

The Brutality of “Bulldozer Justice” in India

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It looks all too eerily similar as a method: the expulsion of individuals from their home, the demolition of said home and the punishing of entire families. All excused by a harsh reading of local regulations. But this method, used by Israeli authorities for years against vulnerable Palestinians, has become a weapon of choice for the Hindu nationalist Bharatiya Janata Party in Uttar Pradesh, Madhya Pradesh, and Gujarat.

On June 12, Muslim activist Javed Mohammed, a member of the Welfare Party of India, tasted such retributive justice in witnessing the family home [demolished](#) by the Prayagraj Development Authority (PDA). The actions were also [inflicted](#) on two other homes belonging to individuals accused of throwing projectiles after Friday prayers. Similar measures have been implemented in Saharanpur and Kanpur.

As with all such brutal, state-sanctioned BJP thuggery, the measure is given a legal gloss in victimising the occupants. They are the ones in the wrong, without the valid construction permits, or paperwork. The PDA [insists](#) that Javed was notified on May 10 to have his illegal construction razed by June 9. But this claim was only made in a rude note that demanded he vacate the premises by 11 am on June 12.

Beyond the imputations associated with dubious paperwork, the religious credentials of the victims are what bothers the authorities the most. They are also the ones deemed in the wrong when protesting the reprehensible conduct of BJP officials, notably in the context of inflammatory remarks made against the Muslim faith.

Such “bulldozer justice”, as it is grotesquely termed, has become fashionable against Muslim leaders accused of participating and stirring protest in response to remarks on the Prophet Mohammad made by former BJP leaders Nupur Sharm and Naveen Jindal. This month’s protests organised in Prayagraj and Saharanpur subsequently turned violent. Thirteen police were injured and 300 people arrested.

Law enforcement authorities and the PDA have taken a particular interest in Javed’s

activities, arresting him and detaining his wife and second daughter, Somaiya. Afreen, his firebrand daughter and student at Jawaharlal Nehru University, has also [piqued the interest](#) of the authorities for her role in inspiring protest. Her pedigree as a marcher and organiser was already assured in her role in protests against the nasty Citizenship Amendment Act.

What, then, of the response to such brutal, extra-judicial punishments? The demolition of Javed's home and other activists did not exactly see opposition politicians voice concerns about natural justice and the right to shelter.

In fact, outrage against such acts has been in short supply. Some television networks even went so far [as to express delight](#) at treatment they regarded as appropriate against mischief makers who had masterminded protests in Prayagraj. Rahul Gandhi of the Congress Party [preferred to focus](#) on the unwanted attention of the Enforcement Directorate regarding money-laundering claims connected with the sale of the *National Herald* newspaper.

Added to the specious justification that the homes were illegally constructed, UP Chief Minister Yogi Adityanath would revel in applying the brutal treatment. His media adviser, Mrityunjay Kumar, showed little reluctance in celebrating the use of the bulldozer and promising more demolitions with this heralded weapon. "Unruly elements remember," [he tweeted](#), captioning a picture of a bulldozer doing its dastardly work, "every Friday is followed by a Saturday."

भारत सरकार द्वारा जारी सूचना, जो pic.twitter.com/l8Y1SrPoll

— Mrityunjay Kumar (@MrityunjayUP) [June 11, 2022](#)

Some members of the legal fraternity have begged to differ. "Even if you assume for a moment that the construction was illegal, which, by the way is how crores of Indians live" [explained](#) former Chief Justice of the Allahabad High Court, Govind Mathur, "it is impermissible that you demolish a house on a Sunday when the residents are in custody."

A number of lawyers have [written](#) to the current Allahabad High Court Chief Justice, pointing out that Javed's home was actually in his wife's name. Neither had received earlier notices of illegal construction, as claimed by the PDA, suggesting that due process had been denied.

The courts have become the logical, if only battleground for victims to seek redress. Challenges [have been launched](#) in the Supreme Court, the Allahabad High Court and the Madhya Pradesh High Court, though these cases remain in legal limbo. The delay in judicial action has drawn criticism from legal commentators, with twelve figures including former Supreme Court and High Court justices [urging](#) Supreme Court Chief Justice NV Ramana to uphold its role as "custodians of the Constitution". "We hope and trust the Supreme Court will rise to the occasion and not let the citizens and the Constitution down at this crucial juncture."

The nature of judicial intervention in these cases has certainly preoccupied some Supreme Court justices, though they claim to eschew activism. Supreme Court Justice Dhananjaya Y. Chandrachud, set to become Chief Justice come November, recently [delivered a lecture](#) at King's College, London observing a "growing litigious trend in the country" that indicated "the lack of patience in the political discourse. The result is a slippery slope where courts

are regarded as the only organ of the State for the realisation of rights – obviating the need for continuous engagement with the legislature and the executive.”

Fearing judicial overreach, Justice Chandrachud accepted that the Supreme Court, while entrusted to “protect the fundamental rights of the citizens”, should not decide “issues requiring the involvement of elected representatives.” In so doing, the court would deviate from its “constitutional role” and “not service a democratic society, which at its core, must resolve issues through public deliberation, discourse and the engagement of citizens with their representatives and the constitution.”

This noble depiction of democracy is admirable and politically hard to fault in instances where the rule of law reigns in all majesty. But in cases of executive or legislative overreach, particularly when it comes to “bulldozer justice”, it seems sterile and non-committal. In the context of such savage retribution, it would only be fitting for the judges to consider that any dialogue between the authorities, the electors and the victims who have lost, and will lose their homes, is at an end.

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Featured image: The house of activists Javed Mohammed, Afreen Fatima was demolished by municipal bulldozers on Sunday. | Twitter/ Abu Sheezu

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