



# Eviction, State Violence & Hate

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**A Fact Finding Report from Assam**

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**Association for Protection of Civil Rights**

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# **Eviction, State Violence and Hate: Fact Finding Report From Darrang, Assam**

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## **Introduction**

**Following reports about the brutal deaths of Moinul Haque and Shaikh Farid in the course of an 'eviction drive' in Assam's Darrang district on September 23, a team of six people from Delhi, Mumbai and Assam visited Dhalpur and met and interacted with a range of people from all communities.**

**In an age of fake news, and many distorted versions of the context and these events, a rapid assessment of the ground situation was necessary so that the facts, as they are, can be placed before the people of India, as well as before the Government of India and State Government of Assam.**

**Given below is the context to these killings, and to the 'eviction drive', followed by eye-witness accounts by members of the fact-finding team.**

### **1. Garukhuti Agriculture Project**

The evictions are being carried out as part of the Garukhuti Agriculture Project, a pet scheme of Assam chief minister Himanta Biswa Sarma.

In its Budget earlier this year, the Assam government said that it will be carrying out an “experiment” to remove "encroachers" from more than 77,420 bighas of land in Garukhuti under Sipajhar Block in Darrang district.

A committee has been formed under the Chairmanship of BJP MLA Padma Hazarika to lead the agricultural initiatives for development of agriculture and allied activities in these areas.

The farmers presently living in the area cultivate cauliflower, corn and other vegetables, which they go and sell in neighbouring areas as well as Guwahati.

This area is suitable for cultivation of various crops including high value horticulture products.

The government claims its objective is to provide livelihood options to "indigenous" youth living in that area, encompassing not only modern agriculture practices but also scientific animal rearing practices.

An amount of Rs 9.60 crore has been proposed for the project.

## **2. Land Encroachment Issue in Assam**

Land has always been a bone of contention in the Northeastern state. There is a common belief that “indigenous” Assamese are losing their land to “illegal Bangladeshi migrants”. It is also alleged that in addition to State-owned land, lands belonging to xatras (monasteries) and forest, national parks and sanctuaries have also been encroached upon.

The previous government of Sarbananda Sonowal had constituted the Brahma Committee to make recommendations on land rights. The committee in its interim report in 2017 had said that 63 lakh bighas of government land was under “illegal occupation”.

Then MoS for Revenue Pallab Lochan Das, who is now MP from Tezpur, had told the Assembly the same year that 6,652 square kilometre government land was encroached upon.

Parliamentary Affairs Minister Chandra Mohan Patowary had said last year that 22% of forest land was under encroachment. So, the figures have always kept varying, and there is no static number.

Is encroachment limited to Bangla speaking Muslims?

The answer is no. There are government lands in districts like Dibrugarh, Tinsukia, etc that are occupied by "indigenous" people. The Brahma Committee too has stated that many natives do not own land documents.

## **3. Targetting of Muslims and Justification of Extra Judicial Methods by CM Himanta Biswa Sarma**

The eviction drive needs to be seen in a broader political context of the Assam government under Himanta Biswa Sarma using to pretext of removing “encroachment” to target the state's Muslim minority.

Since before the 2021 Assembly elections in Assam, Sarma's politics has involved a deliberate process of alienating and 'othering' the state's Muslims.

During the elections, Sarma had said that “the BJP doesn't need Miya Muslim voters”, targeting Bengali origin Muslims in the state.

In February, barely two months before the elections, he had also said that he is an “extremist in protecting Assam's and India's culture from illegal immigrants patronized by Badruddin Ajmal's AIUDF”.

Sarma's insinuation was that Ajmal and the AIUDF represent a threat to India and Assam. He also called Ajmal an “enemy of Assam”. Sarma called Ajmal's extensive charity work across Assam as an “attempt to spread fundamentalism”.

