

Vested Property and the Right of Inheritance in Bangladesh: A Critical Analysis

Syed Mohammad Rezwanul Islam¹
and Md Mostafijur Rahman²

Abstract: The aim of this article is to explore the legal aspects of Vested Property and its principal contradictions with the right of inheritance in Bangladesh. It evaluated origin, development, present position of law of vested property and its connection with property right of inheritance. With a factual and legal analysis, it also evaluated the complexities in the return process of vested property. From a pluralistic legal approach the study found violation of property rights in creation, continuance and implementation of vested property laws particularly the right of inheritance. Finally, the paper proposed some recommendations with an aim to ensure right of inheritance over vested properties.

Keywords: Vested property, right to property, return of vested property, right of inheritance.

JEL Code: D14

Introduction

The creation and continuance of the law of enemy property, later vested property (VP), is seen as a violation of property rights of the people in Bangladesh. Resultantly, such law violates the law of property inheritance also. Vested property, originally enemy property (Rakshit, 1983, p. 2) is on the process of return to its original owners or their heirs, or successors in interest of original owners or their heirs from the custodianship of the government by the Return of Vested Property Act (RVPA), 2001 and the Release of Vested Property Rules, 2012. From 1965 to 2012 the property has been under control and management of the government through various laws and after such a long period of Government acquisition and management by many ways like leasing or letting it out (East Pakistan Enemy Property (Lands and Buildings) Administration and Disposal Order, 1966), the returning of vested property faces problem in finding out the original

1 Lecturer, Department of Law, Prime University, Dhaka, Bangladesh.
Email:ballav.sachi@gmail.com

2 Assistant Professor, Department of Law, Prime University, Dhaka, Bangladesh. Email:mostafij.mithu@yahoo.com

owners or their true inheritors. The returning process has a close link, between the issue of vested property and the right of property inheritance. The legal aspects of vested property and the law of inheritance together create a paradox in property rights and the law of property inheritance in Bangladesh. The debate over vested property is a complex issue, containing social, political, economic and legal aspects, which deserve to be studied critically in the context of Bangladesh.

Statement of Problem

No matter what the justification is, right to own (or inherit) property is a basic right and neither an individual nor the state can snatch away this right arbitrarily (Oikya, 2016). Article 27 of the Constitution of Bangladesh guarantees that all citizens are equal before law and entitled to equal protection of law. Moreover, the right to own property has been ensured in the Constitution and the state must not discriminate on the basis of race, sex or religion. In spite of this constitutional provision that offer satisfactory and sufficient guarantee and protection of right to property of each person, the Vested Property Act remains as a symbol of violation of the property rights. In a research survey, Abul Barkat-a prominent economist of Bangladesh explored that, a total of 1.2 million households or 6 million populations belonging to Hindu religion had been affected by this Act (Barakat *et al.*, 2008). He further added that, the total amount of land property dispossessed would be at 2.6 million acres. With a view to meeting the demand of cancellation of vested property laws (VPL) and to advance rule of law, and human rights the Return of Vested Property Act, 2001 was enacted which promised to return vested properties to their original owners. Despite of this open chorus of protection of right to property and property inheritance VPL remains in continuity in various forms against the Hindu Minority in Bangladesh. The situation appears that the Return of Vested Property Act, 2001 is 'deeply flawed and unfortunately has failed to meet its promises' (Yasmin, 2016). In this modern and democratic arrangement, it is time to know why right of minority on vested property is being violated and why the Vested Property Return Act, 2001 cannot fulfill the present growing demand of the people of Bangladesh. Most research works have focused on the possible causes of violation of right to property, drawback of the Vested Property laws, peoples' understanding of vested property and so on. Therefore, this study has critically analyzed the legal regime of Vested Property and examined the loopholes of the Return of Vested

Property Act, 2001, Release of Vested Property Rules, 2012 and practical problems of implementation of such laws.

