

A Treatise on Political Economy of Unpeopling of Religious Minorities in Bangladesh through the Enemy Property Act and Vested Property Act

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"Let the jury consider their verdict", the
king said, for about the twentieth time
that day. "No, no" said the Queen.
"Sentence first – verdict later" [Carroll
Lewis (1865), *Alice in Wonderland*]

Abstract The purpose of this treatise is to deepen our politico-economic understanding about the real causes (and not the pretext) and real consequences (and not the apparent ones) of the Enemy Property Act (EPA) and Vested Property Act (VPA)**. The ultimate purpose of this treatise is to delve deeper into the possibilities of resolution of the consequences of EPA/VPA, primarily in terms of handing over back the properties of the religious and ethnic minorities (especially the affected Hindus and

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** Various issues including outcomes of survey research related to this article have been published by the author in many books, journals, and presentations in Bangladesh and beyond. The notable ones include (1) Barkat, A. (2011). Political Economy of Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act. In A. Dasgupta, M. Togawa, and A. Barkat (Eds.) *Minorities and the State: Changing Social and Political Landscape of Bengal*. Chap. 5. P. 91-118. New Delhi: SAGE Publishers India Pvt. Ltd and Japanese Association for South Asian Studies (JASAS), (2) Barkat et al. (2008). Deprivation of Hindu Minority in Bangladesh: Living with Vested Property. Dhaka: Pathak Shamabesh; (3) Barkat et al. (2000). An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act: Framework for a Realistic Solution. Dhaka: PRIP Trust; and (4) Barkat et al. (1997). Political Economy of the Vested Property Act in Rural Bangladesh. Dhaka: Association for Land Reform and Development (ALRD). However, in this article, the author have attempted to unearth many new dimensions of analysis and conclusions, provided many new estimations, included new areas about the role of research community and civil society in the advocacy towards repealing Vested Property Act and amending the Vested Property Return Act, forwarded time-demanded relevant new recommendations towards implementation of the Vested Property Return Act, and forwarded some new and critical politico-economic analysis about the possibilities and impossibilities(1) of resolution.

indigenous peoples among others) which were grabbed using EPA/VPA by the grabbers'-grand-alliance. The Enemy Property Act promulgated in 1965 by the militaristic-autocratic-feudalistic-elitist rulers of Pakistan (using the 1965 Indo-Pak War as pretext) and the subsequent continuation of the same in Independent Bangladesh with a new name – the Vested Property Act – both have been used not just to divide people based on their religious identity (Muslim versus non-Muslim), but employed as a weapon of mass destruction of religious and ethnic minorities aiming at formation of primary accumulation of capital by way of grabbing their properties. The nationwide destruction and disaster has been so huge that about 1.5 million households or 7.5 million people representing religious and ethnic minorities (of which 80 per cent being Hindu minority) have been directly affected by the EPA/VPA, and have lost over 3.0 million acres of their land property (of which 87 per cent belong to Hindu minority) and many other movable assets. The extent of mass destruction using the "EPA/VPA weapon" was not only limited to quantifiable measures of land and other assets of the religious and ethnic minority people, it was much beyond that – there has been unmeasurable extent of national losses in terms of gross denial of human liberty and freedom, institutionalization of socio-cultural and politico-economic deprivation, forced mass out-migration, stress and strains, mental agonies, severance of family ties, loss of human potentials, disruption in communal and human harmony, unfreedom, disintegration and historical disruption in the process of national human capital formation, and fueling the rise of Islamist fundamentalism. These are the facts we now know for sure, empirically. But what is the causal essence? Searching that, it is argued that in order to understand the objective truth pertaining to the causes and consequences of EPA/VPA and to search for a genuine solution, a paradigm shift in our thinking is necessary from our traditional understanding of the whole thing. Such a shift, as I propose, could most appropriately be termed *from the appearance of things to the essence of things*. I have forwarded an argument – based on the multifaceted empirical and qualitative substantive analysis of history, politics, social dimensions, and economics of EPA, VPA, Vested Property Return Act 2001 (and the subsequent six amendments by 2014), and the 'movement' of and for the affected people – that, to be successful in the "battle for justice" the whole issue of EPA/VPA and pertinent to that the resolution possibilities should not be seen through the lenses of a problem emanating from religious or ethnic identity of those who are affected, rather this should be seen as a *class* issue and the grabbers' identity should be seen from the angle of a triangular grand alliance of the rent seekers (the grabbers) and their subservient state (with governance agencies) and politics (serving the interest of the rent seekers-grabbers). Based on this paradigm shift in my understanding of the *essence of things*, it is concluded that the 'movement' as it is moving now, will most likely end up with a "trap-in-perpetuity"; the affected people (or their inheritors or their successors-in-interest, as appropriate) will not get back their legal properties

lost due to EPA/VPA. In order to get rid of the destructions done by the EPA/VPA and win the battle for justice, I have forwarded three key suggestions, which are: (1) Do everything to transform EPA/VPA-related thoughts and actions from the *appearance of things to the essence of things*, meaning leave aside the *religion* part and uphold the *class* dimensions, (2) Involve people from all walks of life, especially all affected people and the exploited at large (irrespective of religions) to transform the on-going movement into a "mass movement" against the "rent seekers-grabbers grand alliance", and (3) In accomplishing that – transform the whole agenda of land rights movement of the EPA/VPA affected people into an integral part of the broader agenda of the nation-wide agrarian reform movement (or at least land reform movement or even towards poor people's movement for rights to khas land). This path of establishing land right of the poor people – irrespective of religion – is the only substantive path towards long-lasting solution; and walking through this path requires a paradigm shift in the whole philosophy of rights-based movement – a political philosophy backed by the substantive slogan "*All poor and marginalized people unite*" (to be more correct "*All poor and marginalized people of the world unite*"). This, in turn, requires compatible changes in the mind-set of the leaders and activists in that movement.

JEL Classifications: A14, D63, D74, E65, J11, J15, K11, K42, P14, P16, P18, K42, Z12, Z18.

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1. Enemy Property Act to Vested Property Act – When Law becomes Weapon of Mass Destruction!

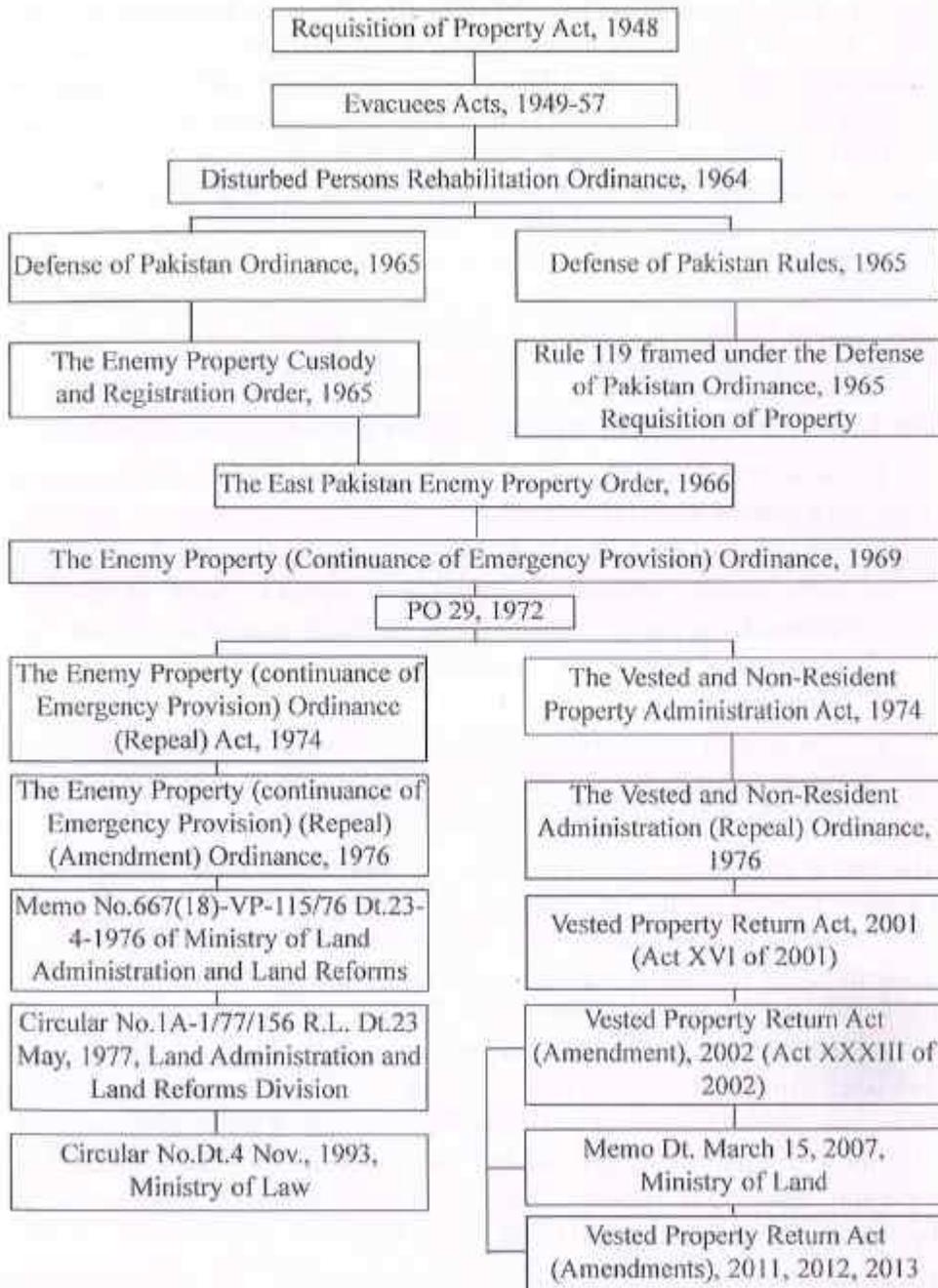
There is no denying the fact that the process of communal disharmony, disruption and disintegration in this part of the world started with the colonial "divide and rule" policy in Bengal. This has got further momentum with the evil spirited "two nation theory". This process was further institutionalized through the enactment of the state-sponsored Enemy Property Act by the Pakistani regime during the 1965 Indo-Pak War that lasted for only seventeen days in September 1965. The Pakistani ruling elites' purpose was very simple – reducing the number of Bengali-speaking population of East Pakistan by driving out a considerable part

of the Bengali Hindu population who constituted almost one-third of the total population. The forced mass out-migration of Hindu population – mostly to India – during the late 1940s to the mid-1960s and onward is a reality beyond doubt. Among various notable factors, responsible for such a massive out-migration of Hindu population, were the impacts of laws, such as the Enemy Property Act (EPA) and the Vested Property Act (VPA) (detailed analysis on this is presented in section 3).

The Vested Property Act is a successor of many laws and by-laws promulgated by the Pakistani autocratic feudal rulers with the ill motive to destroy the unity of Bengalis of the then East Pakistan. The evolution of relevant legislations having deep-rooted consequences for the Hindu and other religious and ethnic minorities is depicted in Figure 1 (for details see, Barkat et al. 1997, p. 24-52, and Barkat et al. 2000, p. 17-25). Most of these detrimental-to-religious-minorities laws were not properly discussed by the democratically elected law-making bodies. Even when such laws were placed before the Parliaments and assemblies, they were not discussed in depth and their possible implications were not properly examined. The reality was straightforward – in most cases, the properties belonging to the Hindu and other religious minority communities were requisitioned, no matter whether it belonged to the evacuee persons or the lawful owners still residing in East Bengal.

In order to meet the needs to run the administration and ensure accelerated development, the then government of Pakistan enacted the Requisition of Property Act (Act XIII of 1948) as a temporary measure for a period of three years which created sufficient scope for temporary and/or permanent takeover of any property that had been considered by the administration to be “needful for the purpose of the state”. The act was widely used against the religious minority in East Bengal. The East Bengal Evacuees (Administration of Immovable Property) Act 1951, which was enacted for administering, preserving and protecting the immovable properties of the evacuees, also affected the Hindu elite and *Zaminders* who were the owners of huge property, lands and buildings. All the minority community property owners in East Pakistan were also deprived of their ownership of property right, right to ensure title of property, and right to transfer including sale, gift, will, entrusting with power of attorney etc. with the implementation of “The East Pakistan Disturbed Persons Rehabilitation Ordinance 1964 (Ordinance 1 of 1964)”, which had been implemented with apparently innocent plea of speedy rehabilitation of persons affected by the communal disturbance.

Figure 1: Evolution of Enemy Property Act, Vested Property Act, Vested Property Repeal Act, Vested Property Return Act 2001 (and all subsequent Amendments)



Source: Prepared by the author based on Barkat et al. 2008, p. 48.

