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# INDIA

## Spotlight on Odisha

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## General background



Odisha is located on the eastern coast of India, bordering West Bengal, Jharkhand, Chhattisgarh and Andhra Pradesh. As per the World Christian Database (WCD, accessed March 2023), the population of Odisha is just above 49 million people. There are more than 8 million Dalits (Scheduled Caste) that form 17% of the population, and more than 11 million Adivasis (Scheduled Tribes) that form 23% of the population. There are 62 different recognised Adivasi communities in Odisha alone.<sup>1</sup> Combined, Dalits and Adivasis make up about 40% of the entire population in the state.<sup>2</sup> As in many other states, those belonging to the Other Backward Class (OBCs) make up more than 50% of the population. Further,

the dominant religion in Odisha is Hinduism totalling 93% of the state population, followed by Christianity and Islam with 2% each. The real numbers of Christians in Adivasi or Dalit groups are difficult to ascertain since Christianity is often practiced in secret due to either fear of persecution or fear of losing their Scheduled Caste/Tribe status and the benefits that come along with that status.

<sup>1</sup> <http://www.stscodisha.gov.in/Aboutus.asp?GL=abt&PL=1>

<sup>2</sup> <http://www.desorissa.nic.in/pdf/odisha-profile-2018.pdf>

## Political background

Politically, Odisha has one of the most stable governments in the country. The current political party, Biju Janata Dal (BJD), an allegedly secular and development-oriented party led by Chief Minister Naveen Patnaik, has been in power since 2000, with Patnaik winning 5 consecutive terms. In his first 2 terms Patnaik was aligned with the BJP and formed coalition governments. However, after the large scale anti-Christian violence in 2007 and 2008, BJD has independently won consistent majorities to form the government. In the last four to five years, BJD appears to be returning to its alignment with right-wing BJP, supporting controversial bills that have rolled back human rights and civil liberties on a diverse range of issues.<sup>3</sup>

The primary law used to persecute Christians in Odisha is the Odisha Freedom of Religion Act from 1967. Post-independence Odisha was the first state (although such laws existed in princely states before independence) to enact a law prohibiting conversion using force, allurement, through inducements like gifts or gratification and grant of any benefit, either pecuniary or otherwise, or by fraudulent means. Though enacted in 1967 it could not be implemented until 1989 when the Orissa Freedom of Religion Rules were framed.<sup>4</sup> Under the Act, punishment could be imprisonment that may extend to one year, with or without a fine, of up to Rs 5,000 [approximately 60 USD]. The Act prohibits conversion of anyone under the age of 18. For conversions involving persons below the age of 18, a woman, or a person belonging to a Scheduled Caste or Scheduled Tribe, the punishment increases to 2 years imprisonment and fines up to Rs 10,000 [approximately 120 USD]. In spite of the law there have been no convictions as no one has been able to prove a case of forced conversion. Instead, the law is primarily used as a means of harassing and intimidating the Christian population in Odisha.

## Examples of violence against Christians in Odisha

Two of the most shocking incidents of violence against Christians in India have taken place in Odisha: One in 1999 and the other in 2008.

In 1999, an Australian missionary named Graham Staines along with his two sons (aged six and ten years) were burnt to death by a mob of 50 people. Staines had been doing missionary work among Adivasis people (including care for those afflicted by leprosy) in the Keonjhar district of northern Odisha since 1965. He had set out for an annual jungle camp where Christian Adivasis would gather to discuss their beliefs. Although the leader of the mob, Dara Singh (Hindu fanatic and member of the Bajrang Dal) was sentenced to death by a sessions court, the Odisha High Court commuted the sentence to life imprisonment in 2005 and the Supreme Court upheld the commuted sentence in 2011.

