

Bulldozing Justice: Erosion of the Rule amid Rampant State – Sanctioned Demolitions

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Abstract:

Particularly among minority groups, the concept of "bulldozer justice" has become controversial in India in recent years as a means of handling people accused of rioting, vandalism, stone pelting, or other criminal activities. This practice involves the destruction of properties connected to people claimed to be involved in criminal activity, usually defined as an immediate justice mechanism approved by different state governments. It acts to punish alleged rioters, protesters, or offenders by means of aggressive demolition of their homes, businesses, or any other building. Many times, this is done without following the necessary legal processes. Though intended to be a quick response to illegal activity, bulldozer justice raises many issues regarding its conformity with accepted moral and legal norms. Some see it as a way to avoid engaging in illegal activity and as a tool for delivering quick justice instead of the drawn-out process of the court system. Although it might follow legal procedures, it essentially avoids important judicial principles including the right to a fair trial, and basic rights ingrained in the Constitution of India, so undermining the integrity of the rule of law. This method raises ethical questions about collective punishment, the unequal effects on underprivileged populations, and the possibility of power being taken or used by those in authority. Still, a lot of people claim that destroying houses not only moves the accused but also influences their family members who share the same house. They argue that the relatives should not pay for the mistakes of one person. Many times, the destruction of homes has come under legal challenges based on illegality. Although some people believe that bulldozer justice is a deterrent, others argue that

these kinds of actions compromise civil rights, underline the very foundations of the justice system, and compromise the integrity of the court. This paper will closely review the several facts and cases that lead to the destruction of houses. Emphasizing its effects on justice and human rights, an investigation of the implications of bulldozer justice on the legal and ethical framework in India.

Keywords: Bulldozer justice; instant justice; demolition; rule of law; human right; natural justice; collective punishment; separation of power.

INTRODUCTION

Every civilized society and its legal system recognize as the pillar of social value the respect of human life. Everybody has the right to live their life in line with their own values free from outside influence. An efficient democracy guarantees people's liberties to defend their rights to life and liberties. Part III of the Indian Constitution guarantees in Section III protection of life and personal liberty. Citizens value these rights since they guard against the state; no action taken by any government agency can violate them. Considered generally as the Right to Life and Personal Liberty, Article 21 of the Indian Constitution states, "No person shall be deprived of his life or personal liberty except in accordance with the procedure established by law."

Known as "Bulldozer Justice," the recent trend of demolishing homes or properties, usually without sufficient legal procedures, and targeted at vulnerable people or alleged criminals has caused political wrangle in India. This is known as "demolition of homes, huts, stalls, or any structure without adherence to legal procedures". Whatever the claimed legality of the demolitions, the targeting of particular people violates the basic principles of Articles 13, 14, 21, and 300A of the Indian Constitution. Against fundamental principles of natural justice, such the assumption of innocence until proven guilty and the right to be heard (*audi alteram partem*), the destruction of homes belonging to accused persons without giving them the opportunity to defend themselves or prove their innocence violates. As so, punishing the relatives of the accused by demolishing their homes becomes a kind of "kin punishment." Under the Rule of Law, due process of law must be followed under which an accused offender is punished, so indicating that the administrative operations of the government must follow accepted legal procedures. The Supreme Court decided in *Chief Settlement Commissioner Punjab v. Om Prakash* that the most notable feature of our constitution is its rule of law, so indicating the courts' ability to evaluate administrative activities against legal criteria. It was observed in *Som Raj v. State of Haryana* that the use of discretionary power devoid of due process and caution runs against the Rule of Law's guiding principle. Moreover, the SC noted in *Maneka Gandhi v. Union of India* that due process is a fundamental element of Right to Life and Liberty under Article 21 demanding states action to be fair, reasonable, and open. Bulldozer Justice clearly abuses state authority by avoiding the court system and depriving individuals of their property and protection.

