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REPORT ON COMMUNAL VIOLENCE IN SHAMLI AND MUZAFFARNAGAR.



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A Report
on
The Violence in Shamli and Muzaffarnagar Districts of
Uttar Pradesh, 2013

by

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CONTENTS

I.	Prologue	4
II.	The Team	5
III.	Facts and Orchestrated Tension	7
IV.	Perception of Muslims	10
V.	The Perception of Jats	11
VI.	Where have the Muslims gone?	14
VII.	Government and Relief camps	16
VIII.	Conditions in the Camps	18
IX.	Compensation	20
X.	The Loss	23
XI.	Girl Child Marriages	25
XII.	Fear Factor	26
XIII.	Livelihood	29
XIV.	Legal Action	30
XV.	Education	30
XVI.	What needs to be done?	32
	• Create a Special Machinery for Prosecution	32
	• Formation of Peace Committees	32
	• Nuclear family as the Standard for Compensation	33
	• Recognize the Fear of Threat of Violence	33
	• Government should take the responsibility of Care of Victims Of Violence	35

I. PROLOGUE

These are strange times. While the omnipresence of the state is intensively felt and even celebrated, its complete absence often surfaces prominently. The debate on the ability of the state to protect the interests of different sections of the society is roused yet again; there is little doubt about its callousness in standing up for a marginalized community under threat. This comes in the wake of the inaction on the part of the state with regard to the victims of violence in Muzaffarnagar and Shamli districts of Uttar Pradesh in September 2013. The state even went to the extent of reducing the community into disorganized individuals without any social bonds. A visit to the camps of violence-affected Muslim population in the region evokes feelings of despair and helplessness. Fortunately, the ability of the community to come to the rescue of its members, at least in the short run, is far greater than that of the state. The violence induced displacement of Muslims from villages of Jats dominance, where they lived for generations, has reduced their status as citizens to next to nothing. For Muslims of the camps, the state is a source of threat, harassment, fear, indifference and destroyer of familial and community bonds. They perceive that the powerful community of Jats is holding the state hostage.

The Muslims of the Shamli and Muzaffarnagar districts were suddenly gripped by fear of death, maiming and sexual assaults on the night of 7th September 2013. Though the right wing forces have always harassed them by dint of the economic dominance of the Jats, the status quo hit nadir when the time tested bond between them and the Jats collapsed overnight.. It seems that they were attacked for defending the electoral democracy. The results of connivance of the government with rightist forces, either by design or default are manifested in atrocities. While the dominant community of Jats gets consolidated economically and politically as result of events of violence, Muslims as a community is dispersed. The present camps of victims of violence may give the impression that Muslims also consolidated themselves as a community with the support of their brethren, the actual consequences will be felt in the Muslim settlements only after May 2014, when not only the general elections would be over but also the agricultural lean season will start. The camps would survive until then because of forth coming elections but what happens after that is neither anticipated nor contemplated on.



RELIEF TENTS IN MALAKPUR CAMP, SHAMLI

II. THE TEAM

A team of 12 students lead by a faculty member of the Tata Institute of Social Sciences, Mumbai has visited Muzaffarnagar and Shamli districts of Uttar Pradesh, which witnessed large scale violence on Muslims in September 2013. The team consisting of students of law, medical and development background visited the area from 10th to 14th January 2014. The primary objective of the visit was to meet the riot affected people to understand the living conditions in the camps post-violence; understand the education, health, and economic status of people in camps; know the government's initiatives in the relief camps with specific focus on women and children and explore the sustainable long-term rehabilitation possibilities. It met people in more than 10 camps, where victims are taking shelter, Jat leaders in 2 villages of Muzaffarnagar and offices of district Magistrates in both the districts. It also held discussions with members of an NGO, which is trying to provide legal aid to the victims.

The team visited the following camps in Shamli district: 2 camps in Kandhla town, Hamza colony, Malakpur, Nurpur Khurgaan camp, Imdadul Gureva camp at Dabhedi Khurd village, Akbarpur Sanheti Madrassa camp. We also visited Shahpur, Jola, Loi camps and Mastan Kheda and Phugana villages in Muzaffarnagar district.

The district of Muzaffarnagar has been in the news for 'communal riots' between Hindus and Muslims and their consequences on the victims of violence. But the Shamli region, which is a newly carved out district that came into being a year and half ago, is equally if not more affected by the violence. Since most of the reports focused on the Muzzafarnagar district, we paid more attention on the relatively unknown Shamli district. While in the Muzzafarnagar district, 9 villages viz, Kutba Kutbi, Kakada, Phugana, Majra, Hadoli, Nala, Allam and Mohammadpur Raisingh witnessed violence, Bahavadi, Lakh, Lisaadh, Simbadina and Hasanpur of Shamli district also experienced violence on 7th September 2013. Though the actual number of villages that come under violence are small, around 30 to 35 villages in each district felt the threat of violence seriously. The Muslims of Panipat district also came under the fear of violence. The threat of violence displaced 10 times more people than the actual violence did.

At the outset, it is pertinent to clarify that what happened in these districts was not a 'riot between Hindus and Muslims'. The description of events as 'riots between Hindus and Muslim' gives two grossly misleading meanings: one, that all sections of Hindus participated in the violence while the truth is that violence is primarily lead and orchestrated by the Jat community leaders from BJP. Thus the preplanned violence is completely one-sided. The second implication appears to be that the Muslim minorities also participated in violence on innocent Hindus in equal measure, while the truth is that in most cases the violence of Muslims are retaliatory in nature in the backdrop of complete failure of the state police machinery. While the events claimed 51 lives, 37 of them are Muslims, 7 are Jats and the rest are from marginalized sections from amongst Hindus. The rough estimate of number of deaths of children and adults in the camps is around 100. We see no reason to distinguish the deaths of innocent Muslims in the sub-human conditions of living in the camps post-violence with that of the deaths from the attacks. The death toll on the Muslim community, the fact that only Muslims were displaced and almost all the accused, around 6000, are Jats, point to the truth that the violence was completely one-sided, engineered by the Jats on the Muslims. The portrayal of violence as a result of a clash between Hindus and Muslim is a reflection of communalization of media and the absence of impartial reportage.

