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Bulldozer: An Instant Justice

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The bulldozer and its demolition drives have become a new normal these days across a few states. The local authorities are acting as juries and decided to punish those who are accused of holding violent protests. No opportunity is given to the accused to defend his side. It subverts the principles of natural justice and the philosophy of jurisprudence. This bulldozer punishment is said to be a perfect example of a kangaroo court. The word "bulldozer" creates an emotion of terror among people. Its size and appearance are intimidating. It is evident that bulldozer justice is adopting a retributive theory of punishment which was not supported by our father of the nation, Mahatma Gandhi. The punishment inflicted by the bulldozer theory is disproportionate. Its blade strikes at the core of constitutionalism. These anxieties drive us to look into the demolition drive and its legality and legitimacy. Come! Let us understand when, where, and how it started, how the people at large are being affected, and how it is against judicial doctrines.

Keywords: *bulldozer justice, illegal constructions, due process, retributive theory.*

INTRODUCTION

Nowadays, everyone is talking about Bulldozer Justice. Television channels and newspaper headlines are filled with bulldozers razing the houses of alleged criminals and rioters. This concept of 'Bulldozer Justice' is now becoming normal in a few states rather than an exception. As this has become a national interest, one is bound to think whether bulldozers and their use are correct or against the law. Come, let's understand the true meaning of "bulldozer politics."

How far are authorities using this? What are the consequences? What about its legality? Was the proper system followed or not? Are there any rights being violated? How does it affect the law and order of the country? Why had the Supreme Court ordered this bulldozer to stop?

USE OF THE BULLDOZER: IT'S POLITICS

The use of bulldozers was commonly used to raze buildings that were illegally constructed. But it became more frequent in 2017 in the states of Delhi, Uttar Pradesh, Madhya Pradesh, etc. The bulldozers are used as an extrajudicial tool against anti-social elements, as claimed by the government officials. Basically, it is used against accused criminals and communal violence protesters for 'teaching a lesson' to them. Its rhetorical usage by the Uttar Pradesh government under Chief Minister Yogi Adityanath freed up 67,000 acres of land from the land mafia as claimed by them¹. In 2017, CM Yogi Adityanath first warned that he would raze properties of the criminals "My government will bulldoze houses of anyone even thinking of perpetuating crime against women and weaker sections of society," adding that it would take some more time to reel in other criminal elements². In Uttar Pradesh, police have already started encountering criminals in which a number of them dying³. As judicious citizens, we have to understand two things. First, that law doesn't allow razing houses of accused perpetrators; it only allows razing those buildings which are illegally constructed or encroached, irrespective of whether the owner of the property is accused of a crime or not. Second, the encounters carried out by police officers against accused criminals are against the rule of law. Why these two acts done by the government are against the rule of law will be discussed in detail in the later parts of this blog.

The Bhartiya Janata Party, the ruling party of India, went on to use the bulldozer to promote support for their party in election campaigns in Uttar Pradesh, where Yogi Adityanath was

¹ Prashasti Singh, 'UP govt has freed 67,000 acres of land from land mafia: CM Yogi Adityanath' (*Hindustan Times*, 23 February 2021) <<https://www.hindustantimes.com/cities/lucknow-news/up-govt-has-freed-67-000-acres-of-land-from-land-mafia-cm-yogi-adityanath-101614099369779.html>> accessed 05 July 2022

² Srawan Shukla, 'Will bulldoze your houses even if you think of crime: Yogi Adityanath's warning to mafia' (*DNA India*, 6 September 2017) <<https://www.dnaindia.com/india/report-will-bulldoze-your-houses-even-if-you-think-of-crime-yogi-adityanath-s-warning-to-mafia-2543520>> accessed 06 July 2022