Following the war between India and Pakistan that started on 6 September 1965 (and ended after seventeen days on 22 September 1965), the government of Pakistan promulgated an ordinance called the Defense of Pakistan Ordinance (Ord. XXIII of 1965) for providing special measures to ensure the security, the public safety, interest and the defence of the state. The government framed the Defence of Pakistan Rules (DPR) under the provisions of emergency powers and the Defence of Pakistan Ordinance. Under these rules, the government of Pakistan made an executive order on 9 September 1965 named the Enemy Property (Custody and Registration) Order II of 1965, which eventually came to be known as The Enemy Property Act. The simple *de facto* meaning of this act is, Hindustan = Enemystan (place of enemies), and Hindu (irrespective of geographic location of residence) = Enemy. And that was applied with a spiteful design to not only the Hindu minority, but also to all the religious and ethnic minorities.

The Enemy Property Act of 1965 comprised the following major components:

1. India is declared as an enemy country (since Pakistan and India were at the state of war with each other).
2. All interests of enemy, i.e., the nationals/citizens of India, those residing in the territory occupied or captured or controlled by India – in the firms, companies as well as in the lands and buildings situated in Pakistan – are to be taken over by the custodian of Enemy Property for control or management.
3. The benefits arising out of trade or business or lands and buildings should not go to the enemy, so that it may not affect the security of the state of Pakistan or impair its defence in any manner.

The state of emergency declared in 1965 was lifted throughout the country on 16 February 1969. Since the promulgation of Enemy Property Act (more precisely “The Enemy Property Custody and Registration Order, 1965”) was a direct consequence of war-time-emergency, it was natural and logical to expect that with the withdrawal of emergency, the Enemy Property Act should not remain valid and, therefore, be repealed. But government of Pakistan promulgated a new ordinance named the Enemy Property (Continuance of Emergency Provisions) Ordinance, 1969 (Ordinance I of 1969) on the very day of lifting the emergency. The most discriminatory law against the religious and ethnic minorities, especially against the minority Hindu community remained in force till the beginning of the Liberation War on 26 March 1971.

It was immediately after the liberation that the Bangladesh government enforced, on 26 March 1972, the Bangladesh Vesting of Property and Assets Order 1972

(Order 29 of 1972). By this order the properties left behind by the Pakistanis and the erstwhile 'enemy properties' were combined to a single category. However, on 23 March 1974, the democratic government passed the Enemy Property (Continuance of) Emergency Provisions (Repeal) Act, Act XLV of 1974, repealing Ordinance I of 1969. In order to keep the historical record straight, it is important to note that the Supreme Court of Bangladesh in its judgements in relation to a number of cases declared the properties of the minorities listed as Vested Property after 23 March 1974 as *absolutely illegal*, and termed the Vested Property Act a *dead act*. The Supreme Courts clear verdicts and undisputable directives on this *absolutely illegal* and *dead act* are evident in the following cases: Laxmikanta Roy vs UNO and others (46 DLR, p. 136), ADC (Rev) Dhaka vs Md. Mostafa Ali Mridha and others (48 DLR, p. 193), Aroti Rani Paul vs Sudarshan Kumar Paul and others (56 DLR, Appellate Division, p. 73), Saju Hossain vs Bangladesh (58 DLR, Appellate Division, p. 177). But despite the fact of repealing Ordinance I of 1969 under Act XLV of 1974, all enemy properties and firms which 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. At the same time, the government also enacted another law, namely the Vested and Non-resident Property (Administration) Act (Act XLVI) of 1974, to provide the management of certain properties and assets of the persons who are non-residents of Bangladesh or have acquired a foreign nationality. Though the principal aim of the Act XLVI of 1974 was to identify and take over the properties of those residents who left Bangladesh during and/or immediately after the liberation war and/or took foreign citizenship, this Act XLVI of 1974, in practical sense, was widely used against all the religious minorities, especially the majority among the minorities – the Hindu minority.

The military-autocratic government of Bangladesh, in November 1976, repealed previous Act No. XLVI of 1974 by Ordinance XCIII of 1976. The ordinance empowered the government not only to administer and manage the vested properties, but also to dispose of or transfer the same on a long-term basis. All the acts prior to Ordinance XCIII of 1976 (including Ordinance I of 1969) empowered the government only to become the custodian and to preserve enemy property in contemplation of arrangements to be made in the conclusion of peace with India. But Ordinance XCIII of 1976 made the autocratic government the owner of vested properties instead of protector of the same. Thus, the military-autocratic government encroached upon the right of ownership, which is a gross violation of the existing laws pertaining to the right to private ownership. And this encroachment upon the right of ownership on properties of the religious and

ethnic minorities continued even after the judgement passed by the Supreme Court's Appellate Division that all properties enlisted as vested after the passing of the judgement on 23 March 1974 should be deemed illegal. This illegal action did not stop after the verdict of the highest court. Not only that, the grabbing of land properties of religious and ethnic minorities using VPA (in various forms) continued even after the passing of the Vested Property Repeal (Return) Act 2001 (details see Barkat et al. 2008, p. 121-161).

It was not automatic and took a very long time to pass the Vested Property Repeal (Return) Act 2001 by the National Parliament on 11 April 2001 – the last year of 1996-2001-Awami League government. In this process, the sequence of events in 2000-2001 was as follows: On 03 September 2000, the Prime Minister Sheikh Hasina – in a regular meeting of the Cabinet of Ministers – took a major decision to return the Vested Property to their original owners. In order to materialize this decision, a five-member cabinet committee was formed to formulate a draft law for restoration of ownership of the vested property which submitted the final draft Vested Property Return Act on 22 October 2000. This final draft was approved by the Cabinet as “Vested Property Return Bill 2001” on 08 January 2001, and then placed in the 22nd session of the National Parliament on 29 March 2001. The National Parliament passed the bill as Vested Property Return Act (Act XVI of 2001) on 11 April 2001.

There is a history behind the history of Vested Property Return Act. As mentioned, reaching up to the Vested Property Return Act 2001 was not at all a smooth landing. This has happened after a 36-year long-period of promulgation of the Enemy Property Act [framed under Defense of Pakistan Rules as Enemy Property (Custody and Registration Order II of 1965, during India-Pakistan War, 1965], and after a 27-year long-period of the historical verdict given by the Appellate Division of the Supreme Court of Bangladesh – declaring all vested properties enlisted after 23 March 1974 to be illegal as because the law of enemy property became a dead law, and as a consequence of wide dissemination of research-based nationally representative robust empirical findings about the destructive impact of the EPA/VPA along with prolonged struggle by the secular social and progressive political forces, and finally, expressed commitments of the members of the National Parliament in the year 2000-2001.

The Vested Property Return Act 2001 passed by the Parliament gave the government 180 days' time to publish the list of vested properties and return the properties to those affected by the act. However, on 26 November 2002, with the BNP-Jamat-led four-party anti-secular alliance in power, the parliament passed an

amendment to the Vested Property Repeal Act 2001 [Act XXXIII of 2002] and allowed the government unlimited time to return the vested properties. It is worth noting that the Awami League-led government enacted the Vested Property Return Act 2001 with the objectives of returning Vested Properties to its owners or heirs.

In response to the legitimate demands of the EPA/VPA affected victims and demands of the civil society on the one hand, and demand by the relevant administration and the rent seeking grabbers on the other, the Act was amended six times in 2002, 2011, 2012 (twice), and 2013 (twice). The Act, as pointed above, was amended regressively in 2002 (with anti-secular forces in power) to allow the government unlimited time to return the vested properties, which imply “no-solution in-perpetuity”. The 2011 amendment was made apparently to ensure enforcement of the law so that the affected owners or heirs or co-sharers in possession or successors-in-interest could get the vested properties back within the shortest possible time through legal process. However, a few more subsequent amendments were made by the Ministry of Land without consulting any affected persons’ or victims’ representatives with clear ulterior motive of retarding (may be further complicating and/or stopping!) the process of implementation of the law. To put it bluntly, it was done to ensure that the affected persons do not get any relief from the legal process at all.

And, finally, on 10 November 2014 the need for 7th time amendment of the Vested Property Return Act was raised in the Cabinet of Ministers with the Prime Minister Sheikh Hasina in Chair. The Prime Minister herself resisted the 7th time proposed amendment move, and with annoyance over the issue asked the Land Minister “How many more times are you going to amend this law?”; then, in the same meeting she asked the Law Minister as to whether the Land Ministry has consulted the Law Ministry before bringing the amendment proposal to the Cabinet. The Law Minister, without any hesitation, straightly replied ‘No’! All these imply – there must be something somewhere very wrong which will not only delay the whole process but also jeopardize the whole cause of returning the vested properties back to their legal owners and/or to legal inheritors and/or to successors- in-interest as per the Vested Property Return Act 2001 (and subsequent pro-vested-people amendments).

If this is the reality about the caricature in implementing the Vested Property Return Act 2001 and its subsequent amendments then raising some straight questions would be obvious. What is wrong? Why is it wrong? Who are the wrong doers? Why do they do wrong? Here lies a distinct distinction between the *appearance of things* and the *essence of things*. The *appearance* is – what the land

bureaucracy and the implementing administration of the Vested Property Return Act really say and do. They say that, due to various complications and complex nature of the job “it is getting difficult to prepare and finalize the list of vested property”. Even 44 out of 64 Deputy Commissioners (head of district administration and in-charge of preparing VP list) have written letter addressing the Land Ministry for extension of time to prepare the VP list (and this is not the first time asking for time extension), and at the same time they have also shown their “sympathy” towards the affected persons by saying that due to shortage of relevant documents in possession of the affected persons and due to shortage of time many of the affected persons could not file application to the Tribunal. Based on these lame excuses they have suggested extension of time beyond 31 December 2013. Essentially they say two things: First, “we are having difficulties in identifying the exact amount, nature, location, and actual owner of vested properties which are under the control and/or custody and/or possession of the government” (which is known as “*Ka Schedule*” or *Ka Tafshil* or *Ka Talika* under the Vested property Return Act); and Second, “we are having difficulties in identifying the exact amount, nature, location, and owner of properties mis-listed as ‘vested’ in different times by the land-related authorities (*Tehsilder*, Assistant Commissioner Land, Sub-registry office) or “non-government” vested properties on which government has no control or no possession (which is known as “*Kha Schedule*” or *Kha Tafshil* or *Kha Talika* and which has been scrapped by law from the VP list in 2013).

Apparently, the government wants expeditious solution, but the solvers – the bureaucrats from top to bottom – who are entrusted with the responsibility to resolve the problem by preparing the appropriate list, ensuring that the proper list is gazetted, listening the voices of the affected persons, assisting the affected persons in filing applications, and finally returning back the properties to the legal persons in congruence with the spirit of the Vested Property Return Act – are not at all interested in complying with the government’s directive. The solvers are buying time and have already complicated the whole issue. One of many glaring examples of these are as follows: When a major amendment of Vested Property Return Act 2001 was done in 2011, the total amount of vested land (as reported by the Land bureaucracy of Land Ministry) according to ‘*Ka Schedule*’ was 189,000 acres, which, for unknown reasons, now stands at 215,000 acres; similarly during the same little span of time, the total amount of land under ‘*Kha Schedule*’ has been increased from 442,000 acres (in 2011) to about 700,000 acres (in 2014). How came, the amount of vested land under governments’ control, command, custody, possession (i.e; vested land under “*Ka Schedule*”) has

increased by 14 per cent overnight. Is this primarily due to arbitrary conversion of land under '*Kha* Schedule' into the '*Ka* Schedule' by the problem solvers? How came, the same under '*Kha* Schedule' increased by 58 per cent overnight? Is this