The events of 2008 go back to agitation that began as a consequence of a Presidential Order of 2002. The Kandhamal district of Odisha is home to more than 100,000 Christians (called Pana Christians) mostly Dalit. Further, of the total Kandhamal district population of 650,000, more than 50% are Adivasis known as Kondhs. Both the Dalits and the Adivasis speak Kui language. After the Presidential Order of 2002 that mentioned Kui in the Scheduled Tribe category, the

<sup>3</sup> <https://thewire.in/government/more-ally-than-enemy-bjp-and-bjds-strange-connection-in-odisha>

<sup>4</sup> <http://archive.indianexpress.com/news/orissa-freedom-of-religion-act-the-conversion-debate/354130/2>

Pana Christians began agitating that they too should be included in the Scheduled Tribe category.<sup>5</sup> The RSS, Vishwa Hindu Parishad (VHP), the BJP and other right-wing organizations began to mobilise the Kondhs around this issue and inciting violence against the Dalit Christians.

Towards the end of 2007, violence peaked against Christians, culminating in several attacks against individuals and Christian properties (including churches) around Christmas and New Year. Things calmed down in the first half of 2008 until in August, a Hindu leader (actively involved in anti-conversion campaigns), Laxmananda Saraswati, and four others were killed by Maoist insurgents active in the area as retribution for the violence inflicted on Dalit Christians only a few months before. His body was paraded in full public view for a 150-kilometre-long procession organized by the leadership of the RSS and other organizations. In the ensuing pogrom, at least 50 people were killed. In Kandhamal district alone, more than 600 villages were ransacked, nearly 5,600 houses were looted and set on fire, and 54,000 people displaced. About 2,000 Christians were forced to convert to Hinduism. Victims filed more than 3,000 complaints but only 828 First Information Reports were filed. In the end, out of more than 11,000 accused, only 477 were found guilty.<sup>6</sup> According to Catholic priest Ajaya Singh interviewed in September 2022, "in every case of rape and murder of the Christians, most culprits are out on bail or parole, including the perpetrators of the two gang rapes. No one is in prison now."<sup>7</sup>

On 31 August 2023, Kandhamal day, 15 years on from the original violence, groups associated with fighting for the rights of the survivors including members of the Kandhamal Nyaya, Shanti O Sadvabana Samaj (Association of Kandhamal justice, peace and fraternity) organized a meeting to hand over a memorandum of demands to the Baliguda Sub-division Collector (one of the highest placed administrative officials in the district). The memorandum included demands for the re-opening of some 315 closed cases to ensure justice and reconciliation; demands for a review of cases closed without conviction because of faulty investigation, improper prosecution and absence of witness protection programs; demands for ensuring accountability of the government officials involved in the anti-Christian violence; and demands for compensation for all houses damaged in the 15-year-old violence. The memorandum urged the government to announce just and enhanced compensation as there was no assessment of the damage to people's property.<sup>8</sup>

In the months leading up to the simultaneous Odisha Assembly polls and national general elections in the period April-May 2024, the BJP has attempted to re-politicize the communal angle inherent to the 2008 Kandhamal violence. The BJP has demanded the reopening of the murder case of VHP leader Laxmananda Saraswati and four of his followers. It was his murder which acted as the initial spark for the Kandhamal riots. Leader of the opposition and BJP leader in Odisha Jaya Narayan Mishra charged that the Biju Patnaik ruled BJD government had allegedly not provided security to Laxmananda even after he was attacked in December 2007. Mishra alleged that the this religious leader's security personnel were on leave on the night when he was killed on 23 August 2008. Furthermore another BJP leader, MP Suresh Pujari questioned

<sup>5</sup> <https://www.hindustantimes.com/india/quota-fuel-to-communal-fire/story-EbGKLcCsHYwcGIVVSpNaZL.html>

<sup>6</sup> <https://www.newsclick.in/10-years-post-kandhamal-riots-let-us-not-forget-how-it-tore-secular-fabric>

<sup>7</sup> <https://www.thecitizen.in/india/no-one-is-in-prison-now-kandhamal-338058?infinitemscroll=1>