³ Ibid

tagged as "Bulldozer Baba" in March 2022⁴. Mr. Yogi also claimed that his government used this bulldozer method against criminals during state election campaigns. He said, "We have a special machine which we are using for building expressways and highways. At the same time, we are using it to crush the mafia who exploited people to build their properties."⁵ The Chief Minister of Madhya Pradesh, Shivraj Singh Chauhan, followed in a similar fashion by demolishing accused criminals with bulldozers⁶. The house of the accused in the Shahdol rape case was demolished very soon after the rape incident took place⁷. And the most recent one is the demolition of 16 houses and 29 shops following the clashes in Khargone on April 10, 2022, i.e., on Rama Navami⁸. And the absurd fact is that few of the demolished houses were part of the scheme 'Pradhan Mantri Awas Yojana', which is not-at-all illegal construction⁹. Later on, most recently in late April 2022, even after the Supreme Court intervened to stop the demolition, those drives were still carried out in the Jahangirpuri area of Delhi, following communal violence¹⁰.

⁴ Bhaswati Guha Majumder, 'Why BJP Workers in Uttar Pradesh Are Celebrating Yogi's Victory on Bulldozers' (*News18*, 10 March 2022) <<https://www.news18.com/news/politics/why-bjp-workers-in-uttar-pradesh-are-celebrating-yogis-victory-with-bulldozers-4861778.html>> accessed 06 July 2022

⁵ Lawrence Booth, 'Adityanath: Yogi Adityanath's Bulldozers Gives BJP Mobility Through Tough UP Election' (*Verve Times*, 2 March 2022) <<https://vervetimes.com/adityanath-yogi-adityanaths-bulldozer-gives-bjp-mobility-through-tough-up-election/>> accessed 05 July 2022

⁶ Nistula Hebber, 'Analysis | Shivraj Singh Chouhan's metamorphosis from plain 'mama' to 'bulldozer mama'' (*The Hindu*, 12 April 2022) <<https://www.thehindu.com/news/national/shivraj-chouhans-metamorphosis-from-plain-mama-to-bulldozer-mama/article65313790.ece>> accessed 07 July 2022

⁷ "Illegal built' house of Shahdol gang-rape main accused demolished' (*The Print*, 22 March 2022) <<https://theprint.in/india/illegally-built-house-of-shahdol-gang-rape-main-accused-demolished/883392/>> accessed 06 July 2022

⁸ Vishnukant Tiwari, 'All Gone to Dust': MP Govt Razes 16 Houses, 29 Shops After Ram Navami Violence' (*The Quint*, 12 April 2022) <<https://www.thequint.com/news/india/after-ram-navami-violence-madhya-pradesh-government-bulldozes-houses-shops>> accessed 05 July 2022

⁹ Iram Siddique, 'In Khargone, bulldozers also leave behind rubble of house built under PM AwasYojana' (*The Indian Express*, 13 April 2022) <<https://indianexpress.com/article/cities/bhopal/mp-khargone-demolition-communal-violence-houses-pm-awas-yojana-7866760/>> accessed 07 July 2022

¹⁰ Krishnadas Rajagopal & Arnabjit Sur, 'Supreme Court halts eviction drive in Delhi's Jahangirpur' (*The Hindu*, 20 April 2022) <<https://www.thehindu.com/news/cities/Delhi/supreme-court-halts-eviction-drive-in-delhis-jahangirpuri/article65337761.ece>> accessed 07 July 2022

DEMOLITION BY BULLDOZER: ITS LEGALITY

Many Indian peace bodies and human rights organisations are challenging such actions by the government of India which are violative of fundamental rights given in the sacred Indian Constitution. If we look further, Article 21 of the Indian Constitution provides that: "*No person shall be deprived of his life or personal liberty except according to procedure established by law.*"¹¹ In independent India, a wise interpretation was made by the judiciary after 1978 and it has tried to make the terms "procedure established by law" and "due process" synonymous when it comes to protecting human rights. So, the essential question arises here, "Whether the demolition by the government of Uttar Pradesh is in violation of the fundamental rights given by the constitution of India?"

