

THE JAIPUR TERROR SCAPEGOAT: THE POOR BENGALI MUSLIM MIGRANT

PUCL RAJASTHAN'S REPORT

PART I

On the evening of the 13th of May, 2008, nine bomb blasts ripped through the spine of the walled city of Jaipur, killing more than 67 people (as of 23rd May, 2008) and injuring over two hundred people. Like in other 8 cities where similar attacks took place since 2005, Jaipur too stood together and thankfully no communal riot followed. Instead people belonging to different faiths and communities came together on the third day and paid their respects to the deceased and remembered the unity of this city over several hundred years, which had been marred by three major riots in 1989, 1990 and 1992. Communal amity for always was what everybody pledged for.

The medical community at the SMS Hospital and other Private Hospitals that took in patients responded with zeal and saved several lives. That night 56 patients were brought in dead and five who came in gasping died soon after. The death toll by the end of the week grew to 67. More than 277 injured were also brought in on the night of the blast out of which 134 were admitted in the various Hospitals and the rest were discharged. Some of the patients have ended up with permanent impairments, assessments are still being made and the medical Community of the SMS Hospital even today affirm their commitment to the patients.

In the next few days it became clear that more than half of those who lost their lives were around the two Hanuman temples. More than 35 lives were lost at the Chandpole Hanuman Mandir. At least a third of the shoppers and passer byes who got killed were children, school going girls, college going boys and ofcourse the flower seller, the bangle seller, the key makers including two police men. Destroying dreams

The city put its best foot forward and collectively tried to cope with this tragedy. When occupants of the hospital wards learnt that blast victims were being brought into their ward, on their own they gave up their beds for the victims of the bomb blast. Long Queues of youth stood outside the hospital for blood donation, a youth group decided to provide attendants and a group of senior citizens decided to carry out Jal Sewa in Hospital. Scores of such stories expressing the good side of the Human Kind filled the news pages and were broadcasted by the channels.

At our own end we initially with other groups got involved with relief work. We also collected a100,000 rupees and gave it to the Relief society in the Hospital for medicines and other consumables needed. We also provided attendants and have planned to do a detailed survey of the families of the injured and that of the deceased. This survey will be carried out now in the first week of June, 2008.

However, close on the heels of the expression of the goodness of the Jaipur residents, followed the ugly face of the politicians. The BJP got maximum mileage from the blast.

First Advani next Vasundhara Raje and then the rest of the Sangh Cabal got shriller and shriller that POTA ought to be legislated again, Rajasthan Organised Crimes Act, 2006 (ROCA) which was sitting with the Ministry of Home Affairs for whetting be immediately sent back so that a strong law could be used against the criminals, that the Bangladeshis were the cause of it all, as prima facie HUJI seemed to be the link and the delay in Hanging Afzal Guru (the accused in the Parliamentary Attack Case) was the cause of these Blasts as it strengthened the might and the morale of the Terrorists.

The war of words between the Centre and the State was nauseating. The discourse of the BJP was that the present PM was weak, not Macho enough to take a tough stand against Islamic Terrorism and the Congress counter consisted of how they had forewarned the State and that the lapse was that of the Raje Government. The State's Government's defense against the aspect of Intelligence Failure was that if the US Federal Intelligence failed and 9/11 could happen then how can Rajasthan State Intelligence be taken to task as the Islamist Terrorist is unbridled can take the best by surprise. It was as if the issue of Intelligence lapses was as non issue. The only respite was that Sonia Gandhi refused to take issues with anybody although the Home Minister has been putting his foot in his mouth and even to the present has been responding casually to serious issues like evicting Bengali- Bangladeshis which is discussed later

The Chief Minister and the BJP emerged as the protector of the People of the State. Amongst the Muslims a message was sent that she managed to prevent the Hindutva Hardliners from attacking the Muslim community, amongst the business community she emerged as protector of business in the city. Continuous announcements were made that the tourist traffic was unaffected, No investor was pulling out. And finally as one who would act firmly, bring in a strong anti-terror law, punish the criminals and cleanse the city of the breeding ground of terror, the Bengali migrant, the "Bangaldeshi", the poor Muslim.

Several questions were quickly swept underneath the carpet, like why had the Ajmer Sharif Blast which took place in the holy Ramadan period in 2007 not been cracked up as yet or why were the SP's of a District in Rajasthan given less than Rs. 6000 for new creative inputs to tackle the newer crimes which are increasingly foxing the police or that if the IPL matches take away 500 police men which is one sixth of the active police force deployed in the city of Jaipur then what were the counter arrangements to track "illegal activities"..

Police Investigation leading to naught and the Poor Bengali Migrant being made the scapegoat.

10 days have gone past and there has been no breakthrough in the investigations. We know of this from the chief investigator of the case. In conversation with different officials all have made it clear that only when they will get inputs from central agencies that the investigation will proceed as the network of "terrorists is national and international".