Aims and Objectives of the Study

This study aims to explore the multiple dimensions (economic, social, political and legal) of the law of enemy property and to examine whether the creation of enemy property is a violation of law of inheritance or not. Moreover, it is one of the main focuses of the study to examine the status of enemy property, with reference to the law of inheritance, from its creation in 1965 to the independence of Bangladesh in 1971.

The name of the enemy property was changed into vested property after the independence of Bangladesh. In 1976, by promulgation of an ordinance the government was made the owner of such vested property, which Barakat, *et al.* (1997) describes as a gross violation of the then existing laws of the country. In 1984, a Presidential pledge was made that no new property were to be made vested property. But Barakat *et al.* (1997) proved that the said pledge was never implemented and many new properties were included in the list of vested property (VP). The present study seeks to analyse the status of the newly inserted properties in the VP list during 1971-2001, keeping in mind of the politico-legal scenario of the time. This paper also considers whether abandoned properties created in 1971, having all the characteristics of vested property, could be inserted in legal regime of VPL.

A new dimension to the property right and right of inheritance in Bangladesh, with regard to VP is created by the Return of Vested Property Act, 2001, with intent to return certain listed VPs to its original owners or their heirs, or successors-in-interest of original owners or their heirs, provided the person to receive the property is a citizen of Bangladesh. For the purpose of returning, the government has published VP list for the country. In the said list, the name of the SA Record tenant has been mentioned with the respective *Khatian* (Land Record) number and amount of property. And in almost all cases such tenants are dead. Therefore, it has become a very hard task to identify real heirs with actual possessions with the existing mechanism of land administration in Bangladesh. Thus, the study also analyse the implementation of the return process of vested property.

Methodology

The study is based on both primary and secondary sources. Primary sources have been collected from laws, regulations, acts, statutes and reported case decision. And for collecting secondary data the authors have gone through related newspaper articles, periodicals, books and journals to obtain a comprehensive scenario of the VPL and its continuance in Bangladesh. The emphasis has been given on qualitative research approach because this study is descriptive and analytical in nature.

Vested Property Laws from a Wider Context

After reviewing the literature on vested property, it was found that there are a few literatures on the legal aspects of Vested Property Law and its principal contradictions with the Property right of Inheritance in Bangladesh. The earliest attempt in this regard was made by Mridul Kanti Rakshit. Rakshit (1979) described his work as a comprehensive hand book for the legal professionals covering legal aspects of vested property laws (VPL). He tried to draw a concrete shape to VPL and declared such as the guiding law of the country for the alien friends and alien enemies. He included three types of properties in the special legal regime of VP, namely non-resident property, abandoned property and enemy property. He articulated government enactments which formulated the said three types of properties into enemy property (EP). Rakshit (1983: 2) analyzed the Defence of Pakistan Ordinance, 1965 (DPO) and the Defence of Pakistan Rules (DPR), and concluded that the concept of ‘Enemy’ and ‘Enemy property’ had been the product of DPO and DPR. After the emergence of Bangladesh the position of the law of enemy property had been completely changed as Indian nationals became the ‘alien friends’ under section 83 of the Code of Civil Procedure (CPC), 1908 (Rakshit 1979: 4). Even though the character of enemy property had not been changed till 1974 and a kind of self contradictory law continued in the independent Bangladesh. In this regard Rakshit (1983: 5) said,

“It appears that law of land against the alien friends was the law of alien enemies. Whatever that may be the said law of enemy property aimed against alien friend’s property and various laws has been promulgated for management and control of their properties. So the Enemy Property (Continuance and Emergency Provisions) Ordinance, 1969 (Ordinance I of 1969) has

been replaced on 23/3/1974 by promulgation of Enemy Property (Continuance of Emergency Provisions) (Repeal) Ordinance, 1974 (Ordinance no IV of 1974). By the declaration of the aforesaid Ordinance, all enemy properties shall vest in government and such properties will no longer be known as Enemy Property but as Vested Properties.”