DEMOLITION IN ACCORDANCE WITH 'DUE PROCESS'

The government has the legal authority to demolish someone's private property under specific conditions. A few of those conditions are structures that violate any rules and regulations of that particular state government, unapproved or unauthorised construction on land owned by the government; and buildings that encroach on another person's property. All Municipal corporations in India have the authority to demolish those constructions or buildings lawfully. However, different states have different rules and regulations with regard to procedures that must be obeyed. For instance, Section 343 of the Delhi Municipal Corporation Act, 1975¹² provided an elaborate procedural mechanism to deal with illegal construction. It made a provision that a notice should be issued ahead of demolishing any structures that have been built unlawfully, or those that have infringed the building bylaws as laid down by the state authorities. Further, according to this section, the provision was made to empower the commissioner of the Municipal Corporation to command the occupant or owner of that property to demolish the building within the period of five to fifteen days. However, the section provides that "no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the commissioner may think fit, a reasonable

¹¹ Constitution of India, 1950, art.21

¹² Delhi Municipal Corporation Act, 1975, s 343

opportunity of showing cause why such an order shall not be made."¹³ If the order is not obeyed, then the commissioner may order the demolition of that illegal building. It also made a provision that if any person is aggrieved due to the commissioner's order, they can approach the appellate tribunal by filing an appeal within the said period as stated in the demolition order. On the other hand, Rule 12 of the Madhya Pradesh Bhumi Vikas Rules, 1984¹⁴ provides that a notice should be served to any citizen whose building was constructed in violation of laid down laws. The person who received the notice should also be given ten days to either make the building competent with the rules or leave the building. In this way, different states have different rules and regulations.

WHICH RIGHTS ARE VIOLATED BY THESE DEMOLITION DRIVES?

According to a few newspapers, these demolition drives are not done in accordance with due process or as established by law in a few of the recent incidents. Let's look into those rights which are infringed.

- ***Right to shelter***

The right to shelter is recognised as a fundamental right granted under Article 19(1)(e)¹⁵ read with Article 21¹⁶ of the Indian Constitution. The Supreme Court in two judgements emphasized the importance of the right to shelter and also recognized as a fundamental right. In *U.P. Avas Evam Vikas Parishad v Friends Coop. Housing Society Ltd (1996)*¹⁷, it was stated that "The right to shelter is a fundamental right, which springs from the right to residence assured in Article 19(1)(e) and the right to life under Article 21 (of the Constitution)¹⁸." In *Chameli Singh vs State of Uttar Pradesh (1996)*¹⁹, it said "the right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right²⁰."

¹³ *Ibid*

¹⁴ Madhya Pradesh Bhumi Vikas Rules, 1984, Rule 12

¹⁵ Constitution of India, 1950, art.19(1)(e)

¹⁶ Constitution of India, 1950, art.21

¹⁷ *U.P. Avas Evam Vikas Parishad & Anr. v Friends Coop. Housing (1996)*, AIR 114

¹⁸ *Ibid*

¹⁹ *Chameli Singh v State Of U.P.*, (1995), AIR 549

²⁰ *Ibid*

- ***Right to livelihood***

The right to livelihood is treated as part and parcel of the right to life as given in Article 21 of the Constitution of India. In a case called *Olga Tellis & Ors. v Bombay Municipal Corporation & Ors. (1985)*²¹, the Supreme Court delivered a landmark judgement, stating that the eviction of pavement dwellers using unreasonable force, without giving them a chance to explain, is unconstitutional²². And a party being unheard or not given a reasonable opportunity to defend itself, even if the party constructed a building illegally, is said to be violative of the principle of natural justice and against the rule of law.

- ***Article 300A***

The right to property under Article 300-A²³ of the Constitution of India is not only constitutional or legal but also an essential human right. Article 300A stipulated that “No person shall be deprived of his property save by the authority of the law.”²⁴ Even Justice K. Chandru, the former Madras High Court judge, came forward to respond to the act of those demolition of houses. He said, “Article 300A is a potent right. He said demolitions were a product of the politicisation of the bureaucracy.” Justice Chandru said “acts like demolition were a nuclear button held against problem creators. It is like cause and effect. If these people have violated building laws, give them a chance to be heard, and give them notice... Immediate demolitions without court orders hark back to the Emergency days.”²⁵

