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“BULLDOZER JUSTICE AND CONSTITUTIONALISM IN INDIA: EXAMINING PUNITIVE DEMOLITIONS, HUMAN RIGHTS AND THE RULE OF LAW”

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Abstract

*The increasing use of demolition drives by state and municipal authorities against properties belonging to persons accused of criminal offences has raised serious concerns regarding the rule of law, constitutionalism, and the protection of human rights in India. Commonly described as “bulldozer justice”, the practice involves the use of municipal and town planning laws to demolish residential and commercial structures in circumstances where the timing and manner of enforcement may suggest that demolition is being employed as a form of punishment rather than as a legitimate regulatory measure. This paper examines the constitutional and legal implications of such punitive demolitions within the domestic Indian legal framework. It analyses the impact of the practice on Articles 14, 21 and 300A of the Constitution, particularly the rights to equality, shelter, livelihood and property, while also examining the principles of natural justice, proportionality, separation of powers and the prohibition against collective punishment. The paper further examines the manner in which municipal legislation, with particular reference to the Madhya Pradesh Municipal Corporation Act, 1956, may be invoked as a statutory justification for demolition and the procedural safeguards that constrain the exercise of such powers. It critically analyses the Supreme Court’s decision in *In Re: Directions in the Matter of Demolition of Structures* (2024), including its mandatory requirements concerning notice, hearing, reasoned orders, waiting periods and accountability of public officials. The paper also considers the emerging jurisprudence on public law compensation and State liability for unlawful demolitions. It argues that municipal regulatory powers cannot be transformed into instruments of extra-judicial punishment and that effective constitutional safeguards require not only procedural compliance but also meaningful mechanisms for restitution, compensation and personal accountability.*

1. INTRODUCTION

The constitutional framework of India is predicated on the supremacy of the rule of law. The rule of law mandates that state action must invariably be governed by established legal procedures and not by the arbitrary or retaliatory discretion of the executive branch. In recent years, a highly controversial administrative practice has emerged across various Indian states, fundamentally challenging this constitutional bedrock. State authorities and local municipal bodies have increasingly resorted to the rapid demolition of residential and commercial structures belonging to individuals who are merely accused of criminal offenses. This practice has generated widespread debate regarding the erosion of constitutionalism, the subversion of the criminal justice system, and the violation of fundamental human rights.

The executive invariably justifies these demolitions by citing local municipal building codes, claiming that the targeted structures are unauthorized or constitute illegal encroachments. While the enforcement of municipal planning regulations is an essential and legitimate administrative function, the factual matrix surrounding these demolitions reveals a different reality. The sudden and selective execution of building laws immediately following criminal allegations, public protests, or communal disturbances indicates a colourable exercise of power. The municipal statutes are effectively utilized as a facade to dispense swift, extra-judicial punishment, thereby eliminating the necessity of a criminal trial and judicial adjudication.

The present research paper conducts an exhaustive examination of the legal and human rights implications of these punitive demolitions strictly within the domestic constitutional framework of India. The paper is structured to analyze the phenomenon conceptually before dissecting the specific constitutional violations under Articles 14, 21, and 300A. It subsequently scrutinizes the conflict between the statutory provisions of municipal laws, such as the Madhya Pradesh Municipal Corporation Act of 1956, and the limits of executive power. Finally, the research evaluates the judicial solutions provided by the Supreme Court of India in its landmark 2024 guidelines and explores the evolving jurisprudence surrounding the tortious liability of the State for unlawful demolitions.

1.1. RESEARCH QUESTIONS, SCOPE AND METHODOLOGY

This paper addresses three questions. First, can the demolition of premises because an occupant is accused or convicted of an offense be reconciled with Articles 14, 21 and 300A and with the separation of powers? Second, how do municipal statutes, illustrated by the Madhya Pradesh Municipal Corporation Act, 1956, serve as the legal pretext for such action? Third, do the

Supreme Court's 2024 directions and the related jurisprudence on public law compensation provide a remedy that is enforceable and capable of deterring recurrence? The methodology is doctrinal: the Constitution¹ and the 2024 judgment in its official text² are the primary sources, while press reports supply context and are treated as allegations unless a court has made a finding. The law is stated as on 30 September 2026, and conclusions on implementation are provisional.

2. DEFINITION OF THE PHENOMENON AND FACTUAL CONTEXT

To legally analyze the implications of arbitrary property destruction, the administrative phenomenon must be defined with precision. Legal scholars and civil rights observers have termed this practice "punitive domicile" or "bulldozer justice".³ The practice involves the deployment of heavy machinery by the state to raze buildings immediately after the registration of a First Information Report (FIR) against a resident of the property.⁴

The defining characteristic of this phenomenon is the substitution of procedural norms with populist legitimacy. State leaders and administrative officials justify the demolitions as a display of strong governance and a stringent measure against criminality.⁵ This alignment of executive action with retributive populism erodes institutional norms and normalizes state violence against private property.

