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BULLDOZER JUSTICE: CHALLENGES TO THE RULE OF LAW AND CONSTITUTION

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Abstract

This paper addresses a crucial and burning issue of "bulldozer justice," a term that reflects the conflict between retributive justice and the rule of law, particularly in the context of contemporary governance. The term "bulldozer justice" has entered the political and legal lexicon in India, signifying a dramatic shift in the implementation of punitive measures by state authorities. This phenomenon refers to the use of bulldozers to demolish the homes, shops, or other properties of individuals accused of crimes, often without a formal judicial verdict.¹ Based on my research, my article primarily focuses on India's recent executive-driven demolitions, in which these executives avoid approaching the judiciary and may threaten democratic institutions and the rights of marginalised communities. This issue is of major national importance, as state governments are demolishing the properties of criminals or suspected criminals to deliver quick justice, based on the idea that "justice delayed is justice denied." However, in these cases, due process is completely ignored. The government or local authorities have no right to demolish any property—whether it complies with the rules or not—without following the proper legal procedures. This not only weakens the rule of law but also reinforces existing social inequalities. The analysis covers several key elements, including populist sentiments, executive overreach, and the erosion of legal protections, all of which you have clearly highlighted. The paper's methodology seems to depend on doctrinal legal analysis and case studies, an effective approach given the examination of legal frameworks, case law, and media reports to explore the impact of bulldozer justice. Notably, I emphasise the symbolic significance of this form of justice, as it aligns with populist sentiments but bypasses due process and legal standards.

¹ Breakdown of Rule of Law in Matter of Demolition as to Defeat Natural Justice: Retributive Justices as to Bulldozer Justice. < <https://www.ijfmr.com/> >

Introduction

The sanctity of human life is the fundamental value of human social values recognised by every civilised society and its legal system. Every human being has the right to live their life as they want without the interference of others. A successful democracy guarantees its right to the protection of life and liberty to its citizens. In India, protection of life and personal liberty is guaranteed under Part III of the Indian Constitution.² As it guarantees protection against the state, i.e., no act of any state authority can violate any such rights of the citizens, these rights are very cherished by the citizens. “Article 21 of the Indian Constitution says, no person shall be deprived of his life or personal liberty except according to the procedure established by law’, also known as the Right to life and personal liberty.”³

In recent times, India has witnessed the growing practice of demolishing homes and properties—often without following proper legal procedures—targeting marginalised communities and alleged offenders. This trend has come to be known as “Bulldozer Justice.” Such actions have sparked widespread controversy, protests, clashes, and political debates. The term refers to the destruction of houses, shops, or other structures without adherence to due legal process. Even when such demolitions are justified as lawful, selectively targeting individuals violates the fundamental rights enshrined in Articles 13, 14, 21, and 300A of the Indian Constitution.⁴ Tearing down the homes of accused persons without giving them a fair chance to defend themselves or proving their guilt breaches key principles of natural justice, including the presumption of innocence and the right to be heard (*audi alteram partem*). Moreover, punishing families of alleged offenders by demolishing their homes amounts to collective or “kin punishment.” The rule of law mandates that authorities must act in accordance with legal procedures when penalising anyone. In *Chief Settlement Commissioner Punjab v. Om Prakash*, the Supreme Court affirmed that the rule of law is a core feature of the Constitution, emphasising judicial oversight over administrative actions based on their legality.⁵ For instance, in June 2024, the Uttar Pradesh government demolished nearly 1,800 structures, including about 1,100 homes in Lucknow’s Akbar Nagar, under an urban redevelopment plan promoted as an “eco-tourism” project. The official narrative claimed it was a drive against land encroachment and mafias, but in effect, it resulted in the displacement of the marginalised

² Constitution of India, Part III.

³ Constitution of India, Article 21.

⁴ Constitution of India, Article 13,14,21 & 300 A.

⁵ *Chief Settlement Commissioner Punjab v. Om Prakash*, 1968 SCR (3) 655.

population.

In the 1985 case of *Olga Tellis and Others v. Bombay Municipal Corporation and Others*,⁶ the court highlighted the importance of providing a legal notice before eviction. It further observed that allowing residents to present their case is essential prior to initiating the eviction of people living in unauthorised slums or on streets. Bulldozer Justice reflects the abuse of administrative power that undermines legal principles and individual rights. It refers to the practice of authorities demolishing homes, businesses, and properties without following proper legal procedures, resulting in arbitrary actions that weaken public trust in the justice system.

