

ASSAM DISCORD

The BJP-led government's latest eviction of 'encroachers' **exposes its ominous intention** of targeting Muslims with systematic violence as a precursor to disenfranchising and excluding them.

BY TEESTA SETALVAD

THE GLEEFUL STOMPING OF THE BODY OF 28-year-old Moinul (Maynal) Haque, who had already fallen to police bullets, by photographer Bijoy Bania, epitomises the depth of hate and violence unleashed, yet again, in Assam. Bania had accompanied a heavily armed police and administrative force to Dhalpur village in Sipajhar revenue circle of Darrang district on September 23, where villagers, who had cultivated the fields there for over four decades, had been served "eviction" notices at 10 p.m. the previous night, that too by WhatsApp.

Hate-driven targeted violence is politically widespread and not new to a State where sections of people use racial slurs like Geda or Ali, or Miyan [for Muslims], Coolie [for Biharis], Bongal [for Bengalis], and 'naak sepeta' [blunt-nosed] for Nepalis. However, rational voices from the citizenry always speak out against such verbal affronts. Time, place and context determine which

slur rises in the political popularity stakes. In this context, the singling out of the Muslim is politically all-pervasive and therefore, much more effective.

The most recent assault was with Chief Minister Himanta Biswa Sarma himself at the forefront. He has also made brazen attempts to communalise the situation. The subtext of the overall eviction drive narrative of "clearing land around a Siva temple" (interview with the wife of the late temple priest, Parbati Das, on page 17) was built up by Himanta Biswa Sarma and his fellow Bharatiya Janata Party (BJP) leaders against the Bengali-speaking Muslims of Darrang, probably because the regime failed, despite its relentless efforts, to exclude enough number of Muslims from the final list of the National Register of Citizens (NRC).

The regime brazenly flouted standard operating procedures (SOPs) and laws in controlling crowds and handling protests. As a result, beleaguered populations were violently thrown out of their homes, brutally attacked and gunned down, with bullets hitting the stomach and chest of some of the victims. In the case of the evictions that began on September 20, people were not given proper prior notice, which would have given them some time to at least gather their belongings and vacate their homes with dignity. WhatsApp messages sent at midnight were followed by the arrival of a demolition crew of



VILLAGERS protest against an eviction drive in Assam's Darrang district on September 23. The administration reportedly carried out the drive to remove encroachers from government land. (Above) Jaban Ali, whose face was smashed in police brutality in Dhalpur village on September 23.

the district administration the next day, along with armed police personnel, to evict the families.

Despite the national and international outrage over the killings, the Chief Minister remains unrepentant. Moreover, he has said that as part of a rehabilitation package, the government will give each evicted family six bighas of land (a bigha is 14,400 square feet), but only to 'eligible' families, creating an insidious divide, with people being labelled as either "encroachers" or "indigenous".

NELLIE MASSACRE

It was in the late 1970s that a political movement that began in the name of language created special words within that language to connote racial and ethnic profiling. Not many in the rest of the nation may remember post-Independent India's first full-blown state-inflicted carnage at Nellie in Assam.

Born in the late 1970s as a mobilisation of students from the more dominant sections of society, it morphed into an articulation, often brutal and violent, against "outsiders".

That large sections of these "outsiders" were also toilers and cultivators of three generations, who were brought in by the colonial government to promote cultivation, and who had deep roots in the soil of modern-day Assam, could not be rationally discussed or debated as the monotone of popular street-level politics has no space for nuances or even history. The period also coincided with post-Emergency India and the emergence, as a 'respectable' political force, of the Jana Sangh, backed by the Rashtriya Swayamsewak Sangh (RSS), which was also making its presence and ideology felt in the region. No wonder then that the 'outsider' turned into 'foreigner' and then further into 'illegal immigrant', and now 'ghuspetia' (infiltrator).

On February 18, 1983, with elections around the corner, which were opposed by a significant chunk of the dominant section of Assamese society, and as allegations of "false voter lists" were building into a hysterical crescendo, a full-blown massacre of at least 2,200 Bengali-speaking Muslim peasants in Nellie and 14 surrounding villages took place within a span of six hours.

These peasants hailed from Alisingha, Khulapathar, Basundhari, Bugduba Beel, Bugduba Habi, Borjola, Butuni, Dongabori, Indurmari, Mati Parbat, Muladhari, Mati Parbat no. 8, Silbheta, Borburi, and Nellie of central Assam in Nagaon district. Unofficial figures of the number of massacre victims are three times higher.

The report of the officially appointed Tiwari Commission, which was presented to the Congress government led by Hiteshwar Saikia in 1984, has never been made public. Although "news" of the killings was shunned by the government-owned All India Radio, people in Assam and the rest of India learned of what was being done to Bengali-speaking Muslims from the reports of the British Broadcasting Service (BBC) and the Bengali service of the Voice of America. Later, photographs were released in the print media of dead children

THE REMAINS of a demolished village.



PICTURES: COURTESY OF CITIZENS FOR JUSTICE AND PEACE

A VILLAGE struggles amidst ruins.