Rakshit further noticed that the Ordinance IV of 1974 was similar to that of Ordinance I of 1969 in different languages because “enemy property” and “enemy firm” continued to have the same meaning as were assigned to them in DPR. Another dimension of Rakshit’s work was to include abandoned property in the legal regime of vested property. The spirit and principles of law as laid down in the law of abandoned property are similar to that of law of enemy property (Rakshit, 1983, p. 120). After the surrender of Pakistan Occupation Army on December 16, 1971, many of the owners left their properties uncared on account of conditions arising from liberation war of Bangladesh. Many of the owners, who collaborated with the Pakistan army or owed allegiance to Pakistan, either left the country or went into hiding, abandoning their properties and without making any arrangement for administration of such. So in order to cope with such situation, immediate steps were taken in promulgating the Bangladesh (Taking over Control and Management of Industrial and Commercial Concerns) Order, 1972 (Acting President’s Order I of 1972) for providing an administrative machinery for control, management and disposal of those abandoned properties.

In case of other kinds of properties which were left uncared for by their owners and in some cases where these properties went into occupation of some unauthorized persons, the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 was promulgated on February 28, 1972. It provided for vesting all kinds of abandoned property in the government of Bangladesh and comprehensive provisions for control and management of such properties. Subsequently Presidential Order no XVI of 1972 was promulgated for control, management and disposal of certain types of properties abandoned by certain persons who were not present in Bangladesh or who have ceased to occupy or supervise or manage in person their properties or who became alien enemies. While including these types of abandoned properties in the legal regime of VPL Rakshit (1983, p. 121) said about it,

“On a careful perusal of the definition of the word “Abandoned property” as provided by article 2(1) of the PO 16/72 leads to the conclusion that abandoned property is nothing but the property of the enemy of Bangladesh. So in true sense of the term it ought to have been made as “Enemy Property” without calling it “abandoned property”. Practically the law of Abandoned Property stands as the law of Properties of West Pakistan’s people alone rather than Non-Bangladeshi people.”

In 1977 a Martial Law Regulation was made for absolutely vesting of abandoned property in the hand of the government and such taking over of property by the government was made unchallengeable in any court of Bangladesh. Therefore, the authors found that, aforesaid abandoned property should be included in the legal regime of VPL because people of Pakistan are no longer enemy of Bangladesh. But it is a matter of regret that section 2(b) of the Return of Vested Property Act, 2001 as amended in 2011 does not include “Abandoned Property” into the legal regime of VPL.

While emphasizing on political economy of vested property, Barakat (Barakat *et al.*, 1997) explored the legal development with regard to VPL. Unlike Rakshit (1983), Barakat *et al.*, (1997) excluded abandoned property from the legal regime of VPL. He used Vested Property Act as an alternative naming of Enemy Property Act and explores VPL to identify the magnitudes of sufferings resulted from the implementation of this law, and also to evaluate its impact on socio-economic life of Hindu community.

Property rights of Hindu minority in Bangladesh have been violated by the continuance of the VPL. Barakat *et all* (2008) through a survey based analysis showed the deprivation of Hindu minority in Bangladesh while living with vested property and he explained the state of deprivation of Hindus due to VPL. As a major effect of Acts on enemy property and vested property, he identified “missing Hindu population” which has been defined as the difference between the sizes of Hindu population as reported in official census documents and estimated Hindu population assuming migration to India (Barakat *et al.*, 2008, p. 67). He also identified the loss of properties of the households living with vested property as an indirect effect of Vested Property Act. These analyses of Barakat led the present study to analyze VPL from a socio legal perspective. For this reason, we also evaluated the Return of

Vested Property Act, 2001, the return process of the vested properties under this Act and its subsequent amendments and modifications.

Law of Vested Property before Emergence of Bangladesh

Administration of enemy property has long been a part of warfare, particularly economic warfare. It is even sometimes considered as a prior basis of war. The present context of enemy property has got its origin in India-Pakistan war in 1965. During this war the Defense of Pakistan Ordinance, 1965 was instituted and in exercise of the powers conferred by the Ordinance, the 'Enemy Property (Custody and Registration) Order, 1965 was promulgated. This order prevented the payment of any money to enemy firm and to preserve the enemy properties during the war. Again under rule 182 of the Defense of Pakistan Rules (DPR), two general notifications bearing Nos. 1198 and 1199 dated 3/12/1965 were issued by the government of East Pakistan, by which all properties of all the enemies had been brought under its clutches. Within the meaning of rule 164 of DPR, enemy property vested in the Deputy Custodian of Enemy Property and from effect of the date of those notifications, transfer of such property by sale, exchange, gift, will, mortgage, lease, sub-lease or any other manner was made null and void (Rakshit, 1983).

