

Breakdown of Rule of Law in Matter of Demolition as to Defeat Natural Justice: Retributive Justices as to Bulldozer Justice

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Abstract

This paper critically examines the resurgence of retributive justice in modern governance, specifically focusing on the phenomenon popularly termed as "bulldozer justice." It explores its implications for democratic institutions, rule of law, and social. The paper adopts a qualitative research methodology, combining doctrinal legal analysis with case studies from India where executive-led demolition drives have bypassed judicial procedures. Relevant legal frameworks, media reports, and academic literature are analyzed. As we know and let we are about to Findings The study finds that bulldozer justice represents a symbolic and populist form of retributive justice that seeks to deliver instant punishment without due process. While it garners public support, it undermines legal safeguards and disproportionately affects marginalized communities. The research is limited to publicly available data and case laws. It does not involve field interviews or ethnographic research. The findings underline the need for judicial reforms and checks on executive overreach to preserve constitutional governance. The paper highlights the erosion of democratic norms and the danger of normalizing extra-legal punitive measures. This study contributes to a deeper understanding of punitive populism in contemporary politics, coining bulldozer justice as a significant threat to legal rationality and civil liberties.

Keywords: Retributive Justice, Bulldozer Justice, Rule of Law, Executive Overreach, Populism, Constitutionalism

1. Introduction

The ideal of¹ justice is at the core of any refined society. Of the several manifestations of justice, retributive justice is perhaps one of the oldest and most naturally conceived paradigms. Based on the principle of lex talionis—"an eye for an eye"—retributive justice aims to punish criminals in direct proportion to the magnitude of their wrongdoing. The underlying belief of this theory is that offenders deserve to be punished and that punishment itself is a moral balancing act restoring the balance which has been thrown off by the offense. Retributive justice is distinct from deterrent or rehabilitation models in the sense that it is not concerned with future consequences but with moral responsibility for past conduct.

Today, retributive justice has evolved in new ways, particularly in political systems that cash in on public sentiment, fear of crime, and demand for speedy punishment. A notable manifestation of this is "bulldozer

¹ Baxi, U. (2022). *Law and justice in India: The quest for a just republic*. Cambridge University Press.

justice"—a popular name for extrajudicial destruction of the properties of suspected criminals or political dissenters, sometimes without due process or legal warrant. While the advocates of such moves maintain that such acts are required to preserve law and order, opponents perceive this development as a serious violation of constitutional values, legal due process, and human rights¹. This practice, most notably noticed in some Indian states, has become synonymous with state power and executive assertiveness. Political leaders tend to trot out the bulldozer as a symbol of tough leadership, winning favor with constituents who view it as an instrument of instant justice. But this is a troubling question: Can justice ever be served without due process? Does the symbolic power of punishment excuse the bypassing of legal procedures? Is this action in line with the rule of law, or is it a sign of a perilous drift toward authoritarian populism? The advent of bulldozer justice mirrors a more profound political and social transformation—a one in which punitive populism comes to supplant constitutionalism. The theater of punishment becomes more regularly employed not simply to punish but to announce power and authority. Such transformations are deserving of concerted scholarly attention, particularly in the spheres of democratic government, legal professionalism, and civil liberties. This article discusses the development and implications of retributive justice in the framework of bulldozer justice, with an emphasis on recent Indian developments. It critically observed if these actions meet the fundamental principles of retributive justice or are a deformed, politicized form used to appease majoritarian emotion. Through the examination of legal doctrines, case studies, and theoretical paradigms, this paper will seek to contribute to an informed understanding of where bulldozer justice is located within the general discourse of law, order, and democracy.