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lying in rows awaiting a death count. The families of the dead were paid as little as Rs.5,000 each in compensation. The victims did not get any justice as the Asom Gana Parishad (AGP), formed after the All Assam Students' Union and the Government of India signed the historic Assam Accord, "dropped" 310 of the 688 cases in which charge sheets were filed.

ATTACKS ALL AROUND

Assam has, over decades, seen serial bouts of intra-ethnic violence, often ferociously ranged against some smaller ethnic groups which may also be equally dispossessed. The 1993 Bodo accord, opposed by many progressive sections at the time, gave the Bodos autonomous control over regions where their population was in a majority. The critiques of the accord were proved right when Bengali Muslims were driven out of their settlements

through violent attacks and torching of their homes in 1993. Three years later, the Santhal and Munda tribals (called Adivasis), many of whom are descendants of tea garden labourers brought in by the British two centuries ago, faced the same ethnic cleansing. Years later, many continue to languish in camps, still terrified to return home.

Assam has also seen attacks on Bihari migrant labour and Jharkhandi agitators in Guwahati, with explosive echoes of the Bodo-Bengali Muslim violence revisiting the region again and again.

The Nellie massacre brought the Assam movement to a halt close to three decades ago. Will the state-inflicted brutality of forced evictions unleashed on September 23 in Darrang also come to a stop? Put differently, or more fundamentally, can forced evictions be conducted as per the whims, fancies or even political agendas of those in

AFTER THE DEMOLITION of houses in Darrang district, on September 24.

power? The official data on internal displacement and migration within Assam is telling. According to the 2011 Census data, 54 per cent of people have migrated internally within the State since their birth. Until 2001, the government of India maintained data on 'environmentally motivated migrations' as the reason for population movement. However, this category was not included in the 2011 migration data.

Many academics working in the region consider flood disasters, livelihood insecurity, and land erosion to be the primary reason for internal migrations. Their studies, especially on riverbank erosion, which put the total land erosion at 7-8 per cent since 1951, are in sync with the livelihood security studies carried out by the National Disaster Management Authority.

Assam is also frequently affected by floods. The Economic Survey 2011-12 of Assam said that around 2,034 villages have borne the brunt of river erosion, which, as per independent estimates, had left more than 25 lakh people internally displaced. Most of these people settled down on sandbanks and make a living as small cultivators and daily wage labourers. They cannot be expected to produce land documents.

Fragility of existence marks the life of large sections of the population, especially those living in the riverine areas, locally known as *char*, who now run the risk of denial of citizenship (statelessness) and enforced displacement and penury.

Today, the exclusivist and ominous political narrative in force puts everyone migrating for survival at the risk of



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A MAN WITH HIS BELONGINGS after his house was demolished during the eviction drive in Darrang district, on September 24.

being labelled an ‘illegal immigrant’ and seeks to disenfranchise at-risk communities from the social safety net. Once politically disenfranchised, those displaced by floods and erosion will no longer be able to assert their right to either compensation or rehabilitation.

Assam is a State where at least a third of the people have been reeling under the burden of the citizenship test for several decades. It is also one among two of the seven States in the north-eastern region that is not predominantly tribal Christian and one that has suffered from a unique brand of internal conflict and targeted violence going back decades. This violence has typically followed years or decades of publicly spawned hate and derogatory imagery, especially against the Bengali-speaking toiling Muslim, although the Hindu who speaks that language is not much liked either.

HISTORY OF MIGRATION

Assam, like Punjab and Bengal, was also partitioned in 1947, when, after a referendum, Sylhet district was transferred from Assam to Pakistan. Before that, for two centuries, colonial migration had taken place from Bengal to Assam fuelled by a hunger for land. Thereafter, in 1947 and again in 1971, fresh migrations did take place—from an area that later became East Pakistan and then Bangladesh. However, migration started from the wider Bengal presidency area to present-day Assam in the mid-19th century.

The British encouraged Bengali Muslim farmers to migrate to uncultivated stretches of the Brahmaputra Valley, after several districts of East Bengal reached the limits of cultivation. From 1836 to 1872, the colonial government imposed Bengali on Assam as the state language, when Assam was part of the Bengal Presidency, once the largest subdivision of British-ruled India. It was a colonial manoeuvre for administrative ease, but the Bengalis were thereafter blamed for what was seen as ‘cultural hegemony’. That sentiment has festered and has been palpable ever since.

There was also large-scale migration after the Partition of Bengal in 1905. In the 1931 Census, the Census Superintendent recorded that more than half a million people had migrated. Radhakamal Mukherjee, the social scientist, wrote in his book *The Changing Face of Bengal* that between 1900 and 1930, at least one million Bengali peasants moved to Assam and brought new land under cultivation.

A study of the economic history of the period tells us that these peasants, many of them Muslim, worked very hard and brought previously uncultivated lands under cultivation. The British adopted the ‘Line System’ in 1920 in the districts of Kamrup and Nowgong to stop Bengali Muslim immigrants from acquiring certain areas. In 1928, the regime came out with a ‘colonisation scheme’ that allowed immigrants to settle in large areas of Nowgong district. These are proof of the scale of immigration, pre-Partition.

