



Destruction of Public Property

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Why in News

- Recently, the **Supreme Court of India** has expressed displeasure over rioting and destruction of public property. In India, the **Prevention of Damage to Public Property Act, 1984** deals with such issues mainly.
- Despite a law against the destruction of property, incidents of rioting, vandalism, and arson have been common during protests across the country.

Prevention of Damage to Public Property Act, 1984

- It punishes anyone **“who commits mischief by doing any act in respect of any public property”** with a jail term of up to five years and a fine or both. Provisions of this law can be coupled with those under the Indian Penal Code.
- Under this Act, **public property includes** “any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy; any oil installation; any sewage works; any mine or factory; any means of public transportation or of telecommunications, or any building, installation or other property used in connection therewith”.
- **In 2007**, the Supreme Court took **suo motu cognizance** on the issue of public and private properties’ destruction and **set up two committees to suggest changes to the law.**

- **Thomas Committee**

- It was headed by former apex court judge **Justice K T Thomas**.
- It suggested that the **prosecution should be required to prove that public property had been damaged in direct action** called by an organisation and that the accused also participated in such direct action.

The court accepted the suggestion and added that the law must be amended to give the court the power to draw a presumption that the accused is guilty of destroying public property and it would then be open to the accused to rebut such presumption.

- Such a reversal of the burden of proof is applicable in cases of sexual violence, among others. Generally, the law presumes that the accused is innocent until the prosecution proves its case.

- **Nariman Committee**

- It was headed by a senior advocate **Fali Nariman**.
- The recommendations of this committee dealt with **extracting damages for destruction**.
- The court accepted them and ruled that the rioters should be made strictly liable and compensation must be collected for the damage done.
- Apart from this, the Supreme Court **directed High Courts to order suo motu action** and to set up a machinery to investigate the damage caused and award compensation wherever mass destruction to the property takes place due to protests.

Way Forward

- Even though guidelines have been issued by the Supreme Court, they have a **limited impact** because the identification of protesters remains difficult especially in protests without leaders.
- Even if a person has been identified, he/she could not be held liable for loss of property unless there is evidence of him/her calling for violence.