It is not true that only people who went to India during Indo-Pak war in 1965, were made enemies and their properties were made enemy property by DPR. Rather evacuee properties which were created by certain evacuee Acts and Ordinances in normal time (not during emergency), were also brought under the ambit of enemy property (later vested Property) by DPR in 1965. Rakshit (1983) describes four classes of people whose property has been brought under the name of enemy property:

- Persons who having properties in Pakistan left for India long before the partition of India and settled in India as Indian nationals;
- Persons who having properties in Pakistan left for India just before or after Partition on account of communal disturbances;
- Persons who having properties in Pakistan left for India on account of civil disturbances of January 1964 and;
- Persons who having properties in Pakistan left for India before and after the war of 1965 and have not been able to come back.

Analyzing the above four classes it can be assumed that any people who left Pakistan for India at any time before and after 1965 were made enemies of Pakistan and their respective properties were made enemy properties, without considering any reason for their leaving. Although there was debate about inclusion of all the above four classes of peoples' property into the list of enemy property, it was made absolute by DPR during emergency. Law of enemy property, which was a product of emergency, was kept alive even after abolition of emergency on 16/02/1969, through the promulgation of Enemy Property Continuance Ordinance, 1969. The problem of enemy property was never addressed during Pakistan period, even for a long time after the independence of Bangladesh. When addressed so, old wine in a new bottle were served as only the name of enemy property were changed into vested property, keeping all of its former mechanism alive.

Law of Vested Property after Emergence of Bangladesh

The scenario changed after the independence of Bangladesh. From 26 March, 1971 Bangladesh government became the custodian of all property that was earlier vested under Government of East-Pakistan. India no longer remained an enemy state. Gradually demand to return the enemy property to rightful owners was raised by the Hindu Community who came back to a secular and independent Bangladesh.

On 23/3/1974 Enemy Property (continuance of emergency provisions) (Repeal) Ordinance, 1974 was promulgated. In it, the terms "enemy property" and "enemy firm" had got the same meaning, as it had been assigned to them in DPR. It is to be noticed that the Ordinance IV of 1974, is similar to that of Ordinance I of 1969 in different languages (Rakshit, 1983, p. 5). All enemy properties and firms which were vested with the custodian of enemy property in the East Pakistan remained vested in the government of Bangladesh under the banner of vested property (Barakat *et al.*, 1997, p. 40).

On the same date of the above repeal, Vested and Non-Resident Property (Administration) Ordinance, 1974 was promulgated and subsequently it was made law by the parliament in the name of Vested and Non-Resident Property Act, 1974. Though the principle aim of the Vested and Non-Resident Property Act, 1974 was to identify and take over the properties of those residents who left Bangladesh during/immediately after liberation war and/or took foreign citizenship, in practice of this

Act was also widely used against Hindu Minorities who had no connection with Pakistan for quite valid and obvious reasons (Barakat *et al.*, 1997, p. 40). Therefore, the new law of vested property along with the old law of enemy property discouraged the Hindu community to return to their homeland and created the mechanism for further communal disintegration, since neither the rightful owners nor their successors were given opportunity to get back their property.

In 1976, the Vested and Non-resident Property (Administration) Act, 1974 was repealed by the Vested and Non-resident Property (Administration) (Repeal) Ordinance, 1976. In this way the mechanism of vested property was partially stopped. But the Enemy Property (Continuance of Emergency Provisions) (Repeal) (Amendment) Ordinance, 1976 further opened the gate of vested property. Moreover, by the amendment of section 3 of the amended Act, for the first time government were made the owner of the vested property, with the power of controlling, managing and disposing of it, by transfer or otherwise. Thus, the government encroached the right of ownership, which is a gross violation of the existing laws pertaining to the right of private ownership (Barakat *et al.*, 1997, p. 41). If, it is a violation of the right of private ownership, certainly the question arises whether the violation marks a stoppage in the line of succession of the property, as it no longer belongs to a natural person.

