

'BULLDOZER JUSTICE' IN INDIA – A MODEL OF GOOD GOVERNANCE OR A BRICOLAGE OF GLOBAL AND TERRITORIAL HUMAN RIGHTS VIOLATIONS?

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Abstract

Like ethnic cleansing, retaliatory or collective punishment is a subject of International humanitarian law and contrary to International and domestic legislations. This paper focuses on the startling findings of two recent human rights violation reports by Amnesty international and along with it the requirement of an ethical corporate stance that must be taken by a multinational manufacturer of bulldozers. Two recent February 2024 Reports by Amnesty International's research exposes that Indian authorities in the states of Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh have carried out targeted demolitions as deterrent punishment against Muslims people's homes, business and places for worship for allegedly participating in protests and communal violence. Such forced evictions and collective and arbitrary punishment, impact the rights to adequate housing, livelihood, life and liberty and fair trial of many, including men, women, children and elderly persons. The demolitions were carried out by the respective state authorities without any prior consultation, adequate notice, and alternative resettlement opportunities. Demolitions were also discriminatory, causing the displacement and dispossession of Muslims, creating unbearable living conditions for the larger Muslim community and sustaining stigmatization and criminalization of Muslims. No relief or compensation has been made by the state authorities for affected parties. Victims who have initiated legal action in Indian courts are continuing their legal battles. No one worried about the effects of such collective punishment on women, children and families.

Keywords: Bulldozers, Human Rights, Muslims, Dispossession, Demolition (228 words)

Introduction



(Residents Confined Behind an Iron Gate watch Retaliatory Demolition at Jahangirpuri, New Delhi

Picture Courtesy: Naveen Sharma/SOPA)

Society rather than the state's assertion of power or military might holds the key to peace

and human rights. In a similar vein, the protection of the rights of religious minorities—particularly their human rights to live in peace may be considered as an inalienable right in the Indian democracy. A recent phenomenon of the demolition of the residence and properties belonging to a certain Minority community without proper notice or cause of action has raised concerns that both international and national human rights laws are being violated in this manner.

Role of the Supreme Court and Its Latest Judgment in re: WRIT PETITION (CIVIL) NO.295 OF 2022 In Re: Directions in the matter of

demolition of structures WITH WRIT PETITION (CRIMINAL) NO. 162 OF 2022 WRIT PETITION (CIVIL) NO. 328 OF 2022 (Citation 2024 INSC 866)

In a November 13, 2024, judgment, the Supreme Court of India banned "bulldozer justice," ruling that demolishing properties for alleged criminal activity without due process is unconstitutional. The court issued pan-India guidelines for demolitions, mandating 15 days' prior notice, providing reasons for the demolition, giving the affected party an opportunity to respond, and requiring videography of the process. Violations will result in contempt of court proceedings, personal liability for officials, and restitution of demolished property.

Salient features of the judgment

- **Demolition is not a punishment:** The court ruled that demolishing a person's house is not a form of punishment and that only the judiciary can determine illegality.
- **Due process is mandatory:** Demolitions can only be carried out after giving 15 days' prior notice and providing a reasoned opportunity for the affected to be heard.
- **No targeting of specific communities:** The court stated its guidelines are for all citizens and institutions, not for any particular community.
- **Strict accountability for officials:** Any violation of the new guidelines will be considered contempt of court, and officials will be held personally liable for restitution of the demolished property.
- **Exceptions:** The guidelines do not apply to demolitions for public property encroachment or those ordered by a court.
- **Official videography:** The actual demolition process must be videographed.
- **Reasoned final order:** The final order from the authority must contain reasoned conclusions.

- **Notice to occupiers:** Notices must also be served to any occupiers of the property, and they must be directed to inform the owner.

Statement of the Research Problem

The rampant and unlawful demolition of Muslim businesses, residences and places of worship sometimes as a remedy to counter anti-government protests poses a human rights quandary globally and nationally. Such extra-judicial punishment is rendering many members of the Muslim community homeless. It is causing dispossession, displacement and discrimination. Families are also getting destroyed due to such dismantling of homes and offices. Whether such hate campaigns are justified or not as a state countermeasure for expressing anti-government rhetoric is the main research problem that has been addressed in this article.

On a different note, it may be worthy to mention that JCB-brand bulldozers and excavators are being deployed to this end. Whether this violates JCB's responsibility to respect human rights and to ensure that its operations, products and services are not used for human rights abuses as per the UN Guiding Principles on Business and Human Rights is a problem which will be examined in this research article as well.

How far the definition of "Human Rights" provided in the Protection of Human Rights Act, 1993 as rights encompassing the life, liberty, equality and dignity of the individual as guaranteed by the Indian Constitution and the various International Covenants enforceable by Courts in India are being honoured or not is also a part of the problem being evaluated herein.