2. Conceptualizing Retributive justice is a classic and well-entrenched theory of punishment that hinges on moral responsibility and the notion that criminals ought to be penalized in proportion to the seriousness of their offense. In contrast to rehabilitative or deterrent models of justice, which are oriented towards the future, retributive justice looks to the past—it deals with the crime already committed. The basis of this model is the theory of moral desert: those who violate the law ought to suffer a penalty of a proportionate extent to their badness. This idea is not novel; it has its origins in ancient legal systems, including the Code of Hammurabi and Mosaic Law, in which justice tended to be presented as a type of proportional revenge, summed up in the maxim of "an eye for an eye."² In moral philosophy, retributive justice has been robustly defended by such philosophers as Immanuel Kant and G.W.F. Hegel. According to Kant, punishment must be applied not for utility but because the criminal deserves it. For him, justice required respect for moral responsibility and human autonomy, and not punishing a crime would infringe on the moral law itself. Likewise, Hegel regarded punishment as an essential negation of the criminal act committed by the criminal and thus restoring society's moral order. Retributive justice thus stems from the assumption that people have free will and can make rational choices. When they opt to violate the law, they should be punished in accordance with the severity of their actions. The cornerstone of retributive justice is proportionality, which holds that punishment must be proportionate to the seriousness of the offense. This idea acts as a check against excessive and inadequate punishment. It maintains the dignity of the legal system by preventing the administration of justice from being arbitrary or vindictive. While retributive justice is frequently misconceived to be equivalent to vengeance, the two are different. Vengeance is personal, emotional, and frequently disproportionate, whereas retribution is impersonal, measured, and based on legal principles. In healthy democratic societies, retributive justice is dispensed through

² Lippke, R. L. (2019). The nature of retributive justice and its demands on the state. *Law and Philosophy*, 38, 53–77.

institutionalized legal mechanisms that guarantee fairness, openness, and the safeguarding of individual rights.³

Notwithstanding its commonality and philosophical basis, retributive justice has its detractors. Some believe that it does not consider the socio-economic factors that lead to criminality, thus overemphasizing individual culpability. Some argue that it does not do much to lower crime or solve the causes of deviant behavior. Nevertheless, retributive justice proponents argue that it provides a clear and morally consistent basis for confronting crime, one that respects individuals' autonomy and the significance of moral responsibility. In contemporary contexts, retributive justice is to operate within constitutional law and due process. Legal systems following retributive principles need to ensure that justice is meted out equally and impartially, through recognized judicial processes. But the emerging tendency of skipping legal processes for instantaneous and symbolic punishments—like demolishing suspected offenders' homes—is a serious challenge to the integrity of retributive justice in practice. These trends imply a movement away from principled retribution toward politicized punishment, in which the show of strength and action becomes more important than fairness and legality. Such aberrations not only damage the integrity of the justice system but also blur the distinction between justice and authoritarianism. As such, there is an urgent need to examine how the language of retribution is being appropriated to justify actions that may, in fact, contravene the very ideals it seeks to uphold.⁴

3. The Rise of Bulldozer Justice In recent years, 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. Although such actions are generally presented by government officials as an exercise of law and order or a rapid reaction to criminality, the critics suppose that bulldozer justice circumvents the fundamental aspects of due process and erodes the basic principles of democratic justice. The symbolic recourse to the bulldozer is an uncompromising, immediate, and frequently extra-legal method of punishment that commands populist appeal but has large-scale implications in terms of legality, proportionality, and constitutional government. Legal framework, bulldozer justice goes against the very foundation of the Indian Constitution, which promises equality before the law and protection against arbitrary state action. Article 21 of the Indian Constitution promises that no one shall be deprived of life or personal liberty except in accordance with a procedure established by law. Likewise, Article 14 forbids arbitrary and discriminatory treatment. However, in bulldozer justice, the protective procedural checks on the state overreach against citizens are often bypassed. The selective nature of such demolitions also has fears of communal prejudice and bias in enforcement, especially when the accused happen to belong to particular minority groups. Not only does this exacerbate social cleavages but also undermines the justice system as an institution of political messaging instead of being a pillar of neutral governance where by we need to look into exact legal framework work Here is following:

1. Uttar Pradesh Municipal Corporations Act 1959 -Section 219: Unauthorised constructions/structures encroaching on public property are empowered to be removed. Section 221:- A notice “must be issued” for unauthorised constructions.- Unauthorized

³ Clark, J. N. (2009). The limits of retributive justice: Findings of an empirical study in Bosnia and Herzegovina. *Journal of International Criminal Justice*, 7(3), 463–487.

⁴ Karim, R., Newaz, S., & Kabir, A. I. (2017). A comparative analysis of retributive justice and the law of Qisas. *Journal of Nusantara Studies*, 2(2), 169–177.

constructions “may be demolished” after a reasonable opportunity to be heard is provided.