A critical element of this phenomenon is the imposition of collective punishment. A residential dwelling is rarely occupied solely by an accused individual. Homes shelter entire families, including children, women, and the elderly, who have no connection to the alleged criminal acts.⁶ When the state demolishes a shared home, it inflicts immediate homelessness and severe socioeconomic trauma upon innocent dependents. Imposing penalties on an entire family for the suspected transgressions of one member breaches the fundamental tenets of equity. The Supreme Court has noted that a house represents the collective hopes of a family and that collective punishment is entirely alien to Indian criminal law.⁷

¹ Constitution of India 1950.

² *In Re: Directions in the Matter of Demolition of Structures* 2024 INSC 866 (SC, 13 November 2024) <https://api.sci.gov.in/supremecourt/2022/12239/12239_2022_2_1501_57147_Judgement_13-Nov-2024.pdf>.

³ 'Bulldozer justice: punitive populism in India' (The Loop, ECPR) <<https://theloop.ecpr.eu/bulldozer-justice-punitive-populism-in-india/>>.

⁴ "'Bulldozer Justice': Instant Punishment vs. The Rule of Law' (Ajmal IAS Academy) <<https://ajmaliasacademy.in/bulldozer-justice-instant-punishment-vs-the-rule-of-law/>>.

⁵ 'Bulldozer justice: punitive populism' (n 3).

⁶ 'Bulldozer Justice: Instant Punishment' (n 4).

⁷ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (Dhyeya Law) <<https://www.dhyeyalaw.in/in-re-directions-in-the-matter-of-demolition-of-structures-2024-insc-866>>.

The demographic and sociological context of these demolitions further exposes the severity of the human rights violations. The events in Jahangirpuri, Delhi, provide a stark illustration. Jahangirpuri is home to a dense population of resettlement colonies, housing daily wage earners, informal traders, and a large population of Bengali Muslim migrants who were historically relocated by the Delhi Development Authority during the urban renewal drives of the 1970s.⁸ Following communal disturbances, the municipal authorities launched sudden demolition drives in the area, targeting the structures of these marginalized groups.⁹

Similar patterns have been observed in Madhya Pradesh. In Ujjain, local authorities conducted demolition drives that affected minority communities under the garb of road widening for the Simhashta 2028 festival, leading to the destruction of residential homes and commercial shops.¹⁰ In Khandwa and Khargone, the state demolished properties following criminal allegations against the residents, citing minor building code violations as the legal justification.¹¹ These factual scenarios demonstrate how municipal law is selectively weaponized to inflict punitive damage without judicial oversight.

3. LEGAL ISSUE: THE INFRINGEMENT OF CONSTITUTIONAL RIGHTS

The legality of state action in India is tested strictly on the anvil of Part III of the Constitution. Extra-judicial demolitions implicate several core fundamental rights. The executive's reliance on municipal bylaws cannot override the constitutional guarantees provided to citizens.

3.1. RIGHT TO LIFE, SHELTER, AND LIVELIHOOD (ARTICLE 21)

Article 21 of the Constitution declares that no person shall be deprived of their life or personal liberty except according to the procedure established by law.¹² Since the landmark judgment in *Maneka Gandhi v. Union of India* (1978), the Supreme Court has clarified that the "procedure established by law" must be just, fair, and reasonable, incorporating the principles

⁸ 'Punitive domicile: bulldozer justice and punishment in India' (Taylor & Francis Online) <<https://www.tandfonline.com/doi/full/10.1080/09584935.2026.2656215>>.

⁹ Ibid.

¹⁰ 'Ujjain's Simhashta 2028 road-widening drive will partially demolish...' (Facebook, spotnewsmedia) <<https://www.facebook.com/spotnewsmedia/posts/ujjains-simhashta-2028-road-widening-drive-will-partially-demolish-the-shahi-mas/1033309566428037/>>.

¹¹ 'MP HC slams demolition: "Fashionable to demolish houses without..." (Millennium Post) <<https://www.millenniumpost.in/big-stories/mp-hc-slams-demolition-fashionable-to-demolish-houses-without-due-process-551636>>.

¹² Constitution of India 1950, art 21.

of procedural due process.¹³ Furthermore, the scope of Article 21 has been vastly expanded to encompass rights necessary for a dignified human existence.