¹ Here, it is important to raise two pertinent issues, namely (1) the issue of "deliberate" complications related to the amount of land under *Ka* and *Kha* schedules, and (2) the issue of "missing land" of the religious and ethnic minorities. The fact is that the land bureaucracy and VP Return Act implementers are so corrupt and unethical that they play all possible foul games with those whose land belong to the '*Kha* Schedule' (which is kept out of VP list). This is evident, among others, on many counts such as not permitting to pay land tax, not permitting to do mutation and so on. Here, it is necessary to mention that some people who are sympathetic to the cause of EPA/VPA have raised the issue that re-estimation of the author's estimates of 3 million acres of enemy and/or vested property in Bangladesh is necessary due mainly to the fact that '*kha* schedule' has been kept out of VP list by law (of Vested Property Return Act 2001 and its subsequent amendments). As presented above, officially, the amount of land under '*Ka* schedule' and '*Kha* schedule' combinedly totals 915,000 acres (215,000 acres + 700,000 acres). I have no reason to agree with these official figures due to many reasons. The reasons include, among others, the following: What about unidentified EP/VP(?), what about VP after 23 March 1974(?), what about continuing VP(?), what is the reason for scrapping *kha* list(?), where was the problem with our 20-year's research on this(?). And, finally, where is the "missing land" of the religious and ethnic minorities which was owned by them before 1961 (the year of conduct of the Pakistan Population Census 1961) or before 1965 (the year of Indo-Pak War)? There is no hard empirical evidence about the amount of land owned and/or possessed by religious and ethnic minorities during early 1960's. However, my estimates based on plausible assumptions (presented below) show that since early 1960's the amount of "missing land" that was actually owned by the religious and ethnic minorities (before 1960's) would be about 2.48 million acres. Where is this 2.48 million acres "missing land"? Simply plundered – plundered from the weaker section of Population and grabbed by the rising rent seekers in alliance with the state (and her governance agents) and politics. In order to support my estimates of 'missing land' – a "conveniently ignored issue" – methodologically, it would be pertinent to present the assumptions based on which the estimated 2.48 million acres has been arrived at. The assumptions are as follows: (1) Officially, in 1961, the total population of the then East Pakistan (now Bangladesh) was 50.8 million, of which 18.4 per cent was Hindus and 1.2 per cent belonged to other religious and ethnic minorities (see, Pakistan 1961). Truly speaking, this officially shown share of non-Muslim population in total population was an under estimation or misstatement of reality. (2) The total amount of privately owned land (including those owned or possessed by the indigenous peoples and excluding land under government use, khas land and abandoned properties – at that time) in early 1960's (before dispossession by the religious and ethnic minorities) would be around 28 million acres, (3) The amount of ownership of land by religious or by ethnic minority identity was proportional to their population size (this may not be true for the Hindu minorities and also for the ethnic minorities; it is most likely that their share of ownership in that total land was higher than proportional to population size), and (4) As found in the survey, that during 1965-2006, due to EPA/VPA the Hindu minority has lost 45 per cent of their original land ownership (Barkat et al. 2008, p.167-168). In estimating the amount of "missing land" by religious and ethnic minorities since early 1960's, this assumption (statistic) has been applied to all religious and ethnic minorities (i.e. 19.6 per cent of total approximate land of 28 million acre as original ownership which equals to 5.49 acres of land of religious and ethnic minorities, of which 45 per cent was lost due to EPA/VPA, which equals to 2.48 million acre – which is the bottom line estimation of the "missing land" – land lost and/or dispossessed by the religious and ethnic minorities in Bangladesh since 1960's).

primarily due to arbitrary inclusion of non-disputed land of the weaker section of people into 'Kha Schedule' to provoke land dispute by the name of vested property? All these are not just subject of simple complications – as it appears in the surface. This is appearance part of the bureaucracy-made complicacy – this is simply befooling us all through “land caricature”. The *essence* is altogether different and simple hereinafter following: Vested properties of the religious and ethnic minorities have been grabbed by the powerful rent seekers in alliance with the land-bureaucrats (who have been entrusted with the responsibilities to resolve the problem), and the state (with governance agents) and politics – which are subservient to the rent seekers (for detailed analysis of politics and economics of grabbing of vested properties by the rent seekers see, section 8). And, in order to serve the interest of the grabbers of vested properties, the land-bureaucrats and all relevant agents of formal solvers are bound to follow the same old principles of jeopardizing the cause of justice: “Let the crisis be”; “Let the sleeping tiger (may be dog) sleep”; “Promise big things and give a cent”; “Delay in delivering justice”; “Find out small loopholes and magnify those”; “Wait and see”; “Divert attention”; “Raise artificial problems”, and alike.

One of the last amendments (5 May 2013) – the most dangerous one – opened the floodgate for further listing of minority community's property as vested property for indefinite period, which is not only clearly illegal as per already discussed Supreme Court's Verdict and directives, but also unconstitutional violating all norms of fundamental, basic, human and justiciable rights of the minority citizens. To put it objectively and bluntly, unless and until the last amendment of 5 May 2013 is abolished not only that no solution will be there, the minority citizens will invariably lose their remaining property. Therefore, we see no effective solution so far; the vesting of properties of minority community is continuing. Here, it would not be odd to quote my own work (which is not at all pleasant!) of 14 years back, when I wrote the following as conclusion and caution: “The *de facto* continuance of the Vested Property Act contradicts the spirit of the Proclamation of Independence and at least nine articles of the Constitution of Bangladesh and the Law of Nations” (Barkat et al. 2000, p. 25); “The extent and nature of the problems invited by enacting and implementing the anti-human Enemy Property Act and Vested Property Act indicate that any attempt to resolve all the problems at a time can be equivalent to prepare a ground whereby the total cause of fighting against an historical misdeed might be jeopardized” (Barkat et al. 2000, p.446); and based on this premise continued “Asking for a drastic solution of such an issue as EPA/VPA by involving the beneficiaries (who are intimately associated with and are “powerful in the local power structure) would be an impractical proposition” (Barkat et al. 2000, p.441), and therefore concluded by saying that

“The solutions should be formulated based on the objective understanding of the historically formed socio-cultural values and mind-set of the people. The solution based on slightest deviation from this may call for a greater danger (and may be counter-productive) than the problem itself” (Barkat et al. 2000, p. 476).

Therefore, based on both the appearance and essence pertaining to the process of implementation of the Vested Property Return Act (so far), I have all the reasons to doubt that the people affected by the EPA/VPA will get justice in getting back their legal properties. I doubt it because the type of political processes, commitment and competence of the solvers, and people’s proactive participation necessary to implement the Vested Property Return Act is simply non-existent. Moreso, the equally substantive reasons for my doubt are at least twofold. First, the contemporary Bangladesh society-economy- politics is dominated by the rent seekers-plunderers (who precisely form the grabbers’ community of enemy and vested properties) who have subjugated the whole system of politics and government (for details see Barkat 2014a). Second, the issue of taking back the legal ownership of land and other properties illegally enemized and/or vested using the EPA/VPA which is occupied by the government or grabbed by the rent seekers is an issue of establishing fundamental constitutional and human rights. It is a matter of historical truth that, establishing land rights (for that matter any right) requires “movement” – a serious movement of those who have been affected, destroyed, deprived and lost their legal rights over their own wealth – which is still not in the horizon. Here, my doubt multiplies when I see the real movers and shakers – the affected people are not engaged in this serious movement, rather they just follow others who are either sympathetic to the movement or whose agenda is God knows what?²

² This may not be out of place to remind that rights can be established through very many ways. But not all paths lead to the establishment of real rights. The independence of Panama in 1903 is one such glaring example. The fact is that, Panama was part of Columbia when the French engineer Ferdinand de Lesseps, who directed construction of the Suez Canal, decided to build a canal through the Central American Isthmus, to connect the Atlantic and Pacific Oceans. In 1889, the Suez Canal project ended – but it had inspired a dream in Theodore Roosevelt. During the first years of the twentieth century, the United States of America demanded that Columbia sign a treaty turning the Isthmus over a North American Consortium. Columbia refused. In 1903, President Roosevelt sent in the U.S. Warship *Nashville*. U.S. soldiers landed, seized and killed a popular local militia commander, and declared Panama an independent nation. A puppet government was installed and the first Canal Treaty was signed; it established an American Zone on both sides of the future waterway, legalized U.S. military intervention, and gave Washington virtual control over this newly formed “independent” nation. Interestingly, the treaty was signed by U.S. Secretary of State Hay and a French engineer, Philippe Bunau-Varilla, but it was not signed by a single Panamanian. In essence, Panama was forced to leave Columbia in order to serve the United States, (for details see Parkins 2005, p.58-62; and for further detailed analysis of other similar historical cases of infringement of people’s rights see Chomsky 2005).

2. What Prompted Politico-Economic Research on Enemy and Vested Property? Issues on Objectives and Methodology

The Enemy Property Act (EPA) and the same Act subsequently (in independent Bangladesh) renamed as Vested Property Act (VPA) – both laws acted (still acting even after the repeal) as weapons of mass destruction. This plain truth is sufficient enough for any political economist to conduct research on the essence, processes, and impacts of EPA/VPA. To put it bluntly, the Enemy/Vested Property Act is anti-constitutional, anti-humanitarian, anti-secular, and anti-civilization. It provoked communalism and served as a powerful instrument towards gradual marginalization and pauperization of the religious minorities, especially the Hindu community through grabbing eviction and dispossession of their lands and homesteads, severance of family ties, loss of human potentials, and formation of a parasitic vested interest groups – and all these have acted as barriers to human capital formation in the country. The Enemy/Vested Property Act had destructive impacts on not only on the Hindu community, but also on all other religious minorities including the Christians and Buddhists, as well as on the ethnic minorities including all the indigenous peoples. It is noteworthy that while in terms of absolute amount of land lost due to EPA/VPA, the Hindu community shares the largest loss, as compared to the population size – the relative loss was no less among the other religious and ethnic minorities. Using the EPA/VPA coupled with division of India in to two states in 1947 and all subsequent communal riots, the land-homestead-waterbodies-forest of various indigenous communities have been grabbed by the local and national-level rent seekers. In the process, people, belonging to indigenous communities, have been alienated from their ancestral lands. The process, mechanisms and reasons of land dispossession and alienation attributable to the EPA/VPA is vividly evident both for the indigenous peoples inhabiting in the Chittagong Hill Tracts and in the plain land, namely, the Dalu, Garo, Hajonj, Khasi, Mahato, Oraon, Patro, Pahan, Rakhain, Santal, and many others (for details see Barkat 2004b, p. 21-67, 76). And this process of EPA/VPA led destruction, deprivation and alienation has been portrayed by Barkat (2014b) as “imperial ambition of the centre to exploit the periphery by exploiting the weaker sections of people and community in a class based society by all possible means and ways including using legal instruments of ‘political engineering’ and ‘demographic engineering’ to serve the interest of the rent seekers-plunderers and their political and governance allies” (Barkat 2014b, p.13-19, 75-76).

In spite of the fact that the barbarian act has remained in operation during nearly last fifty years, no initiative had been taken to conduct even a micro level exploratory research by social and political scientists, historians, and legal experts

of the country until mid-nineties of the last century. Keeping this in view, the first serious research work, though exploratory in nature, was conducted by the author (as lead researcher) in 1995-96 (henceforth, this study will be referred to as 1995 Study, because most field data collection was completed in 1995). Based on the findings of this 1995 Study, the first of its kind substantive book was published with the title "Political Economy of the Vested Property Act in Rural Bangladesh" (Barkat et al. 1997), which clearly revealed the importance and urgency of undertaking a nationally representative in-depth research on the subject. This led to the conduct of a second large scale research study launched in 1996-97 (henceforth to be referred as 1997 Study with the aim to attain more in terms of our knowledge base about the subject and to try to identify feasible solutions. In 2000, based on the outcome of this second research study another book was published titled "An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act: Framework for a Realistic Solution" (Barkat et al. 2000). In 2006-07 (henceforth to be referred as 2006 Study), the third large scale research study was launched which conducted a panel survey on affected households who were covered in the 1997 Study. Based on outcome of this 2006 Study, the third research book was published bearing the title "Deprivation of Hindu Minority in Bangladesh: Living with Vested Property" (Barkat et al. 2008). This article – primarily based on the findings of the abovementioned three studies (conducted during 1995-2006 periods) with more emphasis on the 2006 Study and subsequent development of the Vested Property Return Act 2001 (and amendments made in 2002, 2011, 2012, and 2013) – purports to present a comprehensive political economic analysis of various dimensions of deprivation-distress-destitution-dispossession-pauperization-alienation of the religious and ethnic minorities with especial emphasis on the Hindu minority attributable to the Enemy/Vested Property Act, and to forward suggestions towards resolution of this historical misdeed done in the last fifty years towards the religious and ethnic minorities in Bangladesh.

The overall objective of this article is to present a comprehensive political economy treatise on the causations of multidimensional impact of the Enemy/Vested Property Acts primarily on the affected Hindu households and the "beneficiaries" (mostly grabbers linked with the power structure) during the last forty years, 1965-2006. And based on such analyses attempts have been made to forward feasible solutions thereof. In congruence with this overall objective, the specific objectives set in the article are as follows:

- (i) To forward an in-depth political economy analysis of the Enemy Property Act and Vested Property Act.

- (ii) To present a comprehensive analysis of the magnitude, extent, and nature of deprivation and destruction created by these Acts during the last over forty years, 1965-2006. In doing so, emphasis has been shifted from *appearance* of things to *essence* of things (which constitute the 'newness' of this article).
- (iii) To present an in-depth political economic analysis of the impact on the "beneficiaries" – the rent seekers-grabbers- plunderers. Here also, a major shift in analysis has been made, which is related to the essence of grabbers' 'real' identity and their grand alliance with the state and politics.
- (iv) To explore the state of intended changes after the enactment of the Vested Property Repeal (Return) Act 2001 and all subsequent amendments until 2014. Here emphasis has been made on two broad areas, namely- (a) why so many amendments, and (b) what could be the most likely fate of the Vested Property Return Act as well as implementation of the Act.
- (v) To analyse the role played, in the process, by the research community and civil society, and potentials thereof. Here, this is for the first time that an attempt has been made to chalk-out a brief history of civil society movement against the EPA/VPA and a few critical dimensions of that movement.
- (vi) To present an in-depth politico-economic analysis in to the essence of the movement towards resolution of the historical problem created by EPA/VPA and discuss the "possibility- impossibility" dilemma.
- (vii) To suggest realistic solutions, if any, in a class society. Here also a major shift has been made – as compared to those in the past – in terms of preconditions of realizing the suggested solutions.

