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Enemy Property: Violence, Dispossession and Citizenship in South Asia

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ABSTRACT

This paper examines the role property plays in the displacement of people and their ongoing and future displaceability and citizenship. It engages with the Partition of the Indian subcontinent and the ways in which property was central to how people were rendered displaceable. Building on literature on property, we examine how categorisations of people based on specific attributes affected their rights to property both at the moment of displacement and later in exile, marking them as second-class citizens or the enemy. We examine state intervention and that of communities and societies in forcibly occupying the property of the 'other' and claiming it for themselves. Through these acts, people are rendered as part or outside of cultural communities and therefore displaceable and marginalisable. Excavating the social life of property and its importance in how people are rooted, we open up conversations on how geographies of displacement, citizenship and belonging are constituted.

KEYWORDS

Citizenship; displacement; dispossession; Partition; property; South Asia; violence

'The summons has come.'

'See, the Custodian's notice has arrived. Now we will have to vacate the house. Sign the document.'

'Show me as well. Who can make me leave my house?'

'The Custodian.'

'I bore only two sons. Who is this third claimant?'

—*Garm Hava (Hot Winds)*¹

Introduction

M.S. Sathyu's *Garm Hava* follows the travails of the Mirzas, a Muslim family in Uttar Pradesh in post-Partition India. In a pivotal moment in the movie, excerpted above, the matriarch of the family is informed that their family home is to be taken over by the Office of the Custodian of Evacuee Property as the property's legal

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1. *Garm Hava (Hot Winds)*, directed by M.S. Sathyu (India, Unit 3 MM; Film Finance Corporation, 1973).

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owner, her elder son Halim, has migrated to Pakistan and is now considered an 'evacuee' under Indian law. Expressing both bewilderment and defiance, she questions the right of the Custodian to evict them from their ancestral property and dispossess it from her sons, who are legitimate inheritors in her eyes. The brief exchange above offers a window into the centrality and anxieties over land and property as it came to configure post-Partition politics. The newly independent states of India and Pakistan passed sweeping legislations that allowed actors such as the Custodian to take over the properties of minorities on its behalf. Many refugees who moved across the new border moved into houses and occupied properties emptied by those fleeing in the opposite direction, claiming a moral right to occupy property. Violence, displacement and *unhoming* were thus at the core of the experience of Partition for millions of people. In a later scene, the matriarch expresses her desire to visit her ancestral home, from which she is now evicted, one last time before her death. As the memories of the many years spent in her home flood her, she passes away. Beyond questions of ownership and inheritance, her attachment to property is also a deeply intimate and affective one.

Garm Hava helps open up conversations about the centrality of land and property to the processes of dispossession, displacement, claims-making and citizenship, particularly in the context of post-conflict, postcolonial nation-building. In this paper, we explore this issue of property and its relationship to the displacement and displaceability of people and communities. We borrow from the work of Oren Yiftachel who shifts our gaze from displacement as an event to 'displaceability' as a condition through which peripheral communities are continually subjected to spatial violence—and, by extension, precarisation in the Global South-East. We study this in the context of South Asia, where both property and citizenship regimes were forged in the aftermath of the mass movement of refugees following the Partition of the Indian subcontinent. We look at how, through the classification of property into legal categories such as evacuee and enemy property, the state refracts citizenship, creating individuals and communities with truncated rights. We argue that such 'enemy' citizens are characterised by a state of permanent displaceability—their specific relationship with property defines the boundaries of their citizenship rights and potential dispossession and displaceability. We note, however, that the relationship between property and citizenship is an evolving one—property becomes the medium through which citizenship, minoritisation and dispossession are continually reformed. The removal or reconfiguration of property reshapes social relations. In turn then, property itself has a social life, informed through acts of social and legal legitimisation.

Our argument relies primarily on a critical analysis of the academic literature on Partition and property. In addition to this, we use interviews conducted (by Author 2) in the refugee colonies of Kolkata (formerly Calcutta) in 2005, when discussing the questions of refugee resettlement and rehabilitation within the post-Partition Bengal context. It became apparent through these interviews that questions of land and property were central to how people articulated themselves as being refugees—as those who had lost their homes and their ancestral lands—and equally as political subjects who had the right to claim citizenship in India. Land functioned both as foundational to an identity of loss as it did to the identity of a new citizen-subject.

This focus on land in the narratives of people thus contributed to a growing interest in the role of land in the displaceability of people. The interview material is supplemented through an analysis of academic work on Bengali refugees in Kolkata.

We discuss our argument through three moments, highlighting how property has been foundational to the production of the nation-states and the dispossession and displacement of people in them. We begin with the moment of Partition through the first half of 1947, when rioting erupted and Hindu and Sikh properties in Pakistan and Muslim properties in India came to be seen as seizable and these communities rendered displaceable in both countries. We show how property, its seizure and exchange played an important role in how people were othered and displaced. Governmental policies evolved from encouraging 'return' to foreclosing such possibilities or aspirations, thus permanently rendering people as non-citizens or 'enemies'. We argue that nascent nation-states in South Asia used attributes or properties of people, including their religious, racial, ethnic, caste, gender and sexual identities, to extend or deny property rights, which in turn determined the contours of citizenship. In other words, unequal citizenship was anchored in the use of property as a tool of differentiation such that ideas of property came to form the core of citizenship in South Asia.

In the second moment of the post-Partition period, we analyse conflicts over evacuee properties, and land more generally, as well as the resettlement processes of refugees to illustrate how property comes to configure not just forms of citizenship, but processes of displaceability. We argue that the ability to dispossess and displace formed a central mode of state discipline and control of minoritised citizens. In this, we trace how citizenship for minoritised communities came to be defined by a condition of continuous displaceability.

Finally, in the present, we turn to the case of the Enemy Property Act in India of 1968, a law modelled on the British and American World War I Trading with the Enemy Acts (TEA), to show how property law continues to be actively weaponised by the state to intensify the displaceability of Muslim communities in India. Crucially, through interventions in property law, the state continues to be able to create citizenship hierarchies that then make communities displaceable. In other words, we argue that property comes to play a critical role in determining the displaceability and dispossession of people, and by extension, their rights to citizenship itself. Our intervention, we argue, has implications beyond its historical specificity and regional context as housing, land and property continue to play pivotal roles in how dispossessions, the resistances to them and attendant identities come to be formed. To illustrate this, we situate the Enemy Property Act in India in a wider global context, ranging from Palestine to elsewhere in the Indian sub-continent, where the legacies of colonial-era property laws continue to be central to ideas and imaginations of displacement and citizenship.