Section	Content	Scope
Section 219	Removal of unauthorised structures. The corporation can order the removal of constructions that are unlawful or dangerous.	Must follow principle of Audialteram patrem.
Section 220	Right to enter premises. Municipal staff can enter the property to inspect and remove unlawful constructions.	Procedural fairness is required.
Section 221	Demolition of dangerous structures. Permits demolition only if a structure is unsafe or a public hazard.	Not a tool for punishment in criminal cases.
Section 305	Police assistance. Corporations may seek police help to enforce orders (including demolition).	Demolition must still comply with legal procedures.

Section 27⁵:- Unauthorized constructions/encroachments may be required to be removed by development authorities where as Section 28:- Unauthorised buildings “may be demolished” after notice is served. The purpose and scope of law is regulates urban planning and development, ensures planned use of land and structures although power granted for demolition under section issue notices for removal of unauthorized when we discuss about legal limit that prior notices opportunity to be heard. Uttar Pradesh (Regulation of Building Operations) Act, 1958 -Section 10:- Illegal construction can be stopped, and structures violating approved plans are empowered to be demolished. Section 5⁶: Eviction possible for unauthorised occupation of public premises, Only applies to public land; requires notice and inquiry and Power⁷ to remove encroachments provision for punitive demolition and CrPC Section 133, Removal of public nuisance for demolition of private homes as punishment. These laws⁸ are applied when demolition is based on alleged encroachments on forest land

Comparative Analysis: Legislative Framework (Municipal Laws) vs. Constitutional Provisions

Power of the government of Uttar Pradesh - Notice Requirement All municipal and development authorities are required to issue notices (under Sections 27–28 of the Urban Planning Act, 1973) before taking any demolition action. Demolition Power is limited to unauthorised constructions, as per the acts above. Demolitions without prior notice or hearing violate the principles of natural justice and the procedures under these Acts Police Assistance for Demolition: Under Section 305 of the UP Municipal Corporations Act, 1959, the police can assist municipal authorities in enforcing demolition orders .No Explicit Power for Retributive Demolitions Nowhere in these statutes is there a provision allowing demolition as a form of punishment for alleged criminal conduct without a proper judicial determination. The Supreme Court has clarified that punishment for crimes cannot be imposed via demolition under these laws. This is crucial: the power to demolish is administrative (for building violations), not punitive (for criminal acts).

⁵ Uttar Pradesh Urban Planning and Development Act, 1973

⁶ 3.Public Premises (Eviction of Unauthorised Occupants) Act, 1971-Section 5

⁷ UP Control of Illegal Encroachments Act, 2011

⁸ Forest (Conservation) Act, 1980 & Indian Forest Act, 1927

Sociologically, bulldozer justice taps into a rising demand for visible and decisive state action amidst growing public frustration with lengthy legal processes and perceived judicial delays. The bulldozer is seen by many citizens as a symbol of speedy justice, particularly when the usual legal avenues seem to fail. But this sets a dangerous precedent, where the rule of law is abandoned in favor of efficiency and image. Though there is no doubt about the necessity of judicial reforms to hasten legal proceedings, replacing formal trials with demolitions goes against the very principles that separate a constitutional democracy from totalitarianism. Punishment without trial not only de-legitimizes the criminal justice system but also subjects innocent people to irreversible injury.

Basis for Action- Local laws (e.g., Municipal Acts, Development Authorities' rules) permit demolition of unauthorized structures under Article 14, 19, 21, 300A: Protects right to life, equality, personal liberty, and property {Municipal powers vs. fundamental rights} Due Process-Often limited. Notices may be issued, but bulldozer actions are frequently executed without hearings or clear legal recourse Natural Justice Doctrine under Article 14 Requires a fair hearing before action; due process under Article 21. {Bulldozer actions bypass due process}.

