Staff Correspondent: The Vested Property Restoration (Amendment) Bill was placed in the parliament on Tuesday with provisions for publication of a gazette notification in 210 days with a list of such property for their restoration to the owners or their successors. After the bill had been placed, the minister for land, Rezaul Karim Hira, said the Vested Property Restoration Act 2001 needed to be amended to restore social order and justice by returning property listed as vested property to the owners or their successors. Giving reasons for changes in the 2001 act, made by the Awami League government towards the end of its tenure, Hira said the 2001 act mentioned two types of vested property — returnable vested property and non-returnable vested property which were occupied by individuals. ‘The act needs to be amended to return both types of property to their real owners and their successors who are Bangladeshi citizens and permanent residents,’ he said. If the bill is passed by the parliament, the government will need to publish a gazette notification in 210 days containing district-wise lists of the vested property to be restored to the owners or their successors.

After the publication of the gazette notification, a list of the vested property, excluded from the list of the restorable vested property but recorded in the name of the government, will be published and put on display at the office of the assistant commissioner (land) and union councils or municipalities concerned for public examination, the bill said. According to the bill, a person may apply to the upazila or metropolitan committee concerned in 90 days after publication of the gazette notification claiming ownership of a vested property which has not been included in the list of the property meant for restoration. The upazila or metropolitan committee will need to submit a report to the district committee concerned after examining the applications and hearing and inquiries in 120 days, the bill said. It also says that district committees would submit their reports to the deputy commissioners with recommendations for each of the applications in 45 days on the basis of the report of the upazila or metropolitan committees and the deputy commissioners would give the decision in next 30 days.

An aggrieved person will have the right to file an appeal with the central committee against the decision of the deputy commissioner in 30 days and the central committee will need to dispose of the appeal in 60 days, the bill said. In the 2001 act, there was no scope for a person to file such applications claiming ownership of a property excluded from the list of the restorable vested property. According to the bill, the lawmaker and the upazila chairman concerned will be advisers to the upazila committee, headed by the upazila nirbahi officer. The committee will include the union council chairman or municipal mayor concerned, two social workers nominated by the local lawmaker, sub-registrar and assistant commissioner (land). The lawmaker concerned will be adviser to the metropolitan committee headed by the additional district magistrate. The committee will include the ward councilor concerned, two social workers nominated by the local lawmaker, sub-registrar and assistant commissioner (land). Additional deputy commissioner (revenue) will head the six-member district committee, which will include district registrar, a lawyer nominated by the deputy commissioner, two locally prominent persons nominated by the land minister and deputy revenue collector. The lawmaker concerned will be adviser to the committee. The land secretary will head the central committee,
which will include a representative of the attorney general’s office, land reforms board and the inspector general of registration’s office, joint secretary (law), a deputy secretary nominated by the land secretary and two prominent persons nominated by the land minister. The land minister and state minister will be advisers to the committee.

The Enemy Property Act 1965 was enacted by the then Pakistan government to deal with the property of the Hindus who had migrated to India after 1947. This act was directed against the people perceived as enemies and was used as an instrument for appropriating property belonging to Hindus. After Bangladesh had become independent, the Presidential Order 29 of 1972 changed the name of the law to the Vested Property Act without altering the content of the law.

The previous Awami League government enacted the Vested Property Restoration Act in 2001 making provisions for restoration of the vested property to the owners or their successors. The successor BNP-led alliance government amended the act in 2002 extending the 180-day deadline for preparation of a list of the vested property for an ‘indefinite period.’ A parliamentary standing committee on March 11, 2009 asked the land ministry to draft the new Vested Property Return Act restoring the six-month deadline for local authorities to prepare a list of land seized under the law. The cabinet on November 2, 2009 approved the Vested Property (Restoration) (Amendment) Bill 2009. The government, however, on January 11, 2010 held off piloting the bill in the parliament, apparently in the face of criticism from within the government and members of the minority communities, including the Bangladesh Hindu-Buddhist-Christian Unity Council. The unity council had been demanding changes in the bill and had made a number of proposals for the changes.

The proposals include modification of definitions of ‘vested property’ and ‘citizen’ in line with the verdict of the Appellate Division on the issue, gazette notification of a list of the vested property in keeping with the 1974 census, formation of tribunals in districts to dispose of cases and provisions for appeals with the High Court Division against tribunal verdicts. The bill, placed in the house on Tuesday, however, proposes almost similar amendments, which were proposed in the 2009 bill that had incorporated similar changes to the act made by the Vested Property (Restoration) (Amendment) Ordinance 2008, promulgated by the military-controlled interim government on December 24, 2008, and some new provisions.

Vested Property Return Act Bill
Minority communities concerned

Staff Correspondent: Leaders of different organisations yesterday expressed deep concern over placing the bill of Vested Property Return (amendment) Act 2010 in the parliament without necessary amendment and demanded reviewing of the act to protect rights of minority communities. In a statement leaders of the Bangladesh Hindu-Buddha-Christian Oikya Parishad said the bill has sent to the parliamentary standing committee on Land Ministry for further scrutiny and hoped it will be passed in the parliament after the necessary amendment recommended by the organisation. Leaders of the Arkito (satru) Sampatti Ain Pratirodh Andolan sought prime minister's interference to review the act. They said the bill is going against minority community's interest.

Their recommendations include -- a clear definition of vested property on the basis of Supreme Court's orders, return of all properties grabbed after 1974 and formation of tribunals at district levels to dispose of the cases.
BHBCUC LAUNCHED i-PETITION TO REPEAL ENEMY PROPERTY ACT

On 17th Nov 2010 Bangladesh Hindu Buddhist Christian Unity Council & Bangladesh Minority Alliance had jointly launched an i-Petition in the web and called upon all peace loving people to sign it. So far more than 220 people signed it electronically around the globe.

The petition was addressed to the Honorable Prime Minister Sheikh Hasina of Bangladesh. It said: You are well aware of the adverse effect of the ‘Vested (Enemy) Property Act’ and the untold sufferings of the religious minorities in Bangladesh. You are also committed to repeal this vicious Act. It added: The Vested (Enemy) Property Act is a discriminatory act by the Government against its own citizens. This discriminatory law in its 45 years of existence has affected millions of minorities, mainly Hindus in Bangladesh. Fact is that in the past 45 years minorities of Bangladesh have been dispossessed of more than 2.5 millions (about 3 million) acres of land properties through this black act. It said: The Vested Property Act is violation of the Constitution of Bangladesh. The following articles will be very much relevant to explain how this Act is anti-constitutional: Article 11: Democracy and human rights; Article 13: Principles of ownership; Article 27: Equality before law and Article 28: Discrimination on grounds of religion, etc. Finally, it appealed to the government of Bangladesh to repeal the act immediately. Here is the petition below:

Please sign i-petition: http://www.ipetitions.com/petition/repealenemypropertyactnow/

Sheikh Hasina
Honourable Prime Minister
Government of the People's Republic of Bangladesh
Prime Minister's Office
Tejgaon, Dhaka - 1215.

Subject: An appeal to repeal the Vested (Enemy) Property Act at the earliest

Honourable Prime Minister:

You are well aware of the adverse effect of the ‘Vested (Enemy) Property Act’ and the untold sufferings of the religious minorities in Bangladesh. You are also committed to repeal this vicious Act. You could please remember while we met you in Sept 2008 in Virginia, USA, you promised to repeal the Act if you would rein into the state power. Further, while we met you again in Sept 2009 in New York you reaffirmed your assurance to repeal the Act. We trust your commitment from bottom of our heart since during your last tenure in the govt. during 1996-2001, you had once repelled the Act, which was later re-instated. This year (2010) a bill was supposed to be placed in the parliament, which you had postponed at our request, because that bill was not adequate to mitigate our sufferings. Now in Bangladesh our friends had put 7-point recommendations to include with the bill. Please look into the matter and include those. We request you to use your immense power to repeal this discriminatory law and help the people who voted you absolutely to regain their lost rights.
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The Vested (Enemy) Property Act is a discriminatory act by the Government against its own citizens. This discriminatory law in its 45 years of existence has affected millions of minorities, mainly Hindus in Bangladesh. Fact is that in the past 45 years minorities of Bangladesh have been dispossessed of more than 2.5 millions (about 3 million) acres of land properties through this black act. The Defense of Pakistan Rules branding Hindu citizens of the country as the enemy was enacted by Pakistan during its war with India in 1965. But with a twist of irony, that infamous decree found its way to become an instrument of persecution in the independent Bangladesh. Bangladesh fought a heroic war against Pakistan and earned its independence, meaning Bangladesh is neither a part nor a successor of Pakistan since March 26, 1971. Also neither Bangladesh nor India waged or declared any war against each other. Therefore, how enemy of Pakistan becomes enemy of Bangladesh, or is Bangladesh after gaining independence with the direct military help of India remains at a state of war with India?

The Vested Property Act is violation of the Constitution of Bangladesh. The following articles will be very much relevant to explain how this Act is anti-constitutional:

Article 11: Democracy and human rights
The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.

Article 13: Principles of ownership
The people shall own or control the instruments and means of production and distribution, and with this end in view ownership shall assume the following forms-

The people shall own or control the instruments and means of production and distribution, and with this end in view ownership shall assume the following forms-

- state ownership, that is ownership by the State on behalf of the people through the creation of an efficient and dynamic nationalised public sector embracing the key sectors of the economy;
- co-operative ownership, that is ownership by co-operatives on behalf of their members within such limits as may be prescribed by law; and
- private ownership, that is ownership by individuals within such limits as may be prescribed by law.