In the case of *Olga Tellis & Ors. 1985 v. Bombay Municipal Corporation & Ors.*, the court underlined the need of sending a legal notice. The honorable court also underlined that the chance to be heard is crucial before the residents from an illegal slum or pavement are evicted. Bulldozer justice is the improper use of administrative authority violating legal standards and violating personal liberties. Without following due legal process, the authorities are destroying homes, businesses, and properties, so acting arbitrarily that finally erodes confidence in legal institutions.

Methodologies of Research

Using a doctrinal and socio-legal approach, the study will look at Indian bulldozer justice practices. The legal foundation for examining the legal and ethical concerns related to these practices will be laid by primary sources including constitutional clauses, legal doctrines, statutory frameworks, and historic decisions. Moreover, secondary sources including studies, scholarly publications, essays,

and newspaper analyses will be used to set the scene regarding the more general legal, social, and ethical dimensions of the problem.

Combining primary and secondary data helps one to look at the ethical and legal issues related to bulldozer justice in India. While secondary sources will help to identify and assess the socio-economic consequences and ethical concerns connected to these practices, primary sources will enable a thorough study of the legal frameworks and basic ideas. Emphasizing areas needing reform and in line with values of justice and human rights, this twin approach helps to enable a thorough investigation of the problem.

Review of the Research Literature

As of late, India has seen especially vivid display of the so-called "bulldozer justice". Human Rights Watch's 2022 report "Demolishing Rights" included a thorough review of forced evictions in Indian cities. The report underlines the need of international human rights criteria, such those in the International Covenant on Economic, Social, and Cultural Rights (ICESCR), in order to assess the legitimacy of these practices and to guarantee fair and humane procedures. Furthermore, highlighted in the report were the following problems:

Among other procedural violations noted in the report, the demolition drives lacked openness, previous notice, and hearings.

People who are displaced are more likely to be homeless, have their livelihoods disrupted, and be more susceptible to socioeconomic problems without rehabilitation.

Marginalized groups—low-income families, Muslims, Dalits, tribal communities—are disproportionately affected for political or communal reasons.

Rigorously examining the phenomena of bulldozer justice in India by means of thorough case studies from Madhya Pradesh and Uttar Pradesh, the People's Union for Civil Liberties (PUCL) presented a report titled *The Illegality of Bulldozer Justice: A Case Study of Madhya Pradesh and Uttar Pradesh in 2022*. Concerns similar to those in the HRW report have been highlighted in the PUCL, 2022 report on procedural flaws, targeted marginalization, rights violations, and the need of accountability and rehabilitation. The (PUCL 2022) study looks just at case studies from Uttar Pradesh and Madhya Pradesh. From a legal and constitutional standpoint, it underlined how illegal and biased demolition projects are. Under Articles 14 and 21, the research emphasizes the need of a strong legal framework and judicial involvement to defend basic rights.

Emphasizing their effects on displaced populations, Amnesty International India's 2023 report *Breaking Homes, Breaking Lives* looked at the human rights consequences of demolition campaigns. The practice is attacked for undermining people's socioeconomic rights, which include their rights to housing and a living. The paper underlined the need of using a rights-based strategy to guarantee the attainment of justice.

The United Nations Habitat paper "Forced Evictions and Human Rights: A Global Perspective" outlines the worldwide human rights norms relevant to the problem of forced displacement. This emphasizes the need of responsibility and inclusive urban governance by offering a framework for evaluating India's demolition policies with international criteria. Author Dr. Usha Ramanathan investigates forced evictions in the paper and investigates their relationship to the law. This study investigates the legal and human rights implications of evictions, so stressing the need of legal protections against unfair displacement. Following due process—which includes prior notice, enough compensation, and the entitlement to appeal—is stressed by the author as being important. This emphasizes the need of shielding at-risk groups from violations of their rights so ensuring that evictions are executed fairly and legally.

In his piece on "bulldozer justice," Sunil Kumar explores how authorities destroy accused people's belongings without following due process. This activity compromises the authority of the law and unfairly influences particular groups. Such quick actions help to deflect attention from fundamental systemic problems including insufficient research and protracted court procedures, so aggravating social divisions. To preserve justice and prevent such careless actions, the article underlines the need of putting legal protections into effect, guaranteeing responsibility by tort law, and encouraging public debate.