III. FACTS AND ORCHESTRATED TENSION

The tension between Jats and Muslims had been building up for almost 20 days before the September 7th attacks on Muslims. Victims point out that the series of incidents in those 20 days which eventually culminated into the September attacks destroyed a hundred years relationship between the two communities. The claim that the incident at Kawwal village of Muzzafarnagar triggered the tension, seems to be got up and concocted. The killing of one Muslim boy, Shahnawaz by two Jat youths namely Sachin and Gaurav to protect the honor of their sister is a forged claim. But the communal context discounted facts and triggered an onslaught of communal violence. Various reports proved that the real reason for attacking Shahnawaz was not because he harassed a Hindu girl, but because of a motorcycle collision, which led to an altercation between him and the Jat youths. This is also testified by the FIR filed by the father of Sachin. But later, the Jats of Kawwal village went to Shahnawaz's house with arms and lynched him to death. The retaliation by the Muslims and killing of the accused Jats garnered all the attention and gave the Jats enough opportunity to justify a well prepared assault on the Muslims. The inaction of the police is too evident to comment upon. It took the army to bring the situation under control. The fact of disproportionate representation by Jats in Provincial Armed Constabulary may explain the failure of state in controlling the violence. The legal machinery chose to overlook the murder of Shahnawaz and none of the 7 Jats accused have been arrested so far. This scenario has further discouraged the victims of violence from going back to their villages.

After this incident, the victims point out that the Khap Panchayats, BJP MLAs Suresh Raina, Hukum Singh and Sangeet Som and leaders of VHP stepped up their efforts to mobilize the Jats and started portraying the event as the result of Love Jihad by the Muslims. They also started the campaign that the honor of their women is at stake. In fact many elderly Jats seem to think that this claim is at best a ruse to attack the Muslims. Yet they approved it to teach a lesson to the Muslims.

A fake YouTube video circulated by BJP MLA from Meerut, Sangeet Som, also created the ground for attacks on Muslims. A massive deployment of rumors and distortion of facts by VHP actually created the atmosphere of communal hatred. The leaders of BJP who were actually responsible for creating a communal atmosphere against Muslims have not been arrested so far.

The polarization of Jats and Muslims undermines the political strong hold of Rashtriya Lok Dal in this region, which is politically advantageous not only for the BJP but also for the Samajwadi Party. This partially explains the connivance of the government in the violence on Muslims.



TISS FACT FINDING TEAM WITH JAT LEADERS OF KHEDA MASTAN, MUZAFFARNAGAR

In Kutba Kutbi village, 8 years back, 3 Jats were involved in the collapse of the wall of an Edgah. The older members of the Jats, Naresh and Rakesh Tikait, did not approve of the vandalism of the Jat youths and they got the youths arrested. The vandals were released from prison after 3 weeks, just before the Holi festival. Their release was celebrated and the younger generation of Jats developed an ill-will towards the Muslims of the village but that did not result in killings.

Mr. Ikhram, an old man from Kutba Kitbi and in charge of Nurpur Khurgaan camp, says that if Sangeet Som and Suresh Raina of BJP did not come to their village to organize the Jats, the

attacks on Muslims would not have occurred. The Jats fired at the police on September 7th and prevented them from entering the village. On 8th, the military had to enter the village and rescue the terrorized Muslims and send them to Akbarpur Sanheti Camp. The 9 accused, all Jats, are yet to be arrested.

The Jats allege that the Samajwadi Party member, Amir Alam, is the source of all problems. On 30th August 2013, at Meenakshi chowk of Muzzafarnagar city, a meeting had been called to demonstrate the strength of Muslims. The Members of SP-BSP were also present. Shaheed Siddiqui, Kabi Rana, Shahid Ul Jama and Noor Salim of BSP were also present. Provocative speeches were made in spite of the fact that section 144 was in force. Following this, a meeting of Mahapanchayat of 52 Jat villages was announced on 31st August. The meeting was scheduled to take place on 7th September. A preparatory meeting was also organized under the leadership of BJP on 5th of September in Lissaad village. The leaders of Jats traveled in a bus on 7th September towards Bassi village where the Mahapanchayat had to take place. At Shahpur, which is Muslim majority town, the Muslim youths raised their protest against the Mahapanchayat. Since the Jats were traveling to demonstrate their strength, the Muslim youths pelted stones at them in several villages leading to Bassi. In Purbal Jan, the tractors Jats traveling in, were burnt by Muslim youth. The injured in the attack gave provocative speeches in the Mahapanchayat. On the same day the Mahapanchayat seem to have decided to teach a lesson to the Muslims by attacking them in several villages simultaneously. Clearly the tensions were mounting between the two communities, which are in public knowledge. The Government could not diffuse the tension.

The political agenda of the organizers of violence is to gain a strong hold among the economically powerful Jat community, which is politically divided among the regional and national political parties such as Rastriya Lok Dal, Indian National Congress and Bharatiya Janata Party (“BJP”). BJP wants to create a political base among the Jats, pitting them against the Muslims, who could influence the outcome of elections in favour of the Muslim candidates, whichever political party they belong to. BJP sought to change the electoral situation by dispersal of Muslim population by uprooting them from their own villages. It wants to undermine the political strength of Muslims and strengthen their own political base among the Jats. The BJP may be in the process of consolidating itself among Jats but Muslims as a community is geographically resettling themselves, since the government has no policy of their resettlement and rehabilitation in a multi-community village. The sense of insecurity and solidarity within the community is naturally forcing the Muslims to go in search of Muslim majority villages. Moreover the vulnerability of the violence affected and their search for community solidarity seem to suit the unpronounced political agenda of secular political parties. This is shameful political scavenging on the vulnerability of the violence affected people which is contributing to the process of rearranging physical settlements of Muslims. The current state of affairs gives BJP the perfect ground for its communal politics.

IV. PERCEPTION OF MUSLIMS

Most of the Muslims in the camps said that they were completely taken aback by the violence inflicted. They confessed that they are aware of the intolerance of the Jats towards Muslims' culture and life style but they never anticipated the attacks. Had they anticipated the attacks, they would not have fled from their homes and would have retaliated. The Muslim community have inhabited the Jats majority villages for generations and has lived without any fear though they have witnessed mild tensions at times. Though Muslims make a good labor force for agriculture, they are not engaged by Jats as much as required.



TISS FACT FINDING TEAM WITH MUSLIM MEMBERS AT HAMZA COLONY OF KANDHLA TOWN

Religious polarization was never an issue earlier within the community. People from different camps who spoke about this issue made it very clear that the dalits were coerced to support the dominant Jats and turn against Muslims. Sheriff of Kandhala camp claimed that Harijans were forced to drive the Muslims out. "*Idhar rehna hei to unko (muslim) nikal do*", this was the command which they received from the Jats. Most of the Muslims in the camps are still trying to grapple with the reality of displacement.

V. THE PERCEPTION OF JATS

We have visited the villages of Kheda Mastan and Phugana to understand the Jats' perception of incidents of violence and political situation. These two villages are part of the 9 villages in the Muzzafarnagar district where Muslims were killed, chased out, and their houses were gutted.