- ***Universal Declaration of Human Rights (UDHR)***

It is also a well-established declaration right under the international human rights law framework in which India is one of the signatories. For instance, Article 25 of the Universal Declaration of Human Rights (UDHR) provides that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food,

²¹ *Olga Tellis & Ors. v Bombay Municipal Corporation & Ors.*, (1986), AIR 180

²² *Ibid*

²³ Constitution of India, 1950, art.300A

²⁴ *Ibid*

²⁵ Krishnadas Rajagopal, ‘Demolition drives may challenge the rule of law’ (*The Hindu*, 15 June 2022) <<https://www.thehindu.com/news/national/demolition-drives-in-up-may-challenge-basic-tenets-of-law/article65529672.ece>> accessed 08 July 2022

clothing, housing, and medical care"²⁶. Apart from that, international law also forbids arbitrary intervention by the government authorities in a citizen's right to property. Article 12 of the UDHR states that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation"²⁷. Article 12 also stated that "everyone has the right to the protection of the law against such interference or attacks"²⁸.

SUPREME COURT INTERVENTION IN THE PAST

Various courts in India have emphasised the importance of issuing a notice before any such demolition drive. In a 2010 judgment, the Delhi High Court explained the serving of a show-cause notice to the concerned party as a "mandatory requirement"²⁹. The court had specified that "Before the department, i.e., the MCD, passes a demolition order against a party, the service of the show-cause notice on the concerned person is mandated"³⁰. The Supreme Court, also, has emphasised the importance of issuing a notice to the owner or occupant of the property before conducting any demolitions. In a judgement passed in 2019, the Supreme Court underscored the need to obey the due procedure for such demolitions by the municipal authorities. In this case, which involved municipal corporations in Maharashtra, the court elucidated that if a building was illegally constructed and the authorities didn't comply with the procedure for demolishing it, some monetary compensation could be granted³¹. "The exercise of the power of demolition, which affects the property of the citizens of this country, must be exercised in an absolutely fair and transparent manner." The rules in this regard must be followed, the court had asserted.³²

²⁶ Universal Declaration of Human Rights, 1948, art.25

²⁷ *Ibid* at art.12

²⁸ *Ibid*

²⁹ *Bal Kishan Das v Municipal Corporation of Delhi* (2010) RSA No.76/1991

³⁰ *Ibid*

³¹ Krishnadas Rajagopala, 'Illegal constructions cannot be rebuilt, says Supreme Court' (*The Hindu*, 27 October 2019) <<https://www.thehindu.com/news/national/illegal-structures-cannot-be-rebuilt-says-supreme-court/article29807634.ece>> accessed 08 July 2022

³² *Ibid*

BULLDOZERS RAZE PROTESTERS' HOUSES

On the front pages of newspapers and television channels, we can see bulldozers razing the homes of protesters who caused violent riots. In May 2022, the nation witnessed the frenzy of demolition drives against the CAA protesters³³. The government authorities are sending bulldozers to those houses whose occupants are involved in violent protests, which were done against Prophet Mohammad's remarks made by Nupur Sharma³⁴. Before going into details, let us know about protests in democratic India and how far they are allowed.

In India, protests are part of our culture. When you look at the pre-independence period, freedom fighters, including Mahatma Gandhi, used peaceful protest as a tool to gain independence from the Britishers. In a democratic political system, a citizen has the right to express his/her views and wishes so that their voice reaches the government through peaceful protest. Even the Indian constitution guarantees the right to peaceful protest under Article 19(1)(b)³⁵ of the Indian Constitution. However, violent protests are not accepted in India. Whatever the cause may be, violence in protests is not acceptable in any situation. Those protests are unfair and unethical. It is to be remembered that fundamental rights in India are not absolute rights and should be subject to reasonable restrictions as provided under Article 19(2). But unfortunately, violent protests, which involve destroying public property and obstructing trains, are prevalent in India. Is there a constitutional right to engage in violence during protests? Absolutely not. Is this a reasonable way to protest any injustice? Of course not! That's the very reason why the government is reacting to those violent protests by razing the houses of those accused families. Basically, here the government is sending a message that anyone who conspires with violent protesters will face the same. According to the government and those who support Bulldozer Justice, this was a cheap, effective, and especially "quick"