In his paper "Bulldozer: An Instant Justice," Pujari Dharani looks at several facets of Indian bulldozer justice. He assesses these developments and claims in his paper that many times these programs ignore the constitutional protections, so violating Article 14 and Article 21 of the Indian Constitution. Furthermore, he claims, these motivations shape the due process of law. He also emphasizes the need of court intervention to keep control on such an instantaneous justice system and the possible misuse or abuse of discretionary powers by the executive. Maintaining the values of due process of law, equality, justice, and dignity becomes especially important, the author stresses. Retributive and reformatory justice in India allows the author to examine the practice of bulldozer justice. Promoting the need of a fair and timely justice system, the author looks at the idea of "justice hurried vs. justice denied" and issues warnings against equating "instant justice" with revenge.

Using bulldozer justice as a tool for communal targeting has gotten little attention. Particularly its use as a tool for communal targeting, *Demolition as Domination: The Dark Legacy of Bulldozer Culture in India* critically examines the ethical complexity surrounding bulldozer justice under the direction of Dr. Shadab Munawar Moosa. He argues that these policies disproportionately affect underprivileged groups, particularly Muslims, so supporting collective stereotypes. Ahmed suggests that public confidence in government is much influenced by these methods. Emphasizing the ideas of responsibility and procedural fairness, the paper emphasizes the need of ethical government.

Using bulldozer-led demolitions as punitive actions, India avoids following accepted legal processes. Particularly those from minority communities, such acts often target people depending on unsubstantiated claims or their identity. Although officials claim that these demolitions reflect accepted law enforcement methods, they are generally seen as politically driven acts meant to scare opposition and set an example. This practice undermines public confidence in institutions including the police, court, and bureaucracy, which seem to be influenced by political factors, so ignoring basic ideas of justice including fairness and due process. The demolitions are shown as harsh penalties for unproven crimes, so compromising the integrity of the law. Aiming to silence opposition and keep control, this strategy puts public punishment above justice, leading to a worrying change whereby punitive measures overwhelm legal adherence.

In his work, Gautam Bhatia examines the Supreme Court's decision on punitive home demolitions. Incorporating mandatory notice periods, hearings, and responsibility systems for officials engaged in wrongful demolitions, the ruling set policies to guarantee due process. Furthermore, it explicitly rejects the demolition of homes owned by accused people without following legal procedures and combines the proportionality theory to limit government power. The ruling notably leaves out protections for constructions on public land, so endangering underprivileged areas. The ruling is underlined as a necessary step to reduce "bulldozer raj" and protect people's liberties.

The Reasons Behind the Expansion of Bulldozer Justice In India

One can attribute the development of bulldozer justice in India to several elements. It has mostly come out as a tool for political maneuverings', mostly used by political factions to show control. The continuous application of this practice is much influenced by the correlation found between political leadership and strong governance between bulldozers and good management. This approach has developed into a tactic to draw the general people during election times by proving strong actions

against allegedly anti-social elements. It has often been the response to events involving group violence. This practice has come under close examination especially since it is observed that the state demolishes mostly Muslim areas. Critics of the concentration on these areas have pointed out that it reflects collective punishment. Still, the state has justified these acts by pointing out the need to destroy illegal buildings or properties connected to criminal businesses; many academics argue, however, that this is only a means of social and political control.

On the other hand, many people support this approach since they argue it provides a means of instant justice. Often seen as slow and ineffective, the Indian legal system allows bulldozers to carry out demolitions outside of accepted legal processes. This strategy provides a quick and extrajudicial form of retribution even if it compromises the fundamental principles of due process and the rule of law. Thus, two basic elements causing the controversial character of this approach are the absence of appropriate judicial order and the responsibility of the government.

