

Survivors of Mass Communal Violence in Muzaffarnagar

Profiles of loss, dispossession, and recovery

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1. Introduction

In September 2013, as the country was getting ready for General Elections scheduled for the following April, large-scale communal violence engulfed Muzaffarnagar and Shamli districts of western Uttar Pradesh. A BBC report described the violence as ‘the worst in India in a decade.’¹ By the time the violence had abated later that month, 52 persons lay dead, over 60 had been grievously injured, and scores of houses, destroyed in fires, across 14 villages in the two districts. This was the official count—many instances of deaths, injuries, sexual violence, and destruction of property remain uncounted to this day. The violence mostly targeted Western UP’s Muslims, especially the ones from poorer backgrounds. Additionally, the violence affected 74 villages in Muzaffarnagar and Shamli, and surrounding districts, as Muslim families here, especially where they were in minority, fled fearing violence, in the tens of thousands, resulting in one of the largest violence-induced displacements in the country in recent years. Estimates vary but a figure of 50,000, at its peak, has been widely accepted.²

This paper tries to understand, from the perspective of violence survivors, the dynamics of bias-motivated violence towards minorities, and more specifically the loss that violence survivors suffer. Of course, immediate loss on account of death and destruction is just the start. Loss induced by displacement, of dislocation from homes; the resultant anomie and breakdown of family and of social ties; the impermanence and uncertainties stretching for months in relief camps, in many cases years on end, of a life in limbo; the loss of livelihood and education; and the particular losses suffered by women and girls that follow in the wake of episodes of mass communal violence, is an untold story.

We are but poor. What did we do that they (the perpetrators) snatched our homes and our livelihood? They made us homeless, and forced terror and displacement on our children. All this is a big conspiracy. Why did they come after us? Why did they destroy our lives?

(An old man, name unknown, Ailum Village, Muzaffarnagar, 6 March 2014)

* A much shorter version of this paper has appeared in MRG’s State of the World’s Minorities Indigenous Peoples’ Report, 2014. (See: Sajjad, (2014), ‘Understanding the Dynamic of Communal Riots against Muslims in Muzaffarnagar and Shamli districts, Uttar Pradesh, India’, in *State of the World’s Minorities and Indigenous Peoples Report, 2014*. London: Minority Rights Group International, pp.121–24.)

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For long since Independence, Muslims in India have been the target of right-wing Hindu mobilisation, resulting in their frequently suffering physical violence. Called ‘communal riots’ in India, such violence is increasingly taking the form of organised pogroms by those aligned to right-wing Hindu organisations, including political parties such as Bharatiya Janata Party (BJP) that use violence instrumentally, both to consolidate Hindu support behind them, and counter Muslim mobility.³ In the final analysis however, it is the state that must guarantee its citizens the basic rights of security, justice and opportunities. These underlie the notions of citizenship that are inscribed in the Constitution. ‘Communal violence’, the losses suffered by minorities; and the absence of much accountability of state actors, failing in their duties to provide security and justice, are failures of the state.

This paper tries to describe then, using the specific case of the Muzaffarnagar mass violence, how victim communities are denied that citizenship—equal treatment in terms of protection from violence, besides access to legal justice, and reparation and resettlement. This is situated within the larger discussion of the dilemma: how are certain communities repeatedly and variously subject to violence and atrocious crimes and what can they do about it? Lastly, the paper attempts to highlight ways out of the trap by providing examples of how particular survivor communities are coping. These include attempts at rights-based grassroots collective action for justice.

The study is based on participatory research conducted over the course of over a year from January 2014 to the present, as part of the ongoing work of Muzaffarnagar Adhikaar Jan Manch (Muzaffarnagar Rights Forum - MAJMA), a civil society collective for survivor rights that the author helped set up and led in Muzaffarnagar and Shamli districts.⁴ The research prioritised, as key respondents, poorer sections among victims in the relief camps, resettlement sites and villages in the two districts, although there was some interaction with the rest of society, including the dominant Jats,

to better understand violence dynamics. Methods used were participant observation, unstructured interviews, group discussions, and some desk research. The relief camps covered included those in Rotan, Mansura and Bibipur Hatia in Shamli district; and Bassi Kalan, Sanjhak, Joala and Loi, in Muzaffarnagar district. The villages included Kiwana, Ailum, Simbhalka, and Nalla in Shamli district, and Kharar and Kheda Mastan in Muzaffarnagar. In each camp, we conducted at least one group discussion with the victims. This happened more in the villages and discussions were held with different sections—Jats as well as separately with women. The research team itself was large (too many to name here), with student interns as well as young professionals, drawn from different social and religious backgrounds.

The paper is organised as under: we start, in Section 2, with an account of the violent events in Muzaffarnagar, their drivers, and the immediate sparks that triggered the violence. This is followed (in Section 3) with an account of the nature of violence, especially the displacement caused by it. In Section 4, we touch upon the impact of the violence on survivors and the various forms of losses suffered. The next section (5) deals specifically with how victims have been denied legal rights, an urgent issue needing rectification. Section 6 briefly addresses the question of civil society’s response to the violence, concluding with a short exposition of the MAJMA collective and its work. Before we get to Section 8 on Conclusion and Recommendations, in Section 7, we try to situate Muzaffarnagar within the wider context of the poor record of the Indian State to provide justice and hold its agents accountable in the many cases of massacres since Independence.