A pivotal development occurred in *Olga Tellis v. Bombay Municipal Corporation* (1985), where a Constitution Bench of the Supreme Court affirmed that the right to life includes the right to livelihood, a principle that later decisions extended to the right to shelter.¹⁴ The destruction of a home constitutes the annihilation of an individual's security, privacy, and socioeconomic stability.¹⁵ When municipal authorities demolish residential premises without due process, they directly violate the right to shelter guaranteed by Article 21.¹⁶

The courts have repeatedly emphasized that this fundamental right can only be curtailed through a procedure that affords the affected party a meaningful opportunity to be heard.¹⁷ Sudden, punitive evictions fail this constitutional test. By providing notices of merely 24 to 48 hours, or by backdating notices, the state denies citizens adequate time to arrange alternative accommodations or approach a judicial forum to challenge the administrative order. This renders the executive action procedurally arbitrary and substantively unconstitutional.

The doctrinal lineage of the right to shelter should be stated precisely. In *Olga Tellis*, a Constitution Bench treated livelihood as part of the right to life and held that the discretion to remove encroachments with or without notice must be exercised reasonably.¹⁸ The shelter dimension was elaborated in *Chameli Singh v. State of U.P.*, (1996) 2 SCC 549, and the 2024 bench relied on it to hold that the right to shelter is a facet of Article 21.¹⁹

3.2. EQUALITY AND NON-DISCRIMINATION (ARTICLE 14)

Article 14 guarantees equality before the law and equal protection of the laws within the territory of India.²⁰ This article acts as a primary safeguard against state arbitrariness and discriminatory treatment. In the context of punitive demolitions, the violation of Article 14 is highly prominent due to the selective targeting of properties.²¹

Municipal violations, such as unauthorized constructions, setback deviations, and illegal balconies, are pervasive across Indian urban landscapes. However, enforcement actions are

¹³ 'Right to Freedom' (StudyOAS) <https://www.studyoas.in/subject_notes_details.php?id=92>.

¹⁴ 'Bulldozer Justice' (Drishti IAS) <<https://www.drishtiiias.com/daily-updates/daily-news-analysis/bulldozer-justice-2>>.

¹⁵ 'Bulldozer justice: punitive populism' (n 3).

¹⁶ 'Bulldozer Justice: Instant Punishment' (n 4).

¹⁷ 'Right to Freedom' (n 13).

¹⁸ *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545 (SC) <<https://main.sci.gov.in/jonew/judis/9246.pdf>>.

¹⁹ *In Re Directions* (n 2).

²⁰ Constitution of India 1950, art 14.

²¹ 'Bulldozer Justice' (n 14).

rarely uniform. When authorities ignore widespread zoning violations in a particular jurisdiction but rapidly mobilize heavy machinery to demolish the property of a specific individual immediately following their implication in a criminal case, the state action demonstrates blatant malice.²²

The failure of the state to apply building regulations uniformly degrades public trust. It proves that the municipal law is not being utilized for its statutory purpose of urban planning but is instead being weaponized against specific individuals or dissenting communities.²³ This selective application of the law violates the equal protection clause, rendering the demolitions discriminatory and void *ab initio*.

3.3. THE RIGHT TO PROPERTY (ARTICLE 300A)

Following the 44th Constitutional Amendment Act of 1978, the right to property ceased to be a fundamental right but was retained as a robust constitutional right under Article 300A.²⁴ Article 300A mandates that no person shall be deprived of their property save by the authority of law. This provision requires the state to possess explicit and valid statutory backing before interfering with private property rights.²⁵ This provision requires the state to possess explicit and valid statutory backing before interfering with private property rights.

In executing extra-judicial demolitions, the state often relies on unilateral revocations of previously granted building permissions or hastily issued demolition notices. The Madhya Pradesh High Court, in the case of *Smt. Manju Chawla v. Indore Municipal Corporation* (2026), explicitly held that the unilateral revocation of a validly granted building permission without concrete proof of fraud violates the protections of Article 300A.²⁶ The constitutional protection against the arbitrary deprivation of property necessitates a fair administrative hearing, an objective assessment of the alleged violations, and a proportionate response. The deprivation of property based on extraneous factors, such as pending criminal investigations against the owner's relatives, directly contravenes Article 300A.

“Authority of law” in Article 300A demands a valid law and compliance with the conditions that the law itself prescribes. In *Vidya Devi v. State of Himachal Pradesh* (2020), the Supreme Court held that the State cannot appropriate property without due process, confirming that the

²² ‘Directions in the Matter of Demolition of Structures (2024 INSC 866)’ (n 7).