The Rajasthan police SIT claims that no RDX was used and the chemical used for the blast was Ammonium Nitrate. The police from Day one insisted that the link was HUJI

and they claimed that the bombs were similar to the Hyderabad ones. First there was a vociferous attempt by the media to put the blame on one Shamim a Maulavi and Madarsa teacher who had been taken in custody for several days after the Ajmer Blast from Khandela, Sikar. The media claimed that police had released him as even this Government wished to appease Muslims.

On the 14th came an e. mail of the *Indian Mujahideen* from Sahibabad in Ghaziabad UP to some national channels. It showed clips of a cycle parked outside the Kotwali police station with a "blue bag" on it and the rim of the cycle had a number on it. Definitely this photo was taken by a mobile well before the blast happened. The other clips that have not been released according to the police show a group of men assembling a bomb and the time shown in the watch is 2.20. The police conjecture was that it must be 2.20 in the afternoon as sound from the clip was that of loud traffic in the background. It was at 2.30 pm that the men reached the cycle shops. If they were the same men then clearly they reached in ten minutes of the assembling of the bomb which also shows how close they were from the place of the bomb blast. Between the question of genuineness and it being ingenuine there were all kinds of analysis on how the mail had the word "Guru", was it anything to do with Afzal Guru and so on. The email let imaginations run loose and now there it seems to have got out of the discourse.

In the meanwhile the police also took into custody the SIMI group from Wazirpur in Karoli. One SP even went to Indore to examine the SIMI men who had been arrested since a month in some other cases.

Then the police claimed that they had evidence to prove that Bangladeshi migrants in Jaipur were being taken regularly to Bangladesh from where they were taken to Pakistan for ideological and arms training as well as to make bombs. They also said that these trained men were as to be sleeper modules till the time they got a message from the bosses. One Babu Khan arrested in UP for another matter was one of the key persons who used to take the poor Bangladeshi migrants to Bangladesh and from there to Pakistan. Madhu Bangali who is presently in Ajmer Jail and had been arrested earlier in another case had confessed about these happenings, which was later confirmed by Babu Khan. The police also stated that Toufiq was the main Jaipur person who selected the people and made the link with Babu Khan Babu Khan who handled these affairs in UP.

The local media went to town over how illegal Bangladeshi migrants had made Jaipur unsafe and how "this scum of the earth" were there to destroy the economy of the city and the State. It was on walk the talk broadcasted by NDTV and later published in the Indian Express where Vasundhara Raje openly said that it was well known that the Bangladeshis indulge in a "lot of illegal activities". She linked them with the blast by suggesting that the e-mail was sent by HUJI. And since it works out of Bangladesh they would make contact with Bangladeshis. She also stated that the e-mail showed that definitely there was some involvement of people from outside India.

BJP State President Omprakash Mathur, who came to Rajasthan after having a 'successful' tenure in Gujarat, went on quote, "we support all the actions of the state administration as they have substantial evidence to link Bangladeshis with the terror

attack. Lot of calls been made from Bangladesh & administration has all the evidence." Mr Mathur & BJP is also asking for an exclusive anti-terror law for Rajasthan.

This upfront position taken by the Government on the Bangladeshi question, has resulted in the crack down by the police on anybody and everybody who is a Bengali Muslim. It is also extending in some cases to all non Rajasthani migrants. Although a few Hindu suspects have also been arrested however the violations against those arrested as being suspected illegal Bangaldeshi Migrants is so severe that the police needs to be stopped immediately. With the crackdown on the Bengalis the migrant workers, from Bihar and UP are also running away as suddenly every worker has become a suspect in the eyes of law.

PART II

Violations of the Human Rights of the poor (mostly Muslims) in the name of being Bangladeshi Migrants and of suspicious character

The Bengalis in Jaipur

The official figure of the Bangladeshis in Jaipur is a minimum 10,000 and for the State 20,000. Although every police and Government official will say that the real figure maybe 2 to three times higher. Traditionally Jaipur has been home to a large number of Bengalis who were mainly Priests, Administrators, City Planners, Teachers but the contribution of the Bengali working class groups has also been documented and they too have come in large numbers and settled here. The famous Shila Devi of Amber is from Jessore in East Bengal which gave the Bengalis an organic relationship with Jaipur. The Bengalis working class contribution is very significant to the economy of the city as is the contribution of the other migrant workers from within the city and outside.

A quick look at the working class groups from Bengal

The Cooch Beharis are in very large numbers in Jaipur because of the Raj Mata, the erstwhile Maharani Gayatri Devi of Jaipur who was from Cooch Behar. The Bengalis from other parts of West Bengal is a phenomena since the eighties. Particularly from Malda, Nadiad, Hooghly, Howrah and other neighbouring districts. The Bangladeshis mostly came in the early seventies as a part of the refugee exodus fleeing the atrocities of the Pakistani Army, however, the porous border between the two countries and corruption within BSF (Rs hundred per person is the BSF rate to come across to India) has resulted in extremely poor labourers coming to Jaipur although the tout rate per person is Rs. 4000 to be brought to Jaipur.

