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“IF YOU SPEAK UP, YOUR HOUSE WILL BE DEMOLISHED”

BULLDOZER INJUSTICE IN INDIA

AMNESTY INTERNATIONAL

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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Cover photo: *Local residents stand behind the iron gate as a bulldozer demolishes an illegal structure during a joint anti-encroachment drive conducted by North Delhi Municipal Corporation (MCD), at Jahangirpuri area.*
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GLOSSARY

AAP	Aam Aadmi Party
BJP	Bharatiya Janata Party
CAA	Citizenship (Amendment) Act
CEDAW	Committee on the Elimination of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CRPC	Indian Code of Criminal Procedure
FIR	First Information Report
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICESR	International Covenant on Economic, Social and Cultural Rights
NDMC	North Delhi Municipal Corporation
NSA	National Security Act
OPT	Occupied Palestinian Territories
RAF	Rapid Action Force
TP	Town Planning
VHP	Vishwa Hindu Parishad

1. EXECUTIVE SUMMARY

> **"We were fasting for Ramzan. I told them I won't leave this house. "I am so poor, where will I go?" I asked. I stood there steadfast until the police started beating me up with *lathis* [batons] and yelled, "Get out of here!" I did not move. I said "Raze me down with this bulldozer. Take my dead body with you. Where will I go in this poverty?" Then my son came to me and begged me to move: "Ammi, the authorities won't even think twice before killing you." All my life's earnings and memories were in that house. They did not even allow us to collect my belongings. Everything was razed down."[1]**
>
> Hasina Bi, 56 years, told Amnesty International.

For 40 years, Hasina Bi had lived in her home in Khargone town, Madhya Pradesh with her husband and children. Originally a mud house, it was redeveloped into a permanent structure through the Prime Minister Housing Scheme, which provides loans to impoverished communities for building homes.[2] Despite holding documentation proving her ownership of the house, on 11 April 2022, the municipal authorities and police unlawfully and punitively demolished her house using JCB-branded bulldozers without giving any reason.[3] She wasn't provided any advance notice nor time to salvage her possessions and belongings.[4] The experience of Hasina Bi and her family is not an isolated case.

OVERVIEW

This report is based on research carried out Amnesty International between 12 August 2022 and 31 August 2023. Between April and June 2022, Amnesty International documented the targeted demolition by the Indian statement authorities of at least 128 properties including homes, businesses and places of worship largely belonging to Muslims in the Bharatiya Janata Party (BJP)-ruled states of Assam, Gujarat, Madhya Pradesh, and Uttar Pradesh and the Aam Aadmi Party (AAP) governed state of Delhi. The demolitions adversely impacted at least 617 people, including men, women, and children, either rendering them homeless or deprived of their sole livelihood. Amnesty International found these demolitions took place in predominantly Muslim communities. The communities most impacted by demolitions were those that had

[1] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[2] Pradhan Mantri Awas Yojana, see further pmaymis.gov.in
[3] J.C. Bamford Excavators, trading as JCB, is a UK-based company specializing in earthmoving, construction, agriculture, and demolition equipment.
[4] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.

borne the greatest proportion of communal violence between Hindus and Muslims which was a result of provocation by Hindu groups during Ramzan, or which had been the location of protests by Muslims. The protests called for accountability for the custodial death of a Bengali Muslim fisherman and the discriminatory remarks made against Muslims by ruling BJP political leaders. Amnesty International believes this selective targeting of Muslims was punitive retaliation for the alleged involvement of some Muslims in protesting discriminatory laws and practices enforced by the Indian state.

Through a detailed investigation of 63 demolitions across four BJP-ruled states and one AAP governed state, Amnesty International found an absolute failure of the state authorities to ensure that the survivors of these demolitions were afforded due process protections, including an opportunity for genuine consultation, adequate and reasonable notice, and provision of legal remedies and access to legal aid. This report documents evidence of use of force and intimidation by police and authorities, as well as failures to provide legal remedies and compensation, and to prevent double jeopardy for those accused of allegedly participating in or inciting the preceding violence. The multiple cases documented by Amnesty International of state authorities punishing entire households, including by arbitrarily detaining family members, and unlawfully demolishing their homes and businesses, amounts to a form of collective and arbitrary punishment that egregiously violates the rights of those affected including the rights to a fair trial, adequate housing, dignity and non-discrimination.

CONTEXT

Muslims in India constitute 14.2% of the total population making it the largest religious minority in the country.[5] With an estimated 172.2 million Muslims, India is home to 11% of the total Muslim population of the world.[6] Yet Muslims face systemic and widespread discrimination and prejudice in all areas of life, including housing and employment, from successive Indian governments, trapping them in a cycle of poverty and marginalization.[7] The fundamental failure of the Indian authorities to address the pervasive prejudice that perpetrates discrimination is also illustrated by the stark under-representation of Muslims in the federal government workforce and Indian Parliament and their over-representation in Indian jails.[8]

The deliberate and sustained targeting of Muslims under a range of overly broad and vague laws and policies has cultivated a generalized suspicion of Muslims in India. This has provided a fertile ground for the ongoing erosion of their human rights, including access to education, employment, housing, and violations of their freedom of expression, religion, association and right to non-discrimination.

Rather than prevent discrimination towards Muslims, senior political leaders and government officials have actively encouraged it. In Uttar Pradesh state, which is a frontrunner in punitive demolitions, this practice started with targeting those peacefully protesting the Citizenship (Amendment) Act (CAA) that was enacted in 2020. The CAA is a discriminatory law that fast tracks the granting of citizenship to people based on religion, and which is specifically exclusionary towards Muslims. In another example, on 10 June 2022, in Prayagraj city in the state of Uttar Pradesh, the Muslim community was protesting a former BJP spokesperson, demanding her arrest, because she had made comments on a prime-time TV news debate that were deemed insulting to the Prophet Mohammed. Some aspects of the protests turned violent and reports of excessive use of force on protesters by police authorities were documented by Amnesty International.[9]

DEMOLITIONS OF MUSLIMS' HOMES, BUSINESSES AND PLACES OF WORSHIP

In 2022, following episodes of communal violence and protests, the state authorities in Assam, Uttar Pradesh, Madhya Pradesh, Gujarat and Delhi, including the officials from the municipal corporations and police, started unfairly and punitively demolishing properties including homes and business largely belonging to Muslims, and places of Muslim worship. In a span of 15 days, at least 128 properties were destroyed in the five states: 36 in Gujarat (21 in Khambhat and 13 in Himmatnagar); 56 in Madhya Pradesh (45 in

[5] Census 2011, "Hindu Muslim Population in India", https://www.census2011.co.in/religion.php (accessed on 12 September 2023).
[6] Census 2011, "Hindu Muslim Population in India" (previously cited).
[7] National Statistical Office, Ministry of Statistics and Programme Implementation, Government of India, "All India Debt and Investment Survey – 2019", 10 September 2021, available at http://mospi.nic.in/sites/default/files/publication_reports/Report%20no.%20588-AIDIS-77Rm-Sept.pdf; National Statistical Office, Ministry of Statistics and Programme Implementation, Government of India, "Periodic Labour Force Survey – Annual Report, 2020–2021", 14 June 2022, available at https://mospi.gov.in/publication/annual-report-plfs-2021-22
[8] "Muslims 16% of population but representation in Union Cabinet may slip to nil; no Muslim minister in 15 states", National Herald, 6 June 2022, https://www.nationalheraldindia.com/india/muslims-16-of-population-but-representation-in-union-cabinet-may-slip-to-nil-no-muslim-minister-in-15-states; "Prison Statistics India Chapters – 2021, National Crime Records Bureau", available at https://ncrb.gov.in/en/prison-statistics-india-2021
[9] Amnesty International, "India: Excessive use of force, arbitrary detention and punitive measures against protesters must end immediately", Press Release, 14 June 2022, available at https://www.amnesty.org/en/latest/news/2022/06/india-excessive-use-of-force-arbitrary-detention-and-punitive-measures-against-protesters-must-end-immediately/

Khargone and 11 in Sendhwa); 25 in Delhi; eight in Assam; and three in Uttar Pradesh (one in Prayagraj and two in Saharanpur).

In the months preceding the demolitions, protests by Muslims and resulting violence when the police authorities clashed with the protesters had been reported in all the locations that suffered damage. On 10 and 15 April 2022 respectively, communal violence between Hindus and Muslims was reported in Khargone and Sendhwa towns in Madhya Pradesh, Himmatnagar and Khambhat towns in Gujarat and Jahangirpuri area of Delhi. This included arson, vandalism of mosques, looting of businesses and homes. This occurred after Hindus carried out religious processions commemorating the Hindu festivals of Ram Navami and Hanuman Jayanti which coincided with the period of Ramzan, the holy month of fasting for Muslims before Eid-Ul-Fitr. The Hindu rallies started from Muslim-populated areas and loud provocative music was played by the Hindu participants. In all three states, this resulted in violence between Hindus and Muslims in the areas where the processions were carried out.

Of the 128 properties that were documented as having been targeted for demolition, Amnesty International investigated 63 in detail. Amnesty International carried out 107 interviews between 19 May 2023 and 13 June 2023, including with survivors of demolitions, legal experts, journalists and community leaders in Khargone and Sendhwa in Madhya Pradesh, Khambhat and Himmatnagar in Gujarat, Nagaon in Assam, Jahangirpuri in Delhi, and Prayagraj in Uttar Pradesh.

FORCED EVICTIONS AND FAILURES TO FOLLOW DUE PROCESS

In all five states where the research was conducted, Amnesty International found that the demolitions – often under the guise of remedying illegal construction and encroachment – were carried out without following any due process. The demolitions were carried out by the respective state authorities without any prior consultation, adequate notice, and alternative resettlement opportunities. They were also carried out without warning, sometimes at night, with the occupants given little or no time to leave their homes and shops and salvage their belongings. Out of 75 survivors interviewed by Amnesty International, only six received any form of prior notice from the authorities. Even in these limited cases, the notices gave little to no time to the survivors to appeal the demolition orders and seek legal redress. In Gujarat specifically, consultations on the removal of certain portions of the buildings where businesses were operating from were ongoing between the occupants at the time of demolitions.

Amnesty International also reviewed the states' municipal and land regulation laws, and found they fall below international human rights standards with regards to requiring prior genuine consultation, adequate notice, compensation, and alternative settlement. The state authorities failed to follow even the exiguous procedures laid down in the domestic laws while carrying out these demolitions.

Theses failure to comply with due process safeguards mean that these demolitions constituted forced evictions, prohibited under international human rights law. As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) India has an obligation to respect, protect and fulfil the right to an adequate standard of living, which includes the right to adequate housing, the right to work, and the right to social security. In order to respect the right to adequate housing, governments must not arbitrarily or unlawfully interfere with people's housing without due process and must not carry out forced evictions nor render anyone homeless.

USE OF INTIMIDATION AND EXCESSIVE FORCE

Amnesty International also documented widespread use of intimidation and force by the police authorities in all five states used to coerce people out of their properties. Victims reported a heavy presence of police armed with *lathis* [batons], and sometimes firearms, accompanied by government officials and media. In all cases, this was neither necessary nor proportionate, thus counter to international human rights law.

Under international human rights law, authorities must ensure that displacements and lawful evictions are conducted in a manner that respects the rights of the people affected and that any use of force is strictly necessary and proportionate.[10] By using unlawful and unnecessary force on people who were merely trying to secure their properties and possessions, the police officials not only violated the survivors' right to adequate housing, but also their rights to bodily integrity, freedom from cruel, inhuman, or degrading treatment, and effective remedy, enshrined in both the Indian constitution and international human rights law.[11]

[10] Basic Principles and Guidelines on Development Based Evictions and Displacement, UN Doc. A/HRC/4/18, https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines_en.pdf, paras 47-48.
[11] Constitution of India, Article 21; International Covenant on Civil and Political Rights, Articles 7 and 9; International Covenant on Economic, Social and Cultural Rights, Article 11(1).

In at least 39 cases documented by Amnesty International, the police authorities used intimidation or excessive force to carry out demolitions, to prevent the survivors from collecting their belongings, or in retaliation for asking the reasons for demolitions.

> **"When we asked what our fault was, they beat up my husband with lathis (batons). I was yelling that my disabled son is inside, but they did not stop. Then my husband ran inside, put our son on his shoulders and ran down the stairs to save his life. I could have lost them both."**
>
> A 60-year-old woman whose house was demolished in Sendhwa, Madhya Pradesh.

In each of the five states, eyewitnesses and survivors vividly narrated how an atmosphere of fear and intimidation was created by the excessive and disproportionate deployment of police force. Most survivors did not dare to approach the authorities to ask any questions. This must be viewed in the broader context of systemic discrimination faced by Muslims in the criminal justice system in India, where they are often victims of ill-treatment by the police and other law enforcement officials, and their complaints are seldom investigated. This has resulted in a grave trust deficit and fear of law enforcement officials throughout the community.

DISCRIMINATORY AND PUNITIVE NATURE OF THE DEMOLITIONS

Amnesty International investigated survivors' reports that the authorities had specifically targeted Muslim-populated areas and discriminately demolished properties of Muslims, while the neighbouring Hindu properties were left untouched. Amnesty International verified this by visiting the sites of demolitions and found that properties owned by people of Hindu faith continued to stand erect. This pattern was distinctly visible in Madhya Pradesh and Gujarat.

> **"There is a Hindu temple built on government land right across where my shop stood. It's huge. That is clearly illegal occupation of government land, but will they remove it? If they want to do justice, it should be done equally, whether the property belongs to Hindu or Muslim."**
>
> Zahid Ali Sayyed who owned a tent house in Khargone, Madhya Pradesh.

Of the 63 demolitions Amnesty International investigated, 20 properties were owned or rented by people who were either prosecuted for the preceding violence or protests or were related to such people. In all five states, Amnesty International found that targeted demolitions and forced evictions were used by the state authorities as a form of extrajudicial and collective and arbitrary punishment and retaliation against Muslims speaking against injustices and discrimination they were facing.

Amnesty International recorded a pattern of punitive demolitions being carried out against Muslim-owned properties after senior government officials called for such and making discriminatory remarks against Muslims in the media. A day before the demolitions, senior political and executive officials in the five states made statements calling for the targeted demolition of properties belonging to people suspected of participating in protests and violence in April, May and June. For example, in Assam, after a building that formed part of the Batadrava police station was burnt down after some aspects of the protests turned violent, the Chief Minister Himanta Biswa Sarma tweeted instructions to the authorities "to either evict or take other legal action against those posing a threat to peace and security in the area".[12] The Chief Minister of Uttar Pradesh, Yogi Adityanath, reportedly threatened that bulldozers will continue to crush "criminals and mafia", after some of the protests against the discriminatory remarks made by a BJP politician on prime-time TV news debate turned violent in the city of Prayagraj. On the same day, Uttar Pradesh police arrested Muslim activist Javed Mohammed, along with his wife and daughter Afreen, for their alleged involvement in the violent protests. A day later, their family home was demolished.[13] The head of Anand district where Khambhat town is situated had also explicitly connected the demolitions with the preceding violence and said:

> **"Miscreants had used the cover of bushes and thick vegetation to attack the procession. So, we have launched a drive, using bulldozers, to remove the bushes as well as illegal structures standing on government land…"[14]**

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[12] Ratnadip Choudhary, "Bulldozers Take Down Homes of Accused in Assam Police Station Attack", NDTV, 22 May 2022, https://www.ndtv.com/india-news/criminals-attacked-police-station-to-burn-records-says-assam-dgp-after-arson-over-alleged-custodial-death-2998217

[13] Refer to page 24.

[14] "Gujarat: Bulldozers Raze Structures Owned by People Accused in Ram Navami Clashes", The Wire, 16 April 2022, https://thewire.in/government/gujarat-bulldozer-ram-navami-accused-clash-raze

In Madhya Pradesh and Delhi, BJP leaders made statements vilifying and demonizing Muslims.[15] For instance, speaking to the media in Madhya Pradesh, the state Home Minister Narottam Mishra said: "If Muslims carry out such attacks, then they should not expect justice." Accusing the Muslim community of rioting, he warned the whole community: "If anyone triggers rioting in Madhya Pradesh they will be crushed."[16] Following the directions from the top political office in the state, the district administration, and municipal authorities in Khargone and Sendhwa towns launched the mass demolitions.[17] Similarly, soon after the communal violence in Delhi, the state's BJP President, Adesh Gupta wrote to the North and South Delhi Municipal Corporations asking them to demolish the "encroachment of government land by Bangladeshi, Rohingya and anti-social elements", shortly after which the North Delhi Municipal Corporation wrote to the Delhi Police notifying they would provide "at least 400 police personnel … during the encroachment removal action".[18]

The hatred and violence against the broader Muslim community, manifested in the form of punitive demolitions, was instigated at the highest level of government. This also demonstrates the complicity or acquiescence of the state officials in encouraging the scapegoating of Muslims, even though the violence clearly involved both Hindus and Muslims.

To exacerbate the situation further, the Indian media played an adverse role in legitimizing the lack of due process followed by state authorities in demolishing properties. This, in turn, furthered discrimination against Muslims. Amnesty International analysed 16 regional and national media reports on the demolitions in Delhi, Madhya Pradesh, Uttar Pradesh, Gujarat, and Assam, covering newspapers, digital news magazines and TV news channels. In some cases, the local authorities claimed that the demolitions were carried out to remove illegal encroachments and were unrelated to the riots that preceded them. However, Amnesty International found that local, regional, and national media channels presented a different narrative and subsequently reported, widely and uncritically, on the demolitions taking place across the country. Terming it "bulldozer justice", media channels, newspapers, and digital news magazines have headlined the demolitions as "successful actions" and "models of governance" of state leaders.[19] There was little or no emphasis on whether the demolitions were carried out in accordance with the law.

These demolitions were inherently arbitrary because the reasons adduced by the authorities are wholly unreasonable in the circumstances and incompatible with the provisions, aims and objectives of international human rights treaties to which India is a party.[20] Given the abject failure of the authorities to provide alternative accommodation, or to otherwise take into account the significant consequences of the demolitions, including for entire families, the demolitions amount to a devastating pattern of collective and arbitrary punishment violating several rights, including the prohibition of arbitrary or unlawful interference with one's home under Article 17 of the International Covenant on Civil and Political Rights (ICCPR).[21] In addition, these demolitions violated the victims' rights to protection of their family and their rights to enjoy their culture as a minority, as enshrined in Articles 23 and 27 of ICCPR.

MULTIDIMENSIONAL IMPACTS

This report also documents the impacts of the destruction caused by punitive demolitions on men, women, and children. The demolitions had a multi-dimensional impact on the affected individuals, families, and communities – both in the short-term and long-term. Those who owned shops or businesses suffered from financial losses of varying magnitude depending on the size of their businesses. Some businesses were run from small semi-permanent units while some were bigger shops or offices with expensive machinery, equipment and computers that were all lost in the demolitions along with the edifice or the structure. When Amnesty International's researchers visited the affected areas a year after the demolitions, victims were still struggling to make ends meet, barely earning enough to feed their families.

The loss of the safety of their homes put women in precarious positions, many of whom had to spend weeks living on the streets with their children while taking lower paid jobs to make ends meet. Amnesty

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[15] Refer to Background.
[16] Anuraj Dwary, "Madhya Pradesh Home Minister Blames Muslims For Ram Navami Clashes", NDTV, 12 April 2022, https://www.nytimes.com/2022/05/11/world/asia/india-hindu-muslim-violence.html
[17] Refer to page 21.
[18] "North Delhi civic body targets illegal houses in violence-hit Jahangirpuri, asks for 400 cops", India Today, 20 April 2022, https://www.indiatoday.in/india/story/bulldozers-illegal-constructions-jahangirpuri-violence-accused-delhi-1939534-2022-04-20
[19] Indian Express, "After success of 'Bulldozer Baba' in UP, 'Bulldozer Mama' rolls into MP politics", 26 March 2022, https://indianexpress.com/article/political-pulse/after-success-of-bulldozer-baba-in-up-bulldozer-mama-rolls-into-mp-politics-7837103/; Zee News, "Bulldozer Baba scare? Over 50 criminals surrendered since Yogi Adityanath's return to power", 28 March 2022, https://zeenews.india.com/india/bulldozer-baba-scare-over-50-criminals-surrendered-since-yogi-adityanaths-return-to-power-2448749.html
[20] For example, UN Human Rights Committee, General Comment 16, paras 3 and 4.
[21] UN Human Rights Committee, Views: *Naidenova and others v. Bulgaria*, adopted on 30 October 2012, UN Doc. CCPR/C/106/D/2073/2011 (2012), paras 14.5 and 14.7; UN Human Rights Committee, Views: *Gregopoulos and others v. Greece*, UN Doc. CCPR/C/99/D/1799/2008 (2010), para. 7.3.

International also documented instances of demolitions of small kiosks owned and run for decades by widowed women in Delhi, setting them back financially by at least a decade and significantly impacting their long term economic stability.

Amnesty International found that following the demolitions, at least 24 children in the five states were compelled to drop out of or miss school due to financial losses. Children also witnessed the intimidation and use of force by police on their parents during the demolition of their homes and businesses. In cases where parents were arrested and detained by authorities, infant children were forced to either accompany their mother to places of detention or were rendered homeless.

For instance, in Nagaon, in the Assam state, the authorities demolished the houses of the entire immediate and extended family of Safiqul Islam, who was killed in police custody, in addition to arresting them for protesting against Safiqul's custodial death. In the absence of any care and protection, the five daughters of one of Safiqul's brothers spent days on the streets because the police threatened the neighbours with the demolition of their properties if they provided shelter to the children. In Madhya Pradesh, Amnesty International documented a case where the financial losses and arrest of the sole earning family member compelled an 18-year-old boy to forego his aspirations for higher education in order to support the family in rebuilding the bakery business lost to demolitions. These examples demonstrate violations of the Convention on the Rights of the Child (CRC) which India ratified in 1992.[22] This requires the government of India to ensure the "best interests of the child", which includes conducting a child and human rights impact assessment to minimise the negative impacts of displacement in cases of evictions.[23]

Further, in violation of international human rights law and standards, in all the 63 cases of demolitions that Amnesty International documented, none of the survivors were provided any opportunity to seek any kind of redress. Amnesty International also found that most of the affected families were too financially insecure and burdened by the financial and material losses to proactively seek legal redress. Almost two years later, even those who filed cases in various high courts and the Supreme Court against the punitive demolitions have not been able to find any meaningful redress as yet.

[22] United Nations Office of the High Commissioner on Human Rights, Pledge by India, Celebrating 30 years of the Convention on the Rights of the Child, available at https://www.ohchr.org/en/treaty-bodies/crc/celebrating-30-years-convention-rights-child/pledge-india
[23] Convention on the Rights of the Child, Article 3.

WEAPONIZATION OF JCB MACHINES: THE ROLE OF JCB AND ITS BUSINESS AND HUMAN RIGHTS RESPONSIBILITIES

In India, bulldozers have now become synonymous with the oppression of Muslims. Among these machines, those manufactured by JCB, a UK-based company specializing in earthmoving, construction, agriculture, and demolition equipment, have gained distinct popularity. In India, the brand's name has become a generic term for bulldozers, as corroborated by Amnesty International's interviews with victims of demolitions in five states.[24] Additionally, BJP political leaders routinely allude to JCB machines as a tool to punish Muslims. For example, during the demolitions in the national capital of Delhi in April 2022, GVL Narasimha, a BJP spokesperson, equated JCB with "Jihadi Control Board" in a now-deleted tweet on his X (formerly known as Twitter) handle.[25] Before the legislative assembly elections in Uttar Pradesh in February 2022, a BJP leader from Telangana publicly threatened voters in the state to vote for Yogi Adityanath or face the demolition of their properties by JCB bulldozers.[26] After the BJP leader Yogi Adityanath won a second consecutive term as the head of the Uttar Pradesh state, a celebratory rally of JCB bulldozers was carried out in Gorakhpur town.[27]

Amnesty International's Crisis Evidence Lab, with the help of its Digital Verification Corps, verified the repeated use of JCB's equipment in demolishing homes, shops, and mosques in the states of Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh between April and June 2022.[28] While JCB is not the only manufacturer of equipment used in demolitions, JCB machines were used in the most widespread manner, indicating that the company is the brand of choice for these purposes. Of the total 78 photographs and videos Amnesty International sourced from social media platforms such as Facebook and Twitter and from the survivors of demolitions, it verified 69 videos and photographs showing 33 cases of demolitions where JCB machines were used. Of the 69 videos, six were from Gujarat, five from Assam, 14 were from Delhi and Uttar Pradesh respectively, and 25 from Madhya Pradesh. The Lab also verified five videos showing the use of JCB machinery in other instances of forced evictions in Uttarakhand. The videos involved incidents of either partial or complete demolitions of residential buildings, shops and mosques.

For many years, JCB's heavy machinery has been used in situations where human rights violations have been committed.[29] In 2021, Amnesty International carried out a detailed investigation and published a report on the use of JCB machinery to commit human rights violations in the Occupied Palestinian Territories.[30] Despite specific recommendations by Amnesty International and the Office of the High Commissioner on Human Rights (OHCHR), JCB has not effectively responded to the call to identify and address the human rights violations resulting from their operations and products. These violations are also being committed in India, where a sixth manufacturing factory of JCB was inaugurated in April 2022 by Boris Johnson, the then Prime Minister of UK, while the demolitions were in progress in Delhi, Gujarat, and Madhya Pradesh.

Amnesty International wrote to JCB's UK headquarters and their subsidiary, JCB India, informing them about Indian authorities' use of JCB machines to carry out forced evictions and punitive demolitions of largely Muslim properties in five states. In its response, JCB denied any responsibility by asserting that once products have been sold to another party, it has no legal ownership of them and therefore cannot stipulate to whom their products can or cannot be sold. It also claimed that there is a second-hand market where JCB machines are routinely sold.

However, in accordance with the UN Guiding Principles on Business and Human Rights, all JCB's corporate entities, including JCB India, have the responsibility to respect human rights. An essential component of this responsibility is the need to conduct human rights due diligence to identify, prevent, mitigate and account for adverse human rights impacts the company may cause, contribute to, or which are directly linked to its operations, products or services by its business relationships.[31] JCB's business relationships include not only relations with business partners, but other entities and individuals in its downstream value chain, beyond the first tier.[32] Therefore, JCB's justifications are incompatible with international human rights standards.

Moreover, operating in or supplying products to customers in an area where the rule of law is in question can considerably increase the risk of a company becoming complicit in gross violations of international human rights committed by other actors, in this case the municipal authorities. Beyond the time period of April to June 2022, the rising majoritarianism in the country, along with marginalization of and discrimination against Muslims, has been documented by UN agencies, Amnesty International, and other international human rights organizations.[33] Accordingly, the historical and ongoing discrimination faced by Muslims in India, and particularly in the five states, demonstrates a heightened risk of adverse human rights impacts that JCB and JCB India failed to identify and prioritize in their human rights diligence.

Instead, the company, through provision of its machinery, have enabled the Indian authorities to violate the rights to adequate housing, work, social security, fair trial and privacy of the people of India, particularly Muslims.

Amnesty International has assessed the business and human rights obligations of JCB and JCB India in a briefing titled "Unearthing Accountability – JCB's Role and Responsibility in Bulldozer Injustice in India". This briefing highlights the wide use of JCB-branded heavy machinery by the state authorities to carry out 33 such demolitions and analyses JCB's responsibilities to mitigate the adverse human rights impacts of its products.

CONCLUSION AND RECOMMENDATIONS

A year and a half later, the survivors of these punitive demolitions continue to wait for compensation. Reeling under debilitating financial losses, families and business owners were forced to put themselves under further monetary pressure by taking loans from banks and relatives. This has hindered their access to courts and even those who have approached the courts have not yet found any respite. To date, the courts have failed to address punitive demolitions with the scale and urgency required by the prevailing situation, enabling the Indian authorities to continue tearing down people's homes and businesses in other areas with widespread impunity.

On 9 June 2022, the UN Special Rapporteurs on adequate housing, minority issues and freedom of religion or belief wrote to the Indian government highlighting the "punitive" nature of the demolitions "targeted towards specific marginalized communities".[34] The Special Rapporteurs asked the government to share observations regarding its compliance with due process in carrying out these demolitions as is mandated under international human rights law in. The Indian government are not publicly on record as having responded.

