

ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAH, BALLIGUDA, KANDHAMAL, PH-9438072385

Letter no-10/2010.

Date:13.01.10

To  
The Chief Justice,  
Orissa High Court, Cuttack, Orissa.

Sub: Demand for the urgent steps against communal elements.

Your Honour,

We the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Communal Violence in Kandhamal), Kandhamal District, Orissa, herewith present this memorandum for your appropriate action. Soon after the unprecedented Kandhamal communal violence, the Government of Orissa set two Fast Track Courts to expedite the many criminal cases arising from the communal violence directed against the Christian community. The Courts, and the Court premises, have however become a travesty of justice. One of the presiding judges and the police have caused us deep concern as we fear a major miscarriage of justice for the following reasons:

1. The sense of insecurity among witnesses is adding to the gross miscarriage of justice in the two Fast Track courts. Victims and witnesses are being coerced, threatened, cajoled and sought to be bribed by murderers and arsonists facing trial. Shoddy police investigations have already created a crisis in the dispensation of justice, and even genuine eye witnesses are reneging in court as they see the court premises full of top activists of fundamentalist organizations and often the same persons who had burnt their houses. The police mute watchers, as always. The witnesses are threatened in their homes, and even their distant relatives are being coerced.

1. In the current volatile political situation, we fear with reason that religious political leaders and former ministers are influencing the district administration and judiciary system along with communal elements in Kandhamal.

2. Even the media has reported at the strange situation in the two Fast Track court of Ad hoc Additional Session Judges which are trying all the murder and arson cases against Legislative Assembly Member Manoj Pradhan. Though witnesses have deposed strongly on his involvement in the crimes, he has been let off in case after case.

3. The accused Manoj Pradhan, BJP MLA, threatened one of the witnesses in front of the police personnel inside the Fast Track Court, and he also threatened the police.

4. Till today communal elements are still threatening the witnesses in the remote villages where they live, due to which the witnesses are in panic and do not dare to speak in the court. Many witnesses have even refused to come to court as they do not dare to travel anymore.

5. Around 20 to 25 advocates are arguing for the defense, and the Public Prosecutors are not able to cope with the volume of work every day.

6. While we do not want to cast any aspersions on the PPs, their actions have left us in great doubt.

7. We also have strong doubts in the quality of the police investigations which are making it easy for the guilty to go scot free.

8. It is a matter of serious concern that it is more than one year passed the affected households is yet to be enlisted in the government list for compensation depriving them all the support and rehabilitation. It is crime against humanity as the hapless and helpless victims abandoned to look for themselves. There is gross malpractice due to corrupt and indifference attitude of the local officials, who have not list the fully damaged houses as fully, but partially thus effectively depriving the compensation and supports. We demand immediate assessment and support.

9. Due to prolonged violent and fearful environment, the families have left the villages. Taking advantages of this, the fringe elements and criminal elements of Sangh Parivar has looted the household articles and assets thus rendering the families bereft of any assets. We demand proper and full assessment be done and compensate the families suitably.

10. The compensation packages declared by the state Govt. for the damage households are very meager amount which is not sufficient for the house construction. Conversely, these packages are much less than the compensation packages provided to the Sikh and Godhra riots victims. Proportionate package should be provided to the Kandhamal victims also. We seek urgent actions from Your Honour in the interests of justice such as shifting the sensitive cases related to Manoj Pradhan to outside, to Cuttack or Bhubaneswar, transferring the judges and changing public prosecutors, provide special protection to witnesses.

Yours faithfully

Convenor

SHPS, Kandhamal, Orissa.

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(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAHU, BALLIGUDA, KANDHAMAL, PH-9438072385

Letter no-11/2010

Date:13.01.2010-

To

Hon'ble Justice Sri Sarat Chandra Mahapatra,  
Chairman, Inquiry Commission for Kandhamal Violence,  
At State Guest House,  
Bhubaneswar.

Sub: Boycott of the Hon'ble Commission by SHPS Association.

Your Honour,

We the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Kandhamal violence), Kandhamal herewith present this memorandum to inform you of our decision to boycott the Inquiry Commission for the under-mentioned reasons:

1. During your days visit to Kandhamal you made a statement stating, inter alia, that the Kandhamal violence is not communal violence but is of ethnic origin. This statement you made even before a proper inquiry was begun. [Enclosed is copy of one of the media reports.]