FACT FINDING TEAM WITH JAT PRADHAN OF PHUGANA

As strangers to the villages are treated with suspicion by Jats, we contacted the Pradhans and leaders of Jats in advance, introduced ourselves over the phone and met them eventually after they consented. . What strike the most on entering the village are huge, unpainted brick buildings stretching over a kilometer. The villages are surrounded by vast stretches of sugarcane fields. The doors of the homes are huge and one can observe long and narrow lanes. The Muslims live in different localities. If a mob tries to attack anyone, it is difficult to escape in these long and narrow lanes. All the houses are numbered and names of the owners are written clearly. As we reached, the Pradhan and many more Jats of Kheda Mastan gathered around us to talk. There were men from different age groups but no woman member was allowed to interact with us. The Pradhan blamed the superintendent of police, Abdul Hameed for triggering 'riots'. He argued that

the Muslim youth celebrated Holi and a Hindu girl was raped by them in Shamli district but the SP initiated no action against them. Talking about the incidents before the violence he said that *Izzat* is very important in their culture and hence when the accused was not arrested, the Jats delivered justice.

He further added that “ So far we have walked together; we are not the ones to kill, we are the ones to save. It is the Mulayam Singh Government that has supported the Muslims and created the divisions. All the Muslims have left and none of them are ready to come back”. Muslims were referred as votes very often by the leaders of Jats, which seems to be the dominant perception. Muslims constitute 1/3 of the total population of 5500. “They have left for their relatives. Our relations were good with them. They used to work as laborers on our fields. They sell milk, work as laborers and have sold off lands, for survival”. Responding to a question as to what happens when a large labour force leaves the village, the Pradhan agreed that they would face shortage of labor and the 'Harijans' and 'Kashyaps' would demand more wages, but said that Muslims did not have much work here. He said that much of their labor force comes from Bihar and Jharkhand. The migrant labor of these states remains for 9 months until the sugarcane crop is harvested. They are paid around Rs. 100 including food expenses per day. This is considered by Jats as huge.

It is important to note here that the Mahatma Gandhi National Rural Employment Guarantee Scheme is not implemented effectively. Since the Pradhan sensed that the huge economic cleavage between Jats and Muslim could also be one of the sources of tension, he was quick to add that “the riots were more a matter of politics”. He also added that the Muslims families have fled away because they have taken huge loans, which they do not want to repay. The Jamia Committee came to mediate on its own but created fear in the minds of people. “*Hamari biradari naram hai, huma anyay nahi hone denge* (We are soft, we will not let injustice happen once again). The Jats feel that the committees running the camp are exploiting the people and propagating a system where they do not have to work. The camps are getting huge support from Muslims and government.

It is very clear that the Muslims of the Jat majority villages are not dependent completely on the Jats for work. The migrating laborers from Bihar and Jharkhand sustain the rich agricultural base of the Jats. This situation not only gives relative independence to the Muslims from Jats but also

influences the outcome of elections as an organized group where the votes of Jats are divided among many political parties. The BJP capitalizes on this and tries to consolidate the political power of Jats through cultural mobilization and politics of hatred. The existing economic cleavage and assertion of economic and political independence by Muslims seem to provide fertile ground to sow the seeds of political hatred and break the economic base of other political parties among Jats.

On our way to the Jola camp, we noticed a huge banner which looked like a banner for election campaign of BJP. On this banner was a photograph of Mr. Narendra Modi and a local BJP leader. The specific points on the agenda of election were listed, and the first one being “*Behan Beti Bachao Abhiyan*” (the mission of protecting the women in the family) followed by protection of farmers, which implies the interests of Jats.

In conversation with the Jats, the Pradhan from Kheda Mastan said that the slogan of “*Behan Beti Bachao*” was given in the Mahapanchayat of 7th September which fueled outrage amongst the Jat community. This seems to have instigated feelings of hatred against Muslims. When we inquired about the specific need for initiating such a “movement”, even though the cases of inter religious love marriages are few and far between, he deemed it as a political coup by the BJP. This clearly indicated that the violence is more politically orchestrated than a spontaneous outrage from the Jat community to defend the honour of their girls.

It is an established fact that all the attacks on minorities are also simultaneously restrictive on the freedom of Hindu women. The Pradhan from Phugana, which has inflicted lots of violence on Muslims, went one step ahead in trying to justify the same. He stated that the moral order of the society has degraded where women use mobile phones, dress up in jeans and go out in public. Such practices should be banned.

One also needs to understand that in places where Muslims were considerable in number, the incidents of violence were not intense as in places where their proportion was significantly low. For example, in the village of Phugana, where the total population 15 to 16 thousands of which Muslims constitute only 1100 votes, 34 houses including 2 Masjids were burnt down; 2 were killed and 6 girls were raped on 8th September 2013. 75 Jats were named as accused. But none

of the accused are arrested so far, announced Mr. Harpal Singh, ex-Pradhan of the village. He says with a lot of conviction that even IG of the state knows that all the accusations are false.

VI. WHERE HAVE THE MUSLIMS GONE?

While the Jats actually attacked and killed or injured Muslims and gutted their homes in 9 villages of Muzaffarnagar and 5 villages each in Shamli and Panipat districts, Muslims fled from more than 50 villages in all 3 districts. The villages of actual killing and arson were not recognized by the government for payment of compensation. The victims fled to the villages and towns where Muslims are a majority or diverse caste communities exist. The camps of the victims are set up in forest lands, endowment lands of Madarsas, Idgahs and of generous Muslim landlords. The camps are set in 5 to 10 km radius of the affected villages and in and around the small towns where Muslims are a majority. For instance, the Kandhala and Kairana towns of Shamli district have 80% Muslims, 20% Hindus and less than one percent of Jats. Yet these towns did not witness any attack on the Jats. Two Jat families of Kandhala town sold their properties and left for their native villages. The Jat leaders gave calls to the Jats living in Muslim majority towns to sell the properties and return to the Muslim majority villages. These towns are strategically so central that people of different communities are bound to come here for the purposes of livelihood and business. One can find vehicles transporting sugarcane in and around these towns. The reconfiguration of physical spaces between Jats and Muslims is going to affect the relationship between the non-Jat Hindu groups and Muslims.