Target of Action- Municipal laws apply broadly to all encroachments. In practice, selective targeting based on religion or dissent Equality before law (Article 14) prohibits discrimination; no arbitrary state action. Demolitions often used as {collective punishment}

Judicial Oversight- Municipal demolitions may happen without court orders or proper oversight. Judiciary's role (Separation of Powers): Only courts can determine guilt and impose penalties. {Bulldozers as executive overreach}

Punishment without Conviction- Demolitions done pre-trial, even for alleged crimes Presumption of Innocence: Accused is innocent until proven guilty under Article 21, SC rulings Actions pre-empt trial outcomes. Right to Shelter- Municipal rules may not explicitly protect housing rights. Demolitions violate right to shelter .

Collective Punishment- Not addressed in municipal frameworks; actions often affect entire families and communities. Collective punishment is unconstitutional (SC: Sunil Batra case, Justice Gavai's observation). {Innocents suffer for actions of one}

Remedies and Appeals- Limited, delayed, or inaccessible Right to effective remedy under Article 32 and 226. Lack of access to courts. Guidelines (SC)-None in original municipal laws. The Supreme Court ordered Pan-India guidelines for procedural fairness. Article 142: SC's power to do complete justice. Guidelines enforce due process and prevent executive excesses SC bridges municipal-constitutional gap As bulldozer justice becomes more common, it threatens to become a second system of justice—one guided by greater political necessity and public opinion than by legality and fairness.⁹

Case Studies: Bulldozer Justice in India The bulldozer justice trend has been most notably seen to rise in India, particularly the states of Uttar Pradesh, with the state administration making deliberate and frequent use of demolitions to punish individuals allegedly involved in criminal offenses. Various high-profile incidents of bulldozer justice brought the practice both national and global attention, evoking controversy of such actions being carried out along with the specter of exploitation. One of the most significant cases was that following the 2022 Uttar Pradesh riots, in which bulldozers were employed to demolish the residences and shops of people accused of being involved in the riots. The state government rationalized these demolitions as a deterrent measure, intended to deliver a stern message to the rioters. But the

⁹ Vidmar, N. (2002). Retributive justice: Its social context. In *The Justice Motive in Everyday Life* (pp. 291–317).

procedure was widely condemned for its lack of due process. The accused were usually not afforded any chance to oppose the demolitions in court before their properties were demolished. The demolitions were depicted as a punishment to the community as a whole, and not to individuals for proven offenses. The media reports of these demolitions also added to the perception that this was quick and effective justice, without exploring the legal implications or the equity of such moves. It was criticized that not only did it violate the very basic right of property, but it also threatened the notion of equality before law since a particular section of society, notably the minority one, was targeted in disproportionate numbers. Yet another high-profile case occurred in Kanpur city in 2022 when properties of alleged offenders participating in violent fighting during a religious procession were demolished using bulldozers. Again, the demolitions were done without an adequate judicial review, and the accused were not given a chance to argue their case prior to the demolitions. This was the practice that came to symbolize what critics term "extra-legal" acts, in which the executive power evaded judicial oversight. Some of the legal professionals noted that these demolitions contravene both the Constitution and established legal practices, which insist that people should be provided with an opportunity to challenge actions taken against them before a court of law.¹⁰ The demolitions have also been taken up in other urban centers, and instances have come to light in cities such as Prayagraj (erstwhile Allahabad) and Lucknow where similar demolitions were carried out under the cover of "removal of encroachments." Bulldozers in these cases razed residential homes, business establishments, and other structures allegedly built on land occupied illegally. But critics hold that such demolitions tended to disproportionately hit the economically weaker segments of society, especially members of marginalized communities, and were a collective punishment for the wrongdoings of a few. Such instances point towards the convergence of populism, media spectacle, and executive excess, where the state's response to perceived culprits is quick and publicly visible but free from the protection of legal process. These case studies highlight the increasing phenomenon of bulldozer justice in India, challenging the constitutionality, legality, and morality of such actions. Though the state legitimates these demolitions as measures to ensure law and order, the absence of legal due process, possibilities of abuse, and adverse social implications continue to be major issues of concern. By circumventing judicial processes, bulldozer justice sets a perilous precedent where executive power is above the law, challenging democratic values and the rule of law.¹¹

Retributive justice: 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 considering the fact that 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

¹⁰ Makhal, J. (2023). 'Bulldozer justice': An analysis into the rule of law in India. *Indian Journal of Law and Legal Research*, 5(1)

¹¹ Kampmark, B. (2022, June 27). The brutality of "bulldozer justice" in India. *Asia-Pacific Research*.