2.1 Muzaffarnagar and Shamli districts are part of the agriculturally rich western UP region that benefited from the Green Revolution of the 1970s and 1980s, with landowning middle-caste Hindu Jat farmers being the main beneficiaries of the large productivity gains in farming. Prosperity and favorable public policies have

helped Jats in public employment too, resulting in Jat control over much of the bureaucracy and police in the region.⁵ Our research revealed how the twin political formations of Rashtriya Lok Dal (RLD) and Bharatiya Kisan Union (BKU) that wholly monopolises the political space in the region, successfully protected and promoted Jat interests, while also providing some space for better off non-Jats, including Muslims.⁶ The region was, quite uncharacteristically, bereft of communal violence so common in Uttar Pradesh due to the influence of this elite platform. It was rather the poorer sections, both Hindus (including Dalits) and Muslims, who were the object of the elite's exploitation. The anti-Muslim violence of September 2014 therefore came as a surprise. 'A hundred years of mutual bonds were shattered in five days! In that time, friends and neighbours turned enemies.' (Neeshoo, 32, male, Sanjhak relief camp, Muzaffarnagar district, 30 January 2014)

Our respondents, among victims as well as other social groups including Jats, spoke of how BJP's bid to power at the Centre in the upcoming elections to the national parliament in April–May 2014 was behind much of this sudden explosion of anti-Muslim violence. One explained:

BJP's bid for power rests a great deal on good performance in UP (accounting for 80 of the total 545 seats in Parliament). 14 of these come from the western UP region, the Jat stronghold, including Muzaffarnagar and Shamli districts. Canvassing Jat votes, by breaking up the monopoly of RLD, and consolidating Hindu votes behind it, has been for BJP, the strategy of choice, regardless of its social costs.

(A local Muslim businessman, male, 53, Muzaffarnagar, 29 January 2014)

Pointing to how the violence was politically motivated is the response of a local Jat notable, when asked how the divide between communities could be bridged:

Just wait for two months, let the elections get over, things will get back to normal.

BJP wants to sweep up Hindu votes as does (the ruling) Samajwadi Party (SP), which wants all Muslims behind it. This is a deal between the two parties.

(Udaivir Singh, 56, Chairman, Ailum Municipal Council, 6 March 2014)

2.2 Journalistic and scholarly writings have shown that in this political game, BJP was using its tried and tested strategy of communal polarisation and violence (by Jat Hindus on Muslims) as the vehicle.⁷ But that begs the questions: why this particular region? This, as it turned out, was because divisive ideology found ready grounds in the local context, primarily rooted in the Jat grouse against recent trends of lower-class mobility among Muslims.

This is how a local Muslim activist explains the situation:

Muslims, along with Dalits, are the underclass in these villages, mostly semi-bonded helps and farm hands in Jat households, or brick kiln and other daily wage workers, all landless. Recently, a new breed of Muslims is emerging due to the political patronage of the ruling Samajwadi Party (SP) that relies on Muslims, among others, for votes. Many elected offices in the two districts have recently gone to Muslims. They are not dependent on Jats, in a patron-client relationship, as they were in the past.

(Akram Akhtar, male, 27, Shamli, 4 March 2014)

Muslims are also doing better in trade and commerce, as artisans, petty traders, and itinerant cloth hawkers (*pheriwallahs*). These changes in the political and economic spheres threaten Jat control, eroding the latter's hold over traditional authority, already undermined by Dalit assertion and are thus deeply resented.

They (Jat) do not want to see us do well. They want us to remain subservient to them. They are resentful of Muslims who are doing well or of the new leaders among Muslims, who do not toe the Jat line.

(Muslim Elder, name withheld, 63, Kharar Village, 15 March 2014)

We found resonance in this acknowledgment of loss of authority among the Jat community too. A Jat teacher from Kheda Mastan village confided candidly:

Jats controlled local institutions in the past. People came to us for resolving disputes, and for other help. Now people go rather to the new leaders, for getting the benefits of public schemes and help with police and the bureaucracy. These new SP leaders do not recognise our authority. In the past during election time, we were able to control voting outcomes through 'booth capturing'. Now everyone is free to vote who they decide.

(Jat teacher, name withheld, male, 50, Kheda Mastan village, 15 March 2014)

The violence then, was a case of a political idea (of BJP polarising Hindu and Muslim votes) finding local resonance in Jat grievance around the erosion of their traditional hold over society.⁸ Poor Muslims, especially in minority rural pockets, were easy targets.

2.3 The trigger for the violence itself was provided by a scuffle between young men that resulted in the death of a Muslim boy and two Hindu Jats. BJP, with other Hindu right parties, quickly lent the incident communal colour, claiming that Jat pride had been hurt because Muslims boys were luring Jat girls into marriage. In an environment of deep misogynistic patriarchy, this sense of offence to Jat honour helped BJP whip up adverse sentiments, mobilising Jats to teach the 'upstart' Muslims a lesson through targeted violence.⁹ As an old man at Sanjhak relief camp put it:

'they used lies and untruth, all, to whip up Hindu sentiments against Muslims.'

