

NEW LAW IN U.P. TO RECOVER COSTS FOR DAMAGING PROPERTY

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The Cabinet met under Yogi Adityanath on Friday and approved the ordinance.

The Uttar Pradesh government has now armed itself with a stringent new law to recover compensation from those who damage public and private property during protests and riots.

Claims for compensation will be decided by designated Claims Tribunals that will be authorised to investigate complaints and assess the damage.

Ordinance notified

The State government on Sunday notified the Uttar Pradesh Recovery of Damage to Public and Private Property Ordinance, 2020, promulgated by Governor Anandiben Patil. The Cabinet had met under Chief Minister Yogi Adityanath on Friday and approved the ordinance.

The owner of any private property or the head of the office concerned in respect of public property may file claims for compensation within three months of any incident that causes any damage during public protests, bandhs or riots. The claim can cite as respondents those who “exhorted” or “instigated” or “committed” acts that caused the damage, as well as those named by the police.

Every order or award passed by the Claims Tribunal would be “final” and no appeal would be “maintainable” before any court, it said. Also, no civil court will have the jurisdiction to entertain any question regarding the claims.

The chairperson of the Claims Tribunal would be a retired district judge, while its members would be of the rank of additional commissioner. The Claims Tribunal would have the power to attach the property of the respondents and publicise their names, addresses and photographs to warn the public against purchasing the property.

“As soon as the order for recovery of damages is passed, the property of the respondent to be attached and the authorities shall be directed to publish the name address along with a photograph of a warning for public at large not to purchase property attached,” the notification said.

The Claims Tribunal shall have all the powers of a civil court for the purpose of taking evidence on oath and enforcing the attendance of witnesses and compelling the discovery and production of documents and material objects, it said.

The claims would cover not only damage to public and private property but also the costs borne by the police and the administration in taking preventive measures.

The liability would be fixed on the alleged perpetrators as well as those accused of instigating or exhorting them. The tribunal will have to adhere to the principles of natural justice, issue notices and receive replies from the respondents, but it also has the power to decide a matter *ex parte*, if those given notices do not respond. The pendency of any criminal proceedings relating to the incidents would not be a bar on the tribunals proceeding with their work.

The tribunal also has the power to appoint a claims commissioner to estimate the damage caused and investigate liability to assist it in holding the inquiry.

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