In May 2021, the BJP made Sarma the chief minister ahead of incumbent chief minister Sarbananda Sonowal, in what was seen as a reward for his pro-Hindutva politics.

Soon after taking over, Sarma made a number of remarks targeting the state's Muslim minority as well as justifying the use of extra-judicial methods.

In July 2021, Sarma announced that his government will create a “population army” to [“curb the birth rate in Muslim dominated districts”](#).

A number of police encounters have also taken place since Sarma assumed office. He has publicly justified the use of extra-judicial methods by the police.

Sarma said in July 2021, that shooting at criminals “should be the pattern” if they attempt to escape from custody or try to snatch arms from the police to open fire.

“If an accused tries to snatch the service gun and run away, or even simply flee, and on top of it he is, say, a rapist, law allows shooting at such a person on the leg, but not on the chest,” he said.

Even in the case of the Sipajhar violence, Sarma has tried to put the blame on the Popular Front of India.

The killing of Moinul Haque and Shaikh Farid and the police violence against residents in the name of cracking down on “illegal encroachment” needs to be seen in this context. Interestingly, the SP of Darrang under whose orders the police fired on civilians, is Himanta Biswa Sarma's brother Susanta Biswa Sarma.

#### **4. The Killing of Moinul Haque**

Moinul Haque, a 33-year-old daily wage labourer, fell to a police bullet while trying to defend his family members. After the eviction notice dated September 10 served to them on September 19 night, asking the villagers to vacate the area by the next morning, they got enraged and staged a peaceful protest at Dhalpur Number 2 on the day of the incident.

Following an unsuccessful negotiation that took place between the police party that had arrived to maintain law and order and carry out the eviction, the locals were left with no option but to leave the place.

While they were returning and dismantling the tent-like structure made of tin sheets held together by wooden beams, the police opened indiscriminate fire — killing two and injuring several others.

“Some of the men from our village met the police and agreed to leave the area. But then the police got reinforcements and attacked the people who were evacuating their homes. Moinul Haque's younger brother was also attacked,” recounted Moinul Haque's wife Mumtaz Begum.

As Haque and his family members were packing up, four-five policemen barged into his shade and started thrashing everyone, including women and children. Hasna Bano, the deceased's niece, suffered a broken hand in the beating. She recounts that the police hit her from behind.

This enraged Haque who took a bamboo and chased the cops, who surrounded and beat him up before shooting him dead.

After Haque fell to the ground unconscious, Bijay Shankar Baniya, a photographer hired by the Darrang district administration to film the eviction, started stomping on his body in presence of the heavy police force. The gruesome act was caught on camera.

Father of three young children, Moinul Haque was the sole bread winner for his family of six — including his elderly parents. He was a landless farm labourer. His 13-year-old son, eldest among his two sons and one daughter, studies in standard seven at a government school.

Haque's wife Mumtaz Begum has so far not come to terms that his husband is no more. Seeing the bleak future of her children, she appears to be lost and disoriented.

“He wanted our children to become teachers and get good jobs,” she said.

No representatives of the district administration or the state government have visited the aggrieved family as yet to console them and share their grief, leave aside offering a compensation.

The family has been living in the riverine area since 1965. “We have been living here since decades. Still, we are called 'encroachers' and 'Bangladeshis,’” they said.

Besides his wife Mumtaz Begum and three children, Moinul Haque's family also includes his aged parents Maimoona Begum and Maqbool Ali.

## **5. The Killing of Shaikh Farid**

Sheikh Farid was the second victim of the eviction drive in Sipajhar. A resident of Dhalpur 3, the 12-year-old, who was studying in standard seven at a government school, was on his way back home after collecting his Aadhaar card from the local post office when he received the police bullets. He needed the unique identification number for a government scholarship.

He was shot at near Dhalpur-2.

“There is only one way to come home. He had no option but to go through the area. He was hit on his way back home,” says Aamir Hussain, 25, brother of Shaikh Farid.

