

## **BATTERED AND BETRAYED**

### **A REPORT OF VISIT TO MUZAFFARNAGAR, 19-20 JANUARY 2014**

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A visit to the camps in Muzaffarnagar was made on 19 and 20 January 2014. The objective of the trip was to obtain a first hand account of the present status of the victim-survivors of the communal violence, more particularly women and girls, the challenges they face and the extent to which the state government and the district administration have fulfilled their responsibilities to facilitate reparative justice for the victim-survivors. The visit was also intended to report back to a larger group of concerned women's rights activists in Mumbai. The visit was facilitated by Joint Citizens' Initiative (JCI). Given the paucity of time, we visited three camps in Muzaffarnagar district and conversed with victim-survivors, members of local organizations working with the victim-survivors as well as officials of the district administration.

#### **A. INTRODUCTION**

Despite isolated incidents reported in the last week of August 2013, targeted attacks on Muslims by the Jat community in Muzaffarnagar and the adjacent Shamli districts commenced on or around 7 September 2013. This was in pursuance of a mahapanchayat called by the Jat community, for the 'protection' of daughters and daughters-in-law ('bahu-beti bachao'). This meeting was planned, supported and facilitated by Hindu right wing groups, in order to facilitate their divisive political agenda.<sup>2</sup> There was fresh violence reported even in November 2013. Although 13 members of the Jat community were reportedly killed during the violence, the Muslim community was disproportionately affected by the violence in terms of loss of lives, injuries, destruction and damage of homes, land, property, livestock and livelihood. Reports indicate that the killings were brutal, and many girls and women belonging to the Muslim community were raped, gang-raped and subjected to varied and brutal forms of sexual assault, and many were also reported missing.<sup>3</sup> According to official statistics submitted by the state government to the Supreme Court in September 2013, at least 44 persons were killed, 97 persons injured and 41,829 people displaced across Muzaffarnagar and Shamli districts.<sup>4</sup> According to a report, at least 600 FIRs have been registered, but more than 80% of the perpetrators named in the FIRs are yet to be arrested.<sup>5</sup> Political leaders - MPs and MLAs who gave hate speeches on visual media and elsewhere - have either not been arrested or released on bail soon after their arrest.

A total of 58 relief camps – 41 in Muzaffarnagar and 17 in Shamli districts had been set up.<sup>6</sup> Most of the camps have been established and run by local Muslim groups, stretching their available resources. The conditions in the relief camps have been dismal. There were reportedly at least 50 more deaths in the hospitals and relief camps thereafter, including young children and the elderly.<sup>7</sup> In a few places where the victim-survivors had pitched tents on government lands, the government forced them to vacate the same in December 2013. However thousands of victim-survivors of the violence continue to live in make-shift tents

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<sup>2</sup>For more information, please refer to report titled 'Thirty Days After' and report of Joint Citizens Initiative.

<sup>3</sup>Please see dossier titled '*Muzaffarnagar Riots: Engineering Communal Violence for Electoral Gain*', printed and Published by Forum Against Oppression of Women on behalf of several progressive organizations, 2013.

<sup>4</sup>'Taking Steps to Curb Muzaffarnagar Violence, UP Tells Supreme Court', *The Hindu*, 16 September 2013

<sup>5</sup>'Muzaffarnagar Riots Criminals Moving Freely As Per Reports Submitted to Supreme Court', *Daily News and Analysis*, 22 January 2013

<sup>6</sup>'50 Deaths Post Riot at Relief Camps, in Hospitals', *The Indian Express*, 21 January 2014

<sup>7</sup>'50 Deaths Post Riot at Relief Camps, in Hospitals', *The Indian Express*, 21 January 2014

in open land with only a plastic sheet above their heads, in extreme winter and occasional rain, as they have no alternative place to reside in. They fear for their lives if they return to their villages.

The compensation scheme announced by the government is as follows: For loss of life, Rs. 10 lakhs from the state government and Rs. 2 lakhs from the central government + a government job to a family member; for loss of house / land in village, Rs. 5 lakhs per family; for injuries sustained, Rs. 50,000. The affidavits that the victim-survivors were made to sign at the time of receiving Rs. 5 lakhs compensation from the government, had the following conditions:

- *"That myself and members of my family have come leaving our village and home being terrorized due to violent incidents in ..... village and we will not now return to our original village and home under any circumstances".*
- *"That the lumpsum financial help being given for my family by the government will only be used by me to rehabilitate my family. By this money I will live with my family voluntarily arranging for residence at appropriate place elsewhere".*
- *"That in the condition of receiving lumpsum financial help amount, myself or members of my family will not demand compensation relating to any damage to any immovable property in my village or elsewhere".*

Such affidavits have resulted in the ghettoization of Muslims in specific towns and localities. When this issue was highlighted by the media and civil society, state government denied that they have stopped victim-survivors from returning to their villages. However the above-stated objectionable clauses continue to exist in the affidavits that victim-survivors sign at the time of receiving compensation.