Article 27: Equality before law
All citizens are equal before law and are entitled to equal protection of law.

Article 28: Discrimination on grounds of religion, etc
(1) The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.
(2) Women shall have equal rights with men in all spheres of the State and of public life.
(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

Thus the vested property act with all its attributes is a gross violation of all the above stated articles of Bangladesh Constitution.

Appeal:
Vested Property Act, as an encroachment on the law of inheritance of Enemy Property should be abolished. More so, the context under which the Enemy Property Act emerged, ceases from


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the date of proclamation of Independence of Bangladesh in 1971, and there exists a Friendship Treaty with India.

A list containing details (name, address, amount of land and other assets dispossessed by type and year of dispossession, dag, khatian, mouza, current status etc.) of those affected by EPA/VPA should be published by the Government of Bangladesh.

All activities related to the identification and enlistment of any property as vested should be banned, immediately. In this regard, a declaration in the mass media should be the immediate action of this democratic government.

All vested property under the custody of the government should be leased out to real owners or their legal heirs who are permanent residents of Bangladesh till the final settlement of the problem. In this regard preference should be assigned in accordance with the law of inheritance.

No property should be taken to the custody of the vested property administration if the owners of the property of their legal inheritors (co-shares) are in possession of that property.

All 99 years leases of vested properties should be declared null and void and the ownership rights of the original owners or their inheritors (co-sharers) should be established if they are the bona-fide citizens of Bangladesh.

All vested deity property and places of cremation should be unvested and brought under public trust. The leased-out or sold-out properties belonging to this category should be declared void.

Law of inheritance should be enforced with an adequate provision for women inheritance. If the male heirs of the property are absent and the females are permanently resident in Bangladesh, the property should be leased out to them (women) until a final settlement is made.

A detail case study of the Enemy Property Act was done & reported by Dr. Abul Barakat in his publications. A report will be found in www.bhhbcuc-usa.org on the topic at report section. Thank you in advance.

Sincerely,
BANGLADESH HINDU BUDDHIST CHRISTIAN UNITY COUNCIL, USA & Europe
Bangladesh Minority Alliance

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NO REFORM: REPEAL ENEMY PROPERTY

Just on 5th Sept. 2009 a national daily Sangbad published from Dhaka, Bangladesh, wrote in its editorial ‘No reform, Repeal Enemy Property’. The newspaper questioned, again enemy property act is being reformed? Why? The act should be repealed; no question of reforming should arise? The newspaper argued, ‘we are doubtful about promises made by the government’ and wrote, we expect that government should completely repeal the unconstitutional Vested Property Law instead of revision. This will free the affected people from harassment and deprival.

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MORE RECENT NEWS ON ENEMY PROPERTY

Rabindranath Tribedi, Dhaka: A number of eminent personalities including 13 parliament members of minority community alone with HRCBM and Bangladesh Hindu-Buddha-Christian Oikhya Parishad signed the memorandum with a 7-point demand and submitted to the prime minister’s office one seeking changes to "Vested Property Return (amendment) Act" in light of the Supreme Court verdict ,reports the daily star.

It may be mentioned here that the Appellate Division of the Supreme Court in a judgment in 2006 said, ‘Since the law of enemy property itself died with the repeal of Ordinance No.1 of 1969 on 23 -3-1974 no further vested property case can be started thereafter on the basis of the law which is already dead. Accordingly, there is no basis at all to treat the case land as vested property upon started VP Case (58 DLR 2006 pp 177-185).

The Awami League Hindu lawmakers placed their other demands include a clear definition of vested property on the basis of Supreme Court's orders, return of all properties grabbed after 1974 and formation of tribunals at districts to dispose of the cases. The parishad General Secretary, Advocate Ranadas Gupta, handed the memorandum over to PM's personal secretary, said the daily star. This is the first time in the history of independent Bangladesh, member of Parliament of minority community belonging to the ruling Awami League placed their 7-point coconscious demand. A political analyst said , the minority community including Buddhist, Christians and Adibashis in Bangladesh participated in the War of Liberation so that in the newly liberated country we would enjoy equal status and rights along with the majority community. But in practice, the persecution of the Hindus continued like Pakistani days even after independence.

THE HIGH COURT DELIVERS RULE NISI UPON GOVERNMENT : Dhaka , November 9th 2008 : The High Court division of the Supreme Court of Bangladesh delivers its Rule Nisi upon the Government on the Enemy Property (Continuance of Emergency Provision) (Repeal) Act 1974 and subsequently promulgated Arpita Sampatty Protyarapan Ain -2001 and circulars, administrative orders. The order calls upon Government of Bangladesh represented by the Secretary Ministry of Law, Justice and Parliamentary Affairs; Secretary Ministry of Land and Secretary Ministry of Establishment to show cause as to why instructions issued in the contents of presidential order 29 of 1972, Act 45 and 46 of 1974, ordinance No. 92, 93 of 1976, Arpita Sampatty Protyarapan Ain- 2001 and various circulars, orders, gazette, notification issued by government that are in contradiction with the fundamental rights and the charter of declaration of Independence of Bangladesh, 10 April 1971, should not be declared to be ultra virus the constitution. The Rule Nisi also stated why the properties so far incorporated in the list as Enemy (Vested) property should not be returned to the title holder/ successor/legal possession holders and or such other or further order or orders passed as to this Court may seem fit and proper. The Rule is made returnable within 4 weeks from the 28th October 2008. As High Court Division of the Bangladesh Supreme Court bench comprising Mr Justice Syed Mahmud Hossain and Mr Justice Qumrul Islam Siddique deliver the Rule Nisi upon the Government of Bangladesh on 28 October 2008.

HUMAN RIGHTS CONGRESS FOR BANGLADESH MINORITIES (HRCBM), an NGO possessing special consultative status with the Economic and Social Council of the United Nations, has by its Bangladesh Chapter's Secretary General Mr Rabindranath Trivedi,
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who is an ex additional secretary to the Government of Bangladesh, filed a writ petition on 10 August 2008 to the High Court Divisions of the Supreme Court of Bangladesh on the complete abolishment of Vested Property Act. Former Deputy Attorney General Barrister Nikhilesh Dutta and Senior Advocate S N Goswami moved the case for the petition and Deputy Attorney General Mr Razik Al Jali for the respondents. The Government has not yet replied.

In July 2005, Dr Kamal Hussain and other intelectuals of Bangladesh in a seminal opined: Lawyers, justices and economists yesterday urged the government to cancel the two Acts about returning of vested property, saying the laws are unable to protect the victims as grabbers have already gobbled up 98 percent of such property. Loopholes in the Vested Property Return Act, 2001 could not save about 10 lakh Hindus from losing more than 21 lakh acres of land. Even the Amendment of Vested Property Return Act, 2002 could not retrieve the grabbed property, the discussants said. They termed the issue of "vested property" a national problem, which has been existing for more than 40 years. "The Awami League government in the final days of its tenure passed the Vested Property Return Act, 2001 to hand over the vested property back to the real owners," said eminent lawyer Dr Kamal Hossain, convener of Jatiya Oikya Mancha and president of Gono Forum. "But the ruling BNP-led coalition government has clearly moved away from the anti-encroachment steps in line with the law," he alleged while presiding over the discussion. The Bangladesh Institute of Law and International Affairs (Bilia) and National Committee of Arpita Sampatti Pratirodh Andolon (vested property resist movement) jointly organised the discussion at the Bilia auditorium in the city. "Out of 6,43,140 acres of vested property across the country, a total of 4,45,726 acres have ended up in encroachment as the government lost control over this property," said renowned economist Prof Abul Barkat citing a government statistics in his keynote paper. But as the government itself has admitted it has control over only 1-1.5 lakh acres out of 21 acres of vested property, it means that more than 98 percent of property has been gobbled up by the grabbers, Prof Barkat said. Declaring the Vested Property Act as anti-constitutional and anti-human rights, he also said the Act violates five rights of the people --economic opportunities, social facilities, political freedom, transparency guarantee and protective security.

"Seventy-two percent grabbers are involved in the BNP, while 11 percent are in the Awami League," Barkat pointed out. Barrister Aminul Islam said the problem was created as lawyers, economists and other experts were not involved when the law and policy were made in parliament. Justice KM Sobhan, Justice Naimuddin Ahmed, Kamal Lohani, Advocate Subrata Chowdhury and several members of the minority group, who lost their property, were present.

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Violation Of Minorities' Rights

The USCIRF in its 2009 annual report released on May 1 observed that the Awami League is considered more favorably disposed towards minority rights protection, based in part on the fact that the 1997 Chittagong Hill Tracts Peace Accord and the Vested Property Return Act, both measures meant to safeguard minority rights, were taken under a previous Awami League administration. Recommendation: *Repeal the Vested Property Act and commit to restoring or compensating owners for properties seized, including the heirs of original owners. (Only relevant portion)

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TIME LINE OF ENEMY PROPERTY ACT


1968: The Supreme Court of Pakistan considering as it a complete political issue asked the Government of Pakistan to explain their viewpoint on the said act in 1968 [21 DLR (SC) page 20].

1969: Government of Pakistan promulgated a new Ordinance named the Enemy Property (Continuance of Emergency Provision) Ordinance 1969 (Ordinance No. 1 of 1969). Field Martial Ayub Khan was descended through mass upsurge and handed over power to the Pakistan Army Chief General Yahya Khan who promulgated Martial Law on 25 March 1969 and cancelled the then constitution of Pakistan on April 1, 1969. Notwithstanding cancellation of the constitution, in order to prevail the Enemy Property Ordinance, a new Ordinance was incorporated retro-effective from March 25, 1969. Thus the most discriminatory law against the Hindus in this part remained alive and active till the formal declaration of Bangladesh on March 26, 1971 while the war of liberation came into the real field.