(Mohammad Yusuf, 67 years, Sanjhak, 30 January 2014)

A victim at the same camp, from the village of Qutba, the site of large-scale violence and arson, laments how hate speeches, recruiting the services of traditional Jat leadership (*khap panchayats* or traditional courts), and print media and IT-based social media particularly (through SMS and fabricated MMS) to spread hate messages were mobilized to devastating effect.¹⁰ Local BJP leaders openly incited violence.¹¹

The fact that Jats dominate frontline positions in the police and bureaucracy helped the hate-mongers have a free run of the streets going on an unrestrained rampage. As a victim at another relief camp said:

Administration's and Police's attitude towards us has not been helpful. They did not provide us security when we needed it. And now all question our loss and suffering. No one shows us any sensitivity. We have been given little relief or support. Rather the government have tried to drive us out of relief camps on one pretext or another.

(name withheld, male, Rotan relief camp, Shamli, 27 January 2014)

3. Violence and Dislocation—The Calamity!

3.1 Official records recognise only nine villages as violence-hit, where much of the killings, burning, destruction of property, and other forms of crime against minorities took place. Minor incidents, burning and looting as well as attacks also took place, according to official records, in another five villages. But the violence and the environment of fear that

was created affected a total of 74 villages not only in Muzaffarnagar and Shamli, but also in the adjoining districts of Baghpat, Meerut and Karnal.

A unique aspect of the violence was its rural character, and its disproportionate impact on the largely poor and weaker sections among the Muslim community. Although better off, landowning Muslims too were not spared.

'Most of the rioting happened in villages dominated by Jats, with only a small Muslim presence. Victims are almost all poor families - farm hands, labourers, and local artisans.' (Group discussion with victims, at MBF brick kiln, Kiwana village, Shamli, 5 March 2014)

The landowning Jat community among Muslims in Muzaffarnagar, the Mulay Jats, mostly found in Kharar village, have suffered considerably less than the other Muslims: they were displaced, but were not the victims of any major attacks. The Mulay Jats attribute this to the fact they are socially powerful with means and resources unlike the hapless poor Muslims.

3.2 The violence led to large-scale displacement. According to official sources, in the first waves, during and immediately after the incident, some 1,700 families from nine villages that saw large-scale rioting, escaped to safer locations. There was also an exodus of Muslims from nearby villages, prompted by the fear of escalating violence. At its peak, official estimates of the displaced were at 50,000, mostly those who were now in relief camps in the two districts.¹² By February 2014, this figure remained at an estimated 24,000.¹³ Many families, especially extended ones, were torn apart.

Life in the camps was, and continues for those still there, to be insecure, with the state government providing little relief, rather actively seeking to shut down the camps. When asked what victims sought the most, a survivor answered:

We don't like to live on charity, and are happy to live by our own labour. But without a home of our own, all that is not possible. We worry every day, if we will still have our tents and camp, or we will be forced out on the streets. But we do not want

Table 1: Numbers of displaced

S. No.	District	Open Camps	Families	Those on rent/ relatives	Families
1	Shamli	20	1785	10	539
2	Muzaffarnagar	6	785	11	580
3	Baghpat	-	-	3 ¹⁵	115
TOTAL		26	2570	24	1234

Source: Afkar India, for MAJMA (March 2014)

Table 2: Survey of the displaced (March 2015)

Persons in district	Relief Camps	Resettlement Colonies
Shamli	2329	6410
Muzaffarnagar	1996	2200
Total	4325	8610

Source: Afkar India, for MAJMA (March 2015)

Box 1: Mapping Displacement in Stages

Stage I: Immediately, on onset of violence, from village to:

- Relatives, in safer areas, mostly urban
- Community-organised shelters, families/madrasas/Idgah (for security)

Stage II: From first few days to few weeks of the violence:

- Movement/exchange of families across sites (in search of long-term habitation)
- Movement to relief camps—set up OR recognised by State (where relief is available)

Stage III: From few weeks to few months, when the dust has settled

- Those who can, return to their villages
- Those who can't (from directly affected villages; complainants in cases; fear)
 - move to rented accommodation, locally; those who receive compensation buy plots and start to build.
 - Others move further afield (cities/other), in search of work and a life.
 - The poorest continue living in makeshift camps.

Stage IV: Few months to beyond

- Those with means (own or compensation) move to resettlement colonies.
- Those who don't, carry on in camps or move on to join the ranks of the homeless.

to go back to our villages as we do not know what awaits us there.

(Anwar, male, 43, Rotan relief camp,
27 January 2014)

Seven months after the violence, an overwhelming majority of poor labouring families remain displaced, living either in makeshift camps in deplorable conditions (many children died during the cold months¹⁴) or in houses of relatives in nearby urban centres. A survey conducted by MAJMA in March 2014 recorded 3,804 displaced families making up about 15,000 persons.

An earlier survey by MAJMA, of families who had returned to six villages partially affected by the

violence, found victims to be further marginalised with regard to access to entitlements, services and livelihood opportunities, and living in constant fear. A more recent MAJMA survey in March 2015, to track down the displaced in relief camps and rehabilitation colonies, found a total of 13,000 displaced still, spread over Muzaffarnagar and Shamli districts (Table 2). Those in relief camps do not even find mention in official sources.

This does not include those who have moved on, out of the theatre of violence and joined the ranks of the homeless or of migrants in nearby urban centres of Delhi, Ghaziabad, etc. Of them, there are no records.

4. The multiple dimensions of victims' loss

4.1 Violence against women and girls

Sexual violence, including rape and molestation, has been widely reported.