A large number of the women who are child care givers and domestic workers are even today from amongst the Cooch Behari women. They are mostly Hindus. Other than Cooch Behari's the Bengali Muslims who live in Kachhi Bastis (slums) close to middle class homes have also got into domestic work. As compared to the Rajasthani domestic worker the Bengali domestic worker is more professional as even today the Rajasthani Domestic worker conceals the public identity of her work.

The Cooch Behari men are mostly skilled Construction Workers particularly in making the structure of metal rods for the RCC roofing.

A very large section of the famous "Aari-Tari, Zardozi, gold bead and other filigree intricate work" is done by both Bengali and Bihari child, adolescent and adult labour. A very big section of this labour is Muslim. In the old city and the poor areas of Jaipur these factories run in the most dehumanised conditions and the situation of this labour is pitiable.

The Bengali Mazdoor are famous for putting up the decorative wedding tents of Jaipur. They are also well known as flower decorators of the Wedding Pandals.. Most of the workers are from West Bengal but about 20 percent are Bangaldeshis

Rag Picking like everywhere else is done by the poorest lot who are either the Bengali Muslim migrants from West Bengal and also the Bangladeshi migrants. Men and women also work at the Godowns sorting paper from plastic and then the paper is mostly loaded in Trucks and sent to Delhi for recycling. The men and women also exchange old clothes for utensils and go house to house all day with big loads of utensils and clothes slung on their shoulders and their heads.

Rickshaw pullers in the city are mostly from Rajasthan. But the Muslim Bengali and the Hindu Biharis in large numbers also pull Rickshaws. This is the same for the Cycle and Hand Thela walas.

The loaders at the Subzi Mandis are mostly from Bihar and from UP with more than 60 percent of them being Muslim and Forty percent being Hindus.

Profiling of the Suspect

Crackdown on the Bengalis started on the 14th May and till the 22nd morning several hundreds had been rounded up and more than 116 people have been sent to Judicial Custody under sec 109 of the Cr. PC. The break up of people arrested police station wise is as follows.

S. No	Police Station	Police District	Name of Basti	Number of people picked up	Date
1.	Kanota	Jaipur Rural	Bagrana Bangladeshi Transit Camp	25 (including 1 woman)	19-20 May
2.	Pragpura	Jaipur Rural	Pragura (Delhi – Jaipur High Way)	10	19-20 May
3.	Chandwazi	Jaipur Rural			
4.	Malviya Nagar	Jaipur East	Manoharpura Beed, Jagatpura	12	19 - 22 May
5.	Sanganer Sadar	Jaipur East	Buxawala	6	19-20 May

6.	Jawahar Nagar	Jaipur East	TilaNumber 7, Jawahar Nagar Kachhi Basti	7	20 -21 May
7.	Moti Doongri	Jaipur East	Sanjay Kachhi Basti	4	20-21 May
8	Galta Gate Thana	Jaipur North	Baas Badan Pura, Mohalla Dakotan, Delhi Jaipur Bye Pass	33 (including one woman)	19-21 May
9.	Ram Ganj Thana	Jaipur North	Char Darwazza, Sri Chowdi Ram Chandraji	19	19-21 May
10	Bhatta Basti	Jaipur South	9 Bangladeshi's were picked up 10 days before the blast and according to the police the area now has been "cleansed" of Bangaldeshis.		
	Total			116	

More than five teams of the PUCL went to some of the Bastis in order to get a perception of what was happening. The stories of what was happening were heart rending.

I Wide spread Hunger in “BAGRANA” - the Bangladeshi Transit Camp

On the 21st and 23rd of May 2008, the team from “PUCL” went to Bagrana Basti. More than 25 people had been arrested so we had decided to examine the situation there. This basti is situated on the Jaipur Agra highway. The first transit camp for Bangladeshis was set up in 2003 by the Ashok Gehlot Government. It was always called a resettlement colonies of the Jaipur Development Authorities. The Bangladeshi group of migrants mostly rag pickers had been living in Gopal Bari, along the railway line close to the Jaipur Junction for many years. However, after the 2002 Godhra incident they were moved to Bagrana in 2003. And the first transit camp was set up. These Bangladeshi's were not deported back, a question which the State Administration needs to answer.

At Bagrana the total number of families identified as Bangladeshi are around 350 of which 315 have the transit camp slip. There are a few Rajasthani, Biharis and residents from UP too. The population of the basti would be about 15 to 18000 people.