Literature Review

There are no seminal books authored on this relatively new phenomenon. Published on February 07, 2024 two reports by Amnesty International entitled "If you speak up, your house will be demolished: Bulldozer Injustice in India" and "Unearthing Accountability: JCB's Role and Responsibility in Bulldozer Injustice in India"

examine this violation of human rights issue in states like Assam, Delhi, Gujarat, Madhya Pradesh and Uttar Pradesh. Also the article entitled “How bulldozers became a vehicle of injustice in India” by Geeta Pandey published by BBC News in India on 20 June, 2022 is yet another valuable resource on this topic. In addition the statute entitled the Protection of Human Rights Act, 1993 has been heavily relied upon. To analyse the international perspective, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the international Covenant on Civil and Political Rights have been relied upon. In addition, the Universal Declaration of Human Rights, 1948 has been relied upon to examine the problem, formulate hypotheses and provide the recommendations and conclusions.

Importance of the Problem in Society

As far as human rights go in the melting pot of Indian society, the Constitutional precept is that of ‘live and let live’. When we look at the Universal Declaration of Human Rights 1948, it unequivocally states that we are all born free and equal and everyone is entitled to a right to life, freedom and safety and no one can take these away.

Amnesty International is an organization patronized by millions of people globally and is known to be a champion of human rights globally. They are known to rise above political ideology of governments, economic interests and religions.

Role of JCB Bulldozers in the Above Travesty of Human Rights

Amnesty International’s Crisis Evidence Lab and Digital Verification Corps have verified that JCB’s machines, were the most deployed of equipments in these demolitions. The full name of the company would be Joseph Cyril Bamford Excavators Ltd.

Replying to a letter from Amnesty International, a JCB spokesperson stated that once products have been sold to customers, the company has

no control over or responsibility for the way their products were used or misused. Under international standards of human rights law and corporate ethics, JCB is responsible for what third-party buyers do with its equipment.

A public condemnation on behalf of the JCB Company of such human rights violations could mitigate its image somewhat. It did nothing for the image of this internationally known company that supporters of various political units were seen celebrating with toy images of JCB bulldozers in political rallies after the commission of these human rights atrocities. According to the Report of Amnesty International, Barlampur, Dehradun, Delhi, Himmatnagar, Jahangirpuri, Jakhau, Kanpur, Khambat, Khargone, Nagau, New Delhi, Prayagraj, Sagar, Sendhwa etc are the names of places where such bulldozers were deployed.

Subversion of the Protection Against Double Jeopardy

In a rampant violation of the Protection of Human Rights Act, 1993, the victims of such demolitions (belonging to the Muslim minority community) were not proper opportunities by the state government to quest for any legal aid or seek any legal redressal avenues. In fact Uttar Pradesh and Madhya Pradesh have enforced property recovery laws (passed in 2020 and 2021 through ordinances) that empower the state authorities to recover damages from those accused of causing destruction to public and private property during riots and other violence.

The Madhya Pradesh Prevention and Recovery of Damages to Public and Private Property Act 2021, allows the district administration or a private individual to file a claim before a Claims Tribunal to seek compensation for the damage caused to public or private property respectively.

The Tribunal is empowered 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. It also protects anyone acting in “good faith in pursuance of this Act” from prosecution or any other legal proceeding. The Act bestows the members of the Claims Tribunal the powers of a civil court in India as akin to under the Code of Civil Procedure 1908. Here, the Tribunal in effect is trying a person for a criminal offence. But it is without any safeguards of a fair trial usually available in the mechanisms of a criminal trial.

As a matter of fact, in Uttar Pradesh, a group of advocates filed a petition in Allahabad High Court with a view to challenge the constitutional validity of the ordinance that was the cause for the 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. The Court, in one of the hearings, called them ‘arbitrary in nature’ but so far nothing more has been heard from them.

According to affected residents and lawyers, in Madhya Pradesh, the law had been used against those who were detained by the law enforcement authorities in connection with violence on the auspicious day of Ram Navami in a place called Khargone and whose residences were demolished on the charges of encroachment.

As per 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. In the end, claims against Hindus were waived but the claims against Muslims are either pending or they were directed to pay the damages. 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, it is noted that 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. (Source: If You Speak Up, Your House Will Be Demolished: Bulldozer Injustice in India, Amnesty International, 2024)

Stance of the Protection of Human Rights Act 1993

The Protection of Human Rights Act, 1993 is however not a paper tiger.

i) To address the issues above, it would do better to constitute Special Investigation Teams (SITs) to counter the problem as per Section 37 of the aforementioned Act.

I set out Section 37 for the purpose:-

S.37. Constitution of special investigation teams.—Notwithstanding anything contained in any other law for the time being in force, where the Government considers it necessary so to do, it may constitute one or more special investigation teams, consisting of such police officers as it thinks necessary for purposes of investigation and prosecution of offences arising out of violations of human rights.

ii) The same Act also has ample provisions to protect those who acted in genuine good faith and had no ulterior motives or unconstitutional intentions.