Inflammatory speeches and frenzied slogans of 'bahu bachao, beti bachao' and 'beti bahu ki izzat bachao' were used to mobilise men of the dominant castes by convincing them that 'their women' were in imminent danger. The notion of protecting community honour was invoked to justify a direct call for targeted violence against minority women. A wave of sexual violence was unleashed against women immediately after the Mahapanchayat held on 7 September 2013. Women and girls were chased down as they tried to flee the mobs, and subjected to rape and gang rape. Young girls were singled out for particularly humiliating and degrading forms of violence.¹⁶

According to a delegation of the AMU Lawyers Forum, as many as 27 victims confirmed instances of rapes but only seven were ever reported.¹⁷

Our discussions with women victims in Kharar and Kheda Mastan villages in Muzaffarnagar and Shamli districts respectively, revealed how violence has had other marginalising effects on women; the continuing fear has led to women's movement outside their homes being severely restricted.

We had to flee our homes at night to safeguard the honour of our daughters and daughters-in-law. After all the honour of our daughters is more precious than our lives. All adult men are outside the village, only adult girls at home. Their protection is our prime concern.

(Muslim woman, 45, Kharar village.
15 March 2014)

Fear and insecurity affected schooling, with large incidence of drop-out cases in senior

classes, as well as access to employment among other things. Concerns about 'family honour' and fear of further violence resulted in a large number of under-age girls among survivor families, especially those in relief camps, being married off, ironically with the state government fuelling the push by subsidising weddings with cash incentives. According to one estimate, 398 marriages were solemnised in this way.¹⁸ These, the report notes, have tended to end up later in largescale separations. The specific gender aspect of the loss must be seen in the context of the overall adverse gender prospects in the region—the skewed sex ratio of 889 females to 1000 males (against State ratio of 912 females), and child sex ratio of 863 girls to 1000 boys (against all India ratio of 914 girls) as per 2011 Census.

4.2 Children and education

Education is another area, where the impact has been severe.

Initially, in camps there were no teachers, and children just spent time playing. Later an NGO started a make-shift school in the camp, hiring a local instructor. A madrasa has also been running, for sometime. But how can this make up for the months of lost schooling?

(Nawab Pradhan, Muslim, 62 years, Mansura camp, 28 January 2014)

There was large-scale exclusion of Children from education—many joined the ranks of child labour, helping their families in brick kilns or in other odd jobs in towns. There were no schools in camps, and it has been difficult to link the camps to nearby schools for a variety of reasons, the most important being the indifference of the local education affairs bureaucracy to the children in these camps and their inability to continue education there. Indeed, most displaced children in higher classes were unable to

sit for their classes IX and X examinations, and only strong pressure by MAJMA constituents and other civil society groups prompted school and college administrations to integrate them. Girls have been specially excluded, poor perceptions of security being a chief factor in parents' eyes.

For those who have been able to return, this has not meant guaranteed resumption of pre-violence schooling. The head teacher of the boys' middle school in Simbhalka village informed us of how out of the 11 Muslim students (out of 40 in all) before the outbreak of violence, only two have returned to school since. Factors like the months-long gap in schooling due to displacement, loss of books and uniform which were destroyed in the violence, and insecurity and uncertainty weighing heavy on victim families have meant that schooling has been severely compromised. The drop-out rate is highest among girls.

4.3 Livelihoods

Victims informed us about how their livelihoods have been affected severely. As a victim from Kheda Mastan village said:

We came back to our village because life in the camps was desperate. But here we face the same problem of absence of employment. We were dependent on Jat patronage for much of our livelihood, as farm hands, ironsmiths, barbers and the like. We also feel insecure going into many Jat villages in the affected areas. All this affects our trade. We are now forced to sell off our belongings at throwaway prices to make ends meet.

(Kheda Mastan group meeting, 14 March 2014)

Another victim told us:

'We cannot leave our children alone and go out in search of work further afield. This has reduced our livelihood choices.' (Kiwana village brick kiln meeting, 5 March 2014)

Kiwana has seen a large number of victims joining large gangs of labourers at the brick kilns in the village. This is not the work of choice for most, given the exploitative conditions and the need to press entire families into work. However, public wage employment schemes do not work, particularly for Muslims, thus offering no escape from the trap. In Kheda Mastan village, Muslim residents claimed not to know anything about NREGS—the flagship national wage employment scheme—showing how little public programmes work for them.

Overall, the violence and breakdown, and dislocation in survivors' lives has resulted in their pauperisation: those who were mobile shop owners, cloth merchants, artisans and other artisanal classes were reduced to taking up unskilled work, in agricultural fields, brick kilns and the odd daily wage to make ends meet. For women who were engaged in agricultural work or home based activities (sewing/tailoring) before the violence, even these options have been closed due to security and dignity concerns.¹⁹ Furthermore, there is a poor social safety net to compensate for this loss of livelihood. There is weak uptake of NREGA among women (due to reasons ranging from low wages, patriarchy, poor awareness, and a broken NREGA administration) and the situation is not much better among men as well.

4.4 Inter-community relations

Finally, the violence has left a permanent divide between communities. Given the largely rural context, pre-violence relations between 'victims' and 'perpetrators' were intimate. Violence, in such a situation, has left a deep imprint on people's psyche. Trust has been destroyed.