Seeing his body lying in pool of blood, people known to his family informed his father informed the latter about the same.

“My father got a call saying that Farid has been shot. He said, 'How is this possible? He had just gone to collect his Aadhar card,' my father said,” Amir Hussain narrated.

Unable to believe his ears, Md Khaliq Ali, his father, who was not even served the eviction notice, rushed to the spot. He fell unconscious as he saw the lifeless body of his youngest child being brought on a horse-drawn cart by villagers, with the Aadhaar card peeking out of his pocket.

Farid had a bullet injury on his right chest. Shocked over the incident, his parents are now ailing and are on medication.

Farid was the youngest among four brothers and two sisters.

## **6. Eyewitnesses Recount Horror of the Eviction Drive**

Two years ago, all families in the area had gone through the painstaking process of proving their citizenship for the National Register of Citizens (NRC). And they have made it to the final list of the citizenship register as well.

It is difficult for those who live on the constantly eroding banks of the Brahmaputra or its riverine islands to prove legitimate claims to land. Migrations are a commonplace in such regions because of the annual floods. A large percentage of the state's rural population do not have land titles in their names.

With an aim to resolve the issue of “encroachment” on state land, the government issued permanent land titles in 2019 to people who have lived in a particular piece of government land for over three years at a stretch. But only “indigenous” families were eligible for this.

This is perhaps the reason why evictions enjoy massive public support. The exercise is seen as taking back the possession of “indigenous” lands from “encroachers” — read Bangla speaking Muslims who are generally considered as “illegal Bangladeshis”.

We met injured Hasna Bano. The 15-year-old, whose family had not received an eviction notice, heard the commotion at around 3 pm on September 3 and went to see what was happening.

“I went to see what was happening. I got panicked after seeing people fleeing. As I took refuge in my maternal uncle's home, few policemen arrived and started beating up everyone. A baton hit my arm and I fell unconscious,” she narrated.

On September 20, the government cleared 4,500 bighas (1,488 acres) of land in the area. In the process, it evicted 800 families, all of them Muslims of Bengali origin, and demolished four mosques. All of this, ostensibly, to make space for organic farming by people considered “indigenous” to the state.

The first round of eviction appears to have passed without resistance from the families being displaced, with no promises of rehabilitation. The eviction drive on September 23 turned violent.

The eviction drive was started on September 18 in the completely cut off region roughly spread over 21, 740 bighas (6 bigha=1.5 acres), which is roughly five times the size of Guwahati city. The massive patch has Brahmaputra on one side and its small tributaries crisscrossing the area. Roads are scarce here and so is the electricity supply.

The residents of the sandbar are landless farmers who use motorcycles, horse-drawn carts or bullock carts, or ferry their (vegetables, paddy and jute) to nearby markets. One has to cross a stream and walk for nearly an hour or ride a motorbike to reach the area.

Majority of the residents contested the government's claim that they were given adequate warning. They said the eviction notices were served less than 24 hours before the government drive began.

The evictions are taking place under the Assam government's Garukhuti Project, which aims to remove the “encroachers” to start agricultural and other allied activities for “indigenous people”.

The police, on its part, blamed a “large mob” for attacking them with “sticks and stones”. “Following negotiations at the eviction site, the residents assured rehabilitation and other alternate measures. Convinced with the assurances, they had started dispersing to collect their belongings before leaving the area.

Suddenly, over a hundred people attacked the police party with sticks and stones. We first fired tear gas shells and rubber bullets to disperse them. When it didn't deter them, we had to fire live bullets in self-defense,” said a police officer deputed at the eviction site.

Raziya Khatoon, 26, was one among those injured whom we met at Gauhati Medical College and Hospital. Her husband Qurban Ali said she had gone to his elder brother's family to collect their belongings. She was shot at while she was returning by the police who were stationed at top of hills in the area.

