



BULLDOZER JUSTICE : A PARADIGM OR PERIL TO RULE OF LAW?

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Abstract

Bulldozer justice, the removal of the properties as a form of punishment without fair and proper legal process, poses a major threat to the rule of law. This approach disregards judicial due process and undermines constitutional rights, rendering it unconstitutional. It replaces rule of law and lawful accountability with vengeance, eroding the foundation for democracy. Rather than encouraging people to seek legal remedies through the justice system, bulldozer justice negates the spirit of a fair trial, diminishing public confidence in the judiciary and setting an undesirable precedent. The maintenance of the legal principles requires respect to the legal processes for providing justice to the victim.

Key words: Bulldozer Justice, Selective enforcement, Rule of law, Fair trial, Equality, Demolitions, Rights

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I Introduction

"BULLDOZER JUSTICE" refers to the practice where state authorities use bulldozers to demolish the properties of individuals accused of crimes, often before legal adjudication¹. It has recently become a subject of debate in India's socio-political area, symbolizing illegal approach to law enforcement. It is most prominent in states like Uttar Pradesh and Madhya Pradesh, where Chief Ministers have publicly advocated for this practice and framed it as a necessary tool for rapid action against criminality and unlawful constructions. They state that it serves as an effective tool to discourage crime by quickly removing illegal structures and reclaiming public spaces for lawful purposes.² The Constitution of India guarantees every citizen the right to a fair trial and the presumption of innocence until proven guilty. Bulldozer justice often forestalls judicial decisions by punishing individuals before they have the opportunity to defend themselves in court. Ignoring due process raises significant human rights concerns as it disproportionately impacts economically marginalized communities and religious minorities.³

Furthermore, expressing worry about the illegality of these demolitions, the Indian Supreme Court recently emphasised that authorities must respect constitutional values. Bulldozer justice has been applied selectively, often targeting specific groups, raising concern about the acts of states and casting doubt on the impartiality and fairness of the legal

¹ Prashant Shekar, Bulldozer Justice -concerns and way forward, *available at*: <https://forumias.com/blog/bulldozer-justice-concerns-and-way-forward-explained-pointwise> (last visited on September 30, 2024).

² Sushim Mukul, "Why bulldozer justice is instant and not justice" *India Today*, September 2, 2024.

³ Anuraag Singh, Why bulldozer justice goes against rule of law, *available at*: <https://www.newindianexpress.com/explainers/2024/Sep/22/why-bulldozer-justice-goes-against-the-grain-of-rule-of-law> (last visited on September 30, 2024).

system⁴. This focused enforcement could widen social gaps and increase hatred among people. The rule of law guarantees fair and impartial administration of justice, making it a fundamental tenet of a democratic society. Bulldozer justice, however, is indicative of a concerning trend in which legal processes are replaced by physical force as part of the militarisation of governance.

The literature on “bulldozer justice” highlights its conflict with foundational rule-of-law principles, particularly concerning due process and property rights. Scholars trace the concept’s implications, noting that state-led demolitions without proper legal procedures threaten the constitutional rights enshrined in democratic societies, including protections against arbitrary deprivation of property. Research on rule of law emphasizes judicial oversight as a critical safeguard, arguing that bypassing it undermines public trust and creates a dangerous precedent for state overreach. The PM’s focus on housing rights, particularly the push for affordable housing and schemes like Pradhan Mantri Awas Yojana (PMAY), emphasizes the government’s commitment to ensuring secure housing for all citizens, particularly marginalized and economically weaker sections. This stands in stark contrast to the arbitrary demolitions associated with bulldozer justice, which often disregard legal processes and violate citizens’ property rights. The tension between government actions that promise housing security and the state’s role in demolitions without due process underscores the need for a balanced approach—one that not only promotes housing rights but also protects individuals from the risk of forced evictions and demolitions without legal recourse.

⁴ Astha Rajvanshi, *How India’s Bulldozers became a Vehicle of Injustice*, available at: <https://time.com/6303571/how-bulldozers-became-a-symbol-of-anti-muslim-sentiment-in-india/> (last visited on September 30, 2024).