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.

The Supreme Court says that bulldozer demolitions are a sign of a "lawless and ruthless state of affairs" as it issues pan-India guidelines.

Regarding instructions on how to tear down buildings, in 1763, the British government, which was having trouble with the economy, put forward the Cider Bill to tax the production of cider. This caused riots in places that make cider. People said that the government was randomly interfering. William Pitt, a British leader who later became Prime Minister, was against the tax. He said, "The poorest man may in his cottage defy all the powers of the Crown." He meant that even if the cottage is weak and the roof is shaking, the wind and storm can get inside, but the King of England can't get in because all of his power would not dare break through the doorway of the broken-down house. The quote came up again in 1964 in *Southam v. Smout*, which was written by Lord Denning. Today, Justice B.R. Gavai used Pitt's comments to say that government-approved demolitions by bulldozers are an abuse of rights against arbitrary state action and the rule of law. 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. Today, 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.

The bench issued complete pan-Indian rules to govern instances of bulldozer demolitions, even though it called them "severe" and "disproportionate." It suggested a detailed process for giving notice before the destruction. Any violation of the rules, the bench said, would be considered contempt of court, and the people whose salaries would be reduced to cover the costs would have their pay cut. Demolitions by bulldozers "subvert the rule of law" and are random actions by the government. According to Gavai, not being able to uphold the rule of law would "erode public trust in the justice system." He cited the Supreme Court's decisions in *Indira Gandhi v. Raj Narain* (1975), *NHRC v. State of Arunachal Pradesh* (1996), the Aadhar case (2018), and the Bilkis Bano decision (2024) as proof that the rule of law protects people from the government abusing its power. He said that the government couldn't use "arbitrary and excessive measures" against someone who was suspected or even convicted without following due process. He also said that even the death penalty, which is only used for the worst crimes, has strict rules that must be followed. "In that case, can it be said that someone who has only been accused of a crime or even been found guilty can be sentenced to demolition?" "Is the answer a definite no?" he asked. Justice Gavai pointed out that the government's overreactions, like using bulldozers to tear down buildings, went against basic rules.

The court has the power to make rules about how basic rights should be enforced.

Articles 19 and 21 protect the right to safety, and Justice Gavai said that bulldozer demolitions go against that right. "After careful consideration, we believe that denying innocent people their right to life by taking away their shelter would be completely unconstitutional," he said. He also said that the actions were unfair because the officials targeted the homes of people who had been guilty while ignoring illegal buildings in the same area that were in the same place. Justice Gavai referred to the cases of *State of Uttar Pradesh v. Jeet S. Bisht* (2007) and *I.R.* In the 2007 case of *Coelho v. State of Tamil Nadu*, it was said

that the Supreme Court has the power to tell the executive to make basic rights easier to exercise and statutory rights "actualize and strengthen." He came to the conclusion that the Court needed to set up "binding directives" to stop the government from acting unfairly and arbitrarily. "Executive cannot replace the judiciary in performing its core functions." The Court said that tearing down homes as a punishment was "entirely unfeasible within our constitutional framework." The judiciary was given the job of making decisions. He also said that breaking the separation of powers also went against the "public trust doctrine," which says that the government has to "faithfully fulfill their responsibilities to advance public purpose." The court used its rulings in Delhi Airtech Services Pvt. cases like Ltd. v. State of Uttar Pradesh (2022), Centre for Public Interest Litigation v. Union of India (2020), and Nilabati Behera (1993), which made it clear that executives who broke the law should be held responsible for their outrageous actions. Even though they break municipal law, bulldozer demolitions are seen as "extreme" and "disproportionate." Justice Gavai noticed that most of the demolitions were done because the accused's home broke a local ordinance. However, natural justice principles must be followed even when local laws are being enforced. He said that tearing down buildings with bulldozers was an extreme move, even when there were illegal buildings there. It was possible to deal with the illegal building through other legal channels. What he saw:

1. There are ways to fix some illegal buildings. This means that if the growth has touched public land, the owner can pay a compounding fee and give the government a compounding map. It lets the land stay in use thanks to a complex deal with the government. In some buildings, only certain parts are illegal, and those parts can be taken out. Justice Gavai explained that full demolition is the only option when neither compounding nor partial destruction is possible. Demolitions by bulldozers are a form of collective justice. Justice Gavai said, "A house is more than just property; it represents the hopes of a family or an individual for stability, security, and a bright future." He saw that angry bulldozers destroyed homes that were not only occupied by the accused but also by family members and people who had nothing to do with the crime. He pointed out that this is "a collective punishment" for everyone who lives in that building.
2. Instructions: Give fifteen days' notice, but don't give notice after the fact, and use a certain digital platform. Justice Gavai said, "It is a sad sight to see women, children, and the elderly being thrown out into the streets overnight." The Indian rules would be based on a schedule and a way to tear down buildings. The Court used its power under Article 142 to give the instructions for full justice. Here are the important details: Before the destruction, a written notice will be sent to the owner-occupier of the house via registered mail. The notice will be sent either fifteen days before the destruction or within the time frame required by local law, whichever comes first. The owner will have time to respond once they receive the letter. The notice must be posted in a prominent place on the outside of the structure or building that is being torn down. It must include: (a) the type of unauthorized construction; (b) the reasons and specific violations that led to the demolition order; (c) a list of documents that must be sent with the response; (d) the date and time of the personal hearing; and (e) the name of the person in charge of the hearing. After a notice is sent, the information should be emailed right away to the collectors' office and the district judge. This will make sure that alerts don't get "backdated." The office of the collector and district judge has to send an automated message to confirm that they got the message. A local officer will be chosen by the collector or district judge and given an email address. Within one month of this order, all municipal and local governments that are in charge of building codes and demolitions must be told about this name. Each municipal local authority has to make a digital portal that has details about services,

notices, responses, show-cause letters, and orders that have been given. This portal must be set up within three months of the order date. The appointed authority will hold a personal hearing for the owner-occupier. After the hearing, a final order will be issued, which must include the authority's well-thought-out decisions on the arguments made in the notice. It will also say if the property was thought about for compounding or partial destruction, as well as why the "extreme step of demolition was the only option available." The appeal authority can look over the final decision made by the designated authority. After the final order is put on the internet portal, the building can't be torn down for fifteen days. Within 15 days of getting the warning, the owner-occupier will be able to remove or tear down the illegal property on their own. If the owner hasn't taken down the property on their own within 15 days, and compounding or partial removal isn't possible, the property can be torn down. Before the building is torn down, a full inspection record must be made by the right people and signed by two witnesses, or panchas.

The demolition will be caught on tape, and the right people will put together a report. The list of police officers and civilians who are helping with the demolition must be in the paper. The report will be sent to the Municipal Commissioner by email and then put on the online site. The camera recording is going to be kept. J. Gavai said that not following the rules would be contempt of court. He also said that public officials involved in any demolition that doesn't follow the rules would have to pay for the "restitution of the demolished property" and face "personal costs." State governments will send circulars to all district magistrates and municipal authorities to let them know about the Court's orders.

What has happened so far with the hearings in the Supreme Court on "Bulldozer Justice"? Sushovan Patnaik | September 30, 2024: Before the Supreme Court takes up the case again on October 1, it's a good idea to look at what other judges have said about illegal demolitions. Rashid Khan's one-story home in the Khanjipeer neighborhood of Udaipur was destroyed by bulldozers on August 17, 2024, at the order of the Udaipur district government. Khan, who drove a rickshaw, built the house after saving money for years. The damage was said to be done to get back at the people who did it. The day before, Khan's tenant's 15-year-old son was said to have stabbed a Hindu teen during a fight in class. Senior Advocate C.U. Singh told the Supreme Court about this on September 2. Rashid Khan's case was heard by a Division Bench made up of Justices B.R. Gavai and K.V. Viswanathan. Since 2022, bulldozers have destroyed almost 150,000 homes across the country, leaving 738,000 people without a place to live. In many of these cases, the demolition happened after a disagreement between the resident or property owner that had nothing to do with the demolition itself. Using the charge as an excuse to send out bulldozers, the government quickly filed encroachment warnings on the accused's land. There is damage done before the accused has a chance to fight the charges in the criminal court system. Reports say that "bulldozer justice" has hurt Muslims more than it has helped others. Government officials and ministers have openly supported and praised "bulldozer justice." On April 18, 2022, after houses were torn down in Jahangirpuri, Uttar Pradesh, because of rioting between different racial groups, the Deobandi Islamic scholars group Jamiat Ulama I Hind sent a writ to the Supreme Court protesting the demolitions. A bench led by former Chief Justice N.V. Ramana put a stop to the demolitions in Jahangirpuri on April 20, 2022. In spite of this, demolitions continued in the area until noon. The next day, a member of parliament named Brinda Karat filed another writ to challenge the bulldozer operation. On April 21, 2022, Justices L. Nageswara Rao and Gavai said that the demolitions would not happen again. In the end, Brinda's plea was linked to the request of Jamiat Ulama I Hind. On May 6, 2022, the Court told the Union of India and the governments of Madhya Pradesh and Uttar Pradesh about the case. Since then, the Court has only met a few times for important business. The forms were looked at over the course of two days earlier this month.