This settlement also has other settlers like the Mirasis Muslims who are mainly construction workers. This group of people maintain their distance from the Bangaldeshi's.

The Bagrana camp is a hell hole. People have been living for more than five years in a sub human environment. Being a camp no family can use brick or stone for construction

purpose or put up a pucca roof or have a single brick wall. However, a few families have managed to get the brick wall constructed but the cover over the houses is a thin plastic sheet or a tarpaulin which is unbearable in the hot summer temperature of 45 degrees.

There is a serious water shortage as of the two handpumps one is out of order and the other works intermittently. Apart from the fact that there are constant fights amongst the women in order to access water, women and children are suffering from dehydration which is visible.

At first glance huge mountains of waste awaiting sorting is what you encounter when you enter the Basti. The children and the old all seemed listless. Hunger seemed widespread in the colony. The children had eaten but very little. Some of the adults had not eaten for the last six days. The situation of hunger was very evident. Since they have been denied the rights by the district administration to leave the camp and go and earn their daily bread, it is the duty of the State to provide them food with dignity and basic survival rights. However, no food is being provided and hunger is widespread and visible to any outsider on the scene.

The children are also suffering from serious skin diseases and ailments like fever which are not being diagnosed and treated as there is no health facility in the camp. Since they have no right to move out therefore it is the duty of the administration to ensure that medicines and other Doctors be reached urgently.

Apart from the fact that the children looked extremely malnourished and women appeared anaemic. According to them living at the bottom of the heap was acceptable than compared to living in absolute hunger and poverty in Bangladesh. However, the people this time were living in deep fear too.

This camp had no school, no Angan Wadi despite existing for five years and child labour was wide spread and there was no intervention by the Administration.

The *Basti* of Bagrana is divided into 2 colonies. New *basti* and the old *basti*.

“Shri Ramlal” ji, a Rajasthani who had been staying for the last 6 years told us about the arrest of 2 *Maulvis* who were also Rajasthani's. Further he also told us, that many of the Bengali families who were staying in Bagrana had been in Jaipur for the 30-35 years and some had been shifted by the JDA around 5 years ago.. They all asked the Government to issue ration cards so that they could also get subsidised food and kerosene but no had paid heed to this request..

In May 2008, there was a severe fire disaster in the *basti*, in which a child died and as many as 122 huts were burnt, and around 15-20 people were severely injured. The families suffered serious losses. After the incident several authorities came and announced relief. Prominent amongst them was the Education Minister Shri Kali Charan Saraf and the District Collector. Some of the affected families got food and other support. Those who lost their houses in the fire, got Rs. 4000 as relief, but the parents who lost

their child in the fire incident didn't get anything, although the Minister had announced Rs 1 lac as compensation.

According to most people living in the Basti, even the incident of the fire had the authorities treating them with some dignity but the blast changed it all. They had become Pariah's. When the police randomly arrested several people and took them away on the 14th itself fear set in them. According to the women the police arrested those who were in the forefront and were in some sense leaders of the community. The women kept saying that they were taken away for no reason. They were not in any way connected to the blast.

When the SHO of Kanota Rajendra Singh was asked why certain people were arrested, he said that they had arrested those whose body language was not right. There seemed something suspicious about their movements so they were arrested, he said. The police's version of the location of arrest of the people was that they arrests took place when people were loitering outside the camp, however, everybody we met in the Basti said that the police had arrested the people from inside the camp.

While hunger was knocking everybody's door it was more evident in the 25 homes where the head of the family had been arrested. But the restriction on people's movement was a cause of worry for all. A police Post had been set up in the Basti to monitor the movements of the people. The people had been instructed by the police that not only they could not step out for work into the city but they also had to get their identities checked at the post regularly.

This had resulted in a hunger like situation in several homes and both the adults and children had not eaten for the last 6 days. They kept saying that first the men had been arrested and then they had been left to starve. This situation would only turn worse in the next few days.

On being asked that why they left their home country and came and settled here in India, they responded that, in their country there are frequent floods, due to which their homes and land were destroyed every time they constructed one. It was getting very difficult for them to survive there, so they came to India in search of a job and shelter. They said that they want to live in Jaipur itself like anybody else.