'We have been betrayed. We have lost faith in the Jats. Those whom we considered our own, our neighbours, attacked us. How can we forget that?' (Muslim victim, name unknown, Bassi Kalan relief camp, 29 January 2014)

Box 2: Profiles of the displaced

	In Resettlement Colonies	In Relief Camps	Returned to village
Profile	From villages violently affected; mostly those who received relocation compensation, and other support also from non-government agencies. Bought plots and built houses. Many complainants in cases. Not returning to villages.	From different districts, including outside MN-Shamli. The poorest victims, mostly not from directly affected villages. Little property, security or trust to return to.	Mostly those from villages not directly affected; had property to go back to. Many still keep part of family in safer urban locations.
Housing	Bought plots and built houses in their own names, mostly resettlement colonies close to Muslim majority areas.	In make-do tents/ jhuggis, in open space; constant threat of eviction. The homeless!	Back to own houses, but a slow migration out to 'safer' places/distress sale.
Public infrastructure/ services	Poor infrastructure—water, electricity, etc. Most colonies not linked to GPs and wards for public service purposes.	No roads, electricity, water, toilets. Or services—schools, Anganwadi, PDS.	Same as before, but worsening situation in terms of high drop-out rate of girls due to fear.
Government scheme	Slow process of linking IDPs to schemes and services.	No I-Cards (or acceptance as victims by the state), hence excluded from all schemes.	Returned, but access to schemes is a challenge. The slow process of building this up through mobilisation.
Overall	The camps themselves have turned ghetto-like, with communities segregated, and education and livelihood options, especially for girls, much restricted.		Increasingly, Muslim sections of villages have tended to become ghettoised, with poor interaction and exchange and that much exclusion of Muslims from village-level processes/ institutions.

(Source: Based on Afkar India's survey of survivors, March 2015)

‘The damage has been so high that I am afraid relations will not be better for a long time. Maybe never. Political parties, both BJP and SP, have played politics with us.’ (Devi Singh, Secy., Jat Mahasabha, Simbhalka village, 7 March 2014.

Along with this has come homogenisation of habitations, with Muslims moving into Muslim majority areas and mixed habitation pockets divested of Muslims, resulting in greater polarisation.

‘These riots have shown me how perfectly normal people can become stubborn Hindus and Muslims. The community has been badly polarised. We were not like this. This is not good for society.’ (Muslim businessman, Muzaffarnagar, 29 January 2014)

Box 2 provides a snapshot of the life of survivors (categorised here into three groups, by type of habitation) and their access to services, a year after the devastation.

5. Denial of Rights—Law, State and Mass Communal Violence Victims

International law lays down that states owe victims of gross human rights violations reparation. Reparation includes (a) access to justice in the form of criminal prosecution, and (b) access to truth, and material and non-material restitution.²⁰ How have

victims fared on this? How about access of survivors to their rights?

5.1 Criminal justice

According to available official records, the police filed a total of 566 cases, of which 59 were for murders, six for rape, and the rest for dacoity, arson and other crimes. But for survivors to pursue criminal prosecutions and get justice has been an uphill task, especially given the context of a criminal justice system that is not supportive of legal justice for the poor. The local state being skewed in favour of Jats further hinders post-violence delivery of justice (investigation and prosecution), as well as access to public goods for victims of the violence.

Peace committee has been set up, with Pradhan and other Jat leaders, but with no Muslim members. They held many meetings to discuss how to get us to withdraw cases against Jat youth. They say they will see to it that no untoward incident now happens. But how can we trust them?

(Old man, name unknown, Muslim, 65, Kharar village, 30 March 2014)

Jat domination of frontline positions in the police and bureaucracy also means that the administration is perceived as being biased.²¹

Table 3: Financial assistance to survivors—Number of beneficiaries

	Murder	Grievous Injury	Injury	Relocation
Muzaffarnagar	34	14	27	901
Shamli	16	9	16	768
Other	13	10	-	-
Total	63	33	43	1669

Source: Tabulated by author from Supreme Court judgement, dated 26 March 2014

‘Those responsible for the violence are roaming about freely. The police knows who they are, but is not arresting them. This gives the Jats the opportunity to put pressure on us to withdraw cases.’ (Joala relief camp, 1 February 2014)

The denial of legal rights has taken many forms. FIRs were recorded inaccurately; police action for arresting and apprehending the accused was tardy; investigations have been slow and shoddy; a large number of cases have simply been dropped, without giving any chance to the defendants to question this; and cases against politicians and powerful hate-mongers have not been taken up at all. Cases are only very slowly coming up for hearing before trial courts. As a result, no convictions have been made yet; rather a large number of the accused have been released on bail.

There are multiple reasons for these failures; among them, the fact that perpetrators are rich and powerful members of local society and often act as gatekeepers controlling the return of survivors to their villages, thus able to influence complainants to withdraw cases or weaken them. These sections also have access to caste and other networks enabling them to influence the police and courts in their favour. As for the survivors, criminal justice is not high on their priority list given the poor level of trust in the law, and the victims’ immediate post-violence scramble for life and survival. It is only as a result of the work of human rights activists and civil society groups, strengthened by the intervention of the Supreme Court for victim rights, that there is now pressure on the administration, police and courts to keep up the work of criminal justice for violence victims.

