Relief instead of Rights:
Locating the Displaced in State Policies and Practice

Displacement due to communal violence is not without precedent in Gujarat. The state has had a history of violence on caste and communal fault lines and therefore, this chapter examines state practices towards displacement from previous instances of communal riots and analyses the events that followed the violence in 2002 to examine state’s responses to the violence and the situation of displacement. Debates from the Gujarat’s legislative assembly have been analysed along with government resolutions (henceforth GRs) for the ‘affected persons’ asargrast from previous years of communal violence, that have been cited as precedents, as well as in 2002 in order to track the development, if any, of relief measures towards the victims of communal violence and to gauge where the displaced figure in legislative parlance and governance in the several instances of communal violence in the state since independence. Policy measures cannot be adequately gauged by merely looking at Executive orders and government resolutions, as the implementation of policies on the ground may eventually present a totally different picture from what was intended.1 This chapter therefore follows GRs as well as their implementation on the ground through newspaper reports, petitions filed in courts and interviews with the displaced themselves.

The correspondence of the Government of Gujarat (GOG) with constitutional bodies that have employed the rights language in examining the actions of Gujarat government have served as an important source in understanding the position of the BJP led Government of Gujarat vis-a-vis the displaced.

History of state practices in dealing with communal violence and displacement: 1969, 1980s and 1990s

Although the state of Gujarat had witnessed riots from 1964-1969, 1969 was the first major riot after independence which left about 1000 people dead mostly in Ahmedabad and “thousands of persons were rendered homeless” and over 1,084

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1 Interview with Dr. Sony Pelliesserry, Institute of Rural Management, Anand, 7/3/2009.
persons were injured\textsuperscript{2} in Ahmedabad alone. The violence had also spread to Baroda, Kaira, Mehsana, Sabarkantha and other districts. According to the Commission of Inquiry headed by Justice Jagmohan Reddy, (henceforth Reddy Commission Report) appointed by the Hitendra K Desai led Congress government in the state to assess the causes for the violence and government action, there was a delay in the imposition of curfew.\textsuperscript{3} However after a delay, when it was evident that it had become a major conflict, the report maintained that the police rescued thousands of Muslims when they found them stranded, or in response to calls for help escorted them to places of safety or to the relief camps that had come up in some areas. Even in 1969, various organizations had deposed before the Reddy Commission of police inaction and its failure to rescue those trapped in the violence.\textsuperscript{4}

The government, according to the Reddy Commission Report opened four relief camps apart from which there were seven private relief camps in the city of Ahmedabad. In about four days the Collector and District Collector took charge of a government run camp in the Police Stadium in Ahmedabad in which 12,000 Muslims had taken refuge. According to government estimates the four government run relief camps housed a total of 20,500 “refugees” while private relief camps had 7,250 people, bringing the total number of displaced, excluding those in several unaccounted for private camps and those who left the city, to 27,750. The Commission cites evidence from railway authorities that a large number of people had left the city.

Officers and staff of the state government worked to run the camp where two very basic meals a day were provided. The Public Works Department (PWD) along with local contractors constructed large tents. However, the then Joint Director of Public Heath deposed before the Commission that he visited only the government camps and not private camps to check for sanitation and health facilities. While the government provided ration supplies to private camps as well, if the Joint Director of Public Health’s deposition is an indication, then it is not certain that the officers ensured the provision of basic facilities in the private camps as well.\textsuperscript{5}

\textsuperscript{3} Reddy Commission Report. p 575.
\textsuperscript{4} Ibid. p 201.
\textsuperscript{5} Ibid. p 181.
As the violence had rendered them homeless and with very little or no possessions, those leaving the camps were provided with a household kit that included a set of utensils, blankets, cloth, bed spreads etc. to help them rehabilitate themselves. Cash doles were given to the victims "according to requirement" but not exceeding Rs. 15 per head and Rs. 200 per individual family. Of the thousands of families affected 290 families were also given Rs. 3050 from the Chief Minister's fund that works out to just about Rs. 10.517 per family. The government gave a subsidy of around Rs. 52 per person to 15, 227 affected people.

Transport facilities were provided for those who wanted to leave the camp for their homes or the houses of their relatives. Also, according to the Reddy Commission Report, a large number of the camp inmates who were from other states and who wanted to return to their native states were given travel fare for their journey to their native places. Officers of the Congress led state government, according to the report, also went directly to the affected areas and made payments of the amount that was sanctioned for cash doles as immediate relief on the spot after oral inquiries. However, considering that in the 4 government camps alone there were 20,500 people and the amount the state government spent on immediate relief is cited as Rs. 14,975 the relief spent on each person works out to a minute amount. The camp was closed officially on 15th October, which means in effect it ran for about 15 days.

Assistance for death and injury: The state government then had also set up a full time administrative agency to provide what it called 'long term relief' measures for rehabilitation. According to the Reddy Commission's account, the city was divided into five zones based on municipal wards and each zone was put in charge of a Deputy Collector for relief operations. Officers on the relief work reportedly worked on an urgent basis irrespective of government holidays and went out to deliver relief in cash to the affected people.

The state government fixed cash relief for death of earning head of family at Rs. 500 and Rs. 250 for any member of the family. However relief in case of death for each family was to be within the limit of 1,500, which means that if a family lost 3 of its members it would still receive Rs. 1500. Out of the 1000 people who reportedly lost their lives, 667 applications for relief were received out of which only 161

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*Ibid* p 208.


*Ibid* p 205.

*Ibid* p 208.
applications were found to be genuine in respect of the death of 195 persons and were given relief. In case of permanent disability the government announced a cash relief of Rs. 500.\textsuperscript{10}

Assistance for displaced: Even at that time, a large number of Muslims had been displaced when their houses were burned and looted. As a part of the “long term relief and rehabilitation” efforts of the state to provide food and shelter to the “needy”, the government also announced subsidy of up to Rs. 250 depending on the extent of damage for repairs to houses and huts and loans up to Rs. 5000 depending on the extent of the damage. For the reconstruction of huts a subsidy of Rs. 350 was authorized. According to the figures provided by the Government of Gujarat 4,537 houses/ huts were given subsidy for repairs/ reconstruction which means that each applicant received an average of Rs. 64. Moreover this cash relief was given after engineering staff attached to the office of rehabilitation work assessed the properties of those who had applied for the same but with regard to loans, they were released after the applicant produced necessary title papers and security and it is hard to imagine how those who had been dispossessed managed to do that.

As a part of the rehabilitation efforts, some government housing facilities for lower income groups such as those built by the Gujarat Housing Board and Municipal slum rehabilitation quarters were reconstructed in the same site that they were earlier using brick, cement and GCC roof regardless of whether the earlier houses were kuccha. The government claimed to have given 385 such applications a sanction of Rs. 1,72,360 which means that each applicant on an average received a loan of Rs. 447 for repair and reconstruction to houses where subsidy was found to be inadequate.

The Reddy Commission specifically asked Chief Minister Hitendra Desai’s government for information regarding the measures taken to render assistance and protection to those rendered homeless and the rehabilitation measures taken by the state government. To which the government replied that 700 huts that were damaged were reconstructed in 42 different localities.\textsuperscript{11} Subsequently . the Ahmedabad Municipal Corporation allotted temporary accommodation the mainly Muslim

\textsuperscript{10} Ibid.
\textsuperscript{11} Ibid.
displaced in vacant plots in New Bapunagar, which subsequently became one of the settlements of Indira Garibnagar Slum.\textsuperscript{12}

The displacement of thousands of Muslims due to the violence in 1969 to which the camps bore testimony to, also meant a loss of livelihood and even the means of livelihood for thousands as those who had been rendered homeless had lost all their possessions that included their tools, instruments and other means of livelihood. According one interviewee the entire Muslim Chhipa community living near Astodia Gate, Abdulwada, who specialized in block printing, were completely wiped out from their trade there. Khan Abdul Gaffar Khan or ‘Badshah Khan’ who had visited Ahmedabad then was informed that 1500 artisans had left Gujarat. The Congress government’s ‘long term relief and rehabilitation’ measures to help those who had lost their means of livelihood was to announce a subsidy of Rs. 100 for purchase of tools and equipment not exceeding the extent of original loss or damage.

In a similar measure probably for rural areas, state government orders provided for subsidy and loans to Maldhari, cattle breeders etc. who may have lost their animals. According to the state government’s report 762 artisans and small traders applied and all of the applications received government aid. A committee was also appointed for advancing loans to shopkeepers and industrial units which had suffered damage. The then state government also provided monetary assistance to an organization called Bazme Khatoon which took on the care and widows and orphans who were rendered destitute. It is important to not that after depositions and representations by several civil society organizations regarding the damage to places of worship, the Congress led state government gave subsidy and loan for reconstruction of places of worship that were damaged at the same rate that was given to private buildings.

More than Rs 4 crore losses were incurred by damage by destruction, fire and vandalism to religious place, residential places, shops, factories, “about 93 religious place, about 1,865 residential houses, 935 shops, 68 factories, 37 godowns, 1,994 huts are either damaged or burnt, over and above that a large number of persons must have lost their wages or income.” Even the Reddy Commission acknowledged that in the light of all this destruction, the amount spent by the Hitendra Desai government on

relief though large, fades into insignificance when compared to the damage done and suffering undergone by the victims.\textsuperscript{13}

Thereafter there were a few years where, except in 1974 in the Navnirman student’s movement which was mainly an urban upsurge against corruption, there was no major communal riot. In 1981, there was a movement of upper castes, mainly Banias, Brahmins and Patidars against the reservation system which saw violent clashes that started in Ahmedabad and spread to 18 out of the then 19 districts and in many villages of north and central Gujarat Dalit homes were burned displacing them for a while.\textsuperscript{14} In 1981, the government had then come out with an order that fixed the assistance for death at Rs. 1 lakh per person.\textsuperscript{15}

In 1985 when violence broke in Ahmedabad again over the Madhav Sinh Solanki government’s decision to extend the reservation system to more backward communities, and eventually took a communal turn, strikes, curfews, school closings, \textit{bandhs} ('shutdowns' of businesses, shops and offices), and tight restrictions on public transportation disrupted life for six consecutive months in the city, far longer than any of the previous riots.\textsuperscript{16} Hundreds of houses were burned down and thousands of people, mostly Muslims were displaced and forced to take shelter in relief camps.\textsuperscript{17}