²³ ‘Bulldozer Justice’ (n 14).

²⁴ Constitution of India 1950, art 300A.

²⁵ ‘Bulldozer Justice’ (n 14).

²⁶ *Smt Manju Chawla and others v Indore Municipal Corporation* (MP HC, 2026) <<https://www.verdictum.in/madhya-pradesh-high-court/smt-manju-chawla-and-others-v-indore-municipal-corporation-2026mpHC-ind15157-article-300-a-1615311>>.

right to property, though no longer fundamental, remains a constitutional and human right.²⁷ A municipal statute supplies authority of law only for a demolition that satisfies its own notice, hearing and reasoning requirements.

3.4. VIOLATION OF THE SEPARATION OF POWERS

The Indian Constitution is structured upon the doctrine of separation of powers, which divides state authority among the legislature, the executive, and the judiciary.²⁸ Under this constitutional framework, the judiciary possesses the exclusive mandate to determine criminal guilt and prescribe punishment. The executive branch is tasked solely with law enforcement and civic administration.

When the executive utilizes property demolition as a punitive measure against an accused individual, it brazenly usurps the adjudicatory functions of the judiciary.²⁹ The Supreme Court has sternly observed that the executive cannot simultaneously act as judge, jury, and executioner.³⁰ Punishing citizens by destroying their assets prior to a trial subverts the constitutional sequence of law enforcement (Allegation, Investigation, Adjudication, and Punishment) and replaces the rule of law with vigilante governance.³¹ This encroachment upon judicial functions represents a severe constitutional anomaly that destabilizes the democratic structure of the State.

3.5. ARBITRARINESS, PROPORTIONALITY AND THE PRESUMPTION OF MALICE

Articles 14 and 21 also impose a substantive limit on state power. Arbitrariness is the antithesis of equality (*E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3), and the proportionality test of *Modern Dental College v. State of Madhya Pradesh*, (2016) 7 SCC 353, requires that a limitation on a protected right serve a proper purpose, be rationally connected to it, be necessary in the absence of a less restrictive alternative, and strike a proper balance. In 2024 the Court applied this test to municipal law: where a structure is compoundable or only partly unauthorized, demolition of the whole is disproportionate.³²

The judgment's most consequential evidentiary innovation concerns motive. Where authorities

²⁷ *Vidya Devi v State of Himachal Pradesh* (SC, 8 January 2020), discussed in 'Private property is a human right, Supreme Court of India rules' (International Bar Association) <<https://www.ibanet.org/article/8ACE8895-4C4D-4D31-859D-F5B911397E04>>.

²⁸ 'Polity' (Vision IAS) <https://cdn.visionias.in/value_added_material/9c545-polity.pdf>.

²⁹ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (n 7).

³⁰ 'Bulldozer Justice' (n 14).

³¹ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (n 7).

³² *In Re Directions* (n 2).

pick and choose one structure among many similarly situated ones, and the occupant was found to be involved in a criminal case shortly before the action began, a rebuttable presumption arises that the real motive was to penalize the accused without trial, and the authorities must satisfy the court otherwise.³³ A petitioner can thus show the proximity between the FIR and the notice, and the comparable structures left untouched.

4. LEGAL ISSUE: THE STATUTORY SMOKE SCREEN AND MUNICIPAL LAWS

To execute these demolitions, state governments invoke local municipal and town planning acts to maintain a facade of legality. A critical examination of these statutes, particularly the Madhya Pradesh Municipal Corporation Act of 1956, reveals how administrative powers are manipulated to bypass procedural safeguards.

4.1. SECTION 307 OF THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956

Section 307 of the 1956 Act grants the Municipal Commissioner the authority to issue notices and demolish buildings erected without proper sanction, in contravention of building bylaws, or on unauthorized land.³⁴ Subsection (2) of Section 307 empowers the authorities to require the owner to alter or demolish the offending structure.³⁵

On paper, these provisions represent standard administrative regulations necessary for urban management. However, statutory jurisprudence dictates that the power to demolish must be exercised fairly. Section 307 proceedings mandate a valid show-cause notice detailing the specific structural violations and affording the affected party a reasonable opportunity to respond. For a reply, vitiate the entire demolition process³⁶ The courts have consistently held that vague notices, or notices issued without granting adequate time for a reply, vitiate the entire demolition process.³⁷ Despite these statutory limitations, municipal authorities frequently execute demolitions within 24 to 48 hours of issuing a notice, effectively denying

³³ Ibid.

³⁴ *Sukhraj Singh v State of MP* (Casemine) <<https://www.casemine.com/judgement/in/6621905715f484623c284351>>.