Rashid Khan's house was torn down in August 2024, and his intervention case has been combined with the other cases that are still being heard. On August 30, 2024, Advocate Fauzia Shakil sent in two requests for instant help against the actions of bulldozers, asking that they be taken into account along with Karat's plea. What do the High Courts think about what bulldozers do? Since 2022, many High Courts have spoken out against bulldozer acts and given orders. A lot of these court orders are for people who haven't been charged with another crime; what ties them all together is an accusation of executive cooperation.

In August 2022, in the case of Shakarpur 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.

The police in Bihar tore down a woman's house without taking the right steps, supposedly at the request of a land mafia. In December 2022, the Patna High Court scolded the police. "Are you speaking for the state or a person?" "Justice," Sandeep Kumar said. Threatening to destroy anyone's home with a bulldozer has turned into a show. You are making the act of destroying someone's home with a bulldozer more dramatic. The homes of five people in Nagaon, Assam, were destroyed in July 2022, and the Gauhati High Court started a case on its own. The guys were charged with setting a police station on fire. In January 2023, Chief Justice R.M. Chhaya and Justice Soumitra Saikia, who were on a Division Bench, told the state government to pay the people who were affected.

R.K. Additionally, Raizada, the Additional Advocate General of Uttar Pradesh, argued before the Supreme Court in favor of upholding an Allahabad High Court decision that denied bail to a person suspected of destroying someone else's home with police help. During the meeting, Justice S.K. Kaul asked, "Do you agree that tearing down homes is unfair?" ...Should we write down your claim that tearing down houses is wrong? You just said that tearing down homes is morally wrong. Raizada insisted that his points were only about the case.

What press releases did the Supreme Court put out in September 2024?

After the urgent relief plea was sent at the beginning of September, the Court has met twice this month to hear Jamiat Ulama I Hind's case about the activity of bulldozers. On September 2, Solicitor General Tushar Mehta, speaking for Uttar Pradesh, gave an affidavit saying that the state government has made it clear that it will not stand for illegal demolitions. Among other things, he said that the accused was told every time demolitions happened. Senior Advocate Dushyant Dave, speaking for Jamiat Ulama I Hind, said that after what happened in Jahangirpuri, the government had focused on the homes of people they thought were causing trouble. C.U. Singh told the Court that day about how hard things were for autorickshaw driver Rashid Khan. Justice Gavai asked, "How can a house be torn down based on a single accusation?" "It can't be torn down, even if he is in jail." The Bench suggested that "all-India guidelines" be made for how bulldozers should be used. Jamiat Ulama I Hind gave its suggestions for the rules on September 14, 2024. The suggestions said that the "show-cause" letter had to include important details and a clear list of the laws that apply to the demolition. The notice to show cause must also be put on the land. The destruction notice must include a way to file an appeal within at least 60 days of the notice date. As another suggestion, someone from the court should be named the claims commissioner for destruction cases.

SUGGESTIONS:

- Make sure that all punishments are closely watched by the courts.
- Set clear rules for tearing down property with legal options.
- Teach police how to follow the Constitution.
- Teach people how to use the media to fight political stories.