At least 4 writ petitions are pending in the Supreme Court - one filed by Mohammad Haroon and eight other residents of Muzaffarnagar, and another filed by the Supreme Court Bar Association have sought a CBI investigation into the communal violence and for relief and rehabilitation. A petition filed by Citizens for Justice and Peace praying for the appointment of a High Powered Committee of Court Commissioners to survey the four worst affected districts (Shamli, Baghpat, Meerut and Muzaffarnagar), assess details of the dead and missing, the scale of damages and monitor the transparency and quality of the probe/investigation and report back to the Supreme Court. In another writ petition, 7 victim-survivors of gang rape approached the Supreme Court for setting up an independent investigating team, expressing their loss of confidence in the UP government for arrest, investigation and prosecution of accused persons..

## **B. OBSERVATIONS MADE AT THE RELIEF CAMPS**

We visited three relief camps in Muzaffarnagar district – Loi, Juwala and Bassi Kalan camps and interacted with victim-survivors – women, men, youth, adolescent girls and children.

**B1. Status of Camps:** The inmates of Loi camp were evicted from the land where they had pitched their tents, by the UP government, and bulldozers had been deployed in the relief camp to demolish the same on 27 December 2013. The claim of the government was that the victim-survivors had received Rs. 5 lakhs compensation per family, and should vacate the camps, purchase land and build their houses. However, the reality was different. Many victim-survivors had not received compensation, and those who did were unable to immediately purchase land and build their houses. Hence all of them were in need of shelter. They now reside in an open land on the opposite side of the road, from where they had been evicted. About 20000 persons reside in this makeshift, open land in plastic tents in extremely cold weather conditions.

In and near Juwala camp, over 400 families, consisting of over 20,000 persons live. Out of this, about 900 persons had moved into the village next to the camp, and lived there. Presently the camp houses about 215 families. This camp has victim-survivors from 30-40 villages in both Muzaffarnagar and Shamli districts, including the villages of Hasanpur, Kutba and Kutbi.

The situation in Juwala camp was far worse than in Loi camp. While Loi camp has often captured media attention, Juwala camp, which is situated merely a few kilometres away, has been largely ignored, both by the government and the media. The tents at this camp are smaller, the lighting is poor, there are no health facilities provided by the government, no supply of groceries or food items by the government, no security personnel posted at the camps, and extremely poor sanitation. We were told that the camp in charge of Loi camp (Mr Jabbar) was directly in contact with the district administration, and hence the facilities at the camp were relatively better. The day prior to our visit to the camp, it had rained, worsening the situation. The inmates of this camp had reportedly spent a sleepless night due to water seepage in their tents. It is an understatement to say that the victim-survivors live in sub-human conditions.

The relief camp at Bassi Kalan had been forcibly vacated by the state government in end of December 2013. As the victim-survivors have nowhere to go, they have settled down in two adjacent colonies. About 150 families who received compensation from the government have pitched tent on land they have purchased, close to Palda village. However the land is uneven and not firm, and would require levelling and firming up before construction of houses can begin. Those victim-survivors who have received no compensation pitched tents on open land and reside there. There are 55 such families living in a *juggi*. The victim-survivors hail from many villages including Kutba, Kutbi and Kedwa.

**B2. Physical security:** There were no security personnel posted outside or around Juwala and Bassi Kalan camps. Juwala camp was very poorly lit, and on our second visit to the camp, there had been a major electrical fault in the area, reducing the camp to pitch darkness. This impacts the safety and security, particularly of women and girls residing in these camps.

In Loi camp, women and children described the snakes they had twice seen in the area, which compounded their sense of insecurity and fear. Residents of various relief camps had shared spotting snakes in the locality of the camps a few months earlier, and the same had been referred to in previous reports of civil society groups. The fact that this issue has continued to persist indicates that the state government has done nothing about it, and is ignoring the security of the victim-survivors.