³⁵ 'Power of Municipal Corporation to Demolish Unauthorized...' (Supreme Today) <<https://supremetoday.ai/issue/section-307-2-municipal-corporation-act-demolition-unauthorized-constructions>>.

³⁶ Ibid.

³⁷ Ibid.

the property owner their statutory right to file a reply or seek an injunction.³⁸

The procedural complexities of Section 307(5) have also been heavily litigated. The provision allows the District Court to entertain applications for injunctions against the Municipal Corporation. The Madhya Pradesh High Court has clarified that under Section 307(5), an aggrieved party can move the District Court to seek relief against arbitrary municipal action, and courts possess the power to grant interim injunctions under Order 39 Rules 1 and 2 of the Code of Civil Procedure.³⁹ By executing demolitions immediately after pasting notices on the property walls, the executive deliberately frustrates the citizen's right to access these statutory judicial remedies.

4.2. THE DOCTRINE OF DEEMED PERMISSION

The concept of "deemed permission" under municipal law further complicates the legality of arbitrary demolitions. Under Section 295(3) of the Madhya Pradesh Municipal Corporation Act, if the competent authority fails to process and communicate a decision on a building application within thirty days, the permission is legally deemed to have been granted.⁴⁰

While deemed sanction does not immunize a property from all subsequent regulatory checks, it creates a strong presumption of legality that prevents immediate demolition.⁴¹ Property owners hold the right to seek permanent injunctions against municipal authorities to protect structures built under deemed sanction, provided they did not violate core zoning bylaws.⁴² The hasty execution of punitive demolitions completely ignores the protections afforded by deemed permissions, exposing a systemic disregard for the statutory rights vested in property owners.

4.3. THE STATUTORY MANDATE FOR COMPOUNDING OFFENSES

Municipal laws contain specific provisions for the compounding of minor unauthorized constructions. Compounding allows property owners to pay a financial penalty to regularize structural deviations that do not pose a severe public hazard or violate critical zoning alignments.⁴³ Under Rule 12 of the Madhya Pradesh Bhumi Vikas Rules, 2012, authorities have the power to compound deviations up to a certain percentage (commonly 10 percent of

³⁸ 'MP HC slams demolition' (n 11).

³⁹ *Hari Singh v Sushila Devi and another* (MP HC) <<https://www.casemine.com/judgement/in/56b4961b607dba348f016a96>>.

⁴⁰ 'Deemed Sanction Under MP Municipal Corporation Act' (Supreme Today) <<https://supremetoday.ai/issue/permanent-injunction-deemed-sanction-mp-municipal-corporation-act-demolition>>.

⁴¹ Ibid.

⁴² Ibid.

⁴³ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (n 7).

the permissible area).⁴⁴

Administrative action must remain proportional to the alleged breach. Complete demolition is statutorily intended to be the absolute last option, utilized only when the unauthorized structure affects regular building lines, public roads, or poses a danger, and strictly when it cannot be compounded through financial penalties.⁴⁵ In punitive demolition scenarios, the authorities routinely bypass the compounding process. They declare the entire structure illegal and proceed with complete demolition without allowing the owner to rectify the deviations or pay the compounding fees. This failure to exercise the statutory discretion of compounding demonstrates that the objective is not urban compliance but retributive destruction.

4.4. THE PUBLIC-LAND EXCEPTION AND THE RISK OF MISLABELLING

The 2024 directions do not apply to unauthorized structures in public places such as roads, footpaths, railway lines and water bodies, or to demolitions ordered by a court.⁴⁶ The exception is legitimate, but it invites mislabelling: if a structure can be described as an encroachment on public land, the safeguards fall away. In *In Re Manoj Tibrewal Akash*, the State justified a demolition as action against encroachment for road widening, yet the Court found that no notice had been served, that people were merely informed at the site, and that no inquiry had demarcated the alleged encroachment.⁴⁷ The exception is thus a question of fact the authority must prove.

5. SOLUTION: THE 2024 SUPREME COURT GUIDELINES AND TORTIOUS LIABILITY

The escalation of arbitrary demolitions prompted a decisive and historic response from the Supreme Court of India. In addition to the formulation of nationwide procedural guidelines, the evolving jurisprudence surrounding public law compensation provides a comprehensive legal solution to the menace of extra-judicial demolitions.

⁴⁴ *Anand Jewels Indore (P) Ltd v Indore Municipal Corporation* (Casemine) <<https://www.casemine.com/judgement/in/5e97838e4653d048ca2bbf7d>>.

⁴⁵ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (n 7).

⁴⁶ *In Re Directions* (n 2).

