

Report of the National Commission for Minorities' visit to Gujarat, October 13-17, 2006

On August 29, 2006, complaints from social activists were received by the National Commission for Minorities (NCM) on the plight of persons displaced as a result of communal violence in 2002. They pointed out that more than 5,000 Muslim families in Gujarat are staying in makeshift colonies in four districts of Gujarat. In view of the tense situation in their original place of residence, these people are unable to return. In the absence of basic amenities like safe drinking water, drainage, health education, etc, the condition of those living in these colonies is pitiable. They therefore requested the NCM to make a first-hand assessment of the entire issue by visiting the camps and to issue suitable directives to the government on the basis of their findings.

The matter was considered at a formal meeting of the commission held on September 7, 2006. At this meeting, it was decided that a three-member team, consisting of the vice chairman and two members, would visit Gujarat for this purpose over a period of three days (in the case of the vice chairman and member one) and five days (in the case of member two). The team visited a large number of camps. Member two visited 17 colonies in the districts of Panchmahal, Dahod, Sabarkantha and the city of Ahmedabad while the vice chairman and member one visited colonies in Ahmedabad and Sabarkantha. The team had an opportunity to interact with members of civil society, NGOs, groups involved in rehabilitation and with inhabitants of camps as well as those who had suffered as a result of the riots. On the third day the team had a long meeting with officials of the state government led by the chief secretary and finished up with a session with the chief minister of Gujarat. The main findings of the team are summarised below:

Observation, complaints and demands of residents of rehabilitation colonies

1. During its visit to the rehabilitation colonies, the NCM team was accompanied by district collectors in each of the four districts as well as by local government officials concerned with development, including district development officers (DDOs), *taluka* development officers (TDOs), officials of the revenue department, including *talatis* and *mamlatdars*, and by officials of the municipal authorities in *nagar palika* areas and the Ahmedabad Municipal Corporation. The NCM team found that these colonies have come into existence after the violence of 2002. They house

people who, prior to the riots, had lived elsewhere. Several colonies were found to be housing people who are witnesses in major legal cases.

2. The NCM team noted with concern that not a single colony was constructed by the state government, nor was any land allotted by the state government. All the colonies were built on land purchased at commercial rates primarily by a range of Muslim organisations and NGOs, including the Jamiat-ul-Ulema-e-Hind, Islamic Relief Committee, Gujarat Sarvojanik Relief Committee, etc. During the tour of the camps, members observed that residents were denied the most rudimentary civic amenities. They are deprived of potable water, sanitary facilities, street lights, schools and primary health care centres. The poor condition of the approach roads was repeatedly highlighted and the team heard reports of how in the absence of such roads even adolescent boys were drowned in the water that had collected near the village after the monsoon when the roads are submerged under several feet of water. The accumulated garbage, the slush and the puddles of water are a source of debilitating diseases, including some infectious ones.

3. The residents were frustrated by their inability to earn their own livelihood and to support themselves in the manner to which they were accustomed. Before the violence many of these people were small self-employed traders, artisans or industrialists. The violence put an end to their means of livelihood since their old clients were unwilling to use their services. The impression the team received is that very few of them were employed in service. In the new environment, they are unable to resume their earlier professions and because of this they find it difficult to survive.

4. NCM members examined the homes in several rehabilitation colonies and found evidence of abject poverty. With some exceptions, the houses contained little except for bedding and kitchen utensils. Despite these signs of poverty, the NCM found that many residents did not have ration cards. Even when ration cards were issued, most of the residents were given above the poverty line (APL) ration cards instead of below the poverty line (BPL) ration cards. This makes a big difference because BPL ration card holders are entitled to get food grains, cereals, kerosene and other basic consumer items at subsidised rates. Indeed, in several camps, especially in rural areas, the women without exception had just one major demand: they wanted BPL ration cards to be issued to them.

5. Interaction with members of civil society, NGOs and those affected by the riots threw up several problems. Residents complained about the atmosphere of insecurity in which they had to live. The team received

several complaints about the hostile attitude of the police towards the residents of these colonies or their representatives who have taken up their problems with relevant authorities. In addition to the palpable sense of insecurity in which most of the victims continue to live, there were several complaints that compensation given for the extensive losses suffered by riot victims was completely inadequate. The team was told that the state government has restricted compensation in respect of damage to houses to a maximum of Rs 10, 000. Other complaints referred to the absence of suitable rehabilitation facilities since the state government concentrated only on immediate relief. Since the remit of the team was to look into issues of rehabilitation, we concentrated more closely on these.

6. During interaction with the state government we raised the question of the sum of Rs 19.10 crore that had been returned by the government of Gujarat to the government of India since it had not been utilised. Government officials explained that there were no further demands under the particular heads under which these grants had been advanced by the Centre. As a result, auditors had pointed out to the ministries concerned in the government of India that the money should be returned if it could not be utilised for the purpose for which it was intended. The NCM team pointed out that if more people were covered under the relevant schemes it would be possible to utilise the entire amount allotted. In the course of our visits to the camps we found several people who are in need of funds under different schemes. If the state government was able to identify such people and extend the benefits of the scheme to them they would be able to utilise the entire money allotted.

7. The team noted with concern that the state was not in the forefront of the move to provide rehabilitation to those who could not return to their homes after the riots. As pointed out elsewhere, the state government has not been involved in constructing houses for the violence affected thus leaving the rehabilitation process to private organisations. If these private organisations were NGOs whose brief was to serve the riot affected that would still be appropriate. But this is not so. Some of the organisations that are active in the field are not purely philanthropic or service oriented. This space that should have been occupied by the state is now being held by bodies which have a definite agenda of their own. The implications that this has for the severity and well-being of civil society as a whole are extremely serious.

