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From Procedure to Authoritarian State: A Critical Examination of Bulldozer Justice in India

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Abstract: From the last few years the term “Bulldozer Justice” is going on in the political and legal spheres of the society. It refers to knock down the properties especially the residential properties which belonged to the person who is indulged in the criminal act, by disdaining the due process of law. This paper will thrive a jump into the historical emergence, political correlation, constitutional concerns and provisions, and socio-legal implications of bulldozer justice in India. It critiques and analyse the phenomenon from the perspective of rule of law, due process, human rights, and judicial accountability. This paper critically examines the rejuvenation of retributive justice in modern governance and how the emergence of the concept of the bulldozer justice affecting reformatory justice system. It explores its implications for democratic institutions, rule of law, and how the society is getting impaired with it. The paper adopts a qualitative research methodology, combining doctrinal legal analysis with case studies from India. The paper highlights that how the bulldozer justice is becoming a threat to the democratic principles and influencing the theories of the punishment. This study contributes to a deeper understanding of punitive populism in present time politics, coining bulldozer justice as a significant threat to legal rationality and civil liberties.

Keywords: bulldozer justice; rule of law; due process; demolition drives; extrajudicial; Indian Law

1. Introduction

In recent years, it is notable that states like Uttar Pradesh, Madhya Pradesh, and Delhi—have increasingly heading for using bulldozers to demolish homes, shops, and properties allegedly belonging to criminals, encroachers, or participants in protests. Coined as “Bulldozer Justice,” this mode of imposing punishment is considered to be swift which is overriding the legal provisions especially of the Indian Constitution and encroaching in the province. Although this ongoing incident also gaining some support from different sections of the society but at the same time it is raising alarming questions on the issues of rules of natural justice, non-arbitrariness, fairness, principles of rule of law, due process of law and separation of powers within the executive and the judiciary. 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 smash down the homes, shops, or other properties of individuals accused of crimes, often without a fair trial and without giving the opportunity of being heard. 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 spirit lies down in both the articles are somewhere lost its significance. The concept of bulldozer justice came into existence during the Citizenship Amendment Act- National Register of Citizens protests and spread across India.

2. Historical and Political Background

This analogy of using bulldozers to empower the state authority has its roots in anti-encroachment drives dating back to the 1980s and 1990s. If we noticed then in cities like Delhi, Mumbai, and Kolkata, there were evictions and demolitions of slums, which were done under the garb of beautification or illegal encroachment removal. Similarly, Delhi saw huge slum evictions in the 1990s, affecting thousands of families. These were largely conducted without proper resettlement or legal recourse, sparking criticism from human rights activists. Another major incident Babri Masjid demolition (1992) and afterwards communal riots in Mumbai, there were allegations of selective action against properties belonging to certain communities and they made the certain

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communities tormented. However, the term “Bulldozer Justice” took the stage during the tenure of Uttar Pradesh Chief Minister Yogi Adityanath, whose administration commenced deploying bulldozers as tools of both literal demolition and political symbolism. Not only in the state of Uttar Pradesh but also in Madhya Pradesh and Delhi, especially during communal unrest or anti-government protests, the bulldozer justice came into the picture.

3. Legislative Framework

Regarding the demolition of any building, the local laws provide the proper guidelines to conduct the demolition act as stated under Sections 27–28 of the Urban Planning Act¹. The Act explicitly restricts the powers of the concerned authorities and also it covers only the illegal construction. Demolitions must be done by following the due procedure and with the adherence of the principles of the natural justice and any such proceedings without the prior notice and with formal legal compliance will not be entertained and subject to face legal consequences. The Act also specifies that minimum 15 days’ time period must be before the demolition of the building, that condition cannot be waived. Given Under Section 305 of the UP Municipal Corporations Act², the provisions of the Act empower the police to aid assist municipal authorities in enforcing demolition orders with peace and fairly. Nothing in any of the statutes of any state conferring the power to demolish the building or damage any property in perspective of the imposing punishment or to punish the criminal along with their innocent family members without following the rule of law. The Supreme Court has majorly supported the view that demolition is not a just punishment and it is somewhere promoting the theory of retributive theory. This is significant to be noticed that the power to demolish is administrative (for building violations), not punitive (for criminal acts) (Verma and Tripathi 2025). Under provisions of the Rajasthan Municipalities Act³, authorities are warranted to commandeer the properties that encroach public land, but by putting a rider that they must serve a written notice comprising the grounds for confiscation and offering an occasion for proper representation in front of the concerned authorities. The MP Municipalities Act⁴ also allows demolition of unauthorised constructions only after serving notice to owners with the certain time limit, which cannot be compromised. The Delhi Municipal Corporation Act⁵ allows removal of unauthorised structures with “reasonable opportunity” for the owner to appeal and by inserting these provisions the maxim that “Justice should not only be done but seems to be done” is appear to be somewhere in existence. The Haryana Municipal Corporation Act⁶, similar to Delhi’s DMC Act, provides owners a brief period to challenge demolitions but has a shorter window (3 days) to comply with demolition orders.