She had her two-year-old daughter in her arms when a bullet pierced her waist. She collapsed as the bullet hit her, with blood oozing out her body. She was accompanied by her two other children, with one of them as young as seven.

Qurban Ali managed to get Raziya Khatoon to hospital with great difficulty – first taking her on a motorbike to the banks of the Brahmaputra, then crossing the river on a boat and then finally taking her to the hospital in a Maruti van. She bled throughout due to her bullet injury, even as Qurban Ali tried to stop the bleeding using his Gamosa (traditional Assamese scarf).

The doctors told Qurban Ali that she is serious and needed surgery. However, no one from the government had approached them to inquire into what happened or compensate them for the treatment.

13-year-old Ashraful Hussain was also injured on the shoulder after being shot at by the police. He had gone to meet his brother to help him move his household items, after being instructed by the police.

But even while they were still moving items from their home, he says that government officials came with a JCB and began destroying people's homes.

It was while moving his brother's items that Ashraful Hussain was shot. The police have now included Ashraful Hussain's name in case number 758/2021 at the Sipajhar Police Station and he has been told to appear before the police every Thursday.

## **7. The Police Theory**

This is what the police has claimed regarding what happened:

“The police upon arrival at the eviction site (Zone3, Dhalpur) noticed that approx 2,000 to 2,500 'unlawful encroachers' took position like a 'long bow', covering long distances, uttering different types of "anti-government" slogans and creating a "war like situation”



“Magistrate Pallabi Kachari tried her best to calm the protesters, but they became more violent. Later, the executive magistrate informed the officials like IGP LO, DIG CWR, SP Darrang and OC Sipajhar who were present there at the temporary control room. After a little while, ASP (HQ), Darrang, and Dy. SP HQ, Darrang, appeared at the spot along with additional forces. After some time, higher officials too reached there.”

“DM Darrang tried hard to convince the agitators and promised them to provide all necessary facilities of providing rehabilitation, but they did not listen to anything and continued shouting slogans against the government and creating a more war-like situation.”

“DM Darrang announced by megaphone, declaring their assembly unlawful. Instead of dispersing, the encroachers became more violent and started attacking police forces and magistrates. At that moment, after getting an order from Executive Magistrate Pallabi Kachari to disperse the mob, using minimum force, the police used tear gas. But the "unlawful assembly" became more "violent". As a result, the police had to resort to lathi-charge.”

“The 'encroachers' became further violent and "attacked police personnel with dao and other sharp weapons with an aim to kill the duty personnel". Several police personnel suffered injuries in the attack.”

“The police then rubber bullets to disperse the mob. When they did not budge, the police opened fire aiming below their knees.”

“All the incidents were 'pre-planned' and 'fabricated' and 'instigated'. A case has been registered against eight people, including a woman, with several of them having already been picked up. Three persons were arrested from the GMCH while they were undergoing treatment. Among those who have been arrested is a 17-year old boy.”

A case under sections 120B, 143, 147, 148, 149, 341, 333, 325, 326 and 307 of the IPC has been slapped against them.

### **8. Victims of Arbitrary Labels of 'Illegality' and 'Indegenuity'**

As it is Bengali origin Muslims and Hindus are facing discrimination in the name of the National Register of Citizens. But the residents of Sipajhar facing police crackdown, are included in the NRC. Despite this, they are being viewed as “illegal immigrants”.

This is evident by the fact that organisations such as Prabajan Virodhi Manch are supporting the government's drive. Prabajan Virodhi means “anti-infiltration”. Therefore, the people residing in Sipajhar aren't being viewed just as “encroachers” but “infiltrators” whose presence in Assam itself is illegal.

On September 20, Upamanyu Hazarika, convenor of the PVM, said in a press statement it was the “local indigenous” who were made to suffer as their lands were acquired for the agriculture project, and the encroachers remained “undisturbed”.

However, those who are living on the land said they have been residing there since 1965, with their ancestors buying small plots of land from locals. The transaction took place without any paperwork.