Post-Partition politics and the sentiment that accompanied the vivisection engulfed India across the North and the West in particular, but Assam was also affected



THE SITE OF THE POLICE FIRING.

by echoes of this sentiment. However, the resentment against migrants was prevalent in Assam years before that. India’s first President Rajendra Prasad, who toured upper Assam immediately after the 41st session of the Congress held in Guwahati in 1926, noted in his autobiography that the resentment against migrants from My-mensingh (later East Pakistan) to Nowgong was strong, despite their being successful cultivators, because of their being Muslim, a sentiment not harboured against, say, Biharis. (*Autobiography*, Rajendra Prasad, Penguin India, pages 252-253). The itinerant population influx or increase fed into both the insecurities and the parochialisms in the region. Assam was not free of the communalism that afflicted large parts of the subcontinent.

RENDERING CITIZENS STATELESS

With significant sections of the population still reeling under the potential threat of statelessness, recent moves by the State government to unleash a series of forced evictions are clearly one more attempt to use state policy—however fundamentally unconstitutional and unlawful it is—to render, potentially, close to 1.3 crore Assamese citizens displaced, homeless and without livelihood.

The basis for this forced eviction drive is a Central government committee report (Brahma Committee, 2018) and the Assam Land Policy, 2019; the former uses extrapolations without statistics, again, to fan the fear and hysteria around the “influx of terrorist-minded illegal Bangladeshis”.

Despite 1.2 crore Assamese being excluded from the draft list of the NRC of December 2018, only 19 lakh have been excluded after the Claims and Objections process from the final NRC of August 2019. They still await ‘reasons for their rejection’, after which a tortuous process of legal challenge, onerous and expensive, will begin.

But even before that has begun, 27 lakh persons have been denied the all-important Aadhaar card by the Narendra Modi government at the Centre, rendering their everyday existence a nightmare.

Besides those Assamese excluded from the NRC, an-



SHORIF UDDIN, a victim of police violence.

other 1,13,000 and 1,17,000 people respectively have been labelled as ‘Doubtful Voters’ (D-Voters) or ‘Declared Foreigners’ by lower-level officials of the Election Commission of India (ECI) and the Assam Border Police respectively.

Assam, whose total population is estimated to be 3.4 crores as of 2021, has, through state policy and targeting, already rendered a significant section of its population and their families stateless and with a sword hanging over their heads. Dissatisfied with the relatively ‘smaller’ number of NRC exclusions, which put a dampener on the histrionics behind the ‘millions of illegal immigrants’ propaganda, the powers that be will decide on who is eligible for access to and ownership of land using the



THE WIDOW AND CHILDREN of Moinul Haque, who was gunned down by the police.

controversial labelling of who or who is not indigenous, possibly leading to mass displacement if not genocide.

Evictions disproportionately target Bengali-speaking population (both Hindus and Muslims). Is this an attempt at ethnic cleansing via forced displacement?

After two people, including a 12-year-old boy, were shot dead in police firing on people protesting forced evictions in Dholpur (Dhalpur) in Darrang district on September 23, it is time to take a hard look at how many such evictions have been carried out (see box), who has been displaced and how many evicted families, if any, have been relocated or rehabilitated. The government intends to start a massive agro project named Gorukhuti on these lands.

LAND POLICY

If the Assam Accord resulted in the skewed process of enumeration of the NRC, a process that, due to judicial indifference and bureaucratic corruption and callousness, has perverted whatever noble intentions it began with, today it is the 2018 Brahma Committee report followed by the 2019 Assam Land Policy that have become the tools that enable a government, the police and the administration to literally turn upon their own people.

In October 2019, the newly enacted Land Policy of the State government, which replaced the 1989 Assam Land Policy, promised to give three bighas (43,200 sq ft) of agricultural land to landless 'indigenous' people apart from half a bigha for constructing a house. While cleverly omitting any attempt to define the term 'indigenous', the new land policy document stated that it was based on the recommendations of the 'Committee for Protection of Land Rights of the Indigenous People of Assam' headed by former Chief Election Commissioner Harishankar Brahma, the 'Land Policy of 1989', and the draft 'Land Policy of 2016'. It was prepared by officials of the Rev-

enue and Disaster Management Department in consultation with senior officials of the office of the then Chief Minister, Sarbananda Sonowal.

The very issue of who is and who is not indigenous is not just complicated, but highly contested. In Assam, this is particularly so, courtesy its diverse population and many waves of migration. Many parts of what is now Assam were previously part of other provinces with significantly different cultural allegiances, and even the Bengali spoken in vast expanses of the State is unique, with regional dialects and versions that cannot be understood by the *bhadralok* in Kolkata. On this history and foundation, enter post-2014 India and 2016 Assam realities.

Today, a brutally majoritarian and hegemonic political force, run through the narrow supremacist lens of the RSS, impacts even more perversely this potentially explosive political situation. It is in this scenario that the Brahma Committee report and the 2019 Land Policy need to be located.

BRAHMA COMMITTEE REPORT

The seven-member Brahma Committee was set up with clear terms of reference to look at the State's land policy and "for ensuring protection of land rights of indigenous people in the State of Assam".

Although it was not required to define who is indigenous and who is not and was only mandated to suggest changes and modifications in the State's land policy, the panel clearly exceeded its brief by arriving at its own controversial definition.