<sup>8</sup> <https://mattersindia.com/2023/09/kandhamal-survivors-supporters-demand-justice-on-martyrs-day/>

why details of the investigation into the violence had not yet been released, thus enabling suspicion to spread among the Hindus that the Kandhamal violence was due to religious conversions. It should be noted that the main targets of violence committed by nationalist Hindu groups in 2008 were the Christian Tribals or Adivasis and Dalits in the area. The BJP leader Mishra is quoted as saying: “If the state government was not prepared to place the report in public, why did they go for the judicial inquiry? I think the findings of the judicial probes are not palatable to the government because of which they are hesitating to make these public. As per my understanding, the probe reports suggest that religious conversions and infringement of rights of tribals are key reasons behind the Kandhamal riots.” Such statements can be read as a political strategy to build communal tensions in the lead up to state and national elections.<sup>9</sup>

Today, the persecution of Christians within the state of Odisha could be believed to be nonexistent given the lack of media coverage of such incidents. However, this is not to say that incidents are not taking place. As per sources on the ground - including pastors and activists who follow up on cases especially within the southern Odisha Belt including the districts Rayagada and Malkangiri -the persecution of Christians has continued in similar vein to 2022-23. Violence is happening in the form of individual incidents across the region at the village level and includes vandalism of property, threats, intimidation and social ostracization. Such incidents specifically target Adivasi Christians living in isolated villages whereby the perpetrators are their fellow villagers who target them for practicing a faith that according to the rest of the village is not the local practice. Such incidents are regarded as being ‘small-scale’, which is probably why they are not being picked up by local or national media. In addition, these cases are not filed formally but are instead being reconciled at the village and local police level without any official case records. As of November 2023, the United Christian Forum (UCF) stated that there were a total of 687 incidents of attacks against Christians in India since 1 January 2023, of which there were a total of seven incidents recorded in Odisha.<sup>10</sup>

## Mining and the persecution of Christians

On 23 November 2022, the Director of Mines and Geology in Odisha floated a tender inviting bids for mining leases for Bauxite and Limestone. As per the tender document, bids were invited for:

- Ballada Bauxite block in Koraput
- Sijimali Bauxite block in Kalahandi and Rayagada
- Kutrumali Bauxite block in Kalahandi and Rayagada
- Garramura Limestone block in Nuapada
- Uskalvagu Limestone block in Malkangiri.

Rayagada, Koraput and Malkangiri are located in the southernmost part of Odisha. The livelihoods of Christians and other sections of the population living off the land there will be affected by the launch of these mines and the associated forest clearance.

<sup>9</sup> <https://indianexpress.com/article/political-pulse/decode-politics-vhp-seer-killing-kandhamal-riots-odisha-naveen-patnaik-government-9096346/>

<sup>10</sup> <https://www.rvasia.org/asian-news/violence-against-christians-india-continues-unabated-says-ecumenical-human-rights-group>

By August 2023, the Adivasis in various parts of Odisha intensified their resistance to the setting up of these mines. This led to multiple Adivasi villagers and activists being arrested for their protests against the mines, specifically the Sijmallu Bauxite block in Kalahandi and Rayagada which was allotted to Vedanta, a global corporate powerhouse allegedly sympathetic to the BJP.<sup>11</sup> A First Information Report (FIR, an official police complaint) was registered under direction of the BJD government at the Kashipur police station on 12 August 2023 against 150 Adivasi agitators and they were booked under Indian Penal Code (IPC) sections pertaining to rioting, kidnapping, carrying deadly weapons, attempt to murder, use of abusive and defamatory words, and criminal intimidation. The FIR also mentioned sections under the Criminal Law (Amendment) Act 1932 and Arms Act 1959. Activists and lawyers on the ground claim that this FIR was part of a larger statewide crackdown on the Adivasi community.