II Historical Background of Bulldozer Justice

The notion of using bulldozers as a punitive measure is widely associated with Israel's policies in the occupied Palestinian Territories. With the end of British rule in Palestine, tensions rose over the United Nations' proposal to separate Jewish and Arab states. Arab communities resisted the plan which ultimately led to conflict. On May 14, 1948, Israel declared its independence, prompting an invasion by neighbouring Arab states. Israel emerged victorious after conquering West bank, Gaza strip, and East Jerusalem and was successful in expanding its territory beyond the UN-proposed boundaries .

This war, known as the Nakba by Palestinians, resulted in the displacement of hundreds of thousands of Palestinian Arabs⁵ . As the consequence of this war, Israel began demolishing homes as a tool of control. By the 1970s, home demolitions were used as punitive measures against individuals accused of violence.⁶

Although Israel ceased punitive demolitions in 1998, the practice resumed again in 2000 during the second Palestinian rebellion. Over 650 Palestinian homes were demolished till 2005, affecting more than 4,000 people. Demolitions often occurred without warning, leaving families with little or no time to gather their belongings. These demolitions, which frequently served political objectives, were carried out in accordance with legislative frameworks, administrative procedures, and

⁵ Alex Winder, UN Partition Plan Paving the way to the Impending Nakba, *available at*: <https://www.palquest.org/en/highlight/159/un-partition-plan-29-november-1947> (last visited on September 30, 2024).

⁶ Office of the High Commissioner for Human Rights, Punitive Demolitions Destroy More Homes in Occupied Palestinian Territory, *available at*: <https://www.ohchr.org/en/stories/2015/12/punitive-demolitions-destroy-more-homes-occupied-palestinian-territory> (last visited on September 30, 2024).

planning laws. They cleared land for Israeli settlements by confining Palestinians to smaller areas. The majority of these demolitions were not tied to security threats; in nearly 99% of cases, residents were not involved in any security-related activities. Human rights organisations like B'Tselem and Amnesty International have condemned these demolitions as collective punishment, violating international law and displacing entire communities. In 2002, Israel's Supreme Court ruled that homeowners should have the right to appeal demolitions unless it posed a danger, but later rulings allowed demolitions without prior notice if it would impede operations.

Secondly, in India, during the Emergency period (1975–1977) Prime Minister Indira Gandhi introduced a contentious campaign to demolish slum dwellings in urban areas, particularly in Delhi. The initiative aimed to clear illegal houses to beautify cities, but it resulted in the displacement of thousands of poor families. Bulldozers were used on a large scale to demolish properties, often without providing sufficient notice, leading to widespread protests and criticism from human rights activists and advocates. These actions reflected the oppressive nature of Gandhi's regime during that period. Following this period, discussions on urban development and human rights were held by experts to safeguard the rights of people.⁷

The re-emergence of the bulldozer as a method of punishment began in 2017 under Uttar Pradesh's Yogi Adityanath government. Bulldozers were used to target the residences of individuals who were accused of committing any crime. This strategy was named "bulldozer justice,"

⁷ Vikas Pathak, The story of the Emergency, available at: <https://indianexpress.com/article/explained/explained-history/explained-the-story-of-the-emergency-9421688/lite/> (last visited on September 30, 2024).

symbolising a tough approach to law enforcement. It faced severe criticism in 2022, when the remarks made by BJP spokesperson Nupur Sharma were seen as disrespectful to the Prophet Muhammad, leading to widespread protests, followed by demolition of properties linked to protestors, particularly targeting Muslim communities. These demolitions took place with little or no notice, resulting in protestors being punished. In other states like Madhya Pradesh, Haryana, and Assam, a similar pattern was observed, where homes and shops of individuals accused of communal violence were demolished.