Reasons Behind the Expansion of F Bulldozer Justice in India

Bulldozers, first created a century ago, have been utilised worldwide for constructing houses, buildings, highways and various other infrastructure projects. Bulldozers have long been used to demolish illegally built structures, but their use became noticeably more common around 2017 in states such as Delhi, Uttar Pradesh, and Madhya Pradesh. Government officials describe these demolitions as a measure against anti-social elements, targeting those accused of crimes or involved in communal violence as a way to ‘teach them a lesson.’ In Uttar Pradesh, Chief Minister Yogi Adityanath’s administration popularised the symbolic use of bulldozers, claiming to have recovered about 67,000 acres of land from the control of land mafias.⁷

In 2017, CM Yogi Adityanath first warned that he would raze properties of the criminals “My government will bulldoze houses of anyone even thinking of perpetuating crime against women and weaker sections of society,” adding that it would take some more time to reel in other criminal elements.⁸ In Uttar Pradesh, police have already started encountering criminals, in which a number of them are dying.⁹

In 2023, more than 192,000 people, about 37 per cent of those affected, lost their homes when over 40,000 houses were demolished for development projects such as new roads, housing

⁶ *Olga Tellis and Others v. Bombay Municipal Corporation and Others*, 1986 AIR 180.

⁷ Prashasti Singh, ‘UP govt has freed 67,000 acres of land from land mafia: CM Yogi Adityanath’ (Hindustan Times, 23 February 2021) <https://www.hindustantimes.com/cities/lucknow-news/up-govt-has-freed-67-000-acres-of-land-from-land-mafia-cm-yogi-adityanath-101614099369779.html>.

⁸ Srawan Shukla, ‘Will bulldoze your houses even if you think of crime: Yogi Adityanath’s warning to mafia’ (DNA India, 6 September 2017) <<https://www.dnaindia.com/india/report-will-bulldoze-your-houses-even-if-you-think-of-crime-yogi-adityanath-s-warning-to-mafia-2543520>>.

⁹ *Ibid.*

schemes, highways, railway expansions, coal mines, metro lines, and smart city initiatives. The previous year, 2022, saw around 66,000 people displaced for similar infrastructure and urban development reasons.¹⁰

The Bharatiya Janata Party, which governs India, used the bulldozer to promote support for its party in election campaigns in Uttar Pradesh. In March 2024, Yogi Adityanath earned the nickname Bulldozer Baba as a part of this campaign strategy. Mr Yogi also claimed that his government used this bulldozer method against criminals during state election campaigns. He said, “We have a special machine which we are using for building expressways and highways. At the same time, we are using it to crush the mafia that exploits people to build their properties.”¹¹