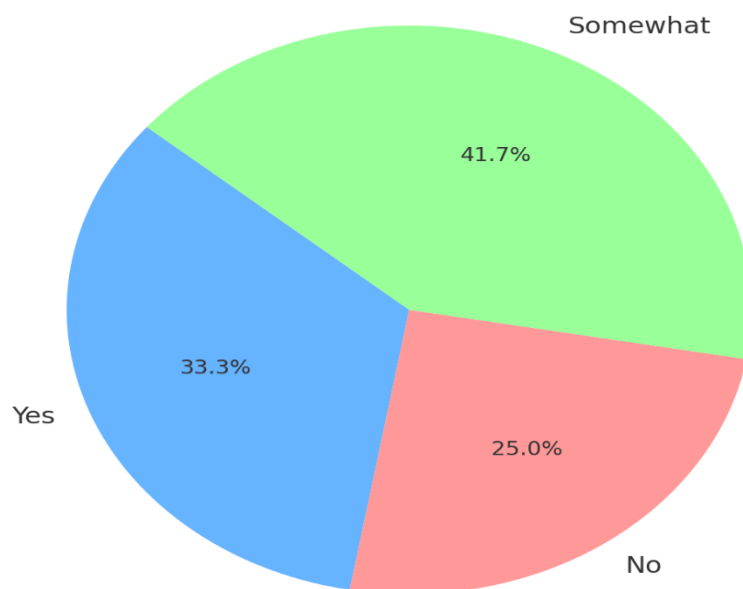
It is especially noteworthy how the media helped to raise the idea of bulldozer justice in India. Many times, these demolitions have been cited as necessary actions maintaining law and order. Establishing this habit as the standard in public opinion has been greatly helped by the media.

Data Analysis: Questionnaire: State-Sponsored Bulldozing Drives in India

A questionnaire comprising six key questions on the recent trend of state-led bulldozing drives in India was administered to 120 respondents, including legal experts, members of the public, and other relevant stakeholders. The survey aimed to gauge awareness, opinions on legality and justification, and perceptions of political or social targeting.

Qns 1 About awareness of recent bulldozing incidents in India.

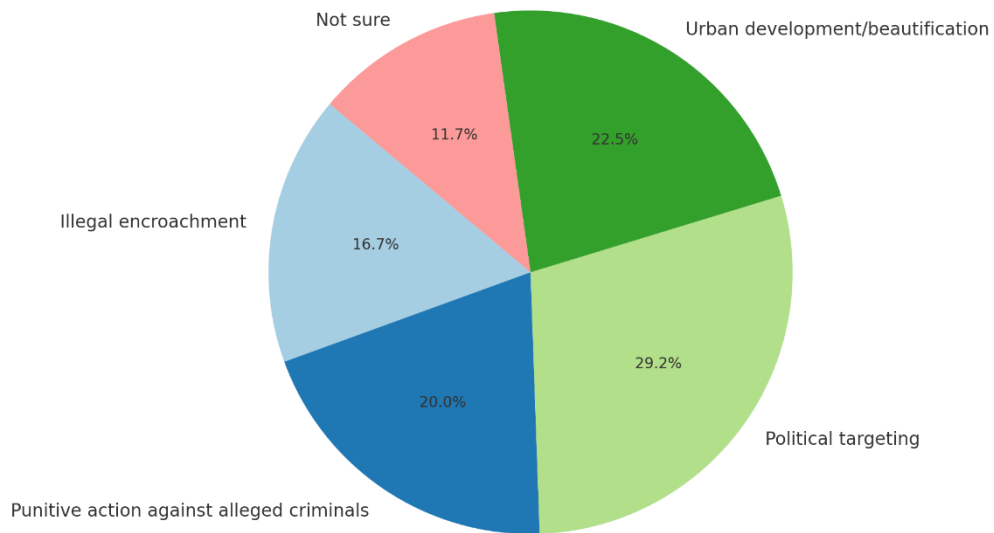
Awareness of Recent Bulldozing Incidents in India



The majority of respondents (50 out of 120) were "Somewhat" aware, followed by 40 who were fully aware ("Yes") and 30 who were not aware ("No").

