they had drafted a paper on how they should request the local VHP cadre for writing against Priests/Pastors and their willingness to become Christians. They have given a list of things to be brought for the ceremony. One such dead line is 15 <sup>th</sup> of the month. The three members of the village here in Bhubaneswar are ready to share their story. They are helpless here, educated and illiterate, rich and poor all are victims. Even a respected political leader or lawyer cannot escape.			The representative of GCIC also could not provide evidence to support his version.
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		believed to have submitted the list to the CM of Orissa. It has created danger for the lives of these people and the Christian community.			
25.	286	A dead body was found in Bhigadpada forest area under Phulbani Sadar police station. Reports by the eye witnesses to the dead bodies found in different places have been lodged with the police but they are not taking account of the same.	Kandhamal	False Ref: P-13 Annexure III	The team visited the village and after enquiry found that no dead body was found in the Bhigapada forest.
26.	290	Two persons were hacked to death in separate incidents. Another person, Amina Pradhan was seriously injured due to bombing. The other incident happened at Salaguda village under Gochhapada Police Station, 30 Km from Phulbani town. The victim, an ex-sarpanch was targeted because he did not co-operate with the villagers during a recent attack on the police station.	Kandhamal	False P-203 Annexure III	As per the enquiry, no such person lived in the village Salaguda.
27.	292	In Dabisuda village under Gumagada Panchayat four houses were burnt yesterday by the Hindu radicals.	Kandhamal	False P-29 Annexure III	There is no such village Dabisuda. However there is a village Badisuga which falls under PS Sadar. The team visited the village and found that no house was burnt but some houses were found slightly damaged by pelting of stones and relief ration of rice and dal was given to the villagers.

**PART 'F'**

**ALEDGED DEATH CASES WHICH WERE REPORTED BUT WERE NOT FOUND TO BE TRUE DURING SPOT INVESTIGATION.**

Sl. No.	Sl No. of the complaint	Incident:	District	True / false	Observation
1.	19	On 27 <sup>th</sup> August 2008, Pastor Daniel Naik martyred with family members in Bakingia ( 8 km from Raikia PS.)	Kanadhamal	False Ref: P-217,202,237 Annexure III	He is alive which was verified from the villagers.
2.	20	On 27 <sup>th</sup> August 2008, Christian leader Michel Naik was martyred with family members in Bakingia ( 8 Kms from Raikia PS.)	Kanadhamal	False Ref: P-217,202,237 Annexure III	He is alive and was verified from the villagers.
3.	22	In Telapalli village, sadananda Pradhan, Anthou digal, was murdered by the radicals on 27 <sup>th</sup> August 2008. with the help of a sword.	Kandhamal	False Ref: P-239 Annexure III	Verified and they were found to be alive according to the villagers.
4.	24	A Christian Bidyadhar Digal of Dugabadi , Kotagada was murdered by the Hindu fanatics on 27 <sup>th</sup> Aug 2008.	Kandhamal	False Ref: P-241 Annexure III	Bidyadhar Digal died at the age of 74 as a natural death on 26.8.08.
5.	26	Mrs. Gunduri Nayak (65) died of starvation at Budamaha village. The radicals denied burial and burnt her.	Kandhamal	False Ref: P-202 Annexure III	The lady died on 28.8.08 as a natural death.
6.	45	One headless dead body was found lying at a road side at Sankarakhol.	Kandhamal	False Ref: P-01	No such case reported.

				Annex ure III	
7.	49	Jacob digal in Petapanga, Kandhamal was killed.	Kandhamal	False Ref: P-237 Annex ure III	Jacob Digal was not killed and he is living in Raikia Camp
8.	50	Kamolini Nayak, Mondaki, Kandhamal was killed.	Kandhamal	False Ref: P-240 Annex ure III	Kamolini Nayak of village Mondakki was not killed and he is living in Raikia Camp.
9.	57	On 12 <sup>th</sup> October two other deaths namely Mrs. Rajni Digal (30) of Jarigipada village under Pabingia Panchayat and Phiringia PS/Block and Miss Manasi, Mallik (16) of Khajuripada, Phulbani were reported in Kandhamal.	Kandhamal	False Ref: P-239 Annex ure III	The deceased died on 12.10.08 due to poisoning and an inquest /UD case No. 06/08 dated 12.10.08 has been registered.

### CONCLUSION

1. Out of a total 314 arson and 57 death cases concerning the death of 81 persons which was reported to the Commission, 96 cases were verified on the spot during spot investigation by the team. The following is the district wise figures of incidents reported and verified:

Sl. No.	District	No of cases reported	No of cases verified
1.	Kandhamal	182	42
2.	Khurda	24	15
3.	Gajpati	15	08
4.	Boudh	17	06
5.	Ganjam	09	03
6.	Bargarh	06	02
7.	Other districts of Orissa	61	NIL


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2. Out of 96 verified cases 36 ( 27 cases of arson and 9 cases of death) appear to be false, four cases were found to be partially true and 56 cases were found to be true.
  3. Out of the total of sixty true and partially true cases, in twenty eight cases the investigation was being carried out promptly where as in thirty two cases investigation was not carried out promptly till the date of the spot enquiry.
  4. It was observed during spot investigation and interaction with the DGP Orissa by SSP NHRC that a special team of fifty investigating officers have been dispatched to Kandhamal for carrying out investigation of the riot cases. However, the team was dispatched at the time of the second visit of the NHRC Investigation team and is yet to deliver the results. Considering the sudden increase in the registration of cases due to riots and the sensitivity of the cases, the district needed extra IOs right from the beginning.
  5. Case Diaries were not being written regularly and out of all the cases where the FIRs against 473 named accused persons were lodged, 259 persons have been arrested in 38 cases. Efforts must be made for early arrest of other guilty persons and bringing them to trial in competent court.
  6. It was found during the spot investigation that a number of incidents mentioned in the complaint were not true. During our spot enquiry, the representative of the GCIC Bangalore (complainant) informed us that

the compilation of events by the GCIC was based on newspaper reports and not on the basis of spot visits.


7. With regard to alleged incidents of destruction of churches, institutions, houses and other property, the petitioner had given 314 cases. Out of these, 76 cases were verified and 49 were found to be true whereas 27 cases could not be verified.

RECOMMENDATION:

1. The team of IOs should visit the migrant camps and record their statements in the camp itself. Some camps of people displaced from Kandhamal are located in Bhubaneswar and the IOs must also visit the camps of Bhubaneswar to record the statements of witnesses relating to their cases..
2. Regular monitoring of investigation should be done at the highest level.
3. The authorities may consider the setting up of Fast track courts for speedy trial of the cases..
4. Investigation of cases should be expedited to ensure that the perpetrators of violence are arrested and action under law is taken against them. This will also help in early return of the Christians to their villages.
5. The State Govt. should take steps to ensure the protection of witnesses. This is specially necessary considering the fact that once the witnesses move back to their villages they are likely to be threatened by the fundamentalist elements and pressurized to turn hostile during trial.


  
Mukesh Singh

SSR-II

  
Ravi Singh Insp

  
H.C. Rao

Dy SP

  
D. N. Rath Insp

H.C. Misra

Dy.SP

  
Rajvir Singh

Inspector