⁴⁷ *In Re Manoj Tibrewal Akash* 2024 INSC 863, WP (C) No 1294/2020 (SC, 6 November 2024) <<https://cjp.org.in/bulldozer-justice-sc-orders-rs-25-lakhs-interim-compensation-for-illegal-demolition-by-up-govt-in-2019/>>.

5.1. IN RE: DIRECTIONS IN THE MATTER OF DEMOLITION OF STRUCTURES (2024)

In late 2024, a division bench of the Supreme Court, comprising Justices B.R. Gavai and K.V. Viswanathan, took up a batch of petitions challenging the legality of retributive demolitions across various states.⁴⁸ Exercising its extraordinary constitutional authority to do complete justice under Article 142 of the Constitution, the Supreme Court issued a comprehensive regulatory framework in its final judgment titled *In Re: Directions in the Matter of Demolition of Structures (2024 INSC 866)*.⁴⁹

The judgment constitutes a watershed moment in Indian administrative law. The Court explicitly ruled that procedural fairness is not a matter of executive discretion but a binding constitutional mandate.⁵⁰ The Supreme Court laid down a mandatory multi-stage procedural framework that all municipal authorities must follow before executing the demolition of any permanent structure. The core directives are systematically categorized in Table 1 below, illustrating the transition from arbitrary discretion to strict constitutional accountability.

The batch decided in 2024 comprised writ petitions registered in 2022.⁵¹ In April 2022, on petitions by Jamiat Ulama-i-Hind against punitive demolitions, the Supreme Court had ordered status quo at Jahangirpuri and issued notice to the Union and to Madhya Pradesh, Uttar Pradesh and Gujarat.⁵² After interim orders in September 2024, the judgment of 13 November 2024 examined the rule of law, the separation of powers, public trust, the right to shelter and collective punishment before issuing directions on notice, personal hearing, the final order, time for appellate scrutiny and the conduct of the demolition.⁵³

The Supreme Court included a critical caveat to prevent the misuse of these guidelines. The directives do not apply to unauthorized structures encroaching upon public spaces such as roads, footpaths, railway lines, and water bodies, nor do they apply when a court of law has explicitly ordered the demolition.⁵⁴ This distinction balances the necessity of clearing public infrastructure encroachments with the paramount need to protect established private dwellings from retributive action.

⁴⁸ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (n 7).

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ *In Re Directions* (n 2).

⁵² 'Jahangirpuri Demolition: SC to take serious view of demolitions after Mayor was informed of order' (Sabrang India, 21 April 2022) <<https://sabrangindia.in/jahangirpuri-demolition-sc-take-serious-view-demolitions-after-mayor-was-informed-order/>>.

⁵³ *In Re Directions* (n 2).

⁵⁴ 'In Re: Directions in the Matter of Demolition of Structures' (Clatalogue) <<https://clatalogue.com/in-re-directions-in-the-matter-of-demolition-of-structures>>.

Crucially, the Court attached severe penalties to ensure absolute compliance. Any violation of these 2024 directives invites contempt proceedings in addition to prosecution.⁵⁵ Officials responsible for a demolition carried out in violation of the Court's orders will be held responsible for restitution of the demolished property at their personal cost, in addition to damages, shifting the burden of accountability directly onto individual administrators.⁵⁶ This personal liability clause acts as a powerful deterrent against the execution of politically motivated orders.

5.2. TORTIOUS LIABILITY OF THE STATE AND PUBLIC LAW COMPENSATION

While the Supreme Court guidelines establish procedural safeguards for the future, the legal system must also address the remediation of past wrongs. This is achieved through the framework of constitutional torts and the tortious liability of the State.

Historically, the liability of the State in India was constrained by the archaic doctrine of sovereign immunity. However, modern jurisprudence has firmly discarded this defense when fundamental rights are violated. The concept of *injuria sine damnum* dictates that when there is an infringement of a legal right (*injuria*), the plaintiff can approach the court even if there is no substantial financial loss (*damnum*), because no violation of a legal right should go unredressed.⁵⁷ In the context of property demolitions, there is both *injuria* and massive *damnum*.

The Supreme Court has clarified that the defense of sovereign immunity has no application in the constitutional scheme when dealing with the deprivation of life, liberty, or property under Article 21 and Article 300A.⁵⁸ Furthermore, under the principle of vicarious liability, the State is liable for the tortious acts committed by its servants during the course of their employment. When municipal officers act maliciously, arbitrarily, or outside the bounds of their statutory authority to demolish a structure, the State bears the liability to compensate the victim.⁵⁹

Courts have increasingly utilized their powers under Articles 32 and 226 of the Constitution to award public law compensation for unlawful demolitions. A notable example occurred in a matter involving the Prayagraj Development Authority, where the Supreme Court directed the authority to pay Rs 10 lakhs as costs to the appellants for tearing down a structure without

⁵⁵ 'Directions in the Matter of Demolition of Structures (2024 INSC 866)' (n 7).