Qns 2 "In your opinion, what is the main reason behind such bulldozing actions by the state?"

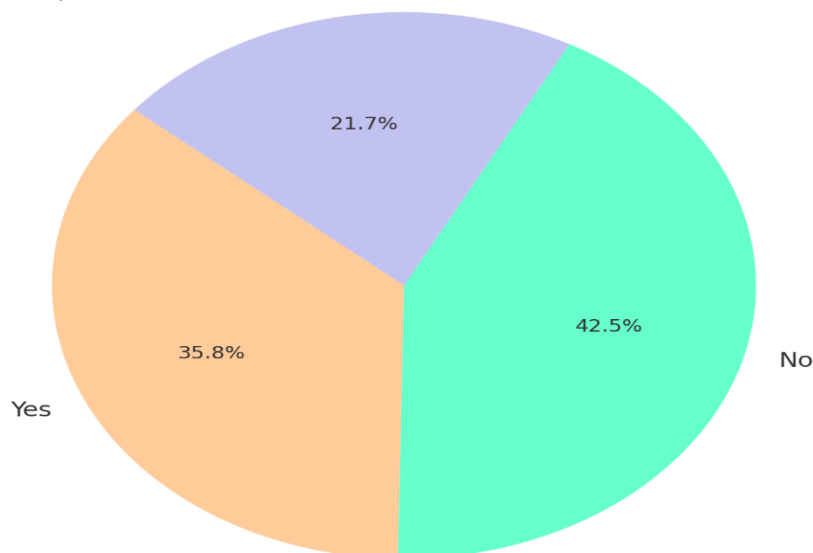
Perceived Reasons for Bulldozing Drives by State Authorities



Most respondents identified political targeting (35) and urban development/beautification (27) as major reasons, followed by punitive action against alleged criminals (24), illegal encroachment (20), and 14 respondents were not sure.

Qns 3 Do you think bulldozing without prior notice or due legal process is justified in any situation?

Is Bulldozing Without Legal Process Justified?
 Depends on the context



The largest group of respondents (51) said No, while 43 said Yes, and 26 believed it depends on the context. This highlights mixed but cautious attitudes toward state actions bypassing legal procedures.

Qns 4 Who do you believe is most affected by such demolition drives?

Option	Number of Responses	Percentage
Marginalized communities	27	22.5%
Political dissenters	53	44.2%
General public	21	17.5%

Option	Number of Responses	Percentage
All of the above	12	10.0%
None of the above	3	2.5%

Most respondents (44.2%) felt political dissenters are the main targets of bulldozing drives, followed by marginalized communities (22.5%) and the general public (17.5%). A smaller group (10%) believed all groups are affected, while only 2.5% felt none are significantly impacted. This shows strong concern over the selective use of state power.

Q5: Do you think these actions reflect a trend of misuse of executive power by state governments?

Response Option	Number of Responses	Percentage
Strongly agree	7	5.8%
Agree	12	10.0%
Neutral	13	10.8%
Disagree	56	46.7%
Strongly disagree	32	26.7%

A majority of respondents (46.7%) disagreed that bulldozing actions reflect misuse of executive power, while 26.7% strongly disagreed, indicating general support or trust in state actions. Only a small portion agreed (10%) or strongly agreed (5.8%) with the misuse claim, and 10.8% remained neutral, suggesting limited concern among most participants about executive overreach.

Q6: Should the judiciary intervene more actively to check arbitrary bulldozing by state authorities?

Response Option	Number of Responses	Percentage
Yes	25	20.8%
No	42	35.0%
Only in selective cases	53	44.2%
Not sure	0	0.0%

The majority of respondents (44.2%) felt that the judiciary should intervene only in selective cases of state-led bulldozing, reflecting a preference for limited oversight. Meanwhile, 35% opposed any judicial interference, and just 20.8% supported active intervention. This indicates a cautious public attitude toward judicial involvement in executive actions.