I set out Section 38 for the purpose:-

S38. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the Central Government, State Government, Commission, the State Commission or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder or in respect of the publication by or under the authority of the Central Government, State

Government, Commission or the State Commission of any report, paper or proceedings.

iii) Also as per the Protection of the Human Rights Act, 1993 no Member of the National or State Human Rights Commission can be absolved of any responsibility because of a notion that they are not public servants as per Section 39 of the Act.

I set out Section 39 for the purpose:-

S.39. Members and officers to be public servants.—Every Member of the Commission, State Commission and every officer appointed or authorised by the Commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

iv) Under the Protection of Human Rights Act, 1993 the Central government is empowered to make rules to allay the injustice in the situation, as empowered by Section 40 of the aforementioned Act.

I set out Section 40 for the purpose:-

S.40. Power of Central Government to make rules.—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— and (e) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only

in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

v) Upon an analysis of the provisions of the Protection of the Human Rights Act 1993, one may also state that Section 42 of the said Act may also be implemented to provide redressal to the affected parties described above.

I set out the provisions of the aforementioned Act for the said purpose:-

Section 42. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

A Selection of Case Studies of Extrajudicial Punishment constituting A Blatant Violation of Human Rights

As per the 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, these are not isolated incidents but an execution of pre-planned events.

According to the cases investigated by Amnesty International the demolitions were planned and used as a deterrent metaphor for collective and arbitrary punishment to families of people suspected of the criminal offence of participating in protests termed as unlawful assemblies on a plethora of issues like the implementation of CAA, NRC etc or gatherings connected with issues on places of worship.

The common leitmotif is, sometimes these properties are not directly owned by the suspect but his relatives or family members. Instrumentalities of the state, such as the police, municipal authorities and the District administration were hand in glove to give effect to such punitive measures and to effect such gross human rights violations.

I hereby quote a few cases from the Amnesty International Report :-

Case 1

In Himmatnagar, Gujarat 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.”

Case 2

37-year-old Samar Khan's father's house was demolished and he was charged in multiple criminal cases. He was projected as the 'mastermind' of the violence in Sendhwa, Madhya Pradesh which led to the demolition of his father's house. Samar told Amnesty International that he was selected for this owing to his affiliation with the opposition political party.

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

Case 3

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.”

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.

Case 4

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." 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."

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". 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.

Case 5

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." (Source: Amnesty International)

Violation of International Human Rights Conventions

Article 33 of the Fourth Geneva Convention¹²⁴⁷ 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

¹²⁴⁷ See Article 33 - Individual responsibility, collective penalties, pillage, reprisals, Geneva Convention IV, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-33>.

measures of intimidation or of terrorism are prohibited. [...] Reprisals against protected persons and their property are prohibited¹²⁴⁸.”

Adverse Impact on Women as per International Human Rights Law

International human rights law acknowledges the disproportionate impact of forced evictions on women.

The following are the immediate effects:

i) Vulnerability of women to abuse after eviction increases, particularly if they become homeless or forced to move to inadequate housing. The lack of shelter and privacy and increased exposure has negative implications for women who are left more vulnerable to abuse. Such women become prone to sexual and other forms of violence.

ii) 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.

iii) 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.

iv) It violates the 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). (Source: “IF YOU SPEAK UP, YOU HOUSE WILL BE DEMOLISHED” BULLDOZER INJUSTICE IN INDIA Amnesty International)

v) Case Study: 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.” 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.”

vi) 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.

vii) 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

¹²⁴⁸ 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>

to seek adequate treatment. 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.

viii) 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”. 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. 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.”

ix) 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.

International Human Rights law and the Position of Children

The Convention on the Rights of the Child is a legally binding document highlighting the rights of the child. The Indian government must provide a family environment to the children.

In complete violation of the provisions of the Convention on the Rights of the Child (CRC), which India ratified in 1992, the following effect of collective punishment was meted out on the children of these Muslim families:

i) As per Amnesty International, post-demolition, at least 24 children were compelled to drop out of or miss schools in the five states due to financial losses.

ii) Children also witnessed the intimidation and use of force by police on their parents during demolition of their homes and businesses.

iii) 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.

iv) As a state party to the CRC, Indian authorities are required to provide special protection and assistance to children deprived of a family environment

v) A child has the right to be free from acts and omissions intended or expected to cause their unnatural or premature death.

vi) They also have the right to a life that comprises the minimum conditions of life and dignity.

vii) The government must conduct a human rights impact assessment study on these children to minimise the negative impacts of displacement in cases of evictions.

viii) According to findings of Amnesty International, the authorities in all five states failed to protect children from the trauma and bad memories associated with forced eviction.

Conclusion

i) The Indian government could not 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 of Assam, Delhi, Gujarat, Madhya Pradesh, and Uttar Pradesh

ii) It is time that Rule of Law be restored by the state to those who suffered from the loss of it.

iii) In a civilised society, and as per domestic laws such as the Protection of Human Rights Act, 1993 nor the various International Human Rights Law conventions to which India is a signatory, the aspect of collective and retaliatory punishment particularly in relation to any particular community, is simply not acceptable. (4793 words)

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