As to the methodology deployed in the latest study – the 2006 Study – it is pertinent to mention that a panel survey was conducted with 450 affected households in sixteen unions of sixteen sample districts (one union from each sample district), which were surveyed in the 1997 Study. Information from both primary and secondary sources was collected. Primary data were collected from the affected persons, knowledgeable persons, and relevant government officials. As secondary sources, all relevant available literatures were analyzed including various documents (legal and others) on EPA/VPA, population census, land survey, literature on relevant laws, official data from the Bangladesh Bureau of Statistics, and reports in the journals and newspapers. Two types of analysis have been made: (i) Official record based analysis (based on data/information collected

mostly from official *Tahsil* records and records of the district level Vested Property Offices), and (ii) Survey based analysis (data/information collected mostly from household survey). A total of seven different Data Collection Instruments (DCIs) were used, which are: (1) Data Compilation Format I – Listing of all Hindu households in union, (2) Data Compilation Format II – Household and population in union by religion, (3) Data Compilation Format III – Landownership by owners by religion in union, (4) Data Compilation Format IV – Amount of vested land in Union, (5) Household survey questionnaire, (6) Guideline for case study, and (7) Questionnaire for the university students (as proxy for economically well-off segment of Hindu population). In order to understand political, economic and social dimensions of EPA/VPA, a total of five broad groups of variable were covered in the study, including nature and extent of the impacts of EPA/VPA; typology of affected families; evidential aspects of the problems; different actors and their roles; and remedial aspects of the problem to design solution-matrix.

As already stated, this article is an attempt to provide a comprehensive treatise on political economy of the Enemy Property Act and Vested Property Act from the core perspective of Act as a weapon of mass destruction of religious and ethnic minorities in Bangladesh. The treatise comprises of eleven sections. The first section provides an in-depth politico-economic analysis in to the evolution of the EPA/VPA alongwith various relevant dimensions of the Vested Property Return Act and its 'unspoken' limitations. The second section delineates the rationale for the politico-economic research on EPA/VPA alongwith objectives and methodology of three major research works on the subject conducted in the last twenty years (during 1995-2006). Extermination of religious and ethnic minority people (which is termed "un-peopling" in section 3) evident in forced mass-outmigration is one of the key impacts of EPA/VPA, which is articulated in the third section. Official record-based analysis of state of destruction and deprivation of Hindu minority is presented in fourth section; and national level estimates of impact of EPA/VPA on land dispossession and associated alienation is analyzed, in the fifth section. The sixth section provides analysis of incidence and extent of vesting by historical and political time periods which shows politics matters! The survey-based analysis of the destructive impact of EPA/VPA on the affected people is presented in section seven. The section eight turns into the other side of the coin – the "grabbers" of enemy and vested properties of the religious and ethnic minorities, and presents the essence of the grabbers-rent seekers' economic, social and political power base. This section is a key to understand the politico-economic essence of the grand alliance of the grabbers with the state (including

governance agents) and politics; and this is absolutely essential to internalize to devise a real solution matrix. The ninth section presents a brief history of civil society movements towards repealing the Vested Property Act and implementing the Vested Property Return Act. This section raises many pertinent “uncomfortable truth” about limitations of such movement and argues about the necessity for transforming that into “people’s movement”. All relevant recommendations towards resolution of the destructions emanated due to implementation of EPA/VPA are forwarded in section ten. And finally, section eleven – in conclusion – provides not just a summary in the usual sense of the term, but raises a few critical questions towards understanding the whole issue holistically from a new perspective, and argues the need for a paradigm shift – both in understanding and in designing actions – towards transforming the whole issue from “religion-based perspective” to “class-based perspective”, and need to transform the whole battle in to a “battle for justice”.

3. “Un-peopling” Hindu Population through Forced Out-migration – Population Census-based Analysis of an Outcome of EPA/VPA

“Unpeopling”³ religious and ethnic minorities, using Enemy and/or Vested Property Acts– as a pretext – is a reality beyond slightest possible doubt. This

³ The concept of “un-people” or “unpeople” is not widely used concept in social, economic, political, historical literature. Therefore, it is necessary here to describe, what is ‘un-people’, who are ‘un-people’, and why is the concept (or at least the terminology) of ‘un-people’ is a useful construct. The term “unpeople” has its origin in the term “unperson”. The term “unperson” or “unpersons” was first coined by George Orwell in his dystopian novel “Nineteen Eighty-Four” (Orwell 1949). George Orwell used the term *unperson* to denote a person who has been “vaporized”; who has not only been killed by the state, but effectively erased from existence; he (Orwell) mentioned further that such a “*unperson*” is a person who would be written out of existing books, photographs, and articles so that no trace of their existence could be found in the historical record; he (Orwell) wrote “Yet he feels that Syme himself is the sort of person who is in danger of becoming an “*unperson*”; of being vaporized as he knows too much, has read too many books and is too intelligent” (Orwell 1949, Chapter 5). Half a century after George Orwell’s concept of “*unperson*” Noam Chomsky transformed the term “unperson” into “unpeople” or “un-people” to denote those natives, indigenous peoples, and exploited mass people who have been eliminated, exterminated or at least whose land and settlements have been destroyed by imperial societies. People residing outside Europe, the United States and a select few Asian countries had been described by George Orwell as “unperson”. As maintained by Noam Chomsky “The world is divided into people like us, and unpeople – everyone else who do not matter. There are parallels with the treatment of indigenous populations of the so-called Anglosphere, the offshoots of England: the United States, Canada, Australia. These are unusual imperial societies in that they didn’t just rule the natives, they eliminated them. They took over their land and settlements and virtually exterminated them in most cases. We don’t think about them, we don’t ask what happened to them in the past. We deny it in fact” (Chomsky and Vltchek 2013, p. x, 4).

process of “unpeopling” of peoples representing religious and ethnic minorities (which is more pronounced and visible with the Hindu minority) has been done using many different means and ways of forcibly grabbing their wealth, resources and properties by the powerful *rent seeking class* backed by the state and politics serving that class, and thereby, ultimately exterminate, vanish, “effectively erase from existence”, and “written out of books” the minority people from their own motherland – the ancestral land. There are many other peculiar ways showing “vanishing” of minority population. Among many such examples one peculiar example is: *In reality not vanished but reported as vanished in the official population statistics*. This has been termed as “enumeration politics”, “demographic politics”, “population politics” and “official intentional act to show less than the actual population size” by Barkat, Hussain and Hossain (2011) and Barkat et al. (2010). Here, among many such cases, two examples are worth mentioning, which are as follows: (1) In order for to estimate the actual population size of the religious minority in Bangladesh a survey study was carried out by Barkat, Hussain and Hossain (2011) comparing population of religious minority reported in the Bangladesh Population Census 2001 and the same in the National Voter List, and have found a distinct mismatch, which they termed as “enumeration politics”. The study concluded that “the religious minority population in the censuses is undercounted; over 6 per cent of the religious minority population is missing in the last Census (2001)... The reason for such undercounts may be population politics or merely negligence to the minority people or both” (Barkat, Hussain, and Hossain 2011, p. 9-10). (2) “Demographic politics” in the Population Census is clearly evident in the case of enumeration of indigenous peoples in the Chittagong Hill Tracts (CHT) in Bangladesh. A recent study reports that “In the Population Census of 2001, population in 31.3 per cent of the villages (locally known as ‘Paras’) of CHT were not enumerated ... In 2009, the rural population of CHT according to estimates based on extrapolation of Population Census 2001 was 1.17 million, however, considering the “intentional non-enumerated” villages the same should have been 1.68 million (Barkat et al. 2010, p. 214-215).

Official statistics provide ample indications about the “un-peopling” of Hindu population. This is simply evident in population dynamics showing gradual and unusual decline in the relative size of the Hindu population in total population of Bangladesh since 1961. During the last forty years since 1961, the relative share of the Hindu population has declined from 18.4 per cent of the total population in 1961 to 12.1 per cent in 1981, to 10.5 per cent in 1991, and further down to 9.2 per cent in 2001. So, millions of Hindus are actually “missing” over-the-time.

Considering the rate of “missing Hindus” the approximate share of Hindu population in 2013 would be about 8 per cent (my precise estimate is 7.83 per cent) of the total population of Bangladesh. The relative share of the Hindu population in the sixteen sample districts (of 2006 Study) has declined drastically

Table 1 : Population distribution of Bangladesh and sixteen sample districts by religion, 1961-2013(%)

Year	Bangladesh			Average of sixteen sample districts (of 2006 Study)		
	Muslim	Hindu	Others	Muslim	Hindu	Others
1961	80.4	18.4	1.1	81.6	17.3	1.1
1981	86.6	12.1	1.2	86.6	12.4	1.0
1991	86.3	10.5	1.2	88.0	11.0	1.0
2001	89.7	9.2	1.2	89.3	10.5	0.9
2013(*)	91.9	7.9	1.2	Not surveyed	Not surveyed	Not surveyed

Source: Barkat et al. 2008, p. 62-64. (*) 2013 estimation is done by the author.

from 17.3 per cent in 1961 to 12.4 per cent in 1981, to 11 per cent in 1991, and further down to 10.5 per cent in 2001 – a trend similar to the national one (Table 1).

How serious is this “missing Hindu” phenomenon! Had there been no out-migration, the total Hindu population in Bangladesh in 1971 would have been 11.4 million instead of 9.6 million as reported in the official documents. The Hindu population would have been 14.3 million in 1981 instead of 10.6 million, 16.5 million in 1991 instead of 11.2 million, 19.5 million in 2001 instead of 11.4 million, and 28.7 million in 2013 instead of 12.2 million. Therefore, there were some 1.8 million missing Hindu population during 1964-1971, 1.9 million missing during 1971-1981, 1.6 million missing during 1981-1991, 2.8 million missing during 1991-2001, and 3.2 million missing during 2001-2013. Thus, the estimated “total missing Hindu population” was 11.3 million during 1964-2013, i.e., 230,612 Hindus missing each year. In other words, if out-migration of Hindu population is caused mainly by communal disharmony and associated unrest, resulting from the Enemy/Vested Property Acts, the approximate size of the missing Hindu population would be 632 persons each day during 1964-2013. The approximate size of the missing Hindu population was as high as 705 persons per day during 1964-1971, 521 persons per day during 1971-1981, 438 persons per day during 1981-1991, 767 persons per day during 1991-2001, and 674 persons per day during 2001-2013. If the above estimates are close to reality, then the inference emerges that the Enemy/Vested Property Acts acted as an effective

mechanism for the extermination of the Hindu minority from their motherland, thereby “unpeopling” them, and as such, inhibited the process of social-capital formation in the country, at the least. There are many other destructive consequences and impact of ‘un-peopling’ the religious and ethnic minorities emanated due to the EPA/VPA, which are discussed and analysed in the subsequent sections.

4. State of Destruction and Deprivation – Official *Tahsil* Record-based Analysis

According to the official *Tahsil* records, the average number of Hindu households affected by EPA/VPA in the sample unions was 222, which is 43 per cent of all Hindu households in the unions surveyed. Out of the 222 affected households, 181

Table 2 : Number of vested households in sixteen sample unions; As on January 2006

Variables	Average of sixteen unions
All Hindu households	520
Vested Hindu households	222
Vested Hindu households - agricultural land	181
Vested Hindu households - homestead land	64
Vested Hindu households -orchard land	8
Vested Hindu households – pond	20
Vested Hindu households - fallow land	5
Vested Hindu households -commercial land	2
Vested Hindu households - religious land	1
Vested Hindu households - other land	23

Source: Barkat et al. 2008, p. 71-72.

are affected in terms of agricultural land (81 per cent), 64 in terms of homestead land (29 per cent), 20 in terms of pond area (9 per cent), and 8 in terms of orchard land (4 per cent) (Table 2).

Estimates based on *Tahsil* records show an average of 855 acres of land ownership by the Hindu households in each sample union. Out of the average per union of 855 acres of own land of Hindu households, 388 acres (45 per cent of the total land owned) are vested land and the rest 467 acres (55 per cent) not vested. Out of the 388 acres of vested land per union – 313 acres (81 per cent) constitute agricultural land, 43 acres (11 per cent) homestead land, 6.8 acres (1.7 per cent) under orchard, 2.7 acres (0.7 per cent) fallow land, 8.6 acres (2.2 per cent) pond

area, and 12.4 acres (3.2 per cent) other types of land (Table 3). Estimates based on *Tahsil* records show that the average area of land vested per Hindu household is 75 decimals, and the same per vested Hindu households is 175 decimals.

Table 3 : Amount of vested lands in 16 sample unions (decimal): As on January 2006

Variables	Average of sixteen unions
Total land of Hindu households	85,508
Land not vested	46,753
Land vested	38,756
Vested agricultural land	31,338
Vested homestead land	4,308
Vested orchard land	675
Vested pond area	862
Vested fallow land	274
Vested commercial land	55
Vested religious land	06
Vested other land	1,239

Source: Barkat et al. 2008, p. 71-72.