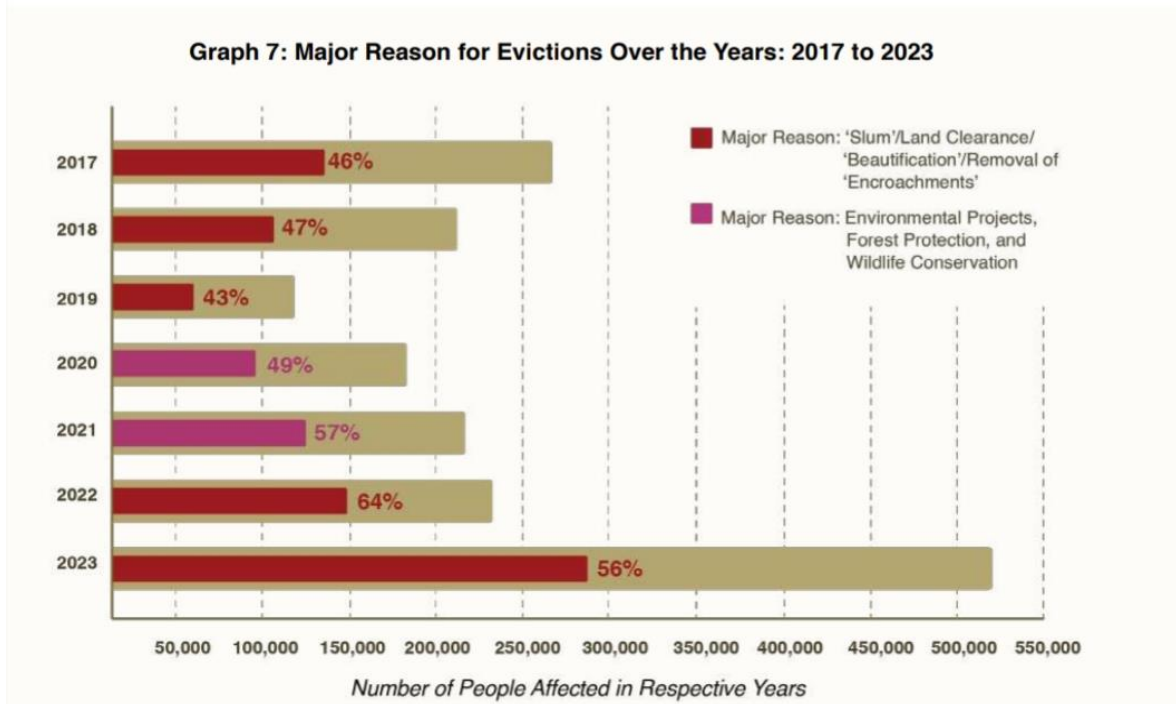
Instances of Bulldozer Justice

The practice of Bulldozer Justice has been reported in several Indian states, including Uttar Pradesh, Delhi, Madhya Pradesh, Gujarat, Assam, and Maharashtra.

Uttar Pradesh	The use of bulldozers against the immovable properties of individuals accused of being involved in serious crimes has been rampant since 2017. Ex- Demolition of Immovable properties of Vikas Dubey, Atiq Ahmed.
Madhya Pradesh	Use of a bulldozer to demolish 16 houses and 29 shops across four locations in Khargone, following communal clashes.
Haryana	Bulldozer action in Nuh after communal violence.
Maharashtra	Demolition of a part of actor-turned-politician Kangana Ranaut’s bungalow in Pali Hill in Mumbai, after her controversial comments comparing the city to Pakistan-occupied Kashmir (POK).
Delhi	Bulldozer justice in North West Delhi’s Jahangirpuri, in April 2022, following the communal clashes.
Assam	June 16, authorities cleared over 1,500 <i>bighas</i> of land in Hasila Beel.

¹⁰ Forced Evictions in India, 2022 & 2023, https://hlnr.org.in/documents/Forced_Evictions_2022_2023.pdf.

¹¹ Lawrence Booth, ‘Adityanath: Yogi Adityanath’s Bulldozers Gives BJP Mobility Through Tough UP Election’ (Verve Times, 2 March 2022).



Supreme Court on Bulldozer Justice

Several Indian courts have highlighted the necessity of giving prior notice before carrying out any demolition activity. In a 2010 ruling, the Delhi High Court described the issuance of a show cause notice to the affected party as an essential and mandatory step in the process. The court had specified that “Before the department, i.e., the MCD, passes a demolition order against a party, the service of the show-cause notice on the concerned person is mandated.”¹² The Supreme Court, also, has emphasised the importance of issuing a notice to the owner or occupant of the property before conducting any demolitions. In a judgment passed in 2019, the Supreme Court underscored the need to obey the due procedure for such demolitions by the municipal authorities. In this case, which involved municipal corporations in Maharashtra, the court elucidated that if a building was illegally constructed and the authorities didn’t comply with the procedure for demolishing it, some monetary compensation could be granted.¹³

On June 16, 2022, the SC said that the due process of law must be followed in the demolitions. The UP govt. In an affidavit to the SC on June 22, said that the due process of law was

¹² Bal Kishan Das v Municipal Corporation of Delhi (2010) RSA No.76/1991.