Given the systemic human rights violations committed by the Indian government and the violations of Muslim people's rights to adequate housing, equality and non-discrimination, dignity and fair trial, **Amnesty International calls on the Government of India and the state governments of Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh to:**

- Immediately impose a moratorium on punitive demolitions;
- Adequately compensate those whose properties including homes and businesses were demolished;
- Order prompt, impartial, independent, and effective investigations into all allegations of collective and arbitrary punishment and discrimination faced by Muslims in the context of punitive demolitions by state officials and actors, including police officials who used excessive and unlawful force to carry out demolitions.
- Bring the errant officials who ordered and participated in the punitive demolitions to justice; and

[24] Interviews with victims of demolitions, 19 May 2023 – 8 June 2023.
[25] YouTube, "G.V.L Narasimha Rao Takes 'Jihad' Dig Amid Bulldozer Showdown", India Today, https://www.youtube.com/watch?v=hPEt7438KXQ
[26] YouTube, "'Vote for Yogi or get bulldozed': BJP MLA T Raja threatens UP voters; EC issues notice", Hindustan Times, 16 February 2022, https://www.youtube.com/watch?v=KZ_QLkCEBEY&t=9s
[27] "BJP Supporters Carry Out Bulldozer Rally in Gorakhpur as CM Yogi Wins the Seat By 1,02,000 Votes", India Today, 10 March 2022, https://www.youtube.com/watch?v=Zw_ZTqMQBWk&t=31s
[28] Amnesty International, *Assessment of JCB and JCB India's Business and Human Rights Responsibilities in India* (Index: ASA 20/7614/2024), 7 February 2024.
[29] Amnesty International, *JCB Off Track – Evading responsibility for human rights violations committed with JCB machines in the Occupied Palestinian Territories* (Index: MDE 15/4985/2021), 18 November 2021, https://www.amnesty.org/en/documents/mde15/4985/2021/en/
[30] Amnesty International, *JCB Off Track* (previously cited).
[31] OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, 1 January 2012, https://www.ohchr.org/en/publications/reference-publications/guiding-principles-business-and-human-rights
[32] OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*, 2012, https://www.ohchr.org/sites/default/files/Documents/publications/hr.puB.12.2_en.pdf
[33] US Commission on International Religious Freedom (USCIRF), *Annual Report 2022*, https://www.uscirf.gov/sites/default/files/Fernand%20de%20Varennes%20Testimony.pdf; See also the Background section of this report.
[34] Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context (Special Rapporteur on the right to adequate housing); the Special Rapporteur on Minority Issues; and the Special Rapporteur on Freedom of Religion or Belief, Letter to Government of India (Ref: AL IND 5/2022), 9 June 2022, https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27324

- Release those arbitrarily detained for merely exercising their right to freedom of expression.
- Facilitate visits of relevant special procedures and allow them, OHCHR and other experts full and unfettered access to OHCHR and other experts with a view to monitoring and making recommendations to address violations of human rights that have occurred, and continue to occur, including in the context of religious minorities in India.

The international community should publicly and privately urge India to take meaningful measures to improve the human rights situation in the country. Members of the international community should raise concerns publicly about human rights violations in India that have occurred, and continue to occur, through multilateral fora, and take concrete steps to address them, including through ambitious action at the UN Human Rights Council.

India assumed the G20 Presidency in 2023 but failed to use this opportunity to affirm its commitment to human rights as a central tenet of sustainable development in the country. Now it must take measures to immediately stop forced evictions that have continued to take place with impunity.

Amnesty International calls on the Indian government to develop a national housing strategy, and to develop and implement slum upgrading, social housing and other programmes, in a participatory manner, and ensure that policies and programmes prioritize the most disadvantaged groups. No-one must be made homeless or vulnerable to other human rights violations as a result of an eviction.

India will elect a new federal government in 2024. The newly elected government has a critical and urgent responsibility to ensure that the human rights of everyone in India - including religious minorities and other marginalised groups - are promoted and protected. This includes addressing past human rights violations by ensuring effective investigations are carried out into punitive demolitions and the associated use of unlawful force by the authorities and that accountability, compensation and justice is provided to all survivors. It further includes ensuring that all religious minorities are protected from discrimination, stigma, exclusion and targeted attacks by both state and non-state officials.

2. METHODOLOGY

This report documents the Indian authorities' use of forced evictions and punitive demolition of properties including homes, businesses, and places of worship as a form of retaliation and extrajudicial punishment against Muslims in five states: Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh. It specifically documents 63 demolitions carried out between April and June 2022. The report examines the state laws on evictions; and highlights the gap between India's international human rights commitments and its domestic practices.

This report is based on research carried out between 12 August 2022 and 31 August 2023. The research methods used included interviews carried out by Amnesty International staff; an extensive literature review; filing Right to Information applications with the relevant state authorities; and sending letters to the JCB company headquarters in the UK and JCB India. Amnesty International's Crisis Evidence Lab and Digital Verification Corps also used open-source research techniques to obtain and verify the videos and photographs of demolitions. 60 videos and photographs were sourced from social media platforms such as Facebook and Twitter and nine were provided by survivors of demolitions. The verification methodology included analysis of the origin of the content; the source; the time/date the event depicted occurred; the location where the content was captured; and any corroborating evidence that supports what is shown in the content. In verifying the location of each case in the digital mapping, many incidents could be precisely geo-located by comparing information from the audio-visual evidence gathered against satellite and other street-level imagery on platforms such as Google Earth and Mapillary. In cases where precise geolocation was not possible, Amnesty International relied on corroborating evidence from the survivors of the demolitions and community leaders to confirm where an event took place.

Between August 2022 and April 2023, Amnesty International researchers reviewed media reports and official statistics – where they were made available by the authorities in response to the Right to Information applications filed by local community leaders – to corroborate the total number of demolitions. Of the 128 properties Amnesty International documented that were targeted for demolitions, 36 properties were demolished in Gujarat (21 in Khambhat and 13 in Himmatnagar), 56 in Madhya Pradesh (45 in Khargone and 11 in Sendhwa), three in Uttar Pradesh (one in Prayagraj and two in Saharanpur), eight in Assam and 25 in Delhi. Amnesty International researchers were able to further investigate a total of 63 out of these 128 documented demolitions, which included 26 residential properties and 35 commercial properties. Of these, 14 demolished properties were in Gujarat, 25 properties in Madhya Pradesh, eight properties in Assam, 13 properties in Delhi and one in Uttar Pradesh.

Between 19 May and 7 June 2023, Amnesty International researchers visited four out of five states in India where demolitions took place, including the town of Nagaon in Assam, the Jahangipuri area in Delhi, the towns of Khambhat and Himmatnagar in Gujarat, and the towns of Khargone and Sendhwa in Madhya Pradesh. Amnesty International researchers interviewed survivors of demolitions, speaking to all that were available and willing to be interviewed by the organization at the time of Amnesty International's visit. Several survivors had since relocated to find work and shelter. Due to security concerns, the researchers did not visit the city of Prayagraj in the state of Uttar Pradesh but conducted six interviews by telephone and virtually through secure channels. Amnesty International researchers conducted a total of 107 interviews, including interviewing 75 survivors of demolitions and 32 experts including lawyers, journalists, and civil society activists. Of the 75 interviews with survivors, Amnesty International conducted 19 interviews with survivors in Gujarat, 37 in Madhya Pradesh, three in Assam, 14 in Delhi and two in Uttar Pradesh. Disaggregated data on the interviews conducted in each town (number, gender of interviewees) is provided in Table 1. All interviewees were informed about the nature and purpose of the research as well as how the information

they provided would be used. Throughout this report, some survivors' real names and other identifying information have been excluded for their security and to respect their wishes.

TABLE 1: DISAGGREGATED DATA ON THE INTERVIEWS CONDUCTED

State	Town	Number of demolished properties investigated in this report			Number of survivors interviewed by Amnesty International		
		Commercial	Residential	Total	Women	Men	Total
Gujarat	Khambhat	7	0	7	0	10	10
	Himmatnagar	8	0	8	0	9	9
Madhya Pradesh	Khargone	7	10	17	5	17	22
	Sendhwa	0	8	8	9	6	15
Assam	Nagaon	0	8	8	2	1	3
Delhi	Jahangirpuri	13	0	13	5	9	14
Uttar Pradesh	Prayagraj	0	1	1	1	1	2
Total	**7**	**35**	**28**	**63**	**22**	**53**	**75**

During the visits to the demolition locations, Amnesty International researchers also inspected and gathered 360-degree photographs of the demolished sites; reviewed eviction notices where available; and reviewed and authenticated a range of property ownership and other corresponding documents including property tax receipts paid to the authorities by the survivors, electricity bills, property sale and transfer deeds and identity documents that carried the addresses of the demolished properties of the survivors. It also reviewed the First Information Reports (FIR) filed by authorities against the survivors, along with chargesheets for arrests.

All the survivors interviewed were above 18 years of age, including four young people aged between 18-25 years and ten individuals above the age of 60 years. Of the 63 property demolitions Amnesty International investigated, 62 belonged to Muslims. In total, Amnesty International researchers spoke with 22 women and 53 men. The reason for this disparity is gendered inequality in property ownership. Except in Delhi where women ran vegetable and fruit carts that were eventually demolished, all the affected properties were owned by men.

Amnesty International researchers also reviewed over 50 news articles and reports from other human rights organizations published between April 2022 and August 2023. Relevant Indian laws and court judgements on rights to adequate housing and livelihood, and forced evictions and related safeguards, were also analysed.

In addition, Amnesty International researchers reviewed and analysed various state laws that empower the authorities to regulate land and property and accordingly remove encroachments including the Assam Land Revenue Regulation 1886, Assam Public Premises (Eviction of Unauthorised Occupants) Act, 1971, Madhya Pradesh Land Revenue Code 1959, Madhya Pradesh Municipal Corporation Act 1956, Madhya Pradesh Bhumi Vikas Rules 1984, Gujarat Land Revenue Code 1879, Delhi Municipal Corporation Act 1957, New Delhi Municipal Act 1994, Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019 and Uttar Pradesh Urban Planning and Development Act, 1973. Amnesty International researchers also analysed the Madhya Pradesh Prevention of Damage to Public and Private Property and Recovery of Damage Act, 2021 and Uttar Pradesh Recovery of Damages to Public and Private Property Act, 2020.

Amnesty International's Crisis Evidence Lab reviewed 78 images and videos of demolitions in Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh, to verify the dates and locations and confirm their authenticity. The Crisis Evidence Lab also reviewed satellite imagery of the areas where demolitions took place to confirm the location of the demolitions and investigate any discriminatory tactics used by the Indian authorities in carrying out forced evictions based on religious identity.

Amnesty International wrote to the Government of India and state governments of Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh on 18 January 2024 to seek their response on the findings detailed in this report. At the time of publication of this report, Amnesty International had not received a response.

Amnesty International extends its gratitude to the individuals who consented to speak with its researchers and provided information for this report. In particular, the organization is deeply grateful to the people who shared their stories, often at great personal risk and pain of revisiting traumatic events and entrusted us with highlighting the range of human rights violations they experienced. Amnesty International does not claim that this is an exhaustive report on punitive and unlawful demolitions faced by Muslim communities in India. This report aims to build a body of knowledge around this issue and encourages further research and activism by the international human rights community.

3. BACKGROUND

3.1 HISTORICAL CONTEXT

Muslims in India constitute 14.2% of the total population, making it the largest religious minority in the country.[35] With an estimated 172.2 million Muslims, India is home to 11% of the total Muslim population of the world.[36]

In India, Muslims have suffered systemic discrimination, oppression and human rights violations from successive Indian governments. This has resulted in the Muslim community remaining one of the poorest in the country, with many Muslims living on the margins of Indian society.

Over the years, independent committees constituted by successive Indian governments and various civil society organizations, including Amnesty International, have researched the systemic and deep-rooted discrimination and the resulting human rights violations against Muslims in India. In 2006, a High-Level Committee headed by Justice Rajinder Sachar reported on the Social, Economic and Educational Status of the Muslim Community of India. This committee highlighted institutional bias against Muslims, including stereotyping such as labelling Muslims as "anti-national" and "terrorists", alongside wide gaps in the rate of education, employment and poverty between the Muslim population and other religious and social groups.[37] They found Muslims in India have had "abysmally low" representation in federal government workforce due to the failure of successive governments to adequately reach the Muslim community through welfare programmes. Government data from 2019-2021[38] indicates that while the lockdown imposed during the Covid-19 pandemic resulted in widespread loss of work across India, the sharpest hike in unemployment was seen in the Muslim population.[39] In 2022, for the first time since India's independence, not a single Muslim was part of the federal cabinet of ministers.[40]

Recent civil society research into the perceptions and experiences of policing of Muslim citizens in India found Muslims are often victims of harassment and ill-treatment by the police and other law enforcement officials, and their complaints are seldom investigated.[41] They are often targeted on the basis of religious markers and symbols of being Muslims such as their names, clothes and dietary preferences and policing is based on criminalizing stereotypes and biases. A 2018 report by Common Cause found that Muslims in India were the most likely, compared to other social or religious groups, to perceive police as biased against people of their religion and as implicating Muslims in false cases.[42]

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[35] Census 2011, "Hindu Muslim Population in India", https://www.census2011.co.in/religion.php (accessed on 12 September 2023).
[36] Census 2011, "Hindu Muslim Population in India" (previously cited).
[37] Prime Minister's High Level Committee headed by Justice Rajinder Sachar, *Social, Economic and Educational Status of the Muslim Community of India – A Report*, 2006, https://www.minorityaffairs.gov.in/WriteReadData/RTF1984/7830578798.pdf (accessed on 12 September 2023), pp. 9-25.
[38] National Statistical Office, Ministry of Statistics and Programme Implementation, Government of India, "All India Debt and Investment Survey – 2019", 10 September 2021, http://mospi.nic.in/sites/default/files/publication_reports/Report%20no.%20588-AIDIS-77Rm-Sept.pdf; National Statistical Office, Ministry of Statistics and Programme Implementation, Government of India, "Periodic Labour Force Survey – Annual Report, 2020–2021", 14 June 2022, https://mospi.gov.in/publication/annual-report-plfs-2021-22
[39] Oxfam India, *India Discrimination Report 2022*, https://www.oxfamindia.org/knowledgehub/workingpaper/india-discrimination-report-2022, Section 1V, p. 41.
[40] "Muslims 16% of population but representation in Union Cabinet may slip to nil; no Muslim minister in 15 states", National Herald, 6 June 2022, https://www.nationalheraldindia.com/india/muslims-16-of-population-but-representation-in-union-cabinet-may-slip-to-nil-no-muslim-minister-in-15-states
[41] Commonwealth Human Rights Initiative and Quill Foundation, *Muslim Voices: Perceptions of Policing in India*, 2018, https://www.humanrightsinitiative.org/download/1548414445Muslim%20Voices%20Perceptions%20of%20Policing%20Jan%202019.pdf
[42] Common Cause, *Status of Policing in India Report*, 2018, https://www.tatatrusts.org/upload/pdf/spir-2018-common-cause.pdf, p. 76.

According to the latest publicly available statistics of National Crime Records Bureau, Muslims are over-represented in Indian jails. Despite constituting 14.2% of the total Indian population, they represent 16% of all people convicted, 18% of all those under trial, and 30% of those administratively detained in Indian prisons.[43] This over-representation of Muslims in the criminal justice system has been documented by various judicial inquiry commissions. Such commissions were often constituted in the aftermath of major communal riots which have consistently raised concerns regarding police officers having an "inbuilt bias against Muslims" resulting in "harsh and brutal" treatment.[44]

In the 1990s, riots followed the demolition of a medieval-era mosque, Babri Masjid, in the town of Ayodhya, in Uttar Pradesh state, leading to the death of at least 900 people, of which 575 were Muslims, 275 were Hindus and 50 belonged to other religious groups.[45] These riots were a forerunner to the 2002 communal riots in Gujarat, where state agents participated in the violence, leading to a trust deficit between law enforcement officials and the Muslim community.[46] In 2014, the police departments in the states of Maharashtra, Uttar Pradesh and Tamil Nadu released a report which stated that the behaviour and conduct of police officials during communal riots have systematically heightened the "suspicions and distrust in the minority communities."[47]

Despite pervasive institutional bias against Muslims within police forces and within the criminal justice system, Amnesty International could not find evidence of meaningful institutional measures taken by the successive Indian governments to address the bias and reinstitute the confidence of the Muslim community in police and public institutions. On the contrary, the marginalization and systemic discrimination of the Muslim population has been further intensified through discriminatory laws and policies, and the rise in hatred and violence against Muslims.

3.2 CURRENT CONTEXT

Since the Bharatiya Janata Party (BJP) government came to power in 2014, led by Prime Minister Narendra Modi, Indian authorities have escalated their crackdown on religious minorities, particularly Muslims.

On 5 August 2019, shortly after being re-elected, the Modi-led government unilaterally repealed the critical provisions of Article 370 of the Indian Constitution – which had guaranteed far-reaching powers to the state of Jammu and Kashmir on a wide range of issues except foreign affairs, defence, and communication – and extended its control over the region.[48] Jammu and Kashmir was the only state in India with a majority Muslim population. The revocation of this important constitutional provision was followed by the deprivation of Jammu and Kashmir's statehood and the splitting of the state into two separate union territories governed by the central government.[49] In the four years since 5 August 2019, the Indian government has drastically intensified the repression of the people of Jammu and Kashmir, including journalists and human rights defenders, by subjecting them to multiple human rights violations.[50] These violations include restrictions on the rights to freedom of opinion and expression, to liberty and security of person, to movement, to privacy, and to remedy and access to justice. The authorities have committed these violations with absolute impunity.

In December 2019, the Indian Parliament passed the Citizenship (Amendment) Act (CAA), a discriminatory law that fast tracks the granting of citizenship to people on the basis of religion. It favours Hindus, Parsis,

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[43] National Crime Records Bureau, "Prison Statistics India Chapters – 2021", https://ncrb.gov.in/en/prison-statistics-india-2021
[44] AG Noorani, "In pursuit of truth", Frontline, 29 August 1998, https://frontline.thehindu.com/columns/article30161938.ece
[45] M Mohsin Alam Bhat, "Fighting impunity in hate crime — history, ethics, and the law: An interview with Harsh Mander", Jindal Global Law Review, Volume 11, 1 October 2017, https://doi.org/10.1007/s41020-020-00118-1, pp. 157–179; "Understanding the link between 1992-93 riots and the 1993 Mumbai blasts", Firstpost, 6 August 2015, https://www.firstpost.com/politics/understanding-the-link-between-1992-93-riots-and-the-1993-mumbai-blasts-2379772.html
[46] M Mohsin Alam Bhat, "Fighting impunity in hate crime" (previously cited).
[47] Smita Nair, "Muslims think we are communal, corrupt: Police", The Indian Express, 20 July 2017, https://indianexpress.com/article/india/maharashtra/muslims-think-we-are-communal-corrupt-police/
[48] The Constitution (Application to Jammu and Kashmir) Order, 2019 C.O. 272, 5 August 2019, https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2019/10/20191029100.pdf; Ministry of Home Affairs, Government of India, "Press release: Parliament approves Resolution to repeal Article 370; paves way to truly integrate J&K with Indian Union", 6 August 2019, https://pib.gov.in/pressreleaseshare.aspx?prid=1581391
[49] The Jammu and Kashmir Reorganisation Act, Act No. 34 of 2019, 9 August 2019, https://www.indiacode.nic.in/bitstream/123456789/12030/1/A2019-34.pdf
[50] Amnesty International, *India: "We are being punished by the law" – Three years of abrogation of Article 370 in Jammu & Kashmir* (Index: ASA 20/5959/2022), 2 September 2022, https://www.amnesty.org/en/documents/asa20/5959/2022/en/

Sikhs, Jains and Buddhists facing persecution in the neighbouring Muslim-majority countries of Afghanistan, Pakistan, Bangladesh and is specifically exclusionary towards Muslims in India.[51]

This led to peaceful protests across India by the Muslim community, students and human rights activists. Political leaders and supporters of BJP termed those peacefully protesting "anti-nationals" and "traitors" who should be "shot dead".[52] In February 2020, shortly after a BJP leader gave an ultimatum to the police to remove the protesters, clashes were reported between Hindus and Muslims who were peacefully protesting the CAA in north-eastern part of Delhi. These clashes quickly transformed into Hindus rampaging through neighbourhoods, killing Muslims and burning their shops, homes and other property.[53] At least, 53 people died, mostly Muslims, and more than 500 were injured.[54]

Previously, Amnesty International documented the disproportionate loss of property suffered by Muslims during these clashes, along with police atrocities committed under the guise of restoring law and order.[55] It also documented human rights violations by Delhi Police officials, which included joining the rioters and participating in violence against Muslims, using excessive force on protesters, dismantling protest sites used by peaceful protesters and torturing those in custody.[56] Almost four years later, no action has been taken against the identified police officials by the Ministry of Home Affairs (the reporting authority for Delhi Police).[57] However, at least eight Muslim students and human rights activists continue to be detained under the Unlawful Activities (Prevention) Act, India's counter-terrorism law, for allegedly orchestrating the riots.[58]

This impunity is symptomatic of the rising Islamophobia, hate crimes, and incitement of hatred and violence against Muslims in India, the vilification and demonization of Muslims, and the normalization of violence against them.[59] State authorities continue to target Muslim individuals and communities under discriminatory laws and negative stereotypes, cultivating a context of systemic discrimination. Muslims in India are discriminated against based on their appearances, behaviour, cultural practices, religious markers and symbols, and assumed stereotypes. These attributes and stereotypes are used to differentiate, subordinate, and dehumanize them, increasing religious, racial, gender, and other forms of discrimination.[60]

Amnesty International has documented the rising incidences of hate crimes against Muslims in India since 2014, including lynching of Muslims by mobs, bans on Muslim businesses, and public floggings by individuals and police authorities with impunity.[56] For example, in April 2022, Amnesty International raised concerns about anti-Muslim attacks and advocacy of hatred and reports of demolitions of largely Muslim-owned shops and houses, following incidents of communal violence in the state of Madhya Pradesh.[61]

Media and other civil society organizations have reported similar concerns about violence against Muslims in India. A study by the Political Economy Research Institute noted a 786% increase in hate crimes against religious minorities between 2014 and 2018.[57] The 2022 US Department of State's report on International Religious Freedom documented inflammatory speeches and public remarks about Muslims in India by religious leaders, academics, political figures, and activists, including calls for them to be "set ablaze", calling for "Hindus and Christians to not eat at restaurants run by Muslims" and for Hindus to kill Muslims suspected of cow slaughter with impunity.[62] These statements have led to acts of violence against Muslims.

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[51] Amnesty International, "Citizenship (Amendment) Bill: A Bigoted Law That Must Be Immediately Repealed", Press Release, 12 December 2019, https://web.archive.org/web/20191222150006/https://amnesty.org.in/news-update/citizenship-amendment-bill-a-bigoted-law-that-must-be-immediatelyrepealed/

[52] Anisha Reddy, "Delhi Burning: A Timeline Of Anti-CAA Protests And Northeast Delhi Violence", Outlook, 25 February 2023, https://www.outlookindia.com/national/delhi-burning-a-timeline-of-caa-protests-and-northeast-delhi-violence-news-265077

[53] Amnesty International India, "India: Six Months Since Delhi Riots, Delhi Police Continue to Enjoy Impunity Despite Evidence of Human Rights Violations", 28 August 2022, https://www.amnesty.org.uk/files/2020-08/Delhi%20Report%20Amnesty%20International%20India.pdf?VersionId=qNBFJajDqK.RXFt33yhP2f0UC_6uNR0Y

[54] "Delhi Riots Death Toll at 53, Here Are the Names of the Victims", The Wire, 6 March 2020, https://thewire.in/communalism/delhi-riots-identities-deceased-confirmed

[55] Amnesty International India, "India: Six Months Since Delhi Riots" (previously cited).

[56] Amnesty International India, "India: Six Months Since Delhi Riots" (previously cited).

[57] Aishwarya Iyer, "Two years after Delhi violence, what explains the police's continued 'defence of the accused'?", Scroll.In, 23 February 2022, https://scroll.in/article/1017993/two-years-after-delhi-violence-what-explains-the-polices-continued-defence-of-the-accused

[58] Amnesty International, "India 2022" in *The State of the World's Human Rights: Amnesty International Report 2022/23*, 2023, https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/

[59] Human Rights Watch, "India: Government policies, actions target minorities", 19 February 2021, https://www.hrw.org/news/2021/02/19/india-government-policies-actions-target-minorities

[60] Report of the Special Rapporteur on Freedom of Religion or Belief, Report: *Countering Islamophobia/anti-Muslim Hatred to Eliminate Discrimination and Intolerance Based on Religion or Belief*, 13 April 2021, UN Doc. A/HRC/46/30.

[61] Amnesty International, "India: Authorities must stop apparent unlawful demolitions of largely Muslim-owned property", 14 April 2022, https://www.amnesty.org/en/latest/news/2022/04/india-authorities-must-stop-apparent-unlawful-demolitions-of-largely-muslim-owned-property/

[62] US Department of State, *2022 Report on International Religious Freedom in India*, https://www.state.gov/wp-content/uploads/2023/05/441219-INDIA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf

Various UN Special Rapporteurs have also raised concerns about the "steady and alarming erosion of fundamental rights, particularly for religious and other minorities" in India.[63] In September 2023, the United Nations Special Rapporteur on Minority Issues, Fernand De Varennes, stated that from 12 May 2020 to 23 May 2023, around 46 communications and an estimated 20 press releases were issued by the UN highlighting grave allegations of denial of human rights, particularly targeting religious minorities in India.[64]

However, instead of responding to these calls with impartiality and effectively investigating the failure of the state authorities, including the police officials, Indian authorities have continued to provide tacit approval to violence against Muslim communities. Indian authorities continue to summarily punish those peacefully protesting such abuses, along with their families and the larger Muslim community, including by unlawfully demolishing their properties.[65]

This report documents violations of the right to adequate housing and other rights, including forced evictions and loss of livelihoods, and the unlawful discrimination Muslims experience from these arbitrary and punitive demolitions. These human rights violations cannot be viewed in isolation and need to be considered in this broader context of systemic discrimination against, and hatred and vilification of Muslims in India.

[63] USCIRF, *Annual Report 2022*, https://www.uscirf.gov/sites/default/files/Fernand%20de%20Varennes%20Testimony.pdf
[64] USCIRF, *Annual Report 2022* (previously cited)
[65] Amnesty International, "India: Authorities must stop apparent unlawful demolitions of largely Muslim-owned property", 14 April 2022, https://www.amnesty.org/en/latest/news/2022/04/india-authorities-must-stop-apparent-unlawful-demolitions-of-largely-muslim-owned-property/

4. DEMOLITIONS OF MUSLIMS' HOMES, BUSINESSES AND PLACES OF WORSHIP

Popularly known as "bulldozer justice" in India, punitive demolitions have become a de facto state policy for many states which has been hailed and celebrated by political leaders and supporters of the ruling BJP.[66] Demolitions are often initiated under the guise of applying planning laws and regulations to remedy alleged encroachment, however this report demonstrates that, in fact, the use of demolitions by the Indian national and state governments is a form of arbitrary punishment specifically targeted to deter and retaliate against marginalized groups, in particular Muslims, after episodes of communal violence and protests.[67]

The state justifies these demolitions as "routine action"[68] against those running businesses out of shops built illegally, or people living in homes built without appropriate permissions, by terming these constructions as "encroachments". However, this rationalization sits in contrast to the reality of the country where the implementation of building laws is fraught with a lack of (or non-uniform) enforcement, which has resulted in a lot of construction taking place without the requisite permissions. In 2017, a report submitted by a panel formed by the Delhi High Court to document "illegal constructions" in the capital region found that "90% [of the buildings] carry one kind of violation of the extant building bylaws or another".[69]

Although all states in India have local municipal laws that provide procedures for removing encroachments under a given set of circumstances, these laws fall short of international human rights standards, as they rarely include adequate safeguards for protecting the human rights of owners and occupiers when demolishing properties.[70]

The use of demolitions in the instances examined in this report represent a violation of international human rights standards. International human rights law requires the Indian government to provide the greatest possible security of tenure to occupants of houses and land, and to put in place adequate legislative

[66] Amnesty International, "India: Authorities must stop apparent unlawful demolitions of largely Muslim-owned property" (previously cited).
[67] Amnesty International, "India: Authorities must stop apparent unlawful demolitions of largely Muslim-owned property" (previously cited).
[68] Ritesh K Srivastava, "Demolitions in UP: Yogi govt responds strongly to Jamiat Ulama-I-Hind's plea, says THIS in SC", Zee News, 22 June 2022, https://zeenews.india.com/uttar-pradesh/demolitions-in-up-yogi-govt-responds-strongly-to-jamiat-ulama-i-hinds-plea-says-this-in-sc-2476563.html
[69] "Illegal buildings: 'Delhi faces generations of unhealthy living'", The Hindu, 15 October 2017, https://www.thehindu.com/news/cities/Delhi/illegal-buildings-delhi-faces-generations-of-unhealthy-living/article19798713.ece
[70] Assam Land Revenue Regulation 1886, Assam Public Premises (Eviction of Unauthorised Occupants) Act, 1971, Madhya Pradesh Land Revenue Code 1959, Madhya Pradesh Municipal Corporation Act 1956, Madhya Pradesh Bhumi Vikas Rules 1984, Gujarat Land Revenue Code 1879, Delhi Municipal Corporation Act 1957, New Delhi Municipal Act 1994, Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019 and Uttar Pradesh Urban Planning and Development Act, 1973; Refer to section on Forced Evictions and Other Human Rights Violations.

measures and policies to prevent forced evictions.[71] In India, lack of security of tenure is further exacerbated by the lack of adequate housing policies and the challenges faced by the Indian authorities in implementing them. However, instead of easing the bureaucratic procedures surrounding building laws, providing adequate housing to all and holding the authorities accountable, the media and BJP supporters have glorified political leaders who continue to call for demolitions, and these demolition exercises are carried out with impunity.

4.1 DEMOLITIONS BETWEEN APRIL AND JUNE 2022

The states of Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh were the epicentre of mass and punitive demolitions between April to June 2022, when at least 128 properties, including homes, shops and places of worship, largely belonging to Muslims, were demolished by state authorities.[72] While Assam, Gujarat, Madhya Pradesh and Uttar Pradesh are governed by BJP, which is also the ruling party at the federal level, Delhi is governed by AAP. Since taking power, the BJP has actively encouraged an escalating crackdown on religious minorities, particularly Muslims.

In all five states, demolitions took place soon after protests were held by Muslims calling for accountability on the part of the state governments, or after communal violence broke out between Hindus and Muslims during religious processions. Amnesty International has previously documented the excessive use of force used by law enforcement on protesters during these events.[73]

In Assam, Madhya Pradesh and Uttar Pradesh, the demolitions of Muslims' properties were carried out a day after incidents of violence; in Delhi and Gujarat, the demolitions began five days later. Ahead of these demolitions, state officials and political leaders belonging to the ruling party also made discriminatory statements against the Muslim community, as is detailed below.

