

Musharraf's Ancestral Land Auctioned Under Enemy Property Act

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Why in News?

The Indian government is set to auction a parcel of land in Uttar Pradesh that once belonged to the family of former Pakistan President Pervez Musharraf. The land, measuring around 13 bighas in the Kotana Bangar village of Baghpat district, is being sold under **The Enemy Property Act**.

In this regard, the Union Home Ministry has posted a notice on the land.

Enemy Property

- **About**

- Enemy property is property left behind by the people who migrated to enemy countries.
- Under **The Enemy Property Act**, properties belonging to individuals who migrated to enemy countries (such as Pakistan or China) after wars in 1947, 1965, and 1971 are seized by the Indian government.
- The Act ruled that the heirs of people who migrated to Pakistan and China would not have any right to succession over the property left by their ancestors.
 - These properties are managed by the **Custodian of Enemy Property** and can be sold by the government as per legal provisions.

- **Background**

- Following the India-Pakistan wars of 1965 and 1971, many people migrated from India to Pakistan, leading the Indian government to seize their properties under the Defence of India Rules (framed under the Defence of India Act, 1962).
- These properties were handed over to the Custodian of Enemy Property for India.
- Similar action was taken for properties left behind by those who moved to China after the 1962 Sino-Indian War.
- The Tashkent Declaration of January 1966 included a provision for India and Pakistan to discuss the return of such properties.
- However, Pakistan sold off these properties in 1971, leaving the issue unresolved.

- **Enemy property in India - Statistics**

- Apart from the company shares, most enemy property is in the form of land and buildings.
- There are 13,252 enemy properties in India, valued at over Rs1 lakh crore.
- Most of these properties belong to people who migrated to Pakistan, and over 100 to those who migrated to China.
- **Uttar Pradesh** (5,982) has the highest number of enemy properties, followed by West Bengal (4,354).
- The central government launched a survey in the past year to further identify and monetise these properties. Many of these properties have gone under encroachment and unauthorised occupancy.

Laws dealing with enemy property in India

- **The Enemy Property Act of 1968**

- This act ensured that properties of individuals or firms from enemy nations remained vested with the **Custodian of Enemy Property for India**.
- The government owns enemy properties across various states, such as in Karnataka, where six prime properties in Bengaluru are valued at approximately ₹500 crore.

- **Amendment introduced in 2016**

- In 2017, Parliament passed the Enemy Property (Amendment and Validation) Bill, 2016.
- This bill updated the 1968 Act and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.
- This amendment **broadened the definition of “enemy subject” and “enemy firm”** to include legal heirs and successors, even if they are Indian citizens or citizens of non-enemy countries.
- The amended law states that enemy property continues to vest in the Custodian even after the enemy’s death, change of nationality, or other status changes.
- The Custodian can sell these properties with government approval, and the central government can direct the Custodian on how to manage and dispose of them.

- **Need for such amendments**

- The amendments to the Enemy Property Act were introduced to prevent claims of succession or transfer of properties left by individuals who migrated to Pakistan and China after the wars.
- The primary goal was to counter a court ruling that undermined the Custodian’s authority.
- The statement of objects and reasons in the Bill explained that various court judgments had weakened the Custodian’s powers, making it difficult for the Custodian to act under the original 1968 Act.

Court orders on the issue of enemy properties

- **Significant legal case regarding enemy property**

- A significant legal case regarding enemy property involved the estate of the **erstwhile Raja of Mahmudabad** in Uttar Pradesh.
- The Raja moved to Pakistan in 1957, becoming a Pakistani citizen, while his wife and son, **Mohammed Amir Mohammad Khan**, remained Indian citizens.
- Under the **Enemy Property Act of 1968**, the Raja’s estate, which included valuable properties in Hazratganj, Sitapur, and Nainital, was classified as enemy property.

- **SC Judgement**

- After the Raja’s death, his son claimed the properties, and in 2005, the **Supreme Court** ruled in his favor.
- This verdict led to a surge of claims from relatives of people who migrated to Pakistan, presenting deeds of gift to reclaim enemy properties.

- **Ordinance introduced in 2010**

- To counter this, the **UPA government** issued an **Ordinance** in 2010 that blocked courts from ordering the release of enemy properties.
- This nullified the 2005 Supreme Court ruling, and the Custodian regained control of the Raja’s estate.
- A Bill was introduced in Parliament but lapsed.
- Eventually, the **Enemy Property (Amendment and Validation) Ordinance, 2016** was promulgated and replaced by a Bill that became law in 2017, reinforcing government control over enemy properties.

Q.1. What is the Enemy Property Act, and why is Musharraf’s land being auctioned under it?

The Enemy Property Act allows the Indian government to seize properties left behind by individuals who migrated to enemy countries like Pakistan. Musharraf's land is being auctioned under this law as part of government efforts to manage such assets.

Q.2. How many enemy properties exist in India, and where are they located?

India has over 13,000 enemy properties, valued at over ₹1 lakh crore, with the highest concentration in Uttar Pradesh and West Bengal. These properties were left behind by individuals who moved to Pakistan and China after wars in 1947, 1965, and 1971.

Source: [Pervez Musharraf's ancestral land in UP to be auctioned under Enemy Property Act: What it means | Forbes India | The Hindu](#)

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