³³ Shreya Basak, 'The Demolition Drive At Shaheen Bagh That Never Happened, But Did It Give A Message?' (*Outlook India*, 10 May 2022) <<https://www.outlookindia.com/national/the-demolition-drive-at-shaheen-bagh-that-never-happened-but-did-it-give-a-message--news-195884>> accessed 09 July 2022

³⁴ Omar Rashid, 'Protests against Prophet remarks | In U.P., BJP members seek 'revenge by bulldozer'' (*The Hindu*, 12 June 2022) <<https://www.thehindu.com/news/national/other-states/protests-against-prophet-remarks-in-up-bjp-members-seek-revenge-by-bulldozer/article65517744.ece>> accessed 09 July 2022

³⁵ Constitution of India, 1950, art.19(1) (b)

way to stop these kinds of protests. Hence, they claim it as "Bulldozer Justice." Is this really justice? Or Revenge? Should one criticise this act?

Yes, bulldozer justice should be criticised in a democratic society like India. There are five major reasons why this is so. Firstly, there is no law that empowers government authorities to demolish the houses of those accused of rioting or conspiring to commit violent protests. The Supreme Court of India in 2018 stated a few guidelines that said a sitting or retired high court judge may then be appointed as a 'claims commissioner' to investigate liability and estimate the damages caused to public property³⁶. The court didn't specify allowing authorities to bulldoze the accused house because of their act of rioting. However, the state government claims that these demolitions are in response to illegal construction. But the fact is that demolitions were arbitrarily carried out against the alleged protesters of one particular community. Secondly, the purpose of these acts of razing houses seems to be to impose "collective punishment." Basically, collective punishment means a punishment imposed on a group for the alleged act done by one member of that group, which could be the family of the perpetrator.³⁷

So, here is an accused who is punished along with his family members who are not actually involved in that alleged conspiracy of rioting. Even if we assume that those accused by the government actually committed this crime, then by demolishing their houses, it basically punished even those that lived in those houses and had nothing to do with the crime. Thirdly, the rioters are being punished by a common magistrate, bench, and enforcer. That means the government judged that a person committed a crime, decided what should be the punishment, and executed the same. Irrespective of the intentions they have, it generally means that there'll be no action taken by the judiciary nor by the police.

The government solely decides of its own volition to raze a house by sending bulldozers. This is called "Bulldozer Justice." But is it truly justice? Fourthly, the government is punishing the alleged rioters but no action is taken against Nupur Sharma, whose comments were the cause

³⁶ Apoorva Mandhani, 'Bulldozers go after 'illegal encroachments' from MP to Delhi, but the law requires a notice' (*The Print*, 21 April 2022) <<https://theprint.in/theprint-essential/bulldozers-go-after-illegal-encroachments-from-mp-to-delhi-but-the-law-requires-a-notice/924105/>> accessed 8 July 2022

³⁷ 8th Edition, Black's Law Dictionary 'Collective Punishment' (St. Paul Minn. West Publishing Co. 1968) 280

of these riots. Shakespeare, in his play 'Measure for Measure', asks an appropriate question, which is relevant even today, that is, "*The tempter or the tempted, who sins most?*". The act of the bulldozer seems to overlook the provocation of the tempter but makes the tempted guilty and punished immediately. Fifthly, the well-established principle of *giving an opportunity of hearing to the accused is not applied in these incidents. In the absence of any urgency, the state should be just, fair, and reasonable in giving another opportunity to the accused rioters for a hearing. Why was this routine 'being heard' principle denied to those accused?* Is this really justice as said in the name "Bulldozer Justice"?

IS THIS JUSTICE?

Before answering this question, it is very important to understand the difference between justice and revenge. Which is the better theory of punishment: retributive or reformative? And last but not least, which is correct: justice hurried or justice delayed? Let's get started.