¹³ Krishnadas Rajagopala, ‘Illegal constructions cannot be rebuilt, says Supreme Court’ (The Hindu, 27 October 2019) <https://www.thehindu.com/news/national/illegal-structures-cannot-be-rebuilt-says-supreme-court/article29807634.ece>.

followed.¹⁴ But the process was unjust, unfair and arbitrary. The demolitions in all the states were done selectively in the area where riots had occurred, and most of the demolished houses belonged to riot accused and people from the minority community. UP has one of the country's highest defence, railway and forest land areas under encroachment.¹⁵

The Supreme Court of India has expressed a legitimate and widespread concern about the use of the bulldozer as a form of punishment in raising questions about the legality of demolishing alleged offenders' homes. States now have the targeted demolition of Muslim homes as a part of their governance model. If the Court can end the impunity that these extra-legal actions are used by those in power, it would be a genuine intervention. Justice B.R. Gavai, leading a Division Bench with Justice K.V. Viswanathan, said that the law actually does not allow a person's home to be demolished simply because they are accused in a case. This is even true in the case of a convict. The judiciary cannot ignore the political symbolism that the bulldozer has acquired as an instrument of collective punishment on those who are deemed to be rioters by the authorities. There have been cases where the homes of the identified perpetrators have been demolished without because the rest of the family may have been involved in the crime. However, the Bench has stated that it would simplify the process for action against encroachment and unauthorised constructions because local laws allow removal of these structures. Justice Viswanathan's observations may include how unauthorized structures are to be identified, notices sent to those involved, and a fair hearing given to them before any action is taken.¹⁶

In *UP Avas Evam Vikas Parishad & Anr v. Friends Coop. Housing Society Ltd.*¹⁷ The SC declared that the right to shelter is a fundamental right assured in Article 19(1)e and Article 21. The same was reiterated by Allahabad HC, as recent as 2019, in *Rajesh Yadav v. State of UP.*¹⁸ The right to private property is a constitutional right guaranteed under Article 300A¹⁹ Of India's Constitution. It provides that no person can be deprived of their property without the authority

¹⁴ ANI, Demolitions of properties in UP followed due process, not action against rioters: UP govt tells SC, <https://theprint.in/india/demolitions-of-properties-in-up-followed-due-process-not-action-against-rioters-up-govt-tells-sc/1007233/>.

¹⁵ Indiatat-focused on facts, <https://www.indiatat.com/Home/DataSearch?Keyword=Land%20Encroachment>.

¹⁶ Breakdown of Rule of Law in Matter of Demolition as to Defeat Natural Justice: Retributive Justices as to Bulldozer Justice, *International Journal for Multidisciplinary Research*, <www.ijfmr.com>.

¹⁷ *UP Avas Evam Vikas Parishad & Anr v. Friends Coop. Housing Society Ltd*, 1996 AIR 114, 1995 SCC (3) 456.

¹⁸ *Rajesh Yadav v. State of UP*, (2019) 3 UPLBEC 1853.

¹⁹ Constitution of India. 1950. Art.300A.

of law. In *K.T. Plantation (P) Ltd. v. State of Karnataka*,²⁰ The court observed that under the mandate of Article 300A, the State can only deprive a person of the right to property if it is for a public purpose and the right to compensation is fulfilled, thereby reiterating that the right to compensation is an inbuilt part of Article 300A.

The right to property under Article 300-A of the Constitution of India is not only constitutional or legal but also an essential human right. Article 300A stipulated that “No person shall be deprived of his property save by the authority of the law.”²¹ Even Justice K. Chandru, the former Madras High Court judge, came forward to respond to the act of Demolition of houses. He said, “Article 300A is a potent right. He said demolitions were a product of the politicisation of the bureaucracy.” Justice Chandru said, “acts like demolition were a nuclear button held against problem creators. It is like cause and effect. If these people have violated building laws, give them a chance to be heard, and give them notice... Immediate demolitions without court orders hark back to the Emergency days.”²²

It is a fact that the state is not obliged to provide housing to the entire population and that people cannot force the government to provide housing. But, it must be noted that the state has a duty to protect the fundamental right to shelter under Article 21, and rehabilitation has to be done. In a recently celebrated judgement of *Abdul Mateen Siddiqui v. Union of India*, the SC stayed the Uttarakhand HC’s order to evict 50,000 people, even with the use of force, from encroached railway land in Haldwani. The top court said that people live there for 60-70 years, and rehabilitation needs to be made. Even in cases where no rights exist at all, rehabilitation must be there. The judgment acknowledged a human angle in the issue and said that force cannot be used to evict people. Further, the court sought rehabilitation under existing schemes in the state.²³ In Uttar Pradesh, the UP-Slum Areas (Improvement & Clearance) Act, 1962²⁴ Provides for the rehabilitation of slum dwellers, and yet, no provisions for rehabilitation were made before the forced evictions.

