

1. Hon'ble Mr Prime Minister, distinguished guests on stage, members of the NIC. Thank you for giving me this opportunity to present a few points. I will be confining myself to items one and two on the agenda which is on communal harmony and confidence building measures. I have of course had occasion, and the entire National Commission for Minorities has visited Muzaffarnagar last week and we intend to visit Shamli district which was the other badly affected district where there are still some camps but may I start with reiterating a point. I think my visit to Muzaffarnagar, our visit to Muzaffarnagar, has reinforced my view as a former administrator that what is very necessary is the enactment of what has been discussed, the Communal and Targeted Violence bill. This, as you know Sir, was an item of discussion in the 2011 NIC meeting. It has been referred to, but the two main highlights of this bill which could have been effective and can still be affective, in a situation as it exists in Muzaffarnagar are not so much as how to define 'group' or setting up a 'central authority,' which are the areas which came in for controversy last time, but the two sections, one on Accountability and one on Rehabilitation. And I think on those two measures there was a general consensus of opinion in the last meeting that there is need to go forward with them.

2. Why do I say that Sir? The point is, as statistics circulated by the Ministry of Home Affairs show, that communal conflict is increasingly now becoming a national problem. We have received reports of this kind of turbulence and violence from all parts of the country and therefore, they need to be addressed. We have, in fact even without the Bill, the basic laws to deal with this. Our police force across the country, no matter where, have the material whether the provision of law, the transport, the communication, the

weaponry, everything that is needed, to actually counter this. But unfortunately it is not always working.

3. What is required under the existing rules? Every district in the country is required to have a scheme for riot control. Although this exists, this has never been updated. It has been left as it is for years and older people may know about it, but many people do not know that it actually exists, not even people working in the district offices. These schemes need to be updated. They need to be able to address the technological challenges that information technology now poses. For this purpose, the police response has not always been of the best and I would in this case say that on my visit to Muzaffarnagar, I found that there were complaints against the police and it has been mentioned that police have often connived in the riot. Mr. John Dayal had mentioned that the police often connived, have encouraged the rioters. But there have also been policemen who have done signally constructive work. I mentioned to the Hon'ble Chief Minister of UP, the work of one CEO in a village called Kutuba in Muzaffarnagar district, where 8 persons, all Muslims, which was a minority community in that village, lost their lives, but this young police officer risked himself and his small number of the policemen with him, to save 250 families and when we visited another camp of Shahpur, which camp I think, sir you have yourself visited, there were several people who had survived, among the 250 people from village Kutuba who were there, who were all praise for that particular police officer. So the idea should be in fact, in respect of this Bill, that whereas those who fail in actually doing their duty under the law are brought to book, are made accountable, those actually who go beyond what they are required to do and are of aid and help to people are also duly recognized. Impartial and determined police leadership is what is

needed, so what is needed is therefore, acting upon the studies of Ministry of Home Affairs. In fact the single report in 1998 points the way in this direction. What is needed therefore is implementation of recommendations of those studies which have already been made. In 1990 the committee of Mr. Potty and Mr. P.A. Roshia went into the details of what happened, the detail of how prosecution was pursued in 1984 and there has been reference to what happened in 1984 and what was found at that time and what was later also found in the report in the Best Bakery case of Gujarat in 2002, that investigation had been totally perfunctory.

4. Why has this happened? This has happened really because of the fact that there has been no mechanism provided under the existing law to ensure the enforcement of these laws. So I will conclude, if you may give me a minute, to say two or three things: one is the question of the exercise of control under the Information Technology Act. It is not being enforced in the manner than it should have been enforced with the result that as found in Muzaffarnagar, informational technology was misused at the mahapanchayat to incite violence. Earlier, it was misused in Kishtwar, where fortunately the police had come to know about it before the misinformation could spread across the districts of Jammu Division and were able to control it. It was misused before that in Karnataka consequent on the Kokrajhar riot. So the policemen have to be trained in order to be able to control such misuse and they can be trained on the manner of counter this.

5. The other issue which I wished to highlight is that we have no real policy for internally displaced persons. We have had internally displaced persons as far as in Mizoram, the Bru Tribals. We had this among the Christians in Kandhamal. We had this problem repeatedly in Assam. We have

this amongst Sikhs in Haryana and Pundits in J&K. There is no uniform scheme for this purpose and therefore, I would urge that we do develop a scheme for internally displaced persons, the rehabilitation or resettlement in this manner. This will be within with the ambit of the Targeted and Communal Violence Bill, as drafted

6. One last point Sir, and that is that it is important to counter rumors and here is where the civil administration can play a major role, again in Muzaffarnagar, much of the problem arose because of the rumors having spread. Many people fled their villages out of fear. We visited various camps, one being the Kamalpur camp which housed a number of dalits who had left a Muslim majority village, where a large number of refugees had come, in the fear that they would be attacked in revenge. They were not so attacked. Similarly this happened of course, in other villages where no incidents occurred, but members of minority communities heard of such tragic incidents elsewhere and fled. But there also those villages in which the Pradhan/Up Pradhan successfully pleaded with fleeing members of the minority community to stay. This could also have happened elsewhere were the public informed and so realized that flight was not necessary, and this could thus have been controlled had the civil administration been active in this regard. Thank you Sir.

-Wajahat Habibullah,