In the Report of the Commission of Inquiry (henceforth Dave Commission Reoprt) headed by Justice V. S. Dave which was appointed to inquire into the riots, testimonies of both Hindus and Muslims mentioned that their hutments were set on fire in the presence of the police. After April 13 the tension between the police and citizens increased to the extent that police appeared to be perpetrators of violence. “The testimonies of the survivors of the violence in Bapunagar disclosed that not only did the local police take sides in the clashes, but they also helped to organize the violence.”\textsuperscript{18} In retaliation when violence broke out again in June, 8 members of a Hindu family were burned alive in the walled city, Kalupur. In Sabarkantha district, in places like Idar and Prantij houses and shops were set on fire.\textsuperscript{19}

\textsuperscript{15} Government of Gujarat, Revenue Department, Order No/RHL/1090/1031/S4, dated 4/1/81.
\textsuperscript{19} 7th Gujarat Vidhan Sabha Debates, 2nd \textit{Adhiveshan}, July 1985, Part 2, Book 5.
According to the Madhav Sinh Solanki led Congress government's pronouncement in the state's legislative assembly, 25,469 people were affected by violence in the cities of Godhra, Bharuch, Rajkot, Jamnagar, Ahmedabad, Viramgam, Nadiad, Kadi, Mehsana, Visnagar, Patan, Siddhpur, Vadodara, and Surat.\(^\text{20}\) According to one estimate, the violence had left some 275 people dead, thousands injured, tens of thousands homeless, and a loss of property and trade estimated at Rs 2,200 crores.\(^\text{21}\) The Dave Commission Report held that Muslims were the main victims of the riots, 2,500 of their houses had been damaged, 1,500 shops had been burned or looted, approximately 100 Muslims had been murdered, 400 stabbed and hundreds severely injured. Around 12,000 Muslims had been rendered homeless and 900 had been arrested.\(^\text{22}\)

In a practice that came to be followed until the 2002 violence, victims in relief camps were given a cash dole of Rs. 5 per day per head and a total assistance including household kits was limited to Rs. 650.\(^\text{23}\) There were allegations of discrimination in the disbursing of relief but the government denying these maintained that Rs. 20,000 had been given as relief in case of death, Rs. 5000 in case of injury or permanent disability.\(^\text{24}\) In the case of injury however a little over Rs. 500 per person was given.\(^\text{25}\) Moreover, the existing rules of assistance to those who sustained injuries in communal riots involved a cumbersome procedure for reimbursement of expenditure incurred on medicines after bills were duly certified by a proper authority.\(^\text{26}\)

Of those who were displaced, 68,000 was given to only four people whose entire house was damaged which per person on an average works out to about Rs.17,000 and 31 houses that were partly damaged received Rs. 2553.54. The violence that caused displacement also destroyed the means of livelihood for many.


\(^{24}\) Gujarat Vidhan Sabha Debates, 6th session, 22nd July 1987, Part 2.

\(^{25}\) Calculating from the total amount spent for injury as declared in the Vidhan Sabha then, in Gujarat Vidhan Sabha, 6th session, 22nd July 1987, Part 2.

As an "impetus" for affected persons to earn their livelihood, the state granted assistance in what it classified as two types of assets i.e. moveable and earning assets. A GR of the Revenue Department dated 18/8/1984 ex gratia assistance for the loss of moveable properties and earning assets like vehicles, boats, bullocks etc. Of the petty traders who had lost their means of livelihood such as stalls and laris (handcarts) in the violence, 263 were given Rs. 4,20,140 which on an average amounts to Rs. 1597 each.\(^{27}\) Once again in comparison to the losses declared by the state appointed Dave Commission, the relief given by the government doesn’t seem to have brought much relief to the victims. As is the usual practice of the government, the total amount spent on relief that always appears as a large amount, was announced in the state legislature as Rs.1,40,03,840.\(^{28}\) Even without going into the specific categories, this amount divided by the 25,469 affected people works out to about Rs. 541.336 per person.

Given the volatile situation, the annual rath yatra of the Jagannath temple in the very next year in 1986 in the cities of Ahmedabad and Vadodara turned communal again and violence continued for 3 months from March to May 1986 spreading to places such as Vadodara, Veravan (Junagad), Junagad, Palanpur (Banaskantha), Amreli, Borsad (Kheda), Jamnagar, Godhra (Panchmahal), Devgad Bariya (Dahod), Svarunkala (Bhavnagar) as well\(^{29}\) killing some 80 persons, wounding hundreds, rendering thousands homeless and registering losses to business of some Rs. 150 crores in one week of violence.\(^{30}\) According to debates in the legislature sporadic incidents of violence continued even after that from June 1986 to June 1987 in a number of places with the highest number of incidents 12 in Ahmedabad, 9 in Baroda and 7 in Bharuch.\(^{31}\) The 1986 violence ended sooner than the violence in 1985, with the Congress leadership at the centre intervening more decisively that it had in the previous year to make changes in the leadership in the state.\(^{32}\)

Relief camps had come up even then to which people fled to take refuge. In Ahmedabad, Malek Saban Stadium in Bapunagar which was the site of a camp in

\(^{27}\) Gujarat Vidhan Sabha Debates, 7\(^{th}\) Gujarat Vidhan Sabha, 3\(^{rd}\) session, Part 2, Book 14, March 1986.

\(^{28}\) Gujarat Vidhan Sabha Debates, 7\(^{th}\) Gujarat Vidhan Sabha, 3\(^{rd}\) adhiveshan, Part 2, Book: 10, January 1986.

\(^{29}\) The names of the districts to which these towns belong have been mentioned in parenthesis and in places where they have not, the names of the district headquarters match those of the cities. From Gujarat Vidhan Sabha Debates, 7\(^{th}\) Gujarat Vidhan Sabha, 4\(^{th}\) session, August 1986, Part II, Book 19. p 7.


\(^{31}\) Gujarat Vidhan Sabha Debates, 7\(^{th}\) Gujarat Vidhan Sabha, 4\(^{th}\) Session, Feb 1988. p 859.

\(^{32}\) Howard Spodek, Op. Cit.
1969, was turned into a camp again and ran for close to 7 months in 1986 while a
camp in Juhapura on the outskirts ran for a month.\textsuperscript{33} Through cash doles Rs. 1,53,173
and other kinds of relief such as ration for camps, medicines and arrangement of
doctors in camps etc. Rs. 9,30,350 relief had been given.\textsuperscript{34}

According to the state government, for those affected by the violence from
1984-1987 Rs. 20,000 was given for death of a person and a total of Rs. 66 lakhs was
spent on assistance for death. For those who suffered injury Rs. 5000 was announced
and a total of Rs. 3,65,020 was spent on relief for injuries. The total amount of relief
for repair/ reconstruction of houses was Rs. 17,20,000. For \textit{aajivikana} (source of
livelihood) things damaged a total amount of Rs. 16,14,828 was disbursed. In 1986,
through a resolution dated 21/7/1986, assistance for loss of moveable properties
depending on actual loss was increased from Rs. 2000 to Rs. 3000 while the ex-
gratis assistance for loss of earning assets was made Rs. 5000 to Rs. 10000 in case of
earning assets.\textsuperscript{35}

In 1985, the Rajiv Gandhi led central government had also launched the Indira
Awaas Yojana (IAY) as a sub-scheme with the purported intent of meeting the
housing needs of the rural poor that included a provision for riot affected victims.
However the scheme was primarily aimed at people rural areas who were below the
poverty-line belonging to SCs/STs, freed bonded labourers and non-SC/ST categories
in the construction of dwelling units and in the up gradation of existing unserviceable
kutcha houses by providing grant-in-aid. Moreover, a minimum of 60 per cent of
funds were to be utilized for construction of houses for the SCs and STs. Of the
remaining three per cent were to be utilized for physically handicapped, fifteen per
cent for minorities and only 5 per cent of the central allocation for meeting exigencies
arising out of natural calamities and “other emergent situations like riot, arson, fire,
rehabilitation etc.” The allotment of houses in this scheme is to be according to the
Panchayat. Given the scale of the displacement and communal violence in Gujarat
this scheme had negligible relevance.\textsuperscript{36}

Just 3 years later when BJP leader L. K. Advani launched his proposed \textit{rath
yatra} from the ancient temple town of Somnath in Gujarat to Ayodhya in Uttar
Pradesh where a sixteenth century mosque, Babri masjid presently exists over what is

\textsuperscript{33} \textit{Times of India}, 30/4/2002.
\textsuperscript{34} Gujarat Vidhan Sabha, 6\textsuperscript{th} Session, 22\textsuperscript{nd} July 1987, Part 2.
\textsuperscript{35} \textit{Ibid}.
\textsuperscript{36} \url{http://rural.nic.in/rh.htm}, (accessed on 13/5/2011).
believed to be the birthplace of the Hindu God Ram, the rath yatra sparked communal riots in several places en route in Gujarat which further intensified when LK Advani was arrested in Bihar. In Ahmedabad the violence went on for four months Dalits and Muslims clashed in industrial neighbourhoods and houses of upper class Muslims were attacked in the city.\textsuperscript{37}

Once again the violence caused people from communally sensitive areas to flee their houses for camps. A camp in Shah Alam dargah ran for a little more than three months while camps at Juhapura remained for about a month.\textsuperscript{38} The Congress government had then declared a relief of Rs. 1 lakh for each of the deceased persons “as per rules”, which meant that like in the past, the heirs of the deceased had to produce proof of being an heir. Of this 1 lakh the government decided that, Rs. 30,000 cash would be given from the government’s relief fund, 60,000 would be given in the form of Sardar Sarovar Narmada Nigam bonds, and Rs. 10,000 cash would be given from the Chief Minister’s relief fund. The government gave relief to 48 cases for death and 234 cases of injury.\textsuperscript{39}

In 1992, during the Chief Ministership of Chimanbhai Patel who led the Congress- Janata Dal (G) alliance, Gujarat witnessed some of the worst communal clashes in the otherwise peaceful Surat city which accounted for 190 deaths that was more than half the deaths in the entire state of Gujarat during that riot.\textsuperscript{40} Chimanbhai Patel’s government had then announced an assistance of Rs. 5000 to 50,000 to affected persons whose houses were destroyed.\textsuperscript{41} As seen in the previous instances of violence, the means of livelihood of hundreds of petty traders and lariwallas hand cart owners, and stalls gallas was affected by the violence. According to official figures in the city taluka, 8 shops, 2 lari galas and 146 houses and in Ahmedabad city 821 shops, 127 lari galas and 2096 houses were damaged. In the city taluka eight shops were given a total of 32,050 which works out to about Rs. 4006 per shop in an average and Ahmedabad city 821 shops were given 35,99,650 which adds up to Rs. 4384.47 per shop. Of the petty traders that were affected in Ahmedabad city 127 were