The inmates of Juwala and Bassi Kalan camps also told us that the police had raided the camp several times and searched all the tents, and questioned the inmates, in order to ascertain if any of them had been approached by the Lashkar-e-Toiba or any other terrorist outfit. However the police found nothing and arrested no one. These actions started taking place after Rahul Gandhi's claim that the victim-survivors of the violence were being approached by terrorist outfits owing allegiance to Pakistan.

**B3. Education:** Joint Citizens' Initiative has raised funds and appointed 2-3 teachers from among the inmates, for teaching children in all the three camps, for a salary of Rs. 3000/- each per month. These teachers now teach close to 265 children living in Loi camp and 120 children from Bassi Kalan camp, under the age of 15 years, from 9 am to 2 pm everyday. In Juwala camp, although there are about 350 children, most have reportedly discontinued their studies. Although there is a government school adjacent to the camp, a combination of fear, insecurity and lack of motivation has prevented the children from being sent to the government school. Members of the Joint Citizens Initiative have tried to commence classes for the children at the camp, but say that many children lack motivation and are disinterested in studies. Some girls that we met at Juwala camp, under the age of 15 years, said that they were not studying in the camp as they "didn't feel like". Clearly they require special motivation to continue their studies, in the wake of the violence they have witnessed and the trauma they have suffered. In Juwala camp, children aged 5-10 years sit in an open space braving the cold winter, wind and rain, to study. In Bassi Kalan camp, some children have started going to a government school nearby; others go to madrassas.

Efforts are being made to provide coaching classes to children who were studying in 10<sup>th</sup> and 12<sup>th</sup> standards, in order to help them appear for the Board exams. In Juwala camp, there are at least 70 children who were studying in 9<sup>th</sup> – 12<sup>th</sup> standard, whose studies have now been discontinued. In Bassi Kalan camp, at least 7 girls studying in 12<sup>th</sup> and 10<sup>th</sup> standards are preparing to give their Board exams in Shahpur.

**B4. Food and Nutrition:**In Loi camp, the women said that they were receiving monthly rations from the government, consisting of 5 kg rice, 5 kg dal, 10 kg wheat flour and 1 kg sugar from the government. No firewood, salt, turmeric powder or oil was being provided, which caused hardship to the women as their families had no source of income now. In Bassi Kalan camp, the victim-survivors told us that no rations are being provided by the government since the last 3-4 months; there has been no supply of clothes to the inmates. There is immense difficulty in accessing clean water. The inmates say that no relief materials and essential supplies are now being distributed to them by NGOs either, though medical facilities are provided from time to time by the NGOs working in the camps. In Juwala camp, the women have a hard time cooking in the winter without firewood. They gather dry leaves from the sugarcane fields nearby and used them as fuel. Due to the rain the day before our visit, the dry leaves had become soaked with water, resulting in further difficulty.

**B5. Health and Sanitation:**At Loi camp, Faisal - a young man, resident of the camp who also doubles up as a teacher - said that about 22 children and 2 elderly men have died in the camp due to the cold and a lack of medical services. The government reportedly paid a compensation of Rs. 20,000 for the death of the child in the case of 16 deaths. He said that after this high number of deaths, and based on people's demands, the camp now has a government appointed lady doctor on 24 hour duty. She provides basic medicines at no cost, and refers patients for medical tests to Budhana town. Neither Juwala camp nor Bassi Kalan camp have a government-appointed doctor, although one child had died in Juwala camp due to the weather condition and a lack of medical facilities.. There is only a private doctor who visits these two camps once in 7-8 days.

Victim-survivors who resided in the Loi camp included 74 pregnant women who had fled for their lives. While many have delivered their babies subsequently, atleast 48 pregnant women continue to reside in the camp. The pregnant women were reportedly given 2 tins of Protinex and those with new borns were distributed 1 tin of milk powder each by the state government – grossly inadequate. In Bassi Kalan camp, there were 10-12 pregnant women, who have since had deliveries.

In Juwala camp, the women told us that the only makeshift toilet that had been constructed for them has sunk in due to the rain. They were forced to use the adjacent fields for nature's calls, but feared for their safety when they went into the fields. The women also showed us how they converted the space between two tents into a makeshift bathroom, tied pieces of cloth on either side to provide a semblance of privacy, and bathed in that space.