Rejecting established, previous definitions (from the 1951 Census report and constitutional provisions), the committee said that an indigenous Assamese person had to have lived in the State for "several generations" and should belong to an "ancient tribe/ethnic clan" that "originated" in Assam.



MOINUL HAQUE'S PARENTS.

In its report, which, it has been argued, is in contravention to the opinion of the State government's Home and the Land and Revenue Department, the committee rejected the 1951 Census report's definition of an 'indigenous person', which stated that anyone 'belonging to the State of Assam' and speaking any of the languages and dialects spoken in the State was to be called indigenous.

By that definition, any landless permanent resident of Assam should have the right to own land. The Constitution contains no definition of who is indigenous and who is not, although special provisions have been made under Schedules V, VI and IX to protect regions and lands where Scheduled Tribes live.

The report, seemingly driven by hyperbole, said that any (indigenous) person should be "determined to save his ethnic, linguistic and cultural identity" and "believe that his culture, language and identity is different from those of others inhabiting his land", among others.

The panel also said that any person from any other State of India who speaks the language of the "State of his origin" and has "retained his original culture cannot be called an indigenous person of Assam".

In a clear case of policy overreach, it also said: "Mere possession by way of encroachment shall not be a criteria for entitlement to get allotment/settlement of Government land." (Clause 1.14.)

This is not just very complicated but arguably unlawful, given evolving interpretations over the ownership, possession and cultivation rights, rights of cultivators and the tribes over their lands that are often regarded as "commons", lands that typically governments consider that they "own".

Finally, the committee concluded that the transfer of agricultural land should be restricted to people 'indigenous' to the State, for "ensuring the protection of land rights of indigenous people".

Significantly, the Assam Home Department had, in opposition to this conclusion, actually suggested in 2017-18 that the NRC of 1951 may be considered as the basis for determining indigenous people who figured in that document irrespective of caste, community, and religion.

But no, the freshly refined tool of 'indigenous' is now used as the new arsenal of the administration, clearly with the aim of targeting a significant section of the population, already demonised and targeted for decades.

There is also a more specific target.

ATTACKING MUSLIMS OF 'CHAR' AREAS

Large sections of the 184-page Brahma Committee report (that was submitted in two versions to the State government, given some differences of opinion among members) deal with the 'char' areas, the Bengali Muslim-dominated shifting sand bars of the Brahmaputra river.

The report said: "As has been mentioned above, all the *chars*—be they new or old—are in the total clutch of the land-grabbing illegal Bangladeshis wandering from place to place like the birds of passages in search of greener pastures, which includes new areas beyond the *chars* for encroachment." The cleared land, it added, should be allotted to "indigenous people" or kept vacant for "environmental purposes".

There is an ominous and unlawful observation and recommendation too. It said: "Illegal Bangladeshis who are estimated to comprise a substantial chunk should be shifted to the detention camp for their necessary deportation in due course and the lands to fall vacant should be either settled with the landless indigenous people for cultivation, well protected by security forces, in order to check re-encroachment and possible law and order problems; or should be retained vacant for environmental reasons" (page 73, Clause 1.11).

Instead of dealing with its original mandate, the committee report clearly attempted to become a justification for the regime's illegitimate dis-housing and disenfranchisement of a legitimate local population.

Close to 35 lakh people live in the char areas, 95 per cent of whom are Muslim. They do not have land pattas (legal documents over the land) as their land often gets partially or fully submerged by the river.

There are another 35 lakh Muslims living in areas outside the riverine areas but on government lands, periodic patta land or grazier (grazing) and forest lands. The population is engaged in marginal farming and fishing and leads a hand-to-mouth existence.

Apart from Assam's Muslims, Bengali Hindus, who have been exclusively kept out of the preview of definition of 'indigenous peoples' in Assam, are also acutely vulnerable today. Almost 60 lakh Bengali Hindus, living in various refugee colonies established on grazing land, the tribal belt and blocks of the State, stand to face eviction.

Two successive BJP governments in the State have, on the basis of the faulty foundation laid by the Brahma Committee report, forcibly seized cultivable land tilled for generations by the Bengali-speaking peoples, and in some cases even the Rajbongshis and other tribes in

A recent history of evictions

EVICTION drives have been carried out in Sivasagar, Nagaon, Marigaon, Kamrup, Kamrup (Metro), Barpeta, Dhubri, Lakhimpur, Jorhat, Nalbari, Biswanath, Charaideo, Hojai, Goalpara, Sonitpur, and Golaghat districts, apart from Darrang. In a submission made before the Assam State Assembly on August 6, 2021, in response to a question raised by Chenga MLA Ashraf Hussain, the Minister of Revenue and Disaster Management provided details of the post-2016 evictions. In Barpeta, evictions were carried out to clear land at Gaurijhar of Dhanbanda Gaon from Barpeta Revenue Circle, Cow reserve of Ganakkuchi village, government land from Sankuchi village, government land near a river from Metikuchi village and government land beside the road of Jati village, Shree Shree Haridev Satra land from Bahori village under Chenga revenue circle, five bighas of land of crematorium from Sathbhoni's Tup village under Barnagar revenue circle, 20 bighas allocated land for drainage of Barpeta Municipality in Katajhar Patar village, and hostel of Adarsha Vidyalay from Titapani Mouza of Shoupur village under Kal-

gachiya revenue circle. However, none of the families that were evicted were given any compensation or land for resettlement.