1971: Though the declaration of independence came on March 26, 1971, the proclamation of independence and formation of a provisional government of Bangladesh took place on April 10, 1971 in the Mujibnagar – the temporary capital of the newly borne country at its time of calamity. On the same day the order in the name of “Laws of Continuance Enforcement Order, 1971” was promulgated purporting to keep in force all the Pakistani laws that were in force in the then East Pakistan till March 25, 1971. This means the Ordinance No. I of 1969, which did not fit at all to the spirit of proclamation of independence of Bangladesh, automatically remained in effect in the newly born country.

1972: Immediate after the war was over and while it became an independent country, Government of Bangladesh on March 26, 1972 enforced the “Vesting of Property and Assets Order, 1972” through the Order No. 29 of 1972.

1974: This order brought together the properties left behind by the Pakistanis in Bangladesh and the erstwhile enemy properties of Pakistan to a single category. Nevertheless, the Government of Bangladesh on March 23, 1974 passed the Enemy Property (Continuance of Emergency Provisions (Repeal) Act, Act XLV of 1974, repealing the Ordinance I of 1969. The irony is that in spite of the fact of repealing Ordinance I of 1969 (Exhibit-II) all enemy properties and firms that were vested with the custodian of enemy property in the then East Pakistan remained vested in the Government of Bangladesh under the banner of “vested property". Also at the same time, the Government of Bangladesh enacted another law in the name of “Vested and Non-resident Property (Administration) Act” (Act XLVI of 1974).


1977-1990: Military dictator Gen. Ziaur Rahman and then the other Gen. Hossain Mohammad Ershad made the situation worse. Although General Ershad declared that no new property would be declared as vested property and the properties already enlisted as vested would be no more disposed of, but the real picture was just opposite. During these two Generals’ tenure, abuse of this law made hundreds of thousands of Hindus homeless and they were forced to migrate to India, causing a major decline of minority population in Bangladesh.

1991: Bangladesh Nationalist Party won the election 1991 and formed government which, during their whole period till mid 1996, did not touch to do anything with the Vested Property Act and thus the status of the act remained as it was done till the Ershad regime.
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2001: The Government led by Awami League took five years to place and pass a bill in the parliament on April 11, 2001 in the title of “Restoration of Vested Property Act, 2001” (Act No. 16 of 2001) nearing to end of their tenure. However, the act rarely depicted the demands made by the Hindus and could not help much providing solutions to the effected community of Hindus, rather made few issues more complicated for various reasons. There are several spoofs within the Act.

2002: Upon the October 2001 election, the Bangladesh Nationalist Party (BNP) led 4-party coalition formed the government including the Islamist elements. This government arranged and passed an amendment bill in the parliament to the "Restoration of Vested Property Act 2001" on 26 November 2002, which has virtually shelved the return of the confiscated properties to the Hindus. Because this amendment allows the Government unlimited time to return the vested properties and those are to remain under the control of Deputy Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners.

2009: The present democratic government is trying to reform the law, but the victim religious minorities demanded that the law should be repealed first.

2010: Minorities are looking what the government does with the act. Govt. placed the bill in the national assembly on 8th Dec 2010.

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ENEMY PROPERTY ACT TURNED VESTED PROPERTY ACT: THE CATASTROPHE FOR HINDUS IN BANGLADESH

Background

Upon a 190-year British colonial rule, the proposition of independence in early 40s of the Indian sub-continent based on 2-nation theory was the blander most to make this land ever vulnerable of communal incidents between people of two religions namely the Hindus and the Muslims. Soon after the proposal, popularly known as the ‘Lahore Declaration’, made in public in 1940 at Lahore, the communal tensions got momentum in the whole undivided India resulting several riots that killed thousands and made several others rootless of the either side. The most devastating two in the then undivided Bengal were in 1941 in Calcutta and in 1946 in Calcutta, Dacca & Noakhali. Easy to understand that these were pre-planned as to make the 2-national theory valid telling that the two communities became most intolerant to each other, even they open began bloody fighting between them. These gave the then so-called great leaders most footings claiming the division of India based on religion. Ultimately the division took place in August 1947 with a fashion of unique & peculiar instance in the world history till date that a newly named country of ‘Pakistan’ with its two parts differing each 1200 miles from the other at two opposite sides of the country with its original name of ‘India’. Despite the fact that religious commonality cannot be the essential engine for building a country or a nation, the so-called 2-nation theory obviously depicts that India was meant for ‘Hindus’ and Pakistan was meant for ‘Muslims’. However, there was presence of other religious populations who seemed to be ignored due to the dominancy of these two mighty communities.

According to the principle once the division was sharpen, and decision of migration of Hindus from Pakistan to India and the vice-a-versa by virtue of 2-nation theory was certain. There was around 43 million population in the then East Bengal turned East Pakistan which is the present Bangladesh on the day of division of India in mid of August 1947, of whom around
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28% were counted as to around 15 million Hindus. However, the Hindus were rich in all respects here in possessing & controlling the economy & wealth, educational & cultural advancement and socially & politically. Having had political debacle, they were psychologically weaken and at the same time were threatened by the majority by virtue of the political decision to leave their (the Hindus) homes of thousands of years and relations rooted to the deepest of their birth land. As a result millions migrated to India. Also other millions were left in the then East Pakistan, however, with full of uncertainty and under continuous threat of life, prestige, properties, wealth and what not, only just because of great affection to the home of their own. On such natural home sick, they had to pay the highest at numerous times as in 1948, 1952, 1962 and 1964 while the majority jumped on them cracking everything each time. Hindus’ only wrong is why they love their homeland and why they do not leave that forever. Yes, the majority – the Muslim community was success at all the times to kill & conquer the lives of innocent minorities, their properties, wealth and women. Cruelty does not know any mercy that the majority possesses the only characteristic helps bringing lucrative output as a result of 2-nation theory! This the independence of Indian sub-continent brought to the fate of minorities of this part of the world.

However, complete evacuation of a certain community or certain religion from a certain part of the world is impossible unless all of them are killed or committed suicide or converted to other religion in any way. This has become cruelly true for the Hindus of the then East Pakistan and present Bangladesh. The out-migration of Hindus from the then East Pakistan declined the Hindu population from 28% to 15% of the total population in mid ‘60s. The process of out migration of Hindus continued even after the independence of Bangladesh and still it’s a no-stopped process. The table below depicts the census reports from 1941 to 2001 available at the Bangladesh Bureau of Statistics how the Hindu population declined here over the years.

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Hindu Population (in %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1941</td>
<td>28.0</td>
</tr>
<tr>
<td>1951</td>
<td>22.0</td>
</tr>
<tr>
<td>1961</td>
<td>18.5</td>
</tr>
<tr>
<td>1974</td>
<td>13.5</td>
</tr>
<tr>
<td>1981</td>
<td>12.1</td>
</tr>
<tr>
<td>1991</td>
<td>10.5</td>
</tr>
<tr>
<td>2001</td>
<td>9.2</td>
</tr>
</tbody>
</table>

Further, it is observed, upon October 2001 election, the rate of out-migration of Hindus has decreased notably due to the all out atrocities by the islamist-oriented elements under the direct shelter of the present islamist-oriented government in Bangladesh. Few individual levels of research and analytical reports say, at present the Hindu population here has further declined much below than 9 percent.

This huge migration of a community with longitudinal prosperous heritage, strong socio-economical and cultural background created multidimensional problems in the then East Pakistan. Out of those, economy and properties became the most vulnerable since it was easier for ‘human’ to move, but the not that easier at all to take away properties, specially the immovable properties, i.e. the lands, the houses, the shops, the temples, place of cremation etc with the Hindus while they out-migrated from East Pakistan to India. Even it was impossible to sell out those overnight due to the reasons of their hiruedness to migrate and non-presence of capable buyers in the then East Pakistan. Also it was not much possible to exchange those properties between the migrated Hindus and Muslims from either part due the reasons of
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inequality migrations, i.e. Hindu out-migrants from East Pakistan to India were much higher than Muslim in-migrants from India to East Pakistan, and also matching of properties, understanding and transfer process took long time between such parties, if found to exchange mutually. As a result the migrated Hindus had to leave most of their immovable properties in the custody of their relatives, sometimes with proper registration process and sometime without any registration.

These immovable properties left behind by the migrated Hindus came to scene as crude problem later on for the remaining Hindus in the then East Pakistan and present Bangladesh that this article has an impetus to depict.

B. Enemy defines

The encyclopedia defines an “enemy” is a “relativist” term for an entity that is seen as forcefully adverse or threatening. The term is usually used within the greater context of “war”, to denote an opposing group and the individuals within as threats to one's own “national”, “ethnic”, or political group. To individuals within the threatened group, the "enemy" concept is an amorphous personification of both a threat to one's collective social group, as well as a personal threat to oneself. The term "enemy" serves the social function of designating a particular entity as a threat.