\textsuperscript{37} Interview with Zakia Jouher, Indian Social Institute, New Delhi, 4/4/2009.
\textsuperscript{38} Times of India, 30/4/2002.
\textsuperscript{39} Gujarat Vidhan Sabha, 8\textsuperscript{th} Gujarat Vidhan Sabha, 4\textsuperscript{th} session, Gujarat Vidhan Sabha Secretariat, Gandhinagar, March 1991.
\textsuperscript{41} Government of Gujarat, Revenue Department, GR No. RHL/1092/4077/S-4, dated 19/12/92.
given Rs. 2500 each. In the city taluka 146 houses that suffered losses were given total of 4,89,530 and in Ahmedabad city 2,006 houses were given 42,13,600.42

Response of the state in 2002

In the year 2002, the burning of the coach of Sabarmati Express took place in the early hours of 27th February. Responding swiftly Chief Minister Narendra Modi visited Godhra station the very same day at 2 in the afternoon. Even when the remaining coaches of the Sabarmati Express were on their way to Ahmedabad there were incidents of violence at Anand and Baroda in which 2 persons were killed.43 Notwithstanding the communally sensitive nature of the events that had transpired, or the communal history of Ahmedabad, the bodies were brought to Ahmedabad on the same day in a motorcade. Moreover large crowds were allowed to collect to receive the charred bodies at Ahmedabad railway station and then to take them in a public procession.44 When the VHP declared a bandh for the next day, instead of calling for reinforcements in anticipation of trouble, the state government announced its support to the bandh on the very same day.

As violence inevitably broke out on the 28th in Ahmedabad and for the first time in rural areas many of which had no previous history of communal violence the Chief Minister Narendra Modi asked the Home Ministry for the army after 24 hours had already passed. After another 24 hours, even though the government had alerted the army after the first day of rioting had already left approximately 140 dead, it was deployed only on the 1st of March when curfew was clamped in about 35 towns/cities including night curfew in Ahmedabad, Baroda and Rajkot cities.45 According to the Government's reply to NHRC's notice, Magistracy and police authorities were asked to implement the Riots Control Scheme.46 The Chief Minister, according to the government had through television appealed to people to maintain communal

harmony, but he also made his now infamous statement that every action, produces an equivalent opposite reaction.

In a large number of interviews in this study as well as those of human rights groups and independent fact finding commissions, both in rural and urban areas of North and Central Gujarat, Muslims complained of police inaction to their calls for rescue when they were surrounded by mobs. Victims of Naroda Patiya in Ahmedabad have even testified that police directly told them that they had no orders to save them. In many instances police were also seen as abetting the perpetrators of the crimes.

There were instances of timely and courageous action by District Collectors, Commissioners and Superintendents of Police. For instance in the case of Surat where when there was a fire in an industrial area and trouble was anticipated, the police acted on preliminary reports, after which there were no further reports of violence or displacement from there, however, these were more the exception than the norm.

Moreover, the police also did not take down the name of the perpetrators in a large number of FIRs by simply mentioning the attackers as a mob. It was alleged by a large number of affected people that at that time, only cases that referred to mob attacks were being registered. After allegations in the press and the NHRC’s notice, more than 40 days after the violence the police went to the camps to register FIRs. Also, the fact that only those who were arrested in connection with fire in Sabarmati Express who were Muslims were booked under POTO (Prevention of Terrorism Ordinance) while those arrested for the violence that followed were not, raised serious questions of discriminatory treatment. Acting suo motu on the basis of several complaints of Muslims in Gujarat about the communal situation as well as of inaction by the police force and the highest functionaries in the state, the NHRC asked the Gujarat Police to reply within three days of the measures being taken to prevent

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47 Ibid. Also, Times of India, Delhi, 2/3/2002. Modi reported also said that Narendra Modi said that, "The five crore people of Gujarat have shown remarkable restraint under grave provocation." Times of India, Delhi 1/3/2002.
51 This issue raised in the Lok Sabha by a Congress MP. 137 petitioners had moved to High Court claiming that the police had not recorded their FIRs. Times of India 26/3/2002.
escalation of the situation to prevent violation of human rights. To this the Government replied that on the 8th of March 2002 that “barring a few sporadic incidents in the rural areas, near normalcy has been restored” and that the state government had appointed a judicial inquiry on 6th March to inquire into the Godhra incident and subsequent incidents in the state. This was the first among government assertions of normalcy in the state about the violence which went for four months after that.

It was only after a week that the state government passed a resolution that recognized the camps after taking an undertaking by the camp organizers by which the camp organizers would be responsible for the camp. Only after the registration of such camps the government started providing ration on the scale of wheat flour 400 gms, rice 100 gms, pulses 50 gms, oil 50 gms, sugar 50 gms, milk powder 50 gms per person, initially depending upon the number of inmates registered in the relief camps. The government was providing food rations to camps in Ahmedabad, Anand, Dhad, Kheda, Mehsana, Panchmahals, Sabarkantha, Vadodara. Rs. 7 per head per day in cash was also provided to the camp organisers.

All camps were run by leaders from the Muslim community itself and helped by a coalition of NGOs. The government through the Director Voluntary Agencies co-coordinated the efforts of these relief agencies but government provided help primarily through cash and kind. Unlike in 1969 where government staff and officers were involved in running four government camps, in 2002, the setting up of the camp tent, arranging cooks, enumerating the people in the camp and other logistics for cooking and managing so many thousands of people was all done by the camp organizers themselves along with the help of NGOs. Moreover, till the NHRC’s visit, 3 weeks after the camps had come into existence let alone the Chief Minister, no higher ranked political or administrative functionary had visited the camp. By 20th March there were 20,000 people in the camp, with more being added to their number.

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daily till there were an approximate 1,50,000 Muslims in 121 relief camps across the state in April.58

Relief

In the first week of March itself the government announced relief on the same scale formulated in 1991 of payment of Rs 1 lakh in case of death to the heir of the dead person. In case of injury, the injured would be liable for immediate cash assistance for up to 10 per cent disability to Rs 2000- Rs. 5000 depending on the extent of disability. In the case of more than 40 per cent disability, persons would be entitled to immediate disbursement of Rs. 10,000 and an additional Rs. 40,000 after permanent incapacitation is duly certified.59 The then Relief Commissioner held that that assistance of Rs 1 lakh announced for the riot victims was in accordance with the relief manual in operation in the state where the same amount was given to the victims of the 1992 riots.60

However the government had also announced that the legal successors of those who died in the fire in Sabarmati Express would receive Rs. 2 lakh as relief according to the precedent in the state where since 1992, the government was paying Rs 2 lakh to any victim linked to the Ayodhya movement, in spite of the fact that not all of the deceased on the train were kar sevaks.61 Subsequently Chief Minister Narendra Modi changed this decision so that even the kin of those who died in Sabarmati Express were to be given Rs. 1 lakh. This decision however was not so much influenced by considerations of parity, but as the Chief Minister clarified, because the kar sevaks had offered to accept Rs 1 lakh for those deceased.62

As those who had been displaced had also been dispossessed, an amount intended as relief for re-establishing one’s own household after the loss of household goods called ghar vakhri of Rs. 1250 was given to those in camps63 and at least for a few camps in Ahmedabad this was distributed just in time for Prime Minister

58 Times of India, March 27, 2002 and Frontline 19, no.8, April 13-26, 2002.
Vajpayee’s visit to Ahmedabad.\(^{64}\) By a subsequent office order this amount was increased to Rs. 2500.\(^{65}\) However, only those affected people who stayed in camps received this amount. Those displaced who found the unhygienic and overcrowded conditions of camps unlivable missed out on this small amount as camps were the point of whatever administrative contact there was with affected people.\(^{66}\) Considering that the displaced in camps were dispossessed, even by most conservative estimates, Rs. 2500 was of little help in buying the most basic of necessities. Most of this Rs. 2500, which was given in installments of Rs. 1250 each went in buying food and in some cases clothes since people had fled to the camps with just the clothes they were wearing.

At the conclusion of his visit on the 4\(^{th}\) of April 2002 the Prime Minister announced an additional ex gratia assistance to the legal heirs of persons who died through substantial contribution from the Prime Minister’s relief fund and the Government of India towards the relief and rehabilitation measures of the state government. Thus the amount to be given in case of death was increased from 1 lakh to 1 and half lakh. According to a Government Order it was decided that of this Rs. 1.50 lakh that was to be given to the legal successor of the deceased person, Rs. 30,000 would be given from the Government Fund cash relief of Rs. 10,000 from the Chief Minister’s relief fund, Rs 50,000 from the relief fund and Rs 60,000 was to be deposited in Sardar Sarovar Narmada Srinidhi bond the interest from which would be paid for the stipulated period at the end of which, at the time of maturity, the total amount would be given to them.\(^{67}\) Pursuant to the announcement made by the Prime Minister scales of assistance to be paid to the injured also were increased so that for 10 per cent disability persons were entitled to Rs. 5000 relief, more than 10 per cent and up to 30 per cent disability Rs. 15,000, more than 30 per cent and up to 40 per cent disability Rs. 25,000.\(^{68}\)

In accordance with the existing Revenue Department’s resolution from 1992, relief for damaged/ destroyed residential houses was fixed for assistance from Rs.

\(^{64}\) Times of India 3/4/2002.


\(^{66}\) Times of India 8/6/2002. The administration purportedly made attempts to reach out to those affected who didn’t live in camps, but such people would have to get undertaking from people of repute living in the area. This vague criteria did not stipulate who these persons of repute were.


5000- Rs. 50,000. The upper limit of Rs. 50,000 as assistance for people who had lost all their belongings, home and property was a meagre relief. After the then Prime Minister Vajpayee’s visit the state government even decided to come up with a new housing scheme with a view to facilitate rehabilitation of affected persons at their old and usual place of residence called Sant Kabir Awas Yojana. However, while the government claimed that the modalities of the scheme were still being worked out, the scheme never really took off.