5.2 Compensation

The government has made awards for compensation—for loss of life, limb, property and habitation. These were, compared to the compensation provided to victims of other

episodes of mass violence, reasonably generous. Besides the Rs 15 lakh that was awarded as compensation for murder, Rs 1 lakh was provided to those grievously injured, Rs 20,000 for non-grievous injury and a flat rate of Rs 25,000 for loss of immovable property. Those injured were also granted pension (at Rs 400 per month) under the Rani Laxmi Bai Scheme. The next of kin of the deceased have been given government employment, as per their qualifications. New categories of compensation have emerged, most prominently for the relocation of affected families at Rs 5 lakh each). Further, under orders of the Supreme Court, the state government has also provided Rs 5 lakh to victims in rape cases; and Rs 2 lakh to parents of children who died in relief camps during the winter months. As many as 40 children were reported by media outlets as having died in relief camps.

However, the administration of compensation has been a big problem, with complaints of exclusion of deserving cases being widespread; as well as complaints of widespread corruption in identification and award.

‘District administrations did not devise a clear definition and transparent process to determine the family unit eligible for separate compensation and the process was conducted very differently in the two districts.’²²

Some of these state-led compensatory schemes have also been self-defeating for victims. For instance, for relocation, awarding each family from the nine directly affected villages, a sum of Rs 5 lakh to move to another place is quite evidently not adequate for a family to set up home elsewhere. However, once the victims are awarded this inadequate compensation, the rest of society feels they have little claim to return to the village. There are other problems too with these schemes, especially with regards to their effect on intra-family conflicts, over how the money would be divided, for instance. The award of compensation for supporting survivor families has

faced similar trouble. The money has acted as an incentive for parents to get their daughters married even if the girls are underage. Many of these girls have now been deserted by their husbands, who clearly married for money.²³

5.3 Resettlement

Last, the matter of the displacement of victims, their taking shelter in camps, resettlement colonies or other locations, and their access to basic services and social security schemes—all of it falls under the rubric of citizenship services. The displaced in the refugee camps and later in resettlement colonies have found it difficult to access the most basic of services—individual entitlements, such as voter I-cards, pensions and PDS rations, as well as services such as education for children. This has been on account of procedural bottlenecks in accessing rights, that make access to entitlements contingent upon inclusion of names in village registers or Gram Sabha-approved village lists, and the rigid rules and procedure that exist if families wanted to withhold or change their names. Another hurdle has been the reluctance of both host villages and administrative units (panchayats) to accept the displaced among them, as well as the insensitivity of officials towards victims. It has only been after much sustained effort, by victims' collectives, supported by the advocacy efforts of civil society groups with state and national agencies, that small gains on access to entitlements for victims have been achieved.²⁴

Additionally, displacement-induced influx of refugees, especially in Muslim-dominated pockets of the districts (Kairana, Kandhla, and blocks of Shamli, besides Shamli and Muzaffarnagar towns) has meant additional pressure on urban services already under severe strain in these localities—housing, roads, power, water supply and sanitation. There has been very little serious effort by the government to improve services in these urban

pockets to cope with the significant rise in their populations.

The influx has also resulted in changing the demographic profile of Muslim-dominated areas; these have become large ghettos, with homogenised settlements. Adding to that is an increasing trend of spatial segregation between Muslims and Jats (and other Hindu groups). This ghettoisation has been fuelled partly by the absence of any attempt by the administration to resettle families in original villages. Peace Committees formed after the violence to bring back families were driven, we were informed by survivors, by the urge to evacuate relief camps. The same applies for recent evictions of remaining relief camps in the forest lands in Shamli. There has been no serious effort at settling the displaced people in their original villages despite assurances of security and a sincere attempt by the government at peace-making. Relocation compensation further divides society, giving victims the financial incentive to move away, buy plots of land and settle down in Muslim ghettos (even though the amount is too small for any meaningful 'relocation').

6. Civil Society Response to Survivor Loss—Victimhood to Empowerment

6.1 Whilst it is true that the state has the primary responsibility to respond to mass communal violence, non-governmental organisations, too have responsibilities. How did civil society fare in the case of Muzaffarnagar? Immediately after the violence began, there was much outpouring of civic action, mostly by local community, led by Muslim individuals and religious charities. This was focused on provision of relief—including food, rations, temporary shelter, clothing, medicines—all of which went into filling the gap left by the government, at least in the initial days. Later local action was supplemented by national

Box 3: How Does the State Provide for Mass Violence Survivors?

Right	Summary of provisioning
Security	Poor ability to provide security to minorities. Public officials mostly not held to account. Commissions of enquiry reports not implemented. State-government set up V. Sahay Commission on Muzaffarnagar violence; yet to be tabled in state assembly, and made public.
Relief, Rehabilitation, Resettlement	No national norm for victims of mass violence. Arbitrary across episodes and states. Most of schemes are narrowly defined and limited to 'reparations principle', the international norm on this.
Criminal Justice	'...the criminal justice system consistently fails victims of communal violence.' This includes poor filing of complaints, poor and biased investigation, and weak-kneed prosecution. Widespread impunity of perpetrators and officials.
Rebuild peace and inter-community relations	Little serious effort, by state or others, to rebuild relations, after they have broken down. Mostly organising peace committees that are episodic, and do not keep victims' concerns in focus. Weak efforts, not sustainable in the long term.

Source: Tabulated by author from among others, Chopra & Jha (2014) and media reports.

level organisations, mostly Muslims charities, intervening with further relief, but also services such as housing colonies, and provision of water and sanitation facilities.

