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EDITORIAL ANALYSIS

How 'Bulldozer Justice' Undermines the Law and Democratic Accountability

 **THE HINDU**6 May 2026 · **POLITY** · **SOCIAL ISSUES** · **GS2**

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How 'Bulldozer Justice' Undermines the Law and Democratic Accountability

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Editorial Summary

The Hindu editorial (May 6, 2026) — “*How ‘Bulldozer Justice’ Undermines the Law*” — analyses the constitutional crisis posed by state governments using **demolitions of accused persons’ properties** as an unofficial form of extrajudicial punishment. The piece argues that this practice — which conflates the roles of police, prosecutor, judge, and executor in a single administrative act — violates the foundational constitutional principles of the **rule of law**, **separation of powers**, and **due process** under **Article 21**.

The editorial directly engages with the Supreme Court’s repeated (but insufficiently enforced) interventions, arguing that the problem is not solved by judicial censure alone if state governments view the political gains from “bulldozer action” as outweighing constitutional compliance costs. It calls for **structural reforms**: more judges, modern court infrastructure, and streamlined procedures — addressing the underlying crisis of judicial pendency that creates the space for executive shortcuts.

Key Arguments

What “Bulldozer Justice” Is

Bulldozer Justice refers to the practice of state governments (prominently Uttar Pradesh, Madhya Pradesh, Rajasthan, and Delhi) demolishing properties — typically homes, shops, or structures — of persons accused (not convicted) of crimes, particularly high-profile crimes or communal violence. Key features:

- **No prior judicial order** for the demolition (unlike court-directed demolition of illegal structures)
- **Executive action** — municipal bodies act on direction of political executives or police
- **Timing** — demolitions often occur within hours or days of an accused person’s arrest, before any trial
- **Communal dimension** — disproportionate application against religious minorities has been documented

Constitutional Violations

| Principle | Violation |
|---|---|
| Article 21 — Right to Life and Dignity | Punishment (loss of shelter) inflicted before any judicial conviction; due process bypassed |
| Rule of Law | Executive acts as judge — violates “nemo iudex in causa sua” (no one a judge in their own case) |
| Separation of Powers | Judiciary’s role in determining guilt and punishment usurped by executive |
| Article 14 — Right to Equality | Demolitions allegedly applied selectively on religious/community lines |
| Article 300A | Constitutional right to property — deprivation without lawful authority |
| Presumption of Innocence | Fundamental to criminal justice; bulldozer action treats accused as convicted |

Supreme Court’s Position

The Supreme Court (in *In Re: Directions in the matter of demolition of structures, 2024 INSC 866* and subsequent orders) has:

- Declared that **demolitions cannot be used as punishment** for alleged criminal acts
- Directed that **proper notice and hearing** must precede any demolition (even of genuinely illegal structures)
- Issued guidelines requiring prior notice, hearing opportunity, and documentation
- But enforcement has been inconsistent — state governments comply with the letter while allegedly violating the spirit

The Editorial’s Reform Agenda

Rather than condemning “bulldozer justice” and stopping there, The Hindu argues the **root cause** is India’s **judicial pendency crisis**:

| Problem | Data |
|--|---|
| Cases pending across all courts | ~5 crore (50 million) |
| SC pendency | ~80,000 cases |
| HC pendency | ~60 lakh cases |
| Average trial duration (sessions courts) | 5–10 years |
| Judge-to-population ratio | ~21 judges per million (compared to 50–60 in developed nations) |

The editorial argues: if judicial processes were faster and more accessible, the political demand for executive shortcuts would diminish.

UPSC Relevance

| Paper | Angle |
|------------------|--|
| GS2 — Polity | Article 21, rule of law, separation of powers, SC interventions, due process |
| GS2 — Governance | Judicial reforms, pendency, access to justice |
| GS4 — Ethics | State power, accountability, dignity of persons accused of crimes |

Mains Keywords: Bulldozer justice, Article 21, rule of law, due process, separation of powers, Article 300A, presumption of innocence, judicial pendency, Supreme Court Abhay Nath Yadav, communal demolitions, extrajudicial punishment

Prelims Facts Corner

| Item | Fact |
|---|--|
| Article 21 | Right to Life and Personal Liberty — includes shelter, dignity, due process |
| Article 300A | Constitutional right to property (not fundamental right since 44th Amendment 1978) |
| Presumption of innocence | Universal principle — accused is innocent until proven guilty by court |
| SC <i>In Re: Demolition of Structures</i> (2024 INSC 866) | SC ordered demolitions cannot be punishment; prior notice + hearing mandatory |
| India judicial pendency | ~5 crore cases pending across all courts |
| Judge-population ratio | ~21 per million (India); target: 50 per million (Law Commission) |
| 44th Amendment (1978) | Removed Article 19(1)(f) — Right to Property as fundamental right |
| “Nemo iudex in causa sua” | Latin maxim — no one can be judge in their own case |

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