III Mechanism of Bulldozer Justice

Legal mechanism for Demolitions: A Flawed Justification for Bulldozer Justice

The use of bulldozers to demolish illegal constructions has often been framed as a necessary measure for maintaining urban order and environmental integrity. While the laws are designed to uphold order and regulate land use, their application has sometimes sparked controversy due to selective enforcement leading to injustices and abuses. This selective approach undermines the integrity of these laws as it disproportionately targets marginalized communities, political opponents, or dissenters. Legal Mechanisms for Demolitions and Concerns of Misuse Laws like the Delhi Development Act, 1957, and the Rajasthan Municipalities Act, 2009, provide authorities with the power to demolish unauthorized constructions. However, the selective application of these laws can result in what is perceived as punitive demolition, aimed at intimidating or retaliating against specific groups or individuals. This practice raises questions about the balance between

upholding the law and maintaining fairness in governance. Example 1: Delhi Development Act, 1957⁸

Section 54 of this act states that any person in Delhi with power to act in matters of land use or population control has the power to remove any construction they deem unauthorized for not conforming to the urban planning regulations. A notable instance of this was seen in 2022, known as the Jahangirpuri case. The North Delhi Municipal Corporation (NDMC) conducted a demolition drive, reportedly motivated by communal tensions, primarily targeting structures owned by Muslims. The number of demolitions escalated and it turned out that they occurred with little or no notice; the anti-social nature of the processes fuelled criticism, as they seemed more retaliatory than purely corrective. After the outrage, people petitioned the SC to stop demolition temporarily. The Court also criticized the actions of the NDMC in concern to the principles of impartiality and procedural fairness.

Example 2: Rajasthan Municipalities Act, 2009⁹ and Rajasthan Forest Act, 1953¹⁰

In Rajasthan, the Municipalities Act and the Forest Act deals with demolitions and land use especially of the forested area. In Udaipur, following post-right tensions, a Muslim family's house was immediately brought down by the government after one of their sons was accused of stabbing his classmate¹¹. As much as the property was said to be

⁸ The Delhi Development Act, 1957 (Act 61 of 1957), s. 54.

⁹ The Rajasthan Municipalities Act, 2009 (Act 18 of 2009).

¹⁰ The Rajasthan Forest Act, 1953 (Act 13 of 1953).

¹¹ Satish Sharma, Bulldozer Action on house of Udaipur stabbing accused, *available at*: <https://www.indiatoday.in/amp/india/video/video-bulldozer-action-on-house-of-udaipur-stabbing-accused-2583809-2024-08-17> (last visited on September 30, 2024).

developing on forest land, it is believed that the destruction was selective and being conducted in a bid to look hard headed given the tensions in the community. This raised questions, as it appeared that only this family's house was demolished, despite the presence of many similar houses in the area. This selective application created the image of some kind of retribution, and used legal means as tools of power rather than justice. The incident show how such laws which are legitimate in their intention can be misused for intention they are not intended for and can lead to perpetration of social enmity and void the doctrine of equality before the law.

Change in State -citizen relation

The trust of the citizens in the state government gradually diminishes when the government consistently uses punitive measures for providing justice which apparently fosters fear in the minds of people. The governments which rely on bulldozer justice often ignore established legal procedures for settling disputes. The state which is regarded as an enforcer of rights of people has now changed its roles to that of an infringer of rights by denying the basic rights of fair trial, right to equality and right of life. In addition to it the state provides "notice or no notice" for bulldozing the properties of the accused.

In many instances the demolition of properties is bolstered by retrograde eviction notices giving a legal touch to their illegal act. At the same time, when people speak out against the construction and the destruction that it brings they are clearly seen suffering and being displaced; something seems not quite right. Whole families become homeless and a person cannot have any chance to defend their belongings, earnings, and even shelter under which he lived minutes

before. This seemingly indifferent and callous attitude of the authorities during such demolition processes may reveal political and communal agendas than being true to following the legal procedures. The state fails in ensuring compliances with law by ignoring legal procedures, the state guarantees access to justice for everyone, but by knocking down people's properties unannounced or by focusing on one community, government is not true to its mission.¹² The inequality and that follow such action run the risk of deepening the oppression of certain communities and go against the essence of the Constitution and due process enshrined in criminal procedural laws¹³.