For those displaced in camps the state government purportedly increased the cash doles to be given per day from Rs 5 to Rs. 15 per day per person for 5 persons per family for a period of 15 days. While in the past, the government had two categories in relief for revival of economic activities, for the relief for moveable and immovable assets, this time the government merged the two categories and in a Government Order dated 11/3/2002, it was decided that in cases of damage to livelihood sources and property and petty (parchuran) businesses ex gratia relief of Rs 10,000 depending upon the actual damage would be given. Government also announced assistance for the loss of earning assets such as hand cart lari, stalls gala, cabin, small and big shops etc. The Industries and Mines Department had also come up with a scheme for loan for property and business of affected persons. However, the affected persons who wanted to claim relief had to choose between the provision of the Revenue Department or the schemes of the Industries and Mines Department and accordingly inform the survey team which came to assess the damages.

Another GR announced that those victims whose damages were over Rs. 10,000 and to the maximum of Rs. 50,000 will be given a monetary assistance of up to 20% of the damage with the maximum limit of Rs 10,000. The GR simply said that the rest of the amount would either not be given or would be in the form of a loan from a financial institution. The victims who had incurred loss of more than Rs. 50,000, monetary assistance up to 20% of the damages would be given with a maximum limit of Rs. 50,000. This amount would be given after deducting the amount received as insurance claim against the damage incurred. This meant that for the remaining amount, the affected person would have to approach the banks. These

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69 Government of Gujarat, Revenue Department, RHL/ 1092/4077/S4 dated 19/12/92.
72 Writ Petition Civil No 330/2002 in Mahashweta Devi & Others vs Union of India and Others. p 38.
schemes pertained only to those who were self employed and lost their assets in the riots.\textsuperscript{73} The government however offered no schemes for those who were employed but were forced to leave their employment after the riots due to communal tension. Abdul Majid Abdul Salaam, for instance, who lived in Naroda Patiya before the violence and worked as an embroiderer for boutiques, like several others, was asked to leave by his employer because of the distance from his home in the relief colony in Citizen Nagar to his former place of employment. He had to spend months jobless before finding work as a wholesale embroider by which he earns much less than what he made before.

In the case of Muslim places of worship that were destroyed or raised to the ground, far from providing for their reconstruction the BJP led state government was quick to rebuild roads and other establishments while ignoring the destruction left by the rioters.\textsuperscript{74} During the violence in 2002 the tomb of Gujarat's classical urdu poet Wali Gujarati was raised to the ground by rioters while a police station stood barely 50 meters away from the spot. After the violence however, the AMC wasted no time in constructing a road over it.

The six months of violence caused enormous losses to the state's economy. A preliminary first sights assessment by the District Industries Centre held that a total of 462 industrial units had been affected with an estimated damage of Rs.60-56 crores. The Industries and Mines Department of the state of Gujarat came up with a package of assistance to affected industries and businesses like shops, hotels, restaurants and big stores, commercial units and self employed. This package provided subsidy at 4% flat rate to affected units and loans on sanctioned by banks or financial institutions. This interest subsidy would be eligible on the amount of loan sanctioned by such institutions or the amount twice the estimated loss whichever was less and limited to Rs 1 lakh yearly for three years; deferment of sales for a period of 5 years subject to conditions; deferment of electricity duty for a period of one year to be paid next ear in 36 equal installments; rescheduling of existing loan as per RBI's guidelines by state owned financial institutions like GSFC, GIIC, and job security to all the workers working before the riot in the affected units.\textsuperscript{75}

\textsuperscript{73} Ibid. p 38.
The Reserve Bank of India, which has stepped in on previous occasions of communal riots, announced a package for those affected by the violence which Dena Bank was to implement on 8th March 2002. This package was improved to include among other relaxations, a need based extension limit of working capital; no margin for loans up to Rs. 1 lakh; new loans without any margin and only 15% margin to be taken for loan up to Rs. 5 lakhs and a moratorium on old loans to be up to one year at Prime Lending Rate (PLR). Although it did accept financial aid from international agencies in the case of the 2001 earthquake, the state government stated that it didn’t feel the need to involve any international, financial or other agencies in the programme. Even help offered by private banks, like HDFC\textsuperscript{76} were not taken up.

The then Prime Minister Atal Bihari Vajpayee announced an additional Rs 150 crore rehabilitation package for victims on 1st of May in the Lok Sabha to help revival of normal economic activities which included assistance for reconstruction and repair of damaged houses and shops, and to self employed categories who lost their earning assets and financial support for recommencing business and commercial and industrial activities. The package also included a programme to assist those widowed and orphaned in the violence.\textsuperscript{77} Prime Minister Vajpayee also announced that the relief package would be supplemented by loans and assistance on a liberal basis by banks and financial institutions.\textsuperscript{78} Out of the Rs. 150 crore package Rs. 50 crore was earmarked for revival of economic activities and over 45 crore was set aside for rebuilding and repairing damaged houses. The package was to be supplemented by soft loans by banks, and HUDCO and National Housing Bank were to be involved in reconstruction of houses and shops.\textsuperscript{79} Rs. 17 crore from this package was to be spent on the rehabilitation of widows and orphans which included plans for the construction of 2 widow homes and an orphanage and a monthly maintenance grant of Rs. 500.

A relief package sanctioned by the Reserve Bank of India which included the following directions, “Loan classification status in case of borrowers affected by riots should be frozen on an as-is-where-is basis until March 31 2004. In case of standard assets, no demand for recovery should be made for two years. In case of loans not classified as standard assets, no penalties to be levied in the event of non receipt of payments during the next two years. Banks will charge simple interest of 10 per cent

\textsuperscript{76} Communalism Combat, Year 8, No. 76, March- April 2002.
\textsuperscript{77} The Indian Express, 15/5/2002.
\textsuperscript{78} Economic Times, Ahmedabad 2/5/2002.
\textsuperscript{79} The Indian Express, 15/5/2002.
till March 31, 2004 and thereafter normal rate of interest would be charged.\textsuperscript{80} Sena Bank, Bank of Baroda and State Bank of India were involved in these processes. Banks agreed to dispose of an application within 15 days of its receipt. Out of the 970 cases completed by the government of Gujarat, 138 applications were received. Four public sector non-life insurance companies also received claims which were dealt with.\textsuperscript{81}

**Processes of dispensing relief: the trickle down effect**

Within the first 3 months itself most affected people who had taken shelter in camps received *ghar vakhri* or amount for household kit of Rs. 1250. When the state government decided to increase this amount to Rs. 2500 another Rs. 1250 was given to those displaced who continued to remain in camps. In the case of relief amounts in other categories however, verification was required and there were allegations of delay in assessment of damages and payment of relief\textsuperscript{82} and arbitrariness in fixing the amount of relief to be given especially in the case of damage to house and property. Besides cash doles, other relief was given in cheques, which poor people and people in rural areas who didn’t have bank accounts had to open bank accounts for. Some victims who asked other people to open their accounts for them because of illiteracy so as to encash their relief cheques had to then pay a commission from the relief amount.

In the case of death, relief of Rs. 1 lakh which was later increased to Rs 1 and a half lakh to be given to the legal successor of the dead person required that the successor produce on a Rs. 20 stamp paper, details of the name of the dead person, the date of death, the cause of death, name of the police station, date of the postmortem and the name of the hospital. In a number of cases of mass carnages such as those in Naroda Patiya, Gulbarg Society, Pandharwada etc. dead bodies were burned or buried in mass to destroy evidence, and hence death certificates could not be issued without producing the body of the dead person.\textsuperscript{83} According to the rule, a missing person was not declared dead until seven years had passed. This created great difficulties for those whose family members had gone missing in the chaos that prevailed at the time of the violence. NGOs as well as NHRC suggested to the government that the

\textsuperscript{80} *Times of India*, 14/5/2002.
\textsuperscript{81} *Times of India* 17/5/2002.
\textsuperscript{83} *Ibid.* p 51.
procedure for declaring a person dead be reviewed in the present circumstances and a procedure developed based on affidavits by the next of kin and their neighbors or other reliable persons. According to official figures, which were conservative, 277 people were missing as of June 2002. In the case of the victims of Kidiad village, out of the 74 people who were killed when they were fleeing their homes packed in two tempos, 62 people’s bodies were not found and were declared missing for up to 7 years.

Since death certificates could not be produced for those who were declared missing, the government offered bonds which were offered in the case of death of a person out of 1 and a half lakh 90,000 were given in cash but of the remaining 60,000 which was invested in the Sri Nidhi bond in order to have some long term deposit for the legal successor of the dead person. The successor of the dead person was therefore given Sardar Sarovar Narmada Nigam Limited’s Srinidhi fixed deposit receipts, which were supposed to mature in 5 years and carried an interest of 10.75 per cent per annum. The victims are given 12 post dated cheques which in effect meant that only Rs. 360 per month as interest would be available to the successor. The fixed deposit was initially intended to be for maximum period of 3 years, which can be renewed thereafter. However, in the case of Sri Nidhi bonds which were also used even after the 1992 riots, victims were left waiting after successive renewal of the bonds meant that they only got a monthly interest of Rs. 300 for 10 years and more. The initial lump sum amount of Rs. 90,000 was of some help to people especially the displaced who had been completely dispossessed but the bonds in actuality amounted to a pittance and were inconsequential in giving relief especially to those who had lost earning members of their family. Noorjahan Abdul Kadir who lost her husband in the carnage in Naroda Patiya, preferred that the bond be matured and the lump sum of Rs 60,000 be given to successors like herself. Being widowed in the violence, and having lost her means of livelihood, she found little help in Rs. 360 per month from the bonds which she had to go the Collector’s office on the other side of the city to encash.

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86 Interview with Salimbhai Sindhi, ex Sarpanch Kidiad, Al Falaha Relief Colony, Modassa, Sabarkantha, 22/3/2009. Figures mentioned here are according to his account.
89 Interview with Noorjahan Abdul Kadir, Faizal Park, Vatwa, Ahmedabad, 19/12/2009.
The assistance offered by the BJP led government and NGOs was limited in their reach and effectiveness in creating livelihood options for the displaced given the extent of joblessness among the residents in relief colonies. Using the Gujarat Small Industries and Development Limited’s Bankable Scheme for Riot Affected Persons Fakruddin Ibrahim bhai Vohra managed to set up his shop in Gamdev in Anand city again, except that this time to play it safe, he chose to rename his shop that was earlier Ifsa Stores to FM Stores. Moreover such schemes varied from area to area and were for a limited period.

