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# Junaid Ahmed v. State of Uttar Pradesh

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## ABSTRACT

*The Supreme Court of India's judgment on the demolition of illegal properties (November 2024) addresses the critical issue of arbitrary state action, particularly the demolition of properties linked to suspected criminal activities without adherence to due process. The Court condemned such actions, emphasizing the need for compliance with constitutional guarantees of equality and personal liberty. It further provided guidelines to ensure transparency, accountability, and the protection of vulnerable communities. This case is a milestone in reinforcing judicial oversight over executive discretion and upholding fundamental rights.*

**Keywords:** *Arbitrary, State Action, Due Process of Law, Fundamental Rights, Judicial Oversight.*

## I. INTRODUCTION

The judgment in *Junaid Ahmed v. State of Uttar Pradesh* arose from widespread allegations of selective and arbitrary demolitions conducted by municipal authorities in Uttar Pradesh and other regions. These demolitions, often targeting minority communities, lacked procedural safeguards, raising serious concerns about the infringement of constitutional rights. The Court's decision has profound implications for ensuring accountability in state actions and preventing discriminatory practices.

## II. FACTS OF THE CASE

Municipal authorities, citing illegal construction, demolished properties allegedly linked to individuals involved in criminal activities. These actions were challenged on the grounds that:

1. The demolitions were conducted without prior notice or opportunity to contest the allegations.
2. The practice disproportionately targeted minority communities, reflecting discriminatory bias.
3. There was a lack of evidence proving the criminality of the affected property owners.

Petitioners contended that the demolitions violated Articles 14, 19, and 21 of the Constitution.

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They argued that the actions were a blatant misuse of state power, aimed at intimidating specific sections of the population rather than enforcing the law impartially.

### III. ISSUES

1. Whether demolitions conducted without due process violated fundamental rights.
2. Whether the targeting of specific communities constituted discrimination under Article 14.
3. Whether guidelines were necessary to regulate demolition practices and prevent misuse of power.

### IV. JUDGMENT

The Supreme Court ruled that:

1. **Due Process Is Paramount:** The Court emphasized that demolitions must adhere to established legal procedures, including issuing prior notice and allowing affected individuals to be heard.{{Footnote: Junaid Ahmed v. State of Uttar Pradesh, Supreme Court of India, Judgment dated Nov. 13, 2024.}}
2. **Equality Before the Law:** The Court condemned the apparent discriminatory bias in targeting properties owned by minority communities, holding it unconstitutional under Article 14.{{Footnote: INDIA CONST. art. 14.}}
3. **Guidelines for Demolitions:** It issued guidelines mandating documentation of the demolition process, prior notice, and judicial oversight to ensure accountability.{{Footnote: Junaid Ahmed v. State of Uttar Pradesh, supra note 1.}}

### V. LEGAL ANALYSIS

#### (A) Violation of Article 21

The Court highlighted that the right to property under Article 300A, although not a fundamental right, is protected by constitutional guarantees. Arbitrary demolitions infringe on personal liberty under Article 21.{{Footnote: INDIA CONST. art. 21; see also INDIA CONST. art. 300A.}} By bypassing procedural safeguards, state authorities failed to respect the constitutional mandate of fairness.

#### (B) Non-Discrimination

The selective targeting of minority communities, even if indirect, violates the principle of equality under Article 14.{{Footnote: INDIA CONST. art. 14.}} The Court noted that such

practices undermine the secular fabric of the Constitution and perpetuate systemic inequalities.

### **(C) Judicial Oversight**

The Court reinforced its role in ensuring executive actions comply with constitutional safeguards, curbing the misuse of administrative discretion. By establishing guidelines for demolitions, it provided a framework for accountability and transparency.{{Footnote: Junaid Ahmed v. State of Uttar Pradesh, supra note 1.}}

## **VI. IMPACT OF THE JUDGMENT**

### **(A) Reinforcement of Due Process**

The judgment mandates adherence to procedural safeguards, ensuring fair treatment in demolition cases. Municipal authorities are now required to:

- Issue prior notices to property owners.
- Provide an opportunity for affected individuals to contest the allegations.
- Document the entire demolition process transparently.

### **(B) Protection of Vulnerable Communities**

By addressing potential biases in state actions, the ruling safeguards marginalized groups from discriminatory practices. The Court's emphasis on equality before the law aims to rebuild public trust in administrative processes.

### **(C) Policy Reforms**

The guidelines may prompt legislative and administrative reforms to standardize demolition practices and enhance accountability. State governments are expected to review and revise existing policies to align with the judgment.

## **VII. CRITICAL OBSERVATIONS**

### **(A) Enforcement Challenges**

While the guidelines are a step forward, effective implementation at the ground level remains uncertain. Judicial monitoring may be required to ensure compliance and address potential lapses.

### **(B) Need for Comprehensive Legislation**

The case highlights the necessity of codifying demolition procedures to prevent arbitrary actions and protect constitutional rights. A uniform legal framework across states would help eliminate inconsistencies in enforcement.

**(C) Balancing Governance and Rights**

The judgment strikes a delicate balance, allowing the state to address illegal constructions while ensuring respect for constitutional safeguards. However, the broader issue of unauthorized constructions needs a proactive and inclusive policy approach.

**VIII. CONCLUSION**

The Supreme Court's judgment in *Junaid Ahmed v. State of Uttar Pradesh* is a significant affirmation of constitutional principles in governance. By emphasizing due process and non-discrimination, the Court has reinforced its role as the protector of fundamental rights, ensuring that state actions remain within the bounds of legality and justice. This decision sets a vital precedent in safeguarding citizens from arbitrary state power, particularly in the context of vulnerable and marginalized communities.

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**IX. REFERENCES**

1. *Junaid Ahmed v. State of Uttar Pradesh*, Supreme Court of India, Judgment dated Nov. 13, 2024.
2. INDIA CONST. art. 14.
3. INDIA CONST. art. 21; see also INDIA CONST. art. 300A.

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