In 1984, two circulars bearing memo no CST 72(2)/84-82(7) dated 6/8/1984 of President Secretariat, Public Division and memo no 5-23/83 (Anghsa-1)/338(64) dated 23/11/1084 of the Ministry of Land Administration and Land Reform were issued to implement the then Presidential pledge to people that henceforth no new property would be declared as vested property and the properties already enlisted as vested would not be disposed off any more (Barakat *et al.*, 1997, p. 44). Barakat *et al* (ibid) in his book showed that such pledge was never implemented; rather many new properties were listed as vested properties. Such new entries also alienated the affected people from inheriting their property. These entries are nothing but corruption and mal-practice of the land administration authorities.

The Creation of Vested Property and Violation of Property Rights

Right to property is recognized as fundamental right in the present Constitution of Bangladesh. Within the international bill

of human rights namely, the Universal Declaration of Human Rights (UDHR), and the two binding Covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), a number of articles are directly tied to rights to land (Wickeri & Kalhan, 2010). These ultimately lead to single right of ownership which is classified in a number of judicial precedents, in three different categories namely, right of inheritance, right of possession and right to transfer. So, there is no doubt that right to property is not fulfilled unless it is accompanied by right to inheritance. Such right was also ensured in the then Constitution of Pakistan. But suspension of fundamental rights due to proclamation of emergency in 1965 gave the then Pakistani government a scope to make the enemy property law. It could be legally acceptable if such suspension of right to property continued till the continuance of emergency only. But with the continuation of the VPLs such right is violated even after the situation of war was over. Therefore, the context of enemy property laws is not confined in the situation of war in 1965.

Both Rakshit (1983) and Barakat, *et al.* (1997) showed that the regime of enemy property laws in then Pakistan started with the East Bengal Evacuees (Administration of Immovable Property) Act, 1951. Under this Act, a person (including his legal heirs) who was ordinarily resident of East Bengal left for any part of India owing to communal disturbances or fear thereof, after August 15, 1947, would be considered as evacuee. Barakat, *et al.* (1997) also showed that certain requisitioned properties which were the creation of the East Bengal (Emergency) Requisition of Property Act, 1948, along with evacuee properties were included in the category of enemy property. Therefore, creation of enemy property continued to violate property right of inheritance long before 1965 and it did not stop even after the liberation of Bangladesh in 1971.

Violation of property rights by creation and continuance of vested property has also been recognized by the High Court Division of the Supreme Court of Bangladesh. Mr. Justice Obaidul Hassan and Justice Krishna Debnath in *Md. Abdul Hye Vs. Government of Bangladesh* case (writ petition no. 8932 of 2011, judgment dated 23.11.2017) stated that the EPA (Enemy Property Act) and its subsequent adaptations have methodically violated the norms of fundamental human rights of Hindu community living in Pakistan and Bangladesh in breach of established human rights treaties and conventions. Referring to the right to property, equal protection under the law and

freedom of religion honourable judges also pointed out the inequitable provisions of the EPA and VPA and decided that the inequitable provisions and discriminatory application of the EPA and VPA have obviously violated the legal standards created and practiced by the international community.

Problem of Implementation of the RVPA, 2001

The Return of Vested Property Act, 2001 amended in 2011 and Release of Vested Property Rules, 2012 had been arranged to bring a finishing to the so called law of vested property. Here it is important to note that the Act No. XVI of 2001 was amended and the process was stopped by the successive new government-the Four Party Alliance government of BNP and Jamat-e-Islami (2002-2006), allowing the government an unlimited time to publish the list of returnable VPs (Barakat, *et al.*, 2008, p. 31). But again with an amendment in 2011 the process of returning started. For a very long time (about 40 years) government were the custodian of the vested property and since 1976 government became the owner of such property having power to lease, let out or dispose it. Such power of the government created a vested group which has got possession in many of such properties. Some people are in such possession from generation to generation. Inheritance of possession by rightful owners has even been interrupted in many cases. So, it is a very difficult and complicated task to find out the true owners or their inheritors of the vested property and bring back the property to the mainstream of inheritance of property in Bangladesh.