We extend this further in our conclusion, where we discuss the implications of our work specifically to global human rights policies aimed at the restitution of Housing, Land and Property (HLP) rights for displaced persons. Deliberate attacks on property have increasingly been weaponised to render life impossible and to erase historical and spatial evidence of belonging from the Rakhine state in Myanmar, where the Rohingya community continue to be dispossessed and expelled, to the

Gaza Strip. Questions of return, restitution and reparations for the destruction of HLP assume critical importance in this scenario. Drawing from the South Asian experience, we engage with these questions by arguing that concerns over HLP are, at their core, political in nature, intimately tied to questions of citizenship and belonging.

Property, geography and postcolonial citizenship

The concept of property has come to function as a powerful means of establishing ownership over objects and precluding their usage by others. In so doing, it produces power, rearranges social relationships, ‘collective, to individuals, to things, to ancestors, to the divine, to the past, and to the future.’² Violence and dispossession are central to this process of producing and performing property ownership through discursive and material techniques such as the law as well as fences.³ Capitalism relies on the centrality of property, and the lack of it reproduces many of the inequalities between the haves and the have-nots.⁴ Indeed, as Nicholas Blomley argues, even as property remains precarious under capitalism, this precariousness is necessarily ‘socially distributed’ with the ideal of propertied citizenship for some inextricably linked to the legalised and organised negation of property rights for racialised others.⁵

Property as a violent and exclusionary practice has spread globally through colonialism, and the Indian subcontinent is no stranger to this. Colonial authorities attempted to extend their sovereignty over land and pacify different groups through classification of land as property, wasteland and so forth.⁶ An urban property market was entrenched and functioning well by the first half of the twentieth century, albeit the value assigned to properties was confounded through different, ambiguous rights and claims that included customary, religious, ancestral, and so forth.⁷ Meanwhile the creation of the zamindari and ryotwari systems of property sought to also extract revenue and resources from rural areas and, in so doing, created and exacerbated forms of casteism and racialisation in the subcontinent.⁸ The violence of property has endured into the present with all the inequalities associated with it. As Ahmad’s work shows, “material dispossessions” of Muslim property and space’ has been central to the making of South Asian cities like Delhi. Such processes of erasure

2. Nicholas Blomley, ‘Making Space for Property’, *Annals of the Association of American Geographers* 104, no. 6 (2014): 1291–1306; 1292.

3. Nicholas Blomley, ‘Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid’, *Annals of the Association of American Geographers* 93, no. 1 (2003): 121–41.

4. Anne Bonds, ‘Race and Ethnicity I: Property, Race, and the Carceral State’, *Progress in Human Geography* 43, no. 3 (2019): 574–83, <https://doi.org/10.1177/0309132517751297>.

5. Nicholas Blomley, ‘Precarious Territory: Property Law, Housing, and the Socio-Spatial Order’, *Antipode* 52, no. 1 (2020): 36–57, <https://doi.org/10.1111/anti.12578>.

6. Judith Whitehead, ‘John Locke, Accumulation by Dispossession and the Governance of Colonial India’, *Journal of Contemporary Asia* 42, no. 1 (2012): 1–21, <https://doi.org/10.1080/00472336.2012.634638>; Kaustubh Mani Sengupta, ‘Land, Property Relations, and Urban Planning: New Histories from Colonial India’, *History Compass* 20, no. 3 (2022): e12723, <https://doi.org/10.1111/hic3.12723>.

7. Sengupta, ‘Land, Property Relations’.

8. Whitehead, ‘John Locke’.

continue to reproduce social hierarchies and dispossess people in South Asia and beyond.⁹

The reproduction of such social differences, particularly with regard to caste and religious differences, can be seen as a form of racialisation.¹⁰ This ultimately leads to the displaceability of people—a term coined by political geographer and urban planning scholar Oren Yiftachel, which we discuss below. As Malini Ranganathan argues, the racialisation of property relations has often been a central conduit of racialisation of caste identities, particularly Dalit identities.¹¹ As with caste, religious identities have also been a key site of racialisation in the subcontinent. This has been a longer process with its roots in colonial governance, the production of divisions between Hindus and Muslims by the British and the development of communal animosities as a result. Even before Partition, divisions between Hindus and Muslims often manifested themselves spatially and through social and cultural practices and this continues until today through rounds of violence. As Charu Gupta and Stephen Legg note, such ‘communal geographies’ were routinely marked by the mapping of religious identities on quotidian spaces such as homes, mosques, temples, gurdwaras, shops and streets.¹²

We engage with this history of racial logics and its relation to property rights within South Asia through the lens of displaceability. As described by Yiftachel, displaceability seeks to move beyond the event of displacement itself and is described as ‘the state of being susceptible to involuntary distancing from these [urban material and cultural] rights and resources’.¹³ Writing specifically in relation to urbanisation in the Global South-East (as he terms it), he pushes back against solely relying on neoliberal logics that underpin displacement in urban areas. Instead, he notes that colonial legacies, identity politics, ethnonationalism and inequalities are part of the different factors that render people displaceable, leaving them in a state of precarity and vulnerability for years, if not generations. In doing so, Yiftachel deftly highlights forms of colonialism that exist within the Global South-East that seek to erase and/or forcibly incorporate indigenous and peripheral communities into oppressive forms of urbanisation. Displaceability, in other words, challenges the notion of displacement as an episodic ‘act’ to a ‘condition’ that is endemic—a continual form of spatial violence that forms the cornerstone of urban colonial relations.

Crucially for our argument here, displaceability operates through a propertied logic, severing the ties between people and their everyday spaces, especially their homes. Evacuee properties and their transition to enemy properties continue to

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9. Saeed Ahmad, ‘Muslim Pasts and Presents: Displacement and City-Making in a Delhi Neighbourhood’, *Modern Asian Studies* 56, no. 6 (2022): 1872–1900, <https://doi.org/10.1017/S0026749X21000512>.
 10. Jesús F. Cháirez-Garza et al., ‘Introduction to the Special Issue: Rethinking Difference in India Through Racialization’, *Ethnic and Racial Studies* 45, no. 2 (2022): 193–215, <https://doi.org/10.1080/01419870.2021.1977368>.
 11. Malini Ranganathan, ‘Caste, Racialization, and the Making of Environmental Unfreedoms in Urban India’, *Ethnic and Racial Studies* 45, no. 2 (2022): 257–77, <https://doi.org/10.1080/01419870.2021.1933121>.
 12. Charu Gupta and Stephen Legg, ‘Communal Geographies: An Introduction’, *South Asia: Journal of South Asian Studies* 46, no. 6 (2023): 1168–83, <https://doi.org/10.1080/00856401.2024.2303215>.
 13. Oren Yiftachel, ‘From Displacement to Displaceability: A Southeastern Perspective on the New Metropolis’, *City* 24, nos. 1–2 (2020): 151–65; 155, <https://doi.org/10.1080/13604813.2020.1739933>.

signify the enduring processes of displaceability and dispossession for minority communities in the subcontinent. Although much of the South Asian literature has focused on the specifics of evacuee property laws and how they have shaped governance and citizenship in the region, we take this work in a slightly different direction to show how property is foundational to displaceability as a logic of governance there.