**B6. Mental Health:**In all the three camps we visited, the victim-survivors of violence continued to talk about the brutal killings of their family members, relatives and friends, and the extreme violence that they had witnessed. It was clear that they are yet to overcome the trauma of witnessing the same. These incidents have already been referred to in previous reports of civil society. We spoke to an adolescent girl who was a victim-survivor of gang rape. She was withdrawn, non-communicative and appeared in need of trauma counselling. At Bassi Kalan camp, we spoke to a 16 year old girl, whose father had been brutally killed and his body dismembered. Tears welled up in her eyes as she spoke of how her father was attacked and how the perpetrators continue to be moving around freely.

**B7. Relationship between Jat and Muslim women:** Many women recalled with fondness the close bond that Jat and Muslim women shared in the villages, and said that they would celebrate and share births, deaths and festivals together. One victim-survivor said that if one were to visit the village prior to the violence, it would be hard to differentiate between the Jat and Muslim women. Many victim-survivors recalled that Jat women had tried to save them during the violence and provided them temporary shelter. The Jat women had tried to negotiate for the Muslim women's safety with their husbands. However the Jat women had been threatened by their husbands that they too would be attacked and killed along with the Muslim women if they tried to protect them any longer. Muslim women recall that their Jat neighbours had safeguarded their cattle for some days, and later sold them and sent them the money. Young girls too recalled with fondness, their close friends and classmates from among the Jat community. They said that though they missed their friends, there was no possibility of returning to the village due to fear of violence. The women said that

after the violence, when they returned to their villages to reclaim their movable properties, the attitude of the Jat women had changed; they were reportedly rude, hostile and drove the women away from their property.

**B8. Return to Village:** Most victim-survivors were emphatic that they did not want to return to the villages as they were fearful of the Jats and their personal security. They are unsure of the fate of the land they owned in their village, and of the village *masjid* and *kabrastan*. Many spoke of owning large 5-6 roomed houses in their villages, as they lived in a joint family and had invested their life savings in maintaining and expanding their houses. Some who returned to their village subsequent to the violence, when a government survey was being conducted, found that their houses had been looted of valuables including furniture, clothes, books, cash, cattle, utensils, even door and window frames and the houses broken / burnt down. They said that in the last 10-15 years, the Muslim community in the area had slowly climbed up the social ladder. However, the violence has pushed the community back in its social status. As Rafikanbi, a 60 year old woman from Kutba village asked us, *“How will I go back to my village when I know that 8 persons have been killed there?”* It is clear that the state government has undertaken no confidence-building measures, and measures to ensure peace and communal harmony in the villages.

**B9. Land, Livelihood and Issues of Survival:** A few men have found daily wage work, as masons, painters and rickshaw drivers. They told us that on days they earn, their families eat two square meals a day; on other days, they starve. However a large majority of men continue to be unemployed. Many men across the three camps we visited, said that they could not pursue their livelihood till their families were settled down with a proper housing after receiving compensation, as the men travel from place to place selling clothes and other things and are required to be away from home for many days. For example, in Juwala camp, we spoke to Sajid, a man aged about 25 years, had worked as a cloth merchant, moving from state to state. He told us that he is unable to return to work and leave his family consisting of his wife and a small child, till the issue of shelter is settled, as he feels insecure about leaving them alone in the camp.

Some women expressed a willingness to work to support their families, but were clueless as to the livelihood options before them. Some women said that they knew tailoring and would be able to work as tailors if they were provided sewing machines.

**B10. Mass Marriages:** About 550 mass marriages have taken place in the relief camps, facilitated by Jamiat-Ulema-e-Hind (JUEH), according to its local leader Maulana Nazhar Mohammed. He said the girls who were married were “not very young.” About 175-180 of these marriages reportedly took place in Juwala camp alone, and another 17-18 marriages in Bassi Kalan camp. The first 55 marriages were reportedly conducted by Maulana Arshad Madani in Shahpur camp, with the active support of the UP government. The couples were given cash of Rs. 1 lac (Rs. 1,00,000) per couple (in addition to Rs. 10,000 by JUEH) as well as five pieces of gold jewellery and many household articles including blankets, furniture and vessels. For the latter batches of mass marriage, the couple reportedly received Rs. 5001. Most of the girls have been married to young men from villages within 50-60 kms from the vicinity of the camp, where there had been no violence.