A. Justice vs Revenge

Justice and revenge are two very different words. In some cases, both may seem similar. But they are not similar. In fact, there is a wide difference between the two. They have different meanings and often contradict each other. Revenge is an emotional response. The one trying to take revenge tries to take action as soon as possible. On the other hand, justice is a rational response; a wise decision after much deliberation. Often, it takes a significant amount of time. Justice includes the ideas of moral righteousness and restores harmony, while revenge focuses more on a personal vendetta and retaliation. Justice results in the closure, whereas revenge brings personal satisfaction. In a nutshell, justice is positive and, on the contrary, revenge is negative³⁸.

That is the very reason why Mahatma Gandhi said, "An eye for an eye will leave the whole world blind." The need for revenge will leave the whole world blind. The Indian justice system doesn't work like this. It doesn't function on "an eye for an eye". Had the country's justice

³⁸Leon F Seltzer, 'Don't Confuse Revenge with Justice: Five Key Differences' (*Psychology Today*, 6 February 2014) <<https://www.psychologytoday.com/us/blog/evolution-the-self/201402/don-t-confuse-revenge-justice-five-key-differences>> accessed 07 July 2022

system run on revenge, then for every murder in the country, the murderer should have been hanged to death. But that's not how it works. Because in all the constitutions written in the world, the authors of the constitution knew about this. Revenge cannot bring long-lasting peace to society. If we truly wish to bring peace to the country, we need to understand the motives, reasons, and consequences of every crime in the world.

B. Retributive theory vs Reformative theory

There are many different theories of punishment. In general, these theories deal with methods to be used to punish criminals and eliminate the crime rate in India. There are four main theories of punishment. They are retribution, deterrence, reformation, and prevention. Let us now have a closer look at the two said theories, i.e., the retributive and reformative theories of punishment. The retributive theory of punishment, or the "theory of vengeance," essentially adopts the doctrine called *Lex talionis*, which means "*an eye for an eye*". This theory gives a sense of satisfaction to society, believing that the offender received the correct punishment for the crime he committed. For instance, if we look at crimes that are heinous in nature like the Nirbhaya rape case, people feel and also demand a government that it is better to punish rapists with such retributive punishments. They strongly believe that these punishments ensure fear and terror among rapists as well as society in order to prevent future rape cases. Nevertheless, this theory has a few disadvantages. Oftentimes, the application of this theory leads to disproportionate punishment. People in civil society develop a feeling of vengeance, which is destructive in character, and as a result, the state may become despotic in its functioning.³⁹

Next comes the reformative theory of punishment, or "Theory of Rehabilitation". The distinct feature of the theory which distinguishes it from others is that it focuses on changing the attitude of the offender in order to rehabilitate the wrongdoer as a law-abiding member of society. Thus, the convict is treated more as a patient than a criminal. Rehabilitation seeks to prevent future crime by changing a criminal's mind and behaviour. The target of this theory is to reduce the rate of recidivism. For example, he may have committed that crime under such

³⁹ Raunak Chaturvedi, 'Theories of punishment – a thorough study' (Ipleaders, 19 November 2020) <<https://blog.iplayers.in/theories-of-punishment-a-thorough-study/>> accessed 09 July 2022

conditions that may never happen again. Therefore, this theory says that an effort should be made to change the criminal during the hour of his confinement⁴⁰.

India adopted the reformatory theory of punishment since its independence. The Indian criminal justice system follows the simple principle of '*abhorring crime, not the criminal*'. It is said to be a transformation process by which a wrongdoer would wash away his sins. In addition, our justice system is based on '*Let go of a hundred guilty, rather than punish an innocent*', we need to understand that punishing someone transforms his mental, physical, and social status significantly. Thus, while administering justice, utter carelessness has to be exercised, or else the very principles of justice would go for a toss. There is another saying, "To err is man." It simply means that we human beings are naturally prone to making mistakes. Learning from mistakes and rectifying ourselves is in our nature, and criminals are no exception to it. They are also human like us and possess the ability to contribute to society greatly. Therefore, the justice system needs to allow them to rectify themselves and give back to society.

