

## A human tragedy unfolds, as the State watches

### *In the relief camps of Muzaffarnagar and Shamli Districts*

A Preliminary Citizens' Report

September 20, 2013

**A. On September 17-18, 2013, an 11 member team consisting of both independent activists as well as activists affiliated with 5 organizations based in Lucknow, Chitrakoot, Muzaffarnagar and Delhi visited relief camps in two affected districts of Muzaffarnagar (3 Relief Camps - Madrasa camp at Bassi Kalan, Madrasa camp at Tawli and camp at Haji Aala's house, Shahpur) and Shamli (3 Relief Camps - Madrasa camp on Panipat Road in Kairana, Malakpur camp in Kairana, and the Idgah camp in Kandhla). In Shamli District the team also met with senior members of the district administration – the District Magistrate and the Superintendent of Police.**

**B. This was not conceived of as a fact-finding visit, but was a recce visit to determine the human needs on the ground in the relief camps, and to see how we might plan to help survivors in initiating procedures towards criminal justice (lodging of FIRs and complaints), accessing compensation for death, injury, destruction of property, planning rehabilitation, and also to confirm unverified news reports of sexual violence against women.**

**C. Though not planned as a fact-finding, what we found on the ground has shaken us, and is so dismal that we feel compelled to put down some of our main observations and circulate them, to add incrementally to the body of knowledge about what is happening, so that many more of us can build on it, and plan help and interventions. The day we visited (September 17, 2013), the Delhi-based Centre for Policy Analysis had released a fact-finding report on the violence, and we fully endorse their recommendations, while adding several additional recommendations to theirs.**

**D. The team gathered many painful testimonies from survivors and we will circulate these in due course. For the moment, our main observations and recommendations are:**



1. Tragedy with no clear numbers: The situation on the ground is a human tragedy of enormous proportions. There are simply thousands of terrified, trembling, desperate people sitting in relief camps, with the bare minimum of facilities. Men and women weep openly as they speak to us. Not a single member of our team did not weep with them for what they have lost, and what they are going through. We believe the 'official' numbers of those dead and internally displaced (IDPs) are a gross underestimation. The IDPs are many more than are visible in the listed relief camps. People have sought shelter in many places – in the visible camps, in the less visible camps

(private homes and small madrasas), in homes of relatives and friends. Numbers of missing persons are neither being recorded by camp committees nor acknowledged by the administration.

2. Largely poor among the displaced: A vast majority of those we met were poor Muslims belonging, among others, to teli, lohar, julahe, faqir, jogi and lilgar castes. We also met some who said they were dhobi and ansari. A few families we met were a trifle more well-off – owning a thresher machine or owning 10-20 buffaloes. Some families worked on brick kilns and as agricultural labour. But, we also heard of some prosperous families, who were seeking refuge in private homes.



3. State abdication: We heard reports of a few ‘good’ police officers who had helped rescue people from villages, but who have since been transferred. Apart from a few such accounts, the overwhelming cry from the camps is that the State administration, which abdicated responsibility for security and protecting people, has equally abdicated responsibility for relief. And it is now fully poised to abdicate responsibility for the subsequent rehabilitation of thousands of internally displaced persons, whose fate is uncertain.



4. Citizen’s Relief Camps: All the camps we visited have been set up and are being run by Muslim community members and local leaders, in madrasas, in Idgahs, in people’s homes and on open land. They are pooling in resources and trying to ensure that basic needs of clothes, food and medicines are met. The State authorities appear to take this fact for granted – as if this is how it is meant to be in communal violence situations – that caring and pained citizens take on the job that is firmly the constitutional duty of the State, with its vast administrative machinery and resources. It is shameful that the bar of citizens’ expectations of State authorities is so low, that the assessment of the State’s response begins with – what support they

are providing to these *citizen-run* camps. And any minimal State support to the camps is pro forma, reluctant, lacking in will, with no evidence of actively seeking to help, heal, or respond to real needs. In several camps, organizers said they had turned down offers of rice and grain from the administration saying ‘we do not

want charity, we want justice.’ In some camps, the team heard that on the first two days of violence (8th and 9th September) some rice, flour and spices – of poor quality - were made available but nothing had come since then.

5. No lists of missing persons: In camp after camp, survivors speak of missing persons. Mothers give tortured testimonies of having to leave behind children while fleeing their villages, for they say they could not run carrying all children, and they now wonder if the child left behind is dead or simply lost in the melee. One woman has lost her husband and children. One woman has three children



with her, but has lost her husband and three other children. A young girl speaks of hearing her sister’s screams as she was killed but no body was found. Families have lost aunts, uncles, nieces, nephews, parents, children, spouses, neighbours, and friends. One man, with trauma in his eyes, pulls out a salwar, fully caked with dry blood, from a plastic bag he carries around – and says, ‘yeh hua hamare saath.’ But he is unable to speak more. Testimony after testimony of missing persons, whose bodies have never been found, and with whom there is no contact. Are they dead or alive in other camps? The State authorities have not even considered preparing village-wise lists of missing persons, to seek to reunite families, if members are still alive. Indeed, State officials looked at us as if this was the first time they were hearing of the idea. ‘No, no one is missing in this district’, they declared to us in Shamli District. Even a humane, let alone a responsible administrative response, was not forthcoming.

6. The ‘missing’ or the ‘dead’: We heard reports of bodies being buried without panchnamas or post-mortems. We could not verify these reports. But it was officially confirmed that some bodies had been burnt beyond recognition and could not be identified. When asked if the government had decided on any procedure or time frame within which the family of a ‘missing person’ would be entitled to any compensation, the answer was simply, ‘No, not without a post-mortem.’ This was followed again by the oft repeated - ‘everyone is accounted for. There are no missing persons.’