²⁰ *K.T. Plantation (P) Ltd. v. State of Karnataka*, 2002 SCC OnLine Kar 380, <https://www.sconline.com/blog/post/2022/06/07/written-instrument-relinquishment-consideration-compensation-supreme-court-article-300a-property-rights-law-legal-updates-research-news/>.

²¹ *Ibid.*

²² Krishnadas Rajagopal, ‘Demolition drives may challenge the rule of law’ (The Hindu, 15 June 2022) <<https://www.thehinducoin/nrs/national/demolition-drives-in-up-may-challenge-basic-tenets-of-law/artice65529672.ece>.

²³ SC Order in Haldwani case: What the apex court said on Uttarakhand HC ruling, <https://indianexpress.com/article/explained/sc-order-in-haldwani-uttarakhand-hc-ruling-8363281/>.

²⁴ Uttar Pradesh Slum Areas (Improvement & Clearance) Act, 1962, No.18, Acts of UP State Legislature, 1962(India).

In August 2022, in the case of *Shakarapur Slum Union v. DDA*, a single-judge bench led by Justice Subramonium Prasad at the Delhi High Court ruled that the Delhi Development Authority cannot use “a bulldozer at their doorstep early in the morning or late at night” to evict people who are allegedly encroaching without first giving them notice. It was pointed out to the court that a Jhuggi resident is often seen desperately trying to save their few belongings and any paperwork that might prove they live in that area when a digger shows up at their door.²⁵

From September 2024 on, a division bench made up of J. Gavai and K.V. Viswanathan was making decisions about the complaints against bulldozer demolitions. The lawsuit, which had been pending since 2022, was finally heard after urgent requests were made to the Supreme Court. The bench said that state officials’ use of bulldozers to destroy property undermined the power of the judiciary by essentially deciding who is guilty and punishing them. Because of this, it made the separation of powers less effective. Justice Gavai said that the demolitions by bulldozers went against natural justice, violated the right of citizens to shelter, and punished the accused’s family as a whole.²⁶

On 13 November 2024, the apex court of India delivered a landmark judgment in *In Re: Directions in the matter of demolition of structures*,²⁷ addressing the important injustice being caused to individuals through government-sanctioned punitive bulldozer demolitions. In its ruling, the Supreme Court of India highlighted the violation of fundamental rights to shelter, life and liberty, and to fair trial of the aggrieved parties, and breach of principles of natural justice caused due to arbitrary actions taken by the Government, avoiding the due process of law. It also highlighted the right of individuals to live with dignity, to be protected from cruel treatment, and to face punishment only as permitted by law. The reference was made to the presumption of innocence in criminal law, which states that no accused person can be deemed guilty unless their guilt is proven beyond a reasonable doubt in a court of law. The Supreme Court has issued guidelines for issuing orders of demolition of any structure and held that non-compliance with these guidelines will amount to contempt of court.

²⁵ Breakdown of Rule of Law in Matter of Demolition as to Defeat Natural Justice: Retributive Justices as to Bulldozer Justice, *International Journal for Multidisciplinary Research*, Vol.7, Issue 3, p 10.

²⁶ Breakdown of Rule of Law in Matter of Demolition as to Defeat Natural Justice: Retributive Justices as to Bulldozer Justice, *International Journal for Multidisciplinary Research*, Vol.7, issue 3, p 7.

²⁷ When Bulldozer Justice Breeds Injustice: Indian Supreme Court Curtails Arbitrary Demolitions, <https://ohrh.law.ox.ac.uk/when-bulldozer-justice-breeds-injustice-indian-supreme-court-curtails-arbitrary-demolitions/>.

Directions Passed by the Supreme Court

In November 2024, the Supreme Court, through a bench headed by Justice B.R. Gavai, issued sweeping **pan-India guidelines** to curb “instant bulldozer justice.” The ruling mandates:

Due process of law: The Supreme Court underscored that even if an individual is convicted of a heinous offence, the state cannot demolish their house without following due process. “Right to shelter is a fundamental right and it cannot be violated arbitrarily,” a bench comprising Justices BR Gavai and KV Viswanathan asserted.