4. Judicial Oversight

The Indian Constitution establishes a system based on the rule of law, enshrining fundamental rights such as equality (Article 14), protection of life and liberty (Article 21), and protection against arbitrary action. Bulldozer justice, however, operates in a grey zone between administrative efficiency and legal illegality. It is worthy to be noted that justice via bulldozer justice does not much appreciated as it gives the unwarranted powers to any wing of the state that most of the time results in breach of the rule of law. The home is the ultimate asset of any person and justice through demolition is not seems to be justice done. As against the Bulldozer justice, multiple guidelines have been issued by the judiciary through its interpretations. In a case⁷ issues certain steps and asked the authorities to seek permission from the court before demolishing any resident property. In this present case the demolition was done on the basis of public announcement only by escaping all the legal formalities including due process of law. The court openly criticized the action and confirm that any kind of such actions are clearly violations of rule of law. The other case⁸ where an ancestral house had been demolished due to the ongoing communal violence without any notice was clearly violated the rule of law and Article 21 of the Indian Constitution as Article 21 explicitly talks about the right to life and right to life included the right to livelihood where the requirement of the house is an undeniable fact. The Supreme Court⁹ consisting of two judge benches reserved the judgement by stating that local laws must not be used arbitrary in order to justify the bulldozer actions. The application in this case seeking the justice that by demolishing their house does not in any way serves the justice as a punitive measure. The court supported the statement that even a person is said to be the accused of a crime but in no case the unauthorized demolition of a house where the entire family resides justifies the actions of the concerned authorities and the court by exercising its powers under article 142 of the Constitution of India issued interim order that except the encroachments on public roads, footpaths, railway lines, or waterbodies, no demolition can be done without prior permission of the court and if any such actions discovered then the persons

¹ Government of Uttar Pradesh. (1973). *The Uttar Pradesh Urban Planning and Development Act, 1973 (U.P. Act No. 11 of 1973)*. Lucknow: Legislative Department, Government of Uttar Pradesh

² Government of Uttar Pradesh. (1959). *The Uttar Pradesh Municipal Corporations Act, 1959 (U.P. Act No. 2 of 1959)*. Lucknow: Legislative Department, Government of Uttar Pradesh

³ Government of Rajasthan. (1959). *The Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959)*. Jaipur: Law Department, Government of Rajasthan

⁴ Government of Madhya Pradesh. (1961). *The Madhya Pradesh Municipalities Act, 1961 (Act No. 37 of 1961)*. Bhopal: Government Central Press.

⁵ Government of India. (1957). *The Delhi Municipal Corporation Act, 1957 (Act No. 66 of 1957)*. New Delhi: Ministry of Law and Justice.

⁶ Government of Haryana. (1994). *The Haryana Municipal Corporation Act, 1994 (Act No. 16 of 1994)*. Chandigarh: Legislative Department, Government of Haryana.

⁷ Government of Haryana. (1994). *The Haryana Municipal Corporation Act, 1994 (Act No. 16 of 1994)*. Chandigarh: Legislative Department, Government of Haryana.

⁸ Brinda Karat v. North Delhi Municipal Corporation & Ors., Writ Petition (Civil) No. 294 of 2022 (Supreme Court of India Sept. 2, 2024 & subsequent hearings, final interim order Nov. 13, 2024) 2024 SCC OnLine SC 2593.

⁹ Jamiat Ulama-i-Hind v. North Delhi Municipal Corporation & Ors., Writ Petition (Civil) No. 295 of 2022 (S. Ct. India Sept. 2, 2024 & Oct. 1, 2024)

will be liable under contempt of court. Hon'ble Mr. Justice Ujjal Bhuyan also criticized the bulldozer actions which are going on like an unruly horse and strongly emphasized that it is a clear violation of rules of natural justice. The illegal actions of bulldozer actions do not empower the provisions of the Constitution rather negation of the very spirit of the Indian Constitution. Justice Bhuyan also added that a family must not suffer for the criminal acts of a person who belongs to that family. The apex court is the guardian of the rights of its citizens and it have powers to supervise, if there is any kind of unjustifiable incidents take place in the society. Another judgement¹⁰ which is throwing light on the principles of rule of law and natural justice and hon'ble Mr. Justice B.R. Gavai cited few lines, *"To have one's own home, one's own courtyard – this dream lives in every heart. It's a longing that never fades, to never lose the dream of a house"*. Rule of law is the very foundation of the democratic country and any such actions without any trial damaged the base of the Constitution and it is also threatening the independence of judiciary. The Supreme Court lays down its concerns towards the settling of the law in that specific act which affects the certain section of the society. The court further explain that even if the accused is found to be guilty, demolition of house is not depicting any kind of justice and to made their family suffer as article 21 of the Indian Constitution implicit the right to have a home. There is separation of powers in India, however, India does not follow the strict water tight compartment and have a system of check and balance but when the executive interferes in the space of judiciary, it somewhere disbalance the concept of justice and the executive cannot declare a person criminal unless and until the court give him the proper opportunity of being heard. Furthermore, the court added that encroaching in the sphere of the judiciary by the executive considered to be breach of the very concept of separation of powers and encouraging the principle of might was right. The Indian judiciary system clearly deprecates the bulldozer justice system that is prevailing in the society. In the same case, the court also make held liable those public officials who are involved in illegal demolition of properties. The court is against the concept of collective punishment that is imposing on the family and also serves the notice at least 15 days because it is really unacceptable to see women, children and aged persons dragged to the street overnight. Bulldozer justice is unacceptable in the society which is governed by the rule of law.