The camps we visited sheltered around 500 to 6000 Muslims. There are also villages where relatives of victims came forward to provide them shelter and food in the initial days of influx. Almost all the camps are run by the Muslim clerics and religious leaders, who promptly set up Madarsas for the education of children and youth. All these religious leaders are under the grip of one political party or the other. Except BJP, all other parties in one way or the other are associated with the relief work which gives away its intentions. All the relief materials and services are channelized through the religious management. The Loi camp, which was demolished was under the control of Samajwadi party, Malakpur camp under the grip of Bahujan Samaj party, Shapur and many more camps in Shamli district are under the clutches of Congress

party. They are running health camps and some relief work on the lines of NGOs without exerting any political clout to influence the policy of the government for better living conditions. The leadership of these camps generally gives a positive picture of the political party they are associated with and are very critical of the ruling party and the government. One thing each party has assured is the issue of voter ID cards.

None of the victims are ready to go back to their villages. Even where few victims tried to make an attempt to go back to their villages were intimidated by the Jats. Shahpur is one of the largest camps. Most of the destitute are from Kakada village from where, all the 450 Muslim families fled. In this village 4 Muslims and 3 Jats were killed. Shajid Ali of Kakada is in Shahpur camp. He wants to go back to his village along with his 4 brothers and bring back his utensils and motorcycle. The police station is just adjacent to the camp. They informed the police that they are going to village which is just 3 km away from Shahpur camp. When they went to the village along with one constable, they were attacked and their motorcycle was burnt. The attackers are seen all the time roaming in the town. None of them has been arrested by the police. The organizers of the camps are also not making any concrete attempt to send them back. The landlords of the villages, where camps are set up, also seem to have some vested interest to continue the camps as they are the source of cheap labour.

The violence has redrawn the demographic map of the villages from one of co-existence of multiple caste communities to that of religious communities. Perhaps the psychological alienation of the Muslims has seen its logical end of physical separation within, which makes the communal politics possible and practicable for the rightist forces. Unfortunately the failure of relief work by the state and leaving the entire task to the religious leadership of Muslims clearly contributes to the polarization of communities on religious lines.

There are large number of youths in the camps, who are also witnessing subhuman conditions of living. The huge community of the displaced population cannot be provided work by existing agricultural sector. They are engaged in brick-kiln work, construction works and sugarcane cutting. The season of sugarcane may end in a month or two. The youths are seething with anger and frustration about their life at present and fate in the future. There are no police posts for protection of the victims in the camp premises. At the junctions of the roads that lead to camps we can see police from Provincial Armed Constabulary, as if to prevent the gathering of victims at one place. The towns of Kandhla, Shahpur, Shamli and Muzaffarnagar have armed guards posted as these are volatile places where gathering of people of different villages may result in tensions. One may not feel surprised if a few more events of violence take place before May 2014.

What is sad to watch is that though substantial relief has been pouring in, the conditions of living in camps are very poor. Most of the support seem to be coming from Muslim communities across the country. The middlemen and vested interests are diverting the relief support from the camps. There is no regulation of the relief work as the state has completely abandoned the community as such. The situation is a huge human tragedy from which every political faction is trying to gain mileage.

VII. GOVERNMENT AND RELIEF CAMPS

It is estimated that around 51000 Muslims have been uprooted from their villages and taking refuge in the temporary camps spread across Shamli and Muzaffarnagar districts. But the government recognized only 9 camps where the victims of actual attacks, deaths and injuries are taking shelter. These camps are Timarsha-Madarsa in Shamli, Malakpur, Jola, Shahpur, Kandhala, Loi Sarai etc. After paying compensation, these camps are evicted by the government with bulldozers. At present, the small town of Kandhala alone has 11 small camps set up in the properties of Muslim landlords, Masjid etc. The total number of families affected in these villages is 1800 and of them only 64% have got some compensation.

While the government recognized only 9 camps and provided amenities, large numbers of small and large camps were not recognized at all. After reports of starvation and deaths of children and

the aged, the government provided one time relief and asked them to vacate. At present, the government is providing only milk in few camps and nothing else. Yet there is nothing in records that show that there are camps galore.



CONDITION OF NURPUR KHURGAAN CAMP, SHAMLI

In fact, the leader of the Samajvadi Party declared that there are no camps at all and all of the displaced have gone back to their villages, while his son and the chief minister of the state assured the organizers of the camps that nobody would be forced to leave the camps. That is where the fate of unofficial camps hangs at the present. Their existence in the camps is seen by the government as well as the Jats as ploys to malign the good name of the government and their villages. The violence unleashed and the failure to prevent it, are not the points of debate and shame but the spectacle of huge displacement is seen as problem. Blaming the victims of violence for bringing disrepute to the Jats and government is barefaced way of articulating the power of the dominant.

VIII. CONDITION IN THE CAMPS

After eviction of 9 officially recognized camps by the government, the violence affected have settled in small groups in different places, wherever small patches of lands are available. Since they were also paid various amounts of compensation, they could purchase small pieces of lands from the Muslim landlords. Otherwise the conditions of people are no different from the one living in non-recognized camps. The Deoband Trust is trying to purchase the lands from the donations but that is not going to meet the needs of even one percent of the survivors.



WOMAN FILLING WATER FROM ONE OF THE DONATED HAND PUMPS IN A CAMP

The violence affected people are living in small tents sufficient for two or three. The tents are made of plastic sheets, which are hardly able to withstand the chilly winds of north-Indian winter. The temperature has fallen to as low as 4 degrees at nights in January 2014. The children and women have suffered tremendously. Since the tents are made of plastic and set up very closely to one another due to lack of sufficient space, one could hardly light a camp fire to

protect from cold. As a result, each camp accommodating more than one thousand people, witnessed at least 10 to 15 deaths of children and the old in the past 5 months.

Even in the official camps, only for the first 20 days, the community kitchen was run by the organizers of the camps. The large scale effort required for the purpose became a burden beyond their capacity. As a result of this and to meet the needs of individuals, family kitchens sprang up but it created huge burden on the lives of women. The needs of the children and the old became the burden of women of the concerned families.



OPEN TOILETS AT NURPUR KHURGAAN, SHAMLI

Some of the camps have public but open toilets built by charitable organizations. In Malakpur camp one can find public toilets without doors facing the busiest road with vehicles transporting sugarcane. Thus humiliation of the people living in camps is a daily routine. Since every inch of land around the camps is filled with green sugarcane crop and other inter-crop fields, the vacant land is hardly available to meet the needs of sanitation of the multitudes living in the camps. As a result, one finds the night soil around the camps, which are creating unhygienic conditions for

living. If the camps continue to exist beyond summer, the rainy season may create havoc in the lives of the people.

In each camp few temporary bore-wells were dug by the NGOs and well wishers of the community. They are catering to the need for drinking water of the people. There is serious scarcity of water in each camp even for cooking, let alone for other purposes. The women of the serious water crises and burden for women of the camp camps can be seen to bring water from the nearby villages.

