

Parliament passes Enemy Property bill

This article appeared in The Indian EXPRESS – <http://indianexpress.com/article/india/parliament-passes-enemy-property-bill-4568723/>

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Successors of those who migrated to Pakistan and China during partition will have no claim over the properties left behind in India, with Parliament on Tuesday passing a bill to amend a 49-year-old law. The Enemy Property (Amendment and Validation) Bill, 2016, which amends the Enemy Property Act, 1968, was passed by voice vote in the Lok Sabha, incorporating the amendments made by the Rajya Sabha last week.

The Lok Sabha had passed the bill earlier but certain amendments were introduced to it in the Rajya Sabha, on the recommendations of a Select Committee. Those amendments had to be approved by the Lower House, which was done on Tuesday. RSP member N K Premachandran had moved a statutory amendment seeking to introduce clarity with regard to those properties which had already been acquired by the heirs of the ‘enemy’ property owners, a reference to nationals of Pakistan and China.

According to the bill, “Enemy property” refers to any property belonging to, held or managed on behalf of an enemy, an enemy subject or an enemy firm. The government has vested these properties in the Custodian of Enemy Property for India, an office instituted under the central government. After the Indo-Pakistan War of 1965, the Enemy Property Act was enacted in 1968, which regulates such properties and lists the Custodian’s powers.

“The purpose of bill is to clarify the 1968 Act. Inheritance law will not be applicable on Enemy Property... This will put an end to the long pending issue which should have ideally happened in 2010 when the Bill was introduced,” Home Minister Rajnath Singh said while replying to a brief debate on the bill. The government brought the amendment bill in the wake of a claim laid by the heirs of Raja Mohammad Amir Mohammad Khan, known as Raja of Mahmudabad, on his properties spread across Uttar Pradesh and Uttarakhand. The matter is before the Supreme Court.

Five ordinances were promulgated on the bill. The last one is due to expire on Tuesday. Justifying the move to amend the Act, Singh rejected the contention of some MPs that it was against the principle of natural justice and amounted to human rights violations. “I wonder how it is against the principle of natural justice. Pakistan has seized the properties of Indian citizens... It will be natural justice if their property (of those who migrated to Pakistan) is not returned,” he said. The Minister assured the House that there will be no human rights violations following the amendments as the rights of Indian citizens are not being taken away. “The law only applies on heirs of enemy property... The tenants of those property will be governed by the Tenancy Act,” he said.