

Arbitrary and Punitive Demolitions Targeting India's Religious Minorities

Submission of information to UN Special Procedures

Submission made to the UN Special Procedures regarding the continuing trend of public authorities in India's BJP-governed states targeting minorities, primarily Muslims, using arbitrary and punitive demolitions. This submission highlights reported instances in June and July, 2024.

Submission Ref. # 32ileghh

**SOUTHASIA
JUSTICE
CAMPAIGN**

southasiajusticecampaign.org

1 August, 2024

Description

India concluded general elections to the national parliament (the Lok Sabha) on 1 June 2024. The Bharatiya Janata Party (BJP) emerged, yet again, as the largest single party and formed the government in coalition with other members of the National Democratic Alliance (NDA) bloc that the BJP leads. However, any hopes that the BJP's reduced margin of victory and formation of a coalition government would act as a check against human rights abuses against Muslims and other minorities were short-lived. The situation for India's minorities, particularly Muslims, has continued to deteriorate significantly since June. One major type of human rights violation by state actors has been the arbitrary demolitions of property, often punitive in nature, without following due process. In many cases, the demolitions target property of individuals who are still under trial, often immediately following their arrest.

This submission aims to highlight some recent incidents of arbitrary and punitive demolitions that have taken place since 1 June 2024. A non-exhaustive list of such instances of targeting by authorities across multiple states is set out below:

- 10 June 2024: Lucknow, Uttar Pradesh. Authorities completed a demolition drive in the Muslim-majority Akbarnagar area that began in December 2023, razing over 1200 houses and displacing around 1900 families, apparently as part of plans to develop a riverfront. A mosque in the area was left standing, to be demolished in the end, with a drone video of the operation circulated widely in media/social media.
- 14 June 2024: Jaora, Ratlam district, Madhya Pradesh. The police arrested two persons, Salman Mevati and Shaqir Qureshi, on allegations of throwing cow body parts onto temple premises. Parts of their houses were promptly demolished on allegations that these were illegal. Reports indicate that similar action was taken against two other men, Naushad Qureshi and Shahrukh. It is relevant to note that the action taken by state authorities aligned with demands made by Hindutva outfits that had staged a road-blockade.
- 15 June 2024: Bhainswani, Mandla district, Madhya Pradesh. 11 houses belonging to Muslims were razed by authorities who accused them of storing beef in the houses. The police who oversaw the demolitions indicated that decisions about demolitions were taken by the revenue department, claiming they were demolished for violating planning rules
- 24 June 2024: Seoni district, Madhya Pradesh. Authorities demolished the houses of two Muslim men following allegations of cow slaughter. Reports indicate that while accused individuals belonged to both Muslim and non-Muslim religions, it was the houses of the Muslim men that were demolished.
- 26 June 2024: Noorabad, Morena district, Madhya Pradesh. The houses of two Muslim men, Jaffar Khan and Asghar Khan, were demolished on allegations of storing beef. Notably, the action by authorities followed demands for arrests and demolitions by Hindutva groups, particularly the Bajrang Dal.

- 27 June 2024: Mannaka, Alwar district, Rajasthan. Authorities demolished a property belonging to a Muslim man who is an accused under trial in several criminal cases.
- 28 June to 30 June 2024: Moradabad district, Uttar Pradesh. Moradabad district authorities demolished six houses belonging to a Muslim family in the backdrop of an interfaith relationship and allegations of attempted kidnapping.
- 13 July 2024: Delhi. The Delhi Development Authority demolished over 250 houses at Khyber Pass in the Civil Lines area without providing advance notice of the demolition. The demolition drive displacing hundreds of residents, rendering them homeless and in many cases, also damaging their belongings.
- 19 July to 24 July 2024: Bareilly district, Uttar Pradesh. The district administration demolished at least 9 houses belonging to Muslim men accused of involvement in a communal clash on 19 July 2024

The arbitrary and retaliatory demolition of property belonging to minorities is not a new phenomenon. We have previously highlighted this issue in earlier submissions (Reference e8ay8gf9, dated 22 June 2023; Reference s4dk48yg, dated 11 August 2023; Reference nicglwo1, dated 7 February 2024). Moreover, multiple UN Special Procedures have written to the Indian government in June 2022 to express concern on arbitrary punishment of Muslim minorities through *inter alia* evictions and demolition of property and housing. (Reference AL IND 5/2022, dated 9 June 2022)