IV The Use of Bulldozer Justice Across Indian States : A Critical Examination

This practise has been witnessed in one or the more states particularly Uttar Pradesh, Madhya Pradesh, Gujarat, Assam and Bihar and is a question mark on the prevailing due process, human right and arbitrary rule of law. According to the latest reports, From January 1, 2022, to December 31, 2023 around 740 000 people were displaced or rendered homeless across India due to state led evictions. In 2023 evictions intensified, about 515752 people were displaced and 107449 homes were demolished in the country for the whole year. Further, for almost for a quarter of the total populations that have been evicted belonged to

¹² Demolition squad: On the Supreme Court and 'bulldozer justice' *available at:* <https://www.thehindu.com/opinion/editorial/%E2%80%8Bdemolition-squad-on-the-supreme-court-and-bulldozer-justice/article68601539.ece> (last visited on September 30, 2024).

¹³ Editorial, "Putting the brakes on Bulldozer Justice" *The Hindu*, September 2, 2024.

SCs, ST, OBCs, Nomadic Indigenous & both migrants and religious minorities¹⁴

In Uttar Pradesh ,The police took a bulldozer to the house of Amir and Asif who were accused of rape on March 31, 2022, in an attempt to force them to surrender. The police said this was done in order to prevent the accused from escaping and in an affidavit presented before the Supreme Court, the police conceded to have demolished the staircase of the building in the process. Hardly later, an Islamic clerical body called Jamiat Ulama-I-Hind lodged a complaint to similar demolitions, saying that they are unlawful and excessive.¹⁵

Likewise, in Madhya Pradesh the phenomenon of bulldozer demolitions has been observed. After violent act in Ram Navami procession in Khargone on April 10, the state administration pulled down the houses of 45 people involved in violence and said that they were encroaching public spaces. The same sentiment was the reason for the houses of three Muslim men accused of the gang-rape of a minor a year ago in Sheopur.¹⁶

In Gujarat, the so- called bulldozer justice remained a trend as District authorities acted in reaction to communal strife. On April 10, incidents of stone throwing from a bridge were reported in khambat , following which the District Collector ordered the demolition of properties owned by people involved in protest . Till September much damage was noted in

¹⁴ Krishandas Rajagopal, UN expert criticises punitive demolition by states, *available at*: https://epaper.thehindu.com/ccidistws/th/th_kozhikode/issues/101401/OPS/GTLD D37TF.1+GD2DD46Q8.1.html (last visited on September 30, 2024).

¹⁵ Sanchita Kadam, 2022: A year when Bulldozer became a 'lawful' means of punishment, *available at* : <https://cjp.org.in/2022-a-year-when-bulldozer-became-a-lawful-means-of-punishment/> (last visited on September 30, 2024).

¹⁶ *Supra* note 14.

Bet Dwarka island where the demolished structures belonged to Muslims. In Kutch about 300 huts were destroyed and the fishermen and traders who were rendered homeless did not get decent accommodation in their stead.

The situation in Assam reveals still another side of this problem. On 15 May, 2022, police razed the houses of persons accused of arson during a protest against a custodial death.¹⁷ The Gauhati High Court denounced such moves, questioning the legality of this act. Moreover, in July, the administration demolished the house of Baidulla Khan who was implicated in the suicide of animal rights activist Vineet Bagaria.

More worrying are recent anti encroachment drive operations in predominantly Muslims areas in these states which fuel the perception of targeting specific communities. The combined analysis of these events for several states shows that demolition is used as a punitive measure against individuals suspected of criminal activities. Though state authorities may claim and use such demolition exercises as a way of discouraging unlawful activities, such actions are taken at the destruction of legal procedures and people's legal liberties. Demonstration of Bulldozer Justice in India provides a rich account for remembering of a socio-legal position of stability of law on one side while on the other side, the rights of people particularly the vulnerable section of the society suffers due to such actions of the State authorities.

From the above examples it can be interpreted that government use such harsh methods either to instill fear among criminals, making them realise the power and authority of state. However, in many instances,

¹⁷ *Supra* note 14.

religion plays a significant role, with Muslims, as a minority, facing suppression. This serves to elevate the perceived superiority of the majority religion.