In Darrang, evictions were carried out to clear land at Fuhurtuli, Hiloikhunda, Paniyakhat, Shapowatari, Gomishkiya Pothar, Khator Pothar, kekuruwa, Baghpori Chapori, no. 1 Gadhowa, no. 3 Dholpur, Dargaon Town, Bechimari, Kuruwa Chapri, South Kuruwa, Mangaldoi town, Nech Logajan, Barogola, and Dargaon Khuti. However, none of the people ousted have been given any compensation.

As many as 3,000 bighas of land had been cleared after evicting encroachers in Hojai. However, the evicted people will only be given land at the "right time" and that too "depending on citizenship".

In Lakhimpur, evictions were carried out in North Lakhimpur, Naoboicha, Bihpuriya, Narayanpur, Kadam and Shawanshiri. Here too, no compensation was paid or relocation land given.

In Nagaon, eviction was carried out to clear government land from Charhi Nanke Under Roha Revenue



A WOMAN CALLS FOR HELP after her house was demolished during an eviction drive inside the Amchang Wildlife Sanctuary on the outskirts of Guwahati city on November 28, 2017.

RITURAJ KONWAR



ANUPAM NATH/AP

THE ASSAM FOREST DEPARTMENT using elephants to demolish houses at Bandardubi village on the periphery of the Kaziranga National Park, on September 19, 2016.

Circle, Harbor, Chirmola and Dangori Pond, Bechamari under Dhing Revenue Circle, Dhupguri, Datodraba, Barhicha Satra, Atuyatika Pokhar under Sadar Revenue Circle, Bandardubi under Kaliyabor Revenue Circle, Palkhuwa, Deuchur chang, Jhokholabanda Town and Garubanadhath. Here, 12 families were given one katha of land each for rehabilitation under Dhing circle. (Katha is a local unit of measurement of land area and is approximately equal to 2,880 square feet.)

In Sivasagar, evictions were carried out to clear land at revenue circle of Sivasagar Nagar Mahal, Meteka Bongaon, Betbari, Kuwarpur and Jakaichuk Mouza, Pohugarh under Amguri revenue circle of Jaysagar village, historic Rudrasagar from Rudrasagar village, Ali Kahor from Shalguri village, illegally occupied land from Mohan Hazarika Ali Kash, historic Gaurisagar pond from Fukanphudiya village and near Namdang river from Namdang Kumar village. So far, in terms of redistribution of land, two kathas were allocated to 12 landless families each.

In Sonitpur, evictions were carried out in at Tezpur, Thelamara, Dhekiyajuli, Chariduwar and Laduwar. But no compensation was paid and no land was offered for resettlement of evicted families either.

It is clear then, that over the past five years since the BJP came to power in Assam, thousands of bighas of land have been "cleared" after evicting families dubbed as "encroachers", with only a few dozen families having been given land for relocation purposes.

Coming to more recent happenings, eviction drives are disproportionately targeting members of the Muslim community. Some recent examples:

May 17, 2021: 25 families evicted from Dighali chapori, Laletup, Bharaki Chapori, Bhoirobi and Baitamari in Sonitpur District. These are flood-prone riverine areas.

June 6, 2021: 74 families evicted from Kaki in Hojai District. Roughly 80 per cent of the population here is Muslim.

June 7, 2021: 49 families evicted from Dhalpur, Phuhurtuli in Darrang district. All, except one family, are Muslim.

August 7, 2021: 61 families evicted from Alamganj in Dhubri district. 90 per cent of the population here is Muslim.

September 20, 2021: Around 200 families evicted from Fuhuratoli, Dhalpur in Darrang district.

Teesta Setalvad



REBUILDING their lives after the demolition.

Assam. This is clearly yet another attack on the Bengali-speaking population, who are also residents of the geographical area of Assam since at least the early- to mid-1800s.

The implementation of the Brahma Committee's recommendations, along with the controversial 2019 Land Policy, can potentially disenfranchise about 70 lakh Assamese Muslims and 60 lakh Bengali-speaking Hindus from the riverine, grazing and forest areas of the State. If the implementation of these policies continues, a staggering 1.3 crore people of the State stand to be denied basic human rights, the right to life, equality before the law and the right to live without being discriminated against. Finally, the land policy that discriminates on the basis of caste, ethnicity, and language is against Articles 15, 14, and 21. To worsen the situation, in July 2021, the newly anointed Chief Minister announced the creation of the new Department of Indigenous Faith and Culture to address the concerns of the State's indigenous communities, including some and excluding others.

While referring to tribes such as the Rabha, Boro, Mising, Moran and Matak in terms of their "rich heritage", he singled out the Moran and Matak, excluding the Tai Ahom, Koch Rajbongshi, Chutia and Tea Tribes. The issue is also linked to the unfulfilled electoral promise by the BJP (in two consecutive election manifestos) to give them Scheduled Tribe status, which will ensure certain specific social welfare benefits and also bring them under the Forest Rights Act, 2006, an entitlement to land and recognition of rights law.