At one of the camps, we conversed with a group of adolescent girls between the ages of 11-18 years, some of whom had been married after the communal violence. A girl, aged 16 years, has studied upto 8<sup>th</sup> standard, and is married to a boy of 17 years, who sells clothes. Another girl, aged 17 years, has studied upto 12<sup>th</sup> standard, is married to a boy of similar age who repairs motorcycles for a living. Both the girls said that they had been married against their wishes and wanted to continue their studies. Those who were married expressed anger and helplessness at the fact that their childhood has been robbed. They said that their parents were forced to get their daughters married for their own security. They also said that marriage of young daughters was posed as a pre-condition for the parents to continue residing in the relief camps. The young girls also expressed anger at the Jat community and the violence they had caused which resulted in the present situation.

We enquired from the adult women in the camp as to why they did not prevent the marriage of their young daughters after the violence. They said that community members kept pressurising them, complaining that

the girls were standing here and there. The women said that they were worried that their daughters would be molested or sexually assaulted. They got their daughters married in order to save their honour (“izzat bachaane ke liye”). Many women also complained that they had been promised cash of Rs. 1,10,000 for the marriage of the daughter but were not paid any money. It is clear that in a community that had been violently stripped of all its property and had become destitutes, Rs. 1,00,000 is a huge amount and would have been a strong incentive for many families to get their daughters under the age of 18 years married, with little consideration for the wishes or interests of the girls.

**B11. Compensation:** The JEUH is reported to have had a meeting with the UP govt soon after the violence, where two conditions were posed by the JEUH to the government – a) that the offences should be properly investigated and perpetrators convicted and awarded stringent punishment; and b) those who are unable to return to the villages should get just compensation. JEUH says that it had suggested Rs. 8 lakhs (Rs. 8,00,000) as compensation per family but the government agreed to pay Rs. 5 lakhs (Rs. 5,00,000) for loss of land in the village. Till date, atleast 1800 persons seem to have been paid the Rs. 5 lakhs compensation for loss of houses / lands. However thousands more are waiting to be compensated and face uncertainty.

Non-Inclusion of Villages in the Government List: We were told that in Shamli district, the victim-survivors from 3 worst-affected villages – Lisadh, Laakh and Bawdi – initially estimated at 680 persons, but later increased to 712 persons – received a compensation of Rs. 5 lakhs per family. In Kharad and Hadoli villages of Muzaffarnagar district, there were two murders that took place during the violence; however these were not included in the government list for compensation. The victim-survivors from these villages were promised Rs. 3 lakhs compensation for loss of property (as the loss was relatively lesser); however they are yet to receive any compensation. Many of the villages from which the victim-survivors fled out of fear was not included in the government list for compensation, as there had been no loss of lives or damage to property in those villages. The victim-survivors were subsequently forced to return to their villages despite fear and insecurity. Reportedly, some such families whose names did not appear in the compensation list had approached the *Pradhan* (leader / chief) of the village, who was mostly a Jat, who agreed to ensure payment of compensation on the condition that the criminal complaint lodged against the perpetrators be withdrawn.

Inadequate, Ad Hoc, Discriminatory, No Political Will to Compensate: Payment of compensation has been grossly inadequate, ad hoc, arbitrary and not paid to many victim-survivors as yet. Although close to 64 villages from Muzaffarnagar and Shamli districts had been reportedly attacked during the violence, compensation has been paid only for the victim-survivors of 9 villages, including Fughana, Kakda, Kutba, Kutbi, Mohammadpur Raisingh from Muzaffarnagar district, and Lisadh, Bhawdi and Laakh from the adjoining Shamli district. Each of the three camps that we visited had many families of victim-survivors who had not received compensation, particularly from the village of Hasanpur in Shamli district. one queried: “*If the CM (Chief Minister) gave orders that we should be compensated, will the DM (District Magistrate) not pay us the compensation?*”, highlighting the lack of political will to ensure reparations to the victim-survivors of violence. On questioning the Chief Development Officer (CDO) of the Muzaffarnagar district administration regarding the same, we were told that the District Magistrate was “working on it”.

Ramifications for Young Widows: Payment of compensation has had ramifications on the lives of young women whose husbands were killed in the violence. For example, a local leader of a camp told us that the receipt of compensation by the wife for loss of life of the husband often resulted in coercion by the family members of the husband. He spoke of a 17 year old girl, whose husband had been killed in the violence after 6 months of marriage. She was reportedly paid Rs. 10 lakhs by the state government and Rs. 2 lakhs by the central government, but her husband’s family is pressurizing her to give up the government job she has been allotted, in favour of the deceased husband’s brother, who was married with children.