The irony lies in the fact that such actions occur in a country like India, whose Preamble explicitly declares it as a secular nation. This makes it all the more problematic as promoting religious discrimination or targeting specific communities contradicts the principles of equality, justice and non-discrimination enshrined in the constitution and such practices should be condoned

V Violation of Legal and International Human Rights

(a) Violation under ICCPR AND ICESCR

'Bulldozer justice' is more than just a newspaper headline, it is an issue of questionability of international human rights under ICCPR and ICESCR. These two covenants signed by nations like India and Israel were meant to safeguard human rights¹⁸. For example, Article 14 of ICCPR protects civil liberties stating that individuals have a right to be considered innocent until proven otherwise by a court of law¹⁹ Through Bulldozer operations, such a right is compromised since the properties are demolished despite accusations of lawlessness, and without the individuals' due process being followed

Arbitrary or unlawful interference with privacy, family and homes are protected in Article 17 of the ICCPR. Bulldozer demolitions violate this

¹⁸ Krishandas Rajagopal, UN expert criticises punitive demolition by states, *available at*: https://epaper.thehindu.com/ccidistws/th/th_kozhikode/issues/101401/OPS/GTLD/D37TF.1+GD2DD46Q8.1.html (last visited on September 30, 2024).

¹⁹ The International Covenant on Civil and Political Rights, 1976, art. 14.

right by evicting families at random and without proper legal basis or time to prepare. Homes are more than building; they are strongest sources of personal and family life disruption. Their destruction is one of the worst violations of people's privacy. Additionally, Article 2 of ICCPR grants the accused the right to an effective remedy in cases of violation of the rights stipulated in the Covenant. Bulldozer demolitions for instance are done within the shortest time possible. As a result, the affected families are normally left with a limited options to contest for or pursue compensation for the violation of this innate right. Moreover, Article 7 of the ICCPR prohibits cruel, inhuman or degrading treatment or punishment. Therefore, without prior notice demolition of the family homes amounts to collective punishment . Beyond the accused the injustice of the Bulldozer justice affects other members of the family including children and elderly people. Meanwhile, the ICESCR protects a range of economic, social, and cultural rights that are also violated by bulldozer demolitions²⁰. Article 11 and 12 of ICESCR guarantee the rights to adequate housing and right to the enjoyment of the highest attainable standard of health respectively . These rights cannot be achieved for those that are left without shelter, sanitation, hunting and gathering services. The loss is devastating for communities that are already socially and economically deprived .

(B) Legal Violations Under Indian Constitutional Law

The right to property in Indian Constitution is no more a fundamental right. However, it, remains a constitutional right under Article 300 A²¹ which provides that no person shall be deprived of his property except

²⁰ The International Covenant on Economic, Social and Cultural Rights, 1976, art. 11.

²¹ The Constitution of India, art. 300 A.

by authority of law. This provision requires that any deprivation of property should be done in accordance with the law. Since bulldozer demolitions frequently occur without official notifications or court orders, they violate this right is violated by an arbitrary seizure and destruction of individuals' property.

In *State of West Bengal v. Subodh Gopal Bose*²², the Supreme court affirmed that property cannot be taken without lawful authority and fair compensation, a principle that remains valid under Article 300A of the Indian Constitution. This case reiterates that those bulldozer demolitions that are done without legal backing breach the constitutionally protected right to property.

Indian Constitution enshrines principles of equality, equality before the law and equal protection of laws under article 14. However, the rationale behind bulldozer justice undermines the integrity of Article 14²³, which is an anti-discrimination clause in the constitution.

The *E.P. Royappa v. State of Tamil Nadu*²⁴ case also elucidated the proposition that Article 14 prohibits both arbitrariness and discrimination. Equality, by definition, opposes arbitrariness. Bulldozer justice where it is applied selectively pollutes the society with social estrangement and corrodes the possibility of the society to have faith in the fairness of the laws and institutions. In addition, decency and means to live is another facet of Fundamental Right to Life as granted under Article 21 of Indian Constitution. The Supreme Court has interpreted Article 21 to encompass the right to live with dignity, including access to

²² AIR 1954 SC 587.

²³ The Constitution of India, art 14.