Separation of powers: The judgment reinforced the separation of powers, noting that adjudicatory functions are reserved for the judiciary, and the executive must not overstep its authority by assuming the role of the judiciary. “The executive cannot become judge and declare a person guilty,” Justice Gavai said

Protection against collective punishment: The Supreme Court drew attention to the fact that demolishing a family home because one member is accused of a crime amounts to collective punishment, which is Impermissible in law. “A house is not just a property but a shelter for the entire family,” the bench noted. Before proceeding with demolition, the state must assess whether such an extreme measure is justified, considering its impact on the family, including women and children.

Mandatory notice period: The court mandated a minimum 15-day notice period for occupants to respond to allegations of illegal structures. This notice must be delivered via registered post and displayed on the outer portion of the house. If no response is received, the state may proceed with the demolition, but it must be documented through videography.

Compensation for arbitrary actions: If houses are demolished without adhering to legal procedures, the families affected will be entitled to compensation. Additionally, officers responsible for such arbitrary actions would face legal proceedings. Justice Gavai emphasised, “Public officials who take the law into their hands and act in such a high-handed manner must be fastened with accountability.”

Restitution and accountability: Justice Gavai declared that violations of these guidelines would result in departmental proceedings against responsible officials, who would also face

contempt of court and may have to pay costs from their salaries. “Our constitutional ethos does not permit any such abuse of power,” he said, emphasising the need for public trust and accountability in state actions.

Compliance and implementation: To ensure adherence to these guidelines, the Supreme Court has instructed that the norms be circulated among all states and Union territories. “The states are required to issue circulars to all District Magistrates outlining these procedures. A digital portal for filing and viewing demolition notices must be set up within three months to increase transparency.”²⁸

Criticisms of bulldozer justice

- i) Violation of Rule of Law:** When bulldozers are used to demolish buildings without following proper legal procedures, it weakens the rule of law and goes against the basic principles of fairness that should guide government actions. Such actions include demolitions conducted without providing adequate prior notice or an opportunity for affected persons to present their case. In the case of *S.R. Bommai v. Union of India*²⁹ the court emphasised that the rule of law is the essence of the Constitution, bringing state actions within lawful frameworks.
- ii) Violation of Fundamental Rights:** The rushed practice of using bulldozers to demolish private homes violates the Right to Shelter, which is considered an essential part of the Right to Life protected under Article 21 of the Indian Constitution. In the case of *Puttaswamy v. Union of India*³⁰ The Supreme Court said that fundamental rights should be understood in ways that align with international human rights law.
- iii) Presumption of Innocence:** Demolishing the properties of individuals accused of crimes undermines the principle of being presumed innocent until proven guilty.
- iv) Targeting of Minorities:** Several reports highlight the selective targeting of minority communities, especially Muslims, by the use of bulldozer demolitions. For

²⁸ Demolition of Properties: Why Supreme Court declared ‘Bulldozer Justice illegal, Times of India (Nov 13,2024) <https://timesofindia.indiatimes.com/india/demolition-of-properties-why-supreme-court-declared-bulldozer-justice-illegal/articleshow/115242950.cms>.

²⁹ *S.R. Bommai v. Union of India*, 1994 SCC (3)1.

³⁰ *Puttaswamy v. Union of India*, (2017) 10 SCC 1, AIR 2017 SC 4161.

example, Amnesty International reported that 128 properties, mostly owned by Muslims, were demolished between April and June 2022, affecting 617 people.

- v) **Encouraging Authoritarianism:** Critics argue that bulldozer actions represent a shift toward authoritarianism, with authorities using it as a tool of political retribution.

- vi) **Ethical Issues:** Bulldozer justice mixes up the roles of judge, jury, and executioner, which goes against the basic constitutional idea that these powers should stay separate. It also raises serious moral concerns because the punishment often ends up being unfair and affects innocent family members of the accused.