2. After the Commission began hearings, you made it a practice to brief the press on your "judgment" or ruling of the day.

3. The Commission formulated leading questions on issues such as conversions which were sociological in nature and in fact would further incite the violence which was still going on unchecked.

4. Responsible public officers like Pravin Kumar, police Superintendent, former and present police DG Gopal Nanda and Monmohan Praharaj were made to give the absurd but sensitive statements about religious conversion as if it was crime and then what role Police had taken to control the crime. The Police officers did not tell about why they could not prevent the march of funeral procession of Swami Laxmanananda with instigated mobs. Such statements caused further desperation among the witnesses and victims fighting their cases in Fast Track Courts and aggravated the situation. They should be summoned and held responsible for these acts.

5. BJP president, Suresh Pujari's presence inside the Courts is threatening to the witnesses and inspiring the culprits. Moreover he is allowed to enter into the commission chamber under garb of a lawyer and before the press meet is conducted.

6. Recently, in response to the question of Mr. Adikanda Sethy, MLA, Chhtrapur; the Chief Minister, Mr. Navin Pattnaik, said in the Assembly that the RSS, VHP and Bajrang Dal activists were involved in the Kandhamal violence. The commission should summon the records of the Assembly and take note of this as part of its proceedings, which it has not said it has done.

7. Your media statements have shown clearly that you have pre-decided and have already come to the conclusion about the violence without going through all the evidence that could have come before the Commission if it had proceeded without pre-conceptions and patent bias. In the face of all these, we are left in no other position than to boycott the proceedings of the Honorable commission, holding it biased and its statements based on preconceived notions which are not rooted in facts or investigations.

Yours faithfully

Convenor

SHPS, Kandhamal, Orissa.

Encls:

- Justice Sarat Chandra Mahapatra statement before first affidavits. Newsreader, "Justice Sarat Chandra Mahapatra commission enquiring into Kandhamal violence has issued a notification for the general public to submit affidavits by 15th (of Number 2009). Based on the affidavits, the commission shall develop framework/procedures on 28th of this month. In the meanwhile, Justice Mahapatra commission after his visit to Kandhamal in his preliminary assessment stated, "Communalism is not the primary reason for the riot." Reporter: Justice Mahapatra is not ready to accept that Kandhamal incidence is communal conflict. Justice Mahapatra, appointed to make enquiry into Kandhamal violence, said, "The problems are ages. It cannot be attributed to the bitterness of the two communities". "Likewise, in order to find out the reasons for killing of swami and the violence thereafter and the role of the administration in aftermath of the killing, and the hand of external forces to intensify the conflicts have to be looked into it" he said. Justice Mahapatra's voice, "Administration, social and political, when all these combined, discontentment got deepened and it manifested from the killing of Laxmanananda". Reporter: In the meanwhile in order to know the opinions of the general public about Kandhamal incident, Justice Mahapatra has issued a notification: The murder of Swami Laxmanananda and the violence thereafter; The involvement of individuals and the role of community; Anticipation of riot and the preventive measures taken for the riot the hand of individuals/institutions inciting Kandhamal incident should be submitted before the Enquiry Commission before 15th ( of November). Justice Mahapatra commission: 'If affidavits submitted in large numbers, then my enquiry could objective and impartial'. Reporter: After 28th hearing, the next course of action will be decided by Justice Mahapatra Commission. Last month, from 14th to 21<sup>st</sup> (14th to 21st of October 2009), Justice

Mahapatra has visited different parts of Kandhamal and interacted with the local people and at the administration'. Report by Radhamadhav Mishra, OTV. Source: OTV, Orissa

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(ASSOCIATION OF VICTIMS OF KANDHAMAL COMMUNAL VIOLENCE)  
AT/PO- MUNDASAHU, BALLIGUDA, KANDHAMAL, PH-9438072385

Letter no-12/2010

Date: 13.01.2010-

To  
Shri Naveen Patnaik,  
Chief Minister,  
Orissa

We the undersigned members of the Sampradayik Hinsa Prapidita Sangathana (Association of Victims of Kandhamal Communal Violence), Kandhamal district, Orissa, herewith present this memorandum for your appropriate action.

1. During the year 2007 and 2008 the district of Kandhamal was violently impacted by violence instigated by some communal elements who attacked innocent Christians in a planned and brutal manner.