Critical Review of Indian Bulldozer Justice

A great threat to the fundamental liberties of India's people, bulldozer justice seriously challenges the constitutional framework of the country. In India, owned by a small number of people, the possession of a house or piece of land is regarded as a great asset. Such arbitrary demolitions carried out without prior court orders run against the fundamental principles of natural justice. Such acts create a dangerous precedent, so compromising the state's responsibility and so reducing the necessary protection of judicial supervision over government actions.

Reviewing the body of current research reveals that, particularly in areas like Madhya Pradesh and Uttar Pradesh where it often corresponds with cases of communal violence, bulldozer justice disproportionately affects underprivileged communities and castes. This discriminating approach deepens the social exclusion of underprivileged groups and strengthens the general divisions in society. Similar methods have been observed in several countries, including Israel, where

Palestinians houses are destroyed using bulldozers. In both cases, the bulldozer becomes a symbol of state-approved oppression rather than a basic building tool.

Particularly for the people and communities affected by it, the implementation of bulldozer justice has great psychological consequences. Eliminating homes or assets causes psychological suffering and ongoing dislocation. It creates a climate of uncertainty and anxiety whereby people affected see themselves as vulnerable to the arbitrary acts of state officials without any legal protection. This supports the framework of current inequalities and makes it difficult for affected populations to grow socially and economically. It affects people as well as societies and drives questions about India's democratic system. The state's vast exercise of power, which shows up as extrajudicial actions including demolitions, compromises the fundamental democratic values. The decline of due process compromises the rule of law, so erasing public trust in government agencies and the court.

Suggestions

To control and stop demolition efforts in India, a clearly defined legislative framework and court decisions are required. In the case *In Re: Directions*, the Supreme Court just lately decided on November 14, 2024, demolition of buildings and orders. The Hon'ble Supreme Court of India was a main cause of "bulldozer justice" failing. The Court has made it abundantly evident that demolitions should only be used in extreme circumstances where they are absolutely necessary, as in the case of illegal construction connected to criminal activity, not as a kind of collective punishment. The highest court has used anarchy and lawlessness to characterize such administrative overreach, which they have fervently denounced. The degree to which the Supreme Court's decisions are followed will determine whether such abuses never recur.

Also, the government should make sure that these kinds of policies aren't just community-driven attempts to exacerbate existing disparities. In particular, they need to watch out for religious and caste minorities to make sure these practices don't hit them more than other vulnerable populations. Strict oversight is necessary to ensure that demolition orders are carried out without prejudice.

To eliminate any possibility of administrative power abuse or exploitation, the state should be open and responsible for its acts.

Finally, when demolitions have an impact on people and their families, the state has a responsibility to offer rehabilitative measures. Additionally, the states need to help pay for their losses and get back on their feet.

CONCLUSION

The Bulldozer Justice constitutes a transgression of constitutionalism and the rule of law, stemming from a deficiency in natural justice. The demolition of citizens' homes without according to the legal procedures is contrary to the principles of a democratic nation. This action contravenes not only the fundamental tenets of the Indian Constitution but also the principles of morality and natural justice. The astonishing aspect of this move is that it effectively garnered the support of the majority of the nation's populace. Individuals in India are commemorating this unlawful action by the state under the guise of religion. Extensive collectives regard it as a triumph and advancement of faith. This legislation directly contravenes the fundamental rights enshrined in the Indian Constitution. The authorities are attempting to assume the roles of judge and jury, seeking to resolve the issue immediately while disregarding the due process established by law. Judicial intervention is the remedy for the faulty justice system in India. Former Chief Justice of India DY Chandrachud has vehemently condemned the notion of 'Bulldozer Justice,' asserting that it is unequivocally intolerable within the framework of the rule of law. "If permitted, the constitutional acknowledgment of the right to property under Article 300A would become a mere formality." The judiciary, as a protector of the Indian Constitution, must acknowledge that demolition without adherence to legal procedures contravenes constitutional decency.

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