C. Who became Enemy of Pakistan

It has been told earlier at section A of this article how the 2-nation theory was planted upon arrangement of committing several bloody quarrels between two greater religious communities of Hindus and Muslims in the then India. This created the baseline to be “enemy” to each other community, which was officiated by the division of India. Thus the Citizens of Hindustan (which is the ancient name of India) became enemy of Pakistan. The name Hindustan means the country of Hindus. Clearly Hindustan slides to ‘Hindu’ and ‘stan’ where the meaning of ‘stan’ is a Hindi word, is place. Thus finally the Hindus became enemy of Pakistan. On the other hand the first war was broken between India and Pakistan in October 1947 while the acceptance of the offer of accession made by Maharaja Hari Singh by the Government of India that the state of Kashmir would become as a whole an integral part of India. The applicability of the very word “enemy” became reality through this warfare first time. The second Indo-Pakistani conflict (1965) was also fought over Kashmir that began on September 6, 1965 and was ended on September 22, 1965. Then the “enemy” took its shape of permanency between India and Pakistan.

D. How and why the Enemy Property Act came into picture

While the war was broken out between Pakistan and India in 1995, Ordinance xxiii of 1965 in the title of “Defense of Pakistan Ordinance” was promulgated. The objectives of the ordinance, as clarified by the government of the then Pakistan, were providing special measures to ensure the security, the public safety, interest and the defense of Pakistan. Emergency was also proclaimed throughout the country since it was war threatened by India.

On September 09, 1965, the government of Pakistan passed an executive order titled “Enemy Property (Custody and Regulation) Order II of 1965” under the provisions of Emergency powers and the “Defense of Pakistan Rules”. Through this promulgation all the large establishments including industries, trading centers, land properties, buildings, place of worship & cremation etc. belonged to the Hindu community who were bracketed as abandoned were nationalized. The law was directed primarily against the property of the Hindus who had fled to
India in fear of their lives and became Indian nationals by dint of 2-nation theory. Thus the state was empowered to take their properties into custody, with the rationale that a Hindu who went to India was an enemy. Because the government did not seize properties of other religious minorities like Christians and Buddhists at that time and also at no time.

Despite the Indo-Pak war came to an end after the Tashkent Declaration, the Enemy Property Order II remained alive. Moreover, the then East Pakistan Government made an order in 1966 under Rule 161 in the name of “East Pakistan Enemy Property (Lands and Building) Administration and Disposal Order” of 1966. This further strengthened the Enemy Property (Custody and Regulation) Order II of 1965” to take into custody the properties of Hindus who migrated to India, or of Hindu people who were heirs or co-sharers.

As such, the Tashkent Declaration could help ceasefire the Indo-Pak war 1965, however could not bring an end of war situation between Pakistan and India due to the absence of a formal Peace Treaty. Thus, the “enemy relationship” prevailed between them and the “Enemy Property Act (EPA)” also remained alive & active.

Irrespective of partial or full family migration of Hindus from the then East Pakistan to India, it created panic among them due to the fact that the historical family ties that still remained whatsoever the relationship step, close blood relations or else. Because relatives of Indian citizens who migrated there from the then East Pakistan were still residing in the East Pakistan as its citizens. This relationship directly effected Hindus of this part due to the reason of most of the immovable properties won by joint family members or relatives already living in two countries.

There were debates why the Hindus residing in Pakistan should be effected by the “Enemy Property Act” though they are citizen of Pakistan, and how the citizens of a country could be its “enemy”. Thus, at one stage, the Supreme Court of Pakistan considering as it a complete political issue asked the Government of Pakistan to explain their viewpoint on the said act in 1968 [21 DLR (SC) page – 20]. Nevertheless, the Government of Pakistan did not feel to opine or clarify their position on the issue till their tenure ended in this part through the emergence of Bangladesh.

On the other hand, the Pakistan state emergency declared in 1965 was withdrawn on 16 February 1969 while it was also expected that with this withdrawal of emergency, the Enemy Property Law should no more remain valid. In addition, on the very day of the lifting of Emergency, the Government of Pakistan promulgated a new Ordinance named the Enemy Property (Continuance of Emergency Provision) Ordinance 1969 (Ordinance No. I of 1969).

In the meanwhile, the movement for the independence of Bangladesh got momentum and huge turmoil had been ongoing everyday in the then East Pakistan. Field Martial Ayub Khan was descended through mass upsurge and handed over power to the Pakistan Army Chief General Yahya Khan who promulgated Martial Law on 25 March 1969 and cancelled the then existing constitution of Pakistan on April 1, 1969. Notwithstanding cancellation of the constitution, in order to prevail the Enemy Property Ordinance, a new Ordinance was incorporated retro-effective from March 25, 1969. Thus the most discriminatory law against the Hindus in this part remained alive and active till the formal declaration of Bangladesh on March 26, 1971 while the war of liberation came into the real field.
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E. How Enemy Property Act turned to Vested Property Act

Though the declaration of independence came on March 26, 1971, the proclamation of independence and formation of a provisional government of Bangladesh took place on April 10, 1971 in the Mujibnagar – the temporary capital of the newly born country at its time of calamity. On the same day the order in the name of “Laws of Continuance Enforcement Order, 1971” was promulgated purporting to keep in force all the Pakistani laws that were in force in the then East Pakistan till March 25, 1971. This means the Ordinance No. I of 1969, which did not fit at all to the spirit of proclamation of independence of Bangladesh, automatically remained in effect in the newly born country. The people of Bangladesh of all religions and communities established their country through a bloody war of independence against Pakistan. Thus in no way Bangladesh could be a successor of Pakistan and / or any of its laws – black or white whatsoever could be in force in effect. However, unfortunately the successor-ship became an integral part of “Laws of Continuance Enforcement Order, 1971” and that might be due to the prevailing emergency situation of war of independence. But that was not the end. Immediate after the war was over and while it became an independent country, Government of Bangladesh on March 26, 1972 enforced the “Vesting of Property and Assets Order, 1972” through the Order No. 29 of 1972. This order brought together the properties left behind by the Pakistanis in Bangladesh and the erstwhile enemy properties of Pakistan to a single category. Nevertheless, the Government of Bangladesh on March 23, 1974 passed the Enemy Property (Continuance of) Emergency Provisions (Repeal) Act, Act XLV of 1974, repealing the Ordinance I of 1969. The irony is that in spite of the fact of repealing Ordinance I of 1969 (Exhibit-II) all enemy properties and firms that were vested with the custodian of enemy property in the then East Pakistan remained vested in the Government of Bangladesh under the banner of “vested property”. Also at the same time, the Government of Bangladesh enacted another law in the name of “Vested and Non-resident Property (Administration) Act” (Act XLVI of 1974). The purpose of enacting this act was to provide the management of certain properties and assets of the persons who are non-residents of Bangladesh or had acquired foreign nationality after the independence. Despite the fact that the principal aim of this act was to identify and to take over the properties of those residents who left Bangladesh during and/or immediate after the independence and/or took foreign citizenship, this (Act XLVI of 1974) was also widely used in practical against the Hindus in Bangladesh who had no connection or relation with Pakistan for purely valid and obvious reasons. Unfortunately all these happened during the period of a secularist government.

Then, after the assassination of the founder of Bangladesh Sheikh Mujibur Rahman in August 1975, the military dictators took over the charges of the country. They chalked out plots of several dimensions for the purpose of strengthening the political base of certain vested groups. They also took initiatives to revive the principles alias ideology of Pakistan. On their way, they firstly accelerated the process of Islamization eliminating the spirit of Bengali nationalism and secularism that were established through the war of independence in 1971. Secondly the military dictators deliberately created panic and insecurity among around 10 million Hindus at that time in Bangladesh due to the reason that they were considered the bridge of secularism and Bengali nationalism, culture and heritage. Thirdly the military junta wanted establishing a strong foothold for establishing a pro-Pakistani and cantonment-based power mechanism starting from the local level power structure to the top through providing them the right to acquire vested properties in exchange for collaboration with the Government. Fourthly, the military ruler deliberately allured a section of economically rising strata of the society all of whom belong to the Muslim community in the procurement of the property of the emigrant Hindus rather than involving them in the process of socio-political development of the country.
In doing this, the objectives of the military dictator could be accomplished to a wider spectrum. Because getting a chance of acquiring real estate that is the prime resource in a densely populated country like Bangladesh is obviously great opportunity.

To materialize plots of grabbing the lands of Hindus by Muslims, in November 1976, the Government of Bangladesh repealed previous Act No. XLVI of 1974 by Ordinance XCII of 1976 with retro-effect from the date of enactment amended of the Act XCIII of 1976. This empowered the Government not only to administer and manage the vested properties, but also to dispose of transferring the same on long-term basis. All Acts prior to Ordinance XCIII of 1976 including Ordinance 1 of 1969 absolutely empowered the Government to become the only custodian and to preserve enemy property in contemplation of arrangements to be made in the conclusion of peace with India. Nevertheless, the Ordinance XCII of 1976 enabled the Government to be the owner of vested properties instead of being protector of the same. This intruded the government in taking the ownership directly violating the laws pertaining to the right of private ownership.