5. Impact of EPA/VPA – National Level Estimates of Destruction and Deprivation

The total number of Hindu households affected by EPA/VPA would be approximately 1.2 million (estimated 1,150,606 households), which is 43 per cent of the total Hindu households in Bangladesh.

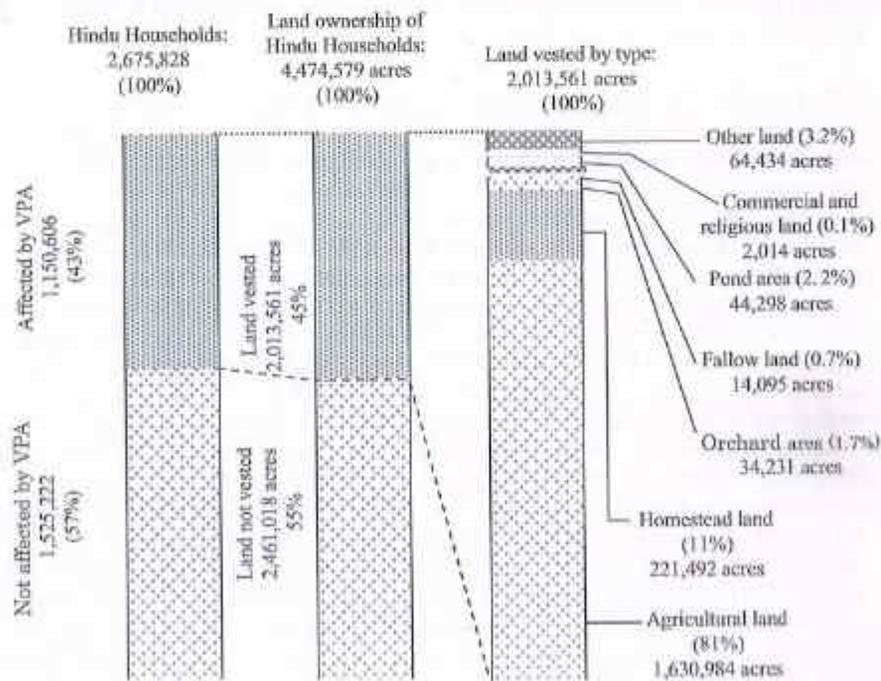
Out of the total of 1,150,606 Hindu households affected by EPA/VPA, 938,107 households (81.5 per cent) were dispossessed of agricultural land, 331,706 households (28.8 per cent) of homestead land, 41,463 households (3.6 per cent) of orchard land, 28,480 households (2.5 per cent) of fallow land, 103,658 households (9.0 per cent) of land under pond, 10,366 households (0.9 per cent) of commercial land, 5,183 households (0.5 per cent) of land under religious institutions, and 119,206 households (10.4 per cent) were dispossessed of other land. This estimate implies that, an affected (by EPA/VPA) Hindu household, on average, has been dispossessed of 1.4 types of land properties, and the same for all Hindu households – irrespective of affected or not affected by EPA/VPA – comes to 1.17. It is worth mentioning that this estimate is not about the

dispossession of amount of land due to EPA/VPA, rather this is about the share of households affected and by dispossession of land by types.

Now, it would be appropriate to turn to the issue of loss of amount of land (of various types and purposes) by Hindu households due to EPA/VPA. The total area of land lost by the Hindu households due to EPA/VPA – estimated based on official records – would be 2.01 million acres, which is equivalent to 45 per cent of the total land owned by the Hindu community before dispossession. The total area of land lost by Hindu households would be equivalent to 5.5 per cent of the total land area of Bangladesh. This estimate is based on official record – the actual amount of land area dispossessed due to EPA/VPA, as will be shown later, is much higher.

The pattern of dispossession of total land property by the Hindu households due to EPA/VPA by type of land, as shown in Figure 2, would be as follows: 1.63 million acres of agricultural land (81 per cent of total dispossession), 221,492 acres of homestead land (11 per cent), 34,231 acres of orchard (1.7 per cent), 14,095 acres of fallow land (0.7 per cent), 44,298 acres of pond area (2.2 per

Figure 2 : National level estimates of some dimensions of effect of EPA/VPA on the Hindu households, 1965-2006



Source: Barkat et al. 2008, p. 75.

cent), 1,594 acres of commercial land (0.08 per cent), 420 acres of land under religious institutions (0.02 per cent), and 64,434 acres of other types of land (3.2 per cent).

Assuming the current (Financial Year 2012-2013) average market price of land in the sample areas (Tk. 25,000 per decimal), the total value of the total area of land officially lost by the Hindu households due to EPA/VPA would be about Tk. 5,025 billion (US\$ 62.4 billion), which is equivalent to 48.4 per cent of the Gross Domestic Product of Financial Year 2012-13 (at current market price) or about three times higher than the annual development budget (Tk.1893.3 billion or US \$ 23.5 billion) of Bangladesh⁴.

6. Incidence and Extent of Vesting by Historical and Political Time Periods: Politics Matters!

The intensity of vesting, in terms of both incidence and amount of land dispossessed, varies by historical and political time periods⁵. About 53 per cent of the total incidences of dispossession and 74 per cent of the total land lost took

⁴ In Financial Year (FY) 2012-13, the total Gross Domestic Product of Bangladesh (at current market price) was Tk. 10,380 billion which is equivalent to US \$ 128.8 billion; and the Government's annual development budget was Bd. Tk. 1,893.3 billion which is equivalent to US \$ 23.5 billion with the exchange rate during July 2012-March 2013 being US \$ 1 = Bd. Tk. 80.58. (For details see Bangladesh, Ministry of Finance 2013, p. xvi-xvii).

⁵ Analysis by historical and political time periods (shown in Table 4) presented in this section does not necessarily conform 100 per cent to the exact timing of the military rulers or political party in power. It is to mention that in politico-economic analysis of a phenomenon the content and essence of things are much more important and decisive than the form and appearance of those things. However, to understand the dynamics, volatility, fragility and changes in Bangladesh politics it is necessary to present a brief history of forces-in-power and/or parties-in-power since the birth of independent Bangladesh in 1971. The historical chronology of forces or parties-in-power and features indicating political power game since 1971 is as follows (by time and traits): 11 April 1971-12 January 1972 – First Independent Government with Father of the Nation Bangabandhu Sheikh Mujibur Rahman as President, Syed Nazrul Islam as Acting President and Tajuddin Ahmed as Prime Minister; 12 January 1972-25 January 1975 – Father of the Nation Bangabandhu Sheikh Mujibur Rahman as Prime Minister; 25 January 1975-15 August 1975 – Father of the Nation Bangabandhu Sheikh Mujibur Rahman as President (who was brutally assassinated by anti-secular forces using military aimed at establishing autocratic rule, reversal of secular and socialist ideology, and rehabilitation of anti-liberation forces); 15 August 1975 – 6 November 1975 – Khandaker Mostaq Ahmed as president; 6 November 1975 – 21 April 1977 – Abu Sadat Mohammad Sayem as President; 21 April 1977 – 30 May 1981 – Ziaur Rahman, first as Chief Martial Law Administrator and then as President; 30 May 1981-24 March 1982 – Abdus Sattar as President; 24 March 1982-27 March 1982- Hussain Muhammad Ershad as Chief Martial Law Administrator; 27 March 1982-10 December 1983-Ahsanuddin Chowdhury as President; 11 December 1983-6 December 1990 – Hussain Muhammad Ershad,

Table 4 : Share of total incidents and total amount of land dispossessed under EPA/VPA by historical and political time periods, 1965-2006

Historical time period(s)	Political characteristics of the historical time period(s)	Share of total incidents (%)	Share of total land dispossessed (%)
1965-1971 (7 years)	Military autocratic Pakistani rule	53.4	73.6
1972-1975 (4 years)	Post liberation democracy	8.7	7.2
1976-1990 (14 years)	Military autocratic rule and military-guided civil rule	18.4	13.2
1991-1995 (5 years)	Democratic rule (BNP -led) in alliance with anti-secular political forces	8.5	3.6
1996-2001 (5 years)	Democratic rule (Awami League-led)	3.6	0.7
2001-2006 (5 years)	Democratic rule (BNP-led) in alliance with anti -secular political forces	7.5	1.7
1965-2006 (40 year s)		100.0	100.0

Source: Prepared by the author based on information in Barkat et al. 2008, p. 83.

place during last six years of Pakistani military-autocratic regime, 1965-71 (Table 4). In Bangladesh, after the military takeover in 1975, the intensity of dispossession due to VPA has accelerated.

The analysis of vesting by historical and political time periods during the four decades between 1965 and 2006 reveals a direct relationship between the incidence-extent of vesting under EPA/VPA and politico-historical nature of the regime (Table 4). In this connection, the following five substantive observations

first as Chief Martial Law Administrator and then as President; 6 December 1990-09 October 1991 – Justice Shahabuddin Ahmed as Chief Advisor (of first) Caretaker Government; 20 March 1991-30 March 1996 – Khaleda Zia as Prime Minister; 30 March 1996-23 June 1996 – Justice Muhammad Habibur Rahman as Chief Advisor of Caretaker Government; 23 June 1996 – 15 July 2001 – Sheikh Hasina as Prime Minister; 15 July 2001-10 October 2001 – Justice Latifur Rahman as Chief Advisor of Caretaker Government; 10 October 2001-29 October 2006 – Khaleda Zia as Prime Minister; 29 October 2006-11 January 2007 – Iajuddin Ahmed, both as President and Chief Advisor of Caretaker Government; 11 January 2007-12 January 2007 – Iajuddin Ahmed as President and Fazlul Haque as Acting Chief Advisor of Caretaker Government; 12 January 2007-6 January 2009-Iajuddin Ahmed as President and Fakhruddin Ahmed as Chief Advisor of Caretaker Government; 6 January 2009 – 6 January 2013 – Sheikh Hasina as Prime Minister; 6 January 2013- till date – Sheikh Hasina as Prime Minister.

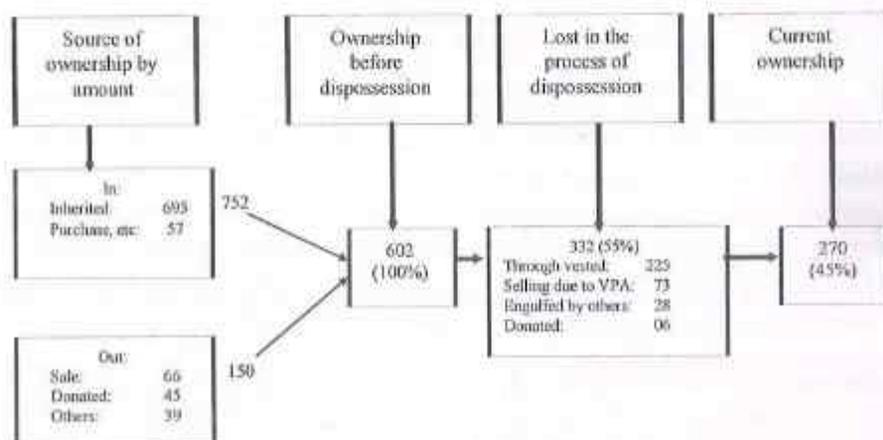
are in order. First, out of the last 40 years, it was only last six years of the Pakistani military autocratic rulers (1965-1971) when 53 per cent of the total incidents of dispossession and 74 per cent of the total land lost by the Hindu community due to EVA/VPA took place. This was precisely the most prominent historical time (1965-1971) of unpeopling the Hindu minorities. Second, out of the last 40 years, irrespective of Pakistan or Bangladesh period, if we consider the historical period characterized by pure military autocratic rule (1965-1971) *plus* military autocratic rule and military guided civil rule (1976-1990) *plus* "democratic" rule in alliance with (or, to be more correct, guided by) anti-secular religious forces (1991-1995 and 2001-2006) – the total time period comes to 31 years (i.e. 78 per cent of the time between 1965 and 2006) when as high as 87.8 per cent of the total incidences and 92.1 per cent of the total land dispossession of Hindu community due to EPA/VPA took place. Third, even if we consider only the time period after 1971 War of Liberation (i.e., 35 years period between 1972 and 2006), out of the enemy property remaining after the Pakistan regime (1965-1971) – 63.6 per cent of the incidences and about 70.1 per cent of the land dispossession of those Hindu community people affected by VPA took place in 24 years during the period of military autocratic rule and military guided civil rule (1976-1990 and 1991-1995) *plus* 'democratic' rule in alliance with anti-secular political forces (2001-2006). Fourth, during a 9-year period of democratic rule with relatively secular political environment (1972-1975 and 1996-2001), 12.3 per cent of the total incidents of dispossession and 7.9 per cent of the total land lost by the Hindu community was attributable to the VPA. Fifth, in terms of amount of land lost by an average affected household, it was 276 decimal during military autocratic regime of Pakistan (1965-1971), 108 decimals during military autocratic regime and anti-secular regime in Bangladesh (1976-1981, 1982-1990, 1991-1995, 2001-2006), and 129 decimal during relatively secular democratic regime (1972-1975, 1996-2001). All these imply military rule and autocracy matters in enacting laws and Acts towards creation and procreation of anti-people and anti-human political, social and economic environment in perpetuity; and, to the contrary, democracy with humane face matters in ensuring people's well-being. Here it is pertinent to mention that it is important to understand the political economic essence of a law which acted and/or acts as a weapon of mass destruction – and most likely it is more important to understand the reasons, processes and mechanisms as to how does it work and who are the destructors? The destructors – as will be evident in section 8 comprise a triangle of unholy alliance of three forces – the Rent Seekers (grabbers, plunderers), the State, and the Politics; and these rent seekers-grabbers have managed to subjugate the State and politics, in the process.