Amnesty International inspected 63 demolition sites and conducted interviews with 75 survivors, and found that the demolitions affected at least 617 people, the vast majority of whom belonged to the Muslim community. The nature and scale of the protests and communal violence that preceded the demolitions, and the survivors' stories of the demolitions, are detailed below.

In April 2022, the Hindu festivals of Ram Navami and Hanuman Jayanti, which mark the birth of Lord Rama and Lord Hanuman respectively, coincided with the period of Ramzan, the holy month of fasting for Muslims before Eid-Ul-Fitr. During this time, in Madhya Pradesh and Gujarat, Hindu groups organized multiple rallies commemorating Ram Navami.[74] In Delhi, the religious processions commemorated Hanuman Jayanti.[75]

While religious processions and rallies during Hindu festivals are a common affair and take place every year without violence, in 2022, new rallies were organized by groups associated with Hindu majoritarianism, such as Vishwa Hindu Parishad (VHP) and Bajrang Dal.[76] A Citizens and Lawyers Initiative to investigate incidents of violence related to the religious processions found that Hindu groups, wielding weapons and saffron flags – a symbol of Hindu supremacy – targeted the route of the rallies to Muslim-populated areas, particularly around mosques. The processions often stopped there for prolonged periods of time, while playing loud music that called for violence against non-Hindus and particularly the Muslim community, and objectifying Muslim women.[77]

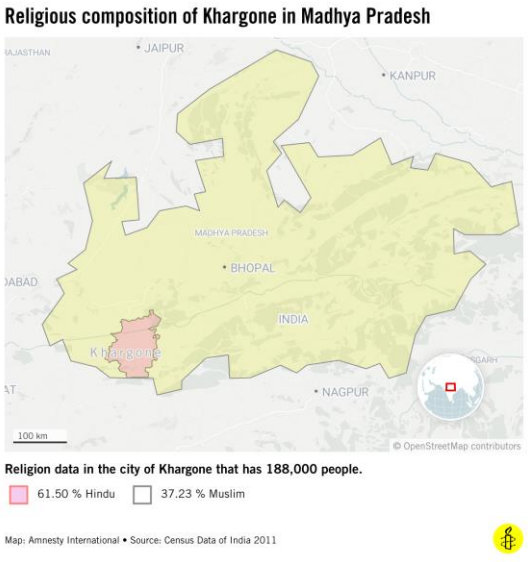
Some aspects of the processions turned violent and stone-pelting, targeted destruction, arson and looting of Muslim properties and vandalization of mosques were reported.[78] Despite the historical pattern of communal violence around religious processions, media reports indicate that the police authorities failed

[71] UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 7: The Right to Adequate Housing (Article 11.1): Forced Evictions," 20 May 1997, UN Doc E/1998/22, Annex IV, https://www.refworld.org/docid/47a70799d.htm
[72] Rishika Sahgal, "Demolitions in Muslim neighborhood in Delhi are unconstitutional", Oxford Human Rights Hub, 18 May 2022, https://ohrh.law.ox.ac.uk/demolitions-in-muslim-neighborhood-in-delhi-are-unconstitutional/
[73] Amnesty International, "India: Excessive use of force, arbitrary detention and punitive measures against protesters must end immediately", 14 June 2022, https://www.amnesty.org/en/latest/news/2022/06/india-excessive-use-of-force-arbitrary-detention-and-punitive-measures-against-protesters-must-end-immediately/
[74] Rishika Sahgal, "Demolitions in Muslim neighborhood in Delhi are unconstitutional" (previously cited).
[75] Sheikh Saaliq, "Muslim Properties Razed in New Delhi After Communal Violence", The Diplomat, 20 April 2022, https://thediplomat.com/2022/04/muslim-properties-razed-in-new-delhi-after-communal-violence/
[76] Testimonies and documentary evidence on file with Amnesty International.
[77] Chander Uday Singh, *Routes of Wrath, Weaponizing Religious Processions Communal Violence During Ram Navami and Hanuman Jayanti*, April 2022, pg. 168, https://www.livelaw.in/pdf_upload/routes-of-wrath-report-2023-2-465217.pdf
[78] Chander Uday Singh, *Routes of Wrath* (previously cited), p. 168.

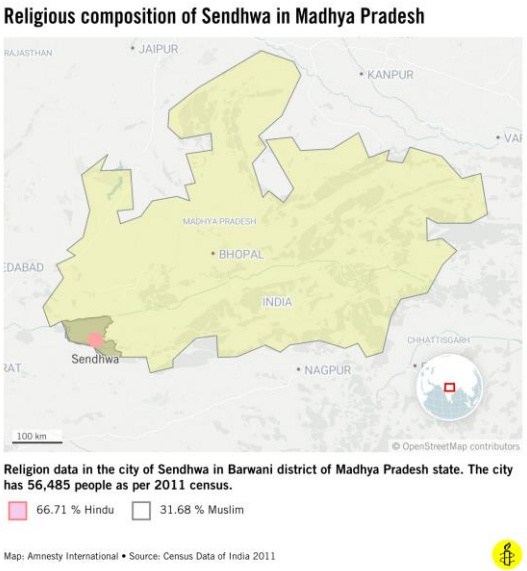
to manage and contain the violence.[79] Following the violence in the five states, Section 144 of the Code of Criminal Procedure – which prohibits a gathering of more than four people to restore law and order – was imposed.[80] Following the violence by Hindu groups, the police disproportionately arrested Muslims, in all five states, on charges of arson, rioting, and attempt to murder, among others, and demolished properties belonging to Muslims under the guise of encroachment.[81]

The Indian and state media reported, widely and uncritically, on the demolitions taking place across the country, labelling it "bulldozer justice". Several media channels, newspapers, and digital news magazines, headlined the demolitions as "successful actions" and "models of governance" by state leaders.[82] Amnesty International analysed 16 news reports to find that there was little or no emphasis on whether the demolitions were carried out in accordance with law.[83] These reports were published by influential national and regional news channels with wide audiences, such as News18 India, Zee News, Times Now Navbharat, IndiaTV News and ABP News.

4.1.1 KHARGONE AND SENDHWA, MADHYA PRADESH



Religious Composition of Khargone, Madhya Pradesh



Religious Composition of Sendhwa, Madhya Pradesh

On 10 April 2022, in the towns of Khargone and Sendhwa in the state of Madhya Pradesh, communal riots broke out between Hindus and Muslims after Hindu groups made discriminatory remarks against Muslims during religious processions.[84] The media reported that in the evening, "men clad in saffron, the signature colour of Hindu nationalism, filled the streets brandishing swords and pistols, and started to shout provocative communal slogans".[85] The violence led to the death of a 28-year-old Muslim man. At least 20 people were injured, including a police superintendent.[86] At least 30 houses were set on fire by the rioters.[87]

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[79] Kashif Kakvi, "Watch I Khargone Violence: 'When Their Festivals Come, We Have To Run For Cover'", The Wire, 17 April 2022, https://thewire.in/video/watch-khargone-communal-violence
[80] Chander Uday Singh, *Routes of Wrath* (previously cited), p. 168.
[81] Hannah Ellis-Peterson and Aakash Hassan, "'Hatred, bigotry and untruth': communal violence grips India", The Guardian, 18 April 2022, https://www.theguardian.com/world/2022/apr/18/hatred-bigotry-and-untruth-communal-violence-grips-india
[82] Iram Siddique, "After success of 'Bulldozer Baba' in UP, 'Bulldozer Mama' rolls into MP politics," Indian Express, 26 March 2022, https://indianexpress.com/article/political-pulse/after-success-of-bulldozer-baba-in-up-bulldozer-mama-rolls-into-mp-politics-7837103/; "Bulldozer Baba scare? Over 50 criminals surrendered since Yogi Adityanath's return to power", Zee News, 28 March 2022, https://zeenews.india.com/india/bulldozer-baba-scare-over-50-criminals-surrendered-since-yogi-adityanaths-return-to-power-2448749.html
[83] Refer to the section on Forced Evictions and Other Human Rights Violations.
[84] Hannah Ellis-Peterson and Aakash Hassan, "'Hatred, bigotry and untruth': Communal violence grips India", The Guardian, 18 April 2022, https://www.theguardian.com/world/2022/apr/18/hatred-bigotry-and-untruth-communal-violence-grips-india
[85] Hannah Ellis-Peterson and Aakash Hassan, "'Hatred, bigotry and untruth'" (previously cited).
[86] Kashif Kakvi, "'Cops Suppressed News on Khargone Man's Death to Ease Way for Demolition Drive': Fact-Finding Team", The Wire, 28 April 2022, https://thewire.in/communalism/khargone-fact-finding
[87] Hari Kumar, Mujib Mashal and Suhasini Raj, "'Perpetual Violence': India's Dangerous New Pattern of Communal Tensions", New York Times, 11 May 2022, https://www.nytimes.com/2022/05/11/world/asia/india-hindu-muslim-violence.html

Speaking to the media in response to the violence, the state's Home Minister Narottam Mishra said: "If Muslims carry out such attacks, then they should not expect justice." Accusing the Muslim community of rioting, he warned the whole community, "If anyone triggers rioting in Madhya Pradesh they will be crushed."[88] Following these directions from one of the top political officers in the state, on 11 April 2022, the district administration and municipal authorities in Khargone and Sendhwa launched mass demolitions of Muslim properties, both commercial and residential.[89] In Khargone, properties located in Khaskhaswadi, Talab Chowk, Old Bus Stand, Orangpura and Chhoti Mohan Talkies were demolished. In Sendhwa, properties located on Jogwara Road were demolished.

In a media interview on 12 April 2022, a senior police official in Indore, the capital city of Madhya Pradesh, said:

> **"Bulldozing of illegal properties and encroachments of rioters has been started … More such properties/encroachments have been identified in other areas and similar action will be initiated against them as well in coming days. This will be a continuous exercise, as zero tolerance is being adopted against rioters and other anti-social elements."[90]**

The Chief Minister of Madhya Pradesh was celebrated across various media with the moniker "Bulldozer Mama" [uncle].[91] He was hailed as a leader with "a very stern attitude towards criminals."[92] At the same time, the media negatively profiled those whose homes were demolished, calling them "rioters" and "criminals".[93]

Amnesty International found that the demolitions impacted Muslim communities across income groups, including daily wage labourers and owners of small shops run on the premises of a local mosque, as well as restaurant owners facing loss of their homes and businesses.[94]

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[88] Anuraj Dwary, "Madhya Pradesh Home Minister Blames Muslims For Ram Navami Clashes", NDTV, 12 April 2022, https://www.nytimes.com/2022/05/11/world/asia/india-hindu-muslim-violence.html

[89] Zoya Mateen, "Madhya Pradesh: Why an Indian state is demolishing Muslim homes", BBC News, 15 April 2022, https://www.bbc.co.uk/news/world-asia-india-61042315

[90] "Khargone clashes: MP starts bulldozing 'illegal' assets of rioters amid political bickering", The New Indian Express, 12 April 2022, https://www.newindianexpress.com/nation/2022/apr/12/khargone-clashes-mp-starts-bulldozing-illegal-assets-of-rioters-amid-political-bickering-2441014.html

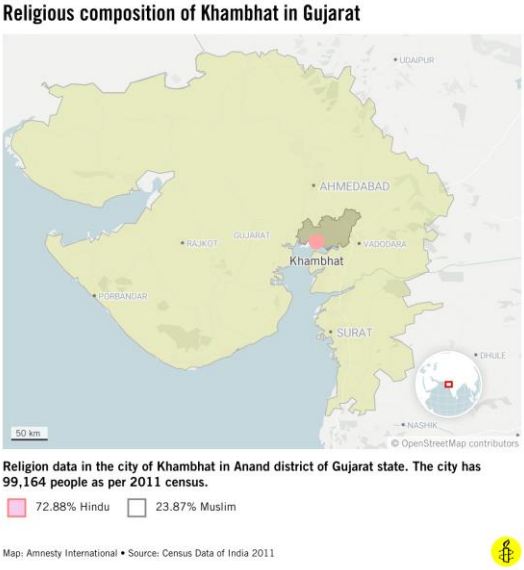
[91] "Bulldozer Mama: Bhopal विधायक Rameshwar Sharma ने अपने घर के सामने लगा दिए Bulldozer", News18 India, 23 March 2022, https://www.youtube.com/watch?v=lX5wvl_re5Q; "CM Yogi 'Bulldozer Baba' तो मुख्यमंत्री Shivraj Singh Chouhan 'Bulldozer Mama': BJP विधायक," NDTV India, 22 March 2022, https://www.youtube.com/watch?v=rAu8LhZ6s9M

[92] "Bulldozer Baba scare? Over 50 criminals surrendered since Yogi Adityanath's return to power," Zee News, 28 March 2022, https://zeenews.india.com/india/bulldozer-baba-scare-over-50-criminals-surrendered-since-yogi-adityanaths-return-to-power-2448749.html; Sravani Sarkar, "Shivraj on Yogi way again, becomes 'bulldozer mama' as MP govt completes 2 years", The Week, 23 March 2022, https://www.theweek.in/news/india/2022/03/23/shivraj-on-yogi-way-again-becomes-bulldozer-mama-as-govt-completes-2-years.html

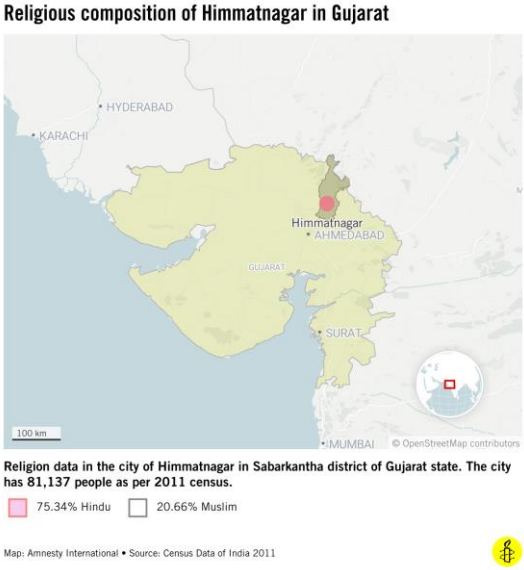
[93] "Khargone: MP Govt demolishes houses of those involved in pelting stones; 77 arrested, curfew imposed", News18 India, 11 April 2022, https://www.news18.com/news/india/khargone-mp-govt-demolishes-houses-of-those-involved-in-pelting-stones-77-arrested-curfew-imposed-4963265.html

[94] Interviews in person, 22 and 23 May 2022, Khargone and Sendhwa, Madhya Pradesh.

4.1.2 KHAMBHAT AND HIMMATNAGAR, GUJARAT



Religious Composition of Khambhat, Gujarat



Religious Composition of Himmatnagar, Gujarat

On 10 April 2022, communal violence broke out in the towns of Khambhat and Himmatnagar, in the state of Gujarat, during the Ram Navami processions. A 65-year-old man was killed during the violence in Khambhat, and shops and vehicles were torched in both towns.[95] Five days later, on 15 April, and then between 26 and 28 April, the state authorities demolished Muslim shops and businesses in Khambhat and Himmatnagar.[96] In Khambhat, properties located in Shakarpur area and near the Khambhat sub-jail were demolished. In Himmatnagar, properties located in the Chhapariya locality were demolished.

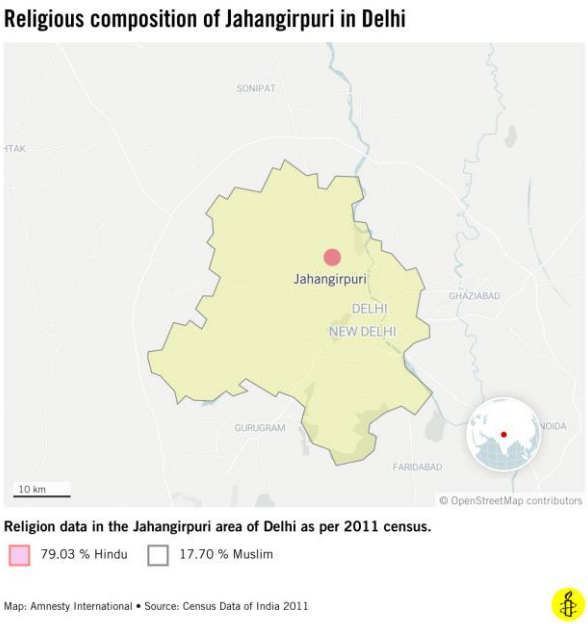
In Gujarat, the head of Anand district where Khambhat is situated also explicitly connected the demolitions with the preceding violence and said:

> **"Miscreants had used the cover of bushes and thick vegetation to attack the procession. So, we have launched a drive, using bulldozers, to remove the bushes as well as illegal structures standing on government land…".[97]**

Amnesty International found a recording from Times Now Navbharat – a widely watched TV news channel – dated 11 April 2022, which featured a member of the legislative assembly referring to Muslims in Himmatnagar as *"deshdrohi"* (traitors) and *"vidrohi"* (rebels) after the violence.[98] Four days later, the state authorities demolished the businesses of Muslims in Himmatnagar. Amnesty International found that the demolitions impacted Muslim communities across income groups, including owners of small shops selling *paan* [betel leaf], groceries and tailoring services, including those run by a local mosque, as well as owners of factories that polished agate stones and tiles.[99]

[95] Mahesh Langa, "Communal clashes in Gujarat: 1 killed, another injured during Ram Navami processions", The Hindu, 11 April 2022, https://www.thehindu.com/news/national/other-states/one-killed-another-injured-in-communal-clashes-in-gujarat/article65310605.ece
[96] Arunabh Saikia, "Weeks after Ram Navami clashes, demolitions of Muslim properties continue in Gujarat's Khambhat", Scroll.In, 2 May 2022, https://scroll.in/article/1023047/weeks-after-ram-navami-clashes-demolitions-of-muslim-properties-continue-in-gujarats-khambhat
[97] "Gujarat: Bulldozers raze structures owned by people accused in Ram Navami clashes", The Wire, 16 April 2022, https://thewire.in/government/gujarat-bulldozer-ram-navami-accused-clash-raze
[98] "Gujarat के Himmatnagar में Ram Navmi की शोभायात्रा के दौरान दो गुटों में हुई झड़प, RAF की गई तैनात", Times Now Navbharat, 11 April 2022, https://www.youtube.com/watch?v=Y0b2FHXSYL0
[99] Interviews in person, 19 and 20 May 2022, Khambhat and Himmatnagar, Gujarat.

4.1.3 JAHANGIRPURI, DELHI



Religious Composition of Jahangirpuri, Delhi

Jahangirpuri is a vibrant urban area in north Delhi full of business and informal traders. On 16 April 2022, communal violence broke out between Hindus and Muslims during the Hanuman Jayanti procession in the Jahangirpuri area of Delhi.[100] Eight police personnel and a civilian were injured in the violence.[101]

On 19 April 2022, the state's BJP President, Adesh Gupta, wrote to the North and South Delhi Municipal Corporations asking them to demolish the "encroachment of government land by Bangladeshi, Rohingya and anti-social elements". (In the past, Indian authorities have used terms such as "Bangladeshi" and "Rohingya" for Indian Muslims.[102]) Shortly after this request, the North Delhi Municipal Corporation (NDMC) wrote to the Delhi Police notifying they would provide "at least 400 police [P]ersonnel's [sic]… during the encroachment removal action".[103] NDMC's notice was challenged before the Supreme Court of India, which, on the morning of 20 April 2021, ordered a stay on the encroachment removal action.[104]

In violation of the Court's order, the NDMC, with the support of the Delhi Police, went ahead and demolished at least 25 shops and make-shift carts located at C Block of Kushal Road in Jahangirpuri, on the same day. The demolition exercise only came to a halt after Brinda Karat, a leader of the Communist Party of India (Marxist), protested the demolitions by standing atop a bulldozer.[105] Despite violation of its order, the Supreme Court did not initiate contempt proceedings against the NDMC.

Even in Delhi, the mainstream Indian media played an active role in dehumanizing the victims of demolitions and furthering the narrative that the demolitions were being rightfully carried out for encroaching on public land. Amnesty International found that the demolitions impacted people running mobile repair, automobile repair and juice shops, as well as costermongers and street hawkers whose livelihoods had been significantly affected by the demolitions.[106]

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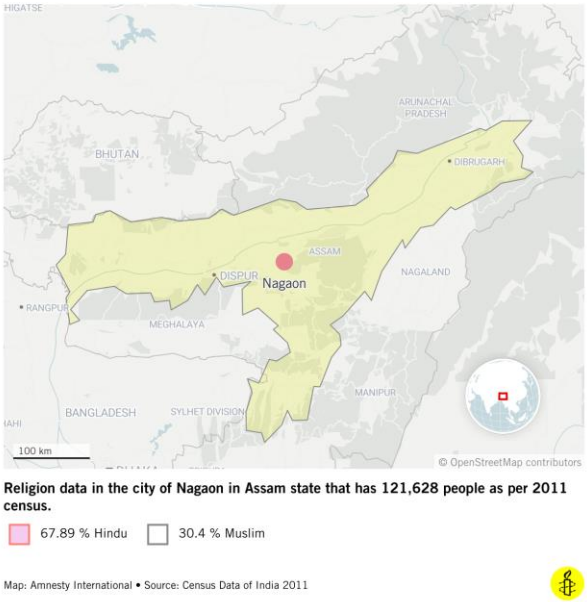
[100] Nitin Srivastava, "Jahangirpuri: How religious violence razed homes and dreams", BBC News, 21 April 2022, https://www.bbc.co.uk/news/world-asia-india-61172227
[101] Nitin Srivastava, "Jahangirpuri" (previously cited).
[102] Amnesty International India, *Designed to Exclude: How India's courts are allowing foreigners tribunals to render people stateless in Assam*, November 2019, https://www.amnesty.be/IMG/pdf/rapport_inde.pdf
[103] "North Delhi civic body targets illegal houses in violence-hit Jahangirpuri, asks for 400 cops", India Today, 20 April 2022, https://www.indiatoday.in/india/story/bulldozers-illegal-constructions-jahangirpuri-violence-accused-delhi-1939534-2022-04-20
[104] "Jahangirpuri violence: Supreme Court steps in, halts demolition drive", The Indian Express, 18 April 2022, https://indianexpress.com/article/cities/delhi/supreme-court-stalls-jahangirpuri-demolition-7877969/
[105] "Demolition in Jahangirpuri finally comes to a halt after SC steps in for the second time in less than an hour", Firstpost, 20 April 2022, https://www.firstpost.com/india/demolition-in-delhis-jahangirpuri-finally-comes-to-a-halt-after-sc-steps-in-for-the-second-time-in-less-than-an-hour-10576951.html
[106] "Jahangirpuri demolition drive: Aaj Tak anchor Anjana Om Kashyap sits in bulldozer", Vartha Bharati, 20 April 2022, https://english.varthabharati.in/india/jahangirpur-demolition-drive-aaj-tak-anchor-anjana-om-kashyap-sits-in-bulldozer.

4.1.4 NAGAON, ASSAM

On 20 May 2022, in the town of Nagaon in Assam, Safiqul Islam, a Bengali Muslim fisherman died in police custody at Batadrava police station following his arbitrary detention. Police failed to follow arrest procedures in accordance with the various safeguards provided under Indian criminal law and international human rights law, including failure to file a First Information Report (FIR).[107] Safiqul Islam was allegedly tortured in police custody for being unable to pay INR 10,000 (USD 121.46) and a duck as bribe to the police authorities.[108]

Outraged, on 21 May 2022, Safiqul Islam's family, along with others, protested in front of the Batadrava police station in Nagaon, where he was detained.[109] The protesters demanded action be taken against the police officials alleged to be responsible for the custodial death of Safiqul Islam.[110] The protests eventually turned violent and resulted in the burning down of one of the older buildings in the police station.[111] Following the protests, Nagaon police arrested all the protesters, in particular the immediate and extended family members of Safiqul Islam, including women and children.[112]

Religious composition of Nagaon in Assam



Religion data in the city of Nagaon in Assam state that has 121,628 people as per 2011 census.

67.89 % Hindu 30.4 % Muslim

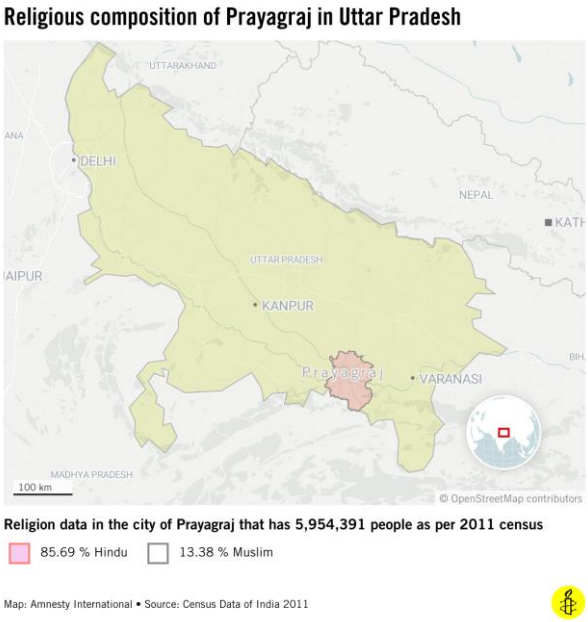
Map: Amnesty International • Source: Census Data of India 2011

Religious composition of Nagaon, Assam

After this incident, the Chief Minister tweeted about his instruction to the authorities "to either evict or take other legal action against those posing a threat to peace and security in the area".[113] On 22 May 2022, eight homes in the Dhing area of Nagaon, both permanent and make-shift, belonging to the immediate and extended families of Safiqul Islam, were demolished by the state authorities.[114]

[107] Rokibuz Zaman, "Death, demolitions, terror charges: In ravaged Assam village, residents contradict police claims", Scroll.In, 27 May 2022, https://scroll.in/article/1024841/death-demolitions-terror-charges-in-ravaged-assam-village-residents-contradict-police-claims
[108] Rokibuz Zaman, "Death, demolitions, terror charges" (previously cited).
[109] "Assam: Day after mob burns down police station in Nagaon, houses of accused demolished", Firstpost, 22 May 2022, https://www.firstpost.com/india/assam-day-after-mob-burns-down-police-station-in-nagaon-houses-of-accused-demolished-10705351.html
[110] Swati Bhasin, "Assam top cop as police station set afire over man's death: 'Won't let go of…'", Hindustan Times, 22 May 2022, https://www.hindustantimes.com/india-news/assam-top-cop-as-police-station-set-afire-over-man-s-death-won-t-let-go-of-101653200225884.html
[111] "Assam: Police Station in Nagaon Set on Fire Over Alleged Custodial Death", The Wire, 22 May 2022, https://thewire.in/politics/assam-alleged-custodial-death-nagaon
[112] Suraj Gogi and Nazimuddin Siddique, "Assam Fish Trader Case: Custodial Deaths, Demolitions – the New Normal", The Quint, 31 May 2022, https://www.thequint.com/opinion/assam-fish-tradercustodial-deaths-demolitions-police-station-nagaon-safikul-islam
[113] Ratnadip Choudhary, "Bulldozers Take Down Homes Of Accused In Assam Police Station Attack", NDTV, 22 May 2022, https://www.ndtv.com/india-news/criminals-attacked-police-station-to-burn-records-says-assam-dgp-after-arson-over-alleged-custodial-death-2998217
[114] Suraj Gogi and Nazimuddin Siddique, "Assam Fish Trader Case: Custodial Deaths, Demolitions – the New Normal", The Quint, 31 May 2022, https://www.thequint.com/opinion/assam-fish-tradercustodial-deaths-demolitions-police-station-nagaon-safikul-islam

4.1.5 PRAYAGRAJ, UTTAR PRADESH



Religious Composition of Prayagraj, Uttar Pradesh

In the city of Prayagraj (formerly known as Allahabad) in Uttar Pradesh, the Muslim community began protests on 10 June 2022, demanding the arrest of a former BJP spokesperson who had made comments deemed insulting of Prophet Mohammed on a prime-time TV news debate.[115] On 11 June 2022, the Uttar Pradesh police detained Javed Mohammed, a human rights activist, and his wife and 19-year-old daughter, from their home in Kareli area of Prayagraj.[116] Both Javed Mohammed and his elder daughter, Afreen Fatima, a student activist, had been vocal in their criticism of the government, especially against the discriminatory Citizenship Amendment Act.