2. In this violence, 5347 houses were looted and destroyed by fire, many women and girls were raped, and more than 75 people were murdered in the name of religion and ethnicity. Large-scale displacement and migrations followed with over 50,000 people becoming refugees in their own motherland. The culprits of this inhuman activity are roaming freely, neither arrested nor punished. We demand their immediate arrest, trial and exemplary punishment.

3.. The Government of Orissa has appointed the Sarat Chandra Mahapatra Commission to inquire into the Kandhamal violence and place its report before the Government. From the very beginning Justice Mahapatra has maintained that the violence is ethnic and in its interim report it sidelined and ignored the role of RSS, VHP, Bajrang Dal. Needless to mention here that your Excellency has clearly exposed the involvement of such organizations in the Orissa Assembly. We have no option but to express our doubts on his impartiality and demand that the Commission be dissolved.

4.. We feel that the district administration and police instead of unearthing the facts behind Kandhamal carnage are resorting irrational conclusions and judgments with regard to the religious conversions of Christian community. In their depositions before the Mahapatra Commission, they have tried this or that way to find fault with the victims instead of reviewing their role and responsibilities. When creates the communal tension and this kind of irresponsible blaming may cause future conflict. Hence we demand appropriate action against these officers.

5.. The relief and rehabilitation provided is not sufficient against the damage occurred to the life and property during Kandhamal violence. There are also no records as regards to the number of people got forcefully migrated to other places as a result of violence. We demand for the re-assessment of the damage and provide the compensation to the affected families and take necessary measures to enable the migrated people to come back.

6.. We demand a special package for the violence affected people and ensure its proper implementation. This package should include land, income generation, education and health care, etc., so that the poor innocent people who have lost everything can be rehabilitated properly.

7. We are not satisfied with the legal procedures undertaken in the two Fast Track courts established at Phulbani which seem to be in a hurry to dispose of the cases without proper trial and witness examination.

8. The witnesses are threatened by the accused, and hence the witness protection is most essential to deliver justice. We demand the protection of witnesses by the Government with proper support and care.

9. In most of the cases are finalized in the Fast Track courts at Phulbani the accused are acquitted. The quality of the Police charge sheets is doubtful; and therefore we demand a CBI inquiry into the cases for proper delivery of justice to the innocent people.

10. It has been propagated that Scheduled caste people are guilty of land grabbing by Scheduled Tribes in the district of Kandhamal which has created the ethnic conflict. But this is apportioning blame without any proof or basis. We demand proper settlement of land in the district. Particularly, please ensure to allot lands to landless. The Government should publish a "white paper" on the land issue.

11. The "fake caste certificate" issue has created a lot of confusion without a proper investigation and basis. Out of eight hundred caste certificate cases, only one hundred cases have been investigated. It is a matter of grave concern that only for a very few cases, around one Lakh people are blamed. We demand the Government to publish a "white paper" on these issues and take appropriate measures against the officials involved in issuing the fake certificate. The government prepares reports based on officials who are in hand in glove with fascist sangh parivar, who are hell bent on creating conflicts among ST and SC reasons behind; thus furthering the violent atmosphere.

12. Till today many of the victims of Kandhamal violence are staying in the village level relief camps. They get continuously threatened not to stay in the villages. They are not allowed to avail the local materials (wood, water, sand, etc.) for the house construction. Hence we demand for identifying those villages and take appropriate action by ensuring safety and security of the victims.

13. We demand exemplary action against those police officials who had supported the violence and remained quiet, instead of providing security to our life and properties.

14. It is a matter of serious concern that it is more than one year passed the affected households is yet to be enlisted in the government list for compensation depriving them all the support and rehabilitation. It is crime against humanity as the hapless and helpless victims abandoned to look for themselves. There is gross malpractice due to corrupt and indifference attitude of the local officials, who have not list the fully damaged houses as fully, but partially thus effectively depriving the compensation and supports. We demand immediate assessment and support.

15. Due to prolong violent and fearful environment, the families have left the villages. Taking advantages of this, the fringe elements and criminal elements of Sangh Parivar has looted the household articles and assets thus rendering the families bereft of any assets. We demand proper and full assessment be done and compensate the families suitably.

16. The compensation packages declared by the state Govt. for the damage households are very meager amount which is not sufficient for the house construction. Conversely, these packages are much less than the compensation packages provided to the Sikh and Godhra riots victims. Proportionate package should be provided to the Kandhamal victims also.

Yours' Sincerely,

Convenor  
SHPS, Kandhamal, Orissa.

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