8. The NCM team received repeated demands by the victims as well as NGOs for a policy package that would be applicable to all displaced persons. In our view, the time has come to look at this question very

seriously. Riots, disturbances or other calamities occur at regular intervals. If, as a result of such occurrences, people are displaced and are unable to return to their usual places of residence, some responsibility for their welfare must devolve on the state.

Main findings

Having visited several camp sites and interacted with members of civil society, victims and activists in the field, and government officials, the NCM came to the following conclusions:

1. The NCM found overwhelming evidence that there continue to be large numbers of internally displaced Muslim families in Gujarat who are living in subhuman conditions in colonies constructed entirely by NGOs.
2. They are not there by choice but because they are unable to return to their original place of habitation.
3. There has been no support from the state to compensate them for their loss of habitual place of residence and normal livelihood or provide basic services and livelihood options to allow them to live with dignity in their present location.
4. There has been no attempt to secure a safe environment or facilitate their return to their homes.
5. Local Muslim organisers who have tried to procure some rights and entitlements for these displaced survivors have found themselves the targets of threat and harassment by the local police.
6. Far from admitting that the inmates were in fact 'internally displaced persons', the authorities argued that they have chosen to willingly remain in the camps even after some of their family members had returned to their original habitation where they continued to live and ply their trades in absolute security. The NCM team found such reasoning to be erroneous. It noted that the residents of these colonies fear to return to the places they had fled partly because they have nothing left back home to return to and partly because many of them are eyewitnesses to murders, arson and looting during the communal violence.

Recommendations

The NCM would like to make three sets of recommendations to the state government and central government to improve the lot of residents of the makeshift camps: (1) Basic amenities and livelihood issues; (2) Central government economic package; (3) National policies on rehabilitation of internally displaced due to violence.

1. Basic amenities and livelihood in the rehabilitation colonies

Basic amenities must be provided in the camps of displaced victims. These would cover provision of safe drinking water, street lights, approach roads, etc. This should be done by the state government.

The government of India should agree that for a period of five years or until they continue to live in camps, whichever is earlier, all the inhabitants of such camps should be given BPL ration cards without going through the formalities laid down by the government for the issue of such cards. Similarly, widows should be allowed to claim their pension even if they have not applied within two years or even if they have sons above the age of 18.

The state government should prepare a special economic package for those displaced by the violence with a special focus on livelihood issues. For the self-employed, special efforts should be made to provide inputs like easy credit, raw material and marketing assistance. We strongly believe that this is a vital element in the rehabilitation scenario and that for it to be successfully implemented NGOs should be involved in it.

Wherever possible the state should take advantage of the National Rural Employment Guarantee Programme to cover able-bodied people in these camps and give them employment.

The government of India should return the amount of Rs 19.10 crore given back by the government of Gujarat. The state government should be asked to cover more beneficiaries under the schemes in an attempt to utilise the entire sum.

There should be a monitoring committee, consisting of representatives of the state government and civil society, which will be charged with the responsibility of ensuring that the schemes described above are properly implemented.

2. A special economic package for rehabilitation of internally displaced Muslim families in Gujarat

There is an urgent need for the central government to design and implement an immediate special economic package for the rehabilitation of internally displaced Muslim families in Gujarat. The package must include a set of inputs that would address the totality of livelihood concerns. In particular, attention must be paid to the availability of credit, raw material and marketing support, where necessary, with the help of NGOs.

3. A national policy on internal displacement due to violence

There is a need to design a national policy on internal displacement due to violence. Populations displaced due to sectarian, ethnic or communal violence should not be left to suffer for years together due to the lack of a policy and a justiciable framework for entitlements.

The preamble of the new Draft National Rehabilitation Policy 2006 (NRP 2006), which incorporates recommendations made by the National Advisory Council, provides a precedent and sensitive understanding of how displacement due to any reason affects people. It describes displacement in the following terms, " displacement of people, depriving them of their land, livelihood and shelter, restricting their access to traditional resource bases and uprooting them from their socio-cultural environment. These have traumatic psychological and socio-cultural consequences on the displaced population " However, the NRP 2006 pertains only to planned displacement due to development imperatives. When displacement takes place due to mass violence, entailing loss of life, property, family and loved ones, and a total destruction of the fabric of the socio-economic and cultural community, then the rehabilitation of the internally displaced population calls for a new framework of understanding.

When displacement takes place under conditions of fear and under constant direct threat in violation of Article 21 of the Constitution (guaranteeing the protection of life and personal liberty), the trauma and the conditions under which survivors face the future is considerably worsened. Further, when the threat of violence is perceived to be continuing (as it currently is in the state of Gujarat), in the absence of justice, and in a situation of discrimination and exclusion, the protection of people's constitutional rights can only be sought through a national policy which clearly lays out a non-negotiable framework of entitlements. Any national policy on internal displacement due to violence must be designed to include provisions for immediate compensation and rehabilitation. A national policy on internal displacement due to violence must further take into account the displaced populations' aspirations to 'return to their home' and make provisions to facilitate the return, if it is possible under conditions

of safety and security, and to restore the displaced families to their original conditions of living.

A national policy on internal displacement due to violence must also lay down specified time frames for the implementation of a rehabilitation plan, and include an effective grievances redressal and monitoring mechanism.