Under the garb of providing protection to a section of Assam's indigenous people (which section it is still unclear), what the 2019 Land Policy backed by the Brahma Committee report does is deliberately leave out certain specific communities. This is being done on the basis of personal or "immutable" characteristics. The individual faith or tribe which a person is born into or located in is at

the heart of individual autonomy and personal self-determination. The policy is a disadvantage to families as it acts on the basis of their personal characteristics, which they are in no position to either change or modify.

Not only does this seminally violate Articles 14 and 15 of the Constitution, it is *ultra vires* or contrary to emerging fundamental rights jurisprudence, such as the famed *Navtej Johar vs Union of India (2018)* case. In the case, the Supreme Court stated in paragraph 27: "...that Article 14 contains a powerful statement of values—of the substance of equality before the law and the equal protection of laws. To reduce it to a formal exercise of classification may miss the true value of equality as a safeguard against arbitrariness in state action. As our constitutional jurisprudence has evolved towards recognising the substantive content of liberty and equality, the core of Article 14 has emerged out of the shadows of classification. Article 14 has a substantive content on which, together with liberty and dignity, the edifice of the Constitution is built. Simply put, in that avatar, it reflects the quest for ensuring fair treatment of the individual in every aspect of human endeavour and in every facet of human existence."

For the essence of this mandate to have meaning for the beleaguered and targeted sections in Assam, constitutional values and their evolving and rich essence need to permeate down through applied state policy. What we see today is a bitter contrarian policy where a 21st century avatar of the state uses brute force to first violently kill its targets, and then disenfranchise and exclude them. □

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Hate campaign

A victim's testimony nails **the lies spread by the BJP** and its supporters about forcible conversion. BY **NANDA GHOSH**

ON SEPTEMBER 23, THE ASSAM POLICE SHOT dead two people, including a 12-year-old boy, in Dhalpur (Dholpur) village in Assam's Darrang district. A desperate regime is now making efforts to deflect attention from the sordid state of affairs that began with the eviction of as many as 800 families from their homes amidst a raging COVID-19 pandemic and heavy monsoon rains in a flood-prone riverine region.

An attempt is now being made to add a distinct communal hue to the entire exercise, perhaps also because it is election season in Assam: by-elections are scheduled for October 30 in Gossaigaon, Tamulpur, Mariani, Thowra and Bhabanipur Assembly constituencies. This means it is a ripe opportunity for polarisation and division and seeking votes on the basis of hyped-up hate instead of concrete issues. The top brass of the Bharatiya Janata Party (BJP) in Assam is busy spreading the rumour that Muslims "took away" Parbati Das, the widow of Karna Das, the priest of the Siva temple in Dhalpur, and their son. They have alleged that Parbati Das was forced to marry a Muslim and forcibly converted to Islam along with her son.

But when we (members of the non-governmental organisation Citizens for Justice and Peace (CJP)) spoke to Parbati Das, she shot down the communal rumours and told us her story.

PARBATI DAS' STORY

"I was married to the priest of this Dhalpur temple when I was around 12 or 13 years old. We both used to offer prayers there," she said. Her family and two other Hindu families used to live in peace with their predominantly Muslim neighbours. Later, the other two Hindu families moved away to Kalang in Morigaon district. Meanwhile, many Assamese Hindus who lived across the river came and offered prayers at this temple. Parbati and Karna Das had two sons, the elder of whom now works as a daily wage labourer in Guwahati.

"My husband died about 20 years ago, but I continued to offer prayers," Parbati Das said. But after his death, the young Parbati Das fell on difficult times. "I ended up working as a help in the homes of Assamese families and even carrying bricks at construction sites to make ends meet," she said. Sometimes, she also worked



CITIZENS FOR JUSTICE AND PEACE

AS MANY AS 800 FAMILIES were evicted from their homes amidst a raging pandemic and heavy monsoon rains in a flood-prone riverine region



THIS USED to be a Bengali-speaking Muslim's home.

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AFTER THE EVICTION DRIVE in Darrang district, an excavator clearing up debris on September 28.

as a help in the homes of Muslim families. This appeared to have rubbed some communal-minded people the wrong way, and they started harassing her. “Even the new priest who came after my husband died harassed me because I used to work in the homes of Miya Muslims to feed my children...; it was torture,” she said.

“Around that time, the condition of the house I used to live in deteriorated so much that it became unliveable. I asked the temple committee for help, but they claimed that I had no land. But I knew we had land. So they directed me to the Circle Office,” said Parbati Das, who had to run from pillar to post to collect evidence of land ownership. “I managed to get copies of revenue receipts”, she said, but the harassment continued. She ended up living in a makeshift tent. “I built it using banana leaves and a saree,” she said, recalling her trauma. “When nobody helped me and I could not live there any more, I decided to get married to a local man so that my children and I would have shelter during the rainy season,” she said. Parbati Das married a Bengali-speaking Muslim, their shared language playing a part in her choice.