On 12 June 2022, the state authorities demolished Javed Mohammed's family home, as the Uttar Pradesh police alleged he had orchestrated the protests.[117] The demolition was telecasted live by media channels, with reporters supporting the government narrative. The newspapers and TV coverage Amnesty International reviewed did not discuss the legality of the demolitions; whether due process had been followed; nor whether notices were given in advance of the demolition. Instead, it reported how Chief Minister "Yogi [Adityanath's] bulldozers" were used to punish Javed Mohammad while he was in jail in the aftermath of the violence that took place in Prayagraj.[118]

A day before Javed Mohammed's house was demolished, the Chief Minister of Uttar Pradesh, Yogi Adityanath had presided over a meeting where he had remarked that bulldozers will continue to crush "criminals and mafia".[119] Uttar Pradesh remains one of the worst states for punitively demolishing properties as a form of extrajudicial punishment.[120] The state's chief minister has been celebrated by his supporters and referred to by the mainstream Indian media as "Bulldozer Baba" [grandfather].[121] He has also been hailed as a leader that has "zero tolerance towards crime".[122]

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[115] "Prophet Row | Nationwide Protests, Over 300 Hundred Arrests: All You Need To Know", Outlook India, 12 June 2022, https://www.outlookindia.com/national/prophet-muhammad-row-protests-erupt-across-nation-what-do-we-know-so-far--news-201843

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[117] Piyush Rai, "Found illegal arms: Police after demolition of Prayagraj violence accused's home", The Quint, 12 June 2022, https://www.thequint.com/news/india/uttar-pradesh-prayagraj-demolition-drives-to-be-conducted-violence-accused-notice-issued-javed-mohammad

[118] "Prayagraj Stone pelting: 'Bulldozer action' against Javed Pump", ABP News, 12 June 2022, https://www.youtube.com/watch?v=QsU4wZo84zY

[119] Ishika Yadav, "Bulldozer on mafia will continue, vows CM Yogi day after protests rock UP over Prophet remarks", Hindustan Times, 20 June 2022, https://www.hindustantimes.com/india-news/bulldozer-on-mafia-will-continue-vows-cm-yogi-day-after-protests-rock-up-over-prophet-remarks-101654964695697.html

[120] Iram Siddique, "After success of 'Bulldozer Baba' in UP, 'Bulldozer Mama' rolls into MP politics,", Indian Express, 26 March 2022, https://indianexpress.com/article/political-pulse/after-success-of-bulldozer-baba-in-up-bulldozer-mama-rolls-into-mp-politics-7837103/; "Bulldozer Baba scare? Over 50 criminals surrendered since Yogi Adityanath's return to power", Zee News, 28 March 2022, https://zeenews.india.com/india/bulldozer-baba-scare-over-50-criminals-surrendered-since-yogi-adityanaths-return-to-power-2448749.html

[121] Ishika Yadav, "Bulldozer on mafia will continue" (previously cited); "Stop Illegal Demolitions: Supreme Court Warns Yogi Government", NDTV, 16 June 2022, https://youtu.be/wkYs2xP4axc?feature=shared

[122] Iram Siddique, "After success of 'Bulldozer Baba' in UP, 'Bulldozer Mama' rolls into MP politics" (previously cited); "Bulldozer Baba scare", Zee News (previously cited).

5. DISCRIMINATION

Of the 63 demolished properties Amnesty International examined across the five states, all belonged to Muslims, except two of the 25 establishments that were razed to the ground in Delhi. Amnesty International visited almost all the areas in the five states where demolitions took place – all except Uttar Pradesh – and found that either only Muslim-concentrated localities were impacted, or only Muslim properties were selectively targeted in diverse areas, while the adjoining Hindu properties, particularly in Gujarat and Madhya Pradesh, were left untouched.[123] Such targeted demolitions constitute unlawful discrimination against the Muslim community.

International human rights law strictly prohibits discrimination on the basis of race, ethnicity, minority or Indigenous status, gender, religion, language, national or social origin, political or other opinion, marital or family status or birth, sexual orientation and gender identity, property status or place or residence (which also includes tenure status), economic or social situation, age, disability or health status.[124]

Hate crimes and cases of discrimination against Muslims are not officially recorded in India.[125] Therefore, at present, attacks against Muslims are often not investigated as discriminatory attacks, meaning authorities fail to address discriminatory motives and negative stereotypes as underlying structural causes for such crimes.

UN agencies, experts and human rights bodies have expressed concern about the systemic discrimination against Muslims in India, including related to religion and race.[126] Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as: "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." The Committee on the Elimination of Racial Discrimination (CERD) has held that the ICERD may apply in cases where discrimination on religious grounds intersects with forms of discrimination based on race, colour, descent, or national or ethnic origin.[127]

In 2021, the (now former) Special Rapporteur on Freedom of Religion or Belief, Ahmad Shaheed, called on states – explicitly including India – to take effective measures to address purposeful and/or de facto (or indirect) discrimination and to adopt measures to prevent, diminish and eliminate the conditions and attitudes that cause or perpetuate discrimination against Muslims.[128] He also stated that this obligation to dismantle discriminatory structures can extend to policies that are rooted in and propagate negative stereotypes, including stereotypes based on religious, racial, gendered, migratory and disability status.[129]

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[123] Amnesty International visited Khambhat and Himmatnagar towns in Gujarat state on 19 and 20 May 2023; Khargone and Sendhwa towns in Madhya Pradesh on 21 and 22 May 2023; Nagaon town in Assam on 25 and 26 May 2023; and Jahangirpuri area in Delhi on 4 and 5 June 2023.
[124] Universal Declaration of Human Rights, Article 2.
[125] Government of India, Ministry of Home Affairs, Lok Sabha, Unstarred Question No. 2194, 15 March 2022, https://www.mha.gov.in/MHA1/Par2017/pdfs/par2022-pdfs/LS-15032022/2194.pdf
[126] Refer to Background.
[127] Committee on the Elimination of Racial Discrimination (CERD), General Recommendation 32 The meaning and scope of special measures in the International Convention on the Elimination of All Forms [of] Racial Discrimination, 2009, UN Doc. CERD/C/GC/32, para. 7; CERD, Views: *P.S.N. v. Denmark*, UN Doc. CERD/C/71/D/36/2006, para. 6.3.
[128] Report of the Special Rapporteur on Freedom of Religion or Belief, Report: *Countering Islamophobia/anti-Muslim Hatred to Eliminate Discrimination and Intolerance Based on Religion or Belief* (previously cited).
[129] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 5; Convention on the Rights of Persons with Disabilities (CRPD), Article 5; General Assembly resolution 63/185 (calling upon States not to resort to profiling based on stereotypes founded on racial, ethnic and/or religious grounds); Migration for Employment Convention (Revised) 1949 (No. 97) of the International Labour Organization, Article 3.

5.1 DISCRIMINATORY TARGETED DEMOLITIONS

The authorities in Gujarat, Delhi, Madhya Pradesh, and Uttar Pradesh claimed that the demolition of Muslim properties was based on violations of land regulations, such as not securing the required permissions from the local municipalities, or operating businesses on government land, and other regulatory infractions. However, there are widespread similar breaches of land regulations by Hindus as well, and the measures these authorities have taken have been directed largely at Muslims and not Hindus.

In one such emblematic case, in Khargone, Madhya Pradesh, the front façade of Alim Sheikh's restaurant and travel lodge, the Laziz Hotel, was demolished by the authorities. During the demolitions, the authorities alleged the building was encroaching on public land. Amnesty International visited the area near his hotel, and found it is surrounded by similar sized shops owned by Hindus. None of those properties had faced any adverse action from the municipal authorities.

Khargone, Madhya Pradesh: Alim Sheikh's hotel and restaurant was the only shop to be demolished while the neighbouring Hindu shops were left untouched.

Other Muslim-run hotels were also targeted by Khargone municipal authorities. Amnesty International interviewed Shakeel Khan who ran Waqt Hotel which was also demolished by the authorities without any prior notice. Speaking to Amnesty International, he said:

> **"They have only demolished my property. All the other surrounding properties are standing erect. The neighbouring shops are also extending outwards, but they only demolished my shop, pushed it back and caused me a loss of at least INR 200,000 (USD 2416)."**[130]

After the demolition, Shakeel filed a case against the unlawful demolition of his property before the Madhya Pradesh High Court. The case is still pending. He also tried to apply for all the property permissions again, to ensure against repeat demolitions in the future. He told Amnesty International:

[130] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.

"[The Municipal authorities] kept troubling me. They wouldn't give me the permission. They have been pressurizing me to take back the court case in exchange of the permission to construct a new façade. I waited for six months and then started work gradually without the permission."[131]

In these six months, a lot has changed for Shakeel. He told Amnesty International:

"The business has been massively affected. This whole narrative of "don't buy groceries from Muslims", "don't buy vegetables from Muslims", has really impacted the Muslim community and they hesitate in doing business now. This is discrimination."[132]

In another case, Amnesty International visited the tent house of Zahid Ali Sayyed in Khargone, which was completely razed to the ground despite Zahid Ali holding all necessary property related documents.[133] Right in front of the tent house stands a Hindu temple that was left untouched by the authorities. Speaking to Amnesty International, Zahid Ali said:

"There is a Hindu temple built on government land right across where my shop stood. It's huge. That is clearly illegal occupation of government land, but will they remove it? If they want to do justice, it should be done equally, whether the property belongs to Hindu or Muslim."[134]

Khargone, Madhya Pradesh: Satellite imagery from 31 May 2021, shows Zahid's tent shop along the street (highlighted in red box) and the Hindu temple before the event. On 30 April 2022, Zahid's shop appears destroyed while the temple stands erect.

In Khambhat, Gujarat, survivors reported that authorities had lifted and placed the kiosks that belonged to Hindus on the side, while those belonging to Muslims were run down by a bulldozer though they were also movable and could have been kept aside if an area was to be cleared.

Even in Sendhwa, Madhya Pradesh, all the 13 houses that were demolished by the authorities belonged to Muslims.[135] Speaking to Amnesty International, Samar Khan, whose parents' house was demolished in Sendhwa, said:

"Not a single Hindu house was demolished. Some houses were identified based on video evidence, as houses from where stones were thrown, but when the district administration found that they are Hindu houses, they did not demolish them."[136]

Survivors informed Amnesty International that even Muslim-populated areas that were far away from the place of violence were specifically targeted for demolitions. In Madhya Pradesh, only properties belonging to

[131] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[132] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[133] Refer to page 37.
[134] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[135] Interview in person with 11 individuals, 21 May 2023, Madhya Pradesh.
[136] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.

Muslims were demolished, including those far away from the riots. Speaking to Amnesty International, 73-year-old Rafiq Shaikh, who lost his shops to a demolition in Khargone, said:

> **"This is a Muslim-majority area, at least two kms away from Talab Chowk where the riots took place. The riots did not even reach here, there was no violence here."**[137]

Khargone, Madhya Pradesh: Rafiq Shaikh stands in front of his demolished shop.

[137] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.

In Jahangirpuri, Delhi, Khaskhaswadi area of Khargone, Madhya Pradesh and Nagaon, Assam, the demolitions affected some of the poorest and most marginalized Muslim communities. For instance, Khaskhaswadi, in the town of Khargone in Madhya Pradesh, which is populated by impoverished Muslims who earn a daily wage as domestic helpers, fruit sellers and construction labourers, was the location of some of the worst destruction by the authorities. Khaskhaswadi was not an area where any violence on Ram Navami was reported and is over a kilometre away from Talab Chowk where the communal violence took place on 10 April 2022. Twenty-three-year-old Shoaib Khan, who married shortly before the demolition of his marital home in Khaskhaswadi, said that the administration labelled them as "rioters". He said:

> **"The administration has discriminated against us. They have done injustice to us."**

In Gujarat, victims recounted similar experiences of being targeted because of their religious identity. In both Khambhat and Himmatnagar, only Muslim businesses were demolished. Amnesty International visited the area near the sub-jail in Khambhat where at least 19 warehouses, all belonging to Muslims were completely torn down.[138] The authorities alleged that the warehouses were operating businesses on government land without the requisite permissions. However, right next to where the warehouses were situated is Macchipura area, which is populated with Hindu homes and businesses. Amnesty International found that they were left untouched. Speaking with Amnesty International, Mohsin Younusbhai Vohra, who lost his warehouse to the demolition said:

> **"If our businesses are indeed illegal, why not also demolish the businesses run by Hindus right next to us? It is as if [the government] doesn't want us Muslims to rise, to do good business, to develop. They want to break our spirit."[139]**

Khambhat, Gujarat: Satellite imagery from 14 April 2022, shows the 19 warehouses (highlighted in red box) and Hindu-populated area of Macchipiura (highlighted in orange circle) before the event. On 18 April 2022, the warehouses appear destroyed while Macchipura remains untouched.

Amnesty International also found that in Madhya Pradesh, Delhi and Gujarat, mosques and properties the mosques rented to economically disadvantaged individuals were specifically targeted. Amnesty International also documented the demolition of at least 12 shops belonging to the mosque at Talab Chowk in Khargone, where the violence took place. Mohammed Hafiz Mohsin Mansuri, the trustee of the mosque, informed Amnesty International that the shops were rented to poor Hindus and Muslims to allow them to earn a living. He said:

> **"Even though all the shops were demolished, the authorities gave Hindu shopkeepers an opportunity to collect their belongings before vacating the shops. But the Muslim shopkeepers were not treated with the same respect and dignity. Their shops were demolished with all their materials in there. What the bulldozers have done is full of bias."[140]**

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[138] Amnesty International visited Khambhat on 19 May 2023.
[139] Interview in person, 19 May 2023, Khambhat, Gujarat.
[140] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.

Amnesty International tried to speak with the shopkeepers but they had all relocated to their villages in the absence of any livelihood.

Even in the Ashrafnagar area of Himmatnagar, Gujarat, only shops rented by the local mosque to impoverished Muslims were either partially or completely demolished. They were rendered unusable in order to expand the public road in front of the shops. The road adjacent to Ashrafnagar is populated with Muslim families, but it is surrounded by areas with majority Hindu population. The shop-owners told Amnesty International that even though the road expansion passes through Hindu areas, only the Muslim shops in Ashrafnagar were demolished. Amnesty International visited Ashrafnagar and surrounding Hindu areas and found that the road remained narrow where it passed through Hindu areas and was only expanded in Ashrafnagar in the areas with majority Muslim population. Speaking to Amnesty International, Mohammed Imroz, who was arrested for allegedly participating in the communal violence that broke out in Himmatnagar on 10 April and who was affected by the expansion of the public road, said:

> **"The road expansion project started during Ramzan 2022. They hurriedly demolished seven Muslim shops right after the Ram Navami violence, but there is no urgency to complete this project now. Ramzan has come and gone in 2023, but the project is nowhere close to completion. [The administration] keeps saying that they will complete the project in 3-4 months. It has been over a year, but there is no road in sight. Pipelines lie broken on the road. It has inconvenienced us a lot."**[141]

Himmatnagar, Gujarat: Satellite imagery from 29 March 2022, shows the Muslim shops (highlighted in red boxes) and Hindu houses (highlighted in orange circles) along the road. On 15 April 2022, the Muslim shops appear destroyed while the Hindu houses stand erect.

In Jahangirpuri, Delhi, Amnesty International documented the demolition of at least 25 businesses, including costermongers.[142] Amnesty International also found that Kushal Road, where both a mosque and temple were situated, were mostly populated by Muslim shops. While the front façade of the mosque and shops

[141] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[142] Sparsh Upadhyay, "Jahangirpuri Demolition I It Was A Routine Exercise, No House/Shop Demolished; Didn't Target Any Community: NDMC To Supreme Court", Livelaw, 9 May 2022, https://www.livelaw.in/top-stories/jahangirpuri-demolition-it-was-a-routine-exercise-no-houseshop-demolished-didnt-target-any-community-ndmc-to-supreme-court-198632

around it was demolished, the temple was left untouched. Through site inspections on 3 June 2023, Amnesty International's researchers also found that only two out of 25 shops that were demolished belonged to Hindus. In the affidavit filed before the Supreme Court in the ongoing petition challenging the legality of the demolitions that took place in Jahangirpuri on 20 April 2022, the demolition of two Hindu shops was used by the municipal corporation to refute any claims of discrimination. Speaking to Amnesty International, Ganesh Kumar Gupta, who owned one of the two Hindu shops that were demolished in Jahangirpuri, said:

> **"But it's only because of us that they started winning. Initially they were being criticised for selectively targeting Muslims. Then they countered by saying that even Hindus had their shops demolished. What is right here? It would have been right for them to demolish an illegal construction. Even when all the documentation is available … they just went ahead with the demolition."**[143]

Jahangirpuri, Delhi: Satellite imagery from 25 March 2022, shows the shops around the mosque (highlighted in red boxes) along the Kushal Road. On 25 April 2022, the shops appear destroyed.

Targeted demolitions of Muslim homes and businesses is contrary to the international human rights law prohibition against discrimination. The UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 20 on non-discrimination in economic, social and cultural rights states: "Differential treatment based on prohibited grounds will be viewed as discriminatory unless the justification for differentiation is reasonable and objective. This will include an assessment as to whether the aim and effects of the measures or omissions are legitimate, compatible with the nature of the Covenant rights and solely for the purpose of promoting the general welfare in a democratic society. In addition, there must be a clear and reasonable relationship of proportionality between the aim sought to be realized and the measures or omissions and their effects."[144]

The selective targeting of Muslims by the authorities in all five states, either to remove alleged encroachments, or to deter them from participating in protests, squarely fails to meet the criteria of

[143] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[144] CESCR, General Comment 20: Non-discrimination in economic, social and cultural rights, 2 July 2009, UN Doc. E/C.12/GC/20, para. 13.

proportionality and reasonability. Rather, it is indicative of the systemic discrimination against Muslims in India.

5.2 DISCRIMINATORY ARRESTS AFTER COMMUNAL VIOLENCE

Muslim interviewees told Amnesty International that they also faced discrimination in the criminal justice system, including barriers to accessing and obtaining justice for the losses and damages to their properties during incidents of violence.[145] They also believed they faced a heavier burden of criminality than Hindus.

In Himmatnagar, in the aftermath of community violence related to religious processions, 30 people were named in the FIR dated 12 April 2022 for their alleged involvement in the riots,[146] of which least 29 were Muslims.[147] In Khambhat, an FIR dated 10 April 2022 was filed against 61 people who were named individually and 100 others who were a part of the mob but not identified individually (known as an "open-FIR" in India).[148] All the identified 61 individuals were Muslims. In both the FIRs the complainants were Hindus. Media reports also indicate that Muslims were disproportionately prosecuted in the aftermath of the communal violence that broke out in Madhya Pradesh on 10 April 2022, with over 33 FIRs filed against the community and 104 Muslims arrested.[149] In Delhi, a total of 21 people were arrested for rioting and criminal conspiracy during the communal violence that broke out on 16 April 2022, of which 16 were Muslims.[150]

These arrests mirror the historical and ongoing marginalization faced by Muslims in the criminal justice system.[151] Survivors of demolitions, their legal representatives and community leaders also reported that there was a disparity in the gravity of criminal laws invoked against Muslims, and the time taken by the courts to grant them bail, as opposed to Hindus.[152] Faruk Khan, a civil society activist based in Khargone, in Madhya Pradesh, who had been helping the victims with their court cases, told Amnesty International:

> **"A total of 40 criminal cases were registered by the police, out of which 22 cases were against Muslims and 18 against Hindus. But out of the 18 cases against Hindus, only three cases involved serious offences and that is why in all the other cases, Hindus were not arrested. While all cases against Muslims involved serious offences like culpable homicide, attempt to murder, arson and Explosives Substances Act. A total of 225 Muslims were arrested, out of which only 125 have been granted bail and nearly a 100 Muslims continue to be in jail."[153]**

Amnesty International reviewed FIRs filed against Muslims related to the communal violence and violent protests between April and June 2022, which indicated Muslims have faced harsh criminal charges despite suffering a greater brunt of the violence in terms of vandalization of their places of worship, houses, and businesses by Hindu groups.[154]

Three lawyers representing people suspected of participating and orchestrating the violence in the Madhya Pradesh, Gujarat and Delhi told Amnesty International that the FIR filed against Muslims lacked concrete facts and included inaccurate dates, times and places.[155] One of the lawyers stressed:

> **"These cases are headed towards acquittal, I can say from my experience, there is no substantial evidence."[156]**

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[145] Amnesty International visited Khambhat and Himmatnagar towns in Gujarat state on 19 and 20 May 2023; Khargone and Sendhwa towns in Madhya Pradesh on 21 and 22 May 2023; Nagaon town in Assam on 25 and 26 May 2023; and Jahangirpuri area in Delhi on 4 and 5 June 2023.
[146] Charges have been framed under Sections 143, 147, 148, 149, 157, 157(k)(6), 120(b), 332, 298, 505(1)(c), 353, 341, 337, 34 of the Indian Penal Code and Section 135 of the Gujarat Police Act.
[147] Amnesty International reviewed this First Information Reports (FIRs) and chargesheets filed by the Gujarat police in the aftermath of the communal violence that broke out in Himmatnagar and Khambhat towns on 10 April 2022.
[148] Reviewed and on file with Amnesty International.
[149] Kashif Kakvi, "Khargone: Communal violence leaves many displaced, state action targets Muslims", The Wire, 14 April 2022, https://thewire.in/communalism/madhya-pradesh-khargone-ram-navami-muslims
[150] Arnabjit Sur, "Jahangirpuri violence update: 2 juveniles among 23 arrested", The Hindu, 18 April 2022, https://www.thehindu.com/news/cities/Delhi/jahangirpuri-violence-two-juveniles-among-23-held/article65329710.ece
[151] Refer to Background.
[152] Interviews in person, 19 and 20 May 2023, Madhya Pradesh.
[153] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[154] On file with Amnesty International.
[155] Interview in person, 23 May 2023, Indore, Madhya Pradesh.
[156] Interview in person, 23 May 2023, Indore, Madhya Pradesh.

In total, over a hundred Muslims in the five states remain in detention awaiting trial. It is imperative that the criminal justice system ensures their right to fair trial.

6. FORCED EVICTIONS AND OTHER HUMAN RIGHTS VIOLATIONS

Amnesty International documented a clear failure of the state authorities in Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh to follow due process safeguards laid down under international human rights law and domestic laws before and while carrying out the demolitions. These failures relate to both the rights to adequate housing, social security and work, as demolitions affected both dwellings and workplaces. Such failures include the absence of any prior genuine consultation with the owners or occupants of the property, lack of or little advance notice, discrimination on the basis of religion, ineffective legal remedies and absence of any compensation. This section delves into each of these safeguards in detail and highlights the state authorities' failure to protect the rights to adequate housing, work and access to livelihoods, and other human rights.

Many states in India, including Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh, have laws that recognize the rights to work/livelihood and adequate housing, and provide protections against forced eviction.[157] However, Amnesty International found that the respective state authorities subverted the local laws, along with the international human rights standards, while carrying out demolitions.

6.1 FORCED EVICTIONS AND LOSS OF LIVELIHOOD

The International Covenant on Economic, Social and Cultural Rights (ICESR) is the main treaty on the right to an adequate standard of living, which includes the right to adequate housing and the rights to work and social security, amongst others. India is a state party to ICESCR, having ratified this treaty on 10 April 1979. It is therefore required to fulfil its obligations under this treaty. The right to adequate housing includes a prohibition on forced evictions.

The UN Committee on Economic, Social and Cultural Rights (CESCR) is a body of independent experts mandated to interpret the ICESCR and monitor its implementation by state parties. CESCR provides authoritative interpretations of the human rights obligations contained in the Covenant, including through documents called General Comments. CESCR's explanation of the content of the right to adequate housing and the obligations of states regarding housing is published in General Comment 4 (on the right to adequate housing) and General Comment 7 (on forced evictions). General Comment 7 defines forced evictions as "permanent or temporary removal against their will of individuals, families and/or communities

[157] In Assam, Assam Land Revenue Regulation 1886 and The Assam Public Premises (Eviction of Unauthorised Occupants) Act, 1971; in Madhya Pradesh, the Madhya Pradesh Land Revenue Code 1959, Madhya Pradesh Municipal Corporation Act 1956 and the Madhya Pradesh Bhumi Vikas Rules 1984; in Gujarat, the Gujarat Land Revenue Code 1879; in Delhi, the Delhi Municipal Corporation Act 1957, the New Delhi Municipal Act 1994 and The Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019; in Uttar Pradesh, the Uttar Pradesh Urban Planning and Development Act, 1973 govern evictions.

from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."[158]

The prohibition on forced evictions is an important part of human rights law as it protects both the right to adequate housing and the rights to work and livelihood, among other rights.

In order to respect the right to adequate housing, governments must not arbitrarily or unlawfully interfere with people's housing without due process and must not carry out forced evictions nor render anyone homeless. Under international human rights law, states must ensure that evictions only occur in exceptional circumstances and are required to provide full justifications for the need for such evictions, given their adverse impact on a wide range of internationally recognized human rights.[159] Evictions may only be carried out as a last resort, once all other feasible alternatives have been explored, in genuine consultation with all affected people, and only once appropriate procedural protections are in place.[160] Such procedural protections and safeguards include but are not limited to:[161]

1. An opportunity for genuine consultation with all those affected;
2. Adequate and reasonable notice for affected people prior to the eviction;
3. Accessible information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
4. Government officials or their representatives to be present during the eviction;
5. Anyone and everyone carrying out the eviction to be properly identified;
6. Evictions not to take place in particularly bad weather or at night unless affected people consent;
7. Provision of recourse mechanisms and legal remedies;
8. Provision, where possible, of legal aid to people who need it to seek redress from the courts;
9. Provision of adequate alternative housing to avoid individuals being rendered homeless;
10. Compensation for all losses.

Under international human rights law, authorities must ensure that evictions and all processes related to evictions, including resettlement, do not directly or indirectly result in or aggravate patterns of discrimination.[162] In this regard, CESCR General Comment 7 specifically states that the "non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure no form of discrimination is involved".[163] The Basic Principles state that "states must ensure that protection against forced evictions, and the human right to adequate housing and secure tenure, are guaranteed without discrimination of any kind on the basis of race, colour, sex, language, ethnic or social origin, legal or social status, age disability, property, birth or other status."[164] Therefore, local and other authorities must also ensure that all processes related to evictions are undertaken in a non-discriminatory manner.

India's constitution recognizes that: "Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."[165]

Even though the Indian constitution[166] does not explicitly recognize the rights to adequate housing and work as fundamental rights, the Indian courts have interpreted Article 21, which guarantees the right to life and liberty to everyone, to include the right to adequate housing and livelihood.[167] Through a series of cases, the Supreme Court of India has held that the right to shelter is a fundamental right stemming from

[158] OHCHR, Commission on Human Rights resolution 1993/77 on forced evictions, 10 March 1993, UN Doc. E/CN.4/RES/1993/77.
[159] Basic Principles and Guidelines on Development-based Evictions and Displacement, para. 21.
[160] CESCR, General Comment 7: The Right to Adequate Housing (Article 11.1): Forced Evictions, 20 May 1997, UN Doc. E/1998/22, para. 13.
[161] CESCR, General Comment 7 (previously cited), para. 13-16.
[162] CESCR, General Comment 7 (previously cited).
[163] CESCR, General Comment 7 (previously cited).
[164] Basic Principles and Guidelines on Development Based Evictions and Displacement, para. 14.
[165] Constitution of India, Article 253.
[166] Constitution of India.
[167] *Olga Tellis v. Bombay Municipal Corporation*, Supreme Court of India (3 SCC 545) 1985, https://indiankanoon.org/doc/709776/

the right to residence under Article 19(1)e and the right to life under Article 21 of the Constitution of India.[168] It observed that the right to adequate housing is not restricted to a mere roof over one's head but includes all the required necessities to live with human dignity, including adequate nutrition, clothing and shelter and facilities for reading.[169]

The Supreme Court has also held that the right to livelihood is a part of the right to life under Article 21.[170] In a 1985 case relating to the forced evictions of people living in slum-like conditions, the court observed that evictions from slums would lead to a denial of livelihood for pavement dwellers, which could only be remedied by ensuring that proper procedure is followed during eviction, as per already existing state measures, including the right to notice and the right to be heard before the evictions.[171] Building on this, in 2019, the Delhi High Court also held that before any eviction the relevant authorities must identify those eligible for rehabilitation and relocation,[172] and must provide adequate alternative housing to those whose houses are demolished.[173]

6.1.1 LACK OF PRIOR GENUINE CONSULTATION

In each of the five states, Amnesty International documented a lack of consultation by the authorities before carrying out the demolitions. The failures of state authorities to consult with property owners and occupiers prior to the demolitions, or to explore alternatives, or to assess impact of demolitions on them, were highlighted throughout the 75 interviews with survivors.[174]

Under international human rights law, prior to removing people from the homes and the land they occupy, those likely to be affected by a proposed eviction must be given full information and an opportunity for genuine consultation on:[175]

1. The proposed eviction and the reasons for it, and the intended use of the land or property following the eviction;
2. The proposed compensation and exploration of all feasible alternative housing options that will be provided and any exclusions;
3. The proposed alternatives to evictions that were considered by the authorities;
4. How the proposed eviction and resettlement will be carried out, including the private and public actors who will and are likely to be involved and details of their roles and responsibilities;
5. Exploration of opportunities to challenge decisions or any aspects of the eviction process before administrative bodies and the courts and legal assistance to do so;
6. The objectives, method, and timeline of the consultation process (including opportunities to engage with different actors who may be involved) and an opportunity for affected people to make suggestions to increase its effectiveness.

In every state, Amnesty International found that the authorities fell severely short of meeting the standard of information required to be communicated to the inhabitants and affected community as part of prior genuine consultation.

Eleven witnesses interviewed by Amnesty International researchers in the Khaskhaswadi area of Khargone, Madhya Pradesh, informed Amnesty International that the police officials and municipal corporation employees did not engage with the community before or while carrying out the demolitions. In both Khargone and Sendhwa, two interviewees presented Amnesty International with organized files of documentation relating to their premises and correspondence with the authorities; no papers indicated any

[168] *UP Awas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd.*, Supreme Court of India (2 SCC 549 132) 1995, https://indiankanoon.org/doc/967399/
[169] *Francis Coralie v. Union Territory of Delhi, Supreme Court of India* (1981 AIR 746) 1981, https://indiankanoon.org/doc/78536/.
[170] *Olga Tellis v. Bombay Municipal Corporation, Supreme Court of India* (previously cited).
[171] *Olga Tellis v. Bombay Municipal Corporation, Supreme Court of India*(previously cited).
[172] *Sudama Singh v. Government of Delhi*, Delhi High Court (168 DLT 218) 2010, https://indiankanoon.org/doc/39539866/
[173] *Ajay Maken & Ors. vs Union of India & Ors*, Delhi High Court, Writ Petition (Civil) 11616 of 2015, 2019, https://indiankanoon.org/doc/159570569/
[174] According to 75 interviews carried out by Amnesty International between 19 May 2023 and 8 June 2023.
[175] CESCR, General Comment 7 (previously cited); Basic Principles and Guidelines on Development Based Evictions and Displacement, paras 37-44; see also Amnesty International, *Know Your Obligations: A Guide to Preventing Forced Evictions* (Index: ACT 35/009/2012), https://www.amnesty.org/en/documents/ACT35/009/2012/en/

prior consultation by the authorities.[176] This is also corroborated by media reports which covered these demolitions in 2022.[177]

In Gujarat, however, some form of prior consultation had taken place between the business owners and municipal authorities.