□

Reference: 32ileghh**Date:** Thursday, August 1, 2024**Type:** Human rights violation**Original:** English**Consent:** The nature of the allegation is such that consent cannot be obtained, e.g. the victim(s) is/are dead or has/have been subject to an enforced disappearance**Related mandates**

- housing
- religion or belief
- minority issues

Victims

Name: Religious minorities in India, particularly Muslims**Type:** Group**Description of the group/community (including, if relevant, number of members; number of women, men, girls and boys; indicate the group/community leader(s); other facts):**

With an estimated a population of 210 million, Muslims are a religious minority in India comprising about 15% of the population. Muslims in India are a very diverse group belonging to a wide range of economic and social classes. They reside in different regions, speak different languages and follow different cultural practices. However, Indian Muslims are bound together in terms of the common Islamic religion they follow and their identity as Muslims. Increasingly, the majoritarian Hindu actors see Muslims in India as a homogenous category and as objects of animosity and targeting.

Ethnic, religious, social or other background of the group/community members: Muslim community in India, a religious minority

Submitted by

Name: South Asia Justice Campaign (SAJC)**Type:** Group**Email:** southasiajusticecampaign@protonmail.com**Describe the activities of the group/community, civil society or other entity:**

SAJC is a platform of individuals and groups committed to furthering justice, peace and harmony in South Asia. SAJC raises issues concerning justice and the rights of vulnerable groups, and works to bring South Asian communities together to foster peace, understanding and wellbeing.

Disclosure

Does the alleged victim(s) or group/community agree to have their name(s) disclosed in a letter that may be sent to the Government, or others, such as intergovernmental organisations including United Nations entities, businesses, military or security companies?

No - This submission intends to highlight the trend of arbitrary and punitive demolitions targeting religious minorities in India. A majority of the victims in these incidents were Muslim. While no consent has been obtained from any individual victim, the submission concerns the community as a whole. The information presented in this submission has been collated using publicly available media reports.

Does the alleged victim(s) agree to have their name(s) appear in a public report to the Human Rights Council?

No - This submission intends to highlight the trend of arbitrary and punitive demolitions targeting religious minorities in India. A majority of the victims in these incidents were Muslim. While no consent has been obtained from any individual victim, the submission concerns the community as a whole. The information presented in this submission has been collated using publicly available media reports.

Case details

Country where the incident allegedly occurred/is occurring/might occur: India**District:** Lucknow, Moradabad and Bareilly districts in Uttar Pradesh; Ratlam, Mandla, Seoni and Morena districts in Madhya Pradesh; Delhi**Please provide a short chronological summary of the incident: what happened; when (date/time); who was involved?**

India concluded general elections to the national parliament on 1 June 2024. The Bharatiya Janata Party (BJP) emerged, yet again, as the largest single party and formed a coalition government. However, any hopes that the BJP's reduced margin of victory and formation of a coalition government would act as a check against human rights abuses against Muslims and other minorities were short-lived. The situation for India's

minorities, particularly Muslims, has continued to deteriorate significantly since June. One major type of human rights violation by state actors has been the arbitrary demolitions of property, often punitive in nature, without following due process. In many cases, the demolitions target property of individuals who are still under trial, often immediately following their arrest.

This submission aims to highlight some recent incidents of arbitrary and punitive demolitions that have taken place since 1 June 2024. A non-exhaustive list of such instances of targeting by authorities across multiple states is set out below:

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19 to 24 July 2024: Bareilly, UP. The district administration demolished at least 9 houses belonging to Muslims accused of involvement in a communal clash on 19 July.

We previously highlighted this issue in earlier submissions (e8ay8gf9, dated 22 June 2023; s4dk48yg, dated 11 Aug 2023; nicglwo1, dated 7 Feb 2024). Multiple UN SP mandate-holders had expressed concern about evictions and arbitrary demolitions in their letter to the Indian government in June 2022. (AL IND 5/2022).

Are there witnesses to the incident? Don't know

Is there evidence or substantiating information concerning the incident? Don't know

Does the alleged victim believe she/he was targeted due to her/his Belonging to a specific group, Engagement in human rights, trade union, political, religious activities or other types of activities, Ethnic origin, Religious background

The victims have been targeted due to their Muslim religious identity

Has the incident been reported to the relevant authorities? Yes

Please include details of any complaints filed or any other action taken by the alleged victim(s) or anyone else on their behalf?