**B12. Challenges to Justice:** Criminal complaints and legal processes of victim-survivors are being handled by a variety of lawyers and organizations based in Muzaffarnagar, Lucknow and Delhi, including Jamiat-Ulema-e-Hind (JUEH), which says it handles over 100 cases of victim-survivors through a team of six lawyers. The JUEH also says that it had visited every relief camp and encouraged victim-survivors to lodge

criminal complaints, and assured them of free legal support for the trials / prosecutions. At present the effort of various groups to assist victim-survivors in justice processes is extremely important and commendable, though it seems ad hoc, piecemeal and not co-ordinated. Through our conversations with victim-survivors and the Maulana, we realized that there were many challenges to justice, such as:

- Registration of complaints - There are many who have not registered their complaints. Maulana Azhar Mohammed – a local leader of Jamiat-Ulema-e-Hind – claimed that the police was sent to each camp to register the complaint of victim-survivors, and that more than 600 complaints had been registered in this manner. He also said that if victim-survivors were from the jurisdiction of another police station, a ‘zero’ FIR was lodged and then transferred to the relevant police station. In fact, we recall that this has been a long-standing demand of members from civil society who have engaged with justice for the victim-survivors of Muzaffarnagar violence. Victim-survivors from the three camps contradicted the Maulana’s statement, and said no police officials had visited those camps to register complaints.
- Registration of false complaints against victim-survivors: many false and baseless criminal complaints have been registered against their family members in order to coerce them to withdraw the complaints they had lodged with the police. As the mother of a girl who was gang-raped prior to the violence asked, “We are the victims and we are getting punished. What kind of justice is this?”
- Failure to arrest perpetrators: Many victim-survivors told us that the perpetrators against whom they had lodged complaints with the police were not arrested, and the few who had been arrested had been released on bail. They shared with us the consequent fear, threat and insecurity that they, as victim-survivors, were facing. One police van in Kutba village was reportedly attacked and burnt down. Police is reportedly unable to arrest perpetrators as the women members of the Jat community prevent the police from entering the villages to do so. A similar tactic had been adopted by Hindu women in the villages of Kandhamal district of Odisha, which too faced communal violence in 2007-8. We were also told that while the district judge of Muzaffarnagar had a lenient approach and released persons on bail even if they had been accused of murder under S. 302 IPC, the district judge of Shamli district did not grant bail even for persons accused under S. 307 IPC. The different approaches of courts to the issue of bail also resulted in many perpetrators escaping the clutches of law.
- Attempts to Influence / Threaten Complainants and Witnesses: Failure to arrest perpetrators has a direct impact on the welfare of complainants and witnesses. Victim-survivors told us that witnesses and complainants are reportedly being threatened, coerced or offered money and material wealth by the Jat community in return for withdrawing their complaints or failing to cooperate with the investigation / prosecution. The Maulana stated that so far, 54 persons had withdrawn their complaints due to threats and intimidation. Victim-survivor narratives support this. One survivor that we conversed with said that members of the Jat community from their village contacted the family, requested them to return to the village, promised to re-build the house of the survivor in exchange for withdrawal of the criminal complaint, as young Jats’ future will be spoilt through criminal prosecutions. A girl, who had witnessed her father being brutally killed, said that her family is facing severe threat and intimidation to withdraw the criminal complaint, and has been offered Rs. 20-25 lakhs for doing so.

**B13. Apathy of the government and political parties:** Although the local MLAs are duty-bound to help people of their constituencies, victim survivors said that they had failed to help them with regard to relief and rehabilitation. Victim-survivors told us that some local MLAs had reportedly tried to visit the camp four months after the violence, and were driven away by the victim-survivors out of anger, and the blankets he tried to distribute were returned. Some wondered why the Samajwadi Party, which had assured support to the Muslim community, let the community down by failing to stop the violence, and by its apathy thereafter. Tensions between Samajwadi Party (SP) and Bahujan Samaj Party (BSP) seem to have an adverse impact on the relief and rehabilitation measures taken for the victim-survivors of the violence. For example, we were told that one reason why Juwala camp has poor facilities and is ignored by the Muzaffarnagar district administration (SP-dominated) is because most of the residents of this camp are from Shamli district (BSP-dominated). For a similar reason, victim-survivors from Hassanpur village (in Shamli district) who are in camps in Muzaffarnagar, are yet to be compensated.

### **C. INTERACTION WITH MAULANA AZHAR MOHAMMED, LOCAL LEADER OF JAMIAT-ULEMA-E-HIND**

Subsequent to the violence, Jamiat-Ulema-e-Hind (JUEH) had assumed a huge responsibility in setting up relief camps and providing food, clothing and shelter to the victim-survivors in large numbers. JEUH is also an influential body and has been negotiating with the state government on behalf of victim-survivors, and also motivating the victim-survivors to state their problems before government officials. Hence we felt that speaking to a local leader of the organisation was important, as they have crucial information about the status of the victim-survivors.