Eyewitnesses and survivors in the Chhapariya area of Himmatnagar town in Gujarat told Amnesty International that a long-standing dispute had been ongoing between the business owners and the local authorities regarding a new Town Planning (TP) scheme.[178] The scheme involved expanding a public road adjacent to their shops and required the property owners to remove certain parts of their shops and kiosks. Since some of businesses were operating there for over two decades, the owners were not willing to move their shops or have them demolished. However, three months before the demolitions, in January 2022, the shop owners voluntarily demolished parts of their properties for the sake of "public interest", which marked a consensus between the municipal corporation and the shopkeepers.[179] These negotiations were also reported by the media.[180]

Despite the verbal agreement, five shopkeepers told Amnesty International that on 26 April 2022 the authorities rushed through the demolition of 11 properties, without the conclusion of the consultations,[181] including a tailoring and grocery business and seven shops owned by the local mosque which were rented out to economically marginalized Muslims.[182] Amnesty International inspected the site of demolitions in Himmatnagar and saw the photographs of the earlier voluntary demolition of the shops. Such actions fail to meet the threshold of prior genuine consultation provided for under international human rights law.

Survivors believe the urgency of these demolitions was related to the violence on 10 April 2022 between Hindus and Muslims during the Ram Navami procession in the Chhapariya area of Himmatnagar. The local authorities brought the bulldozers, along with regional and national media, to demolish the properties two weeks after the violence.

A young Muslim man, whose uncle ran a 25-year-old shop in the Chhapariya area of Himmatnagar, which was demolished by the municipal authorities on 26 April 2022, told Amnesty International:

> **"Earlier the authorities had said that the area right outside our shop would come under the TP scheme and the discussions were going on for years. But after the riots, they suddenly turned up with their JCB machines and demolished a way bigger area of our shop than was agreed upon, rendering the shop unusable."[183]**

He estimated his uncle had lost at least INR 60,000 (USD 720). His uncle has been forced to take up temporary employment as a house painter where he earns a daily wage of INR 300-350 (USD 3.60-4.20) and is able to find work for only 20 days in a month.[184]

All the victims Amnesty International spoke with found themselves in utter state of disbelief when the bulldozers were brought in by the authorities. In Delhi, the North Delhi Municipal Corporation, along with the Delhi Police, demolished at least 25 shops and vegetable and grocery carts. Thirty-eight-year-old Ashu, who ran a car and bike repair shop on a subsidized property belonging to the mosque in Jahangirpuri, Delhi, which was demolished by the authorities on 20 April 2022, recounted to Amnesty International:

> **"After the riot, they completely sealed off [Kushal] road. On 19 April, two or three people came – including a Pandit (Hindu Priest) – surveyed the area and casually declared that the areas near the mosque will be demolished before leaving. The next day, the bulldozers arrived."[185]**

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[176] Documents on file with Amnesty International.
[177] Kashif Kakvi, Rhea Mogul and Esha Mitra, "His house was demolished because he is Muslim, he says", CNN, 21 April 2022, https://edition.cnn.com/2022/04/21/india/india-hindu-muslim-violence-khargone-bulldozing-intl-hnk-dst/index.html; Iram Siddique, "In Khargone, bulldozers also leave behind rubble of house built under PM Awas Yojana", Indian Express, 13 April 2022, https://indianexpress.com/article/cities/bhopal/mp-khargone-demolition-communal-violence-houses-pm-awas-yojana-7866760/
[178] Interview in person with five shopkeepers, 20 May 2023, Himmatnagar, Gujarat.
[179] Interview in person, 20 May 2023, Gujarat.
[180] Ashvita Singh, "Days After Ram Navami Violence, Demolition, A Quiet Eid in Gujarat's Himmatnagar", The Quint, 4 May 2022, https://www.thequint.com/news/india/ram-navami-violence-in-gujarat-himmatnagar-police-action-eid-communal-attack
[181] Interview in person with five shopkeepers, 20 May 2023, Himmatnagar, Gujarat.
[182] Interview in person with five shopkeepers, 20 May 2023, Himmatnagar, Gujarat.
[183] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[184] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[185] Interview in person, 4 June 2023, Jahangirpuri, Delhi.

Since any kind of eviction or demolition of this specific area had not been discussed with the shopkeepers previously by the Delhi government authorities, shopkeepers told Amnesty International that they did not believe the statements of the Hindu priest and other people who did not hold any official authority.

Under international human rights law, particularly General Comment 7, authorities are required to provide an opportunity for genuine consultation with those affected and information – to be made available in reasonable time to all those affected – on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used.[186] The UN Basic Principles and Guidelines on Development Based Evictions and Displacement (UN Basic Principles) further provides that anyone affected by a proposed eviction must be given adequate time and opportunity to reflect upon, discuss, raise concerns, and submit comments about the eviction and any related plans, including on compensation and resettlement.[187] However, due to lack of any prior consultation or knowledge of the demolitions and the ongoing curfew, many victims were not even present at their shops or in the area when demolitions started. Forty-year-old Sabera, who ran a small kiosk selling cold-drinks and snacks for 12 years in Jahangirpuri, told Amnesty International:

> **"My younger son and I had gone for some work. As I can't read or write, I needed my younger son to have a look at some paperwork. When we were on our way, I kept receiving multiple calls from everyone. They wanted to tell me that the authorities were demolishing my shop. When I finally took the call, I felt like my soul left my body."[188]**

6.1.2 LACK OF ADEQUATE AND REASONABLE PRIOR NOTICE

Under international human rights law, adequate and reasonable notice to all affected people prior to the scheduled date of eviction is one of the safeguards against forced evictions.[189] The Basic Principles further state that any decision relating to evictions should be announced to all individuals concerned, sufficiently in advance, and in writing in the local language.[190] The eviction notice should contain a detailed justification for the decision, including information on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions.[191] According to international human rights standards, written notices must be complemented by measures to provide information in an accessible format for anyone unable to read.[192] This may require the use of public television and radio announcements, and public and focus group meetings.[193]

Across the five states, Amnesty International found that the authorities either failed to give any form of notice to the occupants or owners of the properties, or did not give them adequate time to appeal against the notices. Based on the interviews, Amnesty International also found that the authorities in at least two states carried out demolitions while the owners of the properties were in detention under various charges related to the preceding violence and these owners were unaware of any kind of illegality surrounding their properties. This is contrary to the requirements under international law and human rights standards and therefore constitutes a forced eviction.

Of the 75 survivors of demolitions that Amnesty International spoke with, 69 reported that they did not receive any kind of notice, either written or oral, from the local authorities about the impending demolition of their properties.[194] Based on the interviews, Amnesty International also found that the authorities in at least two states carried out demolitions while the owners of the properties were in detention under various charges related to the preceding violence and these owners were unaware of any kind of illegality surrounding their properties. This is contrary to the requirements under international law and human rights standards and therefore constitutes a forced eviction.

In Gujarat, Amnesty International documented the demolition of at least 30 properties; eight in Himmatnagar and 22 in Khambhat respectively. Amnesty International's researchers visited the demolished sites and

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[186] CESCR, General Comment 7 (previously cited).
[187] Basic Principles and Guidelines on Development Based Evictions and Displacement, paras 37-44; see also Amnesty International, *Know Your Obligations: A Guide to Preventing Forced Evictions* (previously cited).
[188] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[189] CESCR, General Comment 7 (previously cited).
[190] Basic Principles and Guidelines on Development Based Evictions and Displacement, paras 37-44.
[191] Basic Principles and Guidelines on Development Based Evictions and Displacement, paras 37-44.
[192] Basic Principles and Guidelines on Development Based Evictions and Displacement, para. 35.
[193] Amnesty International, *Know Your Obligations: A Guide to Preventing Forced Evictions* (previously cited).
[194] Interviews in person in Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh.

interviewed a total of 19 survivors and eyewitnesses.[195] In Himmatnagar town of Gujarat, all survivors and eyewitnesses informed Amnesty International that the authorities directly reached their properties with JCB bulldozers, accompanied by officials from the municipal bodies, district administration, and the Rapid Action Force (which deals with "riot and crowd control situations"[196]), and forced them out of their commercial buildings, after which they proceeded with the demolitions.[197] They were neither given an opportunity to produce their property documents, nor to properly secure their possessions from being destroyed during the demolitions.[198] One of the survivors, Younus Khan, who had been living with his wife in the Chhapariya area of Himmatnagar, in Gujarat, for 35 years and owned a kiosk selling cigarettes and snacks which was demolished, told Amnesty International:

> **"We did not receive any notice… The day the men came from the [municipal] authority, they razed down what they wanted to without asking us... There was nothing we could do. They did not announce on loudspeaker that they were going to demolish anything. They just straightaway asked us to remove only valuables from the shop."[199]**

Amnesty International also documented a similar failure to provide any notice to the owners or occupants of properties in Delhi. In the Jahangirpuri area, Amnesty International documented the demolition of at least 25 properties, including make-shift carts, on 20 April 2022. Amnesty International's researchers spoke with 14 survivors; none of them had received any notices. All were completely unaware of what was to come when authorities arrived for demolitions. In addition to international human rights standards, the Delhi Municipal Corporation Act, 1957 and the Delhi Development Act, 1957, which govern demolitions in the state, mandate the authorities to serve a notice to the person against whom an order of demolition is made.[200] The legislation recognizes the rights of the person to be provided with a reasonable opportunity to prepare an adequate defence to such an order.

Thirty-year-old Farzana, whose small kiosk selling vermicelli, a speciality during Eid, was demolished in Jahangirpuri, Delhi, told Amnesty International that she did not receive any prior notice from the North Delhi Municipal Corporation. She said:

> **"If [my building] was illegal, they could have sent us notices. Before harming the poor, you should think that these people weren't here just for two or four years. We have had a shop here since 1990. First it was my grandfather's then my father's and now we have taken over."[201]**

The state authorities' duty to provide adequate notice stems from their obligation to ensure that no-one is left homeless as a result of an eviction. However, even in the towns of Sendhwa and Khargone in Madhya Pradesh, where Amnesty International documented the demolition of at least 38 properties,[202] none of the 36 survivors interviewed had received any advance notice. Zahid Ali Saiyyad, a 53-year-old man whose shop selling tents in Khargone, Madhya Pradesh, was partially demolished by the municipal authorities without any prior notice, said:

> **"They could have given me 24 hours or just three hours to at least secure my material, but they didn't. I have been hurt financially to such an extent that I'm finding it difficult to overcome the damage. When I go to my shop now, I'm not able to bear the sight – everything is lying like rubble."[203]**

Amnesty International visited the site of Zahid Ali Saiyyad's now demolished shop in Khargone in May 2023 and analysed his documents, including the sale deed of the property which was registered in his name, receipts of property tax paid to the town's municipal corporation, and the map of the land on which his shop was built that was approved by the North Delhi Municipal Corporation in 2017.[204] Ali Saiyyad filed a petition before the Madhya Pradesh High Court in April 2022 where he argued that the state authorities acted as a "judge, jury and executioner" by unlawfully demolishing his property.[205] The court has not granted any relief to him as yet.

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[195] Amnesty International spoke with nine survivors in Himmatnagar and ten survivors in Khambhat.
[196] Rapid Action Force, https://crpf.gov.in/Dte/Zone/Directorate-General/RAF-Sector
[197] Interviews in person with 9 survivors on 20 May 2023 in Himmatnagar, Gujarat.
[198] Interviews in person with 9 survivors on 20 May 2023 in Himmatnagar, Gujarat.
[199] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[200] Section 343 of the Delhi Municipal Corporation Act, 1957 and Section 30 of the Delhi Development Act, 1957.
[201] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[202] The demolitions were carried out on 11 April 2022 in Khargone and Sendhwa.
[203] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[204] On file with Amnesty International.
[205] Zeeshan Thomas, "Khargone demolition drive: MP High Court orders status quo on partly demolished property of tent house owner", Livelaw, 16 June 2022, https://www.livelaw.in/news-updates/khargone-demolition-madhya-pradesh-high-court-status-quo-natural-justice-fundamental-rights-201674

Although the survivors did not receive any notices prior to the demolitions, authorities have submitted notices during court hearings that the survivors allege are fake. Fifty-four-year-old Ganesh Kumar Gupta, whose juice shop was demolished in Jahangirpuri, Delhi, told Amnesty International:

> **"I did not receive notice from the government. If I had even 5-10 days, I would have at least shown them my papers. But they committed fraud. They presented a backdated notice in court, claiming that they had sent us a notice. I challenged them saying that if there was a notice, show proof that it was delivered – in the form of a recipient's signature or a photograph of it being pasted on my shop. They had none to show... They did it with everyone. All the demolitions were illegal."[206]**

Amnesty International also interviewed legal experts and lawyers who highlighted similar concerns from the cases they have represented. Speaking to Amnesty International, Advocate MR Shamshad, a lawyer practicing in Delhi who filed a petition before the Supreme Court of India against the demolitions in Delhi,[207] said:

> **"Once we went to the court, the authorities in Delhi realized later that they did not give a notice to anyone, so they drafted one as an afterthought, backdated it and put it on file despite the whole demolition exercise being in public domain."[208]**

Advocate Nizam Pasha, who brought the case of unlawful demolitions in Madhya Pradesh and Gujarat before the Supreme Court, shared the same pattern across states.[209] He told Amnesty International:

> **"If the authorities claim they gave notices, the court needs to check how it was delivered because the victims did not receive it. The authorities have shifted the focus from the real issue of the complete extraneous circumstances that led to these demolitions to the issue of property ownership. If we allow the focus to be shifted in this manner, we would be missing the forests for the trees here."[210]**

There has not been any accountability or judgement in any of the cases so far. All the cases filed remain pending.

Even in cases where some form of notice was received, the victims were given little to no time to effectively respond and legally defend themselves. In Khargone, Madhya Pradesh, a few business owners received show-cause notices[211] only a few days prior to the demolitions. However, the notices only sought evidence of the requisite permissions from the business owners to operate within city limits and were not perceived by them to be a form of warning of demolition by the authorities.[212] Speaking to Amnesty International, Faruq, a civil society activist who has been supporting the victims in Khargone with their legal cases said:

> **"The bakery owners were given notices asking them to show the permission for operating a bakery within the city limits. The Municipal Corporation had previously given them permission to operate their businesses within the city limits. After the riots, they said they are not allowed to conduct business within city limits. The authorities themselves installed electricity meters in these bakeries."[213]**

After the demolitions in Khargone, several community activists filed a Right to Information application with both the Collector and Municipal Corporation's office.[214] The application had sought information on the number of encroachments removed by the officials from both the departments between 5 April and 15 April 2022. The Municipal Corporation responded saying that their office had not carried out any demolitions in Khargone during the stated period.[215] At the same time, the District Collector's office, which has no power to decide title disputes, responded with a list of 26 encroachments that were removed, of which 23 belonged to Muslims as is specifically identified by the Collector's office in their response.[216] It must also be noted that in violation of international human rights standards, the Madhya Pradesh Land Revenue Code, 1859 empowers

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[206] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[207] *Jamiat-Ulama-I-Hind v. North Delhi Municipal Corporation & Ors.*, Supreme Court of India, Writ Petition (Civil) Diary No. 12239/2022, 2022, https://www.livelaw.in/pdf_upload/1223920221807350 31order20-apr-2022-415323.pdf
[208] Interview in person, 6 June 2023, Delhi.
[209] Shruti Kakkar, "Can omnibus orders be passed against demolitions? Supreme Court asks in Jamiat pleas challenging 'bulldozer' actions", Livelaw, 13 July 2022, https://www.livelaw.in/top-stories/supreme-court-asks-in-jamiat-pleas-challenging-bulldozer-actions-demolitions-203646
[210] Interview in person, 5 June 2023, Delhi.
[211] In India, a "show cause notice" is a letter or document sent to an individual seeking justification for not taking a specific action against them. The notices act as an opportunity for the individual to provide their explanation.
[212] On file with Amnesty International.
[213] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[214] On file with Amnesty International.
[215] On file with Amnesty International.
[216] On file with Amnesty International.

the *tehsildars* [land revenue officers] to "summarily evict" a person if they are found to be occupying land without authorization.[217]

Amnesty International also documented the state authorities' failure to provide reasonable notice to the owners and occupiers of business properties in Khambhat town of Gujarat. The first round of demolitions was carried out in Khambhat on 15 April 2022 when five *pan* [betel leaf] shops situated in the area where communal violence had broken out on 10 April 2022 were demolished. A second round of demolitions on 28 April 2022 destroyed 19 warehouses situated near the Khambhat sub-jail. Amnesty International interviewed seven warehouse owners, six of whom said that they did not receive any notice. However, one of them, Mohsin Yunusbhai Vohra, whose warehouse of semi-precious agate stones was demolished, told Amnesty International that City Survey office had pasted a notice on the outer wall of the shop on 27 April 2022 after the business had closed for the day.[218] The notice was backdated to 21 April 2022, cited Section 61 of the Gujarat Land Revenue Act 1879[219] and ordered Vohra to respond in writing within one day.[220]

Mohsin Yunusbhai Vohra explained:

> **"Notice was only given an evening before. They just pasted it on the shop. Next day they directly got the JCB machines at 10am. Overnight I prepared my response to the notice demonstrating that the land is in my name and that I am paying property taxes and have the electricity meter installed in my name. Before 10 AM I submitted my response at the Nagar Palika (Municipal Corporation). But they still demolished my shop."[221]**

Amnesty International reviewed the notice that was pasted on Mohsin's wall, along with receipts for the various bills and taxes he had paid to the various authorities over the years for his warehouse. Mohsin received two notices on 27 April 2022 – one was backdated to 21 April 2022 and the other to 26 April 2022 – both from the City Survey Office. Both notices asked him to be present at the City Survey Office on 28 April 2022 to demonstrate his legal claim to the land on which he was running his warehouse.[222] The notices further said that if he didn't appear as ordered, the property would be recovered "through other means".[223] Similar to Madhya Pradesh, Section 61 of the Land Revenue Act 1879 empowers the Collector of a district to "summarily evict" a person found to be occupying land without proper authorization without any legal safeguards. However, the authorities demolished his warehouse along with 18 others the very next morning.

[217] Section 248 of the Madhya Pradesh Land Revenue Code.
[218] Interview in person, 19 May 2023, Khambhat, Gujarat.
[219] Section 61 of the Gujarat Land Revenue Act 1879, https://revenuedepartment.gujarat.gov.in/acts/the-bombay-land-revenue-code-1879
[220] The notice is on file with Amnesty International.
[221] Interview in person, 19 May 2023, Khambhat, Gujarat.
[222] On file with Amnesty International.
[223] On file with Amnesty International.

Office of City Survey Superintendent and Additional Taluka Magistrate,
Khambhat
"Taluka Seva Sadan" Second Floor, Near Three Doors, Municipality Khambhat
Phone Number: (02698) 20537

Number: -
Date: 21.04.2022

Notice under Section-61 of the Land Revenue Act-1879

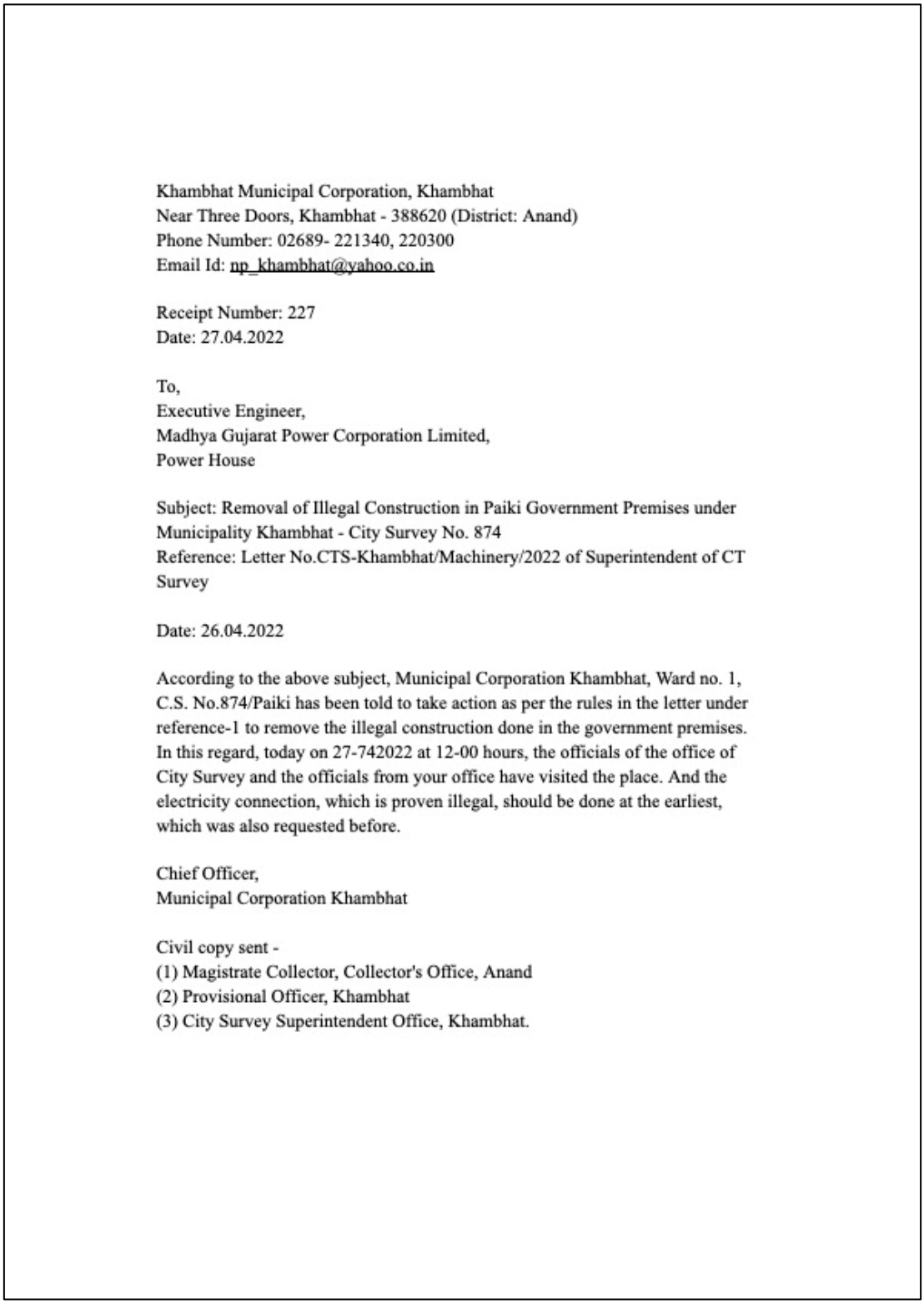
Disputant: The Government
Adversary: Mohsinbhai Yunusbhai Wohra

Notice:

This is to inform you that a review of the Maintenance Surveyor's report, measurement sheet, and pace, dated 20/04/2022, was conducted by Khambhat authorities. As per the findings, it has been observed that the respondent has engaged in unauthorised illegal encroachment on the Government land, specifically on CT Survey No. 874 of Ward No.1 in Khambhat. In light of this violation, appropriate action will be taken against the encroachment. If no representation is made by the respondent regarding this matter, necessary measures will be initiated, and the encroachment will be removed without any further notice. Additionally, the cost of enforcing taxes will be charged, and it will be imposed as a liability on the property in question. Please take due note of this information and be prepared for the actions to be taken in response to the unauthorised encroachment. Thank you for your attention to this matter.

City Survey Superintendent
Khambhat

Notice backdated to 21 April 2022 received by Mohsin and translated by Amnesty International



Khambhat Municipal Corporation, Khambhat
Near Three Doors, Khambhat - 388620 (District: Anand)
Phone Number: 02689- 221340, 220300
Email Id: np_khambhat@yahoo.co.in

Receipt Number: 227
Date: 27.04.2022

To,
Executive Engineer,
Madhya Gujarat Power Corporation Limited,
Power House

Subject: Removal of Illegal Construction in Paiki Government Premises under Municipality Khambhat - City Survey No. 874
Reference: Letter No.CTS-Khambhat/Machinery/2022 of Superintendent of CT Survey

Date: 26.04.2022

According to the above subject, Municipal Corporation Khambhat, Ward no. 1, C.S. No.874/Paiki has been told to take action as per the rules in the letter under reference-1 to remove the illegal construction done in the government premises. In this regard, today on 27-742022 at 12-00 hours, the officials of the office of City Survey and the officials from your office have visited the place. And the electricity connection, which is proven illegal, should be done at the earliest, which was also requested before.

Chief Officer,
Municipal Corporation Khambhat

Civil copy sent -
(1) Magistrate Collector, Collector's Office, Anand
(2) Provisional Officer, Khambhat
(3) City Survey Superintendent Office, Khambhat.

Notice backdated to 26 April 2022 received by Mohsin and translated by Amnesty International

Under international human rights law, a day's notice is not considered a reasonable opportunity to defend one's case or even secure one's belongings. According to the UN Basic Principles and Guidelines on

Development Based Evictions and Displacement: "If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected people, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement."[224] For situations involving mass evictions, 90 days would therefore normally be a minimum requirement. The Supreme Court of India has also held that a lack of prior notice is a violation of principles of natural justice, which takes away the opportunity from affected individuals and groups to participate in decision-making processes that express their dignity as people.[225] In 2010, the Delhi High Court recognized the right to a full and public hearing in cases of eviction, as highlighted in the UN Basic Principles, and concurred with the 90-day time period.[226] Previously, in 1985, in a case dealing with people living in slum-like settlements in Maharashtra state, the Supreme Court directed the Indian authorities to grant at least one month's notice to those likely to be evicted after the end of the monsoon season (which was ongoing at the time), to minimise the hardship on the community.[227]

Considering these standards, the state authorities' notice to Mohsin not only falls short of international human rights law but also Supreme Court and High Court judgements.

In addition to providing little to no notice, Amnesty International also found that in at least one case in Khambhat, Gujarat, the notice was not signed by the required authorities. This was a case of a 40-year-old owner of a *pan* [betel leaf] kiosk, who owned one of the five shops that were demolished in Khambhat, Gujarat, on 15 April 2022. His shop was located at the same place where communal violence had broken out on 10 April 2022. He told Amnesty International:

> **"No notice was given to us. I have a document that says demolition would be carried out, but tehsildar (Collector) has not signed it. They took our electricity meter prior to demolition but we still receive electricity bills and pay it hoping they would let us start our shop again."[228]**

Amnesty International reviewed the document that was sent to the owner. It did not provide the date of demolition, and it was unsigned. [229]

In the states of Madhya Pradesh, Gujarat, and Delhi, after episodes of communal violence, the authorities had prohibited gatherings of four or more people.[230] In Delhi, victims told Amnesty International that the prohibition was imposed for up to three months after the violence.[231] As a result, most of the businesses were either closed or functioning indoors and at a very low capacity. This also further prevented the survivors from challenging the authorities in cases where notices were pasted.

6.1.3 INTIMIDATION AND USE OF FORCE BY THE POLICE

Eyewitnesses to the demolitions, in all five states, also described their state of panic and confusion as hundreds of personnel from different government agencies – including police, municipal authorities and district administration officers – descended in a fleet of vehicles, along with bulldozer machines, and started demolishing properties.[232] In both Khargone and Sendhwa, witnesses recounted that when they tried to understand the reasons for demolitions from the authorities, they were forcefully pushed away by the police officials and asked not to resist.[233]

Eleven witnesses interviewed by Amnesty International researchers in the Khaskhaswadi area of Khargone, Madhya Pradesh, said that a huge convoy of municipal corporation employees and police officials came to the area on 11 April 2022 and demolished at least 19 tenements, a day after the communal violence.[234]

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[224] Basic Principles and Guidelines on Development Based Evictions and Displacement.
[225] *Olga Tellis and Ors vs Bombay Municipal Corporation and Ors*, Supreme Court of India, 1986 AIR180, https://indiankanoon.org/doc/709776/
[226] *Sudama Singh & Others vs Government of Delhi & Anr.*, Delhi High Court, Writ Petition (Civil) 8904/2009, Delhi High Court, https://indiankanoon.org/doc/39539866/
[227] *Olga Tellis and Ors vs Bombay Municipal Corporation and Ors*, Supreme Court of India, 1986 AIR180, https://indiankanoon.org/doc/709776/
[228] Interview in person, 19 May 2023, Khambhat, Gujarat.
[229] On file with Amnesty International.
[230] Under Section 144 of the Criminal Procedure Code. The imposition of this order has been a common practice in India in contexts where there is a risk of riots. Violation of such orders can lead to detention under Section 188 of the Indian Penal Code that prescribes punishment of up to six months and fine extendable to INR 1,000 (USD 12) for deliberately disobeying an order promulgated by a public servant: https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_000010_197402_1517807320555&sectionId=22533&sectionno=144&orderno=166
[231] Interviews in person, 5 June 2023, Delhi
[232] Interviews in person with 75 survivors of demolitions in Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh.
[233] Interview with Haji Mohammad Rafiq and Mohammad Umar, 21 and 22 May 2023 in Khargone and Sendhwa respectively, Madhya Pradesh.
[234] Interviews in person, 19 May 2023, Khambhat, Gujarat.