²⁴ (1974)2 SCR 348.

basic shelter and means of income. Bulldozer demolitions deprive families of homes, and frequently the owners of small enterprises lose both their homes and their means of earning a living. This practice is a blatant violation of right to dignity when families lose their homes and become economically injured. The sudden dispossession of home and property—or even the threat of it—mirrors the loss of dignity experienced by prisoners denied humane treatment and respect

In *Olga Tellis v. Bombay Municipal Corporation*²⁵, the Supreme Court acknowledged that the right to livelihood is an integral part of the right to life. The court held that eviction without due process infringes upon individuals' ability to live with dignity. Bulldozer demolitions frequently disregard these principles, failing to provide affected individuals with notice, rehabilitation, or alternative arrangements. The ruling in *Olga Tellis* emphasized the need for humane treatment and support for displaced persons, protections that are all too often ignored in bulldozer demolitions.

VI Judicial Analysis

In a recent verdict, the Supreme Court has issued a stay on demolition actions, firmly standing against the abuse of state authority through bulldozer operations. The Court ordered governments to halt further demolitions, noting that these actions seem to violate an earlier ruling against demolitions without proper authorization.

²⁵ AIR 1986 SC 180.

Amid these allegations, the Court stated its intent to establish nationwide pan India- guidelines to protect **all** its citizens²⁶. "Bulldozer justice is simply unacceptable under the rule of law. If permitted, the constitutional recognition of the right to property under Article 300A would be rendered meaningless," the bench emphasized. The judgment, written by the Chief Justice of India, further stated, "Citizens' voices cannot be suppressed by threats of property destruction. A person's ultimate security is in their home."

The judgment noted that, where laws govern demolitions, their procedural safeguards must be followed. "We propose to set certain minimum thresholds of procedural safeguards that must be met before action is taken against citizens' properties," it concluded.

Some other distinguished former judges as well as lawyers also raised objection on the consequences of bulldozer justice and described it as an 'unacceptable distortion of the rule of law.'²⁷

In *Sudama Singh v. Government of Delhi* , High Court laid down legal principles concerning due process and the rights of displaced individuals. The Court pointed that the right to shelter is an extension of the right to life under Article 21 of the Indian Constitution, mandating that affected individuals be offered alternative accommodations before any demolition, thereby ensuring that displacement does not lead to

²⁶ Ananthakrishnan G, Supreme Court questions bulldozer justice, will lay down pan India norms for due process, *available at*: <https://indianexpress.com/article/india/supreme-court-questions-bulldozer-justice-will-lay-down-pan-india-norms-for-due-process-9546968/> (last visited on September 30, 2024).

²⁷ Geeta Pandey, How bulldozers became a vehicle of injustice in India, *available at*: <https://www.bbc.com/news/world-asia-india-61837134> (last visited on September 30, 2024).

homelessness. This ruling underline the need for comprehensive strategy to address urban planning and eviction policies .

Similarly, in *Ajay Maken v. Union of India*, court affirmed the necessity of due process in demolition proceedings, asserting that evictions should occur only after thorough assessments and adequate resettlement options are provided. This judgment highlighted that demolitions conducted without notice or proper arrangements violate constitutional rights, thereby reinforcing the judiciary's commitment to fairness and equity in eviction cases

In its 2023 judgment regarding bulldozer demolitions, court clarified that demolition should not occur at any cost if it is related to related to criminal allegations. The Court indicated that being accused of a crime does not justify demolishing an individual's property, as such actions violate the presumption of innocence and the right to a fair trial. The Court's intention to establish nationwide guidelines to prevent the misuse of state machinery for punitive demolitions emphasizes that these protections apply universally .

