



## Supreme Court Guidelines on “Bulldozer Justice”

**For Prelims:** [Supreme Court](#), [Article 142](#), [Municipal Laws](#), [Executive, Judiciary](#), [Rule of Law](#), [Right to Life with Dignity](#), [Article 21](#), [Article 300A](#), [Article 14](#), [Article 51](#), [Geneva Convention 1949](#), [Procedure Established by Law](#), [Due Process of Law](#), [Maneka Gandhi Case, 1978](#), [Hate Speech](#), [Tribunals](#), [Alternative Dispute Resolution](#).

**For Mains:** Implementation of due process of law in demolition drives.

[Source: IE](#)

### Why in News?

Recently, the [Supreme Court \(SC\)](#) laid down **pan-India guidelines** under [Article 142](#) of the Constitution to ensure that **due process** is followed for **demolishing the properties of citizens**.

- SC ruled that demolishing the properties of an **accused or convicted** without following **due process** is **“unconstitutional”**.
- The case challenged the **"extra-legal" demolition** of homes of individuals accused of crimes, recently seen in **Uttar Pradesh, Madhya Pradesh, and Uttarakhand**.

### Note:

**Bulldozer justice** refers to the practice of **demolishing properties**, often belonging to those **accused of crimes**, sometimes **without** following proper **legal procedures**.

### What are the Supreme Court Guidelines on Bulldozer Justice?

- **Providing Notice:** A **minimum of 15 days' notice** must be given to the **property owner or occupier** before any demolition can proceed.
  - The notice must clearly **outline the details of the structure** to be demolished and reasons for demolition.
- **Fair Hearing:** A scheduled **date for a personal hearing** to provide an opportunity for the affected party to **contest the demolition** or clarify the situation.
- **Transparency:** Authorities must notify the **local Collector or District Magistrate** via email upon serving the notice, with an **auto-reply acknowledgment** to avoid claims of backdating or tampering.
- **Issuance of Final Order:** The final order must include the **owner's or occupier's arguments**, the authority's justification for demolition as the only option, and whether the **entire or partial structure** is to be demolished.
- **Post-Final Order Period:** If a demolition order is issued, the Supreme Court mandated a **15-day period** before implementation, allowing the owner or occupier to **remove the structure or**

**challenge the order** in court.

- **Documentation of Demolition:** The authority must **record the video of demolition** and prepare an **“inspection report”** beforehand, along with a **“demolition report”** listing the personnel involved.
- **Test for Dual Violations:** The SC laid down a **separate test** for cases where a demolished property houses an **accused but also violates municipal laws** as an illegal construction.
  - The SC stated that if only **one structure is demolished** while **similar ones are untouched**, it may suggest the **motive is to penalise** the accused, not remove an illegal construction.
- **Exception:** SC clarified that its directions will **not be applicable** if there is any **unauthorised structure** in any public place such as **roads, streets, or footpaths, abutting railway lines or any river or water body** and also to cases where there is an order for demolition made by a **court of law**.

## Article 142

- **Article 142** of the Constitution empowers the **Supreme Court** to pass **decrees and orders** necessary for **complete justice** in any case.
- **Article 142(1)** allows the Court to issue **binding orders** across India, **enforceable as prescribed by law** or the **President**.
- **Article 142(2)** grants the Court powers to **secure attendance, discovery of documents, or punish contempt**.
- Over time, this provision has been used to ensure **“complete justice”** and address perceived **legislative gaps**.