This is evidenced by significant recent legal developments in India that bring to the fore the central role of displaceability in governance and citizenship. First, the abrogation of Article 370 of the Indian Constitution nullified Article 35-A, which safeguarded Kashmiri ownership of land by the state's permanent residents. As Osuri and Zia note, 'the threadbare vestiges of Kashmiri autonomy through a law that protected indigenous Kashmiris and their land ownership rights from Indian settler ownership vanished overnight'.¹⁴ Second, the increasing use of punitive demolitions or 'demolitions of homes allegedly as a punishment or retaliation for alleged offences against public order or crime control' (widely referred to in the Indian media as Bulldozer Raj) by various state governments in India points to how minority communities continue to be disciplined by rendering them displaceable.¹⁵ Lastly, we note here the Citizenship Amendment Act, 2019, which provides a pathway to Indian citizenship for persecuted Hindus, Sikhs, Buddhists, Jains, Parsis and Christians (notably excluding persecuted Muslims) from three Muslim majority neighbours (Afghanistan, Pakistan and Bangladesh). Read in tandem, these legal developments form part of an ongoing process of radically redefining the idea of citizenship in India and tethering it more tightly to questions of property and its dispossession.

The implications of this work extend beyond the specificities of South Asia to speak to global human rights policies, particularly as they relate to the question of forced migration and displacement. Here, we argue that South Asia has much to offer policy-thinking and policymaking around *durable solutions* to displacement. Housing, land and property are an increasingly important part of these durable solutions. However, within that, property restitution has been established through international standards such as the Pinheiro Principles, seen to be a key aspect of refugee return and the repair of social relations. As Sandra Joireman and Jason Brown note, the Principles enable 'human rights practitioners to equate restitution with justice' and 'the right of return in international law has been construed as the right to return to one's home'.¹⁶ Indeed, as others have pointed out, there is a problematic assumption that people will want to return 'home' without considering how the idea of home and the community that formed the basis of that home may be irrevocably changed.¹⁷

14. Goldie Osuri and Ather Zia, 'Kashmir and Palestine: Archives of Coloniality and Solidarity', *Identities* 27, no. 3 (2020): 249–66, <https://doi.org/10.1080/1070289X.2020.1750200>.

15. B. Rajagopal, UN Special Rapporteur on the Right to Adequate Housing, 'Application for Intervention', September 27, 2024, Office of the United Nations High Commissioner for Human Rights (OHCHR).

16. Sandra F. Joireman and Jason Brown, 'Property: Human Right or Commodity?', *Journal of Human Rights* 12, no. 2 (2013): 165–79; 169, <https://doi.org/10.1080/14754835.2013.784662>.

17. Liisa H. Malkki, 'Refugees and Exile: From "Refugee Studies" to the National Order of Things', *Annual Review of Anthropology* 24 (1995): 495–523.

Drawing on South Asian history, we ask: how has the occupation of property played a role in the process of displacement? Can those who return legitimately reclaim their properties in the eyes of the communities they re-enter? In other words, human rights legislation concerned with ‘return’ as a durable solution fails to recognise that property is constituted through social relations and the return of the object itself is insufficient. It also does not recognise that the law itself is socially produced, and the question of property is part of that spatial production of the law.¹⁸ South Asian scholarship on partition and property also overlooks this and instead treats property as an object. We offer a corrective to this body of work by understanding property as a set of social relations that are central to creating conditions of displaceability.

Analyses of displacement necessitate engagement with notions of citizenship and how property is entangled with that. Property plays a central role in defining citizenship rights within modern liberal states, which are themselves propertied entities. In this, citizenship carries within itself one of the central characteristics of private property—the right to exclude. As Nandita Sharma notes, ‘the propertied character of national citizenship organises the legitimacy for subjecting those rendered as the “others” of the “nation” to differential treatment under the law or to outright physical exclusion (and even extermination)’.¹⁹ Additionally, citizenship and property are inextricably linked in their very constitution by the politics of recognition. As scholars of partition have noted, staking claim on property (such as abandoned homes or pieces of land) often preceded the formal recognition of citizenship by postcolonial South Asian nations. In this, as Lund describes, ‘claims for property and citizenship concatenate’, with the recognition of one serving to realise the other.²⁰ Conversely then, as the opening excerpts from *Garm Hava* show, minoritised citizens were made suspect as evacuees and enemy citizens through their relationship with property. By taking away the legal recognition of their legitimate ownership and use of property, states redefined the bounds of their citizenship and belonging to the nation. As the next sections show, this conferred the privileges of use and ownership for some while creating enduring conditions of displaceability and dispossession for minoritised ‘others’.

Moment 1: Partition and the politics of dispossession

In this section, we detail the first moment of dispossession as the politics of property come to figure significantly in the shaping of partition violence and its aftermath.

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18. Diana Ojeda and Nicholas Blomley, ‘Grounding Legal Geography: Conversations on Law, Space, and Power Across Disparate Geographies’, *Environment and Planning C: Politics and Space* 42, no. 3 (2024): 325–33, <https://doi.org/10.1177/23996544241231688>.
 19. Nandita Sharma, ‘Racism’, in *Citizenship and Its Others*, ed. Bridget Anderson and Vanessa Hughes, Migration, Diasporas and Citizenship Series (Palgrave Macmillan UK, 2015), 98–118. We note here that women have often been excluded from property ownership within the South Asian context—particularly in India—putting them in a highly precarious condition: see Bina Agarwal, *A Field of One’s Own: Gender and Land Rights in South Asia* (Cambridge University Press, 1994).
 20. Christian Lund, *Nine-Tenths of the Law: Enduring Dispossession in Indonesia* (Yale University Press, 2021).

This is made evident through the scale and politics of dispossession and who was made to be dispossessable. To repeat a well-known point, the Partition of India and Pakistan in 1947 displaced around 14 million people, creating one of the largest modern mass migrations of people. The underlying logic of this division was premised on the apparently irreconcilable differences between Muslim and non-Muslim populations. Pakistan was created through Muslim majority areas on the west and east of a Hindu-majority (and purportedly secular) India in the middle. Though placated by 'leaders', communal violence gripped different parts of the newly divided countries, with communities turning against each other. With little time or organisation, many refugees were only able to carry what little they could and most came to their new countries with little by way of assets. Others with more means and resources were able to transfer or exchange more of their assets.²¹ As Ilyas Chattha notes, in many instances, localised motives to acquire properties of minorities coexisted with larger ideological imperatives in providing fodder for the violence of Partition.²²