Malakpur camp in Shamli District

This camp was started on 8th September 2013 immediately after the violence in Lisaadh village. The Malakpur area is not a Jat dominant area, hence the Muslims feel relatively secure. The camp is located in the forest area. It is accommodating the people of 25 to 30 villages. There are 6000 people from 700 families. The government recognized the camp, provided wheat flour, pulses, potatoes and milk for 11 times in the first two months. It also supplied 200 bedsheets which are hardly adequate for the total number of people accommodated. Of the 8 temporary bore-wells dug, one is by the government and others by civil society organizations. The organizers say that the government support is sufficient only to meet the requirements of 10% of the displaced. The organizers say that only 10% of the 700 families has got the compensation even after 5 months since most of them were not recognized as violence affected in the first place. Moreover, the records necessary for proving the identity of the families were all destroyed in the fire. The camp is run by Ulemma Deoband and the hospital is run by Tyab Association. This camp alone registered 15 deaths of children so far. The government granted Rs. 20000 as ex-gratia but the National Human Rights Commission asked the government to increase the amount.

IX. COMPENSATION

The government of Uttar Pradesh decided to grant compensation to the victims of violence on the basis of a report by Shiv Pal Singh Yadav. There seems to be no criteria followed in granting the amount of compensation except for those who were killed and injured and faced property loss. The value of the property lost has not been assessed at all to evaluate the amount of loss. The families of victims were taken to a unit to provide the compensation. If a member of a family is killed, the head of the family is provided Rs. 12 lakhs as compensation. And those who

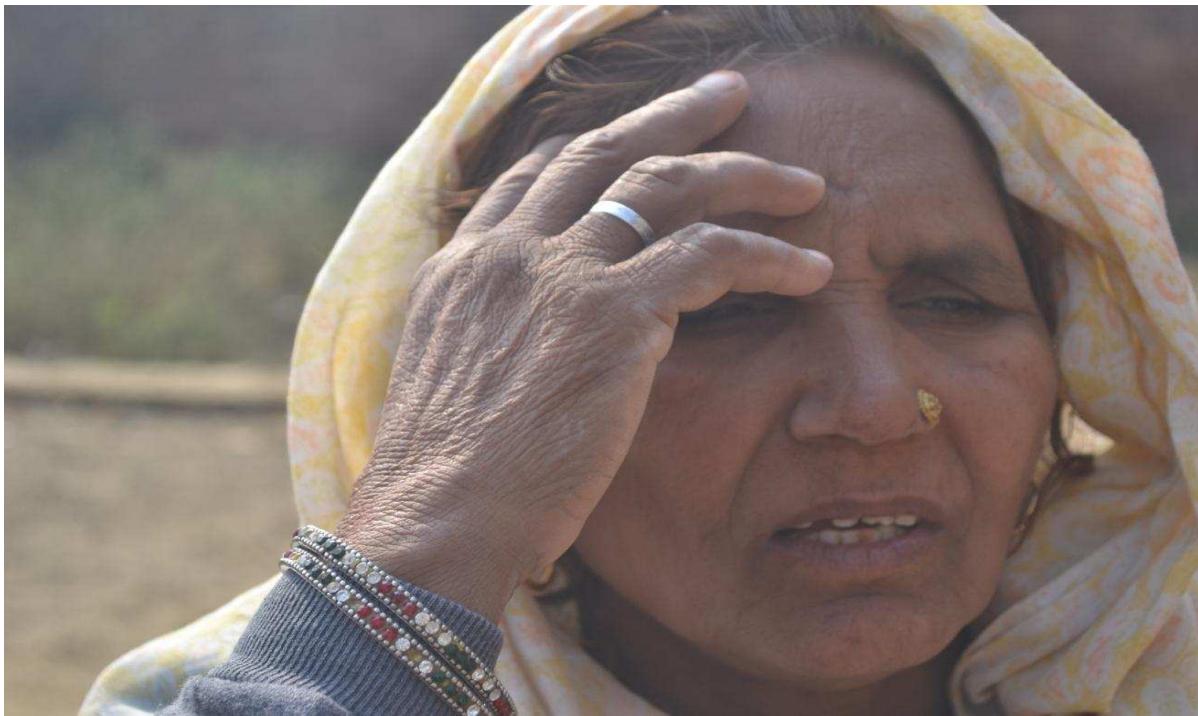
were injured and lost property were granted Rs. 5 lakh irrespective of the amount of loss incurred. In both districts 1800 families were officially recognized as deserving compensation but of them only 64% are believed to be provided the compensation. For instance 7 houses of Nala village were set on fire by the Jats. Each one of them was given as meager an amount as Rs. 3000 to Rs. 5000. Guddu of Kakada village is the second of 4 brothers and all of them are married. There are 30 people in their joint family including the aged parents. Their home was set on fire. Compensation was given only to his father. In Kakada, out of 2450 families, 450 were Muslims families. All the Muslim families left the village after vandalism, but only 202 families were compensated. The number of compensations granted is also highly contested by the victims on various grounds. First, most victims fled the villages under terror. They have not collected any belongings or any government documents which would prove their identity. Since establishing identity in the absence of any proof is very difficult for most people, the process of granting the compensation is marred by corruption and indifference of the officials. The attempts by the officials to undertake the survey of the property lost is met by severe resistance by the Jats in some villages. The victims, officials and police who went to assess the loss were chased and in some instances thrashed by the Jats. A joint family of 5 couples with siblings under the same roof is recognized as a single unit by the government and the compensation is processed thereby. Such huge joint families obviously cannot be accommodated at one place, neither in the relief camps nor by the relatives in other villages. Though all the members of the joint family are under one roof, for all practical purposes, they are different families, which is not recognized by the government when the entire home is destroyed or gutted. Most important of all objections is that the victims were forced to give an undertaking that they would not go back to their villages once they take the compensation. When serious objections were raised in some quarters, this clause quietly disappeared from the documents granting compensation. It is clear that neither the government nor the victims want to go back to their villages; nor is it possible for them given the terror unleashed by the Jats. In any case, the implication in reality is that the villages belong to the powerful Jat community and not to the Muslims.

