Property Damage Ordinance

Why in News?

The Property Damage Ordinance will set up a compensation claims tribunal for the recovery of property losses from those accused of rioting.

What is the problem with the timing of the ordinance?

- **The Uttar Pradesh government has passed this ordinance a day before the Allahabad High Court's (HC) deadline for the district magistrate and the police to report to it on the removal of certain hoardings.**

- **These were "name and shame" hoardings of people accused of allegedly damaging property during riots to protest the CAA.None of these people had gone through the legal process to establish guilt, and remain vulnerable to violence.**

- **So, this Ordinance is seen as an example of unique extra-judicial interpretation of the law.**

What did the HC rule?

- **It ruled that the state government's move (i.e.,) the ordinance amounted to an unwarranted interference in privacy.**

- **By putting up for public display the details of accused, the government violated the rights guaranteed under Article 21 of the Constitution.**

- **[Article 21 - No person can be deprived of his life and personal liberty except according to a procedure established by law.]**

- **The UP government has appealed this ruling before the SC, which, has seen fit to refer the matter to a larger bench.**

What does the Ordinance say?

- The ordinance offers a smut to the spirit of the HC's judgment upholding the sanctity of Article 21.
- It provides that the court set up under it will be the sole institution for hearing the recovery cases; no other civil courts will hear these cases.
- The court under this ordinance can instruct the authorities to publish the details of people it has found guilty of destruction.
- In other words, the court can provide legal cover for the same "name and shame" process that the high court had ruled illegal.

What precedence does the ordinance set?

- The encounter killings are also extra-judicial method of law enforcement.
- The UP government has normalised this technique in a manner that may well encourage other states to follow.
- Naming and shaming could well enjoy similar enthusiasm.
- This ordinance sets a sinister precedent in a state that has scarcely been renowned for the smooth functioning of its law and order machinery.

What could be done?

- This kind of wilful abandonment of the due process of law may be added to the problems like land acquisition, inflexible labour laws and other basics of doing business.
- If added, India's hopes of becoming a hub of global investment will be dim.
- So, the UP's version of justice urgently demands a robust **legal challenge** so that it does not become the template for India.

Source: Business Standard

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