Bulldozer Justice

Why in News?

Recently, the Supreme Court of India (SC) criticized the practice of "**bulldozer justice,**" highlighting that demolishing properties based on criminal allegations against individuals or their family members violates the rule of law.

Key Points

- "Bulldozer justice" refers to the practice of demolishing the property of individuals suspected of criminal activities or involvement in riots using bulldozers, often without adhering to due legal process.
    - This practice has been reported in several Indian states, including Uttar Pradesh, Delhi, Madhya Pradesh, Gujarat, Assam, and Maharashtra.
    - Demolitions are often **justified under municipal laws** for encroachment or **unauthorized construction.**
- This practice bypasses due process requirements outlined in Supreme Court judgments such as ***Sudama Singh & Ors. vs Government of Delhi*** and ***Ajay Maken & Ors vs Union of India.***
- The SC has recently condemned this practice, emphasizing that demolishing properties based on accusations violates the rule of law and due process of law.
    - The SC has invited suggestions from the parties concerned to frame appropriate pan-India guidelines on extra-legal demolitions.
- An analysis has identified that **procedural guidelines** should be incorporated into **relevant legislation and rules**, structured in a phased manner with multiple checkpoints at each stage to ensure **all necessary steps are followed** before taking any adverse or irreversible actions.
    - **Pre-Demolition Phase:**
        - **Burden of Proof:** Shift the burden of proof to the authorities to justify demolition and displacement, ensuring protection of human rights.
        - **Notice and Publicity:** Provide a reasoned notice with information about land records and resettlement plans, and give ample time for affected individuals to respond.
        - **Independent Review:** An independent committee with judicial and civil society representatives should review proposed demolitions, particularly in neighborhoods.
        - **Engagement and Planning:** Engage affected individuals in discussions about alternative housing and compensation, addressing the needs of vulnerable groups. Allow a minimum of one month between notice and demolition.
    - **During Demolition:**
        - **Minimization of Force:** Avoid the use of physical force and heavy machinery such as bulldozers.
        - **Official Presence**: Ensure the presence of government officials not involved in the demolition to oversee the process.
        - **Scheduled Timing**: Demolition times should be pre-decided to prevent surprise actions.
    - **Post-Demolition (Rehabilitation):**
        - **Rehabilitation:** Provide adequate temporary or permanent housing solutions to ensure no one is left homeless.
        - **Grievance Redressal:** Establish a speedy grievance redress mechanism for

affected individuals to challenge demolition decisions.
- **Remedies:** Ensure remedies such as compensation, restitution, and possible return to original homes.