Murad Ali of Bhajju Village has been residing in the camp near the Madarsa in Kandhala. His house in Bhajju had been looted and set on fire by a group of Hindu rioters on the night of September 7th, 2013. Apart from the damage and destruction of the building structure of the house, he mentions that there was loss of household items and furniture and the rioters looted

cash up to Rs. 3 lakh which he had saved in anticipation of expenses for his daughters' wedding. However, his hopes of receiving a compensation from the government are bleak and given our understanding of the scenario, the possibility of receiving any compensation are even bleaker. Since the village of Bhajju has not been recognized as a riot affected village, the compensation given by the State Government to people displaced from this village is limited to houses which were torched or destroyed. Additionally, the compensation for destroyed houses in these villages (i.e. villages not recognized as riot affected) remain by and far, meager i.e. in the range of Rs 25,000 – 75,000. Thus, even if there is a remote possibility of Murad Ali receiving compensation from the State Government, the same would primarily be in the nature of an ex-gratia payment and inadequate to address the actual damages suffered.

The irony of the situation is that most people living on the camp including Murad Ali, have reconciled to pitiable living conditions in the relief camps and the possibility of receiving little or no help from the Government and yet are vehement in opposing and dismissing any suggestions for going back to their native village and reclaiming their ancestral property which is rightfully owned by them. Such is the strong sense of insecurity and betrayal in their minds that they have chosen to dare the cold weather under open sky at the mercy of a few philanthropists.

X. THE LOSS



A STILL FROM HAMZA COLONY OF KANDHALA TOWN

Amina Begum of Lisaadh village now resides in a shanty built on a plot allocated to her in the Hamza Colony of Kandhala town. She has lost two elderly male members in her family during the attacks made on them by the Jats on September 7-8, 2013. She narrates how her family and neighbors had approached the local police station on September 7, 2013 with the apprehension of attacks by Jats and were advised to leave the village and flee for their lives. Next morning, while the family was about to leave the house, the house was attacked by the Jats who started off by killing the cattle and horses tied in the courtyard of Amina's house. According to Amina, it was not only the sense of loss but rather loss coupled with the experiences of brutality that has created a sense of fear in the families. The family fled from the back door of the house and spent two nights hiding in sugarcane fields till they reached the Idgaah camp in Kandhala. Amina says that her family owned around 15 -20 bighas of land in Lisaadh in addition to the house property which was attacked and destroyed by the rioters. She also recounts loss of several household items which included gold jewelry which she had saved for her daughter's wedding.

The family was given Rs 5 lakh in lieu of the displacement from their native village (the said amount was utilized for purchasing the property in Hamja colony; however they are yet to receive compensation for the death in the family).

The notion of loss as understood by the state and its machinery is so restricted that most of the victims of violence are very unlikely to come under its scope. Muhsina who presently lives in Kandhala Camp-2 did not receive any compensation. According to government she has not suffered any loss of property; hence she is not entitled to get any compensation. She was working in a field owned by a Jat. She tried to recollect those days. It took three days to reach Kandhala from Bhajju by walk. The trauma and pain suffered by these people are not losses according to the state, she added.

There were also instances where after giving the compensation, government has closed the account without prior notice. Nazeem from Lisaadh village, who is in Nurpur Khurgaan camp right now, lost his father on September, 2012. He received the compensation amount from government in December, 2013 from which he had withdrawn Rs. 40,000. But later when he went to withdraw the remaining amount, it was informed that his account had been closed.

XI. GIRL CHILD MARRIAGE



A SCENE FROM AKBARPUR SANHETI MADARSA CAMP

Haji Anwer, the religious leader of Kandhala camp declared that women should die first or get married, otherwise, they would become mistresses of Jats. These kinds of religious preaching and existing sense of insecurity seem to have prompted a large number of child marriages in the camps.

Unconfirmed reports say that at least 5 to 6 hundred child marriages must have taken place so far. In the past 5 months, Jola camp of Muzzafarnagar alone witnessed 170 girl child marriages. The Sub-Divisional Magistrate declared in Shahpur that families of the girls married would be given rupees one lakh. This was the scheme announced by BSP government earlier. This seems to have also induced the parents to get their girl children married to families outside the camps. The lack of proper facilities and sense of insecurity to the girls also prompted them to go for early marriages.

In most of the cases, girls are married to men outside the camps. This is mostly done in the pretext of ensuring their safety and this very excuse is used to justify early marriages within the camp. Mohammed Adil at Dhabedi Khurd optimistically commented that “one good thing about the riot is that dowry has stopped, at least apparently”. But it was very obvious that he did not notice the real imports of this phenomenon. There is a strong possibility of exploitation considering the vulnerability of the girls. Most of the girls in the camps do not have any documents to prove their age and this makes it easier to marry them off prematurely. The girl we

met at Sanheti Madrassa camp was just 16 years old. She knew that she was about to get married but had no idea to whom or where.

XII. FEAR FACTOR

The relation between the Jats and the Muslim was not bad but things changed overnight. The economic power of the Jats is so much that all the other communities such as Valmiki, Jimmer, Bangis and other lower castes have to follow their dictates and participate in the attacks. Along with Jats, they participated in destruction of the homes of Muslims and looted the movable property. The Muslims also expressed the view that there are few Jats of older generations, who no longer wield any control over the Jats of younger generations, who are more attracted to aggressive politics of Modi kind. They could not do anything to stop the attacks. The Jats brandished weapons in open to create an atmosphere of terror and threaten the Muslims. The victims from the Nala village specifically informed us that they were still receiving threat calls from the Jats. They are demanding the victims to remove their names from the list of accused in FIR. The question of compensation also, it appears, is largely tied to deletion of names of accused from the list. The victims stressed that the police machinery is hands in glove with the SDMs and the accused and applying pressure on them. They are maintaining the contacts with the dalits of the villages, who inform them that Jats are still angry.

The women and children are still reeling from the fear of attack and more reluctant to leave the camps and go back to villages. They are under trauma and fear and require immediate counseling to cope with the stress.



A SCENE FROM IMDADUL GUREVA CAMP AT DABHEDI KHURD VILLAGE

As our group arrived at Muzaffarnagar, we asked a person of middle age for assistance to guide us to Kandhla. The person spotted the Muslim girl within our group and said "We are scared of the ISI". The situation is far from normal. We learned that the government camps at Kandhla near the Dargah have been vacated but people still don't want to return to their villages. In these camps, people from Nala, Kurdi and Baju villages were seeking shelter. Mohmad Salim, a resident of Kandala, had provided accommodation to few people on his own plot of land. Nearly 50 families are residing in forest land areas. Around 13 families are living in huts within the Hamza Colony. Most of the families have acquired plots by investing the compensation amount as they have no intention of going back to their native village. They have escaped from Lisaadh village and took refuge in Kandhla village at Idga Relief Camp run by the Government of U.P. Thereafter they moved to this colony. Lisaad village is one of the most affected villages on 7th September 2013.