The implementation of the return Act has also been interrupted by continuous amendments and procedural complexities. The amendment in 2011 of this Act divided the whole vested properties into 2 schedules i.e. 'Ka' schedule (under government's control and restorable), 'Kha' schedule (under other's control and non-restorable) (Ahmed, 2015). To resolve the disputes arising out of 'Kha' schedule properties the amending Act provided provision for forming different committees in central, divisional and district level. In 2012 this Act has been amended for two times to extend the time limit of publishing the list of vested properties and to extend the time limit for application to the committees and tribunals. In 2013 the amendment of this Act omitted all the provisions relating to 'Kha' schedule and committee system. A new section 28A titled "Kha schedule omitting related special provisions" was inserted which provided that all the judgments and decrees of

the Tribunals and Appellate Tribunals relating to ‘*Kha*’ schedule would become null and void and all pending proceedings became abated (Ahmed, 2015). Such insertion, omission and continuous changes have made the implementation of the RVPA a difficult task and brought immeasurable sufferings and deprivation of Hindu minority in Bangladesh living with vested property.

Principle of *res judicata* has been violated also by the Return of Vested Property Act. Section 6 of the Act provides exclusion of certain types of properties into the list of returnable vested properties. It included the properties 1) which have been declared by a competent court as not vested properties and 2) which have been released by the custodian of such properties. Again, section 10 (4) of the same Act also provided the provision of application of the Return Act to release vested property. It can be further said that the inclusion of vested properties (already released) by the custodian himself or with an order of a competent court and requiring the affected parties to apply for releasing again is a violation of the principle of *res judicata*.

Allegation has also been made that section 6 (*Ga*) and (*Gha*) of the Return Act 2001 makes an exception to return of the property which had been disposed of by the government without taking into consideration that such right to dispose of any property of a citizen of Bangladesh terming it “the property of enemies of Pakistan” is violation of the constitution (Sarkar 2018). In the judgment of the writ petition (*Md. Abdul Hye v. Government of Bangladesh* Case) made on the aforesaid ground the High Court Division of the Bangladesh Supreme Court said that the court is not inclined to declare section 6(*Ga*)(*Gha*) ultra vires to the Constitution. In this regard the court discussed how Pakistan dealt with the enemy property so declared in 1965. Pakistan sold all the properties in 1971. On the other hand India has already enacted a law in 2017 to dispose of the enemy properties by selling all. In such a situation existing in the sub-continent the court finds that the attempt taken by the Bangladesh government and the legislature is friendlier to the stake holders. However, rights activists in Bangladesh questioned the government’s will to give back the vested properties of the religious minorities. They claim that land ministry had proposed a rule for the Vested Property Return Act keeping provision of permanent allocation of the vested land to the associations of officials of government, semi-government and autonomous organisations to construct multi-storied buildings for their residence (*New Age Bangladesh*, 2018). The

alleged initiative, if undertaken by the government, would be inhuman and would hinder the basic idea of return or restoration of the vested properties.

Law of Inheritance and the RVPA, 2001

Law governing the inheritance of property is the personal law of the deceased whose property is being inherited. Personal law of Muslims gets authority from the Muslim Personal Law (*Shariah*) Application Act, 1937. It provides for the application of Muslim Personal Law in all matters relating to Muslim family affairs including property inheritance. Similarly Hindu personal law, for time immemorial, has been the law of Hindus regarding personal matters including the law of inheritance. Between two systems of inheritance amongst Hindus in India, the Dayabhaga of Jimutavahana is the leading treatise in Bengal school. Therefore, the Dayabhaga system prevails in Bangladesh for the purpose of Hindu inheritance.