On the issue of housing, the Maulana stated that JUEH planned to construct a total of 500 houses for victim-survivors of violence who were not eligible to obtain compensation from the government, and that land had been purchased at Buldana road for this purpose, and some houses had already been constructed. He said that each housing colony will have a *masjid*, a *madrassa* and if no government school was available in the area, a school would also be built. He said that the houses would initially be in the name of JUEH and after a year, transferred to the name of the family member through a *hibanama* (deed of gift). There seemed to be no plans to transfer the same in the joint names of the husband and wife, but the Maulana accepted our suggestion to do so.

On our enquiry as to why a majority of the perpetrators had not been arrested by the police, the Maulana justified the same by observing that where Jats had been killed, the Muslims also had not been arrested. However, it was pointed out to him that the loss of lives and properties, and injuries sustained by members of the Jat and Muslim communities was not comparable in any way.

Although the Maulana was disappointed that the police and district administration did not prevent the violence, he did not criticise the failure of the state government to discharge its responsibilities towards the victim-survivors after the violence. Conversely there was an attempt to highlight what the government had done so far, with a tinge of paternalism. This approach, coming from a local leader of an influential organisation, can have an adverse effect on victim-survivors who are mostly dependent on it for survival.

### **D. INTERACTION WITH THE CHIEF DEVELOPMENT OFFICER (CDO) – MUZAFFARNAGAR DISTRICT**

Since the District Magistrate (DM) Mr Kaushal Raj Sharma had gone to Lucknow for a meeting, and was unavailable for us to interact with, we met with Mr. Ravindra Godbole, CDO of Muzaffarnagar district. We raised issues of lack of sanitation, health facilities, urgent need for firewood and rainproof sheets in tents at Juwala camp, which he noted and has promised to take positive steps. He made a telephone call to the secretary of Health Department, asking for a doctor to be made available at the camp for at least 2 hours every day. We also enquired about the admit cards for students from the affected villages, which would facilitate their admission into government schools situated near the camps. He said that the Directorate of Education had issued directives in this regard to all schools, to admit children from the affected villages without asking for proof of attendance etc.

We also emphasized on the need for proper toilets for women and on counselling for the victim-survivors. The CDO said that trauma counselling warranted specialized skills and would be looked into. Though he appeared positive and responsive, we are unsure if concerted action would be taken. We have requested Mr. Javed and Mr. Abad from Joint Citizens Initiative to do the necessary follow up with him.

### **E. ISSUES OF CONCERN**

**1. State Apathy and Abdication of Responsibilities:** The state government has shown callousness and apathy to the plight of the victims. More seriously, it has abdicated its constitutionally mandated responsibilities in preventing the violence, and subsequently, in providing relief, rehabilitation and reparations. This strikes at the core of the state government's duty to good governance, and to uphold principles of democracy, secularism and socialism. It has also blatantly violated the rights of internally displaced persons (IDPs), guaranteed by the UN Guiding Principles on Internally Displaced Persons (IDPs) an 10 Years of Guiding Principles.<sup>8</sup> The Central government too has failed in its duty to ensure that the governance of the state is carried out in accordance with the provisions of the Constitution, and to ensure that fundamental rights of the people are protected. Some aspects of state's failure to discharge its responsibilities are:

- Failure to prevent violence;
- Shirking its responsibility to set up relief camps, and shifting the burden on to religious organisations;
- Failure to provide potable water and sanitation, lighting and security in the relief camps;
- Failure to make government-appointed doctors, free medicines and trauma counselling available in the relief camps. Health is not a political issue for most governments, and mental health is almost never given the importance it deserves. We believe that the mental health of victim-survivors is a largely neglected area;
- Failure to arrange teachers in the relief camps for ensuring that children's studies is not disrupted;
- Brutally, and without any humanitarian consideration, vacating victim-survivors from open government land that they were occupying, with the use of bull-dozers;
- Stoppage of distribution of relief materials, including rations and clothes, giving a semblance of return to normalcy, although victim-survivors continue to be dependent on governmental and non-governmental sources as they are without housing and livelihood;
- Absence of any confidence-building and peace-building processes in the village for safe return of the victim-survivors, and for facilitating their re-integration into society;
- Causing a ghettoisation of the Muslim community by laying down conditions in affidavits signed at the time of awarding compensation, preventing the return through conditions in affidavit, thereby increasing dependency on community;
- Sponsoring mass marriages of young girls, thereby perpetuating the patriarchal attitude of girls as symbol of honour, and without recognizing the wishes or agency of the girls concerned. The mass marriages stemmed out of a fear that the girls would be sexually assaulted. It was the duty of the state to assuage their fears and provide protection, rather than giving credence to their fear and facilitating their marriages;
- Unjust, biased, selective payment of compensation; failure to give compensation to many victim-survivors, forcing them to become dependent on religious organisations that are bound to be patriarchal, conservative and inward-looking. This could have an adverse impact on the victim-survivor community, particularly on the women and girls, and their enjoyment of fundamental rights;
- Failure to implement the laws with due diligence and without any bias, and to facilitate processes of justice through prompt and accurate registration of FIRs, arrest of perpetrators, efficient investigation, witness protection and provision of legal aid.

**2. Gendered Dimensions of the Violence and its Aftermath:** Apart from the brutal and targeted sexual attacks on women from the Muslim community, we observed many gendered dimensions of the violence and its aftermath which concerned us. These include:

- In a society and community that is deeply patriarchal and conservative and imposes strict dress codes and rules on mobility of women, the communal violence has pushed the women further away from empowerment. Women in the camps lead a sub-human existence. While they enjoyed some mobility in their villages and could work in the fields, they are restrained and restricted in the relief camps behind the purdha and within 6' x 6' tents.

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<sup>8</sup> Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, A/HRC/10/13 dated 9 February 2009

- The attacks on women during the violence has further justified restrictions on women's and girls' education, clothings, mobility and interactions.
  - With the state washing its hands off the responsibility of rehabilitation and reparative justice, the Muslim women have been forced to become dependant on religious organisations for their survival and housing, which are bound to enforce strict patriarchal norms.
  - Education for girls, livelihood for women, exercise of their agency and enjoyment of fundamental rights by Muslim girls and women who are affected by the violence have become a distant dream.
  - Camp leaders, who take decisions on behalf of the camps, and inform the district administration of the status in the camps, are all men.
  - To the best of our knowledge, women victim-survivors of the violence have not participated in any *dharnas* or demonstrations, seeking better facilities at the relief camps, despite being pushed to the brink of survival and despite having gender-specific needs and experiences.
  - Their traditional roles as wives, mothers and care givers, has been further reinforced in the aftermath of the violence.
  - Young women whose husbands were killed in the violence, face immense pressure from the husband's family due to the government entitlements they have received. Adolescent girls are extremely vulnerable to forced marriages.
  - It is a matter of deep concern that the state government and the JEUH arranged marriages of under-aged girls, using direct and indirect coercion and cash and material incentives, thereby undermining women's and girls' agency as well as subverting the law. Through their deeply patriarchal act, aimed at protecting the family's "honour", young girls have been subjected to a married life much before they were physically or mentally prepared for the same. Their aspirations for accessing education and obtaining jobs have been snuffed.
3. **Undermining Rule of Law:** Time and again, in successive incidents of communal violence, we have witnessed how processes of reparative justice to victim-survivors are scuttled by culpable acts of omission and commission by public officials. The Muzaffarnagar-Shamli communal violence is no exception to this deeply disturbing trend.
- We see history repeating itself through a non-registration of FIRs, failing to exercise due diligence in their registration, and a failure to arrest the perpetrators, which allows them a free hand in threatening and influencing the complainants and witnesses.
  - On one hand, how will victim-survivors return to their villages if the perpetrators continue to roam freely, with the patronage of the local police? On the other hand, how successful will the prosecutions be and what would be the potential for reparative justice if complainants and witnesses continue to be influenced and threatened with impunity?
  - The complicity of the police, and by its extention, the state, is also visible in the fact that victim-survivors have spoken of false and baseless complaints being filed against them by the police in order to silence and intimidate them.
  - The actions of the state and district administration, particularly the police, in the last five months, do not indicate a political willingness to implement the rule of law in a sincere, rigorous and bipartisan manner.

In conclusion, the culpable acts of omission and commission on the part of state and central governments indicate that they have little value for human lives, and scant respect for Constitutional values and the rule of law. The larger question that remains is – will the public officials be made accountable for such acts, or will the victim-survivors have to pay the price for the same by losing their right to reparative justice?

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