One military dictator Gen. Ziaur Rahman departed then the other Gen. Hossain Mohammad Ershad came into the picture as the Chief Martial Law Administrator cum President of the country. He announced in a conference with the representatives of the Hindus in 1984 that henceforth no property newly would be declared as vested property and the properties already enlisted as vested would be no more disposed off. General Ershad also pledged that the enlisted property would be managed according to the existing Hindu Law of Inheritance of properties unless there was any legal bar. The pledge moreover included that no deity property, meaning the property under Hindu temples and other likewise institutions, property dedicated by Hindu families to the Brahmins and the property belonging to the cremation places of Hindus would not be disposed off or leased without the concurrence of the Government. Through this circular the Deputy Commissioners (District Administrators) were directed implementing the presidential pledge effective from June 21, 1990 in few selected sample unions (the lowest level of local government structure in Bangladesh). Among such 161 sample respondents, the total number of instances of dispossession related to the Enemy or Vested Property Act (VPA) during the year 1965-1995 was 179. It is important to point out that over 15% of the total instances (i.e. 27 out of 179) took place during the 8-year period of 1982-90, which was the regime of the declarer of pledges, and circulars stated hereinabove. This proves that those were only of declaratory in nature, but not in practice. In addition, a large group of effected Hindu families and persons were not found included during the filed exploration while the Vested Property list was prepared earlier. Thus, the respondents from this omitted group were enjoying their properties having no hindrance from the Government till late 1980s and were paying relevant taxes to the Government. Nonetheless, all on a sudden in early 1990s, these families and people were informed since their properties belonged to the category of ‘Vested Property’, no taxes could be received from them against those properties. But interestingly the Government did not serve any formal notice to the owners of this category of property.

In addition, these properties were also not leased out. As such, absence of clear ideas among the public regarding the vested properties, incompleteness in the rules and lack of directions and policies have made the issue further complicated and has created confusion amongst the public. However, the Government was active still to identify that such strange inclusion of property in the vested category, commonly known as ‘red marked’ properties, started taking place since late 1980s and was started practicing across the country. Thus, it was difficult for the district administration throughout Bangladesh to violate the Government circulars at a time without
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bringing it to the knowledge of the then Government and/or instructions from some higher authority.

Spoofs of the Vested Property Act

**Case I:** It is very clear that the term ‘enemy’ has its root in the Defense Rule of Pakistan of 1965 and in the then East Pakistan Enemy Property (Lands and Buildings) Administration and Disposal Order of 1966. Upon the independence of Bangladesh, its government enacted two acts on March 23, 1974 related to the issue. The first one was wooing to repeal (abolish) the relevant “Enemy Property Ordinance” of Pakistan and vested the properties already enlisted as ‘enemy properties’ in the Government i.e., the management and administration of previous ‘enemy properties’ were entrusted with the government of Bangladesh. On the other hand, second act aimed at bringing the properties of non-residents of Bangladesh under the vested category which created scope for fresh enlistment of some properties, including the properties of religious minorities residing in India irrespective they were residing there on permanent or temporary basis despite the fact that this act was not intended only for the religious minorities. This implies that (i) there could be no new enlistment of properties legally under the enemy/vested/non-resident category after March 23, 1974. In spite of this fact, fresh enlistment has been still continuing through various government circulars issued from time to time thereafter, (ii) the government itself has became the owner of already vested (enemy) properties which is questionable from legal point of view.

**Case II:** It is universal truth that Bangladesh earned its independence and severed its ties with Pakistan through the heroic war liberation 35 years back, meaning that the People’s Republic of Bangladesh is neither a part nor a successor of Pakistan since March 26, 1971. Also neither Bangladesh nor India waged or declared any war against each other. So logically the enemy of Pakistan (i.e. India) cannot be an enemy of Bangladesh. But by virtue of the continuance enforcement order promulgated on 10th of April 1971 all the laws operative in the then Pakistan on or before March 25, 1971 remained valid in the People’s Republic of Bangladesh. Though the Enemy Property Act of Pakistan was repealed / amended through various acts/ordinances enacted or promulgated after the Independence of Bangladesh, but irony is that no government of Bangladesh repealed the effectiveness of the Defense of Pakistan Ordinance (Act XXIII of 1965) of 1965. As a result Bangladesh till this year remained as at a state of war with India, it seems.

F. The Vested Property Act is Violation of the Constitution of Bangladesh

The Vested Property Act is violation of the Constitution of Bangladesh. The following articles will be very much relevant to explain how this Act is anti-constitutional:

**Article 11: Democracy and human rights**
The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.

**Article 13: Principles of ownership**
The people shall own or control the instruments and means of production and distribution, and with this end in view ownership shall assume the following forms-
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1. state ownership, that is ownership by the State on behalf of the people through the creation of an efficient and dynamic nationalised public sector embracing the key sectors of the economy;
2. co-operative ownership, that is ownership by co-operatives on behalf of their members within such limits as may be prescribed by law; and
3. private ownership, that is ownership by individuals within such limits as may be prescribed by law.

Article 27: Equality before law
All citizens are equal before law and are entitled to equal protection of law.

Article 28: Discrimination on grounds of religion, etc
(1) The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.
(2) Women shall have equal rights with men in all spheres of the State and of public life.
(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.
Thus the vested property act with all its attributes is a gross violation of all the above stated articles of Bangladesh Constitution.

G. Restoration of Vested Property Act 2001 and its Amendment in 2002
After the fall of General Ershad, the Bangladesh Nationalist Party won the election 1991 and formed government which, during their whole period till mid 1996, did not touch to do anything with the Vested Property Act and thus the status of the act remained as it was done till the Ershad regime.

Then Bangladesh Awami League upon winning the election in June 1996 formed the government. Being the founder party of Bangladesh with “secularism” as one of its ideologies, the Hindus in Bangladesh had their much expectation to this party that they would have done a final settlement of this black law of Vested Properties. There were several demonstrations & representations at various levels for completely abolishing the Act and several recommendations were made, few of which are cited below:

Vested Property Act, as an encroachment on the law of inheritance of "Enemy Property Act", should be abolished. More so, the context under which the "Enemy Property Act" emerged, ceases from the date of proclamation of Independence of Bangladesh in 1971, and there exists a Friendship Treaty with India.

A list containing details (name, address, amount of land and other assets dispossessed by type and year of dispossession, dag, khatian, mouza, current status etc.) of those affected by EPA/VPA should be published by the Government of Bangladesh.

All activities related to the identification and enlistment of any property as vested should be banned, immediately. In this regard, a declaration in the mass media should be the immediate action of the democratic government.
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All vested property under the custody of the government should be leased out to real owners or their legal heirs who are permanent residents of Bangladesh till the final settlement of the problem. In this regard preference should be assigned in accordance with the law of inheritance.

No property should be taken to the custody of the vested property administration if the owners of the property of their legal inheritors (co-shares) are in possession of that property.

All 99 years leases of vested properties should be declared null and void and the ownership rights of the original owners or their inheritors (co-sharers) should be established if they are the bona-fide citizens of Bangladesh.

All vested deity property and places of cremation should be unvested and brought under public trust. The leased-out or sold-out properties belonging to this category should be declared void.

Law of inheritance should be enforced with an adequate provision for women inheritance. If the male heirs of the property are absent and the females are permanently resident in Bangladesh, the property should be leased out to them (women) until a final settlement is made.

The Government of Bangladesh should be pressurized to repeal this sort of black law for the greater interest of better relationship with India; otherwise the exodus of Hindu minorities will be a great problem for India.

The Government led by Awami League took five years to place and pass a bill in the parliament on April 11, 2001 in the title of “Restoration of Vested Property Act, 2001” (Act No. 16 of 2001) nearing to end of their tenure. However, the act rarely depicted the demands made by the Hindus and could not help much providing solutions to the effected community of Hindus, rather made few issues more complicated for various reasons. There are several spoofs within the Act.

The justifying explanation of the Act No.16 of 2001 mixed up the issues of the effected Hindus who never disbelieved or refused to be the citizens of Bangladesh and are residing here permanently with the issues of few people who never believed or agreed to be the citizens of Bangladesh, even this later category of people, understandably Muslims, could not accept the creation of Bangladesh, no matter whether they are residing or not residing here. The merit of the bill passed was more than dangerous for the Hindus irrespective of having vested properties under the category of co-sharing, i.e. few family members migrated to India and few are living in Bangladesh of an earlier joint family, properties of those families whose all members migrated to India or elsewhere from Bangladesh, properties of worship places like temples, cremation places etc. Till the act No.16 of 2001 was passed, few properties were under the custody of Hindus by leasing for several years. The act ordered to handover all these categories of vested properties to the one Custodian under the District Administration immediately, otherwise, the administration shall have the authority to acquire those at any time with or without serving any notice to the respective parties, if any. Once the properties were handed over by the owner/possession owner or acquired by the District Administration, there have been two provisions articulated in the order to freshly handover the property through the leasing processes of different terms from 12 or 15 or 99 years depending on the nature of the property. The first option is that the District Administration shall float open tenders for handing over the possession and the process will be completed through formal bids. Anyone and everyone shall have the privilege to participate at these tender processes. Then who will win the race,
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obviously not any Hindu who has already become financially weak for the reasons needless to explain, and thus the ownership by leasing of these properties shall be bought by the richer class alias the Muslims whatsoever the price no matter. The second option there has been is that if any effected person/family wants to claim the ownership of such properties, they could appeal to a tribunal – the formation of which is also articulated in the same act. Now, once the case is filed in the tribunal, it would require several years, even might be a never-ending process for a final order to come out. That’s not the end upon settlement by the tribunal, options are kept for moving to the higher courts. Thus, the financially backboneless Hindus shall not have the capability to run such cases over the years, and ultimately the properties shall remain at the custody of the District Administration. Then, through the same process of floating open tender, the ownership in the name of leasing will go to the richer community alias the Muslims.

Through the Restoration of Vested Properties Act 2001, vested properties under the custody of co-sharers shall have to be handed over to the Custodian alias the Government, though the co-sharers are none but the owners of these properties by virtue of the law of Hindu succession. This means ones own property shall have to be handed over to the Government which again is violation of basic property right of the owners, not only in Bangladesh, in the whole world.

