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Contested Property and Communal Identity: The Impact of Evacuee Property Laws in UP (1947–1955)

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Abstract

This report examines the legal and socio-economic transformation of Uttar Pradesh (UP) between 1947 and 1955, driven by the Administration of Evacuee Property Act (1950). It focuses on the "intending evacuee" clause (Section 2e), which empowered the state to freeze the assets of Muslims based on the suspicion of future migration. The analysis explores how these laws intersected with the UP Zamindari Abolition Act (1950) to systematically dispossess the Muslim landed elite (Ashraf) in urban centers like Lucknow and Aligarh. The "Evacuee Pool" created from these seized assets became a critical tool for refugee rehabilitation, facilitating a state-led demographic and geographic reconfiguration of urban spaces. This process did not merely reallocate property but fundamentally altered communal identities, institutionalized state surveillance of minority homes, and created a "precarious citizenship" for the Muslim minority. The report concludes that the bureaucratic partition of property was as definitive as the physical partition of the subcontinent in shaping the post-colonial Indian state.

1. Introduction

The Partition of 1947 is often historically confined to the physical borders of Punjab and Bengal. However, in Uttar Pradesh (UP), Partition was experienced as a protracted "Bureaucratic Partition" [1]. Unlike the total population exchange seen in Punjab, UP remained home to a significant Muslim population that did not migrate. Yet, the introduction of Evacuee Property Laws created an "internal frontier" where the domestic space became a site of state surveillance [2].

Between 1947 and 1955, the Indian state developed a sophisticated legal framework to manage the property left behind by those who fled to Pakistan. However, this framework quickly expanded to include the assets of those who remained. By defining "evacuee" and "intending evacuee" in broad administrative terms, the state gained unprecedented control over minority assets. This report analyzes how these legal mechanisms, particularly when combined with agrarian reforms, led to the displacement of the urban *Ashraf* class and the permanent reconfiguration of cities like Lucknow and Aligarh.

The Legal Architecture of Seizure: The 1950 Act and Section 2e

The **Administration of Evacuee Property Act (1950)** served as the central pillar of this bureaucratic regime. It centralized the power to vest and administer property left by migrants, creating a specialized administrative apparatus—the Custodian of Evacuee Property—with quasi-judicial powers [3][4]. The most contentious and legally significant mechanism within this Act was the "Intending Evacuee" clause, codified in **Section 2(e)**.

Section 2(e) allowed the Custodian to declare a person an "intending evacuee" if there was reason to believe they intended to migrate to Pakistan. This determination was often based on circumstantial evidence, such as the transfer of funds to relatives in Pakistan, visits to the new dominion, or even the sale of small personal assets [3]. Once declared an "intending evacuee," an individual's right to manage their own property was effectively suspended. They were prohibited from selling, mortgaging, or leasing their assets without the Custodian's explicit permission, and in many cases, their assets were frozen entirely [5].

This clause forced a distinction between the "Nationalist Muslim" and the "Pakistan Supporter," where property ownership became the primary evidence of political loyalty [6]. The burden of proof frequently shifted to the owner to prove their continued allegiance to the Indian state, creating a climate of fear and insecurity [7]. Administrators exercised broad discretion, and the emergency context of the post-Partition years allowed these centralized laws to bypass standard judicial protections [4]. The state's role evolved from a short-term "custodian" of vacant homes to a long-term manager and redistributor of Muslim-held wealth [3][4].

The Intersection of Evacuee Laws and Zamindari Abolition

The economic impact of the 1950 Act was compounded by its intersection with the **UP Zamindari Abolition and Land Reforms Act (1950)**. These two legal instruments worked in tandem to dismantle the socio-economic base of the Muslim landed elite. While Zamindari abolition was framed as a progressive agrarian reform to remove intermediary landlord rights, its application alongside evacuee property administration had a specific communal dimension in UP [8].

For the *Ashraf* class, which held significant rural landholdings (zamindaris) and urban estates, the dual impact was devastating. If a landlord was declared an evacuee or an intending evacuee, the state did not merely strip their intermediary rights as it did for Hindu zamindars; it took full control of the residual claims and urban properties associated with the estate [8][4]. This "double displacement" removed traditional landlord tenures while simultaneously allowing the state to appropriate holdings identified as evacuee properties [8].

Institutional dispossession was also a key feature of this intersection. Religious trusts and family seats, such as the **Husainabad Trust** in Lucknow, faced dislocation as their properties were caught between the mandates of zamindari abolition and the claims of the Custodian of Evacuee Property [9]. These measures eroded the institutional foundations of elite Muslim authority, stripping them of both personal wealth and the communal resources that sustained their social status [8][9].

Socio-Economic Erasure: The Displacement of the Ashraf Class

The cities of Lucknow and Aligarh, traditional centers of *Ashraf* culture and politics, became the primary theaters for this displacement. Microhistories of Aligarh document the disappearance of

ancestral streets and the reassignment of historic homes to refugee families [10]. These were not just transfers of real estate but the erasure of a specific urban geography associated with the Muslim elite.

In Lucknow, the displacement was both physical and symbolic. The *Ashraf* class, which had defined the city's "Ganga-Jamuni tehzeeb" (syncretic culture), found their ancestral homes declared as evacuee property if even one family member had migrated [11]. The state's administrative power enabled the replacement of Muslim households in urban plots, leading to a decline in their urban-rural influence [12][8]. Case narratives, such as those of the Mirza family, highlight the long legal struggles individuals faced to contest confiscation and seek the restoration of their property—struggles that often lasted decades and rarely resulted in full recovery [13][3].