Neither the Muslim nor the Hindu personal law of inheritance in Bangladesh requires the heir to be a citizen of Bangladesh, with a status of permanent resident. But to be a rightful heir of a vested property, one is required to be a Bangladeshi citizen as well as a permanent resident of the country. Because the return Act defines original owner as the person whose property has been listed as vested property, or his heir or successor in interest of such original owner or his heir, or any co-sharer in possession by lease or in any form, provided that the person is a citizen and permanent resident of Bangladesh. The imposition of such extra conditions for being a rightful heir of vested property is certainly a violation of existing personal laws of the country.

Conclusion

The present paper found that the creation and continuance of VPL has violated the right to inheritance of property. Lack of proper attention by the government in this regard led the continuance of VPL till 2001. Even though in 2001, the Return Act was made, the return process did not get any momentum till 2011. On the other hand, after a long period of government acquisition and control, a strong group of vested interest has been created. The government cannot easily deny the implied interest of that vested group. Therefore, the return process of

the VPs cannot be implemented so smoothly. The overall situation appears that the issue of vested property has become more than a legal one.

The Return of Vested Property Act, 2001 have suggested a complex procedure and its rules, subsequent changes and amendments have prolonged the process. For disposal of easy and prompt cases, government is to give special direction to the Tribunal and the Committee. A list of settled cases should be prepared so that it would reduce the burden over the Committee or Tribunal established for the return of VPs.

Furthermore, it can be said that the problem of vested property, as it stands currently, will probably exist for a longer period within the present legal and bureaucratic processes along with the social, political and economic complexities centering the VPs. Therefore, a stronger pressure group, collectively with the representation from the civil society and rights movements, is necessary to be active to break the chain of illegality and injustice that is being endured and practiced in Bangladesh in the name of enemy turned vested properties.

Bibliography

Ahmed I. S. (2015) ‘from enemy property to vested property: fifty years of public sufferings’, *Bangladesh Law Digest*, retrieved from <http://bdlawdigest.org/from-enemy-property-to-vested-property-fifty-years-of-public-sufferings.html>

Barakat, A., Zaman, S., Rahman, A., Poddar, A. (1996) *Impact of Vested Property Act on Rural Bangladesh: An Exploratory Study*, Association for Land Reform and Development and University Research Corporation (Bangladesh), Dhaka.

Barakat, A., Zaman, S., Rahman, A., Poddar, A. (1997) *Political Economy of Vested Property Act in Rural Bangladesh*, Association for Land Reform and Development, Dhaka.

Barakat, A., Zaman, S., Khan S., Poddar, A., Hoque, S. & M. Taher U. (2008) *Deprivation of Hindu Minority In Bangladesh: Living with Vested Property*, Pathak Shamabesh, Dhaka.

Bhattacharya, D. C. (1991) *Enemy (Vested) Property Laws in Bangladesh: Nature and Implications*, Chitra Publication, Dhaka.

Bhowmik, N. C. (1998) 'Repeal enemy (vested) property act for national interest', *Daily Star*, 29 November.

Bibekananda S. (2008) *Arpita Shompottir Ain Kanoo*, Bangladesh Law Book Company, Dhaka.

Constitution of the People's Republic of Bangladesh, Ministry of Law, Justice and Parliamentary Affairs, Dhaka, 2012, retrieved from: <http://www.bangladeshgov.org>

Constitution of the Islamic Republic of Pakistan, 1956.

Constitution of the Islamic Republic of Pakistan, 1962.

DPO (Defence of Pakistan Ordinance) 1965, Act No. XXIII of 1965.

Domke, M. (1945) '*Western hemisphere control over enemy property: a comparative survey*', *Law and Contemporary Problems*, vol. 11, no. 1, pp. 3-16, retrieved on 05 November 2017 from <http://www.jstor.org/stable/1189893>

East Bengal Evacuees (Administration of Property) Act, 1949.

East Bengal Evacuee Property (Restoration of Possession) Act, 1951.

Enemy Property (Continuance of Emergency Provisions) Ordinance, 1969.