Apart from this, there was only limited civil society effort, especially for resettlement and rehabilitation. Missing particularly was the kind of civil society effort one sees in cases of natural calamities, with only a handful of non-denominational development agencies entering the field. Many entered late, and very quickly exited the field. Taken together, civil society response to the communal violence in Muzaffarnagar was a tame affair. And as an observer has noted, the deficiencies of Muslim/community organisations (in terms of religious appeal and poor professional ethics), and the unavailability and unwillingness of 'corporatised' NGOs to network with the former, meant among other things, that a 'broad-based and long-term vision for resettlement of the people could also not be developed'.²⁵

6.2 In this context, the the intervention by a collective of national and local civil society organisations for victim support under the platform of MAJMA acquires significance. MAJMA was established in January 2014, when state and national advocacy bodies, international development agencies, and grassroots activists and community-based organisations of survivors agreed to come together to collectively respond to the calamity and displacement. The driver was the realisation that there had been little concerted effort to engender a civil society response. MAJMA's approach to the work was to empower the survivors—support them in their attempts to cope with the calamity and in their struggles to organise and work for obtaining justice and entitlements whilst re-building inter-community relations. The nub of the MAJMA effort has been the building of the community capacity of survivors. This has been done through the Afkar India Foundation, established as a local facility for mobilisation, capacity-building and advocacy for

victim rights. Afkar's work, supported by MAJMA, has focused on:

- i. Organising survivor groups into collectives, around rights and entitlements—compensation, education, basic services, and legal rights;
- ii. educating and capacity-building survivor groups on laws, services and schemes, and mobilising them to demand the same;
- iii. advocacy with local, state and other actors, governmental and non-governmental, to aid in the process of obtaining rights; and
- iv. fostering cross-group dialogue and understanding, by organising activities to bring the survivor community and the rest of society together—including Jats, but particularly the deprived sections— on common platforms, to enable dialogue and long-term peace.

Afkar has had many successes since its inception, prominent being the ones with regard to compensation, admissions to schools, legal justice, and access to services and schemes. But given the enormity of the challenge, these successes remain modest. The silver lining, however, is that as a result of the mobilisation, everywhere among the survivor community, 'aspiration for equal citizenship (is) being articulated'²⁶ and this in itself is a significant gain.

7. Muzaffarnagar in Wider Perspective

India, and other similar democracies, pose a particular challenge to studying and improving rights of minorities and their protection in the face of violence. They are established democracies, with a set of laws and mechanisms for protecting minority lives and interests. These are also countries that enjoy political stability overall and not the conflict situation which create conditions for mass

violations of minority rights. Yet, discrimination, marginalisation, and indeed violence against minorities persist in here.

State authorities argue that the Indian state is committed to protecting minority rights. But the acid test whether indeed the state is playing its part in this regard is whether those responsible for the violence are prosecuted and the victims are delivered justice. India's record on this front is poor—one commission of enquiry after another looking into cases of violence have documented in great detail the failures of state actors to protect during episodes of violence against minorities. Indeed, these very official enquiries have often found particular state actors themselves having, in some cases, encouraged, and in others, participated in the violence against minorities.²⁷ Yet, as our treatment of the Muzaffarnagar case shows, there have been alarmingly few prosecutions against offenders.

8. Conclusion and Recommendations

Our research with survivors of mass communal violence provided us insights on ways to counter hate-inspired violence and move towards struggles for justice. Some of these are catalogued below, grouped by their desired audience:

8.1 For state actors and agencies

- i. First and foremost is the issue of strengthening the rule of law, ensuring that the accused are prosecuted and justice delivered. Related to this is also the demand for ensuring security of life and property, both in relief camps and villages.

Those responsible for the violence are roaming about freely. The police knows who they are, but is not arresting them. This gives the Jats the opportunity to put pressure on us to withdraw

cases. We must have the assurance of security. Without that how will we survive?

(Muslim member, Joala relief camp,
1 February 2014.)

- ii. Legal action must also include countering the politics of hate and polarisation, through prosecution of those who make hate speeches and action against irresponsible media reporting, both of which played a big role in the violence in Muzaffarnagar.
- iii. Relief, compensation and rehabilitation is an area that needs significant focus in Muzaffarnagar, as well as generally for violence survivors everywhere. The following recommendations are important in this regard:

Need for a national policy on compensation, so that it becomes a right that survivors are entitled to automatically, rather than the system of awarding compensation which is usually an outcome of political negotiations between the government and survivors; and to work towards establishing uniformity among the types and quantum of compensation across states and groups affected.

Survivors of mass violence need to be included in the definition of IDPs (as understood for victims of natural disasters and displacement), so that they are entitled to at least the same rights which individuals affected by disasters and displacement are entitled to, especially in terms of immediate relocation and long-term rehabilitation. Displaced survivors should automatically be able to access all the citizen services (education, ICDS, PDS rations) that they were enjoying in their homes.

- iv. Additionally, in our group meetings with survivors we repeatedly heard villagers urging dialogue across communities.

Peace committees can be helpful, if they are used honestly, to bring the two communities

together. Where village elders have been responsible and tried honestly to resolve issues, peace has been maintained, and miscreants kept at bay.' (Muslim member of municipal council, Ailum village, 6 March 2014.)