⁵⁶ Ibid.

⁵⁷ 'General Principles of Tortious Liability' (Scribd) <<https://www.scribd.com/document/698961636/General-Principles-of-Tortious-Liability-YG-Notes-7391274-2023-10-11-16-46>>.

⁵⁸ 'Law of Torts' (BV Bellad Law College) <<https://bvbelladlawcollege.org/wp-content/uploads/2021/03/Law-of-Torts.pdf>>.

⁵⁹ 'General Principles of Tortious Liability' (n 57).

providing the mandated statutory notice and appeal period.⁶⁰ The Court emphasized that the right to shelter cannot be taken away without following due process, and improper service or rushed actions invite strict judicial backlash and heavy costs.⁶¹

Similarly, the Madhya Pradesh High Court has penalized local bodies for circumventing natural justice. In a writ petition concerning the Ujjain Municipal Corporation, the High Court awarded a compensation of Rs 1 lakh to victims whose houses were partially demolished based on a mere one-day notice.⁶² The court observed the disturbing administrative trend, noting that it had become "fashionable" for local bodies to demolish houses without adhering to the principles of natural justice.⁶³

These judicial pronouncements underscore a critical evolution in Indian administrative law. The remedy for an unlawful demolition is no longer limited to a mere declaration of illegality. The victim holds a substantive right to seek restitution and monetary compensation for the loss of property, mental agony, and the infringement of human rights.⁶⁴ Moreover, the 2024 Supreme Court guidelines explicitly reinforce this by mandating that officers found guilty of violating the procedural directives will be personally liable for the restitution of the demolished property at their own cost, in addition to damages. Liability for erring officers represents the ultimate safeguard against the abuse of executive power.⁶⁵ This transition from state vicarious liability to strict personal liability for erring officers represents the ultimate safeguard against the abuse of executive power.

5.3. COMPENSATION AND ACCOUNTABILITY IN PRACTICE

Two decisions show how these principles operate after a demolition. In *In Re Manoj Tibrewal Akash* (2024 INSC 863), a suo motu matter arising from a journalist's letter, the Court examined the 2019 demolition of his ancestral house and shop in Maharajganj, Uttar Pradesh. A bench led by Chief Justice D.Y. Chandrachud held the process high-handed and without authority of law, directed payment of Rs 25 lakh as interim compensation, and directed the Chief Secretary to act against the officials concerned.⁶⁶ In *Zulfiqar Haider v. State of Uttar Pradesh* (2025

⁶⁰ 'Directions on Demolition of Structures: Protecting Due Process' (Supreme Today) <<https://supremetoday.ai/issue/supreme-court-demolition-notice-hearing-due-process-mandatory-guidelines>>.

⁶¹ Ibid.

⁶² 'MP HC slams demolition' (n 11).

⁶³ Ibid.

⁶⁴ 'Bulldozers and the Supreme Court's demolition verdict' (Bar and Bench) <<https://www.barandbench.com/columns/bulldozers-the-constitution-and-the-supreme-courts-demolition-verdict-resetting-the-legal-terrain>>.

⁶⁵ 'Bulldozer Justice' (n 14).

⁶⁶ *Manoj Tibrewal Akash* (n 47).

INSC 480), a bench of Justices Abhay S. Oka and Ujjal Bhuyan considered the March 2021 demolition of homes in Prayagraj, where the notice was allegedly served by affixation alone and the houses were razed the next day. The Court held the demolition arbitrary and in violation of the right to shelter under Article 21, directed the Prayagraj Development Authority to pay costs of Rs 10 lakh in each appeal, and required it to follow the 2024 directions scrupulously.⁶⁷

5.4. ENFORCEMENT AFTER 2024: CONTEMPT, FORUM AND UNIFORMITY

On 16 July 2026, a bench led by Chief Justice Surya Kant declined to hear a batch of contempt petitions alleging that demolitions had violated the 2024 judgment and remitted them to the concerned High Courts for decision within four months, with interim protection continuing.⁶⁸ The reported reasoning was that such petitions turn on disputed facts and that the directions are not a blanket protection for illegal construction.⁶⁹ The order is defensible, since High Courts are bound by Article 141 to apply the law declared by the Supreme Court.⁷⁰ Commentators note, however, that demolition is irreversible and that the 2024 judgment, unlike the arrest guidelines in *D.K. Basu*, created no local mechanism for policing its own directions, so enforcement may vary from one High Court to another.⁷¹

