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## Putting the brakes on 'bulldozer justice'

(The Hindu, 13-09-24)

### What is the current issue regarding demolitions in India?

- The Supreme Court has invited suggestions for pan-India guidelines on **extra-legal demolitions (Bulldozer Justice)**
- Houses and buildings of persons **accused** of certain crimes have been razed without due process
- These demolitions often target vulnerable groups, leaving them without legal recourse
- Evictions carried out by local authorities, often at odd hours, without any alternative facility or engagement for rehabilitation.
- Municipal laws, which empower authorities to carry out such demolitions, usually provide complete impunity to officials under the 'good faith' clause.
- Due processes envisaged by various court judgments are being bypassed
  - Sudama Singh & Ors. vs Government of Delhi and Ajay Maken & Ors vs Union of India
- The actions render the right to housing meaningless and intensify marginalization of certain communities

### How are these demolitions being justified?

- Demolitions are sometimes carried out as collective punishment for rioters
  - The violence that ensued in Nuh, Haryana, due to a clash between two religious groups in 2023, ended with the local administration demolishing a number of homes in the neighbourhood.
  - Communal riots in Madhya Pradesh's Khargone also resulted in the demolition of houses and businesses owned by Muslims who were deemed to be 'alleged rioters'.
- They are often presented as action against encroachment or unauthorized construction under municipal laws
- Some state governments use it as a 'tough on crime' or 'eye for an eye' approach. Demolitions as a fair response to the destruction of public infrastructure by rioters.

### What are the key recommendations for addressing this issue?

- Impose a complete moratorium on punitive demolitions
- Establish a strict tripartite procedure for legitimate instances of demolition
- Demolitions must be carried out only in exceptional circumstances, and according to the due process established under law.
- Shift the burden of proof from affected persons to authorities to justify demolitions
- Following United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement, 2019.
- Create an independent committee to review proposed demolitions, especially large-scale ones

### What procedural guidelines are suggested for legitimate demolitions?

- Pre-demolition: Provide reasoned notice, publicize information, allow time for legal advice
- During demolition: Minimize use of force, avoid heavy machinery, ensure presence of neutral officials
- Post-demolition: Provide adequate rehabilitation, establish speedy grievance redress mechanism
- Explore avenues to affix personal liability on officials ordering forced evictions and demolitions

Can you answer the following question?

Examine the constitutional and human rights implications of extra-legal demolitions in India. Suggest measures to balance the need for urban development with the protection of citizens' right to housing and due process.

## Dissolution of SCoS

(The Hindu, 13-09-24)

The Union Ministry of Statistics and Programme Implementation has dissolved the 14-member Standing Committee on Statistics (SCoS) headed by eminent economist and former chief statistician of the country Pronab Sen.

- Reason for dismantling: Works of SCoS overlapped with that of the Steering Committee for National Sample Surveys

### What were the key responsibilities of SCoS?

- The SCoS advised the Centre on **survey methodology**, including sampling frames, sampling design, survey instruments, questions, etc.
- It also played a vital role in finalising the tabulation plan of surveys, reviewing the extant framework, and addressing the issues raised from time to time on the subjects, results, methodology, etc. related to all surveys.
- The Terms of Reference for the SCoS also included providing **guidance for conducting pilot surveys/pre-testing**, and imparting technical guidance to the Central and State level agencies for conducting surveys.

### What is the role of the new committee?

- The Steering Committee, which replaces the SCoS, has 17 members and one non-member secretary.
  - The Centre has retained at least four members from the SCoS in the Steering Committee .
- The tenure of the Steering Committee will be for two years.
- Its Terms of Reference are quite similar to that of SCoS, including reviewing subject results, methodology questionnaires, sampling frames, sampling design, concepts, definitions, survey instruments etc. related to all National Sample Surveys.
- It will also advise the Ministry on survey methodology and finalise the tabulation plan of surveys.
- The mandates of both the committees clash in a way, though the composition of the Steering Committee is different as it has more official members while the SCoS had several non-official members.

### Why is there a pressure for a new census?

- The country's decennial census has been conducted every ten years since the 1870s, with the last census in 2011.
- The 2021 census was delayed due to the COVID-19 pandemic, and even after three years, the Centre has not provided a roadmap for the next census.
- Economists and policymakers argue that relying on 2011 census data for statistical surveys, even after 13 years, will **negatively impact decision making**.
- The Opposition said that the lack of fresh data keeps **crores of people away from schemes** such as the National Food Security Act.
- The Opposition has also been questioning the **numbers on employment and unemployment**.

- Since the Census is conducted by the Union Home Ministry, the Ministry of Statistics has been telling the SCoS members in its meetings that it has no role in deciding the date of census.
- Statisticians and academics argue that the census can provide State and sub-district wise data on issues such as education and employment.

#### What are the flaws in administrative data?

- While the Centre has been claiming that data provided by the EPFO, ESIC on its enrolments and Reserve Bank of India's KLEMS (K: Capital, L: Labour, E: Energy, M: Materials and S: Services) database gave a rosy picture about the employment scenario in the country.
- However, **questions have been raised as administration data**, especially on labour, is threshold-based. It is alleged that such data was airing the perspectives of policy architects or reflecting the government's intentions.
- The chances of manipulating the administration data set were also high as Government agencies generated that data and it is also argued that such data has **limitations of analytical rigour**.
- On the other hand, survey-based data, including the census, has universal coverage without any thresholds, providing a wider and bigger platform.
- However, surveys such as PLFS could not provide State or district-level data, but the census will be able to provide even sub-district data. PLFS also allegedly had an urban bias.

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