The government resolution referred to relief in cases of disability or permanent disability and due to this victims who had suffered burn injuries, injuries due to bullets or stabbing were unable to get any medical assistance for a long time. Moreover, injured were also required to produce proof of injury from a hospital according to which relief would be given. Out of over 2000 people officially recognized as injured 980 had been paid assistance. However, during the time of the violence when even the medical community seemed to be divided, some injured due to stone pelting or even shrapnel from police firing refused to even go to the hospital if they couldn’t find one nearby among members of their own community, and therefore ended up without any written proof for their injury and therefore without relief.

In the case of assistance for residential houses that were damaged or destroyed, the Collector in urban areas and District Development Officer in rural areas were to sanction the assistance, which meant that the affected people had to go to these offices for relief. The Collector/ District Development Officer’s Office assessed damage through a team which consisted of a Deputy Mamlatdar/ Circle Officer/ Extension Officer/ Deputy Chitnis of the Revenue/ Panchayat administration; and official of assistant engineer/additional assistant engineer/ section officer/ overseer of the Panchayat/ State Roads and Buildings department and the local talati. However in a large number of cases, survey of damaged property was undertaken in the absence of owners who were displaced and therefore seeking refuge in relief camps or among relatives or staying on rent in places of Muslim concentration. Often

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in the case of homes or property that was considerably if not completely burned down, estimates were arrived at by the government by surveys conducted by engineers in consultation with the local talati or sarpanch in the midst of ongoing hostilities where there were even instances of attacks on the survey team.\textsuperscript{94} Also, since the violence broke out repeatedly after periods of lull, some homes were burned and destroyed again after the first survey. Therefore according to reports received by the NHRC as well as most of the displaced interviewed for the purpose of this study, the relief announced for damage to houses and property was arbitrarily fixed and much lower than what the affected people claimed it was.\textsuperscript{95}

People were shocked to receive paltry amounts for the damage and destruction of their houses and all their possessions.\textsuperscript{96} This was because government assistance paid the costs of only structural damage during the riots. According to an estimate prepared by the district collectorate, in the case of Ahmedabad there were only 900 pucca houses with concrete ceiling that were damaged during the riots, the rest were shanties which were not worth more than Rs. 20,000.\textsuperscript{97} This acted as a disincentive for displaced who had to return and start their lives anew. Also, the amount for household assistance was given to the owners, and so many displaced who had lived on rent and lost all their belongings, got no assistance amount. In the case of Shiekh Pikumiyan Rasoolmiyan who lived and owned farmland but whose family had set up home in an uncle’s house, the entire assistance money went to the uncle and not to the family who had lost all their belongings and suffered great losses.\textsuperscript{98}

For a lot of women, the dowry they brought from their maiden home in terms of clothes, jewellery, furniture, brass vessels etc, gifts given to a new couple to help them establish a home, were counted as wealth. Especially for poor people or people in rural areas some of whom had no notion of saving, the loss of their home and possessions meant a loss of their life’s savings. Government relief however did not intend to cover the loss of household goods during riots. Instead the government paid a household allowance or ghar vakhri of Rs. 1500 which was later upgraded to Rs. 2500 which in most cases was used to buy food in the absence of other sources of income at the time of the violence.

\textsuperscript{94} Times of India, 7/5/2002.
\textsuperscript{97} The Indian Express, 27/5/2002.
\textsuperscript{98} Interview Pikumiyan Rasoolmiyan Shiekh, Sahara Colony, Modassa, Sabarkantha, 22/3/2009.
In the case of relief for earning assets the procedure to access to ex gratia payment up to Rs 10,000 required details and proofs such as copy of earning asset, loss assessment, rent receipt if the asset was rented, electricity bill, registration number under the Shop and Establishment Act, receipt of the taxes paid to the municipality, ration card no and its copy, FIR No. etc. However, many affected persons especially the displaced had been dispossessed and lost all documentary proof as their houses had been burned or looted. A revised allowed a waiver of some of the above mentioned documents or proof by allowing affidavits of the person and an indemnity bond to access ex gratia amount up to Rs. 5000. According to the petitioners held that this waiver for half the amount was not being followed in practice. The petitioners also held that these GRs pertaining to livelihood asset losses were biased against persons claiming ex gratia amounts between Rs. 5000 to Rs. 10,000 and loan amounts of more than 10,000.

Also, the form for claiming assistance required a copy of the FIR which mentioned the loss for which assistance was being claimed. However, in most cases the police had registered omnibus FIRs, where an entire village had one FIR.

The petitioners in Mahawsleta Devi case held that many claims were not being considered as in group FIRs, individual losses were not shown and the police were not inclined to register a second FIR regarding the loss of property, loss of livelihood etc. Even in cases where affected persons had panchnamas, they received less than the relief they had applied for. For instance, a rickshaw driver who applied for Rs. 10,000 relief received only Rs. 700. Even in the case of household assistance which allows for claims between Rs. 5-50,000, people were given amounts less than even Rs. 5000, such as Rs. 3,450, Rs. 2000, Rs. 1250 for their houses.

Also, according to an official release, those availing the state government’s assistance of up to Rs. 10,000 would not be eligible to avail of the central government’s package.

In the case of relief given for housing assistance and for losses to commercial establishments, small shops etc. was no where near the actual losses as estimated by an Independent Technical Team of architects and engineers. The petitioners however, were arguing from the logic of compensation. While compensation is expected, even

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100 Writ Petition Civil No 330/2002 in Mahashweta Devi & Others vs Union of India and Others. pp 42-44.
if it does not eventually reach those displaced due development or even due to natural disasters, when it comes to displacement due to communal violence, all the government can give is “assistance”.

The language of the office orders used to disseminate these GRs in the 2002 violence is also particularly insightful. For instance in the intimation of the Collector Office, Vadodara, to announce death relief, it starts with “On 27/2/2002 when the Sabarmati Express train was stopped and a mob from Godhra city burned a coach and burned the passengers alive, after which riots broke out, in these riots, in Vadodara Municipal Corporation limits incidents that caused deaths have taken place,” the burning of the train being the important context which must be reiterated before the announcement of relief. Despite the significant body of documentation of human rights violation and the state government’s complicity in the violence, the Commission of Inquiry appointed by the state government itself led by Justice G. T. Nanavati and Justice Akshay H. Mehta (henceforth Nanavati-Mehta Commission Report)\(^3\) that submitted its report six years after the violence exonerated the government of Gujarat from any charges of lapses in the violence in 2002.

**Closure of camps**

Despite the state government’s declaration of the return of ‘normalcy’ within 72 hours of the outbreak of violence, the very presence of such a large number of people in camps even four months later in June and the work of humanitarian agencies in their midst were evidence that raised questions about the government’s claims. The immediate goal therefore was to do away with ‘camps’- the obtrusive visual presence of the displaced that spoke volumes about the existing hostility and insecurity between the communities and that things were not ‘normal’ yet.

The then home minister L. K. Advani stepped in to demonstrate that the administration was taking measures to rehabilitate the victims. “At one time in the state, there were over 1.5 lakh riot victims in 121 camps” he said, “but with no untoward incident taking place, people have returned to their homes. And now, in 19 camps, there are just 18,500 people. In the last week alone, over 12,000 people had

\(^3\) Justice G. T. Nanavati and Justice Akshay H. Mehta, *Report by the Commission of Inquiry Into the facts, circumstances and all the course of events of the incidents that led to setting on fire some coaches of the Sabarmati Express Train on 27.2.2002 near Godhra Railway Station and the subsequent incidents of violence in the State in the aftermath of the Godhra incident*, Government of Gujarat, Ahmedabad, 2008.
gone home.”\textsuperscript{104} This in fact can be considered as the central government’s first allusion to the situation of displacement in the state without actually using the term displacement.

Since the month of April, people in camps had been trying to return. However with the continuing violence and atmosphere of insecurity, a large number of people continued in camps and by the end of May there were 50 camps in the city of Ahmedabad alone. This number dropped to about 27 relief camps in Ahmedabad by the end of June and further down to 20 in July 2002 when only the poor were staying put.\textsuperscript{105} The state government in its response to NHRC on 12\textsuperscript{th} April 2002 as well as in media reports reiterated that people would not be asked to leave the camps till relief and rehabilitation measures were complete and they felt assured of their safety to return home. However, in its May 31\textsuperscript{st} report to the government of Gujarat, NHRC stated that it had received reports of “pressure being exerted on inmates or conditions in some camps being so inhospitable, that inmates have felt compelled to leave the camps and seek refuge with family and friends.”\textsuperscript{106} There were instances of displaced in camps being coerced to leave. A government resolution dated March 6 which permitted all the camps to function until March 6 was invoked at official district level meetings to implement a plan of action to shut down the camps.\textsuperscript{107} The state’s then Home Minister Gordhan Zadaphia said that the administration expected all camps to be shut down within a week.\textsuperscript{108}

Following a Public Interest Litigation (PIL) in the state High Court filed by the Citizens for Justice and Peace through journalist Anil Dharker and Communalism Combat Editor Teesta Setalvad that contended that the government might close the camps on 31\textsuperscript{st} May and appealed for the camps to not be closed till rehabilitation work was over, the State government told the High Court that the relief camps would not be closed till its inmates were rehabilitated.\textsuperscript{109}

According to government figures, as of 28/6/2002 there were only 15,433 people in 15 camps out of which 13865 were in Ahmedabad alone.\textsuperscript{110} While the

\textsuperscript{104} The Indian Express 17/6/2002.
\textsuperscript{108} Ibid.
\textsuperscript{109} Times of India, 27/6/2002.
\textsuperscript{110} Ibid. pp16-19.
government held that it had not exerted any pressure to close the camps and that people were returning to their homes because of the return of normalcy, district and municipal officials used various tactics to exert pressure on camp organisers to close the camps. In the month of May when temperatures were soaring and the heat in the camp became stifling which only had a cloth tent for a covering, people would go to rest in neighbouring houses of friends or relatives or under a tree or go to check on their properties or look for work, the Collector and his staff would surround the camp and the number of people in the tent at that time were counted. The state administration then alleged that the camp had far lesser number of inmates than what camp organisers were claiming and reduced the supply of rations to the camp drastically. In the month of May the government even stopped rations to this camp. The government claimed that those who had voluntarily left the camps were provided with two months ration on the existing scale which was provided to them daily in the camps. However, camp organisers were told that ration would be given only if they gave it in writing that the camp was closed. After the government stopped supplying rations, the collective of NGOs like Citizens Initiative, Red Cross, Action Aid, St. Xaviers Social Society etc. continued to supply food supplies to relief camps.