When we were interacting with the people, we met Mohd. Yamin who sat quietly with his brother, Mohd. Abid. Mohd. Abid was in Delhi at the time of violence. Our initial impression was that he was indifferent to talk to us and didn't want to socialize. His family consisted of his grandmother, father, wife and five children. At the time of riot he fled along with his family members for life but he was not able to save to his father and grandmother who were brutally killed and set ablaze by the rioters. The mob looted all the valuables within the house including jewelry kept for the wedding of his 17 year old daughter. The wedding was to take place this year. The home was set on fire. Now he is empty handed and wonders what he should do about his daughter's wedding.

Prior to the violence, he had also invested Rs. 60,000 in opening a general store. That was looted and set on fire. Presently he is living in a hut along with his family. The anguish of not being able to save his grand mother and father has shattered him. Yamin could only find their bones which have been sent for forensic investigation. The government is denying the fact that they have died. He, however knows that he is responsible for the welfare of his family- wife and children. He has been trying to get through the daunting phase and trying hard to lead a normal life. He registered an FIR with police for the death of his father and grandmother. But nobody has been arrested so far. He named the Pradhan of his village as accused. Every time he approaches the police, they invite the Pradhan to the station and pressurise him to withdraw the FIR.

He said that the attackers threatened of deporting to Pakistan or burying them alive, when they looted his home and shop. He said that the Jat communities are quite powerful and even the government officials are forced to support them. “We are weak, poor; we have to suffer this” Fear has gripped the hearts of the victims.

Mohammed Islam of Wajidpur village, Bagpat district has relocated to the Malakpur Camp with his family. Mohd. Islam was attacked on the evening of September 7, 2013 while offering his prayers in the mosque along with several other persons. Out of the said group present in the mosque, all others were killed in the firing inside the mosque but Islam who received a bullet shot injury, survived. Following this incident his family also vacated their native home in Wajidpur and subsequently landed up in Malakpur camp. Mohd. Islam was also brought to the camp upon his discharge. However, the worst is not yet over for him and his wife, Samina. He has been getting threat calls from the persons who have been named in the FIR lodged in relation to the firing in the mosque to withdraw the complaint and/or give a favorable testimony before the court so as to ensure release of the accused in the matter (who are primarily from the Jat Community). Islam and Samina are also being constantly called by the local people in Wajidpur belonging to their own community with requests to testify in the court. It appears that since most Muslim families from Wajidpur have migrated to ‘safer havens’ in the wake of the incidents of violence, the ones who have remained back in the village constantly face threat from and coercion by the Jats. The trapped Muslim families in Wajidpur have become the extended family for Mohd. Islam.

The memories of dreadful days are still fresh. The victims are willing to forgo their claims to rightful compensation out of fear. Not even a single person, whom we have met, has shown

willingness to return to the native villages. Even though actual violence hit 8-9 villages, it has had a huge impact on more than 40-50 villages surrounding the affected villages. Sheriff from Kandhala camp shared anecdotes of the fearful day When the mosque was set ablaze. It is very apparent that there is a lot of apprehension within the community to go back to their respective villages. Even in the camps and the surrounding areas, they face threat from the Jats.

According to the Pradhan of Kheda Mastan, most of the victims have left their villages out of fear and there is no existing life threat to the villagers. It has come to notice that some of the survivors have returned to villages like Kheda Mastan, Nirpura, Dahu and Bitouda. The government machineries remain inactive and mere spectators in this.

Imrana is a 17 year old girl from Jamana village who is presently staying near the dispersed Loi camp. She was raped by the nephew of the then Pradhan, Sathender Solanki at age of 16 i.e., approximately eight months before the riot. Police was reluctant to file the complaint against the perpetrator. After repeated requests, police accepted the complaint. However, the culprits started stalking her thereafter. They trespassed into her house and attempted to kill her by cutting her throat. She somehow survived the ordeal after prolonged treatment. When riots took place, the perpetrators took advantage of the situation and made few more attempts to kill her. But somehow she managed to survive and fled from the place along with her parents and her brother. Now she stays near Loi with her parents. Her only concern today is about her younger brother who had to move to Assam as a migrant laborer for feeding the family. She blames herself for his plight. According to the Government, there are no losses suffered by her family and hence, she is not entitled to any compensation. She fears that her rapists are still stalking her. She claims to have seen him “dressed as a Mussalman” in the camp and fears that they will kill her some day. She remains concerned about the compensation amount and keeps hoping that it could bring her brother back and let him continue his studies.

XIII. LIVELIHOOD

The districts of Shami and Muzaffarnagar are the Jats' strong hold and hub of sugarcane cultivation. The area is a witness to commercial agriculture with labor-intensive methods. Every mode of transport is used to transport the sugarcane produce to sugar factories. The heavy traffic of carriers of sugarcane probably account for highly damaged roads. What is interesting is that the Jats community could retain its hold on the large land holdings. What is even more interesting is that though Muslims constitute 10 to 15% of the population of 10,000 to 15,000, they hardly own any land. Neither are they engaged in agricultural labor in the fields of the Jats; the Muslim families provide food to the cattle. The total reluctance to return to their village among the Muslims indicates the fact that they do not have much stake in the villages except for

their homes and cattle. A large majority of Muslim youth and able bodied men migrate to far off places as Mumbai, Haryana and Delhi and engage in petty business and visit homes once in a while. The old and the women who are left in the villages earn reasonably good income from dairy sources. Some of the youths also work in the mobile business of clothes selling on cycles, in dabhas and in small towns. Very few of them along with the older generation work in the sugarcane fields of the Jats. The interaction between the Jats and Muslims are rare and inter-community relation is volatile. The life style and mobile nature of Muslim youth is one of the sources of tension between them and the Jat community.

XIV. LEGAL ACTION

Many reports suggested that around 6000 were named as accused in the first information reports. The latest reports suggest that only 265 of the accused were arrested and most of them are lower caste Hindus and few of them are Muslim youth. The threat of violence is a criminally liable offense. The government did not recognize the Muslims who fled the villages from the threat of violence. The Jats in those villages went on huge processions brandishing crude and fire weapons. They fired into air and roof tops of homes of Muslims and killed large number of cattle. They shouted slogans that Muslims should be sent either to Pakistan or '*Kabarastan*' (burial ground). The terror-stricken women and children ran for their lives into the sugarcane fields. Since winter set in late, the victims of threat survived the night in the field. If this threat is not recognized as violence by the government, then questions of recognizing, identifying and arresting of the accused do not arise at all. Yet many victims filed FIRs in many police stations, which are still awaiting legal execution. But what is underway is their dilution by bringing pressure on the victims to withdraw the complaints. The perpetrators realize that they achieved a lot so far and are confident that they can break the will of the victims to stand seeking justice.