Earlier, on 6 August 2023, nine Adivasis associated with an anti-mining protest were booked under the draconian Unlawful Activities Prevention Act (UAPA).<sup>12</sup> Further, eminent social and environmental activist Prafulla Samantara, allegedly went missing from his hotel room in Rayagada district on 29 August after he had gone there to address a press conference against bauxite mining in the region. A day later, he was found at his home in Berhampur town in Ganjam district — over 200 km from Rayagada. He stated later at a press conference: “The incident was a clear case of state terrorism. The state government is working for the interests of the corporate. There has been a breach of my liberty and I had faced mental and physical torture.” According to an Odisha-based civil rights organization, the Ganatantrik Adhikar Suraksha Sangathan, at least 25 Dalit-Adivasi activists were picked up by the police in the month of August 2023 alone: “We strongly condemn the ongoing state repression in various proposed mining areas in south Odisha as part of which at least 25 people have been arrested from three districts in the state. The act of protecting one's own land, forest, and nature is not criminal,” read a press statement released by the organization on 27 August 2023.<sup>13</sup>

The protests against the mines is at the same time targeting the structural changes to the administration of Adivasi land. On 26 July 2023, the Lok Sabha passed the Forest Conservation Amendment Bill 2023 which exempted certain forest lands from the Forest Conservation Act 1980. This amendment directly violated the Adivasi rights and agency over their own land that was protected under the Forest Rights Act of 2006; according to this 2006 Act, any use or diversion of protected land must first be subject to a public meeting or Gram Sabha (council meeting of the local village government). The 2023 amendments pave the way for removing the clause for consent from the local inhabitants for the takeover of their land.

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<sup>11</sup> <https://timesofindia.indiatimes.com/india/bjp-hiding-info-that-vedanta-was-highest-donor-to-big-parties-cpm/articleshow/64294126.cms>

<sup>12</sup> <https://thewire.in/law/its-time-for-the-government-to-redeem-itself-and-repeal-uapa>

<sup>13</sup> <https://www.thequint.com/news/india/odisha-crackdown-on-dalit-activists-fighting-for-land>

## Conclusion

Given that state elections and general national elections are due to be held simultaneously in Odisha in April/May 2024, the situation looks to be bleak for religious minorities there. So far the political contest in Odisha has been ‘triangular’ for both elections – between BJD, BJP and Congress. In the 2019 general elections, a total of 21 seats in Odisha were being voted for; the BJD won 12 (a downswing of eight seats), the BJP won eight seats (an upswing of seven seats) and the Congress won one seat (upswing of one seat). In the 2019 Assembly elections in Odisha, a total of 147 seats were being voted for; the BJD won 117 seats (a downswing of five seats), the BJP won 23 seats (an upswing of 10 seats) and the Congress won 16 seats (a downswing of seven seats). In other words, the BJP gained at the expense of the BJD in the general elections and gained at the expense of both BJD and the Congress in the Assembly elections. At both levels, the BJP has been gaining ground; for religious minorities in Odisha this is a worrying indication of the political trends.

Recently there have been reports of a tacit alliance between BJD and BJP for the upcoming elections in 2024<sup>14</sup> which suggest that BJP will ask for more seats in the general elections while granting more seats to BJD in the Assembly elections. In such a situation, the Congress emerging as the only real opposition might increase its vote share and even win a few more seats but it seems that Odisha will now be controlled increasingly by the BJP-BJD nexus. If this is indeed the case, then communal polarization with increasing propaganda, disinformation and hate speech against religious minorities especially Christians is likely to increase not just for the elections but also in the medium-term future in Odisha.

With the BJP’s dominance in Odisha, it is also likely that Adivasis will increasingly become displaced from their natural habitats in order to favor businesses operating mining projects that serve as cash cows for political parties. Any Adivasi resistance to mining will almost certainly be countered with the allegation that Adivasis are being misled by ‘foreign’ Christian missionaries. This trend was observed in Jharkhand during the Raghubar Das-led BJP government from 2014-2019. Christian Adivasis in Odisha may thus be unfairly targeted to conceal the broader anti-mining Adivasi resistance in Odisha, thereby rendering them more vulnerable and exposed to harm and risk.

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<sup>14</sup> <https://www.deccanherald.com/elections/odisha/possible-bjd-alliance-with-bjp-in-odisha-about-statesmanship-says-naveen-patnaiks-aide-2943454>