However, the month of June brought with it monsoons and camps which were by and large shelters made of cloth tents and were flooded with rain water as the Collector’s office had not responded to all representations made for provision of rain shelter in camps. NGOs again pitched in to provide shelters in some of the camps that continued. Camps like the Jehangir Relief Camp in Vatwa went on for a year and a half after that, although the numbers kept declining to 13,865 in June from more than 1,00,000 in earlier months. Already the reduction of daily rations to camps had brought down the number camps for instance in Ahmedabad from 60 to 10 officially. Citing reasons of monsoon, the administration asked sought to shift people to the bigger camps such as Qureshi Hall in Vadodara, which was a wedding hall or the Shah Alam camp or Dariya Khan Gummat camp in Ahmedabad.

111 Interview with Altafthai Sayyed, Sayyedwadi, Vatwa, Ahmedabad, 15/12/2008 and Times of India 10/6/2002.
In rural areas, such as in Panchmahal district a minister wanted to shift camp inmates to village schools or panchayat buildings till their damaged house would become liveable.\textsuperscript{115} In Ahmedabad, 11 Municipal schools were converted into relief camps, after the collectorate requested the municipal corporation to provide infrastructure.\textsuperscript{116} People were reluctant to leave their earlier camp for various reasons such as closeness to earlier residence or place of work. In the month of June, the district Collectorate stopped providing ration to even more camps.\textsuperscript{117} After lakhs of people had been in camps and thousands continued to remain in the them even after 4 months, the state government held that normalcy had been restored, that it had completed payment of assistance and confidence building measures because of which "more than 80% of the camp inmates have willingly left the camps and have gone back to their original place of dwelling."\textsuperscript{118} Officially, the government held that there were 27,000 people living in 20 relief camps in the city in the month of June, but while officials alleged that the number could be much lower than this as camp organisers projected a much high number of people in camps than those that they found on repeated verification.\textsuperscript{119} The government in the meanwhile provided those who were leaving camps with ration for 2 months and a relief camp ration card which would entitle them to ration for 6 months.\textsuperscript{120} There were initial problems in availing these as well as the \textit{ration} shops apparently didn’t have names of the displaced who went to get supplies from there.

Approximately 15,000 people continued to stay in relief camps that were officially declared as closed by the administration as many of them had either not received state relief or the relief amount received was too meagre to set up a new house or earn a livelihood.\textsuperscript{121} The government further reduced the number of recognised relief camps in the first week of July from 10 to 4 in Ahmedabad.\textsuperscript{122} By the end of June, the government also declared "closed" all the 40 camps that existed in these districts of North and Central Gujarat to which according to one estimate, within

\textsuperscript{115} \textit{Times of India} 3/5/2002.
\textsuperscript{116} \textit{Times of India} 13/5/2002.
\textsuperscript{117} \textit{Times of India} 25/6/2002.
\textsuperscript{119} \textit{Times of India} 10/6/2002.
\textsuperscript{121} \textit{Ibid} p 33, 59, 61. \textit{The Indian Express} 4/6/2002.
\textsuperscript{122} \textit{Times of India} 8/7/2002.
a month after the riots, 25,531 people had fled to. Some of the camps however, in Ahmedabad, Modassa, Himmatnagar continued to run for more than a year after that because the displaced especially the poorest of the poor just would not leave. Faith based organisations among the Muslims constructed relief colonies to house these displaced.

'**Rehabilitation**'

Five months after the outbreak of violence, the government initiated measures for the return of riot hit. Since one month after the violence broke out, in the month of April itself the state administration in Vadodara and Sabarkantha took some initiatives for the return of those displaced there but the violence soon broke out again. The administration seems to have had no overarching strategy for rehabilitation of the displaced as everything was left to the district officials, and rehabilitation strategies varied from area to area. As the National Commission for Minorities later pointed out, the government was concerned only with relief and not rehabilitation.

From the month of May the administration provided escorts of the Central Reserve Police Force (CRPF) and State Reserve Police Force (SRP), to those among the displaced in camps who had decided to return to their homes from the camps. Muslim traders in Naroda fruit market in Ahmedabad and Bakrao ni Mandi in Ahmedabad were also given protection to return to markets where they used to ply their wares. SRP and CRPF companies also manned some areas where Muslims had returned.

Police and Revenue Department officials held meetings with the panchayats in many places, however, social tensions were not as easily diffused as village elders and sarpanches imposed conditions for returning Muslims, such as the withdrawal of specific names of villagers from FIRs filed by the Muslims. In Panvad village in Vadodara district displaced Muslims were attacked at least twice when they went to the village. The district administrators wanted to send the displaced Muslim villagers back to the village under heavy police protection by the 1st of June but in successive meetings district administrators were unsuccessful in convincing the villagers who

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123 The Indian Express 18/8/2002.
124 The Indian Express, 20/5/2002.
125 Times of India, 21/5/2002.
126 The Indian Express, 21/5/2002.
said they did not want the Muslims to return to the village.\textsuperscript{127} Muslim men from the village were finally successful in rebuilding their houses under heavy police protection. The administration itself acknowledged that in some cases it was not advisable to bring in women and children even six months since the violence began.\textsuperscript{128} In one reported case police picked up men from Marettha village from different parts of Vadodara where they had taken shelter and sent them to the village under heavy police protection after they had already warned the villagers to let the displaced in.

In the case of Sayla village in Panchmahal district, district officials held meetings with the panchayat as well as the panchayats of surrounding villages and the same night the villagers were threatened with dire consequences which forced them to return to the camp.\textsuperscript{129} In another village, even part of a wall that a Muslim who had returned from a camp to his village had constructed, was torn down the very same night which forced to him to return to the camp as well.\textsuperscript{130} In the case of victims of carnages like those in Kalol camp in Panchmahal district where relatives of 50 people who were killed from the villages of Delol, Boru and Eral, the problem of resettlement was even more knotted. The camp had 28 orphans, 13 widows and women who were sexually abused who on return would have to face the men who had raped them as those men were not arrested and continued to roam free.\textsuperscript{131} The fact that even in some of the major cases of mass murder, not a single arrest had been made and perpetrators roamed freely was another major reason why displaced did not feel certain of their safety to return.\textsuperscript{132} The government however, refused to allot any separate plots of land for those displaced who felt unable to return to their original homes.\textsuperscript{133}

Although the government had got its numbers of camps closed and disbursed relief, many Muslims from North Gujarat and some districts of Central Gujarat like Panchmahal, Vadodara, Kheda and Anand who were affected by the violence had not returned to their original homes. Those who had fled their homes at the time of the violence, took up houses in rent in Muslim dominated villages, and in towns with

\textsuperscript{128} The Indian Express, 18/8/2002.
\textsuperscript{129} Times of India, 3/5/2002.
\textsuperscript{130} Times of India, 3/5/2002.
\textsuperscript{131} Times of India, 3/5/2002.
\textsuperscript{132} Times of India, 7/5/2002.
\textsuperscript{133} Times of India, 3/5/2002.
sizeable Muslim population. In Sabarkantha, Anand, Panchmahal and Kheda, minority dominated villages like Kesarpura, Haripur, Sureli etc. and Muslim localities in towns with significant Muslim population such as Idar, Modassa, Himmatnagar, Godhra, Hallol etc became places of refuge. Not just in cities but in rural areas as well, Muslims moved homes to areas of Muslim concentration.

**Increasing ghettoisation and government attempts to contain it: Disturbed Areas Act**

In Ahmedabad however these processes had already started before 2002 as a result of repeated occurrences of caste and communal violence in the 1980s and 1990s and the state’s limited measures to ameliorate the plight of the victims. Even in 1969, some Muslims affected by the violence had moved out from their localities in communally sensitive areas.\(^{134}\) After the 1986 violence a significant amount of people from the camp settled in the nearby government colony, Dudheshwar and adjoining localities after the violence ended.\(^{135}\) This happened in other parts of Ahmedabad as well, especially after 1990 where houses of upper class Muslims were attacked.\(^{136}\)

Muslims and Hindus sold their houses to buy houses in areas that they considered safe, among members of their own community, so that initially Muslim properties in areas of concentration of Hindu population received much less than their worth and the same was the case with property owned by Hindus in areas of Muslim concentration. Distress selling of houses from people in both communities led to partition of areas of mixed living like Bapunagar, Gomtipur, Gupta Nagar etc. into distinct Hindu and Muslim areas separated by a ‘border’ where the Hindu area ended and the Muslim area began. So that by the end of the 1990s old Bapunagar which till 1985 had both Hindus and Muslims, came to be occupied only by the Muslims and Indira Garibnagar, which earlier housed people who were displaced by the 1969 riots, came to be occupied by lower caste Hindus.\(^{137}\)

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\(^{135}\) Interview with camp organiser in the 2002 violence who had also witnessed the 1986 riots, *Times of India*, 30/4/2002.

\(^{136}\) Omrit Shani. *Op. cit.* and Interview with Zakia Jowher, Indian Social Institute, New Delhi, 4/4/2009. Incidents and rumours of incidents in the 1990 violence like when a Muslim from Bangalore, an Indian Oil Company employee on posting in Ahmedabad who was reportedly thrown down from his balcony in Naranpura, or another Muslim who was burned alive in his flat in Vaslapur created fear among Middle class Muslims who lived with Hindus in the upmarket parts of Western Ahmedabad. Right wing groups had apparently even issued a diktat then that there were to be no Muslims in Western Ahmedabad.

\(^{137}\) Interview with Noorjahan Kalumiyan Sheikh, Siddiqabad Relief Colony, Ahmedabad, 27/10/2008.
In a belated attempt to check these processes the state government enacted The Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1986 which has been in existence since 1991 under which certain areas of Ahmedabad which were riot prone were declared as Disturbed Areas where property could not be bought or sold without the permission of the Collector. In effect it meant that Hindus and Muslims could not sell or buy land from each other in these places. This act was limited to certain areas of some Police Stations of Ahmedabad Police Commissionerate and District Superintendent of Police (Rural) Ahmedabad areas that the government declared as disturbed.