The Vested Property Return Act does not adequately address the catastrophe. An UN Special Rapporteur on Religious Intolerance raised several criticisms on it as follows:

“It appears, however, that this bill would present serious problems. According to the non-governmental sources, the bill provides that properties legally vested under the ownership of the Government and those declared to be enemy or vested property after 16 February 1969 will not be considered as vested property after the said period. Most Hindu property, however, was declared vested property after that date. The bill also states that the proprietorship status of the vested property will not be challenged if the property was transferred to the Government, a government institution, or to a private individual, has been sold or has been handed over permanently by the Government at the directives of a court. It will not even be possible to challenge such cases in court. According to the non-governmental organizations consulted, these provisions are contrary to the spirit and objectives of the bill. The bill also provides that if the original owners do not submit their ownership documents to a court within 180 days following promulgation of the law, the Government will acquire their property. The Hindu community considers this time period too short. Lastly, the bill provides that in the event of the decease of the original owner, rights of inheritance shall apply in accordance with Hindu religious personal laws. Hindu women would therefore be automatically excluded from inheritance, since Hindu religious personal laws do not accord any rights of inheritance to women.”

Despite those loopholes, the Restoration of Vested Property Act 2001 had few good points such as that requires the Government to return all the land at least to the few Hindus. This Act only applies to the original owners or their heirs who have remained citizens of Bangladesh and not to those Hindus who fled the country and resettled in India with full of their families and / or leaving behind no properties or heirs in Bangladesh. In any case, again it does not provide for compensation for or return of properties that the Government has sold.

However, upon the October 2001 election, the Bangladesh Nationalist Party (BNP) led 4-party coalition formed the government including the islamist elements. This government arranged and passed an amendment bill in the parliament to the “Restoration of Vested Property Act 2001” on 26 November 2002, which has virtually shelved the return of the confiscated
properties to the Hindus. Because this amendment allows the Government unlimited time to return the vested properties and those are to remain under the control of Deputy Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners.

H. Immeasurable Hindu Properties Grabbed by the Goons of all times

How much properties of Hindus have been snatched away through the then Enemy Properties Act turned Vested Properties Act, there is no exact statistics. Few research and analytical jobs have been accomplished and limited form of document has been published by few NGOs and persons on their own, however, these could not cover the whole massacre done.

Taking the advantages of loopholes remained within the Enemy Properties Act turned Vested Properties Act, since its inception in 1965, the goons in all times till date have snatched away millions of acres of land properties, buildings, business & industries, places of temples & cremation etc. of millions of Hindu families of the then East Pakistan and the present Bangladesh. Understandably, the goons belong to the majority community of Muslims, however, the dominating strata of this community in terms of political and social status & position who have been all the way well connected with the governmental administrative and law & order enforcement offices. The section of land and property grabbers of the Hindus has their widespread network starting from the grass-root to the highest level of local/village/union representatives/administration, land administration, law & enforcement department, magistracy & judiciary, ministry/secretariat and the parliament. Most of the grabbers belong to the major political parties existing in Bangladesh. They use to apply various means and ways to grab the land and other properties of the Hindus. The notorious activities they perform on their way include preparing fake/false documents of land and properties (e.g. land registration), forcefully take the registration of such properties from the targeted Hindus, especially in case of the co-sharers whose few family members out-migrated from Bangladesh.

As such, there is hardly any Hindu available who or whose family has not been affected either directly or indirectly by the Enemy Properties Act turned Vested Properties Act due to its inherent nature of robbing the Hindu community of its property. The number of effected members is increasing everyday due the non-stopped process of grabbing Hindu properties.

I. Effect of Enemy Property and Vested Property Acts

Various types of effects have been started taking place on Hindus in this part of present Bangladesh (the then East Pakistan) since the division of India by 2-nation theory for various reasons which are briefly described at section A of this article. The Enemy Property Act and Vested Property Act just cumulated those effects to the Hindus to be more and more weakened in all aspects of life and society and at one stage they became bound to out-migrate from Bangladesh with empty hands and with whole of uncertainty for generations together, which ultimately results diminishing the Hindus from Bangladesh.

J. Recommendations

At section G of this article nine recommendations were made, however, the Restoration of Vested Property Act 2001 could cover very few of those. Thus, further following recommendations are strongly made to implement:
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1. “Restoration of Vested Property Act 2001” to be amended as follows:
2. Amendment of "Restoration of Vested Property Act 2001" on 26 November 2002 shall have to be repealed.
3. All recommendations made at section G hereinabove must be fully reflected.
4. While amended, a section must be included to clearly differentiate the Hindus who are citizens of Bangladesh for thousands of years whose few family members might have been out-migrated or not and irrespective of co-sharers and whose properties have been fallen in the category of “vested property” irrespective of present custodianship status, from the Muslims or others who never believed or agreed to be the citizens of Bangladesh, even these people could not accept the creation of Bangladesh, no matter whether they in-migrated or not in-migrated here from India or the then West Pakistan or elsewhere after 1947 and whether they are presently residing or not residing here and whose properties might have been fallen in the category of “vested property” irrespective of present custodianship status.

1. “Restoration of Vested Property Act 2001” should be implemented only upon its amendment as stated above.
2. An “International Monitoring Cell” abided by the “Universal Declaration of Human Rights” adopted on December 10, 1948, shall have to be formed in order to monitor the implementation process of “Restoration of Vested Property Act 2001” upon its amendment. The proposed monitoring cell shall consist of expert representatives from:

- United Nations High Commissioner for Human Rights
- Amnesty International
- Government of Bangladesh
- Government of India
- Government of Pakistan
- Government of United Kingdom
- Leaders of the Effected Communities in Bangladesh or elsewhere
- Representative of any other relevant organization

The Terms of Reference of this monitoring cell shall be defined and well accepted by the parties to be included therein.

K. Appealing Conclusion

This is an appeal on behalf of the religious minorities and indigenous people of Bangladesh to the whole world community including political parties and government of Bangladesh, UN bodies, humanitarian organizations, government of welfare, secular & democratic states, democratic institutes, secular forces, media and erudite societies to formulate and come forward to uphold and establish all basic rights of one of the most destitute populations numbering around 15 million and save them from the atrocities through a black law firstly emerged in the name of “Enemy Property Act” and then turned to “Vested Property Act” for decades together. This is the moral responsibility of the world community to save a large section of world people with rich historical backgrounds of civilization and cultural heritage from being diminished for the greater interest of the mankind.

Email: rp.sharma01@yahoo.com & SBGuha@yahoo.com
Date: June 09, 2006

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BANGLADESH HINDU, BUDDHIST, CHRISTIAN UNITY COUNCIL

Charter of Demands:
The Government of Bangladesh has, through the Vested Property Act or The Enemy Property Act, has confiscated more than 3 millions acres of land from Hindus and redistributed them among the Muslim population. These discriminatory acts against the minorities of the country must be repealed and all confiscated lands must be returned to the rightful owners and their relatives. (Only relevant portion)

What happened during awami league’s last tenure and after that?
2. The tenure of AL Government ended in July 2001 (understandably they did not get much time to implement the Act No. 16 of 2001)
3. The parliament election was held in October 2001 in which the BNP led 4-party won and formed the Government. This Government arranged and passed an amendment bill in the parliament to the "Restoration of Vested Property Act 2001" on 26 November 2002, which has virtually shelved the return of the confiscated properties to the Hindus. Because this amendment allows the Government UNLIMITED TIME to return the vested properties and those are to remain under the control of Deputy Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners.

A story of perpetual discrimination
"Deprivation of Hindu Minority in Bangladesh
Living with Vested Property” BY Prof. Abul Barkat, S Zaman, S Khan, Dr. Avijit Poddar, S Hoque, and Taher Uddin, Pathak Shamabesh (TheDaily Star, Dhaka 12 April 2008)

The title of the book is most meaningful as it relates the stories and events that actually took place to deprive the minority community of its rights and titles of property ownership. A research based book, it is outstanding in nature as it provides an account, with facts and figures, of how the protective security of the minority has been ignored for years together and how the minority community has been unable to enjoy the property handed down to it from one generation to another.

It is perhaps for the first time that such a book has been published, based as it is on authentic findings and in-depth studies of the historical discrimination that has compelled a large number of citizens to leave the country and so leave their ancestral home and belongings behind. Professor Abul Barkat and his co-authors have accurately projected the economic history, lapses in the land laws, willful negligence of the bureaucracy and greed of the politicians for property.

About 1.2 million households and 6 million people belonging to the Hindu community have been directly and severely affected by the Enemy/Vested Property Act. The community has lost 2.6 million acres of its own land in addition to other moveable and immovable property. The approximate money value of such loss (US $ 55 billion) would be equivalent to 75 per cent of the GDP of Bangladesh (at 2007 prices). The EPA/Vested Property Act has compelled Hindus
to break family ties. Stress and strain, mental agony and a fuelling of religious fundamentalism have been the offshoot. The deprivation led to the growth of a communal mindset in what had been a historical secular climate and context.

The methodology adopted to collect information is appreciable. With primary and secondary data verified on the basis of documents relating to EPA/VPA and land survey, data from BSS and reports and journals, the work makes compelling reading. Besides, a number of eminent individuals have been interviewed to arrive at an understanding of the extent of the effect of the law on the deprived community. Sample districts taken under the study were sixteen but they covered the whole of Bangladesh in 1997-2006. Assuming the 1961 population share of the Hindu population was 18.4 per cent, the absolute size of this population in 2001 would have been 22.8 million rather than the 11.4 million reported in the census. In other words, the actual current (2001) figure is half the expected size. Thus the missing Hindu population was estimated to be 50 per cent with the mass outward migration from the mid-1960s onward as an effect of the EP/VP Act (elaborated in Chapter 3 of the book). Chapter 6 deals with case studies and Table 21 shows six broad categories of cases relating to loss of Hindu property.