In each of these cases, the arbitrary and punitive demolitions have been carried out by state authorities. There has been no investigation of the incidents; victims have not had access to any kind of remedy or compensation. While victims have sought intervention from the courts, no relief has been forthcoming.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)? Don't know

Is this case under consideration by any other international or regional body? Don't know

religion or belief

Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group concerned by the submission?

Not applicable.

Please indicate the denomination of the religion or belief of the alleged victim(s).

Muslims / Islam

Do you believe the alleged victim was specifically targeted because of her/his religious or belief? Please specify.

Yes, in majority of the cases, the victims targeted through the demolitions were Muslims. This was particularly evident through cases where accused individuals belonged to both Muslim and non-Muslim religions, and houses of the Muslim men were demolished.

Perpetrators

Is the identity/occupation of the alleged perpetrator(s) known? Yes

Were the alleged perpetrators State agents or believed to be State agents? Yes

The retaliatory demolitions were carried out by government authorities in each district.

If the alleged perpetrators were State agents, were they acting in their official capacity? Yes

Annexure 1 – Legal Analysis

I. International Human Rights Law

The incidents described in the submission (Reference: *32ileghh*) amount to a violation of India's obligations under international human rights law, as described below:

a. Right to housing

In each of these cases, State authorities have arbitrarily demolished property of persons belonging to the Muslim religious minority community without following due process. In many of the cases, the actions are in direct retaliation or as a punitive action targeting undertrial individuals accused of various criminal offences. These acts are a clear retaliatory measure and run contrary to the India's obligations as follows:

- i. In line with article 25 of the Universal Declaration of Human Rights, articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and articles 2 and 17 of the International Covenant on Civil and Political Rights (ICCPR) require India to respect, protect and fulfil the right to an adequate standard of living, including housing, as well as the right to non-discrimination and the right to freedom from arbitrary or unlawful interference with one's privacy, family and home.
- ii. General Comments No. 4 and 7 of the Committee on Economic Social and Cultural Rights (CESCR) stress the need to provide adequate legal protection from forced eviction, due process, alternative accommodation, and access to an effective remedy of those that are affected by eviction orders. As such, India has an obligation to ensure that forced evictions do not lead to homelessness, by providing adequate alternative housing facilities, resettlement and compensation for lost property.

b. Rights of minorities

The incidents described pertain to the property of members of the Muslim community, a religious minority in India, being targeted and destroyed. Similar action is rarely taken in situations involving members of the Hindu community. As such, it is likely that the action of the authorities took into account the religious minority identity of the victims. In this context, it is relevant to note the following provisions of international human rights law:

- i. Article 27 of the ICCPR as well as the United Nations 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (**Declaration on Minorities**) refer to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end.
- ii. The Declaration on Minorities also requires States to adopt measures to ensure that persons belonging to minorities can exercise their human rights without discrimination, and that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination.

It can, therefore, be argued that the incidents detailed in in the submission (Reference: *32ileghh*) reflect India's failure to comply with its obligation to protect the rights of minority communities, including Muslims in India.

II. Domestic Law

The exact procedural requirements vary depending on the state where the demolitions occur, but the requirement to provide advance notice and an opportunity to respond is a common requirement. The demolitions highlighted in this submission also run contrary to guarantees made under the Constitution of India. Though the right to property is no longer a fundamental right after the 44th amendment to the

Constitution in 1978, Article 300A sets out that “*No person shall be deprived of his property save by authority of law.*” Further, the right to housing can be read into the fundamental right to life and liberty under Article 21 of the Constitution, of which an individual cannot be deprived without following due process.