However, people soon found ways to circumvent this act by bribing authorities for an exemption or by manipulating the clause of power of attorney “where transfer of property could not be revoked once the payment had passed through the attorney.” Moreover, the Act did not seem to have much effect because it tried to change what had already happened after the riots. For Muslims in Ahmedabad who wanted to live in middle class localities that were more serviced on the western side of Ahmedabad and not in “ghettos,” i.e. Juhapura on the periphery of the city or areas of Muslim concentration such as Jamalpur in the walled city, they had only 2 choices, Paldi or a handful of colonies around Muslim Society in Navrangpura for which they had to pay astronomical amounts as the demand for these houses increased. Hindus on the other hand could make a huge profit by selling their houses in these areas and buying a house anywhere in the city for less than half the price. These processes only intensified after the 2002 violence where the population of Juhapura on the periphery of the city increased to an estimated 50,000 in 3 months during the violence.

Despite its failure in the past, the Narendra Modi government, got an amendment to this act passed in the legislative assembly even as the opposition boycotted the proceedings. The amendment which has also been approved by the President Pratibha Patil includes a new section by which the Collector can now suo moto seek an inquiry in cases where possession of immovable property had violated the provisions of section 4 and 5 of the Act. The bill gives the collector powers to

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140 The Indian Express, 29/7/2009.
restore possession of immovable property that was transferred illegally. It also provides for punishment for violation of the provisions of sections 4, 5 and 5A and has also made the offence cognizable. For the effective implementation of the amended Act, provision has also been made to empower the collector to temporarily take a disputed property in his possession, and manage it if transfer fails. The collector can also restrain a person from making any changes in the disputed property.\textsuperscript{141}

Many civil society practitioners opposed the bill as they felt it would only lead to more harassment of Muslims by authorities,\textsuperscript{142} increase ghettoisation\textsuperscript{143} and make it even more difficult for Muslims to migrate within the city not just for reasons of safety but even for other compulsions such as livelihood, access to educational institutions etc. even during normal times.\textsuperscript{144}

Where the displaced figure in legislative parlance and government practice

Despite the number of riots it has experienced, the displaced hardly figure in the debates in the legislative assembly of Gujarat. If the discussion in the legislative assembly is indicative of the response of the government towards communal violence, then the response of ministers in the debates in all the major riots since independence that have primarily referred to police action, combing operations, number of shells fired etc is indicative of government attitude to riots as primarily a law and order problem. In 1991, one does find a mention of those displaced due to communal violence in a question in the legislative assembly by a Muslim MLA’s (member of legislative assembly) on what the government had done to quell the fear and insecurity among the minorities in a reply to which the concerned minister replied that the government had arranged for protection for the \textit{hijrat} who wished to return home and that special control rooms were to be set up to respond to the applications of minority communities in the event of communal riots. Among other measures, the government also claimed to have set up fixed police points in sensitive areas and also helped the work of peace committees.\textsuperscript{145}

\textsuperscript{142} Girish Patel ‘Modi Goverment to make it tougher for Muslims to buy Hindu Properties’, \url{http://www.twocircles.net/2009july17}, (accessed on 29/5/2010)
\textsuperscript{143} \textit{Ibid.}
\textsuperscript{144} \textit{Ibid.}
\textsuperscript{145} Gujarat Vidhan Sabha Debates, 8\textsuperscript{th} Gujarat Vidhan Sabha, 4\textsuperscript{th} Session, Part 2, Book: 62, Monday, 18\textsuperscript{th} February 1991, \textit{Sattavar} Report, Gujarat Vidhansabha Secretariat, Gandhinagar. p728.
In 1993, in the aftermath of the violence due to the destruction of Babri Masjid that led to violence even the otherwise peaceful city Surat, a question on the number of people who had fled their homes does come up but it is simply replied to by denial. In the legislative assembly debates from 1969 to 2002 one finds little deliberation on relief for victims of communal violence beyond information on the amount spent on relief. These sum totals announced in the legislature however, when divided by the number of affected people works out to precious little per person.

Even with regard to the processes of concentration of population which is a manifestation of insecurity and the what people have resorted to as a means of protecting their rights and safeguarding their interests by shifting to places of concentration of their coreligionists, and seeking guarantees to their protection where the state is found wanting, acts like the Disturbed Areas Act fail to appreciate this and in fact seek to make such movement illegal.

In government practic relief for riot victims is treated as emergency relief which has been allotted as a subject of the Revenue Department, where the Commissioner of Relief coordinates relief at the Secretariat level and the District Collectors and District Development Officers at the field level. The office of the Commissioner of Relief implements relief work through line departments like the Health Department for medical examination of camp inmates, deworming, pregnancy cases etc, Civil Supplies Department for obtaining food for camps, Women and Child Development Department etc.

Administrative mechanisms in case of relief for natural disasters on the other hand have been developed, after developments at the national level for the same, under the Gujarat Disaster Management Authority (GDMA). The GDMA also operates only through line agencies/ departments and particularly through the Collectors and District Development Officers. In the light of the humanitarian situation of lakhs of people being displaced and in camps, for lack of a better framework, the NHRC, as well as other civil society members had recommended that the GDMA which had received substantial aid both nationally and internationally for the management of relief work for the victims of the 2001 earthquake take up relief

146 Gujarat Vidhan Sabha Debates, 8th Gujarat Vidhan Sabha, 8th satr, January 1993, Part 2, Bk 80. p 111.
work for those affected by the violence as well.\textsuperscript{147} The government however declined to accept the suggestion to involve the GDMA led by the Chief Minister Narendra Modi himself, citing reasons of the small staff that was already being engaged in rehabilitation of earthquake victims.

The recommendation for relief efforts to be taken up by the GDMA was made as the scope of the authority covers both natural and man made disasters. However, even the framework of relief for natural disasters would be tantamount to equating the victims of communal violence which involves larger and political issues with other exigencies and absolve the state of any responsibility. As far back in 1969 the Reddy Commission Report had held that relief and rehabilitation of those affected by communal violence “should not be tackled on the footing of the relief afforded on the basis of natural calamities.” The Commission had even suggested that punitive tax should be levied on the community which instigated the riots and the tax be used for relief of persons in the affected community.\textsuperscript{148} The point the Reddy Commission Report was making seems to be that that relief and rehabilitation in the case of communal violence should not be handled as in the case of natural disaster where the government had to merely ameliorate the inevitable, unavoidable consequences of nature but rather that society should be held responsible. The issue of creating accountability however is crucial but it requires more than just fixing responsibility vaguely on the society to the exclusion of the state.

The many GRs that the state came up with for the \textit{asaragrati} (riot affected persons) in keeping with the GRs in previous instances of communal violence all used the language of and assistance that was \textit{gratuitous} which literally means given as a favour rather than as any legal requirement. This had been the practice of the state governments across India including Gujarat. The UN Guiding Principles however state that “Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation

\textsuperscript{148} Reddy Commission Report, p 222.
or another form of just reparation.” Both compensation and reparation refer to the payment of an amount to make amends for wrong done. However, far from being compensation for the losses, both personal and material suffered due to violence, the paltry amounts doled out by the government under various criteria was intended only as ‘relief’ and not as rights.

**Introducing the language of rights: the role of NHRC and NCM**

It is the concerted interventions of constitutional bodies like NHRC and the National Commission for Minorities (NCM) that used the language of rights and invoked international human rights instruments while using their constitutionally mandated authority that compelled the Government of Gujarat to at least reply in letter to the recommendations. Given the complete denial of the displacement of Muslims in 2002 by the GOG’s, it is through its correspondence with bodies like NHRC and NCM that the state government’s position vis a vis the displaced can be discerned.

On the second day of violence itself, i.e. on 1st March, NHRC had sent a notice to the Director General of Police to be replied to within 3 days, drawing attention to complaints of police inaction and complicity. The notice was also sent to NHRC’s Special Representative in Gujarat who was asked to send a report of the situation to the Commission using the group constituted by the commission to monitor the rehabilitation work after the earthquake in Kutch in the previous year. With the continuing violence in the state the NHRC decided to send a team headed by the Chairman to visit the state between 19-22 March. In its visit to the state from 19-22nd March the Commission found that there was a pervasive sense of insecurity prevailing in the state which extended not only among those who had been directly affected but to all segments of society including two judges of the High Court of Gujarat who were compelled to leave their own homes in Ahmedabad because of the violent atmosphere.

One month after the violence itself, the NHRC in its proceedings recommended that in view of the police action so far and complaints received, some critical cases should be handed over to the CBI, the rationale being the central principle of criminal justice that those against whom the allegations were being made

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should not themselves be entrusted with the investigation of those allegations. Moreover, the Commission among other recommendations and observations also held that the government was not monitoring the situation in the camps where there was a lack of sanitation facilities and epidemics and measles had already taken a toll. The NHRC also took note of reports that the assistance being announced for homes and properties were being arbitrarily fixed and therefore served as a disincentive for victims to start their lives anew. It recommended that police desks be set up in relief camps to receive complaints, record FIRs and forward them to police stations having jurisdictions.\textsuperscript{151}

In reply to the NHRC's recommendations, the state government made arrangements for affected people to record their FIRs in camps.\textsuperscript{152} However as NHRC observed in its next report, police desks had been set up only in 9 out of 35 relief camps in existence then in Ahmedabad, that these desks worked for only a few days and only for two hours on an average on those days.\textsuperscript{153} This recommendation was made so that crimes against women and children which were sensitive in nature would be accurately recorded. However, the NHRC's Special Representative's report on 28\textsuperscript{th} of May held that such cases were still not being adequately registered. Moreover, not all complaints were converted into FIRs by the police who purportedly wanted to avoid duplication, and since a large number of FIRs according to them would hinder investigation.\textsuperscript{154} The state government also accepted NHRC's recommendations, an order was passed in the first week of April, a month after camps had already been in existence where Secretaries were given charge of special responsibility for overseeing and supervising the relief camps in the district.\textsuperscript{155} Along with such official visits the state government reported that it had also started sanitation facilities, drinking water supply, medical facilities and pre-school activities in anganwadis in camps.\textsuperscript{156}


\textsuperscript{154} The policemen from Naroda Police station chose 103 complaints out of the 707 they received to convert as FIRs. \textit{The Indian Express}, 1/4/2002.