One cannot but agree with Justice Mohammad Gholam Rabbani when he observes in the foreword that the authors have done a historical job. The book, in fact, upholds the spirit of liberation and Articles 27 and 28 (1) of the Constitution. It re-emphasises the idea that "All citizens are equal before law and are entitled to equal protection of law." Reviewed by Shri Dhiraj Kumar Nath, a former Adviser to the Care Taker Government of Bangladesh (www.thedailystar.net)

Start 'Satyagrah' to repeal Enemy Property Act

----------------------Syed Mohammad Ullah

Syed Mohammad Ullah, a respected community leader & an Editor told on Sunday, 18th May 2008 in a conference in Jackson Heights, NY, that, Vested (Enemy) Property Act is a shame for our nation and expressed apology that the law still exist in Bangladesh and as a member of the majority community he could not do much to repeal it. He termed enemy property act as a tragic event and he don't have the language to condemn it.

Special guest Syed Mohammad Ullah was talking in a RTC (Round Table Conference) held last Sunday where Chief Guest Ms. Rosaline Costa and Ahmed leader Zinda M. Bazua also spoke. Syed Mohammad Ullah told the audience that, you can talk, appeal about the law but you must fight back to repeal it and to solve all the problems of religious minorities. He told, Bangladesh has been independent but nothing changed but the name. He also told that, it is barbaric to deprive a section of people from their fundamental rights. Syed Mohammad Ullah told, we made minorities our enemy and snatch their rights. Minorities are nowhere in Bangladesh, a minority can't be president, army chief, chief justice, high level secretary or ambassador etc.

House was pin drop silent and audience applauded him vigorously when he said, to restore the rights of religious minorities let us start a peaceful movement, let's do 'Satyagrah' for a whole day; let's go to Washington and sit down in front of state department. He suggested taking legal advice if a case can be started in any international court against the enemy property law. He
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said this law is against UN charter, HR norms and against the constitution of Bangladesh. In this respect Syed Mohamad Ullah urge the religious minority community to demand equal rights in every sphere of life.

The RTC was organized by Bangladesh Hindu Buddhist Christian Unity Council, USA and was presided over by Nabendu Dutta while Ratan Barua, Sushil Saha, Dr. Provat Das, Anukul Adhikari, Apu Pal, Subrata Biswas, Chandan SenGupta, Rabindranath Sarker, Muktipada Shil, Sarbdihya, Pradip Sen, Pranab Chakraborty, Ratan Saha, Subodh Sarker and others joined the discussion. In the beginning Sitangshu Guha gave a brief about the law and its devastating effects on religious minorities.

HINDU PROPERTIES CONTINUE TO BE VESTED'- A RECENT OBSERVATION

Nearly two lakh Hindus have lost 22 lakh acres of their land and houses during the last six years, a Dhaka University Professor says in Dhaka 27May 2007. At the current market price, the value of the 22 lakh acres of land (one acre roughly equals three bighas) that the Hindu families were displaced from is Tk 2,52,000 crore, which is more than half of the country's gross domestic product, he says. 'This is a man-made problem contrary to the spirit of humanity. We have to get rid of this uncivilized state of affairs to establish a civilised society. Otherwise, we have to face a bigger historic catastrophe,' Professor Abdul Barkat, who teaches economics, insists in his research paper, 'Deprivation of affected million families: Living with Vested Property in Bangladesh'. Some 12 lakh or 44 per cent of the 27 lakh Hindu households in the country were affected by the Enemy Property Act 1965 and its post-independence version, the Vested Property Act 1974.

Prof. Barkat points out that 53 per cent of the family displacement and 74 per cent of the land grabbing occurred before the country's independence in 1971. Sheikh Hasina led Awami League government annulled this Act in 2001. It wanted to return the 'vested' property to their original Hindu owners. The move was criticized as a 'political tokenism' aimed to appease minority voters prior to the general elections. But in reality, as Professor Barkat study shows the Hasina largesse did not benefit the Hindu minority, who owned land at the time of partition. In fact, it ended up displacing most of them from their ancestral land.

While trying to review the impact of the law on the land ownership of the Hindu community, Prof Barkat found that no list of the people evicted or the quantum of lands grabbed on the basis of the Vested Property Act has been prepared till date. Instead, politically powerful people grabbed most of the land during the reign of the BNP-led alliance government between 2001 and 2006. Politically powerful people grabbed most of the Hindu lands during the reign of Begum Khaleda Zia's.. Forty-five per cent of the land grabbers were affiliated with the BNP, 31 per cent with the Awami League, eight per cent with Jamaat-e-Islami and six per cent with the Jatiya Party and other political organisations, the New Age and the Daily Janakantha, on 27 May.07 quote Prof Barkat .The affected Hindu families met with more incidents of violence and repression in the immediate-past five years of the BNP-led government than in the previous five years of the Awami League government, the Barkat research report concludes.(NewAge,,Janakantha, Manabzamin, 27 May.07).
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It is needless to say that Vested Property Act is a law against the spirit of the Constitution of Bangladesh. The Act has violated the fundamental rights of a class of people guaranteed in the Constitution of Bangladesh: Those discriminatory laws and post seventy-five constitutional amendments not only hurt the feelings of the minorities severely, their confidence on Bangladesh state machinery have been dwindled; they have been effectively transformed into second class citizens. As a result the minority community, a very much advanced component of our population, is unable to contribute to country's development activities. It is needless to say that Vested Property Act is a law against the spirit of the Constitution of Bangladesh. The Act has violated the fundamental rights of a class of people guaranteed in the Constitution. So, we need not to produce more evidences, rather looking forward the needful action from the non-party caretaker Government led by Dr. Fakhruddin Ahmed as he is committed to establish rule of law. ##

Restoration of Vested Property Act, 2001 : Why it was not effective

Rabindranath Trivedi: The Government led by Awami League took five years to place and pass a bill in the parliament on April 11, 2001 in the title of "Restoration of Vested Property Act, 2001" (Act No. 16 of 2001) nearing to end of their tenure. However, the act rarely depicted the demands made by the Hindus and could not help much providing solutions to the effected community of Hindus, rather made few issues more complicated for various reasons. There are several spoofs within the Act.

The justifying explanation of the Act No.16 of 2001 mixed up the issues of the effected Hindus who never disbelieved or refused to be the citizens of Bangladesh and are residing here permanently with the issues of few people who never believed or agreed to be the citizens of Bangladesh, even this later category of people, understandably Muslims, could not accept the creation of Bangladesh, no matter whether they are residing or not residing here. The merit of the bill passed was more than dangerous for the Hindus irrespective of having vested properties under the category of co-sharing, i.e. few family members migrated to India and few are living in Bangladesh of an earlier joint family, properties of those families whose all members migrated to India or elsewhere from Bangladesh, properties of worship places like temples, cremation places etc. Till the act No.16 of 2001 was passed, few properties were under the custody of Hindus by leasing for several years. The act ordered to handover all these categories of vested properties to the one Custodian under the District Administration immediately, otherwise, the administration shall have the authority to acquire those at any time with or without serving any notice to the respective parties, if any. Once the properties were handed over by the owner/possession owner or acquired by the District Administration, there have been two provisions articulated in the order to freshly handover the property through the leasing processes of different terms from 12 or 15 or 99 years depending on the nature of the property. The first option is that the District Administration shall float open tenders for handing over the possession and the process will be completed through formal bids. Anyone and everyone shall have the privilege to participate at these tender processes. Then who will win the race, obviously not any Hindu who has already become financially weaken for the reasons needless to explain, and thus the ownership by leasing of these properties shall be bought by the richer class alias the Muslims whatsoever the price no matter. The second option there has been is that if any effected person/family wants to claim the ownership of such properties, they could appeal to a tribunal – the formation of which is also articulated in the same act. Now, once the case is filed in the tribunal, it would require several years, even might be a never-ending process for a final order to come out. That's not the end upon settlement by the tribunal, options...
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are kept for moving to the higher courts. Thus, the financially backboneless Hindus shall not have the capability to run such cases over the years, and ultimately the properties shall remain at the custody of the District Administration. Then, through the same process of floating open tender, the ownership in the name of leasing will go to the richer community alias the Muslims. Through the Restoration of Vested Properties Act 2001, vested properties under the custody of co-sharers shall have to be handed over to the Custodian alias the Government, though the co-sharers are none but the owners of these properties by virtue of the law of Hindu succession. This means ones own property shall have to be handed over to the Government which again is violation of basic property right of the owners, not only in Bangladesh, in the whole world.

The Vested Property Return Act does not adequately address the catastrophe. An UN Special Rapporteur on Religious Intolerance raised several criticisms on it as follows: "It appears, however, that this bill would present serious problems. According to the non-governmental sources, the bill provides that properties legally vested under the ownership of the Government and those declared to be enemy or vested property after 16 February 1969 will not be considered as vested property after the said period. Most Hindu property, however, was declared vested property after that date. The bill also states that the proprietorship status of the vested property will not be challenged if the property was transferred to the Government, a government institution, or to a private individual, has been sold or has been handed over permanently by the Government at the directives of a court. It will not even be possible to challenge such cases in court. According to the non-governmental organizations consulted, these provisions are contrary to the spirit and objectives of the bill. The bill also provides that if the original owners do not submit their ownership documents to a court within 180 days following promulgation of the law, the Government will acquire their property. The Hindu community considers this time period too short. Lastly, the bill provides that in the event of the decease of the original owner, rights of inheritance shall apply in accordance with Hindu religious personal laws. Hindu women would therefore be automatically excluded from inheritance, since Hindu religious personal laws do not accord any rights of inheritance to women."

