

Return Of Law

SC's interim order against 'bulldozer actions' is much-awaited protection of fundamental rights

When, by the Supreme Court's own reckoning, the executive is "running a bulldozer over the laws of the land", a departure from the usual ambling pace of the judicial process becomes imperative. In response to petitions against the demolition of "the properties of persons who are accused of some crime", on Sep 2 the court had said it would lay down guidelines on "pan-India basis". But various state govts continuing to brazenly short-circuit due process meanwhile, was untenable. So, yesterday, SC did the right and necessary thing by passing an interim order that, without its permission, no demolition should take place in the country.

Justice Gavai's observation that "the executive can't be a judge" is critical. Take the example of Javed Mohammad, an accused in Prayagraj violence in 2022. His wife averred that the demolished house was in her name and gifted to her by her father. Besides



making a mockery of "innocent until proven guilty", the egregious injustice in such cases is that even the accused's spouse and parents and children get summarily punished. Right to a home being an important facet of the right to life, Justice Viswanathan correctly added that, "even if there is one instance of illegal demolition, it is against the ethos of the Constitution."

Part of the GOI case was that the court was getting influenced by "outside noises". While the court denied this, democracy means to always heed the "noises" of the distressed, wherever these come from.

This order does not apply to "unauthorised constructions on public streets, footpaths, abutting railway lines or public spaces". It is conceivable that, in this guise, some govt will still attempt "bulldozer actions". If so, SC will need to swiftly undertake contempt proceedings, haul up the officers concerned, and make it clear how serious it is about these transgressions. The brazenness with which such actions have been embraced from UP to MP, Assam to Rajasthan, Gujarat to Tripura, leaves no doubt how much govts have come to value them politically. The fig leaf of "unauthorised constructions" has seen a lot of abuse, which must now end.