At least 200 families from Dhalpur 3 moved the Gauhati High Court against the eviction late last month. The government, in response, filed an affidavit, saying the "settlers" were on government land.

The evictions in question came before the petitioners could file a reply. Propriety demands that they should wait for the final outcome of the case.

It is clear that Muslim residents of the affected area are suffering under discriminatory labels of “illegality” imposed by the government and right-wing elements in the civil society.

This narrative of being “infiltrators” despite figuring in the NRC, would make it difficult for them to settle anywhere in the state.

## RECOMMENDATIONS

- The families of Shaikh Farid and Moinul Haque should be given a compensation by the government
- Compensation should also be granted to all those who were injured in the government's “eviction drive”.
- As the police fired on unarmed civilians, action should be taken against the guilty police officials involved in this operation including SP Darrang Susanta Biswa Sarma.
- The “eviction drive” should be stayed with immediate effect.
- The government should drop cases against the locals who were protesting against the eviction drive.
- The government should announce a comprehensive rehabilitation plan before any further eviction of a family or any person.



The Head of the Department of Criminal Investigation, Durgam Chouk, Hyderabad  
(Through The P.S., Durgam Chouk)

Ref: - Sindhia P.S. Case No. 250/2019 (C.R.) dated 29/9/2019

Re: - Remuneration report of accused persons and report for allowing OT (Dress), also police custody of the accused and persons.

With reference to the subject cited above, I have the honor to produce herewith the following report: -

**Particulars of the case:**

The brief of the case is as follows: -

On 29/9/2019, at 10:00 AM, the police from Durgam Chouk Police Station (D.C.P.S.) were alerted by the complainant, Sindhia P.S. Durgam Chouk, that a group of persons were looting a shop named 'Sindhia P.S. Durgam Chouk' at the junction of Durgam Chouk and Durgam Road. The police were alerted at 10:00 AM and they proceeded to the spot. On 29/9/2019, at 10:00 AM, the police were alerted by the complainant, Sindhia P.S. Durgam Chouk, that a group of persons were looting a shop named 'Sindhia P.S. Durgam Chouk' at the junction of Durgam Chouk and Durgam Road. The police were alerted at 10:00 AM and they proceeded to the spot.

... reports of that when they did not observe, you have more information, as per the report...

**Particulars of Accused Persons:**

(1) Chand Mamm, 47 yrs.  
S/o: - [Name], No. 12, Durgam Chouk  
P.S.: Durgam Chouk, Hyderabad  
(2) [Name], 37 yrs.  
S/o: - [Name], No. 12, Durgam Chouk  
P.S.: Durgam Chouk, Hyderabad

MEET BY: [Name] 29-9-21  
COMPILED BY: [Name] 29-9-21

ASSAR

INDIA COPY STAMP

29/9/21

DATE OF RECEIPT	DATE OF RECEIPT	DATE OF RECEIPT	DATE OF RECEIPT	DATE OF RECEIPT
28-9-21	29-9-21	29-9-21	29-9-21	29-9-21

Copy of F.I.R. on with Sindhia P.S. Durgam Chouk  
21 U/S - 120(CB)/143/1  
142/149/341/333/325/326/307 of State  
-vs- Chand Mamm and others.

INDIA COPY STAMP

29/9/21

FIRST INFORMATION REPORT

NO. 256/2019

29/9/21

21 U/S - 120(CB)/143/1  
142/149/341/333/325/326/307 of State

Copy of F.I.R. on with Sindhia P.S. Durgam Chouk





স্থানান্তর / বিদ্যালয় এম্বাৰ প্রমাণ পত্র

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যান \_\_\_\_\_  
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A group of people, some wearing hats and carrying equipment, are gathered in a field. A large, colorful flag with a sunburst pattern is visible in the background. The entire image is overlaid with a dark blue semi-transparent filter.

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