

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3232
ANSWERED ON:30.11.2010
ENEMY PROPERTY ACT
Shivanagouda Shri Shivaramagouda

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government is contemplating to amend the Enemy Property Act, 1969; and
- (b) if so, the details thereof and the time by which it is likely to be amended?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) & (b): A Bill has been introduced in the Lok Sabha on 15th November, 2010 to carry out amendments in the Enemy Property Act, 1968. The details of the amendments are given at Annexure-I. No firm time frame can be indicated by which the Bill will be passed.

ANNEXURE-I

The details of the proposed amendments to the Enemy Property Act, 1968.

- (i) The enemy property shall continue to vest in the Custodian till it is divested by the Central Government;
- (ii) The enemy property will be divested only to the owner or if the owner is dead, to any lawful heir and the claimant shall have to establish in accordance with the law that he is the lawful heir;
- (iii) Any enemy property divested from the Custodian to any person under the provisions of the Enemy Property Act, 1968, as it stood immediately before 2nd July, 2010, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the Custodian. If, however, the enemy property had been divested from the Custodian by a valid order made under section 18 prior to 2nd July, 2010 or where the property had been returned to the owner or his lawful heir by an order of a court and the Government is satisfied that the property was returned to the owner or the lawful heir, such enemy property would continue to remain with such persons;
- (iv) Nothing contained in this Act shall affect the claim made by any person before any court or other authority against the owner or his lawful heir to whom the property was or may be returned under this Act and such claim shall be decided in accordance with law by court or other authority, as the case be;
- (v) The Act empowers the Central Government to issue appropriate orders, within a period of six months from the date on which the proposed legislation receives the assent of the President, to remove any difficulty which may arise in giving effect to the provisions of the Act during the period beginning on the date on which the Enemy Property (Amendment and Validation) Ordinance, 2010 ceased to operate and ending immediately before the date on which the Enemy Property (Amendment and Validation) Second Bill, 2010 receives the assent of the president;
- (vi) The Act also amends the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 to declare the Custodian, Deputy Custodian and Assistant Custodian of Enemy Properties as Estate Officer in respect of the enemy properties.