They also informed Amnesty International researchers that they had no knowledge of the demolitions until the JCB machines started bulldozing their houses.[235] Amnesty International spoke with Hasina Bi, a 56-year-old widow whose house in Khaskhaswadi was built under the Prime Minister Housing Scheme,[236] a scheme that provides loans to poor communities to construct houses.[237] She said:

> **"We were fasting for Ramzan. Everyone in my house was sleeping. I had no reason to believe my house would be demolished. The officials of the Municipal Corporation stood in front of my house and ordered the demolition of the houses … I kept running around them with all my paperwork. I begged them to check my paperwork first … They asked me to go somewhere else with all this and did not hear a single word I said."[238]**

The UN Basic Principles on Development Based Evictions and Displacement clearly state that "evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected" and that any use of force must be in compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards.[239] However, Amnesty International documented widespread use of intimidation and force by the police authorities in all five states. Force and intimidation were used to coerce people out of their properties, which in all cases was neither necessary nor proportionate as required by international human rights law. Survivors reported heavy presence of government officials, media and police armed with *lathis* [batons], and sometimes firearms.

INTIMIDATION

In Madhya Pradesh and Gujarat, the Rapid Action Force (RAF), which is a specialized force set up to "deal with riots and riot like situations",[240] were reported as being present at demolitions. Eyewitnesses and survivors also shared that the deployment of police and civil administration officials was far higher during the demolitions, as compared to the day when violence broke out in their towns when people were wounded and properties damaged. Amnesty International reviewed 78 videos uploaded on social media platforms such as Facebook and X (formerly known as Twitter) by eyewitnesses and media organizations that corroborated a heavy presence of police officials during the demolitions.

In Gujarat, all eyewitnesses and survivors vividly narrated how an intimidating atmosphere of fear was created by excessive and disproportionate deployment of police force. Most survivors did not dare to approach the authorities to ask any questions. This should be viewed in the broader context of systemic discrimination faced by Muslims in the criminal justice system, where they are often victims of ill-treatment by the police and other law enforcement officials in India, and their complaints are seldom investigated. This has resulted in a grave trust deficit and fear of law enforcement officials among the community.[241]

Mohsin, who lost his warehouse to demolition in Khambhat, Gujarat on 28 April 2022, told Amnesty International that the area where the demolitions took place was cordoned off and barricaded, preventing anyone – including the property owners – from collecting their belongings. Regarding the intimidation tactics, he said:

> **"There were 4-5 police vehicles around our warehouses. There were about 150-200 officials from the police, municipal authorities, and local administration. If anyone wanted to go inside the cordoned off area, they were stopped and put in police vehicles. There was a real fear of arrest. I was not allowed to secure my belongings, my raw material … [Gujarat] police are so aggressive, they may beat you like animals."[242]**

Victims in other states were also prevented from speaking to the authorities or collecting their belongings by authorities using intimidation tactics, including the presence of a disproportionately large police force. Residential areas were barricaded, preventing the business owners from accessing their shops while carrying out the demolitions. In Jahangirpuri, Delhi, the residential areas are often gated for security. Before the demolitions, the North Delhi Municipal Corporation had closed the gates, preventing the shop owners from reaching their shops. In video media reportage of these demolitions, reporters are seen speaking to shop

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[235] Interviews in person, 19 May 2023, Khambhat, Gujarat.
[236] Pradhan Mantri Awas Yojana, pmaymis.gov.in
[237] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[238] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[239] Basic Principles and Guidelines on Development Based Evictions and Displacement, A/HRC/4/18, paras 47 and 48, https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines_en.pdf
[240] Official Website, Rapid Action Force, https://crpf.gov.in/about-sector-RAF.htm.
[241] Refer to Introduction.
[242] Interview in person, 19 May 2023, Khambhat, Gujarat.

owners across a locked gate, as they appeal to the authorities to halt the demolitions.[243] Speaking to Amnesty International, Farzana said:

> **"They locked the gate. If it was open, we would have gone outside to our shops. And there were so many police officers, including women police officers. If we had broken the gate, they would have beaten us with lathis [batons] … We kept yelling from across the gate to stop the demolitions, but they did not listen to us. We just saw our livelihood being razed to the ground."[244]**

Eighteen-year-old Junaid who was trying to rebuild his father's demolished bakery after his father was arrested for allegedly participating in the preceding communal violence in Khargone, Madhya Pradesh, told Amnesty International that about 35-40 administrative officials were present to oversee the demolition, along with the RAF. Speaking to Amnesty International, Amina, his mother said:

> **"Our house and bakery were very close to each other. I could see our bakery being demolished from the terrace. There were so many police officials that we couldn't even dare to enter the area. Our neighbours also warned me to not go there otherwise they would arrest me too."[245]**

USE OF FORCE

In addition to intimidation tactics, survivors also informed Amnesty International that police officials present during the demolitions used unlawful force, particularly when the survivors tried to retrieve their life's earnings and other belongings.

Thirty-three-year-old Mohammed Saleem, who ran a modest dairy business and lived in a house with his six sons in Khaskhaswadi area of Khargone, Madhya Pradesh, recounted:

> **"I had lived in that house for 30 years. Everything was in that house. I had gone inside to collect the utensils. The police officials beat me up with lathis [batons]. After beating me up, they threw me out of the house. We thought it's better to get out of their way instead of getting thrashed. They bulldozed our house in the most brutal fashion."[246]**

If evictions are to be carried out legally, local authorities must ensure that they are conducted in a manner which respects the rights of the people affected and that any use of force is strictly necessary, proportionate and complies with international human rights standards.[247] As demonstrated in the earlier section on adequate and reasonable notice, the state authorities failed to provide advance and reasonable notice to the owners or occupiers of the properties, which constitutes forced eviction. By using unlawful and unnecessary force on people who were merely trying to secure their belongings, the police officials have violated the survivors' rights to bodily integrity, freedom from cruel, inhuman, or degrading treatment, effective remedy and adequate housing, enshrined in both the Indian constitution and international human rights law.[248]

At least 14 survivors told Amnesty International that they were beaten up by the police authorities for trying to ask the reason for demolitions and merely showing their documents.[249] They explained that instead of engaging with the victims, the uniformed personnel shouted, hurled abuses, banged and kicked open doors, and pulled people, dragged them, kicked them, beat them with *lathis* [batons], and restrained people in police vehicles – including men and women, old and young. Women officials, including uniformed personnel, were present in most cases, and they dealt with the women and children – forcing them out of the properties to be demolished and restraining them. They were also reported to have verbally and physically abused the women.[250]

Under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police must apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints) which may be used only if non-violent means have proven to be, or are likely to be, ineffective.[251] The use of any force by the police should be strictly limited to those situations where it is absolutely necessary for the achievement of a legitimate law enforcement aim. If the use of force is unavoidable, law enforcement officials must always exercise restraint in its use: The principle of necessity means law enforcement must only use

[243] Mohammad Zubair, zoo_bear, X, 20 April 2022, https://twitter.com/zoo_bear/status/1516696627137810432
[244] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[245] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[246] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[247] Basic Principles and Guidelines on Development Based Evictions and Displacement, paras 47 and 48.
[248] Constitution of India, Article 21; International Covenant on Civil and Political Rights, Articles 7 and 9; International Covenant on Economic, Social and Cultural Rights, Article 11(1).
[249] Interviews in person, Gujarat, 19 and 20 May 2023; Interviews in person, Madhya Pradesh, 21 and 22 May 2023; Interviews in person, Delhi, 6 and 7 June 2023
[250] Interview in person between 20 May 2023 to 8 June 2023.
[251] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 4.

the lowest level of force that is needed to achieve the legitimate objective and must stop once the objective has been achieved (or if it becomes clear that the objective cannot be achieved). The level of any force used must also be strictly proportional to the law enforcement objective, which sets a ceiling on the level of force that may be used for a particular law enforcement objective, even if that results in the inability to achieve the objective. In any use of force, the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment.[252]

The use of striking weapons, such as *lathis* or batons, is also strictly governed by the principles of legality, necessity, proportionality, non-discrimination and accountability.[253] Where it is necessary to use such weapons, a clear order and a warning must precede their deployment and they should only be used in a way that does not cause considerable injury. As such, overhead strikes, or strikes to the head, neck, spine, throat or groin, are inherently dangerous and must be avoided. Also, given the potential for *lathis* to split or splinter, they carry a heightened risk of injury. Repeated strikes are likely to be punitive and will generally amount to excessive use of force and may constitute torture or other ill-treatment. Law enforcement officials must therefore carefully assess (and be able to justify) the necessity of each single baton strike and must also be held accountable for any misuse of *lathis* or other striking weapons.

Survivors in Madhya Pradesh, particularly, reported the use of unlawful force. Speaking to Amnesty International, Nadeem Shaikh who lost three of his shops adjoining his house in Khargone, Madhya Pradesh, to the demolitions, said:

> **"There were about 4-5 JCBs, tractors, trolleys parked outside our house. The police authorities started forcefully hitting the gate of the house. I asked them to stop and told them that I am unlocking [the door]. I thought that I would open the door and show them the registry documents…The moment I opened the gate, they started beating me, my brother, and my father. All the women were dragged outside of our house. They were treating us like criminals."[254]**

Survivors also informed Amnesty International that even though the administrative officials, including the heads of the district and municipal corporation, were present during the demolitions, they did not make any efforts to prevent the police officials from using unlawful force on them. In Madhya Pradesh, the official power to carry out any kind of demolitions rests with the municipal corporations and they may seek the help of the local police authorities to execute the orders of demolition. Not only are the police obligated to comply with international obligations concerning the use of force, but municipal corporations too are also bound by these same obligations.[255]

In an emblematic case, 53-year-old Kashmira Khan had recently taken a loan from the bank to refurbish her home in Sendhwa, Madhya Pradesh, which was a gift from her father. She told Amnesty International that the officials from the district administration were indifferent to the plight of the victims and failed to contain the heavy-handed tactics of the police authorities. She said:

> **"I fell at the feet of the Sub-Divisional Magistrate, but she didn't listen to me. She was remorseless and said she was only following orders. At least 20 police officials had machine guns in their hands. They did not even spare women. Women officers held my hand and pulled me out … We were scared that they might arrest us too, put us in police vans and take us all away. We were worried who will take care of our children then."[256]**

In Gujarat, Madhya Pradesh and Delhi, the demolitions were carried out during Ramzan when most people were fasting. In Sendhwa, Madhya Pradesh, people were forced out of their homes and their houses razed to the ground without any explanation or prior notice. Thirty-seven-year-old Samar Khan, whose father's house was demolished, recalled that the police presence was so heavy during the demolitions the whole area seemed like a "cantonment" [military camp].[257] His father, 73-year-old Mohammed Umar, who was present in the house along with his wife, daughter-in-law and two grandchildren aged seven and three, said:

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[252] Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report, UN Doc. A/HRC/26/36, 1 April 2014.
[253] See further, Amnesty International, "Blunt Force: Investigating the misuse of police batons and related equipment", 9 September 2021, https://www.amnesty.org/en/latest/research/2021/09/blunt-force/
[254] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[255] For example, the UN Human Rights Committee, General Comment 31 emphasizes that state obligations extend to all branches of government "and other public or governmental authorities, at whatever level – national, regional or local" including (for states with a federal structure) "all parts of federal states without any limitations or exceptions": UN Human Rights Committee, General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 4.
[256] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[257] In South Asia, cantonment refers to a military station where office buildings and residential structures of military are situated.

> **"The behaviour of the police force towards us was deplorable. I walked up to the Collector and asked him to tell me my crime. He ordered the police to evict me from the house. Then three policemen rushed to me and pushed me away from the house. My daughter-in-law was feeding her children, they threw the food from her hand and forced everyone out. They did not allow us to take anything, not even the holy book."[258]**

Sixty-year-old Shayasta Khan, whose three-storey house in Khargone, Madhya Pradesh, was demolished leaving her family of seven homeless with only one set of clothes, recounted to Amnesty International:

> **"It was 12pm. We were fasting when police officials barged into our home, pulled us out, forced us to get into their vans and said that they will demolish our houses. When we asked what our fault was, they beat up my husband with lathis [batons]. I was yelling that my disabled son is inside, but they did not stop. Then my husband ran inside, put our son on his shoulders and ran down the stairs to save his life. I could have lost them both."[259]**

After the demolition, Shayasta Khan's family was deprived of all their belongings and rendered homeless.[260] She told Amnesty International that her family spent the next 15 days on the footpath relying on the goodwill of the people who gave them food and some clothes to wear.[261] At the time of the interview, she was living in a rented room with her husband and children, one of whom is disabled and remains in a critical condition.[262] She has filed a case in the Madhya Pradesh High Court: It remains pending.[263]

By using unlawful and unnecessary force on people who were merely trying to secure their properties and possessions, the police officials not only violated the survivors' right to adequate housing, but also their rights to bodily integrity, freedom from cruel, inhuman, or degrading treatment, and effective remedy, enshrined in both the Indian constitution and international human rights law.[264]

6.1.4 FAILURES OF DUE PROCESS AND RIGHT TO APPEAL

Due process includes the right to be treated fairly, efficiently and effectively by the administration of justice. An adequate and reasonable period of notice provides the owners or occupiers of a property enough time to appeal against the decision of eviction or demolition.

Rafiq Shaikh owned three shops (supplying cartons to bakeries in Khargone, Madhya Pradesh) which were demolished by the municipal authorities on 11 April 2022. Shaikh had not received any notice of the demolitions. He also filed a case in the High Court of Madhya Pradesh. Shortly after the case was filed, one of the officers from the municipal authorities called him and accepted that Shaikh had all the paperwork in order.[265] However, the case remains pending, and he waits for relief.

Amnesty International found that in Uttar Pradesh and Assam, the authorities carried out demolitions of properties while the residents were in detention for various charges related to the preceding communal violence and protests.

In Prayagraj, Uttar Pradesh, Amnesty International documented the demolition of Mohammed family's house on 12 June 2022. As noted above, Javed Mohammed is a prominent human rights activist who was detained – along with his wife Parvin Fatima and 19-year-old daughter Sumaiya – without any charge or trial, following the protests in Prayagraj that eventually turned violent in June 2022. Amnesty International spoke with Javed Mohammed's son and younger daughter, along with the lawyer who is representing Mohammed before the courts. All three told Amnesty International that the Prayagraj Development Authority had pasted a notice while they were in detention.[266] Amnesty International studied the notice.[267] It referred to an earlier notice issued on 10 May 2022, which had ordered Javed Mohammed to be present at the authority's office on 24 May 2022. The purpose of this attendance was to defend the construction of an area on the ground floor of their house, supposedly without the necessary permission. But due to the absence of Javed Mohammed or

[258] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[259] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[260] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[261] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[262] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[263] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[264] Constitution of India, Article 21; International Covenant on Civil and Political Rights, Articles 7 and 9; International Covenant on Economic, Social and Cultural Rights, Article 11(1).
[265] Amnesty International heard the telephonic recording of his conversation with the officer and has the recording on file.
[266] "Amidst official silence, Allahabad activist Javed Mohammad's family discover he is in Deoria jail", The Wire, 21 June 2022, https://thewire.in/rights/javed-mohammad-missing-jail-afreen-fatima
[267] On file with Amnesty International.

his lawyer at the hearing, on 25 May 2022 an order was issued for the demolition of the alleged illegal construction. Further, it said, owing to him not being present, the authority would be demolishing the house on 12 June 2022 at 11 AM. However, the family asserts that the notice was pasted on 11 June 2022 and no prior notices were sent to the family. Speaking to Amnesty International, Sumaiya Mohammed, said:

> **"The truth is that we never received any notice prior to this notice. He was never called to any magistrate's house or office to be present. This is all made up. The notice said that you should vacate your house by 11 AM in the morning; it was pasted at 10 PM the previous night. So, we were given roughly around 12 hours to vacate but three of our family members including me were in police custody."**[268]

It is pertinent to note that even though the notice was officially directed to Javed Mohammed, the house was owned by his wife Parvin Fatima and registered in her name. Mohammed's family told Amnesty International that their home was a gift to Fatima from her father. In India, property rights of Muslims in India are governed by the Muslim Personal Law (Shariat) Application Act, 1937. Any property received by a Muslim woman as a gift or inheritance from her parents falls within the ambit of Section 2 of the Act.[269] Amnesty International spoke with Advocate KK Roy who is representing the family before the state's High Court in a petition that challenges the demolition of their house. He said:

> **"According to the property laws governing Muslims in India, if there is an exclusive property in the name of the woman, then in her lifetime there cannot be a claimant to that property. Only after her death can someone claim a share in that property - whether husband or children. They are calling it illegal construction but I'm saying it was an illegal demolition, totally illegal."**[270]

The targeting of Javed Mohammed's family home, despite it not being registered in his name, demonstrates the widespread impunity and lack of accountability of state authorities.

Moreover, Section 27 of the Uttar Pradesh Urban Planning and Development Act, 1973, gives the owner of an illegal property or the person who authorised such a construction the power to demolish it themselves.[271] If the demolition does not take place within 40 days of the order of demolition only then may the Development Authority demolish such a property.[272] The Act also gives the person aggrieved by such an order of demolition the power to appeal the decision within 30 days.[273] In 2020, the Allahabad High Court took notice of the "large number of cases" that were being filed, alleging the illegal demolition of properties by authorities before the completion of the appeal period.[274] It ordered the Uttar Pradesh government to ensure the completion of 30 days of statutory appeal period before taking any action.[275] It also ordered the government to give the person a fair hearing with an opportunity to present their case, underlining the principle of natural justice.[276]

Amnesty International also documented a similar subversion of due process in Nagaon town, Assam state, where at least eight homes belonging to the family members of deceased Safiqul Islam were demolished while members of the Islam family were in detention. As noted above, they were detained for allegedly burning down a building in the Batadrava police station in Nagaon, following protests of Safiqual's death in police custody. The family, including at least four children – three girls and one boy – were left homeless for at least three days before Childline, an agency set up by the federal Ministry of Women and Child Development rescued the children. One of the adult family members informed Amnesty International that the police had threatened the neighbours, who tried to provide shelter to the homeless children, with arrest and detention.[277]

Amnesty International interviewed the lawyer representing one of the brothers of Safiqul Islam who informed Amnesty International that besides being accused of burning down the Batadrava police station in Nagaon, the family was also accused of carrying out illegal activities in the house, on the basis of which the police authorities demolished the house.[278] However, there is no law in India that allows the police authorities to demolish properties in order to recover evidence. The Code of Criminal Procedure (CrPC) requires the police

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[268] Interview by voice call, 6 June 2023.
[269] The Muslim Personal Law (Shariat) Application Act, 1937, https://www.indiacode.nic.in/bitstream/123456789/2303/1/A1937-26.pdf
[270] Interview by voice call, 13 June 2023.
[271] The Uttar Pradesh Urban Planning and Development Act, 1973.
[272] The Uttar Pradesh Urban Planning and Development Act, 1973.
[273] Uttar Pradesh Urban Planning and Development Act, 1973, Section 27.
[274] *Abbas Ansari and Another v. State of Uttar Pradesh and others*, Allahabad High Court, Writ Petition (Civil) 16357 of 2020, (2020), https://indiankanoon.org/doc/48490298/.
[275] *Abbas Ansari and Another v. State of Uttar Pradesh and others*, Allahabad High Court (previously cited).
[276] *Abbas Ansari and Another v. State of Uttar Pradesh and others*, Allahabad High Court (previously cited),
[277] Interview in person, 25 May 2023, Nagaon, Assam.
[278] Interview in person, 25 May 2023, Nagaon, Assam

to secure a warrant from courts and show it to the suspects before carrying out a search and seizure exercise.[279] Section 18(3)(a) of the Rules under the Assam Land Revenue Regulation Act 1886 requires the authorities to give the person found to be occupying a certain property without adequate permission 15 days to remove any structure on such land.[280] Section 18(3)(b) requires the authorities to paste such a notice on the "Notice Board of the office of the Sub-Deputy Collector" and on the subject land.[281] It also only empowers the authorities to "confiscate" the land upon refusal of the person to vacate the land and does not grant the authorities any power to demolish it.[282]

Amnesty International also spoke with Advocate Zunaid Khalid who filed a writ petition before the Gauhati High Court, Assam's highest court, challenging the unlawful demolition of Safiqul Islam's family's houses. He said:

> **"India is a signatory to various international conventions that prohibit the government from evicting children and calls for a consultation, notice and rehabilitation. But none of this is being followed. They also deploy so much force that the owners of the property move away on their own out of fear."[283]**

6.1.5 LACK OF LEGAL REMEDIES AND COMPENSATION

In violation of international human rights law and standards, in all 63 cases of demolitions that Amnesty International documented, none of the survivors were provided any opportunity to seek any kind of redress. While 69 victims did not receive prior notices, the notices received by six individuals did not carry any information on legal remedies, alternative housing or place of business and compensation.[284]

One of the core safeguards against forced evictions identified by the CESCR is that: "Legal remedies or procedures should be provided to those who are affected by eviction orders."[285] CESCR has also stated that governments should provide legal aid to people who need it to seek redress from the courts.[286] CESCR has emphasized the obligation on states to have legal remedies within its domestic legal system, to safeguard against violations of the right to adequate housing, including "legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions."[287]

However, Amnesty International found that most of the affected families were too financially insecure and burdened by the financial and material losses to seek legal redress. One former shop owner, Farzana, told Amnesty International that going to court would be "too costly".[288] Before her shop in Delhi was demolished, she earned INR 20,000 (USD 240.40) per month from selling vermicelli.[289] Due to the imposition of curfew-like orders in Jahangirpuri, Delhi, in the aftermath of the communal violence that broke out on 16 April 2022, Farzana could not resume her business for two more months. This further exacerbated the financial strain on her and her family.

According to a study conducted by Daksh, an Indian civil society organization that undertakes research to promote accountability and governance in India, litigants incur an average cost of INR 1,039 (USD 12.50) per day and lose INR 1746 (USD 21) worth of pay or business per day, making it impossible for survivors like Farzana to access justice.[290] On average, those impacted by the demolitions earned INR 8,000 (USD 96.24) to 40,000 (USD 481.20) a month, and with no compensation in sight, the survivors could not access any kind of redress simply because they could not pay.

According to the UN Basic Principles, affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.[291] Lack of funds should never be an obstacle to an individual's access to a remedy for an alleged human rights violation.

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[279] Section 91 to 100 of the Indian Code of Criminal Procedure (CrPC) lays down the procedure related to search and seizure.
[280] The Assam Land And Revenue Regulation, 1886, https://aasc.assam.gov.in/sites/default/files/swf_utility_folder/departments/aasc_webcomindia_org_oid_4/menu/document/theassam_land_and_revenue_regulation_1886.pdf.
[281] The Assam Land and Revenue Regulation, 1886.
[282] Assam Land Revenue Regulation Act, 1886, Section 18(3).
[283] Interview in person, 26 May 2023, Nagaon, Assam.
[284] Amnesty International reviewed the notices received by Mohsin Yunusbhai Vohra and a shopkeeper in Khambhat, Gujarat; Javed Mohammed in Prayagraj, Uttar Pradesh and of three bakery owners in Khargone, Madhya Pradesh.
[285] CESCR, General Comment 7, para. 13.
[286] CESCR, General Comment 7, para. 15.
[287] CESCR, General Comment 4. Para. 17(a).
[288] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[289] Interview in person, 4 June 2023, Jahangirpuri, New Delhi.
[290] Daksh India, *Access to Justice Survey 2015-16*, https://dakshindia.org/wp-content/uploads/2016/05/Daksh-access-to-justice-survey.pdf, p. 17.
[291] Basic Principles and Guidelines on Development Based Evictions and Displacement., Principle 41.

Amnesty International also documented at least 18 cases of demolitions where families were using their limited savings towards paying the legal fees to defend charges related to prosecutions for "rioting", "murder" and "possessing arms" after the communal violence and protests that broke out in various states.[292] Survivors shared a sense of frustration about the multiple cases that have been registered against the community, which has compelled them to prioritise fighting criminal prosecutions over seeking compensation for demolitions. Moin Qureshi, the Head of the Education Committee at Chhapariya Mosque in Himmatnagar, Gujarat, who has been assisting the affected members of the Muslim community with legal cases related to the Ram Navami violence told Amnesty International:

> **"Seventy Muslim boys have cases against them for participating in the Ram Navami violence. They are the sole earning members of their family but because of the court hearings, most of them have given up their jobs. There isn't time to pursue anything else further. It has been a year and a half, but people have not been able to get out of this. Our priority is to ensure they stay out of jail."[293]**

Similar concerns were raised by survivors in Sendhwa, Madhya Pradesh. Speaking to Amnesty International, Samar Khan, who is also facing multiple cases against him for allegedly participating in the riots, said:

> **"I'm still not being able to work and start my shop, as I'm running from court to court, paying fees of lawyers. My life is not in my control anymore."[294]**

The challenges faced by the survivors in accessing a legal remedy through the courts are demonstrated by the experiences of eight families who opened cases in court but have not been able to find any remedy. On 18 April 2022, after the mass demolitions in Gujarat, Madhya Pradesh, and Delhi, two petitions were filed in the Supreme Court of India by Jamiat-Ulama-I-Hind, an Islamic organization. While one focused on securing an urgent order stalling the ongoing demolitions in Delhi, the other sought compensation and action against the errant authorities for carrying out unlawful demolitions in other states, including Madhya Pradesh. However, the court, without taking any concrete stand on the nature of demolitions, sent the cases of all the states, except Delhi's, back to the respective high courts.[295] In the Delhi case, the Supreme Court only passed an order to halt the demolitions and listed the matter for hearing two weeks later.[296] The Supreme Court's order was widely covered by media channels and communicated to the North Delhi Municipal Corporation (NDMC) by Advocate MR Shamshad, one of the lawyers in the case, through a letter. However, the authorities continued to demolish the properties in Jahangirpuri until the court's order to halt demolitions was specifically communicated to NDMC and Delhi Police by the court's Registrar General. The case remains pending before the Supreme Court of India and has been adjourned multiple times without any meaningful hearings. Speaking to Amnesty International on the condition of anonymity, another lawyer who worked on the petition that dealt with the states other than Delhi, said:

> **"The state had argued that the petition was brought by "self-styled NGOs" and no-one from the affected community was in the court. When the members of the affected community were brought in the next day, the court refused to hear the petition on demolition carried out in other states and asked us to take it back to their relevant courts. Then we withdrew that petition, and it was filed in the states' high courts."[297]**

A year-and-a-half later, while the cases remain pending, no meaningful steps have been taken to provide any kind of relief to the victims of demolitions. In Khargone, Madhya Pradesh, Faruq told Amnesty International that a few people have also sought compensation from the court, but the court has not been sympathetic so far.[298] He said:

> **"The courts have not passed any orders that would prevent the authorities from doing this to others in the future. Even though we have lost everything to these demolitions, we don't want it to be repeated with anyone else. If the court passes a strong order punishing the guilty officials, they will think twice before destroying other people's lives."[299]**

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[292] Interviews in person, Himmatnagar, Gujarat 20 May 2023; Interviews in person, Khargone, Madhya Pradesh, 21 May 2023; Interviews in person, Sendhwa, Madhya Pradesh, 22 May 2023; Interviews in person, Nagaon, Assam, 24 May 2023; Interviews in person, Jahangirpuri, Delhi, 6 June 2023.
[293] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[294] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[295] *Jamiat-Ulama-I-Hind v. North Delhi Municipal Corporation* (previously cited).
[296] *Jamiat-Ulama-I-Hind v. North Delhi Municipal Corporation* (previously cited).
[297] Interview in person, 5 June 2023, Delhi.
[298] *Ateeq v. State of Madhya Pradesh and others*, Madhya Pradesh High Court (Indore Bench), Writ Petition (Civil) 8990 of 2022, 2022.
[299] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.

In the meantime, those who went to the court have found themselves in an endless waiting loop, with no relief. Kashmira Khan had taken a loan of INR 500,000 (USD 6044) from Bandhan Bank to refurbish her house in Sendhwa, Madhya Pradesh, before it was demolished. She told Amnesty International that she produced all her property documents to the bank, which verified them as a requirement of the loan. Kashmira Khan's case was included in the public interest litigation filed before the Madhya Pradesh High Court in May 2022, after the Supreme Court transferred the petition to other states' high courts. She said:

> **"I have a bank notice now that is asking me to repay the loan. I pay the tax to the Municipal Corporation. I pay the electricity bill, water bill. How can we be illegal? Like a bird waiting for the rain, I keep waiting for some compensation from the court so I can rebuild my house."[300]**

While the case remains pending, Kashmira Khan remains hopeful she will receive a favourable order from the court.