Despite those loopholes, the Restoration of Vested Property Act 2001 had few good points such as that requires the Government to return all the land at least to the few Hindus. This Act only applies to the original owners or their heirs who have remained citizens of Bangladesh and not to those Hindus who fled the country and resettled in India with full of their families and / or leaving behind no properties or heirs in Bangladesh. In any case, again it does not provide for compensation for or return of properties that the Government has sold. However, upon the October 2001 election, the Bangladesh Nationalist Party (BNP) led 4-party coalition formed the government including the islamist elements. This government arranged and passed an amendment bill in the parliament to the "Restoration of Vested Property Act 2001" on 26 November 2002, which has virtually shelved the return of the confiscated properties to the Hindus. Because this amendment allows the Government unlimited time to return the vested properties and those are to remain under the control of Deputy Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners. 

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LEGACY OF VESTED PROPERTY ACT

The enactment of Enemy (Vested) Property Laws which are at the heart of the matter relating to the various socio-economic problems of the minorities in Bangladesh has not come all on a sudden. This act is actually the culmination of many discriminatory ordinances passed one after another by the ruling elites of both Pakistan and Bangladesh. In fact, it has quite a good number of successive legislations through which the most problematic Enemy (Vested) Property Laws have put a very burden on the shoulders of the religious minorities which they are unable to bear any more. In chronological order these legislations are:

1. The East Bengal (emergency) Requisition of Property Act XIII of 1948
2. The East Bengal Evacuees (Administration of Property) Act VIII of 1949,
3. The East Bengal Evacuees (Restoration and Possession) Act XXIII of 1951,
4. The East Bengal Evacuees (Administration of Immovable Property) Act XXIV of 1951,
5. The East Bengal Prevention of Transfer of Property and Removal of Documents and Records Act of 1952,
6. The Pakistan (Administration of Evacuees Property) Act XII of 1957,
7. The East Pakistan Disturb Persons (Rehabilitation) Ordinance No.1 of 1964,
8. The Defence of Pakistan Ordinance No.XXIII of 6th September 1965,
9. The Defence of Pakistan Rules of 1965,
10. The Enemy Property (Custody and Registration) Order of 1965
11. The East Pakistan Enemy Property (Lands and Buildings) Administration and Disposal Order of 1966,
12. The Enemy Property (Continuance of Emergency Provision) Ordinance No.1 of 1969,
13. Bangladesh (Vested of Property and Assets) President's Order No.29 of 1972,
14. The Enemy Property (Continuance of Emergency Provision) (Repeal) Act XLV of 1974,
15. The Vested and Non-Resident Property (Administration) Act XLVI of 1974
16. The Vested and Non-Resident Property (Administration) Repeal Ordinance, 1976 (The Ordinance No.XCII of 1976)
17. The Ordinance No XCIII of 1976
19. The declaration of President Ershad on 31 July 1984, and two circulars dated 26th February 1990 and 31 March 1990 issued by the Ministry of Land Revenue, Government of Bangladesh and circular dated 4 November 1993 of the Ministry of Land Revenue

It may be recalled that on 3rd December 1965 the central government of Pakistan transferred all the Enemy Property Law-related matters to Provincial government under two declarations. Since then the East Pakistan Government became the sole authority to make laws and decisions on the matter. In fact, the then Governor of East Pakistan Monem Khan in collaboration with leaders of government party and some reactionary opposition politicians, bureaucrats, government officials and local touts began to systematically evict the Hindus from their own lands. The East Pakistan government materialised this injurious plan of eviction in five different ways:
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(a). Most of the Hindus lived in joint families. According to Hindu law, family is the owner of all properties. No particular member of the family is owner of the property if he is separated from the family and takes his share. The Hindu who was a member of a joint family left this country for India without taking the share of the property was not an owner of his share. His part would remain with the family and rest of the successors would be the owner of the whole property. But the government illegally declared a part or full portion of the property as enemy property and evicts the owners from their lands.

(b). Father is the owner of the property of joint family. Sons are not the owner of the property so long as the father is alive. In this situation if any son leaves the country for India he is not leaving any property as enemy property because this Hindu law is still prevalent in the country. The inheritance of property in a Hindu joint family all over Bengal is being determined by the system of Dayabhaga, not Mitakshara which is primarily practiced in Southern India. The former suggests the fact that a son inherits the property after the death of his father while according to the latter system of the Hindu inheritance rule; a son can inherit the property of his father on the very moment of his birth.

©. If any Hindu citizen of Pakistan with his legal passport was traveling India he was also declared enemy and his property was taken over by the Government. To the contrary, thousands of Muslims were living and working in England, America and Middle East Countries etc. But their properties in Pakistan were not taken over by the Government.

(d). According to the existing laws, properties dedicated to deities cannot be declared as enemy property. But in practice, hundreds of such properties were taken over as enemy property. In many cases, properties dedicated to deities were given over to the mosques and madrasas etc. It would be quite relevant to mention here that the 'Religious Endowments Act' was passed in 1863 during the British rule in undivided India which was subsequently repealed. Now it has become necessary to revive this Act in order to keep the property dedicated to deities of the Hindus so that the property can not be grabbed by the influential persons and vested quarters by misusing the provisions of Enemy (Vested) Property Laws.

(e). Where none of the above mentioned measures could be applied, the evil practices were adopted. That is, forged documents were prepared with the help of Tahsilders, government employees, local touts etc. and thus thousands of Hindu properties were made enemy property. It is the duty of the poor sufferer to prove that his property was not in this category of enemy property. In most of the cases it was not possible for them to move in the court due to financial inability or local pressure. Moreover, according to secret suggestions of the government most of the decisions went against the Hindus. Hence either the life of a landless persons or leaving the country for India only remained open to the poor Hindus.

The above-mentioned Acts, Laws, Ordinances and Circulars have obviously constituted a long list of regulations regarding the landed properties owned by the Hindu religious minority group who has been incessantly suffering from these unjustified actions of the authorities concerned from 1948 to 2007 (even in 2008).

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BHBCUC, USA called upon a ‘Press Briefing’ on 8th Jan 2010 in Queens, NY on recent developments of the vested (enemy) property act reform bill, which was supposed to be introduced the parliament in its current session. It was addressed by Sitangshu Guha, while Nabendu Dutta, President; Dr. Thomas Dulu Roy, President; Sushil Saha, General Secretary; Pradip Malaker; Biashnu Gope; Subodh Sarker; Pradip das; Chandan Sengupta were present. Nabendu Dutta, Pradip malaker, Sitangshu Guha answered different questions. A written statement was read. The leaders told that, they had discussed the issue with experts in Bangladesh, among them were, Professor Abul Barakat; Dr. Kamal Hossain; Humanist Shahriar Kabir & Mr. Biren Adhikari. They also placed the statements of Mr. Kabir & Professor Barakat and read those in front of the journalists. BHBCUC, USA demanded that:

✧ Prime Minister should interfere and the bill should be withdrawn from the parliament ✧ The draft bill must be discussed with stake holders and the pro-people civil society before it goes to the Parliament ✧ The draft bill must go through the Law Commission (for vetting) before it is placed in the Parliament.

Shahria Kabir told that: ‘I think this is the high time to repeal ‘Vested Property Act’ as the present govt. of Sheikh Hasina is pledged bound to implement the spirit of the liberation war. Human rights defenders of Bangladesh asked the govt. to repeal this inhuman law time and again. Taking advantage of this black law grabbing landed properties of religious minorities, particularly the Hindus’ have not yet stopped. The ongoing campaign for repealing ‘Vested Property Act’ should also focus on restoration of the constitution of 1972 in its original form, as well as trial of war criminals. The present govt. has set up a commission to investigate persecution on religious minorities, activists and supporters of opposition political parties and secular intellectuals during the tenure of four party alliance govt... We asked the commission to find out how many members of minority community were forced to leave the country around the parliamentary election of 2001. The ground should be created for their safe return and rehabilitation. Perpetrators of minority atrocities and grabbers of their landed properties must be tried and punished severely in order to end such heinous crimes. Strong unity of the pro-liberation civil society bodies is a must to ensure our goal. Repealing ‘Vested Property Act’ and restoring the constitution of ‘72 won’t be an easy task for the present govt. without all out support of the civil society’.

Abul Barakat had expressed concern about raising the VPRA in the Parliament and his concerns were as follows: (a) Definitions (e.g., definition of “Vested Property”; definition of ‘citizen”), (b) Issue of ‘co-owner’, inheritance (successor-in-interest), (c) Proviso (issues on 90 days or 180 days; 23.03.1974 ), (d) Formation of ‘district tribunal’ and right to make appeal in the High Court; and (e) Most importantly (the upcoming) VPRA is going to “over power” the same bureaucracy (civil and land related) who were the creators of the problem (these bureaucrats will be empowered to prepare the list of affected people as well as provide solutions???). His suggestions were that, the Act must go through the Law Commission (for vetting) before it is placed in the Parliament. The draft must be discussed with the pro-people civil society (including the representatives of the affected community) before it goes to the Parliament.

A detail of the enemy property law will be found at the website www.bhbcuc-usa.org

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