It is significant to note that even about 8 per cent of total incidents and 2 per cent of total dispossessed land took place during 2001-2006 periods, which is after the 2001 Repeal of the Vested Property Act. This translates in to the fact that, nationally, an estimated 200,687 Hindu households have been affected by the act even after the 2001 Repeal of the VPA, and they lost a total of 52,000 acres of land (equivalent to 156,000 *bighas*). The fact that 7.5 per cent of total incidents and 1.7 per cent of total land dispossession took place between 2001 and 2006 (Table 4) implies that the Vested Property Act has not been actually repealed even after the enactment of the Vested Property Return Act 2001, and the process of vesting is still ongoing.

7. Impact on the Affected Persons – Survey-based Analysis of Real Extent of Destruction

On average, the affected Hindu households owned 602 decimals of land property before dispossession and the current ownership reduced to 270 decimals (Figure 3). The dispossession of 332 decimals (55 per cent of original ownership) can solely be attributed to the outcome of EPA/VPA, because direct loss due to EPA/VPA is 225 decimals (68 per cent of the total dispossession) and indirect loss due to EPA/VPA amounts to 107 decimals (32 per cent of total dispossession), which include 73 decimals of land sold to recover vested property, 28 decimals of land engulfed by others, and 6 decimals of land donated by force.

Figure 3 : Land ownership scenario of Hindu households affected by the Enemy/Vested Property Act, 1965-2006 (in decimals)



Source: Prepared by the author based on Barkat et al. 2008.

The author's survey estimates confirm that the average amount of dispossession as estimated on the basis of official records would be 22 per cent lesser than the actual amount ascertained in the survey. According to official *Tahsil* record-based analysis, the average amount of land lost by an affected EPA/VPA household is 175 decimal and according to survey-based analysis it is 225 decimal. This implies that the total amount of Hindu-owned land lost by EPA/VPA would be 2.6 million acres instead of 2.01 million acres estimated based on official *Tahsil* records. The total value of these 2.6 million acres (in current market price of FY 2012-13) would be about Tk.6,500 billion (US \$ 80.76 billion), which is equivalent to 63 per cent of the GDP of Bangladesh for the financial year 2012-13.

Here, it is important to note that not only the Hindu minority but also all other religious minorities and ethnic communities (indigenous peoples) have been target for EPA/VPA-mediated land grabbing. Considering all religious and ethnic communities, my relatively conservative estimates show that the total number of households of all religious minorities and ethnic minorities affected by EPA/VPA would be approximately 1.5 million with population size of 7.5 million (which include about 1.2 million Hindu households with 6 million population) and the total amount of land lost would be over 3.0 million acres (of which 87 per cent on account of Hindu minority)⁶.

As revealed in the survey, about 80 per cent of the affected Hindu households have lost agricultural land; about 62 per cent lost homestead land; and 30 per cent lost other land. The average amount of land vested per household by type is 186

Table 5 : Vested by incidence and type of properties

Type of properties	Percentage of households reported vesting	Mean amount vested (decimal)	
		For each type of property	All vested
Agricultural land	80.0 (360)	232	186
Homestead	61.5 (277)	39	24
Others	30.4 (137)	51	16

Source: Barkat et al. 2008, p. 81.

Note: Figures in the parenthesis indicate number of respondents out of 450 who have reported vesting of specific type of property.

⁶ Author's estimation based on relevant survey information in Barkat et al. 2008; Barkat 2014b; Barkat 2014c; Barkat et al. 2009a; Barkat et al. 2009b; Barkat et al. 2010; Barkat, Zaman and Raihan 2001; and Barkat and Roy 2004. Also, see footnote 1 for the relevant details about the estimation methodology.

decimals of agricultural land, 24 decimals of homestead land and 16 decimals of other land (Table 5). Assuming the current (Year 2013) average market price of land (Tk. 25,000 per decimal), the monetary amount of actual loss due to vested would be about Tk.5.65 million (US \$ 70,117) per affected Hindu household.

It has been revealed that the extent of the incidence of vesting has a direct positive relationship with the amount of original land ownership of the affected household. The less the original land ownership (before being affected by EPA/VPA), the higher is the incidence - or in other words, the weaker the economic condition of a household, the more it became the target of EPA/VPA. This confirms the argument that un-peopling through grabbing the land property of the Hindu community (and all other religious and ethnic minorities) using draconian EPA/VPA worked easily, perfectly, and smoothly in case of the weaker sections having less amount of land ownership, who in the process were forced to join the rank of poor and marginalized people. It is therefore, the whole issue of EPA/VPA has become essentially poor and marginalized people's issue – a truly *class* issue.

The above stated, however, does not necessarily imply that the incidence of vesting is much less pronounced among the well-off Hindus. It has been revealed that more than one-third of the well-off Hindu households have lost their property due to EPA/VPA (the average for all Hindu household being 43 per cent). In addition, more than a half of the well-off households have reported that at least one of their close relatives have also lost land property due to EPA/VPA.

Nationally, out of 1.2 million Hindu households who are affected by EPA/VPA 244,800 are from relatively well-off and they have lost a total of 1.5 million acres of land property due to EPA/VPA. In other words, about 58 per cent of the total amount of vested land property belongs to the original well-off Hindu households. Although the relative amount of land lost due to EPA/VPA is relatively higher among the poor and less - well-off Hindu households than that among the well-off Hindu households– the total amount of land lost is much higher among the well-off Hindu households than that among the relatively less well-off Hindu households. Irrespective of original land ownership status, the economic status of all affected Hindu households has deteriorated – the poor and marginalized became pauper; the middle-class became poor; and the relatively well-off has gone down to join partly with the middle class and partly with the poor.

Death and/or out-migration of one of the legal inheritors are usually used as a pretext for enlistment of properties under the EPA/VPA. In slightly over three-fifths (63 per cent) of the affected households there was at least one of the inheritors either died or out-migrated. These out-migrations and/or deaths of one

of the family members in some of the affected families are mere real-life incidences and in no way should be treated as actual reasons for dispossession of familial property under any law. The real reasons for enlistment of Hindu-owned property under EPA/VPA are manifold and the mechanisms are complex (details see Box 1). In this connection, an indepth analysis shows that various forms of violence, forgery of documents, use of stooges, and unholy alliances of the local rent seeking influential with the government's land administration – all these have played an immense role in the dispossession of properties of the Hindu

Box 1: Reasons for enlistment of property under EPA/VPA

The reasons for enlistment of Hindu-owned property under EPA/VPA are multidimensional and the mechanisms are inhuman, illegal and complex. The two most important actors were the rent-seeking influential locals and the land officials. Following are the seven groups of reasons attributable to the dispossession of property under the EPA/VPA (details can be seen in Barkat et al. 2000 and Barkat et al. 2008):

1. Influential locals/self-seekers was proactive in enlisting the property under EPA/VPA. This was done in connivance with the *Tahsil* and Thana Revenue Office. The motive was to take lease of that property after EPA/VPA (reported by 72 per cent).
2. Officials of *Tahsil* office and/or Thana Revenue Office themselves were interested in grabbing the property (reported by 46 per cent).
3. Death and/or out-migration of one of the members of the Hindu families who had legal right on the property were used as a pretext to enlist the whole property under EPA/VPA (reported by 35 per cent).
4. Influential locals/self-seekers engulfed the property by force using various forms of violence as technique: by attacking with lethal weapons, guns, deploying hooligans/ gangsters; by compelling to vacate the house or migrate under threat or continued efforts of frightening the victim (reported by 32 per cent).
5. Influential locals/self-seekers occupied the EP/VP land using forge documents. This was also done in connivance with the *Tahsil* and/or Thana Revenue Office (reported by 17 per cent).
6. Influential locals/self-seekers allured the sharecroppers to occupy the land, and then themselves become the owners (reported by 7 per cent).
7. Property enlisted under EPA/VPA for reasons not known to the owners (reported by 19 per cent).

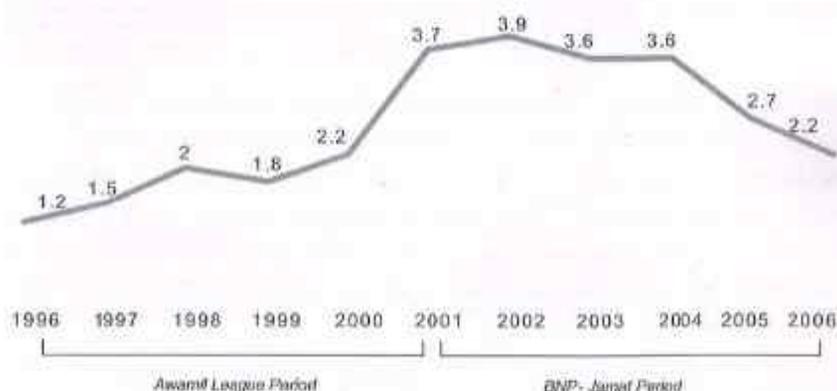
community under the Enemy/Vested Property Acts (details see a fifty case studies in Barkat et al. 2000, p. 64-433, and ten recent case studies in Barkat et al. 2008, p. 90-92, 121-161).

The Vested Property Act has been a major source of violence and oppression on the Hindu minority in Bangladesh. This situation has not changed even during the

last about twenty-five years of parliamentary “democracy”. During the last ten years preceding the 2006 survey, 50 per cent Hindu household reported that they have faced verbal abuse, 33 per cent households faced incidences of theft, and 25 per cent household faced harassment and obstruction in harvesting crops, each. A slightly less than one-fifth of the households reported intimidation at workplace, followed by 16 per cent reporting about physical assault, 14 per cent reporting about destruction of property, 13 per cent reporting about eve-teasing, 12 per cent reporting about various threats, 10 per cent reporting about looting/plundering of property, 12 per cent reporting about obstruction in casting votes in local government election, 27 per cent reporting about obstruction in casting vote in the 2001 Parliamentary Elections, 6 per cent reporting about dacoity/robbery, 5 per cent reporting about obstruction in shopping/business, and 5 per cent reporting about extortions (Barkat et al. 2008, p. 95). Analysis shows that in order for to exterminate religious and ethnic minorities it was not enough to grab their properties using EPA/VPA as a pretext, added to that is all forms of violence.

Comparison of political regime-specific violence against VPA-affected Hindu households shows a sharp rise from an average of 8.7 incidences of various forms of violence per household during the Awami League-led government (1996-2001) to 17.5 such incidences during the BNP-Jamat-led anti-secular four-party alliance government (2001-2006). On average, an EVA/VPA affected household faced 29 incidences of violence during 1996-2006, i.e., 2.6 incidences per household each year. The average number of violence faced in each year during 1996-2001

Figure 4: Average number of violence faced by EPA/VPA affected households during 1996-2006

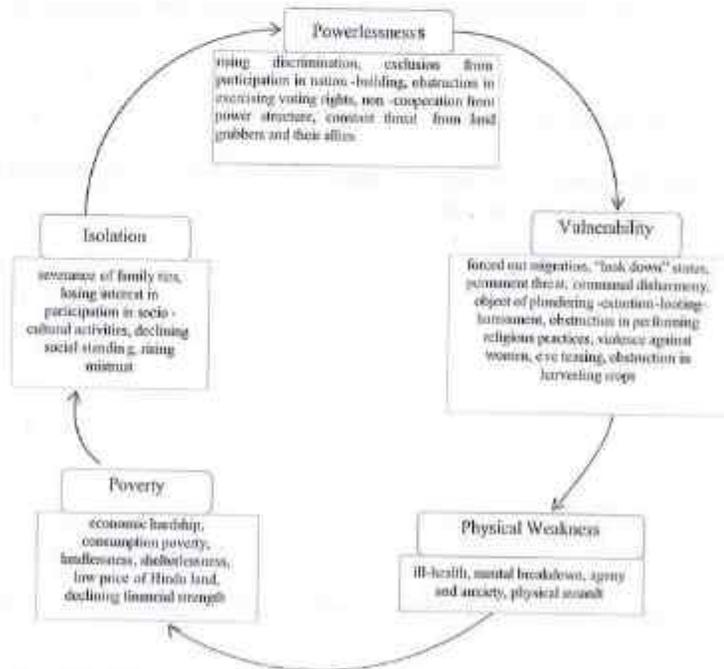


Source: Author's depiction by political regime based on information contained in Barkat et al. 2008, p. 96-97.