The demolition of Amina's husband's bakery in Khargone is also included in the public interest litigation pending before the Madhya Pradesh High Court. Her husband has been in detention since April 2022 for allegedly funding the communal violence that took place in the town on 10 April 2022. She informed Amnesty International that since her husband's detention she has been managing the bakery along with her 18-year-old son. She said:

> **"It took us almost eight months to come to this point. But we are yet to pay back the money we borrowed, around INR 200,000 (USD 2417). That is why we are asking for compensation. On top of this, my husband has been unlawfully detained. Both me and my son are doing this alone."[301]**

6.2 ARBITRARY AND UNLAWFUL INTERFERENCE WITH HOME AND FAMILY

Given the abject failure of the authorities to provide alternative accommodation, or to otherwise take into account the significant consequences of the demolitions, including for entire families, the demolitions amount to a devastating pattern of arbitrary punishment, violating several rights including the prohibition of arbitrary or unlawful interference with one's home and family under Article 17 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party.[302]

Article 17 of the ICCPR protects people from arbitrary or unlawful interference with their privacy, family, home or correspondence.[303] The UN Human Rights Committee's General Comment 16 (which interprets Article 17 of the ICCPR) states that interference with a person's home can only take place "in cases envisaged by the law".[304] Under Article 17 of the ICCPR, it is necessary for any interference with one's home not only to be lawful, but also not be arbitrary.[305] In General Comment 16, the UN Human Rights Committee has stated that the concept of arbitrariness in Article 17 is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances.[306] The Human Rights Committee also outlined that "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted".[307]

By not giving due consideration to the consequences of a victim's eviction, such as the risk of them becoming homeless, or by not providing any urgent reason for forcibly evicting them before providing them with adequate alternative accommodation, the state authorities have acted arbitrarily and thus violated the victims' rights under Article 17.[308] The Human Rights Committee has established that the practice of forcing people to witness the destruction of their property while preventing them from salvaging their belongings and the property itself carries a punitive character and reinforces the manifestation of state power.[309]

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[300] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[301] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[302] UN Human Rights Committee, Views: *Naidenova et al. v. Bulgaria* (previously cited), paras 14.5 and 14.7; UN Human Rights Committee, Views: *Gregopoulos et al. v. Greece* (previously cited), para. 7.3.
[303] ICCPR, Article 17.
[304] Human Rights Committee, General Comment 16, para. 3, https://www.refworld.org/docid/453883f922.html
[305] Human Rights Committee, Views: *Naidenova et al. v. Bulgaria* (previously cited), para. 14.2.
[306] Human Rights Committee, General Comment 16, paras 3 and 4.
[307] Human Rights Committee, General Comment 16, para. 8.
[308] UN Human Rights Committee, Views: *Naidenova et al. v. Bulgaria* (previously cited), paras 14.5 and 14.7.
[309] UN Human Rights Committee, Views: *Naidenova et al. v. Bulgaria* (previously cited), paras 14.5 and 14.7; UN Human Rights Committee, Views: *Gregopoulos et al. v. Greece* (previously cited), para 7.3.

The demolitions investigated by Amnesty International were inherently arbitrary because the reasons adduced by the authorities were wholly unreasonable in the circumstances and incompatible with the provisions, aims and objectives of international human rights treaties to which India is a party.[310] In addition, they have violated the victims' rights to protection of a family and enjoy their culture as a minority as enshrined in Articles 23 and 27 of ICCPR.[311]

This is particularly exacerbated by an absolute failure of the state authorities to ensure that the survivors were afforded due process protections including an opportunity for genuine consultation; adequate and reasonable notice; and provision of legal remedies and legal aid to people who need it before such demolitions. There can be no reason why one group of people should enjoy due process protections against evictions and criminal cases, but others would be completely excluded from such protection. Together, these actions constituted arbitrary and unlawful interference, and created a coercive environment, forcing the Muslim community to not take any further action against the authorities.

[310] For example, UN Human Rights Committee, General Comment 16, paras 3 and 4.
[311] UN Human Rights Committee, Views: *Gregopoulos et al. v. Greece* (previously cited), para 7.3.

7. DEMOLITIONS AS PUNISHMENT

7.1 SUBVERTING THE PROTECTION AGAINST DOUBLE JEOPARDY

Instead of compensating the victims of demolitions or providing them with adequate opportunities to seek legal redress, the state governments in Uttar Pradesh and Madhya Pradesh have introduced property recovery laws which have been used in a discriminatory and punitive manner against Muslims. These property recovery laws empower the state authorities to recover damages from those accused of causing destruction to public and private property during riots and other violence.[312] These laws were passed, in 2020 and 2021 respectively, through ordinances (which are executive actions that do not require public or legislative consultation). The passing of these laws also corresponds with an upsurge in peaceful protests against the discriminatory policies of the Indian authorities, particularly the Citizenship (Amendment) Act that sparked widespread protests by the Muslim community.

Under the Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act 2021, the district administration or a private individual can file a claim before a Claims Tribunal to seek compensation for the damage caused to public or private property respectively.[313] The Claims Tribunal is a quasi-judicial body constituted by the state government and may comprise one or more members.[314] If there is more than one member, the state government has the power to appoint one of them as the chairperson.[315] According to the law, only a retired district judge who has served for five years, or an officer who has held a rank of Secretary of the State Government or its equivalent, can be appointed as a member of the Tribunal.[316] The Tribunal has the power to order the person who is held guilty of causing damage to property to pay double the amount of damage they allegedly caused, in addition to paying interest on the decided amount from the date the claim was filed.[317] It also protects anyone acting in "good faith in pursuance of this Act" from prosecution or any other legal proceeding.[318] The Act gives the members of the Claims Tribunal the powers of a civil court in India, under the Code of Civil Procedure 1908, even though the Tribunal, in effect, tries a person for a criminal offence but without the fair trial safeguards available in a criminal trial.[319]

In Uttar Pradesh, lawyers filed a petition in the Allahabad High Court challenging the constitutional validity of the ordinance. In its order asking the Uttar Pradesh government to respond to the concerns of the lawyers,

[312] Uttar Pradesh Recovery of Damages to Public and Private Property Act, 2020 and Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, available at https://prsindia.org/files/bills_acts/acts_states/madhya-pradesh/2022/ACT%20No%201%20of%202022%20MP.pdf
[313] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 3 and 4(1).
[314] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 4(2).
[315] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 4(2).
[316] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 4(3).
[317] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Sections 11(1) and 12.
[318] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 18.
[319] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 7.

the court called the ordinance "arbitrary in its very nature".[320] However, the case remains pending with no accountability to date.

Based on the information from affected residents and legal experts, Amnesty International found the Madhya Pradesh law has been used against those who were detained in relation to the preceding Ram Navami violence in Khargone and whose houses were demolished under the guise of encroachment. Amnesty International spoke with a lawyer who represented 36 people accused of causing damage before the Tribunal in Madhya Pradesh. On condition of anonymity, he said:

> **"The Act does not lay down the procedure clearly. It has been enacted in a rush and without any thought. The Chairperson and Secretary of the Tribunal are confused on what to use. I have seen a total of 36 cases in the Tribunal and I would say more than 80% of them are against Muslims."[321]**

Amnesty International studied the Claims Tribunal's list of people against whom claims were brought after the communal violence broke out in Khargone and Sendhwa towns of Madhya Pradesh. A total of 22 claims were brought against Muslims and seven against Hindus. All the claims against Hindus were waived while the claims against Muslims are either pending or they were directed to pay the damages.[322] The list of cases specifically identify the religion of the people who faced the damage and those who were deemed responsible. Upon analysing the list, Amnesty International found that a total of a total of INR 501,164,550 (USD 6,058,197.36) was awarded to Hindus whose properties were damaged, while Muslims were only awarded INR 388,032 (USD 4690.44).[323] This reflects the systemic and institutional discrimination and unequal treatment faced by Muslims, which in turn affects their access to legal remedies and compensation.

Amnesty International spoke with Ashhar Warsi, a lawyer representing at least six Muslims in the Claims Tribunal, who informed that the proceedings under the Tribunal act as a triple whammy. He said:

> **"In Khargone, Seju's (a Muslim) house was demolished. At the same time, a claim of compensation was filed before the Tribunal for causing damage to private property of a Hindu. He is suspected of participating in the violence and is already in detention. But the claim against him was passed by the Tribunal. I filed a petition before the High Court and asked if the government has also committed an illegal act by demolishing his house without any notice. But where is the compensation for that? I am yet to receive a reply on that."[324]**

At the time of writing this report, Seju remains in pre-trial detention on charges of rioting and causing damage to property in Khargone, Madhya Pradesh. A day after the violence which took place on 10 April 2022 in Khargone, the authorities demolished his house and he was then fined by the Claims Tribunal for INR 5,000 (USD 60). Amnesty International visited the site of his house; it had not yet been rebuilt.

Under international human rights law, the right to a fair trial includes the right to be presumed innocent until proven guilty, the right not to be compelled to incriminate oneself and a prohibition against double jeopardy, among other protections.[325] However, the Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act 2021 allows the Tribunal to conduct the proceedings parallel to criminal proceedings, if any, and pronounce a person guilty of causing damage while the criminal proceedings remain pending.[326] This effectively violates their rights under the ICCPR. In particular, Article 14 of the ICCPR provides that no-one shall be liable to be tried or punished again for an offence for which they have already been finally convicted or acquitted. This is also guaranteed by the principle of *res judicata* which gives finality to judicial decisions, prevents duplication, and protects a person from multiple litigations arising from the same action. It states that once a question of fact or question of law has been decided between two parties, a future suit or proceeding between the same parties shall not be allowed.[327] In India, it is codified in

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[320] *Shashank Shri Tripathi v. State of Uttar Pradesh*, Allahabad High Court, Public Interest Litigation No. 533 of 2020, https://images.assettype.com/barandbench/2020-03/eb5f4b6e-5110-4313-8a0b-6a63e13306cd/Shashank_Shri_Tripathi_v__State_of_Uttar_Pradesh.pdf; See also, Omar Rashid, "Allahabad High Court terms U.P.'s recovery of damages ordinance arbitrary", The Hindu, 19 March 2020, https://web.archive.org/web/20230204132529/https://www.thehindu.com/news/national/other-states/allahabad-high-court-terms-ups-recovery-of-damages-ordinance-arbitrary/article31103077.ece

[321] Interview in person, 23 May 2023, Indore, Madhya Pradesh.

[322] The list of people against whom claims were brought before the Tribunal is on file with Amnesty International.

[323] On file with Amnesty International.

[324] Interview in person, 22 May 2023, Madhya Pradesh.

[325] ICCPR, Article 14.

[326] Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act, 2021, Section 17.

[327] *Satyadhyan Ghosal and Others vs Sm. Deorajin Debi and Another*, Supreme Court of India, AIR 1960 SC 941.

Section 11 of the Civil Procedure Code in India.[328] The Act and its discriminatory application against Muslims represents a violation of the prohibition against double jeopardy.

7.2 EXTRAJUDICAL PUNISHMENT

The demolition of properties is emblematic of an ongoing and widespread problem: The Indian authorities meting out extrajudicial punishment to religious minorities who dare to raise their voices against the rising discrimination and violence against them.[329]

Amnesty International found that the state authorities used demolitions as a tool to supplement the criminal cases filed against Muslims for allegedly participating in the preceding violence. Of the 63 demolished sites Amnesty International inspected across five states, 20 were connected to people alleged to have committed offences including "rioting", "stone-pelting", "promoting enmity between groups", "arson", "use of explosive substances", "murder" and/or "attempt to murder".[330] In these 20 cases, it is presumed that the demolitions were carried out to supplement the criminal cases against those charged for allegedly participating in the preceding violence.

Amnesty International documented seven such cases in Madhya Pradesh, three cases in Gujarat, one in Delhi and Uttar Pradesh respectively, and eight in Assam. Demolition exercises for these properties were also launched shortly after the violence broke out in the states, often to retaliate not only against the "rioters" but also their families who were punished for acts they did not commit. The demolitions were carried out within 24-48 hours after the communal violence and violent protests in Madhya Pradesh, Uttar Pradesh, and Assam respectively; within four days in Delhi; and within 15 days in Gujarat.

In Uttar Pradesh, those peacefully protesting the Citizenship (Amendment) Act (CAA), were targeted,[331] Both Javed Mohammed and his elder daughter Afreen Fatima, a student activist, have been vocal in their criticism of the government specially against the discriminatory CAA.[332] One day before Javed Mohammed's house was demolished, the Chief Minister of Uttar Pradesh, Yogi Adityanath had presided over a meeting where he had said bulldozers will continue to crush "criminals and mafia".[333]

In Gujarat, the head of Anand district, where Khambhat[334] is situated, commentators had explicitly connected the demolitions with the preceding violence.[335]

These demolitions were undoubtedly punitive in nature and constituted a form of extrajudicial punishment that is both collective and arbitrary in nature, which subjugates a particular group. The criminal cases

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[328] "No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court."

[329] In October 2022, the police used tear gas to prevent Muslims from protesting the demolition of a dargah in the Porbandar town of Gujarat. In November 2022, the local administration in the Bet Dwarka island of Gujarat demolished at least 100 properties, including residential structures and commercial properties belonging to Muslim fishermen and their places of worship under the guise of encroachment: See Sabah Gurmat, "Homes demolished, the right tofFish denied: The lives of Gujarat's Muslim fishermen", The Wire, 10 September 2023, https://thewire.in/rights/homes-demolished-the-right-to-fish-denied-the-lives-of-gujarats-muslim-fishermen. On 3 February 2023, the local administration demolished at least 16 homes exclusively belonging to the traditional Muslim fisherfolk community in the union territory of Daman and Diu under the guise of encroachment, rendering more than 80 people homeless, see Maitreya Ghorpade, "Another place, another demolition: Daman, run by a Modi aide, latest to deal with trauma of forced eviction", Article 14, 7 September 2023, https://article-14.com/post/-another-place-another-demolition-daman-run-by-a-modi-aide-latest-to-deal-with-trauma-of-forced-eviction--64f93f5ba56eb. In another case of mass demolitions, in August 2023, the municipal authorities demolished more than 300 Muslim homes and shops in Nuh district of Haryana after communal violence broke out between Hindus and Muslims. The four-day long demolition exercise only came to a halt after the state's high court took *suo moto* cognizance of the matter and ordered an immediate stay, highlighting that the authorities had not followed the procedures established by law: See Zoya Mateen, "Nuh violence: Is bulldozer punishment trampling justice in India?", BBC News, 8 August 2023, https://www.bbc.co.uk/news/world-asia-india-66391485 and Aiman J. Chishti, "P&H High Court Stays Demolitions In Communal Violence-Hit Nuh Until Further Orders", Livelaw, 7 August 2023, https://www.livelaw.in/high-court/punjab-and-haryana-high-court/nuh-demolition-drive-punjab-haryana-high-court-stays-demolition-234582

[330] Evidence on file with Amnesty International, including FIRs, Court petitions and court orders and testimonies of survivors and lawyers associated with the cases.

[331] Press Information Bureau, "Status of CAA, NRC and NPR", 10 August 2021, https://pib.gov.in/PressReleasePage.aspx?PRID=1744502; See also, The Citizenship (Amendment) Act 2019, http://www.bareactslive.com/ACA/act3571.htm

[332] Amnesty International, "India: Excessive use of force, arbitrary detention and punitive measures against protesters must end immediately", Press Release, 14 June 2022, https://www.amnesty.org/en/latest/news/2022/06/india-excessive-use-of-force-arbitrary-detention-and-punitive-measures-against-protesters-must-end-immediately/

[333] Ishika Yadav, "Bulldozer on mafia will continue, vows CM Yogi day after protests rock UP over Prophet remarks", 11 June 2022, https://www.hindustantimes.com/india-news/bulldozer-on-mafia-will-continue-vows-cm-yogi-day-after-protests-rock-up-over-prophet-remarks-101654964695697.html

[334] Refer to p. 22.

[335] "Gujarat: Bulldozers raze structures owned by people accused in Ram Navami clashes", The Wire, 16 April 2022, https://thewire.in/government/gujarat-bulldozer-ram-navami-accused-clash-raze

initiated by the state governments against suspects are still either awaiting trial or on trial and are yet to reach any conclusion in terms of the guilt of the suspects. This violates the right of the survivors to be treated as innocent until proven guilty. Demolitions should never be used as an extrajudicial punishment.

7.3 PUNISHMENT OF FAMILIES

Amnesty International found that demolitions targeted the families of people who were suspected of a criminal offence related to communal violence and protests, resulting in multiple members of families being punished for acts they did not commit. In the 20 cases investigated by Amnesty International where the demolitions were carried out to supplement the criminal cases against those charged for allegedly participating in the preceding violence, the demolished properties were sometimes not even owned or rented by the suspect, but rather by their family members or relatives, raising concerns that their destruction constituted collective and arbitrary punishment.[336]

Amnesty International spoke with the survivors who claimed that the local municipal authorities, district administration and the police abused their powers to unfairly punish the families. The cases discussed below demonstrate the punitive impact the targeted demolitions had on the families of those who were suspected and subsequently charged with participating in the preceding episodes of communal violence and protests.

In Himmatnagar, a Muslim *pan* [betel leaf] shop owner told Amnesty International that his shop was demolished by the authorities after his nephew was accused of participating in the violence. He said:

> **"My shop had been there for 25 years...It was a proper shop, had a shutter, we used to pay rent to the mosque, we used to pay electricity bill. I used to earn INR 9000 (USD 108) per month. [The authorities] rushed through the demolition like it was a state of emergency. No time was given to us to remove anything from there. I had marble furniture in the shop which I could not take out. I suffered a loss of nearly INR 60000 (USD 724). Now I am working on daily wages, doing house painting work. Earlier I was able to afford my family of five. I have two boys, two girls and my wife. Now I earn only INR 300-350 (USD 3-4) per day, and I work 20-25 days a month. Sometimes I don't get any work and come back home with nothing."[337]**

Fifty-two-year-old Shakeela Khan, whose 18-year-old daughter was also named as a suspect in Sendhwa, told Amnesty International that her family which includes her ill husband, and four children has been rendered homeless. She now lives in a rented single-room house and cooks and cleans in other people's houses to make a living for her family. She felt safe in her four-room house, with a kitchen and toilets, which was demolished by the municipal authorities. *"I wish they had spared just one room where we could have lived with safety and dignity. We were poor to begin with, now it looks like we can never stand up on our feet,"* she said.[338]

In another case, 37-year-old Samar Khan was charged in multiple criminal cases and projected as the 'mastermind' of the violence Sendhwa which led to the demolition of his father's house. Samar told Amnesty International he may also be targeted because of his affiliation with the opposition political party. He spent almost a year in detention before being released on bail. However, shortly after he was released, the police charged him with a new case and was served a *Jila Badar* notice which requires him to leave the boundaries of Barwani district in which Sendhwa is situated for three months. He said:

> **"I wasn't at home when the bulldozers arrived. The police officers misbehaved with my parents. My little children were traumatized. The house is in the name of my father, and he had all the papers to**

[336] Under international humanitarian law (not applicable here as this is not a situation of armed conflict), the doctrine of collective punishment is the imposition of sanctions on a group for acts committed or allegedly committed by one or some of its members for which other members do not bear individual responsibility. The term is used to describe any form of punitive sanctions and harassment, not limited to judicial penalties, but including sanctions of "any sort, administrative, by police action or otherwise" that are imposed on targeted groups of people for actions that they themselves did not personally commit. Article 33 of the Fourth Geneva Convention prohibits collective punishment in times of armed conflict specifically stating that "no protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. […] Reprisals against protected persons and their property are prohibited." See Article 33 - Individual responsibility, collective penalties, pillage, reprisals, Geneva Convention IV, https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-33. Also, Paul Rabbat and Sigrid Mehring, *Collective Punishment*, Max Planck Encyclopedia of International Law, November 2015, https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e269

[337] Interview in person, 20 May 2023, Himmatnagar, Gujarat.

[338] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.

prove our ownership. They ordered my parents to call me and ask me to surrender otherwise they would demolish our other home too which we have rented out."[339]

The family lost INR 10,000,000 (USD 120696) worth of property, including gold jewellery, money, refrigerator, television, and furniture.

Twenty-six-year-old Mohammed Shahbaz Khan in Sendhwa, Madhya Pradesh was also arrested and spent six months in detention after he was booked for rioting, arson and attempt to murder. This also led to the demolition of his parents' house. He told Amnesty International that he was not even aware that he was named in an FIR related to violence in Sendhwa.

"On the day of demolition, no-one else was at home except my mother. When the authorities came, she told them that no-one was at home, but they didn't listen to her. They dragged her out. She is old, and she was in hospital for two days [due to the demolition]. She got seriously ill...We suffered a loss of at least INR 5,000,000 (USD 60348). New construction was going on in my house, it was almost complete."[340]

In Khargone, 39-year-old Riyaz Mohammed Shaikh's shop of electric wiring and fitting was also demolished after he was accused of participating in the violence. Riyaz suffered losses of around INR 2,000,000 (USD 24135), including electric wiring and fitting material worth INR 500,000 (USD 6033) that he had purchased barely a week before the demolition. For the next five months, he lived in a relative's house in another city, worked on daily wages, barely earning enough to feed his family. His child couldn't attend school. Holding himself responsible for the plight of his family, he suffered grave mental trauma, insomnia, headaches, anxiety, and depression. Till the date of interview, he was undergoing treatment at a government hospital.

Right after Javed Mohammed was arrested along with his wife and daughter in Prayagraj, Uttar Pradesh, his house was demolished bringing his five children, pregnant daughter-in-law, two grandchildren and his sister, who suffers from epilepsy to the streets overnight. Calling the case "gross", the family's lawyer KK Roy told Amnesty International:

"[Javed's] wife is homeless with the entire family, and no-one is giving them a place on rent. Administration is dominating them in such a way, they are so insecure, there cannot be anything more urgent than this–but no court has agreed to give it the importance it deserves."[341]

Victims also shared that when the authorities could not find the person that they suspected of participating or starting the violence, they arrested another family member besides also demolishing their houses.

Fifty-year old Sakina's son Mohammed Shahbaz Khan was already in jail when the Ram Navami riots took place in Sendhwa, but he was also named as a suspect for participating in the violence. Police filed a case of arson, stone-pelting and rioting against him alleging that he burnt down private vehicles. She said:

"How could he do all this when he was in jail. Then they also arrested and detained him under the National Security Act and called him the mastermind, a leader of the rioting."[342]

The National Security Act (NSA) allows for administrative detention of up to one year in the case of "persons acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India".[343] At the time of writing the report, Shahbaz continued to be in detention under NSA.

Sakina's sister-in-law, Sartaj, told Amnesty International her house was also demolished by the municipal authorities, and that on the day of the demolition they tried to explain to the authorities that half of the house belonged to Sartaj and her family, but they did not listen. The demolished house was home to ten people including women, children, and older persons. The police also detained Sartaj's 23-year-old son, Mohammed Arbaaz under Section 151 of the Code of Criminal Procedure that provides for administrative detention of a person if the police officer has information that such a person is 'likely' to commit a criminal offence.[344] Amnesty International opposes all systems of administrative detention because they are used by states throughout the world, including India, to circumvent the fair trial safeguards of criminal proceedings. The organization considers that all political prisoners, including those held in administrative detention, must

[339] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[340] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[341] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[342] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[343] Section 3 and 13 of the National Security Act, https://www.mha.gov.in/sites/default/files/202208/ISdivII_NSAAct1980_20122018%5B1%5D.pdf
[344] Section 151 of the Code of Criminal Procedure.

be charged with a recognizable criminal offence and given a fair trial within a reasonable time, or else released.

The family continues to live in the same house, battling rain and heat, as they cannot afford to rent a house for themselves with both sons in jail. They fear rebuilding any part of the house, even the roof that was badly damaged due to demolitions, lest it is demolished again. Sakina said:

> **"I am not able to send my grandchildren to school. I am completely dependent on relatives...The government should come and see how we are living...they sent my son to jail and booked him in false cases. They are not even giving him bail...his three-year-old child cries for him every day."[345]**

Twenty-four-year-old Mohammed Wasim Chauhan who was detained by the police for six months before being released on bail, told Amnesty International that on the day of the demolitions, the Sub-Divisional Magistrate and other authorities were asking everyone where he lives but they could not find his house, which saved it from demolition. However, when his house could not be found, the authorities demolished the house of his uncle, 68-years old Sheikh Suleiman. Sheikh Suleiman suffered a loss worth INR 1,700,000 (USD 20,518). Calling the demolitions *"*absolutely blatant*"*, he said:

> **"I had a two-storey house, they broke 30 ft of it, which I used as my factory. I lost all the raw material, welding machines, drill machines, cylinder etc. This was my only employment. The next four to six months, I worked as a daily wage labourer welding for others. Earlier I had everything, my own machines, my own space, now I depend on others for work. I have four daughters and one son. Over the last decade I had purchased a lot of things for my daughter's marriage. They didn't let me take that out also. I lost everything."[346]**

In a similar pattern, 70-year-old Rashida Bi told Amnesty International that the police came looking for her grandson, Firdaus but when they could not find him, they arrested his father, Salim.

> **"They arrested Salim and later Firdaus and yet they demolished our house. They sought to intimidate all of us, forced us out of our home, including children, women. We were fasting for Ramzan, and they razed our house to the ground."[347]**

Speaking to Amnesty International, Firdaus' mother, Afroz said:

> **"If he had done something wrong, why were we punished? We slept on the streets for many days. Some relatives came, gave us food and shelter somewhere. Now we are living in a rented house."[348]**

In Khambhat, Gujarat, the authorities demolished a 40-year-old Muslim-owned *pan* [betel leaf] shop.[349] While the owner was not named in any criminal case, his nephew was accused of participating in the violence.[350] With his only source of income gone, along with a deteriorating disability and old age, he has not been able to start any other work. He is completely dependent on his sons, who also could not get work for many months.

In Assam, a lawyer representing Safiqul Islam's family for allegedly committing arson, raised concerns that the police had arrested and detained them without a FIR, which should have been filed at Batadrava Police station.[351] In a clear case of collective and arbitrary punishment, serious criminal charges, including relating to drug possession, murder and attempted murder were filed against seven family members, including four brothers. While they were in police custody, the authorities demolished a total of eight houses belonging to Safiqul Islam's brothers. Safiqul Islam's wife continues to be in detention, along with her youngest child of four years, while their three other children remain homeless.[352]

The multiple cases documented by Amnesty International of state authorities punishing entire households, including by arbitrarily detaining family members, and unlawfully demolishing their homes and businesses, amounts to a form of collective and arbitrary punishment that egregiously violates the rights of those affected – in particular, but not only, their right not to be subjected to arbitrary or unlawful interference with their home under Article 17 of the ICCPR.

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[345] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[346] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[347] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[348] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[349] Interview in person, 19 May 2023, Khambhat, Gujrat.
[350] Interview in person, 19 May 2023, Khambhat, Gujarat.
[351] Interview with the lawyer on a condition of anonymity, Nagaon, Assam on 26 May 2023.
[352] Interview with the family in Nagaon, Assam on 26 May 2023.

7.4 PUNISHMENT OF THE ENTIRE COMMUNITY

Right before the violence took place in the five states, political leaders belonging to the ruling BJP government made statements vilifying and demonizing the Muslim community and calling for the demolition of their properties.[353]

In Madhya Pradesh and Delhi, leaders made statements vilifying and demonizing Muslims.[354] For instance, speaking to the media in Madhya Pradesh, the Home Minister Narottam Mishra said: "If Muslims carry out such attacks, then they should not expect justice." Accusing the Muslim community of rioting, he warned the whole community: "If anyone triggers rioting in Madhya Pradesh they will be crushed."[355] Following the directions from the top political office in the state, the district administration, and municipal authorities in Khargone and Sendhwa towns launched the mass demolitions.[356] On 12 April 2022, in a media interview, a senior police official in Indore, the capital city of Madhya Pradesh said:

> **"Bulldozing of illegal properties and encroachments of rioters has been started in Chhoti Mohan Talkies, Khaskhaswadi, Ganesh Mandir and Talab Chowk. More such properties/encroachments have been identified in other areas and similar action will be initiated against them as well in coming days. This will be a continuous exercise, as zero tolerance is being adopted against rioters and other anti-social elements."[357]**

Similarly, soon after the communal violence in Delhi, the state's BJP President, Adesh Gupta wrote to the North and South Delhi Municipal Corporations asking them to demolish the "encroachment of government land by Bangladeshi, Rohingya and anti-social elements", shortly after which the North Delhi Municipal Corporation wrote to the Delhi Police notifying they would provide "at least 400 police personnel … during the encroachment removal action".[358] In Assam, after a building of the Batadrava police station was burnt down, the Chief Minister tweeted an instruction to the authorities "to either evict or take other legal action against those posing a threat to peace and security in the area".[359]

Such statements by political leaders and government officials demonstrate that pervasive discrimination against the broader Muslim community, which has been manifested in the form of punitive demolitions, has been instigated at the highest level of government. It also demonstrates the complicity or acquiescence of the state officials in encouraging the scapegoating of Muslims, even though episodes of violence clearly involved both Hindus and Muslims. Members of the broader Muslim community who either had no part to play in the preceding violence or have not yet been proven guilty through a fair trial, have experienced fear. Speaking to Amnesty International, Anand Yagnik, a senior lawyer based in Ahmedabad, Gujarat, told Amnesty International:

> **"The state is separate from a political dispensation, and it must act in a neutral manner."**

Survivors told Amnesty International that the presence of senior officials and heavy presence of police forces created a wave of terror that lasted for months. Seventy-three-year-old Rafiq Sheikh said that he and his family continued to fear *"what might come next, and would the administration come back for demolitions or any other excesses."*[360] Similar concerns were recounted by Advocate Zunaid Khalid, who told Amnesty International that the police had cordoned off the whole area in Nagaon, Assam,[361] for months. He said:

> **"It was like a graveyard for around 1-2 months. There was paranoia. The police threatened us that if someone gave shelter to the children of the accused families whose houses were demolished, their houses would also be demolished. Everyone was terrorized."[362]**

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[353] Refer to Background.
[354] Refer to Background.
[355] Anuraj Dwary, "Madhya Pradesh Home Minister Blames Muslims For Ram Navami Clashes", NDTV, 12 April 2022, https://www.nytimes.com/2022/05/11/world/asia/india-hindu-muslim-violence.html
[356] Refer to p. 21.
[357] "Khargone clashes: MP starts bulldozing 'illegal' assets of rioters amid political bickering", The New Indian Express, 12 April 2022, https://www.newindianexpress.com/nation/2022/apr/12/khargone-clashes-mp-starts-bulldozing-illegal-assets-of-rioters-amid-political-bickering-2441014.html
[358] "North Delhi civic body targets illegal houses in violence-hit Jahangirpuri, asks for 400 cops", India Today, 20 April 2022, https://www.indiatoday.in/india/story/bulldozers-illegal-constructions-jahangirpuri-violence-accused-delhi-1939534-2022-04-20
[359] Ratnadip Choudhary, "Bulldozers take down homes of accused in Assam Police Station attack", NDTV, 22 May 2022, https://www.ndtv.com/india-news/criminals-attacked-police-station-to-burn-records-says-assam-dgp-after-arson-over-alleged-custodial-death-2998217
[360] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[361] Refer to p. 23.
[362] Interview in person, 26 May 2023, Nagaon, Assam.

