

John Dayal 's Response to US CIRF

John Dayal's response to Media Questions on USCIRF putting India on the Watch List for violations of religious freedom

Question No. 1 USCIRF has indicted India for not protecting the religious minorities in India and put it on watch list. What is your response?

NOTHING IMPACTS ON TEFLON COATED ADMINISTRATIONS

JOHN DAYAL: India's record on the persecution of minorities and the violation of religious freedom since 1969 has been a matter of shame for the nation. It has been pointed out not as much by international agencies, including the United Nations Commissioner for Human rights, but by the vibrant Human rights community in India whose documentation for the Universal Periodic review makes for sad reading. The pogroms against Muslims, often sponsored or condoned by the state, have been all too many. The Sikhs faced the torch in 1984, and the violence against Christians, a trickle at first, peaked last year in Orissa with 5,000 houses burnt, more than a hundred people murdered, and fifty thousand sent to forests or refugee camps, from where they have still not returned home for fear of Hindutva goons who want them to convert to Hinduism or forever leave the village. Unfortunately, nothing really impacts on the government of India or the government of states. The State, and our social conscience, seems Teflon coated. The patriotic media and political sector dismisses international scrutiny as interference in the internal affairs of India, and a beaten-into-submission section of leadership of religious minorities assumed silence to be best form of security and safety. However, India and its patriotic classes of course do not think twice before commenting on violations in other countries. The USCIRF action would not have been possible, and India would have been able to rebuff the US scrutiny more effectively, if several thousand Christians were still not in refugee camps, if the killers were still not roaming Scot-free and if witnesses, including widows, were not being coerced. This is in fact a call once again to the conscience of the nation to come to the rescue of the weak and the injured in this great land.

Question 2: Why did the state governments like Gujarat, Orissa and Karnataka fail to protect the citizens and uphold the Constitution?

John Dayal: The governments were controlled by Hindutva elements that ensured there was a total breakdown of the law and order machinery. As in Gujarat but for a much longer period in Kandhamal, there was a total absence of the writ of the

Constitution. The top police officer had been withdrawn and the lower orders observed the directions of the Sangh Parivar functionaries. They did not stop trouble makers and allowed them to cut the district off from others. Similar circumstances ensured violence on a large scale in Mangalore in Karnataka. This is an abdication of duty by police and administrative officers who allow political elements to rule the roost.

Question 3: What do you suggest to the government to improve the situation and protect the life, property and honour of religious minorities?

John Dayal: we have devised a set of recommendations which the government must observe and implement. These in Orissa include

- i. Ensure that (with reference to the ruling of the Supreme Court in Writ Petitions) police unfailingly assist victims of violence to submit FIRs.
- ii. There must be a Witness Protection Programme put into immediate operation giving serious consideration to the need for a suitable atmosphere for victims and witnesses to testify, in order to expedite prosecutions and convictions;
- iii. Investigate reports of police officers failing to register cases or showing complicity in attacks, and bring prosecutions against offending officers;
- iv. Supply a substantial number of investigating officers and public prosecutors, and implement fast-track courts in at least four locations in Kandhamal district.
- v. Investigate the forcible conversion of Christians to Hinduism, and prosecute perpetrators under the provisions of the Indian Penal Code;

vi. Request that the Central Bureau of Investigation (CBI) carry out an investigation into the assassination of Vishwa Hindu Parishad leader Lakhmanananda Saraswati and the subsequent anti-Christian violence from 24th August 2008, paying specific attention to the root causes of this violence, including the propagation of anti-Christian hatred;

vii. Undertake the following actions with regard to relief camps, taking into consideration the UN Guiding Principles on Internal Displacement:

a. Provide an adequate standard of living to the inhabitants of relief camps, in accordance with the definition given in Principle 18;

b. Provide education to displaced children in relief camps, in accordance with Principle 23;

c. Ensure that relief camps continue until the establishment of suitable conditions and the means for the displaced persons to return voluntarily, in safety and with dignity, to their homes, or to resettle voluntarily, in accordance with Principle 28;

d. Grant permission and security to lawyers, priests and medical teams to visit relief camps in Kandhamal;

viii. Provide further compensation for those who have been affected by the violence, including covering the loss of crops, livestock and employment, and assess required levels of compensation on a case-by-case basis through certified independent evaluators;

ix. The Government should take measures to carry out an extensive research with the view to rehabilitating the victims of violence, make the recommendations public, and implement them without loss of time.

- x. Undertake to follow the recommendations of the National Commission for Minorities in September 2008 on the establishment of Peace Committees, and further to take measures to ensure that all communities are adequately represented within such Peace Committees, to enable these to promote reconciliation and inter-communal understanding with integrity;

- xi. Establish a State Commission for Minorities (in the model of its national counterpart) and ensure that members of the commission are appointed by transparent and non-partisan procedures;

- xii. Repeal the Orissa Freedom of Religion Act, 1967.

QUESTION 4 -What are the reasons for such attacks, political, religious, economic, cultural or just intolerance?

JOHN DAYAL: This is easy after 60 years of observing the government's failure to check the hate campaign and demonization of religious minorities by the Sangh Parivar and similar elements. They have branded Muslims and Sikhs as outsiders with little or no civil rights in India.

Secondly, the laws that keep Muslims and Christians out of the affirmative action programmes, including reservations, meant for Dalits of Hindu, Sikh and Buddhist faiths creates a dangerous divide. The Sangh foments violence to keep this divide as it fears that Christians and Muslims with reservation rights will become an attractive magnet for other Dalit communities which are fighting to free themselves from the shame that upper castes have heaped on them.