The demolitions highlighted in this submission fall broadly into two categories. In one bucket are punitive demolitions of the property of accused persons, which are a form of punishment without establishing guilt, a clear violation of the rule of law. The second category is demolition of so-called “unauthorised” or “illegal” structures which are the only housing options available to economically marginalised people in the country. Over the years, Indian courts have recognised that in such cases, the state must not only follow basic procedural requirements such as providing adequate notice, but also consider and make arrangements for rehabilitation in such cases.¹ In its landmark 1985 judgment in the context of forced eviction of pavement-dwellers, the Supreme Court had read the right to livelihood into the right to life under article 21.² In a 2008 judgment, the Supreme Court emphasized the requirement to comply with advance notice requirements, and highlighted that the authority cannot proceed with a demolition without a notice and opportunity of being heard, even where the construction is allegedly illegal.³ The Delhi High Court echoed this principle in a 2010 judgment where it mandated that a show-cause notice must be served before passing a demolition order.⁴ In another 2019 judgment, the Delhi High Court drew on rights enshrined in the ICESCR and General Comments issued by the CESCR to hold that forced eviction of settlement dwellers without due process and proper rehabilitation would contravene the provisions of law.⁵ In October 2020, the Allahabad High Court directed state authorities not to undertake demolition activities until the statutory period for filing an appeal against the demolition order came to an end.⁶ In August 2023, the Punjab & Haryana High Court pulled up the Government of Haryana for using law & order as a 'ruse' to conduct a targeted demolition drive against Muslims in the aftermath of communal violence in Nuh district, and asked it to explain whether it had been an 'exercise of ethnic cleansing'.⁷ Moreover, in May 2024, in the context of land acquisition by the government, the Supreme Court set out seven sub-rights, including the right to notice, the right to be heard, and the right of restitution or fair compensation.⁸

¹ Gautam Bhatia, Demolitions as state-sanctioned collective punishment, The Hindu, 11 August 2023, available at: <https://www.thehindu.com/opinion/lead/demolitions-as-state-sanctioned-collective-punishment/article67180107.ece>.

² Olga Tolls v Bombay Municipal Corporation, AIR 1986 SC 180, available at: <https://indiankanoon.org/doc/709776/>.

³ Municipal Corpn, Ludhiana v Inderjit Singh, AIR 2009 SC 195, available at: <https://indiankanoon.org/doc/1236266/>.

⁴ Sudama Singh v Government of Delhi, available at: <https://indiankanoon.org/doc/39539866/>.

⁵ Ajay Maken v Union of India, available at: <https://indiankanoon.org/doc/159570569/>.

⁶ Akshita Saxena, Allahabad HC Orders Govt Not to Demolish Properties till Expiry of Period to File an Appeal/ Disposal of Appeal, 17 October 2020, available at: <https://www.livelaw.in/news-updates/allahabad-hc-orders-govt-not-to-demolish-properties-till-expiry-of-period-to-file-an-appeal-disposal-of-appeal-read-order-164592>.

⁷ Punjab & Haryana High Court (Court on its Own Motion) vs. State of Haryana, available at: <https://southasiajusticecampaign.org/wp-content/uploads/2024/08/Nuh-Punjab-HC-order-07-08-23-1.pdf>.

⁸ Gyanvi Khanna, Right to Property | 7 Sub-Rights Which State Must Protect During Land Acquisition: Supreme Court Explains, 16 May 2024, available at: <https://www.livelaw.in/supreme-court/seven-sub-rights-of-right-to-property-under-article-300a-of-constitution-supreme-court-explains-258140>.

However, despite these court decisions, arbitrary and punitive demolitions, particularly those targeting the Muslim community, have continued throughout the country, including in the states where these High Courts have jurisdiction.

