

Bill Summary

The Enemy Property (Amendment and Validation) Bill, 2010

- The Enemy Property (Amendment and Validation) Bill, 2010 was introduced in the Lok Sabha on August 2, 2010 by the Minister for Home Affairs Shri P. Chidambaram. The Bill seeks to amend the Enemy Property Act, 1968 and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.
- An ordinance titled the Enemy Property (Amendment and Validation) Bill, 2010 was notified by the government on July 2, 2010. The Bill replaces the Ordinance.
- The Bill amends the provision declaring that all enemy property vested in the “custodian” of enemy property shall continue to vest in the custodian. The Bill states that the property shall continue to vest in the custodian irrespective of the death or extinction of the enemy. The custodian shall retain custody whether or not the heir of the enemy is an Indian citizen.
- The custodian can by order declare that such property vests in him and issue a certificate stating the same. The certificate shall be evidence of the property vesting in the custodian.
- The Act gives the central government the power to declare a transfer of enemy property void on certain grounds. The Bill states that the transfer of enemy property does not include: (i) a transfer made through oral will or gift, (ii) transfer made by concealment of enemy nationality, (iii) a transfer made without the permission of competent authorities such as the Reserve Bank of India if such permission is required, and (iv) without the permission of the custodian.
- The Bill makes certain additions to the power of the custodian. (a) The custodian can sell any immovable property vested in him. (b) On receiving the documents relating to the sale of the property, the custodian may issue a certificate of sale. The certificate of sale will be valid and conclusive proof of ownership of such property.
- The Bill bars courts from ordering the divestment of enemy property vested in the custodian. The court cannot direct the central government to divest such property from the custodian either. Courts can decide on the question whether the property in question is enemy property or not. They cannot however, direct the divestment of such property.
- The Bill states that the amendments made in the Bill shall be deemed to be applicable from the date of enactment of the Act.

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