- Dukhu Sheik's wife *Champa* told us that they had been staying in Jaipur for the last 15 years. They had 4 children (3 daughters and 1 son), her husband was the only person in the family who used to earn by tying huts for the poor. After his arrest there was no one in the family to earn even a rupee. She herself had not eaten anything for the last 6 days. They had moved into this *basti* 5 years ago. She kept stating that nobody in their entire family had even the slightest links with the Jaipur blasts and so why were they being victimised.
- Abu Hayat (17 years), a tailor, his father, used to make huts and brother was a rag picker were taken into custody by the police on 19th itself. He was the only one left in the family to provide for the family of nine people. He was sad that they

- Both the leaders Imraan and Daulat Khan had also been arrested by the police. They were also wealthier than the others as they purchased the garbage from the others and sent it to Delhi for processing and recycling.
- 55 years old, Mohammad Sheikh had hunger written all over him. His son had been arrested. he kept saying that the blast had snatched their food as the bread winner of his family, his son had been arrested and others were not allowed to step out.
- Mohammad Noor Husain (52 years), in the past used to live at 'Ghat Gate', there he was a voter too. But ever since he came to Bagraana, the *sarpanch* of the nearby village did not let him cast his vote and said that, you can't vote as you are not an Indian.
- Haseena Bano, had three 3 children and all were hungry for the 6 days, as her husband had been arrested and there was no one in the family to earn.
- Abdul Rehman told us that his father came to India in 1971 when Bangladesh was formed and he was born in India itself. So he kept asking us as to why he was not considered to be a Indian when he was born here and through his work the the city was kept clean. Why was he being considered Bangladeshi?
- Mariam (25 years), enquired from us as to why the police was not arresting the terrorists, but were instead after them and arresting their family members? She told us that those who had been arrested by the *Kanota* police station were not even provided food during their detention at the police station. She also told us that although 27 people had been rounded up but only 20 chapattis were given. They were treated worse than dogs she said. She also told us that she was sure that those arrested had been tortured and verbally abused. The whole attitude of the police and the administration was like as if they were animals.
- The arrest of a young muslim woman called Bobby from Shahpura needs to be reported According to many people when Bobby and her husband Musa had come to meet her nephew in the Bagraana Basti she and her husband were picked up by the Police. However, the neighbourhood attributed her arrest to the fact that she had married a Hindu who had converted to Islam inorder to marry her. So the act of arresting Bobby and her husband was an act of vindictiveness by the police. Bobby was picked up on the 14th of May and sent into JC only on the 20th. May, 2008.
- It was also brought to our notice that the Hindu Bastis around Bagraana were being provoked and that there could be a possibility of a riot. Thus the authorities needed to be cautioned on this possibility.

See the Annexure 1 for list of those sent to JC by the 21st.

II. The Tragedy at Manoharpura Beed, Jagatpura Kachi Basti

PUCL teams visited Manoharpura Beed on the 20th and 22nd May as the women were miserable with the arrests of their sons and husbands. We also visited the Malviya Nagar police station and met some of those in police custody. This is one of the oldest Bengali Basti of Jaipur. The men and women were active members of the Kachhi Basti Federation a CPI (M) affiliate. Many of the women were also active with the Janwadi Mahila Samiti and had been vocal on the various issues taken up by the women's movement on the Streets of Jaipur.

Razia Begum, a Cooch Behari by birth, and one of the leaders and also the settlers of this Basti told us that in 1986 more than 190 families were shifted out from the Janta Market area near Chandi ki Taksal in the walled city and brought to Jagatpura which was at that point in complete wilderness.

It was because of the initiative and hard work of the CITU Vice President, Waqar-ul-Ahad that the Jaipur Municipal Council had agreed to move them to a Basti and they got an opportunity to stay with dignity in Jaipur. Of the 190 families that were moved 70 were Bengalis and others were "Madrassis" and Rajasthanis. Soon after they had been moved, more than 200 families from Bai-ji-ki-Kothi Jhalana Doongri were also moved into that area, After 1992 people from the Bajaj Nagar Kachhi Basti also moved into this area. The entire Basti presently has more than 3000 families with over 2627 being patta (title) holders given by the JDA. It is mini India with Bengalis, Madraasis, Biharis, Rajasthanis and Muslims from Tonk living there.

The people told us that they were frequently surveyed and that they always keep their documents like ration cards, voter ID cards and the JDA house plot titles ready in hand as they are never sure when they would be declared Bangaldeshi's. Some of them told us that they got their voter identity cards because of Kali Charan Saraf, the Education Minster and they also voted for him.

The Arrests: More than 12 people were arrested from this Basti between the 19 and the 22nd of May. Of the 12 eleven were Muslims and one was a Hindu. They also picked up one of the leaders of the Basti called Dina Babu who was running around and assisting all those arrested. One Hameeda Begum told us that the police had arrested her two sons and her son – in –law. Two of those arrested were over 60 years.

The Bengalis living in this Bastis claimed that they were mostly from West Bengal. Most of them had come to Jaipur when they were very little more than forty years ago. Many of the women we met told us that they had also got married here and also their children were born here. They had been working very hard in order to educate their children. They also told us that though they maybe rag pickers or kabbadi walas but they sent their children to school. Many of them send their children to Private Schools and also to the Jan Bodh School run by the Bodh Shiksha Samiti in collaboration with the Government, in their Basti.

Most of the people of this Basti are either rag pickers, or work in godowns where garbage is sorted and get Rs. 50 to 60 a day, the men also pull Rickshaws and Trolleys, the women also go house to house for domestic work. Some also work in grocery stores and a couple had their own grocery store in the Basti.