C. Justice hurried vs Justice delayed

"Justice delayed is justice denied." This phrase means if justice is not carried out at the right time, even if it is carried out later, it is not real justice, because when there was a demand for justice, there was a lack of justice. Since India is a vast country of various religions, and India has a vast population, the system is burdened with 30 million cases that take so much time that even a generation is not enough to get any type of judgments. According to the present scenario of our nation, it will take 300 years to clear the pending cases in all courts of India⁴¹. But that doesn't mean punishing the accused immediately and delivering justice instantly in each and every case. I want to explain it through an incident. An incident that happened three years ago, a rape case in Hyderabad, was in the news. In order to solve the case, the police took the four accused on a highway and killed them in an encounter. A lot of people were extremely happy⁴². But unfortunately, this did not solve the rape problem in Hyderabad.

⁴⁰ *Ibid*

⁴¹ Shreya Saxena, 'Need for deterrent and retributive punishment in India' (*Ipleaders*, 17 July 2019)

<<https://blog.ipleaders.in/deterrent-retributive-punishment/>> accessed 09 July 2022

⁴² Geeta Pandey, 'Hyderabad case: Why Indians are celebrating the killings' (*BBC News*, 6 December 2019)

<<https://www.bbc.com/news/world-asia-india-50683615>> accessed 08 July 2022

These instant solutions are like drugs; they do give a dopamine hit suddenly, which makes you instantly happy if you're sad. But they do not solve your current problem. Whenever any government makes use of such short-term solutions, where people become happy, the government basically gets an excuse to make no investment in the rule of law. Because investing in the rule of law is very difficult and costly. Hence, they come up with the encounter theory or the bulldozer theory. Such solutions will benefit no one in the long term. It might be that you're satisfied with the solution today, but in the future, if you have a dispute with your neighbour, would that legal system listen to you? No, because they had made no investment in the rule of law.

A judgement will be delivered impartially and justly when it is taken at a reasonable time. A reasonable time is a must in every case in which a jury will check all the facts of the case and give orders and decisions accordingly. And that is said to be actual justice. We can conclude from the above discussion that we should not resort to extra-ordinary hurry-up of cases by whatever means. As 'justice delayed is justice denied' similarly, the saying, justice hurried is justice buried is equally true. Therefore, sufficient reasonable and due hearing of every case with consideration of its circumstances is the necessary requirement of natural justice and balance of convenience. In short, justice delayed or justice hurried, both lead to justice denied.

SUGGESTIONS AND CONCLUSION

The demolition drive and the abuse of municipal and civic laws for political purposes are just two elements that are creating majoritarian oppression. The accused is inflicted with disproportionate punishment, which is against the principle of natural justice and the rule of law. The municipal authorities should be accountable for the arbitrary use of power and shouldn't exercise power in an autocratic manner. The way the political executive is going against the judicial principles requires the judiciary to step in and uphold the essential principle of "checks and balances" in democratic India. The problem is no longer just the arbitrary actions by the local administration and police authorities, but the fact that the very idea of the rule of law, of "due process", of being treated as "innocent until proven guilty" is "being turned upside down." I believe that unless the whole system of judiciary steps in to stop these abuse of power by the executive organ, swiftly, firmly, and decisively, the whole edifice

of constitutional governance that has been developed so carefully and meticulously over the last seventy-two years is likely to collapse.

The other major problem is that these people need to understand that the instant justice that they hail is actually revenge. And there is a stark difference between revenge and justice. One should never forget what Gandhi said: "An eye for an eye will make the whole world blind." True peace in society can be ushered in only through the justice system. Hence, the judiciary should also take steps in order to deliver justice in a reasonable time and make sure no delays in years together are made. So, what's the solution? The solution is to bring about improvements in our judicial system. The number of policemen needs to be increased. The police should be given proper training. A need for police reforms and higher salaries for policemen. Filling judicial vacancies and increasing the number of judges and courts in the country always remember, that looking for instant justice can imprison the wrong people and hurt the innocent.