Connected to this is the point about expanding common spaces and undoing ghettoisation, by bringing victims back to their villages, providing them with security and creating a sense of inclusion by providing public goods equally to all.

'Everyone has rights. If all get their share of what is due, things will be fine. If on the other hand people are denied their rights, just because they are smaller in number, that is neither just nor good for society. (Muslim elder, 63, Kharar village, 15 March 2014.)

- v. Any systematic fight against violence on minorities must be grounded in efforts to undo discrimination against them in the provision of services (and in society generally) and countering the impunity of officials and service providers who fail to deliver for minorities. This must also include promoting greater minority participation in decision-making processes, at sub-state and local levels.

9. For Civil Society

To this must be added the point about the need, in the long run, to strengthen inclusive political formations—interest groups with cross-cutting membership, workers' organisations and parties—that will act as bulwarks against polarisation, while standing for justice for all. These efforts, aimed at managing and promoting diversity, in society and in the provision of rights, are crucial to inoculate the society against communal polarisation and conflict. A society that cherishes diversity, and where different

groups, faith-based and otherwise, are engaged across boundaries in their struggles for life, opportunities and dignity, is a resilient society. MAJMA's brief work with survivors of violence in Muzaffarnagar and Shamli districts, particularly supporting them with their struggles for justice, entitlements and peace building, has thrown up many learnings about the need for building cross-group solidarities for justice outcomes. It is therefore crucial to build local-level alliances of violence survivors, as well as of other deprived groups (Dalits, backward sections, women, labourers and the like) working together to educate, empower, and mobilise victim (and deprived) communities, on common social justice agendas, and making demands on the state for justice. This is the MAJMA way!

But for pluralistic solidarities to emerge, victims themselves need to be mobilised; they need to acquire the agency for collective action, including forging alliances with pro-poor movements and groups. This requires educating, organising and mobilising 'victims' around rights and citizenship, so that they are able to voice their grievances and make demands on the state. This transition from 'victimhood' to 'empowerment' is the critical necessary condition for rights to be realised, and for inclusive and robust pro-poor alliances to be forged. Rights-based groups and community-based organisations (such as Afkar India Foundation, in this case) can play an important facilitating role in this transition.

Endnotes

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9. Rao, Mohan, Ish Mishra, Pragya Singh, and Vikas Bajpai 2014. 'Fact Finding Report: Independent Inquiry into Muzaffarnagar "Riots"'. *Economic and Political Weekly* vol. XLIX no. 2 January 2014. Available at: <http://www.epw.in/web-exclusives/fact-finding-report-independent-inquiry-muzaffarnagar-%E2%80%9Criots%E2%80%9D.html>
10. Interview with Neeshoo, (32), a male resident of Sanjhak village on 30 January 2014.
11. See Sajjad Hassan, 'BJP legislators Hukum Singh, Sangat Singh Som, Suresh Rana and Kunwar Bharatendu;

- former Congress MP Harendra Malik; Bharatiya Kisan Union leaders Rakesh Tikait and Naresh Tikait accused of making incendiary speeches and inciting violence'. 14 September, 2013. <http://www.countercurrents.org/hussain140913.htm>
12. Supreme Court of India, 2013. Judgement in the Writ Petition (Criminal) No 155 of 2013, Md Haroon and Others vs Union of India and Another. (26 March 2014, p. 37). The state government, in its submission, admitted that at its height, the total figure of the displaced stood at 50,955 (27,198 persons in 41 camps in Muzaffarnagar and 23,757 persons in 17 camps in Shamli district).
 13. Based on information provided to civil society groups in meeting with District Administration, Muzaffarnagar, 10 February 2014. The state government in its submission to the Supreme Court (March 2014) noted that of all the relief camps, only two along with four satellite camps remained operational in Shamli district, housing 2,618 persons in all. Ibid pp. 25
 14. Indian Express, 5 December 2013. 'At least 40 children dead as UP riot relief camps brace for a long winter'. Available at:
<http://archive.indianexpress.com/news/at-least-40-children-dead-as-up-riot-relief-camps-brace-for-a-long-winter/1203511/>
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 19. Separately, Muslim religious organisations, also solemnised 156 marriages on its own, with its own incentives to parties, of Rs. 15,000. (Ibid, pp :21)
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 21. A notable exception is that of the of Officer in Charge of Budhna Police Station, Shailendra Lal, a Jat himself, who, it is claimed saved close to 200 lives in Hasanpur Majra of Lisarh village. It is reported that people from that neighbourhood in Joula camp carried photos of Lal in their pockets, and made it a point to tell people about him when they visited the camp.
 22. Ghazala Jamil, 2014. 'Internally Displaced Muslims of Western Uttar Pradesh'. *Economic & Political Weekly*, 49:51, pp. 10-13.
 23. Oxfam, A Study on the Status of Women Riot Survivors: State & Non-State Efforts towards Response & Rehabilitation.
 24. An example of a success here came in the form of recent orders by the state government to provide basic services to those in resettlement colonies.
 25. Ghazala Jamil, 2014, 'Internally Displaced Muslims of Western Uttar Pradesh', pp. 10
 26. Ibid, pp 12
 27. Notable here are: Tewary Commission (Assam, 1983); RN Mishra Commission and Nanavati Commission; (Delhi 1984); RCP Sinha Commission (Bhagalpur, 1989); and Sri Krishna Commission (Bombay, 1993).