## What is the Significance of the Supreme Court Guidelines?

- **Separation of Powers:** The verdict emphasises that the **judiciary** holds the power to **decide guilt** and determine if any state organs have **overstepped their limits**.
  - The **executive cannot replace the judiciary** in performing its core functions.
- **Rule of Law:** The Court stated that it is **impermissible** for the executive to impose **demolition as punishment** without a proper trial. This upholds the **rule of law** by ensuring that state actions **do not overstep constitutional boundaries**.
  - Demolitions that disproportionately affect **certain communities (like slum dwellers)** can be challenged as discriminatory under **Article 14**.
- **Accountability of Officials:** By requiring that demolition actions be **publicly scrutinised** and accompanied by **detailed records (such as video recordings and inspection reports)**, the guidelines aim to prevent **abuses of power** and foster greater accountability.
- **Right to Shelter:** Demolition affecting the entire property, including those who are not accused, would be **unconstitutional** as it infringes on the fundamental right to shelter.
  - **Right to life with dignity** under **Article 21** of the Indian Constitution includes the **right to shelter**.
  - **Article 300A** guarantees that no person shall be deprived of their **property except by law**. This provision emphasises that property can only be taken away following due process and under valid laws.
- **Protection of Individual Rights:** The Court’s insistence on **due process** and the separation of powers protects individuals from **arbitrary state actions** and ensures that rights are not violated under the **guise of law enforcement**.
- **Geneva Convention 1949: Article 87(3)** of the **Geneva Convention 1949** prohibits collective punishments.
  - Such demolitions also violate **Article 51** of Indian Constitution which mandates that India must respect **international treaties and laws**.

## Why is Bulldozer Justice a Concern?

- **Rising Punitive Demolitions:** A **2024** estimate by the **Housing and Land Rights Network**

(HLRN) found that authorities demolished **153,820 homes in 2022 and 2023, displacing over 738,438 people** across rural and urban areas.

- **International Covenant on Civil and Political Rights (ICCPR): Article 17** of the ICCPR states that **everyone has the right to own property** individually or with others, and **no one shall be arbitrarily deprived** of their property.
- **Collective Punishment:** SC acknowledged that demolition drives not only target the **alleged perpetrators** of an offence but also impose a form of **“collective punishment”** on their **families** by destroying their place of dwelling.
- **Instant Justice:** Demolitions have been justified as actions against encroachment or unauthorised construction. Such state-sanctioned acts of punitive violence have been hailed as a form of **“instant justice.”**

## Other Judicial Pronouncements Related to Property Demolitions

- **Maneka Gandhi Case, 1978:** The SC expanded the scope of "[procedure established by law](#)" by ruling that it must be **just, fair and reasonable**, thereby introducing the principle of "[due process of law.](#)"
  - Therefore, demolitions based on **suspicion or unfounded allegations** contradict the principles of justice, fairness, and non-arbitrariness.
- **Olga Tellis Case, 1985:** The Supreme Court affirmed that **Article 21**, guaranteeing the right to life, also includes the right to livelihood and shelter.
  - It means demolishing homes without due process violates constitutional rights.
- **KT Plantation (P) Ltd Case, 2011:** SC ruled that the legislation providing for deprivation of property under **Article 300-A** must be just, fair, and reasonable.

## What are Challenges in Implementation of SC Guidelines?

- **Reliance on Political Will:** The political pressures to use demolition as a form of **retribution or deterrence could persist**, especially in politically charged environments.
- **Culture of Impunity:** While the guidelines impose accountability on officials, historical examples, such as the court's previous attempts to address issues like [hate speech](#) or [mob lynching](#), suggest that similar efforts have not always led to substantial outcomes or accountability.
- **Lack of Oversight:** There remains a risk that local authorities or officials may find ways to **circumvent these rules**, especially in regions where judicial oversight is weaker.
- **Long-Term Cultural Change:** The guidelines alone may not be sufficient to change the broader **cultural and institutional practices** that allow for such actions in the first place.

## Way Forward

- **Upholding the Rule of Law:** All state actions must be in **strict compliance with the law**. The legal system must distinguish between criminal justice and collective punishment, ensuring the presumption of innocence is upheld.
- **Enhancing Judicial Oversight:** **Specialised tribunals** should be established to specifically deal with disputes related to property demolitions having powers to review government decisions.
- **Alternative Dispute Resolution:** Mechanisms such as [mediation and arbitration](#) should be actively promoted as an effective way to resolve disputes related to property rights and demolitions.
- **Rehabilitation Plans:** It is vital to create detailed **rehabilitation plans** for individuals impacted by demolitions having provisions for **alternative housing, livelihood support, and access to mental health services.**

### **Drishti Mains Question:**

How do Supreme Court's guidelines on property demolitions in the context of 'bulldozer justice.' reinforce the principles of due process, transparency, and accountability?

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