XV. EDUCATION

What is going to be the future of the children who were witness to the violence and terror and experiencing the resulting psychological trauma? Now they are living in congested tents among adults, listening to the stories of violence of other places and have nothing productive to do. The camps are far away from villages, amidst forest lands and hence don't have access to schools of the neighboring villages



MADRASSA CLASSES AT NURPUR KHURGAAN CAMP

In Nurpur Khurgaan camp, families have been living for the past four and half months. Around 300 families living in this camp have been facing constant threats since the land which they inhabit is forest land. In total, there are around 500 children within the camp, of which 300 were school going.

Education of most of these children here has been seriously affected by the violence. Most of them are completely dependent on the Madrassa classes run at the camp. Madrassa classes are confined to Urdu and Quran and the students are not exposed to any sort of formal education. The parents of the children said that they did not try to admit their children in the local schools as the schools would insist on producing documents of birth and transfer certificates. They cannot go back to their schools in the villages to get the documents.

“Parents were not allowed to enter the village which makes it more difficult for them to access these documents”, says the Madrassa teacher of Nurpur Khurgaan camp. The situation is more or less same in other camps that we have visited. This is in gross violation of the mandate of Right to Education Act, 2009 (RTE Act). Section 13(1) of RTE Act provides that while admitting a child, no school or person shall subject the child or his/her parents to any ‘screening procedure’. It is also mandated that no student shall be denied admission on the ground of lack of proper age proof or other related documents. Further, section 12(1)(c) of RTE Act provides that unaided schools and specified category of schools shall admit in at least 25 per cent of the strength of class 1, children belonging to weaker section and children belonging to disadvantaged group from the neighborhood and also provide them with free and compulsory education till completion of elementary education¹. With regard to admissions in class 1 (or pre-primary class

¹ <http://pib.nic.in/newsite/erelease.aspx?relid=67597>

as the case may be) under section 12(1)(c) of RTE Act in unaided and ‘specified category’ schools, they shall follow a system of random selection out of the applications received from children belonging to disadvantaged groups and weaker sections for filling the pre-determined number of seats in that class, which should not be less than 25 per cent of the strength of the class. Many children are compelled to help their parents in earning their livelihood. It was understood that in Kandhala Camp-1, out of 30-35 school going children, not even a single child is going to school. In fact, most of them have started helping their parents in hotels and in construction works that too for very less wages.

XVI. WHAT NEEDS TO BE DONE?

The government needs to first of all openly and unequivocally declare that what happened in these districts is not acceptable to the society and civilized governance and make a statement that it is willing to take moral and legal responsibility for the violence and determined to act firmly on the forces, even if they belong to their political party, that is responsible for the violence. It will instill confidence among the victims of violence that the state is willing to act on the divisive forces and take it to the logical end. The creation of communal hatred is a punishable offense. The government only needs to invoke the appropriate sections of IPC to arrest all those who led and organized communal tensions. The leaders of non-BJP parties also fueled the tensions for their political advantage.

1. CREATE A SPECIAL MACHINERY FOR PROSECUTION

The police machinery that did not and could not prevent the violence on minorities is obviously incapable of arresting and prosecuting the accused who belong to dominant forces in the state. The political leadership of the government should create a specific and special agency to carry forward the process of arrest and prosecution. This is one lesson that could be taken from prosecutions of rioters by Gujarat government. This is the necessary first step to dispel the fears among the violence affected. The diligent arrests, prosecution and punishing of the accused, posting of police forces temporarily in the villages and formation of peace committees are some of the immediate steps to rebuild the communal harmony between the Jats and Muslims.

2. FORMATION OF PEACE COMMITTEES

The government and civil society combined should constitute an Inter-Communal Committee to start the negotiations between the Jats and Muslim leaders and prepare ground for return of the victims of violence. Ultimately the living together of multiple communities in the villages is the

only sources of peace and security for minorities and not their polarization. At present, the ability of the majority community to accommodate the interests of minorities is left to the communal forces, which is morally wrong on the part of majority community. There are plenty of secular forces within the majority community to safeguard the interests of minorities. Either they are silent or their voice of sanity is lost in the cacophony of communal forces. If the government does not take initiative to create this, it will be understood to have contributed to the process of polarization and catalyzed the attempts of Jats and communal forces to chase the Muslims out of the villages. If the government does not want to carry the blame, it needs to bring the communal harmony between the communities

3. NUCLEAR FAMILY AS THE STANDARD FOR COMPENSATION

In granting the compensation to the victims, the government seems to have taken the nuclear family as the unit. When a large number of the displaced population belongs to the Muslim community, it is only justified to take their standard of what constitutes a family as unit for calculating the compensation. This has to be the rule, unless government openly declares that non-Muslim unit of family is the basis for standards of governance. While in every aspect of governance, the peculiarities of communities are taken into account while designing the welfare measures, why not in this case, when political violence is inflicted on a particular community? The fear of Hindu backlash should not deter the government from granting the victims of violence what constitutes minimum response. The impact of the violence is going to last for a long time to come.

4. RECOGNIZE THE FEAR OF THREAT OF VIOLENCE

The fear of violence is as real as the actual violence. The threat of violence is recognized by the law as a punishable offense. Nobody lives in subhuman conditions and die waiting for relief, which is not in any case forthcoming from the government. The government needs to recognize this, irrespective of the consequences of such recognition.

After recognizing the fact that threat of violence actually displaced a large number of people, the limitations of constraints on resources can be debated. In fact the civil society responded generously to support the victims of violence. In addition to governmental resources, the support from civil society would have been sufficient to rehabilitate the people. But that did not happen. The government should rise up to the occasion and recognize all the camps, irrespective of their status as victims of actual violence or threat of violence and take up the responsibility of

providing for their survival immediately. Rehabilitation efforts can be taken up later. This is necessary to prevent more deaths in the camps.



DESTROYED MUSLIM HOUSE IN COMMUNAL ATTACK IN PHUGANA VILLAGE, MUZAFFARNAGAR

5. GOVERNMENT SHOULD TAKE THE RESPONSIBILITY OF CARE OF VICTIMS OF VIOLENCE

It is the moral and legal responsibility of the government to take charge of these camps and run them as per legal requirements. All the welfare measures such as ration, schools, midday meal, etc as were available to the Muslim population in their villages must be extended to the camps.. The political agenda of the ruling party should not take precedence over the civilized governance. These camps need to be freed from political forces that are working there with an eye to the forthcoming elections.