7. No assistance to help survivors pursue justice: District administration told us that they have passed orders permitting survivors to file FIRs in the thana nearest to their relief camp, which will then be transferred to the appropriate thana with jurisdiction over the area of the incident. Yet, we found a discrepancy between what the camp organizers claim are the number of FIRs they have lodged in relevant thanas and the administration’s official record of FIRs. In some camps we procured copies of the FIRs, in others we could not. We believe in many camps



there is a huge need for lawyers to assist survivors at this crucial stage, including in recording statements, and for district legal aid authorities to come forward.

8. No state assistance to help survivors' access compensation: Apart from the compensation amount announced for kin of those declared dead, there is complete unwillingness to help survivors access any compensation for loss of movable and immovable properties. All we were told by authorities is that they would help rebuild burnt houses. But what about those who cannot return? There is no answer. There are no publically available principles for assessment of compensation. When asked about what survivors should do for loss of valuables, goods, cattle, machines, we were told – ‘they can file FIRs for loot and theft, but how can the State give compensation because we do not know if what they claim is true.’ Some camps had organised police security to enable survivors to visit villages to assess damage or look for missing persons, but the survivors told us they had been pelted with stones and chased away, despite police presence. Police and administration denied this. There was a palpable sense of apathy in the attitude of the administration towards the destruction of livelihoods of Muslims, though the evidence shows substantial losses to this community.

9. Unsanitary conditions and health needs: In some camps, we did find that government doctors are visiting regularly. However, there are no lists of women, small children, new born babies, women who've given births in camps, or women who are about to deliver. Women who had been running and hiding for days before arriving at camps were both physically and emotionally traumatised - some of these were very young girls. Women are giving



birth in dismal and unsanitary conditions and there is risk of infection. Pregnant women are due to deliver and there are no adequate arrangements. In Shamli District, we were told by the district administration that Shamli has no district hospital and they only have two government lady doctors, and ‘we are not sure if they are gynecologists, so what can we do?’ The urgency to organize medical intervention, and at least ensure the

presence of para-medics, did not seem important to the administration at all.

10. No rehabilitation plan: In one camp we heard of some people having returned to 4 villages. But this was it. In every other camp, the question – do you want to go back? was met with both fear and fury. ‘How dare you suggest that? How can we? Never? I will rot here, but I can't go back’. Yet, this is all the State appears to have in mind. There is no sign of any acknowledgement that large numbers of

people may be permanently displaced, or that rehabilitation is a State duty. In Shamli District, the administration's biggest concern appears to be that one sprawling relief camp in Malakpur village (just people living under plastic sheets on rickety poles in the hot sun) has been set up on land belonging to the forest department, and alleging that survivors and



the relief camp committee want to do permanent 'qabza' (encroachment) on this land. The district administration appears determined to remove the camp. When the district administration was asked if the State could relocate the camp, we were told people would simply have to go back to their villages. There was no appreciation or empathy for the fear and resistance of most IDPs to being 'forcibly' sent back; there was instead a bureaucratic insistence that 'things were normalizing'.

11. Testimonies of Sexual violence: The team heard accounts of sexual assault on women of varying degrees of brutality – from tearing clothes to rape and gang rape. We gathered first-person testimonies from two young women who spoke with great difficulty and trauma about gang rape being committed on them. Several girls spoke of their clothes being torn off. These were difficult testimonies to elicit, for the women were frightened and spoke about 'their honour' and 'family honour' and, at this stage, no one we met wants to go public or pursue a legal criminal case of sexual violence. We heard reports that many families had sent young girls who were assaulted away to relatives' homes. They did not want them to be in the camp, or for the stories to spread. There is an urgent need for women's rights activists to spend time in these camps and help create an environment of trust and security in which women may be able to speak freely and seek help, justice and restitution.

#### RECOMMENDATIONS:

- Immediate arrests of those named in existing FIRs
- Help to survivors in pursuing legal justice, police desks in camps, lawyers on the ground in camps, medical check-ups, medico-legal intervention for sexual assault.
- State security for people to visit their villages to assess damage, and a long-term plan of providing safety and security for survivors who want to go back to their villages
- Immediate tracking of missing persons – village-wise lists to be circulated in all camps. A committee to be set up for tracking of missing persons.
- Time-bound process to declare those missing as dead, and also facilitation of compensation for next of kin.
- Specific and focused assessment of the needs of women in the camps (health, maternity needs, trauma counseling). Special provisions for single women and widows left without any earning family member.

- Stationing of women doctors, gynaecologists, counselors and trained para-medical staff at campsites. Provision of facilities for childbirth and postnatal care.
- Humanitarian aid agencies to immediately step in for medical assistance, sanitation, drinking water, shelter in the relief camps, and assistance in subsequent rehabilitation.
- Women's teams to visit camps to support women survivors and assess the nature and extent of sexual assault and women's needs going forward.
  
- An immediate R&R commission to be set up by the State government, headed by a sitting High Court Judge, to oversee a comprehensive reparation plan for all the affected districts, including Muzaffarnagar, Shamli, Baghpat, Saharanpur, Meerut. Such a reparation plan to include standards and procedures for immediate relief, compensation, and location of missing persons; clear principles and definitions for assessment of injury (with sexual assault enlisted as a specific category for injury), damage to homes, movable and immovable properties, and assistance in camps to access compensation for all such injuries and losses; the reparation plan to include assessment of IDPs' current situation and propose and oversee long-term rehabilitation and restitution in accordance with wishes of affected persons.
  
- Immediate tabling in Parliament and passage of the Communal Violence Bill, making dereliction of duty by public officials a punishable offence and making it the State's legal duty to make comprehensive reparation (including relief, compensation, rehabilitation and restitution) to all victims and survivors of communal violence.

Date: September 20, 2013.

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