

## CANNOT IMPOSE BAN ON DEMOLITIONS: SC

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Senior advocate Harish Salve, also for the State government, said the “argument on rule of law was powerful indeed”.

“But the factual foundation is wobbly. Can Your Lordships pass an order saying that a house cannot be demolished merely because it belongs to an accused,” Mr. Salve asked.

But Mr. Dave, for petitioner Jamiat Ulama-i-Hind, said the court should view the problem from a larger perspective. The country was facing an “extraordinarily serious” situation. Justice was being delivered by the arms of the bulldozer. Rule of law lay in the debris. Powerful State governments and its functionaries were taking advantage of municipal laws to “wreck vengeance” by using bulldozers to demolish the private homes and buildings of people whom they believed were behind communal violence and riots.

“Instead of following the rule of law, they take advantage of the municipal laws to demolish houses,” the senior lawyer said. Mr. Dave pointed to media reports showing how authorities had destroyed the house of a murder accused even before the case had come to trial.

Senior advocate C.U. Singh, also for Jamiat, said the court’s stay of the Jahangirpuri demolitions had hardly stopped the authorities from using the same *modus operandi* “in city after city” hit by communal violence. “In fact, these demolition drives are announced by the police... There have been express statements from higher-ups in the police that ‘I saw you throwing stones so I am going to demolish your home’...,” Mr. Singh said.

In its latest affidavit on June 12, the Uttar Pradesh government said petitions being filed in the Supreme Court against “routine” demolitions were a surreptitious attempt by third parties such as the Jamiat Ulama-i-Hind to protect “illegal encroachments” and “sensationalise” the issue.

The Uttar Pradesh government said demolitions conducted so far were those against unauthorised constructions on public land. Action was taken strictly under the U.P. Municipal Corporation Act 1959 and U.P. Urban Planning and Development Act 1973. The government has throughout maintained that the demolitions carried out in the aftermath of violence following the Prophet remarks row were measures taken by independent local authorities against illegal structures.

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