Importantly, Partition meant the abandonment of immovable assets such as property. In both India and Pakistan, immovable properties included farms, land, urban and rural dwellings, domestic and commercial spaces, including shops, factories and cinemas, as well as goods which included raw materials.²³ This impacted not only upper- and middle-class landowners but also those who owned and cultivated properties in what came to form border areas.²⁴ Chattha notes, 'India claimed that the Hindu and Sikh refugees abandoned more than 6.6 million acres of agricultural land in West Punjab alone. Pakistan, on the other hand, claimed that the Muslim refugees left behind about 5.4 million acres of cultivable land in East Punjab'.²⁵ In terms of urban property, the Indian government estimated the worth of urban immovable evacuee property in West Pakistan to be ₹5 billion (US\$1.5 billion in 1955). These included 313,132 houses, 131,084 shops, 75,857 building sites, 3,189 small industrial concerns and workshops and 849 big industries. In Delhi alone, it was estimated that 12,512 homes, 3,866 business premises and 420 factories were left behind by Muslims.²⁶ Further, India's claim that the value of property left behind by non-Muslims in Pakistan exceeded that of those left behind by Muslims in India by about ₹4 billion was a source of dispute.²⁷ While some individuals who were

21. Ravinder Kaur, *Since 1947: Partition Narratives Among Punjabi Migrants of Delhi* (Oxford University Press, 2007).

22. Ilyas Chattha, 'Looting in the NWFP and Punjab: Property and Violence in the Partition of 1947', *South Asia: Journal of South Asian Studies* 44, no. 6 (2021): 1075–89, <https://doi.org/10.1080/00856401.2021.1980951>.

23. Ilyas Chattha, 'Competitions for Resources: Partition's Evacuee Property and the Sustenance of Corruption in Pakistan', *Modern Asian Studies* 46, no. 5 (2012): 1182–1211, <https://doi.org/10.1017/S0026749X12000170>; Kaur, *Since 1947*; Willem van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia* (Anthem Press, 2005).

24. Van Schendel, *Bengal Borderland*.

25. Chattha, 'Competitions for Resources', 1188.

26. Rohit De, 'Evacuee Property and the Management of Economic Life in Postcolonial India', in *The Postcolonial Moment in South and Southeast Asia*, ed. Gyan Prakash, Nikhil Menon and Michael Laffan (Bloomsbury Publishing, 2018).

27. Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (Columbia University Press, 2007).

migrating out were able to 'exchange' properties with those migrating in, in most other cases, the governments themselves became involved, as will be outlined later.

Drawing on Sarah Keenan's work on property rights being reliant on the properties of people themselves, we consider how attributes of people and their properties became intertwined such that they were rendered displaceable.²⁸ In this case, religious identity and attributes became racialised and determined who belonged and did not belong in which territory and hence who could be removed from their homes and their properties seized. Partition scholars such as Zamindar, for example, note how for displaced persons, the assertion of belonging to the newly crafted nation-state was premised on the dispossession of the 'other', crafted in this case through communal politics.²⁹ Thus, she highlights that the experience of becoming a Muslim refugee in Delhi during Partition was not just shaped by murderous violence in the city, but through the loss of homes and properties—both occupied or vacant—to incoming refugees, who, with support from the police, forcibly occupied them. Rotem Geva notes that rumours of forcible occupations in Pakistan served to justify further violence and tit-for-tat occupations on the Indian side of the border.³⁰ Muslims in mixed neighbourhoods such as Karol Bagh, Sabzi Mandi and Paharganj in Delhi were particularly vulnerable to being forcibly dispossessed of their homes during the rioting, and nearly 100,000 Muslim homes were forcibly occupied by refugees in this time. Muslims in Delhi either left for Pakistan or moved to other parts of the city and became ghettoised. Their properties came to be seen as evacuee properties and were given away temporarily and eventually in the long term to incoming refugees. The view that was taken by some elements of the government was that all Muslims in cities such as Delhi were potentially evacuees, and that all Muslim properties were therefore potentially possessable by the state.³¹

The same was repeated in the border areas. As Willem van Schendel notes, the border, particularly to the east of India, cut through fields, homes and shops, cutting people off from their sources of livelihoods in East Pakistan and Bengal and the north-eastern states.³² This led to temporary fixes such as allowing cross-border cultivation (within limits) until the 1967 war between India and Pakistan, which ended these practices. But even in this time, conflicts over land use and rights raged across the border entangling local communities who laid claims to their land and the states that attempted to excise this relationship. The borderland 'became a battleground of the unresolved issues of land ownership, citizenship and sovereignty'.³³ Many were eventually forced to exchange lands, sell them off, or simply lose them to occupiers on the other side of the border. As Van Schendel argues, hundreds of

28. Sarah Keenan, 'Subversive Property: Reshaping Malleable Spaces of Belonging', *Social & Legal Studies* 19, no. 4 (2010): 423–39, <https://doi.org/10.1177/0964663910372175>.

29. Zamindar, *Long Partition*, 32–33.

30. Rotem Geva, 'The Scramble for Houses: Violence, a Factionalized State, and Informal Economy in Post-Partition Delhi', *Modern Asian Studies* 51, no. 3 (2017): 769–824, <https://doi.org/10.1017/S0026749X1600010X>.

31. Ibid.

32. Van Schendel, *Bengal Borderland*.

33. Ibid., 127.

thousands of people were dispossessed of their claims and never received any compensation.³⁴

Muslim families in India came to rightly see the state as being partisan and unable and/or unwilling to protect them. They were thus placed in a precarious situation where, despite being 'propertied citizens' of India, they were not seen as part of the cultural community of the nation and were rendered displaceable. Their cultural home, despite having been in India for generations, was now seen to be in Pakistan with their co-religionists. The same logic operated on the Pakistani side with Hindu and Sikh communities. Conversely, then, Hindus and Sikhs coming from Pakistan to India had their religious attributes categorised not only as refugees, but also as part of the cultural community of India and hence privileged within the post-Partition environment such that they would have access to abandoned homes and evacuee properties, and again, the same logic operated across the border in Pakistan. Delhi and Karachi themselves went through profound demographic changes as a result of the violence and dispossession during Partition.³⁵

In South Asia, as with many other regions in the world, the question of property as land is not just as an asset class but also holds ritualistic and symbolic meaning anchoring people to specific places and producing distinct identities.³⁶ Thus, the displacement of people from their homes is as much about the dispossession of land as it is about their own identities. For example, Dipesh Chakrabarty points to two terms for refugee in Bengali: 'udvastu' and 'sharanarathi'.³⁷ There is also a third, 'vastuhara'. 'Sharanarathi' translates literally as someone who seeks refuge and protection—*sharan*—of a higher power (including God). Meanwhile the term *udvastu*, whilst meaning homeless, also refers to the home in a foundational sense.

