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Bulldozer Justice

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Why is in news? What is Nazool land, behind recent dispute and violence in Haldwani?

Violence erupted in Uttarakhand's Haldwani district February 8 after the administration conducted a demolition drive at the site of a mosque and madrasa, allegedly on Nazool land, killing five and injuring many more.

Nazool land:

Nazool land is **owned by the government** but **most often not directly administered** as state property. The state generally allots such land to any entity on **lease for a fixed period**, generally **between 15 and 99 years**.

In case the lease term is expiring, **one can approach the authority to renew the lease** by submitting a written application to the Revenue Department of the local development authority. The government is free to either renew the lease or cancel it — taking back Nazool land.

In almost all major cities of India, Nazool land has been allotted to different entities for a variety of different purposes.

Emergence of Nazool land:

During British rule, kings and kingdoms which opposed the British frequently revolted against them, leading to several battles between them and the British Army. Upon defeating these kings in battle, the British would often take their land away from them.

After India got Independence, the British vacated these lands. But with kings and royals often lacking proper documentation to prove prior ownership, these lands were marked as Nazool land — to be owned by the respective state governments.

The government generally uses Nazool land for **public purposes** like building schools, hospitals, Gram Panchayat buildings, etc. Several cities in India have also seen large tracts of land denoted as Nazool land used for housing societies, generally on lease.

Very often, the **state does not directly administer Nazool land**, but rather leases it to different entities.

While several states have brought in government orders for the purpose of framing rules for Nazool land, **The Nazool Lands (Transfer) Rules, 1956** is the law mostly used for Nazool land adjudication.

About the bulldozer politics:

'Bulldozer Justice' refers to the **heavy-handed approach** of administration or judiciary, where decisions are swiftly made and enforced, often sidelining due process, public consultation, or other procedural protocols. While the intent might be to fast-track justice or developmental objectives, it raises multiple ethical concerns and implications.

Issues of encroachment:

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Constriction of the public space: Land is a scarce commodity, and when the unplanned, illegal structures are built on public land it results in constriction of the public space eg. public roads. Pedestrians would suffer as people would have fewer spaces to walk.

Non-enforcement of strict regulations: Regarding the public encroachment by the local authorities provides encouragement to the public to take this issue lightly.

Lack of basic amenities: Areas coming out of illegal construction lack basic amenities such as water, electricity, sewage system severely. It leads to health issues.

Issues of law and order: Unauthorised colonies also face issues of law and order, as access of police get limited due to temporary structure and constriction.

Vulnerable to disasters such as Fire, water logging in rainy days, extreme weather.

Unplanned growth of city population and expansion of slum areas, cause difficulty in expanding development work.

Ethical issues of anti-encroachment drive:

Hardship to common people: The worst hit in the anti-encroachment exercise have been the pool of several thousand workers whose livelihood vanished.

Loss of physical asset: Anti encroachment drive causes destruction of physical structure, It leads to loss of wealth and makes many people homeless.

Children and old age people suffer a lot. Their school schedules get disrupted and old age people experience acute shortage of water, sanitation, medication etc.

Justifying the Demolitions:

Punitive action: Such as demolition of illegal structure, against an accused person can demotivate others to act unlawfully or take law in his/her hand.

Free Constricted space: Anti encroachment drives pave the way for the availability of open space and the public could get better life experiences.

Avoid interfaith tension: Illegal constructions are used to create religious structure. Later the same structure can become a bone of contention among groups.

Increase in revenue of the authority: Local and state authority can use the increased revenue post demolition in the rehabilitation of needy people.

Related Supreme Court Judgements:

Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors (1985): In this Judgement, the Supreme Court ruled that eviction of pavement dwellers using unreasonable force, without giving them a chance to explain, is unconstitutional. It is a violation of their right to livelihood.

Menaka Gandhi vs Union of India (1978): In this Case, the Supreme Court, while interpreting the scope of Article 21 of the Constitution, stated that the “due process of law” is an integral part of “procedure established by law”, explaining that such procedure must be fair, just and reasonable.

If the procedure prescribed by law is fanciful, oppressive and arbitrary in nature then it should not be considered procedure at all and thus not all the requirements of Article 21 would be satisfied.

Municipal Corpn., Ludhiana v. Inderjit Singh (2008): In this case, the apex court categorically stated that if the requirement of giving notice is provided under a municipal legislation, then this requirement must be necessarily complied with.

The Apex Court of the country has made it unambiguously clear that no authority can directly proceed with demolitions, even of illegal constructions, without providing notice and an opportunity of being heard to the occupant.

The Supreme Court in cases like **Bachan Singh vs State of Punjab (1980)** , **Vishaka vs State of Rajasthan (1997)**, and recently in the famous **Puttaswamy vs Union of India (2017)** has laid down the principle that the fundamental rights guaranteed under the Constitution must be read and interpreted in a manner which would enhance their conformity with international human rights law.

Way Forward:

The government should conform to **well-settled principle** like requiring state action to be just, fair and reasonable mandates.

The state should **adequately compensate** the victims for their loss and the mental distress caused.

The officers **concerned in the decision making at all levels** must be held accountable and punished enough to 'teach them a lesson'.

The government should work upon **building accountability jurisprudence** in India and the culture of impunity should be banished.