Collectively, these judgments affirm that demolitions perceived as punitive must be stopped for the sake of fundamental rights. The Supreme Court's interventions remind us that the arbitrary use of bulldozers as instruments of punishment infringes on individual rights and undermines public trust in the legal system. This stance aligns with international human rights principles, prioritizing due process and prohibiting collective punishment. The ongoing legal discourse surrounding bulldozer justice highlights the tension between state interests in maintaining law and order and the imperative to uphold individual rights. The Supreme Court's rulings in this area are likely to

shape future policies, compelling state authorities to adopt transparent and legally compliant practices in the implementation of eviction and demolition orders. By invoking Article 142 of the Constitution, which empowers it to pass orders for "complete justice," the Court reaffirms its role as the protector of constitutional rights

VII Reforming Bulldozer Justice: A Holistic Approach to Displacement

The issue of displacement in India, particularly through the controversial practice known as "bulldozer justice," necessitates a comprehensive reform of the legal framework governing demolitions. While the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (2019) outline essential directives from a humanitarian perspective, India's legal responses have often been fragmented, resulting in inadequate protections for those affected.

Bulldozer justice is often framed as a decisive, "tough-on-crime" approach, which can be popular among certain sections of the public. Governments may be reluctant to abandon such methods for fear of losing political support or appearing weak in the eyes of their constituencies. The government use such methods to appeal to certain voter bases, especially in regions where religious or community-based sentiments are strongly tied to political ideologies. This can create a perception of strong governance, particularly in dealing with perceived "lawlessness"

So now as the Supreme Court moves toward establishing pan-India guidelines, it is crucial to adopt a multidimensional approach that emphasizes due process and individual rights.

First, demolitions should only be executed in exceptional circumstances, adhering strictly to established legal procedures. A thorough assessment of the context surrounding each demolition must be undertaken, balancing the state's need to act with the rights of individuals to adequate housing and resettlement. Recognizing that systemic violations of these rights are widespread, a data-driven analysis of past demolitions should be conducted to identify patterns and gaps in the existing processes. The reform should be structured in three phases.

The reform should be carried out in three phases. In the pre-demolition phase, the burden of proof should shift from affected individuals to the state. Authorities should prove the necessity of demolition for public good and how they intend to protect relevant human rights. Reasoned notices for demolition should include comprehensive information about land records and resettlement plans and be widely disseminated to allow affected individuals adequate time to analyse their options and seek legal advice. An independent committee—comprising civil society and judicial representatives—should review proposed demolitions, especially those impacting multiple homes, ensuring that affected parties are informed of their rights and options.

During the demolition phase, authorities should emphasize on minimal use of force and avoid heavy machinery. The presence of neutral government officials should be mandated to check the process and ensure responsibility of the authorities. Surprise demolitions should be prohibited and subject to penalties for the responsible authorities.

The rehabilitation phase is also important where Authorities must provide adequate temporary or permanent housing to prevent homelessness . A powerful grievance remedial mechanism should be

established within existing laws to allow individuals to challenge decisions at any stage of the demolition process. Clearly defined remedies—such as compensation, restitution, and options for returning to original homes—must be enshrined in legislation²⁸

While the judiciary plays an important role in upholding individual rights, it is unfair to place an excessive burden on it to defend those rights alone, given the inherent limitations of the judicial system. The responsibility for safeguarding democracy and the rule of law rests collectively with the three branches of the Indian government.

As a custodian of the people's power, the government must exert its authority with integrity and adhere to established legal protocols. This approach ensures that justice is not only delivered but also perceived as being fairly administered. The government's actions should reflect a commitment to the principles of justice, thereby reinforcing public trust in the legal system and democratic institutions.

VIII Conclusion

Bulldozer justice poses a serious challenge to the rule of law and democratic principles. When authorities engage in such extrajudicial actions, they send a message that retribution can occur without regard for legal processes. This undermines the credibility of legal institutions and erodes public confidence in the judiciary. One of the most significant impacts of bulldozer justice is the social and economic displacement of vulnerable populations. When properties are demolished without due process, affected families undergo unjust treatment—without

²⁸ *Supra* note 12.

investigation, defence, or fair trial—and are left at the mercy of the authorities.

Such actions are often seen as unfair and discriminatory, creating an atmosphere of fear and injustice in society. Consequently, bulldozer justice endangers not only individual rights but also the foundational values of democracy, fostering a sense of impunity for those in power. In a democratic society, the judiciary must function as an impartial arbiter, protecting human rights regardless of class, gender, or race. Justice should be administered fairly, without bias or self-interest, upholding the legal rights of all citizens.