(Awami League period) is 1.7, while it was just double at 3.3 during 2001-2006 (BNP-Jamat-led four-party alliance period). The regime-specific year-wise average number of violence faced by the VPA-affected Hindu households is depicted in Figure 4.

Although a total of 1.2 million Hindu households have lost 2.6 million acres of land, this reflects a partial scenario of the total loss due to EPA/VPA. The exact destructive impact due to EPA/VPA cannot be estimated quantifiably and, more so, cannot be valued in monetary terms. As a matter of fact, the act has created a deprivation trap – a trap of destruction in-perpetuity – among the Hindu community members. This trap reflects a complex totality of the five different broad types of deprivation – powerlessness, vulnerability, physical weakness, poverty, and isolation (Figure 5). All specific types of deprivation under each broad type faced by the affected households and their members can be seen in Figure 5. It is important to note that most of these types of deprivation are also applicable for the non-affected (by EPA/VPA) Hindu households – the differences between these two groups (affected vs non-affected) might be only in the degree

Figure 5: Expanded model of deprivation trap of Hindu community



Source: Extended based on Barkat 2003.

of affectedness. These deprivation created due to EPA/VPA is applicable not only for the Hindu minority but also for all other religious minorities including the indigenous peoples in Bangladesh (details see Barkat 2014b). All these deprivations attributable to the Enemy/Vested Property Act, in essence, form a “*cycle of deprivation*”, or, to put it baldly – a “*cycle of deprivation in perpetuity*” for all the religious and ethnic minorities in Bangladesh.

8. The Grabbers – Survey-based Analysis of Impact on the Vulture-Destructors

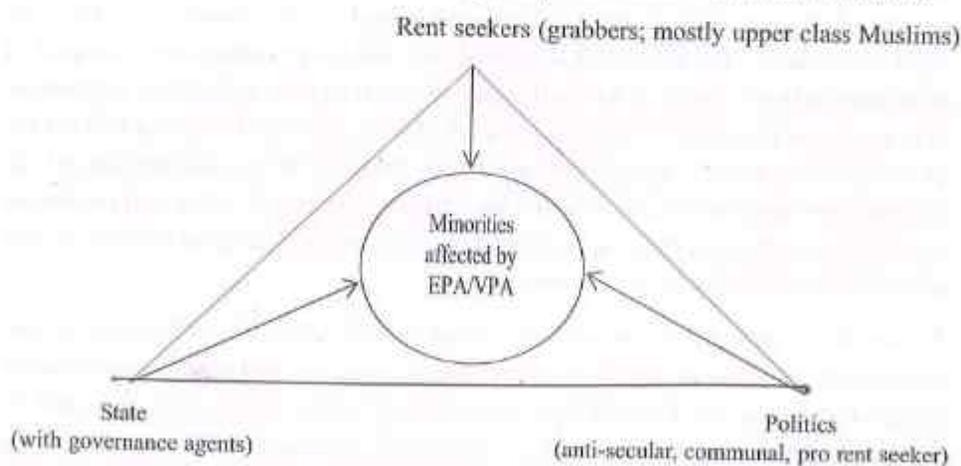
The issue of “beneficiaries”⁽¹⁾ of enemy and vested properties of religious (mostly Hindu) and ethnic (indigenous peoples) minorities, to put it bluntly, is an issue of land ‘grabbing’⁷. This is one of the core political economic issues of the EPA and VPA. There are many dimensions of this issue – including political, economic, demographic, social, and cultural. The one, and the most crucial dimension lies in the fact that there has been a tendency – both overt and covert – to consciously raise and shape that as a super-communal religious issue – as an issue of Hindus versus Muslim. To put it baldly, both historically and logically, such a consciously driven propaganda is a blatant lie, and arguments forwarded in favour of that are grossly ill-motivated. This propaganda of communalization of the issue of EPA/VPA is done mostly by the grabbers themselves and that in unholy alliance with their political, economic and social agents. In reality, the legal instrument – the EPA/VPA has acted and still keeps acting as a “weapon of mass destruction” aimed at extermination of the religious and ethnic minorities. The argument that EPA/VPA is an issue of Muslim versus Hindu is a blatant lie. This is, among others, simply because of the fact that if we assume that all the grabbers are Muslim (which may not be 100 per cent true) – they will constitute only 0.4 per cent of all Muslim population of Bangladesh (detailed analysis of this aspect of EPA/VPA is presented below).

At this stage, in order to provide an objective and verifiable politico-economic analysis of the issue of grabbing properties of religious and ethnic minorities in Bangladesh using the EPA/VPA as instrument of mass destruction, it would be most appropriate to put forward a theoretical approach (of my own). This theoretical framework is as follows: The grabbing of properties (wealth and assets –immovable and moveable) of the religious minorities (predominantly the

⁷ Henceforth, the two categories, namely ‘beneficiary’ and ‘grabber’ will be used synonymously, or categories such as “beneficiaries – grabbers” or “grabbers-beneficiaries” will also be used to mean the same entity.

Hindus) and ethnic minorities (the indigenous peoples) using the Enemy Property Act and/or Vested Property Act is an outcome of a politically and economically conscious unholy alliance of the 'rent seekers' (who themselves does not create wealth rather take wealth away from others) and their subservient state power (with agents of governance) and tailored made politics to serve the purpose. As depicted in Figure 6, this theoretical approach encompasses a triangle of politico-economic institutional matrix, whose prime aim is to expedite the process of grabbing wealth of others by the rent seekers using state-sponsored Acts. A more robust essence of the system of grabbing through EPA/VPA is as follows: The structure of the agents of this unholy destructive system of wealth accumulation or taking wealth away from others, and outnumbering and ultimately exterminating them – the weakest section of people in a class society by the rent seekers located in the upper echelon of the economic, social and political class ladder using legal instruments (ordinances, laws, acts, orders etc) devised by the state and implemented by the governance agencies to accelerate the process of such grabbing (for more details about the essence of this conceptual framework see Barkat 2014a).

Figure 6: Structure of unholy alliance of the rent seekers, politics and state (with governing agents) in grabbing the properties of religious and ethnic minorities using EPA/VPA in Bangladesh: A triangle of politico economic institutional matrix



Empirical studies complemented by many case studies (Barkat et al. 1996; Barkat et al. 2000; Barkat et al. 2008) amply substantiates this politico-economic approach in understanding the land grabbing of religious and ethnic minorities by the rent seekers aided unquestionably by the state and politics. The triangle of politico-economic institutional matrix, shown in Figure 6, reveals that the

affected-deprived-victims of EPA/VPA – the Hindus (and all other religious and ethnic minorities) are located at the centre, who are surrounded by three evil forces, namely (1) the Rent Seekers – who never create wealth rather take wealth away from others – the weaker sections of class society; who destroy wealth, and who are responsible for national disintegration, disharmony and distrust, (2) the State, which, as a subjugated entity of the rent seekers, promulgates and nourishes discriminatory laws – contradicting fundamental citizenry rights enshrined in the Constitution; and paves the way for the agents of governance to act against the sovereignty of those citizens who are minority in numbers (in terms of religions and ethnicity), to design and perform governance activities aiming at curtailing the substantive freedoms that minority people shall enjoy, and to perpetuate an environment of mis-governance and to misuse power discriminatory to the minorities, which ultimately serves the purpose of the rent seekers in their grabbing the wealth away from the weaker section of the people, especially the people belonging to religious and ethnic minorities; and (3) the Politics, which is nothing but an integral part of the superstructure whose nature and purpose depend on the essence of the basic structure determined by the nature of the predominant mode of production, which, in turn, depends on the essence of the prevailing system of ownership in the means of production. Since the state alongwith the governance agents purports to serve the rent seekers' interest of grabbing the properties of the religious and ethnic minorities using EPA/VPA – how come politics be not in line? The dominant politics is bound to follow the pathway of the nature of state, and the 'mainstream' (dominant) political parties and forces are destined to serve the interest of the grabbers – the rent seekers; morality-ethics-social justice should be a much talked-about but "operationally" meaningless concepts to them; due to their interest in vote-banks they will continue to use religion and religiosity as political tools for mass destruction; they will show 'apparent sympathy' to the Hindu minority (not just because they have 10 per cent votes but because the Hindu voter turnover is high at 90 per cent, if free, fair and fare-free elections are held); they will make huge noise to fight for everything except to ensure liberty and substantive freedom for the religious and ethnic minorities; and finally, under the historically formed exploitation based crony capitalism under the hegemonic leadership of imperialism (with USA at the epicenter) and that within an unjust "global order in chaos" – the predominant political parties are bound to serve the upper class of the society and economy upholding the principle "*Of the 1%, for the 1%, by the 1%*".

After having the above-stated details of conceptual analysis, it would be pertinent to put forward a strong argument that the common Muslims were never

communal, which is evident from the fact that, compared to the predominant Muslim population of Bangladesh (90 per cent of the total population), only a few were involved in the process of grabbing the properties of the Hindus affected by EPA/VPA. According to our estimate, a total of 536,950 Muslims (i.e., at best 0.4 per cent of all Muslims) are the direct “beneficiaries” or the grabbers of 2.6 million acres of properties of 1,150,606 Hindu households affected by EPA/VPA.

The sample of 450 affected persons mentioned a total of 210 different persons as direct grabbers. In terms of economic status, whereas in the past, the highest proportion of the grabbers (39 per cent) was in the medium landowner category followed by small landowners (35 per cent), currently the highest proportion of them (57 per cent) falls in the rich landowner category.

Table 6 : Economic status of the grabbers – past and present (%)

Economic status (Land ownership group)	Past (at the time of occupying property)	Present (2006)
Rich farmer	21.0	57.1
Medium farmer	39.0	41.9
Small farmer	35.2	1.0
Landless	4.8	-
Total	100.0	100.0

Source: Barkat et al. 2008, p. 103.

Note: Economic status of the beneficiaries has been defined as follows: Rich farmer = owning more than 7.5 acres of cultivable land, medium farmer = owning 5 –7.5 acres of cultivable land, small farmer = owning 2.5 –5 acres of cultivable land, and landless farmer = owning less than 2.5 acres of cultivable land. Landless farmers include those who are absolute landless, functional landless and marginal farmers.

The percentage of grabbers in the small landowner category has drastically declined from 35 per cent in the past to only 1 per cent at present (Table 6). Thus, all the beneficiaries have benefited much by grabbing lands of the affected Hindu families. Based on the analysis of changes in the economic status of the grabbers – beneficiaries of EPA/VPA, at least two substantive conclusions can be drawn: (i) grabbing of land from the Hindus using EPA/VPA has been instrumental in concentration of land among few grabbers, and (ii) most grabbers were relatively well-off at the time of grabbing.

The social status of the grabbers – in terms of their positions in the local power structure – has improved much. At the time of occupying enemy-vested property, most grabbers (81 per cent) belonged to the village *Matbar* category. Now the

Table 7 : Social status of the grabbers – past and present (%)

Social position in the local power structure	Past (at the time of occupying property)	Present (2006)
Village <i>Matbar</i>	81.4	93.8
Union Council Chairman	2.9	3.3
Union Council Member	6.2	2.9
Others (not having clear social identity)	9.5	0
Total	100.0	100.0

Source: Barkat et al. 2008, p. 103.

proportion of grabbers in the village *Matbar* category has increased to 94 per cent (Table 7). Beneficiaries who did not have any identifiable (strong) social standing in the past have now been able to establish their strong and stable status in the society through occupying property vested under EPA/VPA. Thus, the Enemy/Vested Property Act acted as a mechanism through which the grabbers were able to not only to enhance their economic strengths, but also to strengthen their social and political standing in the local community.

Grabber's political affiliation is important, and at times crucial, because it requires enormous social strength and influence and a wide access to the power structure for both occupying and retention of occupation over such properties (Barkat et al. 2008). As such, in understanding the changing pattern of political affiliation of the grabbers, relevant information about their political affiliations were obtained for two periods: at the time of occupying the property (meaning any time between 1965 and 2006) and at present (meaning the year 2006). It is methodologically important to note that in order to ensure highest possible extent of accuracy about the political affiliations of the grabbers, an operational definition of political affiliation has been worked out and adopted in Barkat et al. (2008) study [details see Box 2].

It is interesting to note that, generally, the party-in-power and/or political forces upholding religious sentiments is the natural political affiliation of the grabbers-beneficiaries⁸. Whereas the highest proportion of the beneficiaries belonged to the Muslim League (37 per cent) in the past (at the time of grabbing property), at present the highest proportion of such individuals belong to BNP (45 per cent), followed by Awami League (31 per cent), Jamat-e-Islami (8 per cent), and Jatiyo

⁸ The party-in-power of Bangladesh in 1995 (20 March 1991-30 March 1996) was BNP, in 1997 (23 June 1996-15 July 2001) was Awami League, and in 2006 (10 October 2001-29 October 2006) was BNP-Jamat-e-Islami anti-secular four-party alliance.