After failing to receive a reply from the Government of Gujarat to its confidential report based on the visit of a team of NHRC led by the chairperson, after an extension of the stipulated time, the Commission came to the definite conclusion that ‘res ipsa loquitur’ (the affair speaking for itself) applies in this case and there was a comprehensive failure of the state to protect the constitutional rights of the people of Gujarat. The Commission held that “the facts indicate that the response of the state government was often abysmal, or even non existent, pointing to the gross negligence in certain instances or, worse still, as was widely believed, to a complicity that was tacit if not explicit.”

The Study by the Centre for Social Justice, Ahmedabad in collaboration with the Monitoring Committee constituted by NHRC 2004 which surveyed a sample of “4382 which were living then still living in semi permanent camps built by various non-governmental organisations, estimated that the number of internally displaced persons at that time would not be less than 10,000.” This study proved to be important in drawing attention to the plight of those displaced.

Since the early days of the violence in 2002, the National Commission for Minorities (NCM) sought to bring the Prime minister’s attention to the 90,000 Muslims in camps and the then Chairman even suggested that land be given to restore the Muslims in camps who were very fearful of being attacked. After 2004 when the UPA came to power the NCM intervened specifically for displaced persons in Gujarat. In 2006 after visiting 17 relief colonies in the districts of Ahmedabad, Panchmahal, Dahod and Sabarkantha, the team of NCM members held that the situation of displaced persons in relief colonies was very difficult. Pointing to the lack of even basic amenities like potable water, sanitation, electricity or ration cards in the colonies and to the government’s responsibility to provide for these displaced, the NCM suggested that a larger policy should be formulated to address the plight of those displaced due to communal violence.

The NCM even suggested that a relief package be formulated on par with those affected by the 2001 earthquake which was rejected by the state

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160 The Indian Express, 18/10/2006.
government.\textsuperscript{161} In its October 2006 report the National Commission for Minorities recommended granting them the status of Internally Displaced Persons and a fair monetary compensation.\textsuperscript{162} The state government however continued to maintain that there were no internally displaced persons in Gujarat and those who stayed in relief colonies did so voluntarily.\textsuperscript{163} However, a right to information request which was filed for the Government response to the NCM report in which the government detailed the names of the relief colonies which it estimated at being 81 in number along with the list of amenities in them.\textsuperscript{164} The state government however questioned the legality of these constructions and whether they actually housed riot victims. The government’s argument, with respect to the lack of the availability of civic amenities was that the lack of amenities is commensurate to the areas in which they are located, and not specific to the “resettlement colonies.”\textsuperscript{165} The Supreme Court committee of Commissioners however, in its report however, citing the NCM October 2006 Report, held that had the state government had misrepresented the situation to the court-appointed commissioners by denying the existence of these colonies and that a contempt notice should be issued to the Chief Secretary and other officials concerned.\textsuperscript{166}

\textbf{Government’s ostrich policy towards displacement}

In response the state government came up with another report which identified the existence of 86 such colonies where “people affected by riots have been staying.”\textsuperscript{167} However, available civic amenities listed by the government such as the availability of water, sanitation and even educational facilities in majority of the cases were those arranged by the Muslim organisations, NGOs or even the displaced themselves. Whereas, those amenities which were essential such as roads the estimated cost of constructing them was mentioned.

\textsuperscript{161} The Indian Express, 24/10/2006.
\textsuperscript{163} The Indian Express, 27/1/2007.
\textsuperscript{164} RTI No. 102008, Information 18-A.1, Social Justice and Welfare Wing, Secretariat Gandhinagar
\textsuperscript{165} Status Report of the displaced families in Gujarat with reference to the NCM delegation visit on 15/10/2006.
\textsuperscript{166} Supreme Court of India, Writ Petition (Civil) No. 196 of 2001.
What is most striking in the state’s response however, is that the government has by and large managed to avoid using the term displacement. Responding to NHRC’s notice which pointed out to the fact of a sitting judge of the High Court having to flee his house in the middle of the violence, the government replied that the judge had made the decision to move “voluntarily” after assessing the situation. A few months later, while referring to the rape of Bilkisbano in response to NHRC, the government again referred to fleeing Muslims as those who were “migrating to safety”.\(^{168}\) In one of its replies to the NHRC after referring to the role of the media, the government asserted, “There is no agenda of the ruling party to drive out the Muslims by mobilizing grievances of the tribals.”\(^{169}\)

Interestingly however, as late as 2009 however the Modi government also appointed a commission to inquire into changes in the demographic pattern of Gujarat since independence and to identify reasons behind the “polarisation” and “migration” of population. The Commission is to study where people of different religions live, the area and the size of the population, in order to assess the total area in square metres occupied by people of different religious faiths, and where they lived and moved to every year since independence. While the commission’s mandate was to give “recommendations and policies on guidance for stopping polarisation of population in the state” the state government maintained that the allegations made by the court and the media against the state government about the “polarisation of population on the basis of religion” were unscientific conclusions.\(^{170}\) What makes migration displacement is the element of coercion.\(^{171}\) And the government will probably play on the subjective aspects of coercion in order to downplay its responsibility in creating a situation where more than one lakh Muslims fled to relief camps for fear of their lives when they were attacked, and a large number of them didn’t go back to their original homes but either moved to places of Muslim concentration using their own means or now stay in relief colonies built by organisations of their own community.


\(^{170}\) The Indian Express, 4/7/2009.

The UPA government which had promised relief for victims of the post Godhra violence as one of the promises in its election manifesto announced a Rs 262.44 crore package for the victims of the post Godhra violence in January 2007. This package which was on par with the package given to the anti Sikh riots of 1984, provided some succor to the victims of the violence although it came 5 years after the violence. The next to kin of the dead were to be given Rs 3.5 lakh in addition to the ex gratia of Rs 1.5 lakh given by the state Government as well as ex gratia amount for damage to residential property and uninsured commercial property of ‘10 times the amount given by the state government less amount paid’.172 The injured persons were to be given Rs 1.25 lakh each. However there was a delay in implementation of this package and a PIL filed by Gagan Sethi representing the Centre for Social Justice and Yusuf Sheikh of the Antarik Visthapit Hak Rakshak Samiti led to the High Court directing the state and central government to distribute relief within 8 weeks.173 Earlier the Government of Gujarat, during the NDA government’s rule had even returned Rs. 19.1 crore of the previous package as unutilized amount after full relief had been paid.174

Gujarat’s many riots since independence provide an opportunity to study state responses and arrive at patterns that point to a policy, not in a legal sense but in the sense of the course of action that the state follows in dealing with displacement due to communal violence. While an attempt has been made to understand state’s procedure for relief from government orders it is difficult to do the same for rehabilitation for which the state seems to have no other strategy other than the shut down of camps and sending the inmates with police escort back to their original homes. The only exception to this is in 1969 when the AMC’s allocation of temporary housing to the displaced in Bapunagar. From the Gujarat State legislative assembly debates for all the years where there were major communal riots in Gujarat, the deliberation of the house which revolves around the number of deaths, injury, tear gas shells and bullets fired, it seems that communal violence is primarily dealt with as a law and order problem. Apart from several instances of communal violence those in 1969, 1985, 1986, 1990, 1992-93 and of course 2002 caused large scale loss of life, destruction of property and displaced thousands of people. The humanitarian situation that the

173 The Indian Express, 15/5/2009.
174 The Indian Express, 15/5/2009.
violence left behind and the challenge for governance it might have posed seems to have taken much lesser attention of the house than the cause of conflict and police action involved. In 1970 the Reddy Commission specifically inquired about government measures for the homeless after the 1969 riots. It also recommended that for the relief and rehabilitation of people affected by the violence, much more was required to be done than just mere relief that is normally doled out in the case of natural calamities. Unfortunately, government practices have revealed that much more is done and even offered as relief in case of natural disasters than in the case of communal violence.

Although relief offered by the state in 1969, by the Reddy Commission’s own assessment was insignificant compared to the damage done and suffering endured by the people, the response of the state towards relief and rehabilitation seems to be much more hands on than it was in 2002, where officers, by the Commission’s account even traveled to the affected people and delivered relief and the government itself ran 4 camps. The relief conceived by the government since then have been faithfully adhered to in scale with very negligible increments. In what can be considered as immediate relief the government provided food for relief camps, cash doles which till 2002 were Rs. 5 per day and were increased to Rs. 7 per day and ghar vakhrī or assistance for household goods given to people in camps ostensibly to help those dispossessed to start anew but which through the 1980s and 1990s was Rs.1250 and was increased to Rs. 2500 in 2002. Assistance offered in case of death and injury were also low and as arbitrary as in 1969 when a distinction was made of assistance of Rs. 500 for earning member and Rs. 250 for any other member of the family. The state also provided assistance for loss of earning assets which provided assistance to self employed but not to those employed wage earners who lost their livelihood. Assistance for housing was also purportedly intended only for structural damage of four walls and ceiling and not loss of household goods which eventually worked out to much less than even that, and assistance for the losses in commercial or industrial establishments. In case of relief for most of the major riots some form of assistance to those widowed and orphaned by the violence has also been included. Although the scale of relief offered in these different categories of assistance was increased howsoever variably, the categories of assistance remained the same, even in case of the latest relief package offered by the UPA government in 2007. Despite the various instances of major bouts of communal violence in the state and at the national level a
framework of entitilements for the victims of violence has not emerged in government practice.

It is also important to note that the state’s limited response to those affected by communal violence was not just at the time of 2002 when BJP was in power. The government orders for relief in 1980s as well as 1990s following precedent have adhered to offering “assistance” to victims which amounts to precious little per person. This assistance is not even intended to compensate victims for the losses suffered due to break down of law and order due to instances of communal violence which have occurred so frequently. The package 106.57 crore relief package by the central government was a much needed intervention however, in keeping with government practice it was given as “ex gratia” amount that sought to give assistance to the families of the dead and injured but gave a much reduced amount for the loss of residential and commercial properties and therefore had comparatively little to offer internally displaced persons.

Whatever assistance has come to the displaced has come as assistance to ‘affected persons’ or asargast. The state government has scrupulously avoided the term displacement or internally displaced persons even in denying the situation referring to it as migration which suggests that the movement was voluntary and not under compulsion. The position of the Government of Gujarat even regarding those living in relief colonies has been that they have moved there voluntarily. It is constitutional bodies however, like NHRC and NCM which in exercising their roles have been instrumental employing the language of rights to question the Government of Gujarat and in moving the state to take whatever measures it has taken for the displaced without of course referring to them as such.