As far as religious conversion goes, she clarified: “As one person cannot have two religions, I accepted my husband’s religion voluntarily.” She reiterated: “Nobody forced me to change my religion.” What is noteworthy is that her name still appears as Parbati Das in her documents. The CJP is in possession of her voter ID card, caste certificate and revenue receipt of the land for which her family had paid taxes.

Parbati Das’ sons from her first marriage have both retained their Hindu names and religion. Her son from her second marriage practises his Muslim father’s faith.

But the truth has not stopped the BJP from spreading misinformation that has the potential to spark a communal conflagration. At the forefront of this communal rumour campaign are none other than Dilip Saikia, the BJP Member of Parliament from Mangaldoi, which is the district headquarters of Darrang, the site of the violence, and Padma Hazarika, the BJP MLA from Sootea.

Recently, Atanu Bhuyan, editor of DY 365, a popular local news channel, tweeted that Saikia had told his channel that a Siva temple priest’s wife had been forced to convert to Islam in Dhalpur. His tweet: “The indigenous population in Dholpur has come under threat from encroachers to such extent that some Muslim people took away Dholpur Shiva temple priest’s wife and child and forcibly converted them @DilipSaikia4Bjp—atanu bhuyan (@atanubhuyan) September 24, 2021”

The issue was also amplified by @VoiceOfAxom, an influential Twitter handle with over 36,000 followers. It claimed that the temple was 5,000 years old and that its patrons included both Ahom and Nepali kings. But when it came to the temple’s modern-day management, it said that Hindu dairy farmers of Gorukhuti village contributed to its upkeep. But, in a rather viciously communal twist, it goes on to peddle the same narrative of forced conversion of the temple priest’s wife.

Its tweet: “After the demise of the Pujari Kartik Das in 2011, his wife was forced to marry a Muslim man. She and the three children of the late Pujari Kartik Das were converted to Muslim. Such is the threat to indigenous people in Dholpur. 10/n—Voice of Assam (@VoiceOfAxom) September 25, 2021”

But that is not all. In an interview with Anupam Chakraborty, editor of NKTV in Assam, Padma Hazarika, another BJP heavyweight, also promoted the same narrative saying: “Parbati Das, the wife of the temple priest and her son Ganesh Das were taken away by a ‘particular’ community. Now, that Parbati and her son are in a Muslim house nearby the temple.” He alleged that the two had been forcibly converted.

But, two things are clear from Parbati Das’ interview to us:

Nobody “took Parvati and her son away” from the priest; There was no “forced conversion”.

Now the Siva temple that is at the heart of this controversy has two priests, one of whom joined just earlier this year. But despite being formerly married to a priest of the same temple, it was Parbati Das who was thrown out of her house with her new family during the eviction. “This is the second time I was thrown out of my house. I am homeless now and don’t know what to do,” she said.

The BJP’s purpose behind spreading this false story appears to be to create a communal divide in a State that has so far been proud of its plural, secular and multi-ethnic culture. □

Nanda Ghosh is with Citizens for Justice and Peace.

'There is normalisation of hatred'

Interview with **Aman Wadud**, human rights lawyer. BY **ZIYA US SALAM**

A FEW YEARS AGO, THE HUMAN RIGHTS lawyer Aman Wadud was at the forefront of a battle on behalf of those whose citizenship had been questioned. He argued that if Army officers who had staked their all in Kargil could be questioned about their citizenship, and if it was difficult even for them to produce the relevant documents, how could the common man, often illiterate and poor, be expected to do the same. More recently, Wadud, who practises at the Gauhati High Court, spoke up for those evicted in the drive to clear government land of alleged encroachers in Sipajhar. He said: "In January this year, the government provided land *pattas* (documents) to 1.6 lakh indigenous landless people. But after being re-elected, the Bharatiya Janata Party (BJP) government is evicting landless Muslims out of their homes. This is grossly partisan. The government is attacking the very foundational concepts of the Constitution."

Wadud spoke to *Frontline* soon after the video of Moinul Haque being shot at in Sipajhar went viral, even as Chief Minister Himanta Biswa Sarma of Assam vowed to continue with the eviction drive. Excerpts from the interview:

How do you look at the recent eviction drive in Sipajhar on September 23?

Firstly, these people have been on this land for a very long time. Many are there since the 1970s. So it is not a new settlement. They came here from the lower Assam districts of Barpeta and Kamrupa because they were affected by river erosion. After erosion, these people lost their land. That is why they came and settled here. They are all landless people, most are daily wage earners.

Secondly, the entire part [inhabited by the settlers] is a river island. And generally, Assamese people do not inhabit a river island. Now the government will evict these people and give land for agriculture to indigenous people. The question is, did they find only a river island to start agriculture?

Basically, it is about taking land from Muslims and giving it to indigenous people, some of whom might be Muslims, but are mostly Hindus. They [the people evicted] were not in the way of some development project. This is not forest land either. Eventually, this land will get eroded. But they [the government]



RITU RAJ KONWAR

wanted to evict [them] for political reasons.

When did the settlement begin here?

People started coming here in the 1970s. So there was a rise in the number of Muslim voters. That was insinuated. There are stories on online portals about the mischief done by government officials [in calculating the numbers, and how the Hindutva project in Assam dates to the 1940s, thanks to the Rashtriya Swayamsewak Sangh which established its first *shakha* in Assam in October 1946], and that is how the Assam movement started.