The Evacuee Pool and Urban Transformation

The assets seized through the Administration of Evacuee Property Act were not left idle; they were consolidated into an "Evacuee Pool." This pool became the primary resource for **refugee rehabilitation** programs. The state systematically reallocated vacated urban and rural properties to incoming Hindu and Sikh refugees [4][10].

This reallocation turned minority property rights into a commodity for refugee resettlement [14]. By using the Evacuee Pool to house refugees, the state effectively institutionalized the demographic shift caused by Partition. Urban change was rapid and state-managed; former Muslim-owned residential corridors were replaced by refugee-settled neighborhoods [10][15]. In cities like Aligarh and Lucknow, this process contributed to altered urban geographies where the communal character of neighborhoods was permanently changed [10][16]. The state rehousing programs were not merely humanitarian efforts but were built upon the dispossession of a specific class of citizens [4][10].

Long-term Impacts on Communal Identity and Geography

The long-term consequences of the 1947–1955 period extend far beyond property ledgers. The legislative struggle reached a climax in 1954, during which Lok Sabha debates highlighted that the "intending evacuee" category had created a "permanent state of insecurity" for millions of citizens [17]. Prime Minister Jawaharlal Nehru eventually acknowledged that these laws caused "grievous hardship" to loyal citizens [18].

Although the **Administration of Evacuee Property (Amendment) Act (1954)** finally abolished the "intending evacuee" category, the damage to the communal fabric was already done [19]. The resulting "communal ghettoization" became a defining feature of post-Partition Indian cities [19]. For the Muslim minority, citizenship was transformed from a static right into a precarious legal status defined by the Custodian [1]. The "border" of Partition did not stop at Wagah; it extended into the living rooms of UP's residents, creating a lasting legacy of state surveillance and socio-economic marginalization [1].

Conclusion

The Evacuee Property Laws of 1947–1955 were fundamental to the construction of the post-colonial Indian state and its definition of citizenship. By utilizing legal mechanisms like Section 2(e) and the Evacuee Pool, the state orchestrated a "Bureaucratic Partition" that fundamentally reshaped the geography and social hierarchy of Uttar Pradesh. The displacement of the *Ashraf* class and the systematic reallocation of their assets for refugee rehabilitation were not accidental byproducts of

Partition but were facilitated by a deliberate legal and administrative architecture. These laws ensured that the impact of Partition remained an ongoing reality for India's Muslim minority, leaving a legacy of contested property and fragmented communal identity that continues to influence urban life in UP today.

References

1. V. F. Zamindar, *The Long Partition and the Making of Modern South Asia*. New York: Columbia University Press, 2007.
2. S. Ansari, "Life after Partition: Statelessness, Statistics and Fluid Identities in Sindh and UP," *Journal of the Royal Asiatic Society*, vol. 15, no. 1, pp. 91–103, 2005.
3. R. Goel, "Tales of restoration: A study of the Evacuee Property Laws," in *combined_evacuee_property_search.papertable*, 2025.
4. S. Sharma et al., "Evacuee Property and the State: Legal Battles and Bureaucratic Challenges in Post-Partition India," *Research review international journal of multidisciplinary*, vol. 10, no. 7, 2025.
5. India, *The Administration of Evacuee Property Act (Act XXXI of 1950)*. New Delhi: Ministry of Law, 1950.
6. G. Pandey, *Remembering Partition: Violence, Nationalism and History in India*. Cambridge: Cambridge University Press, 2001.
7. Uttar Pradesh State Archives (UPSA), *Revenue Department (Evacuee Property) Files*, Lucknow, 1949–1956.
8. "Zamindari intersection," in *evacuee_property_insights.md*, 2026.
9. Pandit, "The Husainabad Trust: The case of a Shi'a heartland?" in *combined_evacuee_property_search.papertable*, 2025.
10. "Evacuee pool impact," in *evacuee_property_insights.md*, 2026.
11. V. Graff, "Lucknow: Memories of a City," in *The City in South Asia*, J. Gaeffke and D. A. Utz, Eds. Philadelphia: University of Pennsylvania, 1997.
12. Saini, "Partition, Refugee Rehabilitation, and Waqf Properties: Legal Conflicts in Delhi and Uttar Pradesh (1947–1965)," in *combined_evacuee_property_search.papertable*, 2025.
13. Prasad et al., *Enemy Property: Violence, Dispossession and Citizenship in South Asia*. 2025.
14. J. Chatterji, *The Spoils of Partition: Bengal and India, 1947–1967*. Cambridge: Cambridge University Press, 2007.
15. Kapoor, "Refugees to (Re)Build the Nation," 2022. DOI: 10.1093/oso/9780192855459.003.0004
16. Bertin, "Epilogue," 2022. DOI: 10.1093/oso/9788194831686.003.0007
17. India, *Parliamentary Debates: Official Report*, vol. V, nos. 1–15 (May 1954). New Delhi: Lok Sabha Secretariat, 1954.
18. J. Nehru, *Letters to Chief Ministers, 1947–1964*, vol. 3. New Delhi: Jawaharlal Nehru Memorial Fund, 1987.
19. N. Nair, *Changing Homelands: Hindu Politics and the Partition of India*. Cambridge: Harvard University Press, 2011.