5. Socio-Political Implications

The bulldozer actions generally exercised against the selective community especially the marginalized people like Muslims, Dalits, and the urban poor, that consequently results into the allegations of systemic bias. This biasness against the specific community led to the collective punishment. For instance, as per the case studies, in the states of Madhya Pradesh and Delhi in the year of 2022, the concerned state governments demolished the house due to the ongoing communal clashes, which aggravated the caste and religion differences. These acts are done more or less due to political agenda. Another social implication that can be taken into consideration is that bulldozer justice sidelined the articles 15 and 17 of the Indian Constitution by demolishing the house of marginalized group under the umbrella of unauthorized construction without providing them proper rehabilitation.

The use of bulldozers becomes a mechanism for vote bank and to build a strong image in the society, so they can establish a strong governance. However, this practice leads to the birth of communal differences and breaks the trust of the public in the government as this nowhere satisfies the basic principles of justice. The Bulldozers were made the symbols to attain the political motives and to bring the authoritative governance even this sign has been used as a election symbol in the UP elections and promoting the political branding. Not only by surpassing the basic tenets of justice, the bulldozer is promoted in the name that it ensures the instant justice. The bulldozer justice somewhere makes the people to lose the trust on the Indian judiciary system and weakening the very gist of the article 14 of Indian Constitution. This ongoing practice of bulldozer justice even creates a space of doubt to those demolitions which are done with due process of law and under the legal norms.

This bulldozer justice gets so much recognition that in few cases it ignores the orders passed by the courts, for example, in the year of 2022 in Delhi the demolition was continued even after the stay order passed by the court and consequently public doubt on the authenticity of the judiciary system. This encourages a culture of revenger from within the state, blurring the line between legality and force.

6. Comparative Jurisprudence

The concept of bulldozer justice is not only prevailing in India but also can be seen in the countries like United States, South Africa, and the UK which mandate the strict adherence to due process in eviction or demolition cases. In Residents of Joe Slovo Community v. Thubelisha Homes (South Africa)¹¹, the court balanced eviction with rehabilitation, emphasizing dignity and legal process from which the India can draw lessons. The apex court stressed, *"Citizen's voices cannot be throttled by a threat of destroying their properties and homesteads. The ultimate security which a human being possesses is to the homestead"*¹².

7. Conclusions

To conclude my research paper, it is humbly submitted that although bulldozer justice may seems to be a tool for swift justice and for that it is getting recognition at a large scale within certain groups who supported this but deep down in reality it is eroding the foundation of the constitutional provisions and paving its way towards establishment of autocratic government. It pondering a shift from institutional justice to dramatic governance which actually divert the attention from the problems which are actually existing in reality. It is further recommended that people voice cannot be ignored under any force based baseless actions as India is a democratic country and will not compromise with the principles of the Constitution of India. It is the fundamental duty of the state

¹⁰ In Re: Directions in the Matter of Demolition of Structures (Writ Petition (Civil) No. 295 of 2022 & Writ Petition (Criminal) No. 162 of 2022), MANU/SC/1211/2024 (S. Ct. India Nov. 13, 2024) (Gavai & Viswanathan, JJ.), 2024 SCC OnLine SC 3291.

¹¹ Residents of Joe Slovo Community, Western Cape v. Thubelisha Homes and Others, [2009] ZACC 16; 2010 (3) SA 454 (CC); 2009 (9) BCLR 847 (CC).

¹² Supreme Court of India. (2024, November 6). XYZ v. State of Uttar Pradesh, Writ Petition (Civil) No. 279 of 2023.

to protect the people residing in the country, to safeguards their rights and to protect their citizens from any kind of injustice done to them without observing the law of the land. Justice through bulldozers is an alien concept to any civilized system of jurisprudence. Bulldozer justice is simply impermissible under the rule of law and it does not fit in any of the legal provisions existing in the way as it is going on. If the bulldozer justice gets license then it will be black spot on the right to property under article 300A and this article will fade away its relevance. Moreover, it is lastly submitted that the public authorities who are actively indulging in the bulldozer actions must be proceeded against for disciplinary action by the appropriate concerned authority and they attract the criminal provisions towards them. As public accountability for public officials must be the norm.

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