S. No.	Title	Publication Date	Source	Hyperlink
1	Demolitions as state-sanctioned collective punishment	11-Aug-23	The Hindu	https://www.thehindu.com/opinion/lead/demolitions-as-state-sanctioned-collective-punishment/article67180107.ece
2	Demolition drive in Muslim-dominated Akbarnagar begins again after Lok Sabha elections	11-Jun-24	India Tomorrow	https://indiatomorrow.net/2024/06/11/demolition-drive-in-muslim-dominated-akbarnagar-begins-again-after-lok-sabha-elections/
3	Thousands in distress as demolition drive begins in Lucknow's Akbar Nagar	11-Jun-24	Maktoob Media	https://maktoobmedia.com/india/thousands-in-distress-as-demolition-drive-begins-in-lucknows-akbar-nagar/#google_vignette
4	Tension in MP town after body parts of bovine animal found on temple premises; 2 held	14-Jun-24	The Indian Express	https://indianexpress.com/article/india/animal-parts-temple-premises-mp-9393316/
5	NSA invoked against four accused of killing a cow and throwing its body parts into a temple in Madhya Pradesh's Ratlam	16-Jun-24	The Hindu	https://www.thehindu.com/news/national/madhya-pradesh/nsa-invoked-against-four-accused-of-killing-a-cow-and-throwing-its-body-parts-into-a-temple-in-madhya-pradeshs-
6	15 houses in two Madhya Pradesh districts demolished over allegations of cow slaughter, illegal beef trade	16-Jun-24	The New Indian Express	https://www.newindianexpress.com/nation/2024/Jun/16/15-houses-in-two-madhya-pradesh-districts-demolished-over-allegations-of-cow-slaughter-illegal-beef-trade
7	11 homes demolished over 'beef in fridges', Madhya Pradesh authorities claim they had given prior notice	17-Jun-24	The Indian Express	https://indianexpress.com/article/india/mp-houses-of-11-demolished-after-cops-find-beef-in-their-refrigerators-in-mandla-9394946/
8	'We demolished homes where beef was found': Inside the MP village where bulldozers came a day after police	19-Jun-24	The Indian Express	https://indianexpress.com/article/india/we-demolished-homes-where-beef-was-found-inside-the-mp-village-where-bulldozers-came-a-day-after-police-9400789/
9	Lucknow's Akbarnagar flattened. One of the remaining buildings of a religious site was bulldozed to ground last night.	19-Jun-24	X (formerly Twitter) account of Piyush Rai	https://x.com/Benarasivaa/status/1803298931415400803
10	Muslim homes demolished in MP Over 'Cow' related incidents, draw widespread outrage	20-Jun-24	India Tomorrow	https://indiatomorrow.net/2024/06/20/muslim-homes-demolished-in-mp-over-cow-related-incidents-draw-widespread-outrage/
11	Akbarnagar demolition drive ends, 1,800 structures razed	20-Jun-24	The Indian Express	https://indianexpress.com/article/cities/lucknow/akbarnagar-demolition-drive-ends-1800-structures-razed-9403102/
12	Ek Tha Akbarnagar: UP Locality Razed, Displaced People Struggle to Resume Lives	23-Jun-24	The Quint	https://www.thequint.com/news/india/akbarnagar-demolition-lucknow-uttar-pradesh-displaced-families#read-more
13	Arrests Wrongful, House Demolitions Arbitrary in MP's Jaora: APCR Report	24-Jun-24	Clarion India	https://clarionindia.net/arrests-wrongful-house-demolitions-arbitrary-in-mps-jaora-apcr-report/
14	Two More Muslim Houses Bulldozed in MP Over Allegations of Cow Slaughter	26-Jun-24	Clarion India	https://clarionindia.net/two-more-muslim-houses-bulldozed-in-mp-over-allegations-of-cow-slaughter/
15	Madhya Pradesh: Muslim homes demolished over cow slaughter allegations by Hindutva groups	27-Jun-24	Maktoob Media	https://maktoobmedia.com/india/madhya-pradesh-muslim-homes-demolished-over-cow-slaughter-allegations-by-hindutva-groups/#google_vignette
16	Authorities raze illegal encroachment of history-sheeter in Rajasthan	27-Jun-24	The Week	https://www.theweek.in/wire-updates/national/2024/06/27/nrg3-rj-criminal-encroachment.html#:~:text=Jaipur%2C%20Jun%2027%20(PTI),Alwar%27s%20Mannaka%20village%20on%20Saturday
17	How an interfaith relationship culminated in demolition of six houses in Moradabad	01-Jul-24	The Indian Express	https://indianexpress.com/article/cities/lucknow/how-an-interfaith-relationship-culminated-in-demolition-of-six-houses-in-moradabad-9425097/
18	Bulldozer Raj in MP: Houses Of 37 Various Undertrial Accused Demolished in June	08-Jul-24	The Quint	https://www.thequint.com/news/india/bulldozer-justice-madhya-pradesh-june-houses-of-undertrial-accused-demolished
19	In pictures: Demolition drive in Delhi	14-Jul-24	Siasat Daily	https://www.siasat.com/in-pictures-demolition-drive-in-delhi-3061469/

20	Khyber Pass demolition: Residents scrambled to find shelter as bulldozers rolled in, hundreds of houses torn down	16-Jul-24	The Indian Express	https://indianexpress.com/article/cities/delhi/served-notice-but-were-not-told-when-demolition-would-happen-9451933/
21	Detain And Punish: National Security Act And Cow Slaughter In Madhya Pradesh	24-Jul-24	Outlook	https://www.outlookindia.com/national/detain-and-punish-national-security-act-and-cow-slaughter-in-madhya-pradesh
22	Houses of 9 accused in clash during Muharram demolished in UP's Bareilly	24-Jul-24	India Today	https://www.indiatoday.in/india/story/houses-of-9-accused-in-clash-during-muharram-demolished-in-up-bareilly-2570990-2024-07-24



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