5.5. CRITICAL APPRAISAL AND PROPOSED REFORMS

The 2024 framework is a substantial achievement, but limitations remain. It is a judge-made code resting on Article 142, overlaying municipal statutes that still contain shorter procedures.⁷² The directions create no standing compensation mechanism, although a claims commissioner was suggested to the Court, the notice, hearing, reasoned-order and waiting-period requirements; a statutory compensation scheme with recovery from erring officials after a hearing; and periodic public reporting of portal data, including whether an occupant is an accused in any pending case.⁷³ and compliance depends on digital portals whose performance is untested at scale. The author proposes three reforms consistent with the reasoning of 2024:

⁶⁷ *Zulfiquar Haider v State of Uttar Pradesh* 2025 INSC 480 (SC, 1 April 2025) <<https://indiankanoon.org/doc/48539545/>>.

⁶⁸ 'Bulldozer demolitions: SC refuses to consider contempt pleas, asks aggrieved to approach HCs' (Kashmir Reader, 17 July 2026) <<https://kashmirreader.com/2026/07/17/bulldozer-demolitions-sc-refuses-to-consider-contempt-pleas-asks-aggrieved-to-approach-hcs/>>; V Venkatesan, 'Bulldozer demolitions | A guideline without a forum' (Supreme Court Observer, 22 July 2026) <<https://www.scobserver.in/journal/bulldozer-demolitions-a-guideline-without-a-forum/>>.

⁶⁹ 'Bulldozer demolitions: SC refuses to consider contempt pleas' (n 68); Venkatesan (n 68).

⁷⁰ Venkatesan (n 68).

⁷¹ Ibid.

⁷² *In Re Directions* (n 2).

⁷³ Ibid.

amendment of municipal statutes, including the Madhya Pradesh Municipal Corporation Act, 1956, to incorporate the notice, hearing, reasoned-order and waiting-period requirements; a statutory compensation scheme with recovery from erring officials after a hearing; and periodic public reporting of portal data, including whether an occupant is an accused in any pending case.

6. CONCLUSION

The practice of extra-judicial punitive demolitions poses one of the most severe challenges to the rule of law, constitutionalism, and human rights in contemporary India. By deliberately conflating municipal zoning regulations with criminal punitive measures, the executive apparatus has frequently bypassed the judiciary, stripping citizens of their fundamental rights to shelter, property, and equality before the law. The weaponization of statutes, such as the Madhya Pradesh Municipal Corporation Act of 1956, demonstrates how administrative discretion can easily devolve into state-sponsored vigilantism when left unchecked by rigorous procedural constraints. The imposition of collective punishment on entire families for the alleged crimes of a single individual marks a dangerous departure from established criminal jurisprudence.

The intervention of the Supreme Court in *In Re: Directions in the Matter of Demolition of Structures (2024)* represents a monumental restorative effort by the judiciary to rein in the executive branch. By invoking Article 142 to lay down an exhaustive, non-derogable procedural framework, the Court has sought to neutralize the ability of municipal authorities to utilize bulldozers as instruments of retributive justice. The mandatory procedural requirements of a fifteen-day notice, personal hearings, reasoned speaking orders, mandatory compounding assessments, and digital transparency re-establish the supremacy of procedural due process.

The developments since November 2024 nevertheless counsel caution. The compensation orders in *Manoj Tibrewal Akash* and *Zulfiquar Haider* show that courts will convert the right to shelter into monetary accountability, but both concerned earlier demolitions, and the July 2026 remission of contempt petitions places first-line enforcement with the High Courts. The durability of the 2024 framework will depend on whether those courts decide enforcement petitions promptly, whether officers' personal-cost liability is actually applied, and whether the digital portals become a genuine public record.

Furthermore, the jurisprudential shift towards awarding public law compensation and imposing personal tortious liability on municipal officers ensures that the state apparatus is held

financially accountable for malicious administrative actions. The prospect of restitution at the officer's personal cost is intended to serve as a strong deterrent against the execution of politically motivated demolition orders.

Ultimately, the defense of human rights requires constant vigilance against executive overreach. The judiciary has provided the constitutional interpretation and the structural statutory safeguards necessary to prevent arbitrary dispossession. It now falls upon the legal community, civil society, and subordinate appellate forums to strictly monitor compliance with these directives, ensuring that the constitutional promise of a fair, just, and equitable society remains a tangible reality for all citizens.