After the blast they were not worried that they would be suspected as they were so frequently surveyed. However, they were shocked to learn that the police had instructed that everyday five families will come and give their papers to the Police Station along with addresses of people in West Bengal who can be contacted for conformation of them being Indians.

Some Case studies of those arrested.

The arrest of Janey Alam.

Janey Alam is 66 years old. He originally belongs to Gaskin Bokul tala, Jogacha Police station, in district Howrah, Kolkata. He married Sophia Begum in 1984 and has a daughter. According to Sophia Begum Janey Alam was Ajit Chakravorty s/o Devendra Nath Chakravorty before his marriage and adopted Islam and picked up the a fictious name of Mahbool Alam as that of his father. He felt that it would be difficult to explain to the world as to why he converted to Islam. They lived for several years in Vasant Kunj and worked in the homes of various people. They took their daughter Hasina to AIIMS when she was giving birth to her child. It was only in 1995 that they came to Jaipur and started working here. Janey Alam is a coolie and pulls a trolley. On the evening of the 19th when he was in his Basti the police picked him from the tea shop. The police asked him to produce addresses and proof of his native place in W Bengal and if they would get the confirmation from the particular police station in West Bengal then they would released. The family were very concerned as to how would they prove their identities as bonafide Indian citizens.

The tragedy in Hamida Begum's family: Two of her sons and one son-in-law were picked up on the 20th night and sent to Judicial Custody on the 21st of May, 2008. According to Hamida Begum she came as a child more than thirty five years ago from Hakimpura, Keosha in District 24 Parganas. They were landless labourers and worked on the fields of people living in Keosha in 24 Parganas. According to her mother the famous cyclone about forty years ago and hit West Bengal and her village Tal Badi close to the Bay of Bengal had sunk into it and they were all forced to leave and come away to Keosha, 24 Parganas. She kept saying that since all their relatives had also moved to Jaipur and other places how would they establish the proof of being bonafide Indians.

They had come from the Janta Market area in 1986 and were the first group of settlers in Jagatpura. They had ration cards since the mid eighties and a voters identity card since 1995. they also showed electricity bills of 1993 in their name. Hamida Begum's husband Mhd. Hannan also had his Rickshaw Driving Identity Proof since 1991 issued by the Jaipur Municipal Council. Hamida and her family have been working hard and have constructed a pucca house on their plot and have planted trees around their house and keep saying that Jaipur has been their home and they must not be pushed out of here.

Hamida said that the police had picked up her younger son as he was involved in petty criminal activity and was a bully so they had been targetted. She said that they should arrest him for his criminal behaviour but why profile them as Bangaldeshi's.

She burst into tears when she started speaking about her Son-in-law's arrest. She said that her daughter who was proud of sending her sons to school had sent her children for rag picking today as they are all daily wage earners and if both the husband and wife donot earn together then they cannot eke out a living. Since both her son-in-law and his brother had been arrested the family had plunged into a deep financial crisis.

The names of Hamida's sons are Mohammed Sahidul and Mohammed Hanifa. her Son-in-law's name is Mohammed Ansar alias Iqbal. and his brother is Mohammed Khalil. Both of them also were asked to show addresses of their native village in West Bengal which is Tarunipur, Post Govindpur, Thana Khantura, District 24 Parganas.

Hamida is a Domestic Worker and goes house to house in Malviya Nagar doing domestic work. She now fears the arrest of two of her brother-in-laws as the police is calling them all the time.

Arrest of 55 year old Sanyasi Burman son of Kartik Burman.

Sanyasi Burman is very poor. When he was arrested on the 19th in the evening, he was in his lungi, strolling outside at 8 pm near the tea shop that police picked him up. When we met him at the police station in the lock up he was only in his undergarments. When he was taken to the SDM he was taken in his undergarments. The poverty of his house was so acute that both the mother and daughter next morning had gone for work as they could not afford to take a Holiday and do the running around. According to Mona the wife and Sandhya the daughter they were Patta holders of the plot they were living in and were in Jaipur for the last thirty years. They kept saying that they belonged to Kesari Pada, police station Jorasagar in Kolkata. The sister of Sanyasi Burman was still in touch with them regularly from Kolakta. They had spoken to her a couple of months ago.

They had all the required papers. The voter ID card, the ration card and the title of the plot from JDA. They were in a state of shock and were not able to understand as to how they would bring him out.

The total Basti must be having more than a hundred Bengali families.

The Story of Akbar Huessin s/o Abdul Hakim. Akbar Hussein is only 26 years. His 75 year old Grand mother Saira Begum and his wife Bilkis met us. Bilkis had three small children below 5 years of age. Akbar collected garbage and sorted it and sold it to a bigger contractor. Akbar was born in Jaipur and had his birth certificate. His grand mother told us that they had come to this Basti twenty years ago. Akbar Huessin was the only bread winner of the family and if he would not return then they would die of hunger.