Partition narratives highlight the importance of property as being central to the ways in which people continue to identify where they and their families have 'belonged' and what was 'home'. Aanchal Malhotra's *Remnants of Partition* traces families in both India and Pakistan who came away during Partition.³⁸ In her work, she interviews people who brought back something from their homes, or who share the memories of their visits to their ancestral homes. As interviewees recount their family histories and childhoods in these places left behind, the affective or symbolic importance of property—be that a piece of land, a house, or an object carried carefully over during the journey—becomes plainly evident. The condition of being a 'refugee' is carried through these mementos and through memories of what is left behind. Thus, as scholars writing on South Asia note, although independence is celebrated by many in both countries as the end of colonialism, for many it also

34. Ibid.

35. Kaur, *Since 1947*.

36. A.J. Selvaduri (1976), quoted in Bina Agarwal, 'Gender and Command over Property: A Critical Gap in Economic Analysis and Policy in South Asia', *World Development* 22, no. 10 (1994): 1455–78, [https://doi.org/10.1016/0305-750X\(94\)90031-0](https://doi.org/10.1016/0305-750X(94)90031-0).

37. Dipesh Chakrabarty, 'Remembered Villages: Representations of Hindu-Bengali Memories in the Aftermath of the Partition', *South Asia: Journal of South Asian Studies* 18, no. sup001 (1995): 109–29, <https://doi.org/10.1080/00856409508723247>.

38. Aanchal Malhotra, *Remnants of Partition: 21 Objects from a Continent Divided* (Hurst & Co., 2019).

marks a period of tremendous grief and pain, marred by violence and displacement and permanent exile from their homes and communities.³⁹

Moment 2: Property and the making of citizens (the management of evacuee property)

The issue of property that was left behind stretched well beyond Partition and shaped social hierarchies and practices of governance and corruption.⁴⁰ Property restitution was central to the politics of India and Pakistan, and each attempted to present themselves in the initial moment as particular kinds of nation-states where minorities were safe and protected. Hence, both governments sought to demonstrate their support (at least rhetorically) for displaced minorities and to bring them back by reinstating evacuee properties to their original owners.

Initially, custodial systems were set up in both India and Pakistan at the earliest stages of Partition, even when communal rioting and displacement were unfolding. Ravinder Kaur notes how laws and regulations on acquiring evacuee property were evolving even as people were leaving, and this element of refugee management worked more efficiently than other parts of it.⁴¹ But the custodial question evolved over time. Prime Minister Jawaharlal Nehru was not keen to have people migrate initially and came to view the restoration of property as a cornerstone of bringing the displaced back. Custodians of properties were thus tasked in 1947 with protecting property from incoming refugees and returning them to their original owners. People were encouraged to 'go back' through the promise of having their properties restored. In the meantime, even as custodians allowed temporary possession of evacuee property by refugees, the notion of evacuees became increasingly expansive. It was not just those who had left for Pakistan who were considered evacuees, but also those who had been violently evicted from their properties and had moved to other parts of the city. Further, as previously mentioned, the approach of government officials also evolved to viewing all Muslims as potential migrants and thus all their properties as being potentially evacuee properties. As Joya Chatterji, amongst others, notes, however, repossession of property by the original owners was easier said than done as those who returned found that retrieving their properties (which were now in the possession of either locals or refugees) was going to be either a long, hostile battle (including with the authorities) or entirely futile.⁴² These trenchant and often violent acts of trespass, possession of evacuee property, the refusal to return them, the claiming of the moral right to occupy them and the reluctance of the public or petty officials, including the police, to support the return of these properties to their rightful owners slowly changed the politics around evacuee property.

39. Nilanjana Chatterjee, 'Midnight's Unwanted Children: East Bengali Refugees and the Politics of Rehabilitation' (unpublished PhD thesis, Brown University, 1992).

40. Kaur, *Since 1947*; Chattha, 'Competitions for Resources'.

41. Kaur, *Since 1947*.

42. Joya Chatterji, 'South Asian Histories of Citizenship, 1946–1970', *The Historical Journal* 55, no. 4 (2012): 1049–71, <https://doi.org/10.1017/S0018246X12000428>.

The system thus went from one in which custodians protected property to return to evacuees to one where, through the Evacuee Property Ordinance of 1949, the custodians nationalised all evacuee or seemingly evacuee properties outside of Bengal, Assam and the north-eastern states and deployed them for refugee rehabilitation and other public purposes.⁴³

Cross-border landholdings also became impossible for those who lived on the borderlands of India and Pakistan. Increasing restrictions, slow violence, abolition of rights and finally the 1965 war between India and Pakistan ended this.⁴⁴ Over time then, a significant number of people were stripped of their right to reclaim their properties. As Niraja Gopal Jayal notes, while the Constituent Assembly affirmed the citizenship rights of Muslims returning from Pakistan to India, their rights to reclaim property, particularly evacuee property, remained a source of deep discord.⁴⁵ Even when returning Muslims applied for Indian citizenship, possession of property in Pakistan and, conversely, not acquiring property in India could be seen legally as a lack of ‘intent’ in obtaining Indian citizenship.⁴⁶ In this way, the possibility for people to make an informed decision about where they belonged was foreclosed as even mobility between the two countries was terminated. Their displaceability then became a permanent feature of their identities, even as they attempted to compensate for that in their new countries.

As Joya Chatterji shows in her work, the ways in which citizenship in India has been legislated over time, particularly in reference to its diaspora, is linked to its ongoing anxieties with the question of Partition, and the restitution of property to those who migrated to Pakistan and were now designated as ‘enemies’.⁴⁷ In this way, the right to possess or claim property was used by the nascent state to police the borders of citizenship—determining who could be included and excluded. As the next sections will show, for those within the contours of citizenship, the ability of the state to dispossess and displace them became a primary mode of discipline and control, particularly of minority citizens.

Moment 2: Property and the making of citizens (the politics of rehabilitation)

In the post-Partition period, property continually shaped different kinds of citizenship based on the reproduction of racialised identities—in this case, those that were class- and caste-based. This becomes evident from the ways in which different refugee groups were given land rights and resettled in the country. As land issues are managed at a state level, a cursory glance at Bengal, where evacuee property was not nationalised, is revealing of the discriminatory nature of land provisions to refugees.

43. Ibid.

44. Van Schendel, *Bengal Borderland*.

45. Niraja Gopal Jayal, *Citizenship and Its Discontents: An Indian History* (Harvard University Press, 2013).

46. Anupama Roy, *Mapping Citizenship in India* (Oxford University Press, 2010).

47. Chatterji, ‘South Asian Histories’.

In Kolkata, upper-caste/upper-class refugees were able to successfully occupy and eventually acquire property rights to land, despite the efforts of the state, private owners and the disdain of the community at large. The state government tried to balance the right to property (which was enshrined in the Constitution) with the need for the government to exercise powers of acquisition and requisition to resettle millions of refugees.⁴⁸ So, on the one hand, it created legislation to acquire land to resettle refugees, and, on the other, to appease landlords and uphold the right to property, it drafted legislation, specifically the Eviction Bill of 1951, to evict refugees from these self-settled refugee colonies. Although this was amended to require the government to undertake appropriate resettlement, the entire process was too complex, and mostly the refugees were left on the land on which they had squatted. Most received formal title to the land that they had occupied only in the 1980s. The intermediate period was fraught with uncertainty, precarity, poverty and violence. These neighbourhoods marked as the space of the other, marginalised within the urban economy and politics, bore the stigma of being 'refugee colonies'.⁴⁹ Refugees remained second-class citizens until their neighbourhoods were formalised and regularised, at which time these were swallowed up by urban speculative practices.