On February 14, 1983, four days before [the] Nellie [massacre], apparently 1,000 people were massacred at Chaolkhowa island, adjacent to Dholpur, although news reports put the number at around 500. I tweeted about it too. For political reasons, they want to punish these people.

But the people who were evicted in the drive were all Indians. They were not Bangladeshi...

Yes. Not one was a Bangladeshi. I have worked here for eight years, I have not found one Bangladeshi. The [news about] Bangladeshi is just a myth. People came much before that.

Many claim to be there for 50 years, have spent their entire lives there...

Fifty years only there. Their ancestors were from elsewhere in Assam.

So are they all Assamese, and not from elsewhere in India?

Absolutely not. The Assamese people don't want to accept other people. So you can say [they are] Bengali Muslims. Although we claim to be Assamese, the Assamese people don't accept us. We are Bengali Muslims for them. People have been here since a very long time. My great-grandfather migrated 200 kilometres in the 1970s. This is a case of linguistic and religious discrimination, and the government created this mayhem. The entire violence was started by the government, the way they claimed that 10,000 people had gathered.

But the government claims people started the violence first, attacked the police...

No. I am giving a fact. They say people attacked the police first. The police killed two persons. One of them is on camera. We have seen how he was attacked. Another is a 12-year-old boy. If the people attacked the police, do you mean the police would have killed only two persons? And 10,000 people, where did they come from? These are all lies, all government lies.

It seems to be part of a larger agenda of othering Muslims in the country...

Yes. It is part of the larger agenda. There is no doubt about it. Himanta Biswa Sarma says, why should these people come from other districts to settle here? Has India amended Article 19 (d,e,f) [in the Constitution] about the right to settle in any part of the country? Everybody is free to settle and earn livelihood anywhere in the country.

In the eviction drive, some reports claimed that four mosques were demolished and a temple said to be prehistoric remained untouched. Is it true?

These people [the government] claimed that people settled near the temple. The temple is quite far away.

But if the government wanted to go about eviction, rehabilitation packages needed to be worked out. Why was it not done?

There were some 50,000 people there. Once you evict them, where will they go? Now the government is saying, we will settle people and give them six *bighas* of land. Where? Then why did they remove them in the first place?

Don't you think what Himanta Biswa Sarma is doing has been in the pipeline for a long time? The Assamese identity movement has become an anti-Muslim movement in recent years.

It has indeed become an anti-Muslim movement. They created the NRC [National Register of Citizens], we all participated in the NRC. What happened in the NRC? Now they are saying we will not accept the NRC; it failed to exclude more Muslims. They want revision of NRC only to exclude more Muslims because Bengali Hindus will be included through the CAA [Citizenship (Amendment) Act]. The main agenda is to exclude Muslims from the NRC. Now they want to punish

Muslims, including scrapping the NRC.

But the CAA was an emotive issue in the Assembly election.

It was an emotive issue in the sense that Himanta [Biswa Sarma] made Muslims the enemy. Basically, he said that the people have no problem with Bengali Hindus but they have a problem with Bengali Muslims. So that's how, going by voting pattern, the Assamese people have accepted it.

But Assam was not known for its communalism. The fight was for Assamese identity. Do you think the rise of the RSS in the State has vitiated the atmosphere?

No, this movement always had communal undertones. If you could kill Muslims in Nellie, Dholpur, Choalkhowa, there was always a communal undertone. These are all lies they have peddled. Of course, they persecuted some Bengali Hindus too. And claimed they were not against Muslims. But now it has been proved. They didn't have a problem with Bengali Hindus. They have a problem with Bengali Muslims.

There have been repercussions of Assam in North Bengal and Bihar now, with similar demands of a kind of NRC.

I don't know how it will turn out. But it has always been that whatever happens in Assam today happens in the rest of the country later. I don't quite understand how it will play out. But it is not something that can be encouraged. What they are doing through these measures is creating a public consensus that illegal migrants are there. But after the NRC [in Assam] they cannot say these things directly.

How do you react to the attitude of the Congress and Badruddin Ajmal's All India United Democratic Front (AIUDF) to the eviction?

The Congress has played a very important role. They said that this eviction is not acceptable. But Ajmal's party has not been effective. They are the main problem for Muslims. They don't take a stand. Ajmal was projected as the enemy in the election. Without Ajmal, the BJP could not have won the election. Asaduddin Owaisi has been vocal on Muslim issues. But Ajmal keeps quiet. His brother praises Himanta Biswa Sarma as the best Chief Minister. So, this is *quid pro quo*. As a Muslim, I would say, there is no political leader for Muslims in Assam.

Do you think this eviction drive will have its repercussions on Assamese Muslims?

Well, Muslims are feeling insecure. I have been getting frantic calls every day. The photographer who stomped over the lifeless body [of 33-year-old landless labourer Moinul Haque] represents the hatred that has been propagated by this government. The Chief Minister and his Ministers pass anti-Muslim comments. This anti-Muslim hatred has left everyone insecure. There is normalisation of hatred. □