The demolitions carried out under the idea of “Bulldozer Justice,” without offering any rehabilitation, show a clear disregard for international law and damage India’s reputation worldwide. In states like Uttar Pradesh, Madhya Pradesh, Karnataka, Gujarat, Haryana, Goa, and Delhi, many politicians have used this approach to project a strongman image. Whenever violence involves people from minority communities, the authorities often bring in bulldozers and demolish their homes, claiming it is part of an “anti-encroachment drive.”³¹ Six former Supreme Court and High Court judges, including Sudarshan Reddy and A.K. Ganguly, along with senior advocates such as Prashant Bhushan and Indira Jaisingh, wrote to the Supreme Court urging that bulldozer demolitions represent a form of collective extra-judicial punishment by the state, which is supported by various legal analyses and reports covering judicial criticism and actions regarding such demolitions in India. These sources highlight strong condemnation from the judiciary and legal community, calling out the punitive and extra-judicial nature of these acts, which bypass due process and violate fundamental rights.³²

Arguments in Favour of Bulldozer Justice

- i) **Legal Compliance:** State governments argue that their measures align with municipal laws dealing with illegal constructions. For example, the Uttar Pradesh government cites the U.P. Municipal Corporation Act and the U.P. Urban Planning and Development Act as the governing legal provisions.

³¹ “BULLDOZER JUSTICE: AN ANALYSIS INTO THE RULE OF LAW IN INDIA, Indian Journal of Law and Legal Research”, Vol 5, Issue 1, p 13.

³² The Hindu Bureau, Former Judges write to Supreme Court against U.P. demolitions.

- ii) **Deterrence Against Crime:** Governments contend that carrying out demolition acts as an effective deterrent to unlawful activities and aids in upholding public order.
- iii) **Restoration of Law and Order:** In states such as Haryana, authorities defend the use of bulldozer actions as essential measures to reestablish peace and stability following incidents of communal unrest, like the clashes in Nuh.
- iv) **Non-Discriminatory:** Authorities assert that these demolitions are not aimed at any specific community, including properties owned by Hindus, such as in Madhya Pradesh.
- v) **Public Demand:** Supporters claim that the use of bulldozers reflects public demand for prompt and noticeable measures against criminals.”³³

CONCLUSION

The bulldozer justice system harms the hopes and means of living not only for poor and middle-class minorities in states ruled by the BJP but also affects people across different social, political, religious, and cultural backgrounds. It destroys anyone viewed as a political opponent or as part of revenge politics, using state power unfairly to achieve political gains. The use of municipal and civic laws to justify demolition drives for political purposes is a clear example of majoritarian harassment. The punishment imposed on the accused is excessively harsh and violates the principles of natural justice and the rule of law. Municipal authorities must be held accountable for their arbitrary exercise of power and must not act in an autocratic manner. Given the political executive's disregard for judicial principles, it is imperative for the judiciary to intervene and enforce the crucial principle of "checks and balances" to protect democratic governance in India.

The only effective remedy to address the issue of bulldozer justice in India is judicial intervention. As the guardian of the Constitution, the judiciary must recognise that demolitions carried out as acts of retaliation, prejudice, or political expediency undermine the rule of law and violate constitutional principles. It is essential to check the executive's overreach and hold

³³ Bulldozer Justice in India: Supreme Court Ruling, Demolitions, Controversy & Way Forward, <<https://tarunias.com/exams/upsc-notes/bulldozer-justice-in-india/>>.

accountable those who engage in extrajudicial actions, ensuring that such abuses of power are prosecuted in accordance with the law. In the well-known Habeas Corpus case, the then Attorney General, Niren De, argued that the courts could do nothing even if someone's life was taken away according to the law. The majority of judges held that a writ petition could not be used to question the validity of a presidential order. Justice H.R. Khanna, displaying his utmost bravery and honesty, gave a dissenting opinion and said that, "The Constitution and the laws of India do not permit life and liberty to be at the mercy of the absolute power of the Executive... What is at stake is the rule of law. The question is whether the law speaking through the authority of the court shall be silenced and rendered mute..."³⁴

The Supreme Court's strong criticism of bulldozer justice represents a landmark moment in India's constitutional law. By declaring that executive actions must be conducted within legal and fair limits, the Court has reinforced the importance of due process and judicial control. The guidelines issued not only restrict state overreach but also promote governance that is accountable, transparent, and protective of fundamental rights. This ruling stands as a firm reaffirmation of justice, fairness, and the constitutional protection against arbitrary actions by the state.

³⁴ Additional District Magistrate, Jabalpur v. S. Shukla, 1978 SC 803 (14), 1982 SC 710 (35).