The 'successful' story of squatting is an outlier in the broader landscape of resettlement in the east. Many groups did not benefit from the largesse of the state in the same ways. Lower-caste refugees were not able to forge such outcomes for themselves, and many continue to languish in poverty and marginalisation after decades. Other groups of people were categorised as being dependents of the government, such as the old, infirm, single, widowed and other unattached women, and young children, and placed in ashrams, or homes, and what were termed quite problematically as 'Permanent Liability' camps.⁵⁰ Troublingly, most of those who were placed in these sites came from lower-class and -caste (often Namasudra) backgrounds. Those who came in later waves were subject to resettlement (if at all) in faraway spaces and in violent, coercive ways, even if there was land, including evacuee land, available. For example, the government of West Bengal used the pretext of inadequate land when the Rehabilitation Commissioner's own report pointed to over 104,000 acres of evacuee property and an additional 26,000 acres that were laying fallow that could have been used for rehabilitation.⁵¹ Thus, the question of land was not that of scarcity but of privileging land values over human rights. These controversial resettlement schemes highlight the hierarchical class- and caste-based nature of citizenship, as also how certain people who had come seeking refuge were reduced to a condition of continuous displaceability. Property and its geographical

48. Sarbani Sen, 'The Legal Regime for Refugee Relief and Rehabilitation in West Bengal, 1946–1958', in *Refugees in West Bengal: Institutional Processes and Contested Identities*, ed. Pradip K. Bose (Calcutta Research Group, 2000), 49–64.

49. Manas Ray, 'Growing up Refugee', *History Workshop Journal*, no. 53 (2002): 149–79.

50. In West Bengal, these were referred to as Permanent Liability camps and continue to exist even today. Those who were placed in these camps were seen as wards of the state and were given paltry sums and provisions to live on.

51. Abhijit Dasgupta, 'The Politics of Agitation and Confession: Displaced Bengalis in West Bengal', in *Refugees and Human Rights: Social and Political Dynamics of Refugee Problem in Eastern and North-Eastern India*, ed. S.K. Roy (Rawat Publications, 2001), 95–129; 110.

location became ways in which inequalities and colonial relations through rehabilitation were laid bare.

Moment 3: Property and the making of the ‘enemy citizen’

Following the 1965 war between India and Pakistan, India enacted the Enemy Property Act, 1968, with the stated aim of defining, controlling and seizing the properties (landed assets, company shares, jewellery) of those defined as citizens of ‘enemy countries’ of India. For the Indian state, the war with Pakistan necessitated the definition of enemies as citizens of a country that India was at war against. Enemy property now included property owned by those who had migrated from India to Pakistan, primarily Muslims.

Similar to evacuee properties, the Act created an Office of the Custodian of Enemy Property under whom the seized properties would be vested. As Sanobar Umar notes, while the Act was intended to target the properties of enemies, its real significance was that it made Indian citizens with ‘ties to Pakistan in any way or form, including blood relations’ suspect of harbouring relations with the enemy.⁵² Additionally, Muslim citizens’ claims to properties now had to be freed of suspicion of ties to the enemy and attested by the state. Although originally intended as a wartime measure, the Enemy Property Act continued to be in effect even after the cessation of conflict, with subsequent amendments in 1977 providing for continued vesting of enemy property in the Custodian’s office.

The legislation traces its origins to the British (1914) and American (1917) Trading with the Enemy Acts (TEA) legislated during World War I. The same Act was later enacted again by the British during World War II and applied throughout the empire. Thus, the office of the Custodian of Enemy Property for British India was created by the World War II legislation and the Defence of India Act, 1939, which granted emergency wartime powers to the colonial government.⁵³ However, the role of the Custodian was not discontinued after the end of the war and provided a colonial template for the appropriation of property during the ensuing Partition of the sub-continent.⁵⁴ Interventions in property through legislations such as the Evacuee Property and Enemy Property Acts was, thus, essential in creating figures of the ‘minority citizen’ and the ‘enemy citizen’ as a ‘distinct legal category of citizens’ over whom postcolonial states exercised a degree of control that ‘far exceeds their sovereignty over ordinary citizens.’⁵⁵

In March 2017, the upper house of the Indian Parliament (Rajya Sabha) passed the Enemy Property (Amendment and Validation) Act, 2017. The Act effectively amended the Enemy Property Act of 1968 mentioned above and made three key

52. Sanobar Umar, ‘Constructing the “Citizen Enemy”—The Impact of the Enemy Property Act of 1968 on India’s Muslims’, *Journal of Muslim Minority Affairs* 39, no. 4 (2019): 457–77; 459, <https://doi.org/10.1080/13602004.2019.1684033>.

53. Nicholas Mulder, ‘The Trading with the Enemy Acts in the Age of Expropriation, 1914–49’, *Journal of Global History* 15, no. 1 (2020): 81–99, <https://doi.org/10.1017/S1740022819000342>.

54. De, ‘Evacuee Property’.

55. Chatterji, ‘South Asian Histories’, 1049.

changes to the original legislation.⁵⁶ First, it widened the scope of the original legislation, which targeted property left behind in India by citizens of China and Pakistan (enemy countries under the Act). The amended Act expanded the definition of ‘enemy’ to include Indian citizens who are legal heirs or successors of enemy citizens, as defined by the original legislation. Second, the amendment widened the powers of the Custodian of Enemy Property, an office initially created to preserve enemy properties. Under the 2017 amendment, the Custodian has absolute powers to confiscate and dispose of identified enemy properties. Third and most insidiously, the amended Act makes the new provisions retrospective, making any transfer or succession of enemy property to Indian citizens since 1968 illegal. As mentioned earlier, the amendments are part of an ongoing process of radically redefining the idea of citizenship in India. However, they also reveal the enduring shadow that Partition-era property legislations cast on Muslim minorities in India: the purpose of the amendments is to both create a new legal category of Indian citizenship—the enemy citizen—and simultaneously dispossess them of their properties.⁵⁷ In other words, what marks their status as citizens is their very dispossession and displaceability.