Saira Begum was wondering how they would contact their relatives in Bengal when they were living here for the last forty years. Many of them had moved into Jaipur with her

and others were dead and gone. She was worried about the survival of the children and their mother.

The stories of those who were taken in and left the next day was also the same. They were verbally abused. One policeman also told them angrily that they all deserved to be burnt alive as they were all trespassers in the country.

III. Death of a wife following the arrest of her husband in Buxawala Basti

A total of 40 families live in Buxawala. They were settled here three years ago from Bharat Nagar in Jhotwara by the JDA and Jaipur Nagar Nigam. Out of 26 of the 40 people staying here they had the JDA title of their house plot, ration cards, voter ID cards and electricity and water connection. The other 14 showed the JDA agreement with them, thus in due course would also get the title for the house plot. Most of these people are into construction and masonry work, auto driving and rag packing. They are very poor people and very few of the children go to school. Children are working as child labour in close by places.

About 23 of the families are from Karim Nagar in Andhra Pradesh (AP), some from West Bengal, Madhya Pradesh and UP.

This Basti comes under Sanganer Sadar Police Station. The police on 19th evening came to the Basti about 6 pm and picked up 8 people. When the women resisted and appealed to the policeman to not the men the police used abusive language and also beat them up.

After they were picked up they were also not allowed to meet their men who were in custody. Since two of the boys picked up were very young the Basti people urged the police to free them. They were finally allowed to go late that night. All the rest were booked under sec 109 Cr PC. Two of the people picked up were from Rajasthan and MP. Others picked up were from AP, WB, Tripura and one from Burma

The Basti is in a state of shock as the police behaved very badly with them and later due to the death of Afsana while her husband was under arrest and because nobody got bail when they are all bonafide Indian citizens. The Basti people are living with deep fear.

The Death of Afsana due to non-availabilty of medical help.

Twenty three year old mazdoor called Pappu Ahmed was picked up on the 19th night. He belongs to Burhanpur in M. P (part of undivided Khandwa districts). He had a twenty year old wife called Afsana who had a serious health problem. She died on the 21st.May morning as nobody hospitalised her and she needed medical attention. After her husband was taken away only her old mother –in-law and 13 month old son were left behind.

The police had picked up Pappu as somebody into suspicious activity. He had a ration card, his voters ID card and a JDA plot title.

When our team reached the neighbourhood was in deep grief as the men had gone for her burial. The tent which had been pitched had women sitting.

Arrest of a youth with a Hearing Impairment.

Ram Lu a Mazdoor and originally from Karim Nagar in AP was arrested under the same sections. He was the only child of his old mother who is now fending on her own.

Mohammed Dulal Ali 50 years. was also arrested, His family claimed that they were originally from Agartala in Tripura, (although everybody called him an Assamese). He came to Jaipur as a child and since then has been living here. He had four children and a wife.

See Annexure 3 for total list of People arrested in Jaipur East Police District.

IV. Arrests in the Jaipur North Police district including that of a woman

When the men are taken away then the families are left to starve. This is what was the condition of the 6 families from where the men who were the bread winners taken away. One family had left the area out of fear. The others were whose men were in prison were living miserably. The families kept explaining that how would they be involved in a bomb blast when they didnot have enough time to make food available for themselves.

Idgah Kachhi Basti, Baas Badanpura: Ten people were arrested from this Basti from seven households including one woman. 19 year old Taslima was arrested as she went to the Galta Gate police station to enquire about her 70 year old father Azghar Ali and 24 year old brother Jinau Islam who had been picked up on the 14th morning. They were sent into JC only on the 20th. For seven days she along with her brother and father along with the others who were arrested were kept in police custody.

The entire neighbourhood were sympathetic of the lot who had been arrested as they said that the weakest person the Rag Picker was picked up and the actual criminals who pedal in Narotics and other drugs were left behind. They also said that the police had beaten up those they had taken into custody.

When this team went to meet the Addl SP regarding the arrests of the poor. They were told that out of a total of 33 arrested, 29 were clear cut Bangladeshis and out of the 4 who insisted that they had Indian Addresses one gave an Address of Assam and the other three of West Bengal.

See Annexure for Arrests made in the North District of Jaipur Police.

V. Why Arrests Under Sec 109 CrPC and not under the Foreigners Act

A GOR order of 30/03/2007 has become the guideline on how to proceed on the Bangladeshi migrant.

The protocol says that once identified, they should be given a chance of giving proof that they are Indian citizens by crosschecking the address of their native place. And once that is negative those lists should be handed over to the BSF through the prescribed procedure who would get the names cross checked with the Bangladesh rifles and then the deportation through the BSF and the Bangladesh rifles. The GO goes on to say that the documents relating to Ration Cards, Voter ID cards and others must be cancelled under the set procedure and action be taken against those officials who provided them all this.