Faruk Khan, a community activist in Khargone, further highlighted the punitive nature of demolitions in the area; he also added that all 21 properties were either inhabited or run by Muslims.[363] Media reports and independent fact-finding reports also corroborate the use of demolitions of properties in Madhya Pradesh as a form of punishment meted out to Muslims.[364]

In Delhi, Madhya Pradesh and Gujarat, Amnesty International found that authorities also targeted mosques and businesses run within the mosque premises.

Amnesty International spoke with Kashmira Khan, a Muslim woman whose house was demolished by the municipal authorities in Sendhwa, Madhya Pradesh, without any notice or prior consultation, who continues to question the reason for the demolition of her property.

> **"What did we do to deserve such a big punishment? If someone indulged in stone-pelting, would they deserve this much [greater] punishment ... punishment should be proportionate ... This is injustice and done very openly and blatantly. All cases registered against Muslims and all demolitions against Muslims, as if only Muslims did everything in the riots."[365]**

Speaking about the large-scale demolitions of Muslim properties, and the feeling of lasting despair among the Muslim youth like himself, a survivor from Himmatnagar told Amnesty:

> **"They wanted to calm the public by demolishing the shops owned by Muslims. This is an atrocity on Muslims. It is an attempt to finish us economically. Recently 500 people have moved out of the town, they cannot pay the rent, cannot afford to live here. That is what they want. If we were Hindus, this wouldn't have happened to us, at least under this government. I'm leaving my home. I'm shifting to another district."[366]**

Media reports equated the Muslims who were impacted by demolitions with "criminals" and "traitors" and dehumanized them, blaming them for the loss of their own livelihood and homes. The media coverage also normalized punitive demolition of Muslim properties in the public discourse by glorifying the discriminatory statements of political leaders and the use of bulldozers to mete out extrajudicial punishment to Muslims.

Speaking to Amnesty International, Hasina Bi, who lost her home to a demolition by the municipal and district authorities in Khaskhaswadi area of Khargone, in Madhya Pradesh, said:

> **"People thought of us as criminals, since our houses were demolished, we must have done something [wrong]."[367]**

Mujahid Nafees, civil society activist based in Gujarat, told Amnesty International:

> **"Demolitions have also been used to create a negative image for Muslims in the minds of people. This is part of a political propaganda and to scare Muslims that we can do anything to you ... individuals and families were targeted because they were Muslims. If they target one Muslim, ten thousand more would be scared. And as for the community, they are scared. They are not free to do anything, they cannot talk freely and openly, they cannot move around freely."[368]**

Similar concerns were shared by Ashu, a shopkeeper based in Jahangirpuri, Delhi, whose motor garage was demolished by the municipal authorities. He said most of his customers who were Hindus fear coming to his shops because Jahangirpuri has been portrayed by the media as a locality of rioters.[369]

Survivors also shared with Amnesty International that the deliberate and systematic scapegoating and marginalizing of people based on their religious beliefs further created a dangerous self-reinforcement mechanism in moulding public opinion, particularly for Hindus. Zaid Pathan, a civil society activist based in Indore, who was arrested and detained under the 1980 National Security Act[370] for speaking up against the unlawful demolitions, told Amnesty International:

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[363] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[364] Chander Uday Singh, *Routes of Wrath* (previously cited); "Madhya Pradesh: Why an Indiian state is demolishing Muslim homes", BBC News, 15 April 2022, https://www.bbc.com/news/world-asia-india-61042315
[365] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[366] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[367] Interview in person, 23 May 2023.
[368] Interviews in person, 19 May 2023, Khambhat, Gujarat.
[369] Interview in person, 04 June 2023, Jahangirpuri, Delhi.
[370] The National Security Act provides for administrative detention of a person without charge or trial for a period of 12 months.

> **"People have started viewing Muslims as their enemies. If someone is a Muslim and something bad is being done to him, people feel happy, even if it doesn't improve their condition in any way, they still feel happy. Instead of getting angry over injustice, people are celebrating when Muslims are being targeted in demolitions. Terror has been placed in the hearts and minds of not only Muslims, but all those who see this as wrong, who want to speak against it, they are scared to speak up. So, this fear is being instilled in everyone's heart – if you speak up, your house will be demolished, there will be false cases on you, and you will be put behind bars."[371]**

On 9 June 2022, three United Nations Special Rapporteurs – the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context (Special Rapporteur on the right to housing), the Special Rapporteur on Minority issues, and the Special Rapporteur on Freedom of Religion and Belief – wrote a joint letter to the Indian government, strongly criticizing arbitrary property demolitions carried out by local governments to punish Muslims for the intercommunal clashes, particularly in Madhya Pradesh, Gujarat and Jahangirpuri in Delhi, during and after religious processions in April and May 2022.[372] In an interview with journalist Karan Thapar, the Special Rapporteur on the right to adequate housing said:

> **"Yes, unfortunately I believe that – and the statements by public officials and others make it clear that – the measures were in retaliation for, or in response to, alleged acts of communal violence. So, it does appear to have a collective punishment angle to it, which is different from simply random acts of incidents against particular families."[373]**

It is important to recognize the arbitrary and inherently collective nature of property demolitions carried out by the state authorities in five states, by either targeting those alleged to have been directly involved in the inter-communal violence or targeting members of the Muslim community with no alleged connection to the violence. Unlike individual punishments (such as fines or imprisonment) which target an individual directly, the demolition of a home and/or businesses subjects all those who live in that home and who are supported by that business to the same fate. For example, in the area of Khambhat, Gujarat, the demolition of 19 warehouses run by Muslims impacted the Muslim traders directly and their workers indirectly.

Property demolitions can thus never credibly be regarded only as a form of individual punishment, precisely because they inevitably subject others (including entire families and communities) to the same level of suffering including displacement, financial losses, lack of security of a home and livelihood, and unnecessary interference with children's education and growth. They must therefore be regarded as a form of punishment that has an inherently collective character.

[371] Interview in person, 23 May 2023, Indore, Madhya Pradesh.

[372] Special Rapporteur on adequate housing; Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, Letter to Government of India (previously cited).

[373] Karan Thapar, "UN Special Rapporteurs condemn home demolitions in India, see collective punishment of Muslims", The Wire, 18 June 2022, https://thewire.in/rights/un-special-rapporteurs-condemn-home-demolitions-in-india-see-collective-punishment-of-muslims

8. IMPACTS OF PUNITIVE DEMOLITIONS

> **The arbitrary acts of demolition of homes and structures of minority communities have compounded the vulnerabilities of women, children, older persons, and persons with disabilities."[374]**
>
> UN Special Rapporteur on the right to adequate housing, UN Special Rapporteur minority issues, and UN Special Rapporteur on freedom of religion or belief

Amnesty International found that the sudden punitive demolitions had a multi-dimensional impact on the affected individuals, families, and communities, with short-term and long-term consequences, impacting largely Muslims. Among the survivors, women, children, young people, older persons, disabled people, and those who were economically marginalized, were affected differentially and disproportionately.

The challenges that most survivors faced in restarting their business or livelihood were both financial and reputational in nature, with the Muslim community being painted negatively because of the stigma attached to the demolitions. Most had to start from scratch, purchase tools and materials, as well as find a safe space where they could restart their work without fear of further demolitions, and where they could still attract and receive customers.

In all five states, Amnesty International found that the unlawful demolitions punished not just the survivors but also other individuals and groups, in a two-tiered manner: first at the level of family, and second at the level of the broader Muslim community. After the demolitions, families suffered homelessness, loss of livelihood and employment, acute financial crisis, poverty and debt, while children faced loss of education and women struggled with loss of privacy, safety, and livelihood/vocation and reduced access to health. Family members, particularly older persons, reported struggling with deteriorating health conditions after the demolitions and inability to pay for the required medical attention when needed. Many remained out of work for three to six months, surviving on loans from family members in other states and support from Islamic charity organizations and opposition political parties. Those who were able to find work after their businesses were demolished reported earning far less than what they had earned earlier. The survivors also reported facing various forms of discrimination and prejudices in the aftermath of demolitions. Those who were rendered homeless found it difficult to find houses for rent due to the stigma attached to their families since the demolitions. Muslim businesses in areas where the demolitions took place were severely impacted as well, due to the reduced footfall of customers.

For instance, after the demolition of 52-year-old Shakeela Khan's 1200 square feet four-room house by the municipal authorities in Sendhwa, Madhya Pradesh, her family of five (including her ill-husband and four

[374] Special Rapporteur on adequate housing; Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, Letter to Government of India (previously cited).

children including a 18-year-old daughter and three minor sons) were rendered homeless with all their belongings destroyed.[375] The cost of starting their lives anew was borne by her four children who were forced to drop out of schools due to lack of resources.[376]

Due to the demolitions, individuals and families were left homeless or jobless overnight. Many families were also burdened with huge debts that they are unlikely to be able to pay in the years to come. Survivors told Amnesty International that they will never be able to rebuild what they have lost, including their life earnings, their reputation, and their aspirations for a better future. When Amnesty International visited the sites a year after the demolitions, in May and June 2023, the survivors were living in unsuitable and unsafe accommodations and still trying to restore their businesses.

Dada Miyan, whose 15-year-old agate bead warehouse was demolished without any notice by the municipal authorities in Khambhat, Gujarat, found himself bereft of any means to provide for his family for five months.[377] When Amnesty International visited his now demolished warehouse, he had set up a temporary warehouse at the same site with bamboo sticks and tarpaulin sheets.[378]

> **"I waited for five months for some kind of compensation. But nothing came. Then I took a loan from moneylenders. I had no choice. It took me 15 years to build my warehouse from nothing. They destroyed my life in a few minutes."[379]**

Eyewitnesses and survivors also reported that they live in a constant fear of repeated demolitions of their properties. Those whose commercial properties were demolished suffered from financial losses of varying magnitude depending on the sizes of their businesses. Some businesses were run from small semi-permanent units, while some were bigger shops or offices with expensive machinery, equipment and computers that were all lost in the demolitions, along with the edifice or the structure. In all cases, families depended on these businesses for their day-to-day subsistence, their children's education, and future expenses. Those whose residential properties were demolished suffered homelessness and lost the basic security of shelter, safety, and family space to care for children and older family members. After the demolitions, the families lived on the streets and footpaths for varying lengths of time, from as short as three days, up to as long as a month. Others were forced to continue to live in their dilapidated houses or shift to much smaller spaces due to paucity of resources. They also suffered financial losses, including loss of property and personal belongings, which has, amongst other impacts, reduced their access to healthcare.

8.1 DISPROPORTIONATE IMPACTS ON WOMEN

International human rights law acknowledges the traditionally defined gender roles which result in disproportionate impact of forced evictions on women.[380] It also recognizes the increased vulnerability of women to abuse after eviction, particularly if they become homeless or forced to move to inadequate housing, and accordingly requires governments to address the issue of forced relocation and forced evictions from home and land and to eliminate its disproportionate impact on women.

The lack of shelter and privacy has pronounced implications for women who are left more vulnerable to abuse resulting in increased exposure to sexual and other forms of violence.[381] Lack of proper toilets may also cause health complications in women and girls, and affect menstrual management, impinging on their sexual and reproductive health and rights. This stands in direct violation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), to which India is a state party.[382]

The loss of the safety of their homes put women in precarious positions, many of whom had to spend weeks living on footpaths with their children and take up lower paid jobs to make ends meet. Amnesty International also documented instances of demolitions of small kiosks owned and ran for decades by widowed women in Delhi, setting them back financially by at least a decade and significantly impacting their long-term economic stability.

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[375] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[376] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[377] Interview in person, 19 May 2023, Khambhat, Gujarat.
[378] Amnesty International visited Khambhat, Gujarat on 19 May 2023.
[379] Interview in person, 19 May 2023, Khambhat, Gujarat.
[380] OHCHR, "Forced Evictions", Fact Sheet No. 25, Revision 1, 2014, pp. 16-17, https://www.ohchr.org/sites/default/files/FS25.Rev.1.pdf
[381] OHCHR, "Forced Evictions" (previously cited); see also Commission on Human Rights resolution 2005/25 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, 15 April 2005.
[382] CEDAW, Article 14(h).

In Khaskhaswadi, Khargone, Amnesty International spoke with Rashida and Naseem, a mother and daughter whose respective houses, where they lived and also ran a small shop selling sweets to children, were demolished by the municipal authorities. While Rashida is a widow, Naseem is a single mother with a young daughter. A year after the demolitions, they had not been able to afford a new house and were living on the road with a temporary sheet. Naseem told Amnesty International:

> **"Now we are living without a roof over our heads. Who is willing to give their house to us on rent? In any case, we don't have any money. I go to wash people' s dishes. That's how we have been surviving. I eat when the employers give me something to eat. Otherwise, we go hungry."[383]**

Naseem also reported being sexually harassed by strangers. She said:

> **"Now even if someone troubles me, what can I do. I feel so humiliated in telling this to anyone...Earlier, we went inside our house when someone troubled us, and we closed our door. Now we are on the road. We are homeless." [384]**

Under international human rights law, Indian authorities are required to ensure that women are not subject to gender-based violence and discrimination in the course of evictions.[385] However, women interviewed by Amnesty International talked about the physical and verbal abuse that they were subjected to during the demolitions. They told Amnesty International about the harassment they faced by police officials during the demolitions, and their subsequent visits to police stations or municipal offices. Women reported loss of their home-based livelihoods, such as sewing businesses, cooking ventures, and salon work, among others. They also reported severe physical and mental health concerns. Widows and single women experienced the consequences of demolitions most severely and were finding it harder to rebuild their lives. A 62-year-old widowed woman whose house was demolished by the municipal authorities in Khargone, Madhya Pradesh, told Amnesty International that she suffered a back injury when the police officials dragged her out of her home during the demolition. But she doesn't have enough funds to seek adequate treatment.[386]

Amnesty International found that after the loss of their homes, women were burdened with increased care work responsibilities for their family members. This resulted in at least three women neglecting their own health.

Amnesty International also spoke with Farzana, who owned a small kiosk in front of her brother's shop in Jahangirpuri, in Delhi, where she used to sell vermicelli to earn her living. This was demolished. Highlighting the gendered impact of the demolitions carried out by the Delhi municipal authorities on 20 May 2022, Farzana told Amnesty International:

> **"When all the men were gone (arrested or in hiding), the women ran the house with great difficulty; they managed the children along with managing internal and outside affairs. We have faced everything that we had never seen. The women who had never seen the prison, they had to visit the prison. The authorities had created such a bad condition."[387]**

Mohammad Imroz from Ashrafnagar, Gujarat, told Amnesty International that when the Ram Navami riot happened, his wife was six months pregnant. She was harassed by the police officials and "*made to run from pillar to post after the demolition*".[388] He and his brother were compelled to be in hiding for three months, which meant that his mother and the brothers' wives had to operate their dairy business all by themselves despite having never done so before.[389] He told Amnesty International:

> **"It was no mean feat how my 50-year-old widowed mother herself managed a shop from 5 am to 10 PM every day, while the younger women managed the household and took care of the four children."[390]**

The daughter-in-law of Javed Mohammad, whose family home was demolished on 12 June 2022 by the Prayagraj Development Authority, was also reported to be full-term pregnant at the time their family home was demolished. She was compelled to relocate late in the night, along with her two children – a four-year-old and one-year-old – when her husband was not in town and other family members were all in police

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[383] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[384] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[385] Special Rapporteur on adequate housing, Report, 5 February 2007, UN Doc. A/HRC/4/18, para. 47.
[386] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[387] Interview in person, 04 June 2023, Jahangirpuri, Delhi.
[388] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[389] Interview in person, 20 May 2023, Himmatnagar, Gujarat.
[390] Interview in person, 20 May 2023, Himmatnagar, Gujarat.

custody. Speaking about the impact of the demolitions on the vulnerable women in her family, Sumaiya, Javed Mohammad's daughter, told Amnesty International:

> **"My sister-in-law went through a lot of trauma during her pregnancy, and my aunt who is epileptic and was fully under the care of my father, also suffered poor health. My nephew, who is five now, often asks about his toys that were there in our house. He says that "police are very bad; they broke our house".**

8.2 DISPROPORTIONATE IMPACTS ON CHILDREN

Amnesty International found that following the demolitions at least 24 children were compelled to drop out of or miss schools in the five states due to financial losses.[391] Children also witnessed the intimidation and use of force by police on their parents during demolition of their homes and businesses. In cases where parents were arrested and detained by authorities, infant children were forced to either accompany their mother to places of detention or were rendered homeless.

These examples demonstrate violations of the Convention on the Rights of the Child (CRC), which India ratified in 1992.[392] The CRC is the first legally binding instrument to deal specifically and uniquely with the rights of the child. As a state party to the CRC, Indian authorities are required to provide special protection and assistance to children deprived of a family environment;[393] and ensure the survival and development of the child to "the maximum extent possible", which not only includes a child's right to be free from acts and omissions intended or expected to cause their unnatural or premature death, but also the right to a life that comprises the minimum conditions of life and dignity.[394] The authorities are also required to ensure the "best interests of the child", which includes conducting a child and human rights impact assessment to minimise the negative impacts of displacement in cases of evictions.[395] However, Amnesty International found that the authorities in all five states failed to protect children from the harmful consequences of forced eviction.

In Jahangirpuri, Delhi, Shahnara Begum's family faced financial difficulties after her husband was arrested and detained and their small tea stall demolished. She said:

> **"Our 15-year-old son was compelled to drop out of school and take up work as a waiter at parties, where he earns a paltry Rs 300 (USD 2.5) per day for very long working hours. He has become weak due to stress and exhaustion."[396]**

Many parents and grandparents broke down while describing to Amnesty International the trauma and suffering the younger children went through during and after the demolitions. Rafiq Sheikh from Khargone told Amnesty International that one of his granddaughters, now eight years old, had become scared of police sirens, people in uniform, and in general fears living in her own house.[397] She continues to be traumatized by the events of the day of demolition. Sharing the impact of the demolitions on her minor daughter, Nadeem Sheikh, his son said:

> **"My daughter has been my biggest loss in the demolitions. The children broke down watching their parents dragged, beaten up, and their house demolished by force."[398]**

Farida Khan, another mother who lost her home to demolitions by municipal authorities in Sendhwa, Madhya Pradesh, shared a similar experience of how the children were treated by the officials. She said:

> **"That day when the JCBs came, I was sitting in the kitchen and feeding my children. My youngest child, who is three years old now, was in my lap and the authorities did not even allow me to pick up her food, they just dragged everyone out as if we were criminals. What had my children done? What was their fault?"[399]**

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[391] Interviews conducted by Amnesty International's researchers between 19 May and 13 June 2023 in Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh.
[392] UN OHCHR, Pledge by India, Celebrating 30 years of the Convention on the Rights of the Child, https://www.ohchr.org/en/treaty-bodies/crc/celebrating-30-years-convention-rights-child/pledge-india
[393] Convention on the Rights of the Child, Article 20.
[394] Convention on the Rights of the Child, Article 6.
[395] Convention on the Rights of the Child, Article 3.
[396] Interview in person, 4 June 2023, Jahangirpuri, Delhi.
[397] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[398] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[399] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.

She told Amnesty that she had four children and all of them had to miss one year of school, as they couldn't write the exams. She added:

> **"They continue to be so mentally disturbed; they don't even smile. Even today when they see the police, they become nervous."[400]**

Amnesty International found that across households children missed schools, exams, and sometimes the full academic year. With parents struggling to cater to the basic needs of food, clothes, and shelter, education was often not the priority at the time. Where one or both parents were arrested, the children were disproportionately affected in terms of their health, well-being, safety, education, and future employment prospects. Young people were more likely to drop out of formal education to take up the role of a caregiver in the family after one of both their parents were arbitrarily arrested for preceding episodes of communal violence.

Amnesty International interviewed five young people who reported that they could not pursue their education for months or had to drop out altogether. They also reported that the sudden strain of household and financial responsibilities fell on their shoulders. This included the urgent need to earn money for the family, to support the court cases, file petitions, meet with lawyers, attend court hearings and arrange jail visits.

Eighteen-year-old Junaid in Khargone told Amnesty International that he had to miss the opportunity to go to medical school, even though his mother had saved money for his education. With his father still in jail after one and a half years awaiting trial after the demolition of their home, he and his mother are trying to ensure that his younger brother continues his school education.[401] Nineteen-year-old Sumaiya in Prayagraj shared a similar experience with Amnesty International. She had to take the responsibility of being the legal representative for her father, signing all documents and navigating the court processes.[402]

Both at school and within their neighbourhoods where they had lived for all their lives, children faced intense stigma associated with their home being demolished by the authorities. Khalida Begum, who was in detention in Nagaon, Assam for allegedly burning down the Batadrava Police Station while her three daughters lived on their own explained:

> **"While living there my children went to college like thieves and came back like thieves."[403]**

Her younger sister had to drop out of school as they had only one bicycle to use to go to school in the neighbouring town. Khalida's youngest daughter accompanied her in the prison.

The CRC obliges states to make the best interests of children their primary consideration.[404] For assessing the best interests of children, a commitment to children's rights demands that the state authorities consider whether the parents need to be in prison at all, or whether there is an alternative to detention, especially when the prison does not have a suitable structure to host parents with children. This is in line with the child's right to maintain personal relations and regular and direct contact with a parent from whom they are separated.[405] It is also important to note that the presumption of a non-custodial measure being used applies both to pre-trial stage and at the time of sentencing.[406] In situations where there is no alternative to detention, as is the case with Khalida Begum, it may be in the best interests of the child for their parent to be released pending trial.

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[400] Interview in person, 22 May 2023, Sendhwa, Madhya Pradesh.
[401] Interview in person, 21 May 2023, Khargone, Madhya Pradesh.
[402] Interview by voice call, 13 June 2023.
[403] Interview in person, 25 May 2023, Nagaon, Assam.
[404] Convention on the Rights of the Child, Article 3(1).
[405] Convention on the Rights of the Child, Article 9(3).
[406] UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), 1990, Principles 2.1 and 2.3; Committee on the Rights of the Child, "Report and Recommendations of the Day of General Discussion on 'Children of Incarcerated Parents'", 30 September 2011, para. 30, https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/Discussions/2011/DGD2011ReportAndRecommendations.pdf

9. CONCLUSION

Amnesty International's research found that the Indian authorities in the states of Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh have carried out punitive demolitions against Muslims people's homes, business and places for worship for allegedly participating in protests and communal violence. This amounts to forced evictions and collective and arbitrary punishment, impacting the rights to adequate housing, livelihood, life and liberty and fair trial of at least 617 people, including men, women, children and older persons.

The demolitions were carried out by the respective state authorities without any prior consultation, adequate notice, and alternative resettlement opportunities. They were also carried out without warning, sometimes at night, with the occupants given little or no time to leave their homes and shops and salvage their belongings. Demolitions were also discriminatory and have directly caused the displacement and dispossession of Muslims, creating unbearable living conditions for the larger Muslim community and sustaining stigmatization and criminalization of Muslims. A year-and-a-half later, no announcement or declaration of relief or compensation has been made by the state authorities to those who were affected by the demolitions. Victims who have initiated legal action in Indian courts continue to wait for justice. At the same time, at least 20 families continue to fight the legal battle to free their family members including children and sole earning members who remain detained for allegedly participating in the protests and communal violence.

These targeted demolitions of Muslim homes are an extension and intensification of the systemic discrimination and oppression suffered by the community from successive Indian governments. Moreover, the destruction of Muslim homes and businesses in the five states is inextricably linked with the current Indian government's rising discrimination against the Muslim community, which was documented by Amnesty International in the form of statements from political leaders and government officials specifically calling for the demolition of Muslim properties as a retaliatory punishment. The widespread impunity afforded to municipal authorities, district heads and police officials for the forced evictions, ill-treatment and excessive use of force has contributed to a never-ending cycle of violations of right to housing and work, health, education, freedom of expression and access to a fair trial.

The Indian government has failed to provide access to justice and effective remedies for victims and accountability for the human rights violations committed by the police, municipal corporations, development authorities and revenue departments in the five states. Instead, the state governments and federal government have continued to demolish other Muslim properties as is evident from the destruction of homes and shops in Haryana, Gujarat, and Uttarakhand in 2023. The failure to compensate all the affected individuals for destruction of property or loss of livelihood during forced evictions and punitive demolitions violates India's international human rights obligations under the International Covenant on Economic, Cultural and Social Rights and International Covenant on Civil and Political Rights, to which it is a state party, in addition to other guidelines and principles that bind Indian authorities to ensure that no-one is left vulnerable and homeless.[407] The CESCR instructs that "where those affected [by forced evictions] are unable to provide for themselves, the state party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available".[408]

The deeply disturbing events related to callous, unlawful and punitive demolitions of marginalised communities, particularly Muslims that unfolded between April and June 2022, and which continue to take

[407] UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly Resolution 60/147, 16 December 2005.
[408] CESCR, General Comment 7 on Forced Evictions (previously cited), para. 16.

place, are a major blow to the rule of law and must be stopped. The Indian authorities must immediately halt its de facto policy of demolishing people's homes as a form of extra-judicial punishment and must take all measures possible to immediately stop forced evictions that have continued to take place with impunity because the people being forcibly evicted live in poverty, are marginalised, and ignored. They must also offer adequate compensation to all those affected without discrimination, ensure that victims of forced evictions have access to effective remedy, and those responsible are held to account.

India will elect a new federal government in 2024. This government will have a chance to break with the past and show its people that their rights matter. It must not waste this opportunity.

10. RECOMMENDATIONS

TO STATE GOVERNMENTS

A. Impose an immediate moratorium on its de facto policy on demolishing the homes and businesses of Muslims and other marginalized groups suspected or linked to those suspected of criminal offences.

B. Order prompt, impartial, independent, and effective investigations into all allegations of collective and arbitrary punishment and discrimination faced by Muslims in the context of punitive demolitions by state officials and actors, including police officials who used excessive and unlawful force to carry out demolitions. Where there is sufficient admissible evidence, bring those suspected of individual criminal responsibility to trial in proceedings that meet international standards of fairness.

C. Hold accountable all political leaders who are failing to respect, protect and fulfil the right to non-discrimination by engaging in discriminatory expressions to be subject to disciplinary or criminal sanctions, as appropriate.

D. Publicly and officially condemn the discrimination against Muslims and take other structural measures in favour of Muslims, especially to address the adverse impact of these demolitions.

E. Provide victims of punitive demolitions with full reparations. These should include restitution of, and compensation for, all properties demolished between April and June 2022 and those that continue to take place with impunity.

F. Cancel all outstanding orders for evictions and demolitions and introduce a moratorium on future evictions and demolitions until all state laws are amended in a manner that complies with international standards and thereby ensures that people, particularly marginalized groups are not subjected to forced evictions.

G. Ensure that Muslims and other minority and marginalised groups have equitable access to land, local authority resources, water and electricity necessary for their economic development, including the development of their industrial, agricultural and other activities necessary to enjoy their rights to an adequate standard of living, water, food, adequate housing, health and work.

H. Release all those arbitrarily detained for merely exercising their right to freedom of expression and opinion as well as right to freedom of assembly.

TO THE STATE LEGISLATIVE ASSEMBLIES

A. Repeal The Madhya Pradesh Prevention of Damage to Public and Private Property and Recovery of Damage Act, 2021 and The Uttar Pradesh Recovery of Damages to Public and Private Property Act, 2020.

TO THE INDIAN GOVERNMENT

A. Publish a national advisory to the state home departments to put a moratorium on the use of demolitions as an extrajudicial punishment for criminal suspects or their families and relatives.

B. Adopt and enforce a legal framework requiring companies to conduct human rights due diligence in their global operations and value chains, including in relation to the use of their products and services.

C. Ensure consequences for companies that fail to conduct human rights due diligence, including the prospect of civil and criminal liability in certain circumstances.

D. Facilitate visits of relevant special procedures and allow unfettered access to OHCHR and other experts with a view to assessing and making recommendations to address violations of human rights that have occurred, and continue to occur, in the context of religious minorities in India.

E. Respond positively to, with no further delay, requests for visits by the special procedures and ensure they will be given full and unfettered access.

TO THE INTERNATIONAL COMMUNITY

A. Publicly and privately urge India to take meaningful measures to improve the human rights situation in the country – including, among other measures, by immediately stopping forced evictions and by imposing a moratorium on the use of demolitions as an extrajudicial punishment

B. Address the human rights violations that have occurred, and continue to occur, publicly through multilateral fora, including through action at the UN Human Rights Council.

C. Affirm its commitment to human rights as a central tenet of sustainable development.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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“IF YOU SPEAK UP, YOUR HOUSE WILL BE DEMOLISHED”

BULLDOZER INJUSTICE IN INDIA

Following episodes of communal violence and protests between April and June 2022, authorities in the Indian states of Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh demolished over 128 properties mainly using machines manufactured by JCB – a UK-based company specializing in earthmoving, construction, agriculture, and demolition equipment.

The targeted demolitions were instigated by senior political leaders and government officials and carried out as a form of extra-judicial punishment impacting at least 617 people. Before and after the demolitions, the state authorities failed to follow any due process and used intimidation and excessive force on the victims for asking the reasons for demolitions. In the absence of a meaningful legal remedy, families spent weeks living on the streets including children who were compelled to drop out of school due to financial losses.

As this report goes to print, Muslim families and business owners in the five states await compensation for losing their homes, businesses and places of worship to punitive demolitions. The Indian government’s de-facto policy of punitively demolishing Muslim properties for protesting discriminatory laws and practices, is an ongoing phenomenon. They continue to enforce it with impunity. This amounts to forced eviction and collective and arbitrary punishment under international law and must be immediately investigated.

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