The amendments to the Enemy Property Act were passed in 2017 after its continued promulgation through presidential ordinances, which allows the government to enact a law subject to the condition that it is passed by Parliament within a period of six months. Several members of Parliament questioned the urgency of prolonging the ordinance during the discussion of the bill in both houses of Parliament—the ordinance was renewed five consecutive times, a record for any ordinance in independent India.⁵⁸ Since the enactment of the law and facing an acute crunch in government revenues due to a worsening economic situation, the government has sought to expedite the identification and sale of enemy properties. Between 2011 and 2016, the number of identified enemy properties increased from 2,111 to 15,143.⁵⁹ A committee headed by the union home minister has been mandated to oversee the sale of identified properties, expected to generate over ₹1 trillion (US\$ 11.28 billion).⁶⁰ Working in tandem with state governments, the government has issued detailed instructions to district administrators to identify and evict ‘encroaches’ on identified properties.⁶¹ The powers of the Custodian of Enemy

56. Kanika Gauba and Anshuman Singh, ‘Voter, Citizen, Enemy’, *Economic & Political Weekly* 52, no. 23 (2017): 12–14.

57. Umar, ‘Constructing the “Citizen Enemy”’.

58. ‘Return Confiscated Property? Never, Says India’s Government’, *The Economist*, March 16, 2017, accessed December 6, 2023, <https://www.economist.com/asia/2017/03/16/return-confiscated-property-never-says-indias-government>.

59. Aashita Dawer, ‘To Boost Disinvestment Receipts, Modi Govt Is Using Wartime Law to Sell “Enemy Property”’, *The Print*, January 30, 2020, accessed December 6, 2023, <https://theprint.in/opinion/to-boost-disinvestments-modi-govt-using-wartime-law-to-sell-enemy-property/356266/>.

60. PTI, ‘Panel Headed by Amit Shah to Monitor Disposal of over 9,400 “Enemy” Properties’, *The Hindu*, January 23, 2020, accessed December 6, 2023, <https://www.thehindu.com/news/national/panel-headed-by-amit-shah-to-monitor-disposal-of-over-9400-enemy-properties/article30631932.ece>.

61. Vineet Upadhyay, ‘Hunt on in Uttarakhand for “Enemy Properties” Owned by People Who Fled to Pakistan, China’, *The New Indian Express*, August 12, 2020, accessed December 6, 2023, <https://www.newindianexpress.com/nation/2020/aug/12/hunt-on-in-uttarakhand-for-enemy-properties-owned-by-people-who-fled-to-pakistan-china-2182429.html>.

Property were expanded under the amended legislation with the Custodian now having the wide-ranging force of a civil court with the authority to evict enemies, remove unauthorised construction on the property and sell the property, in consultation with the union government. Echoing the 'security' language of the union government, newspapers have routinely described the renewed impetus to identify enemy properties as a 'hunt'.⁶²

The discussion above highlights how property continues to be the key medium through which ideas of belonging are made and unmade in contemporary India. It traces how an emergency wartime intervention in property law, originally intended as a temporary measure, has been continuously weaponised to create a racialised 'other', seen as a security threat to the nation-state itself. As Thomas Blom Hansen notes, such state anxieties over property often appear as 'signs of permanent and intransigent minorities' that threaten the postcolonial desire to create internally homogeneous nation-states and citizens.⁶³ The recent amendments to the Enemy Property legislation thus represent an active expansion of the notion that minority communities are displaceable in post-Independence India, marking the legal encoding of their status as citizens with truncated rights—citizens whose properties can be dispossessed, homes destroyed, and bodies displaced.

Beyond Partition: Dispossessive legacies in South Asia

Beyond India and Pakistan, the governance of dispossession created through colonial and partition era processes was taken up by countries, creating a problematic legacy across the globe. For instance, the World War II-era Trading with Enemies Act (TEA) of 1939 created the office of the Custodian for Mandate Palestine, whose properties were subject to claims and offers of outright purchase from Zionist organisations.⁶⁴ Furthermore, Israeli legislation, with wide-ranging impact on Palestinian land, such as the Absentee Property Regulations Extension of Force Bill and the Transfer of Property to the Development Authority Bill, were explicitly modelled on Pakistan's evacuee property laws, mirroring its power to pool abandoned property and reallocate it to others.⁶⁵ This forcible reallocation of land from the Palestinians to the Israelis continues to be foundational to the trauma of loss for Palestinians. It has formed the cornerstone of the continuing demand for the right of return. For decades now, conflicts and resistance have continued against forcible dispossession in the Occupied Territories including East Jerusalem. More recently, against the unfolding genocide in and widespread destruction of the Gaza Strip since October 7, 2023, many families have continued to remain in their homes in Gaza for fear of losing them again.

62. Ibid.

63. Thomas Blom Hansen, 'Sovereignty in a Minor Key', *Public Culture* 33, no. 1 (2021): 41–61; 58, <https://doi.org/10.1215/08992363-8742160>.

64. Mulder, 'Trading with the Enemy Acts'.

65. Jeremy Forman and Alexandre (Sandy) Kedar, 'From Arab Land to "Israel Lands": The Legal Dispossession of the Palestinians Displaced by Israel in the Wake of 1948', *Environment and Planning D: Society and Space* 22, no. 6 (2004): 809–30, <https://doi.org/10.1068/d402>.

Within South Asia, the evacuee and enemy property legislations are part of a larger postcolonial legacy of using property as the main conduit for creating conditions for displaceability. For instance, Malini Sur shows how communities inhabiting the borderland regions who belonged to the 'wrong religion' (Muslims in India and Hindus/Christians/Buddhists in East Pakistan, which later became Bangladesh) were often violently uprooted from their land and pushed across the border.⁶⁶ The emptied lands of the expelled communities were then settled by those from the 'right' communities, who participated in harvesting the ripened rice crops. Whilst Sur focuses attention on the commodity itself, this history throws into sharp relief the ways in which property and citizenship came to be deeply intertwined with each other in the process of making minority communities displaceable. Various versions of the Enemy Property Act also continue to be in force throughout the subcontinent, including in Bangladesh, where properties primarily belonging to Bangladeshi Hindus were confiscated. An attempted return of enemy properties to their original owners through the Vested Property Return Act, 2001, has so far made limited progress.

At the time of Independence, the question of property had also become a vital concern for determining the citizenship status for the South Asian diaspora, numbering over three million people at the time of Indian Independence. In the event, the Indian state rejected calls for the extension of citizenship (including the possibility of dual citizenship) to members of the diaspora on the basis that granting citizenship and access to property rights in India would 'disrupt the precarious arrangements arrived at about evacuee property'.⁶⁷ However, this decision relegated a large proportion of overseas Indians to precarious claims on citizenship in their 'host' nations.