Haque, K. E. (2008) *Bhumi Ain o Bhumi Babostar Kromobikash*, Bangla Academy, Dhaka.

ICESCR (International Covenant on Economic, Social and Cultural Rights), New York, 16 December 1966.

Law Commission Report (2005) *Report on a Reference by the Government towards the Possibility of Framing out of a Uniform Family Code for all Communities of Bangladesh relating to Marriage, Divorce, Guardianship, Inheritance etc.*, Office of the Law Commission, Old High Court Building, Dhaka, 18 July 2005, available at: <http://www.lawcommissionbangladesh.org/reports/69.pdf>

Md. Abdul Hye v. Government of Bangladesh represented by the Secretary, Ministry of Land, Bangladesh Secretariat, Dhaka and others, Judgment dated 23.11.2017 of writ petition no.8932

of 2011, Supreme Court of Bangladesh (High Court Division),
retrieved from
[http://www.supremecourt.gov.bd/resources/documents/389828_](http://www.supremecourt.gov.bd/resources/documents/389828_WP8932of2011.pdf)
[WP8932of2011.pdf](http://www.supremecourt.gov.bd/resources/documents/389828_WP8932of2011.pdf)

Mia, S. R. (2010) *Arpita Shompotti Prottorpon Ain*, Bangladesh Law Book Company, 4th edn, Dhaka.

Mohsin, A. A. (n.d) ‘Religion, politics and security: the case of Bangladesh’, retrieved on 05 November 2017 from
<http://www.apcss.org/Publications/Edited%20Volumes/ReligiousRadicalism/PagesfromReligiousRadicalismAndSecurityInSouthAsiach20.pdf>

Non-Resident Property Act (1974) (Act no XLVI of 1974).

Oikya, U. A. (2016) ‘Living with vested property’, *Daily Star*, 19 July 2016, retrieved on 26 October 2017 from
<http://www.thedailystar.net/law-our-rights/living-vested-property-1255690>

Rahman, M. F. (1993) ‘Vested property act’, *Daily Sangbad*, Dhaka, 17 May 1993.

Rakshit, S. M. (1983) *The Law of Vested Properties in Bangladesh*, Signet Press Ltd., Chattogram.

‘Rights bodies question govt will to return vested properties to owners’ (2018) *New Age Bangladesh*, retrieved from
<http://www.newagebd.net/article/35416/rights-bodies-question-govt-will-to-return-vested-properties-to-owners>

RVPA (Return of Vested Property Act), 2001 (BD).

Sarkar, A. (2018) ‘Enemy property cases: HC for quick settlement’, *Daily Star*, Dhaka, retrieved from
<https://www.thedailystar.net/frontpage/enemy-property-cases-hc-quick-settlement-1556821>

Sarker, G. N. (2008) *Vested Property Act and Rules: What to do at the Release of Vested Property*, Kamrul Book House, Dhaka.

Sarker, B. (2012) *Return of Vested Property Act and Rules*, Dhaka.

Samad, S. (2009) ‘State of minorities in Bangladesh: from secular to Islamic hegemony’, Bangladesh Jihad Watch

[Online] 2009, available at:
<http://bangladeshwatchdog1.wordpress.com/2009/04/19/state-of-minorities-in-bangladesh-from-secular-to-islamic-hegemony/>

Sen, R. L. (1994) 'Impact of enemy (vested) property laws on Bangladesh' *National Seminar on Enemy (vested) Property Act*, Samprodaik Samprity Parishad, Dhaka.

UDHR (Universal Declaration on Human Rights), 10 December, 1948

Wickeri, E. & Kalhan, A. (2012) *Land Rights Issues in International Human Rights Law*, retrieved on 06 November 2017 from www.ihrb.org/pdf/Land_Rights_Issues_in_International_HRL.pdf

Yasmin T. (2016) 'The illegalities of enemy turned vested property', *Daily Star*, 27 September 2016, retrieved on 26 October 2017 from <http://www.thedailystar.net/law-our-rights/the-illegalities-enemy-turned-vested-property-1290142>