It is very clear that most of the people arrested other than the majority of the Bagraana lot have residence proof of belonging to Jaipur. They have voter ID cards, Ration Cards, JDA plot papers, yet they have come under the scrutiny of not being able to give proof of their place of origin in India.

The people who were arrested as suspected Bangladeshi Illegal migrants could have also been booked under violation of the Foreigners Act. However, the Government preferred to book them under Sec 109 Cr. PC as they wanted to keep the entire process of scrutiny under their control. Foreigners Act would have put the cases under judicial scrutiny where the Government could not have controlled the procedure so it was left to the police and Administration to give justice.

VI. The farce in Court.

All the applications of bond execution under 109 are brought to the SDM of the area. All the SDMs of Jaipur district who dealt with these cases said that the bail bond would only be executed if the Tehsildar would counter sign the guarantee papers provided for bail. Since these were people from the neighbourhood or wives who came and stood guarantee, they knew it that no Tehsildar would counter sign. The Tehsildar would only sign after the Patwari's report, who would obviously give the report as desired by the Government.

The right to be represented by a lawyer denied

It was shocking to learn that in some of the Courts the people were not allowed to have lawyers. Although lawyers connected with Human rights organisation stood in court, however, those arrested were not allowed to present a lawyer's vakaltnama in the Court of SDM II. The SDM refused to accept the paper saying that since the counter sign had to happen at the level of Tehsildar this hearing was a mere formality and there was no need for lawyers to present any argument. The right to defense was completely denied.

The newspapers also reported that the District Bar had taken a resolution that no lawyer would represent these accused. Which ofcourse would be illegal in any case as everybody had the right to be represented. When we got in touch with the Jaipur Bar Association President he denied the passing of such a resolution.

Attitude of the Police in Court

The SDM was not bothered that the Police was literally pushing and shoving the accused that were brought in. Publicly they humiliated the kin of the accused who were mostly women. They also prevented anybody from talking to them.

VII. Conclusions and few Suggestions

1. It is clear that the Bengali Muslim Migrants are being denied their basic human rights including right to life, right to work, right to food, right to move freely and even right to legal defense. Communalised political decision of the BJP Government needs to be condemned from all Quarters. The Central Government's silence followed by confused statements also needs to be condemned.
2. The situation of the Bagrana Basti people needs special attention as their movements have been restricted. For the first time the Basti has been transformed into a camp which perhaps is illegal under national and International law. This needs to be examined and the Government of India and Government of Rajasthan need to be pulled up accordingly. .
3. Although the PUCL has communicated to the Jaipur District Collector, the State Chief Secretary and the State Police that the situation of hunger, dehydration and illness in Bagrana needs immediate attention, we are not sure whether the Government will respond at all. Public Action is required including sending food a team of doctors and water.
4. Immediate suspension of the SHO Sanganer Sadar for arresting Pappu Ahmed of Buxawalla Basti due to which his wife Afsana could not be provided with medical support and she died on the 21st May, 2008 and for arresting the Ram Lal who had a hearing impairment. The inhuman manner in which Pappu Ahmed was also denied the right to be there at the time of her burial. Even the SDM did not hear them when Pappu was produced in front of him and the Basti people tried to tell that his wife was serious.
5. Compensation should be paid by the State in Afsana's matter to her family.
6. Action should be taken against all SHOs for keeping people without arrest for more than 7 days. There was complete violation of DK Basu Guidelines. This should also be brought to the notice
7. The arrest under Sec 109 Cr PC needs to be challenged as they all presented their Identity documents even then were arrested and are being sent back without an objective scrutiny of their documents. All their documents are being considered illegal without any scrutiny. Maybe we need to intervene through the Supreme Court that just procedures need to be laid out.
8. The decision of the various SDMs where granting of bail has been made on the basis of the report of the Tehsildar needs to be challenged..

9. An application should be made to the NHRC and they should be asked to intervene.
10. The police and citizens peace committee need to sit together and continuously share information and preempt any effort of hate politics.
11. There needs to be a dialogue with the Media who has taken a very nationalistic stand on the Bangladeshi issue without understanding cultural issues of the region
12. Our own position on the Bangladeshi question needs to be thrashed out within the human rights framework as well as in the context of the South Asian Geo – cultural politics and in the context of neo-liberal Globalisation and Anti Islamic Foreign policies of respective Governments.
13. We need to build a counter opinion against the BJP led public opinion building that is happening to bring back laws POTA or ROCA.

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The Report has been put together by Kavita Srivastava, General Secretary PUCL, Rajasthan, after discussion with the PUCL, Office Bearers, on 23rd May, 2008

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