Most notably, in the case of Myanmar (formerly Burma), the question of citizenship for Indians who had settled there in the colonial period remained unresolved.⁶⁸ Matters came to a head when, after the military coup in Myanmar in 1962, the government embarked on a programme of sweeping nationalisation of the economy. The nationalisation laws had a disproportionate impact on Indian nationals, many of whom, as Robert A Holmes notes, 'enjoyed a privileged status in Burma under the British'.⁶⁹ This, combined with other factors, led to an exodus of approximately 300,000 Indian-origin residents of Myanmar primarily back to India. Thus, interventions in property in wider South Asia continued to exert the power to reinscribe what Sarah Keenan refers to as 'spaces of belonging'—'determining not only what belongs to who, but also who belongs where, and how spaces of belonging will be shaped in the future'.⁷⁰

66. Malini Sur, *Jungle Passports: Fences, Mobility, and Citizenship at the Northeast India-Bangladesh Border* (University of Pennsylvania Press, 2021).

67. Chatterji, 'South Asian Histories', 1069.

68. Sunil S. Amrith, *Crossing the Bay of Bengal: The Furies of Nature and the Fortunes of Migrants* (Harvard University Press, 2013).

69. Robert A. Holmes, 'Burmese Domestic Policy: The Politics of Burmanization', *Asian Survey* 7, no. 3 (1967): 188–97; 191, <https://doi.org/10.2307/2642237>.

70. Sarah Keenan, 'Property as Governance: Time, Space and Belonging in Australia's Northern Territory Intervention', *The Modern Law Review* 76, no. 3 (2013): 464–93; 493, <https://doi.org/10.1111/1468-2230.12021>.

Burma evacuees, or repatriates, as refugees of Indian origin from Myanmar were labelled in an echo of the language of the Partition, struggled to find spaces of belonging on return to India. Housed in transit camps, often in peri-urban areas of major cities such as Chennai (formerly Madras), Delhi and Kolkata, questions around rights to property in India continued to dominate. In the case of Tamil Nadu, where approximately 150,000 refugees were resettled between 1964 and 1989, refugees often moved away from squalid conditions in transit camps to occupy marginal or swamp land in the city's peripheries. Even in instances where such practices were endorsed by the authorities, the legal recognition of property rights for refugees remained elusive.⁷¹ For many resettled communities, the ideal of belonging through propertied citizenship was never legally materialised; while this ideal was never officially denied to them, it has been kept in perpetual abeyance.

As the discussion above reveals, property dispossession has been a crucial yet overlooked feature of displaceability—the continual process by which some communities are rendered inferior, their spaces colonised, and their identities stigmatised such that they are always subject to dispossession. While scholars have tended to treat the unmaking of citizenship rights through property dispossession as an aberration or exception, they represent a central and enduring form of colonial violence weaponised by postcolonial states. If the proper colonial subject, as Brenna Bhandar argues, was formed through the colonial lives of property, the afterlives of property in the postcolonial era helped forge South Asia's citizenship regimes and regimes of displacement.⁷² As the case of the Enemy Property Act shows, in South Asia, particularly India, property continues to remain central to understandings of citizenship where displaceability and dispossession mark the lived experience of citizenship for those at the margins of postcolonial nation-states.

Conclusion

In this paper we have argued that displaceability is the defining feature of citizenship, enacted through manipulations of property, both in South Asia, but also extending beyond that to other parts of the Global South. We have illustrated this through three moments in the postcolonial history of India, where the understanding of property has evolved such that religious differences have rendered groups of people displaceable. In other words, we have drawn attention to the social life of property and have argued that property is not just a financial asset, but an important way in which people identify with their sense of belonging. Violence that targets properties, through their capture or through their destruction, operates much like

71. Renaud Egretteau, 'India's Vanishing "Burma Colonies": Repatriation, Urban Citizenship, and (De) Mobilization of Indian Returnees from Burma (Myanmar) Since the 1960s', *Moussons: Recherche en Sciences Humaines sur l'Asie du Sud-Est*, no. 22 (2013): 11–34, <https://doi.org/10.4000/moussons.2312>.

72. Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Duke University Press, 2018).

gendered violence during conflict in that it aims to rupture and colonise how communities reproduce. An assault on property works as an assault on the community's capacity to reproduce itself, working to sever the community's ties to land and forcing them to be unmoored. In this case, the reproduction is that of rootedness, lineage and belonging.⁷³

This issue is sadly becoming increasingly salient today as we see conflicts, crises and attendant displacements on the rise across the globe. Among the limited policy responses, humanitarian practitioners have started to increasingly emphasise Housing, Land and Property (HLP) rights, seeing them as human rights, and arguing that they are central to achieving peace and social and economic development.⁷⁴ However, HLP issues are not just human rights concerns, but, as argued through this paper, centrally social concerns. Approaching HLP as a technocratic exercise overlooks the political and social implications of how intimately tied these are to questions of citizenship and minoritisation. The return of property can be a deeply fraught process, creating new rounds of displacement. Equally, where the deliberate destruction of property is wielded as an instrument of warfare and ethnic cleansing, the communities and societies who have actively or passively participated in dispossessing people of their properties through violence or tacit consent may not see the return of the properties as being legitimate.⁷⁵ In the case of the Rohingya community, forcibly displaced from Myanmar, the spatial violence on their property can be read as a deliberate tool to sever the community's material and affective ties to the nation-state. In such instances, the perpetrators of the violence may not see those who were dispossessed as being part of the nation-state.

Additionally, we highlight that the identity of a refugee or displaced person is shaped through the reshaping of propertied relations. A forced migrant—a term that is synonymous with displaced or refugee—is viewed to be a person who is out of place, or who is emplaced problematically into their new 'homes' or communities. Property, which defines one's intergenerational attachment to land, the right to own, or effectively possess it, and belong to a specific space as a result, is a key vector through which the category of a displaced person or a forced migrant comes to be categorised because they lack this. This cannot be resolved through a technocratic exercise, but requires political engagement with land rights of, by and for those who are displaced.

73. Here, we refer to violence inflicted on women in times of riots and violence. As Menon and Bhasin note in their work, for example, the assaults on women in the context of South Asia was symbolic of assaults on the honour of a community. Particularly, attacking their reproductivity either through rape and forcible impregnation or the disfigurement of reproductive organs is a form of assault on the reproductibility of the enemy community: see Ritu Menon and Kamla Bhasin, *Borders & Boundaries: Women in India's Partition* (Rutgers University Press, 1998).

74. See, for example, the International Organisation for Migration (IOM)'s publication, *Guidance Note: Integrating Housing, Land and Property Issues into Key Humanitarian, Transitional and Development Planning Process*, accessed October 10, 2025, <https://publications.iom.int/books/guidance-note-integrating-housing-land-and-property-issues-key-humanitarian-transitional-and-development-planning-process>.

75. Giulia Paglione, 'Individual Property Restitution: From Deng to Pinheiro—and the Challenges Ahead', *International Journal of Refugee Law* 20, no. 3 (2008): 391–412, <https://doi.org/10.1093/ijrl/een023>.

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