Box 2: Operational definition of "political affiliation"

Identifying political affiliation of a person in the context of Bangladesh is not easy. In the present study, either of the following three criteria have been used to ascertain the political affiliation of the direct beneficiaries of EPA/VPA:

- (i) Holding membership in the formal committee of a political party. Here "committee" means any committee between centre (central committee) and grassroots (unit level, village, union committee), and/or any sub-committee, and/or affiliated body of the specific political party, and/or alike.
- (ii) Activist of a political party. Here 'activist' means anybody involved in the activities of a specific political party irrespective of level of activism and frequency of participation.
- (iii) Political affiliation identified by knowledgeable persons in the village, such as school teachers, members of other political parties, and other civil society members. This category of persons having political identities includes those who, officially, do not belong to any political party but knowledgeable people around associate that person with specific political party based on the attitude, behaviour and lifestyle of that person. This category also includes those who disproportionately participate in events organized by a specific political party. This category also means persons who may not formally preach ideas/ideologies of a specific political party but knowledgeable informants in the society label the person with a specific party, which may be based on many elements including personal and/or social interactions with the person.

Party (6 per cent). According to the 1995 Study, 72 per cent of the beneficiaries belonged to BNP – the then party-in-power (Table 8).

Nationally, an estimated 536,950 grabbers have been occupying a total of 2.6 million acres of vested land. The 2006 scenario of political affiliation of the

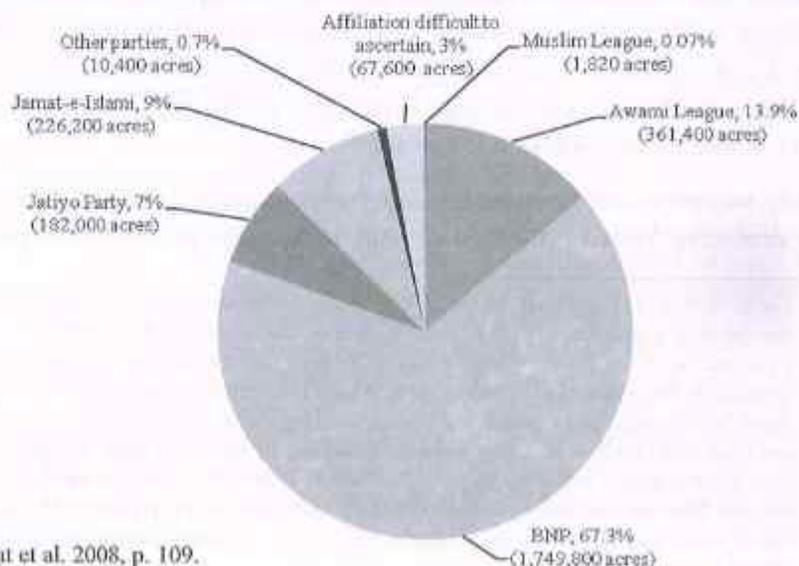
Table 8 : Political affiliation of the grabbers at different time periods (%)

Political affiliation	Past (at the time of occupying property)	1995 (Barkat et al. 1997a)	1997 (Barkat et al. 2000)	2006 (Barkat et al. 200)
Muslim League (ML)	36.7	1.2	1.9	0.5
Awami League (AL)	20.0	11.1	44.2	31.4
Bangladesh Nationalist Party (BNP)	22.4	71.6	31.7	45.2
Jatiyo Party (JP)	7.1	4.9	5.8	6.2
Jamat-e-Islami (JI)	1.9	3.7	4.8	8.1
Other parties	3.3	1.2	1.0	0.5
Affiliation difficult to ascertain	8.6	6.2	10.6	8.1
Total	100.0	100.0	100.0	100.0

Source: Barkat et al. 2008, p. 108.

grabbers of enemy/vested property by share of total land grabbed is significant in understanding the political economy of EPA/VPA. Considering the 2006 scenario unchanged out of 2.6 million acres, 67 per cent of vested land are occupied by those affiliated with BNP, 14 per cent of vested land are occupied by those affiliated with Awami League, 9 per cent of vested land are occupied by those affiliated with Jamat-e-Islami, 7 per cent of vested land are occupied by those affiliated with Jatiyo Party, 0.7 per cent of vested land are occupied by those affiliated with other parties, 0.07 per cent of vested land are occupied by those affiliated with Muslim League and 3 per cent are occupied by those whose political affiliations could not be ascertained (Figure 6). Both in terms of incidences and share in grabbing, the alignment of the grabbers-beneficiaries with the ruling party are obvious as they need political protection for occupying others' property or depriving others (especially religious and ethnic minorities) from their basic citizenship rights. The fact that about three-fifths of the grabbers have alignment with the political parties upholding Muslim religious sentiments (BNP, Jamat Islami, Jatiyo Party, and Muslim League) is also obvious under the present socio-political milieu of Bangladesh. All the above-stated analysis amply proves the validity of the politico-economic theoretical framework of grabbing the properties of the religious and ethnic minorities using legal instruments by the rent seekers in a grand unholy alliance with state and dominant politics in a class society. The fact that the matter goes unrecognized by the existing academia, politics and historians would be

Figure 6: Amount of vested land with grabbers by grabber's political affiliation, 2006



Source: Barkat et al. 2008, p. 109.

equivalent to accept the principle of “choosing not to see the uncomfortable truth” of oppression against the minority people using state-sponsored legal instruments. At the same time, recognition of a “convenient part” of the story by some is just a matter of “selective blindness”. Both are equivalent to intellectual forgery and crime. And concealing such historical crime is a much more crime than the crime itself!

9. A Brief History of Civil Society Response – From Research and Citizen’s Resistance to National Coordination Cell for Implementation of Vested Property Return Act

Vested Property Act – a continuation of the Enemy Property Act is one of the most tyrannical acts having serious impact on all five substantive types of freedom⁹ of all the religious and ethnic minority communities in Bangladesh. Although the act exists since 1965, no significant actions were taken to repeal the same even after the glorious War of Independence in 1971. The subject for the politicians was thought to be sensitive in a Muslim-dominated country; the civil society was not adequately aware and consolidated enough to raise the issue in public domain – widely; the research community, even the progressive ones did not dare to touch it most probably due to the potential threats, attacks, insecurity, and methodological complexity. However, to uphold the historical truth pertaining to the research part of the Enemy/Vested Property Act, it is necessary to put on record that during the late 1980s and early 1990s late Justice Debesh Bhattacharya, late Justice KM Sobhan, late Professor Rangalal Sen, and late Advocate MK Rakshit contributed much in understanding mostly the legal dimensions of EPA/VPA, in which there was a distinct dearth of empirical substantiation of socio-economic consequences and impacts of the laws (details see, Bhattacharya 1991 and 1994, Rakshit 1979 and 1991, Sobhan 1994, Sen 1994).

There was no visible resistance or any protest organized against the existence of the draconian Vested Property Act until 1979¹⁰, except occasional protest from

⁹ These include (1) political freedom, (2) economic opportunities, (3) social facilities, (4) transparency guarantee, and (5) protective security (for details see Sen 1999).

¹⁰ Continuation of the Enemy Property Act as Vested Property Act has been and continues to be resented by the people not only by those who have been affected but by the civil society as well. There was unorganized protests and pressure during the early seventies mostly on individual level and at the level of accessing political leadership of the ruling party. The political situation took a fundamental turn after tragic killing of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman and unconstitutional military take over on 15 August 1975. So for obvious reason there was no visible resistance or any protest organized against the existence of the Vested Property Act until 1979.

some left wing political parties and social movements. A Citizen's Resistance Committee for repealing the Vested Property Act was constituted in 1979¹¹, which was led by late Justice Debesh Bhattacharya and late Advocate Aminul Haque. In the same year, late Advocate Sudhansu Shekhar Haldar, a member of the then Parliament, moved a private member's bill seeking repeal of the Vested Property Act but of no outcome *per se*. Among other parliamentarians, Mr. Rashed Khan Menon and Mr. Shahjahan Siraj made statements on the issue. Hindu-Bouddha-Christian *Oikya Parishad* carried this movement since it was formed in 1988.

The involvement of some non-government organizations (NGOs) in creating citizens' awareness and campaign against this tyrannical and discriminatory law gave the movement a new dimension. Guided by Mr. Shamsul Huda, the then Programme Coordinator of the NGOs Coordination Council for Land Reform Programme, NGOs initiated in 1988 a low profiled campaign against tyranny of the Vested Property Act alongside its main campaign for distribution of Khas Land among landless¹². In 1994, the Association for Land Reform and Development (ALRD) under the joint leadership of Mr. Saidur Rahman, Ms. Khushi Kabir and Mr. Shamsul Huda took unanimous decision to initiate under the research-leadership of the author of this article (Abul Barkat) to conduct the first ever small scale research study of exploratory nature with financial support

¹¹ The Citizens Resistance Committee for repealing Vested Property Act is known as "Council for Resistance against Enemy Property Act" (*Satru Sampatti Ain Protirodh Parishad*). This citizens committee was headed by two eminent citizens of the country, late Justice Debesh Bhattacharya – a retired Judge of the Appellate Division of the Bangladesh Supreme Court and late Advocate Aminul Haque, a senior and well-known advocate of the Bangladesh Supreme Court (former Attorney General). Front ranking politicians belonging to different progressive and secular political parties and some leading intellectuals like late Professor Ahmed Sharif of University of Dhaka were actively involved in forming and running the Citizen's Resistance Committee.

¹² Although NGOs have been very active on poverty and general human rights related issues since seventies, they had no visible role on Vested Property Act until late eighties. In 1988, the NGOs Coordination Council for Land Reform Programme – a Coalition of NGOs based in OXFAM initiated some campaign on tyranny of Vested Property Act alongside its main campaign for distribution of khas land among landless. This campaign was continued and further strengthened when Association for Land Reform and Development (ALRD) started functioning as a formally registered NGO network for land rights and agrarian reforms in 1991. Mr. Shamsul Huda being the founding Executive Director of ALRD and the same NGO leaders who created NGO Coordination Council for Land Reform, staying in the Executive Board of ALRD with their background of connections and knowledge made a difference. Their like-mindedness helped decisively in bringing in the issue as a priority of ALRD. In 1994, ALRD initiated a study with financial support of The PRIP-Trust steered by its Executive Director Ms. Aroma Dutta, granddaughter of a renowned senior-most politician of the country who happens to be a great martyr of the liberation war in 1971, late Dharendra Nath Datta.

of PRIP-Trust. The study outcome, in a report form, was completed by the end of 1995 and released on 1996 (Barkat et al. 1996). This study report, first of its kind on the economic and social impact of EPA/VPA was published in a book form titled "Political Economy of Vested Property Act on Rural Bangladesh: An Exploratory Study" (Barkat et al. 1997a). That provided a sound empirical and logical basis on which civil society could build on their strategies for wider and effective campaign.

It took the social science research community a long 30-year time-period since the enactment of the Enemy Property Act to just to undertake a research study to understand the multidimensional impacts of EPA/VPA. As mentioned above such a study was launched in 1995. That was a small scale exploratory study conducted by Barkat-team and published by the Association for Land Reform and Development in 1997 (Barkat et al. 1997a). Based on the revealing and thought-provoking findings of the 1995 Study, it was felt necessary to conduct a larger and more robust nationally representative study, which was launched in 1996 and completed by the end of 1997 (Barkat et al. 1997), and published in the year 2000 as an over 500 pages book comprising of 50 different case studies and an in-depth empirical analysis (Barkat et al. 2000).

The 1995 Study has attempted to explore various dimensions of the socio-economic sufferings of the affected people in the rural areas of Bangladesh. In addition, this study described the current status of both the affected people and the grabbers, tried to categorize the dispossession mechanism, sought to find out the legal and administrative aspects of EPA/VPA and other related acts and thus has formulated a basis to determine the magnitude of the problem created by the EPA/VPA within the limitation of a small sample size emphasizing rural areas of Bangladesh. Based on the analysis of the causes and consequences of the Vested Property Act, authors concluded that "the process of communal disharmony, disruption and disintegration started with the evil spirited "two nation theory" and was further institutionalized through the enactment of the Enemy Property Act by the Pakistani regime during the 1965 Indo-Pak war. This law persists even today under a new nomenclature, the Vested Property Act, though the content of the law remains basically unchanged. An exploration on the subject shows that mass out-migration, dispossession of huge amounts of land and other assets, breaking of family ties, loss of human potential, disruption in social capital formation, and the formation of parasitic vested interest groups are some of the major impacts" (Barkat et al. 1997a). This 1995 Study, in addition to above stated, after an in-depth politico-economic scrutiny of the legal aspects of the Law of Vested (Enemy) Properties, discovered two Paradoxes which reads: "Paradox One:

Vesting of properties continue even in the absence of legal basis. Paradox Two: Bangladesh is at War with India since 1965" (Barkat et al. 1997a, p. 45-47).

It is worthwhile to mention that in his reviewing the 1995 Study, the then Advisor, Ministry of Law, Justice and Parliamentary Affairs of the Caretaker Government, late Barrister Syed Ishtiq Ahmed wrote: "The findings and analysis presented will have far-reaching impact on the land laws in Bangladesh" (Ahmed 1996). The 1995 Study has generated an idea of developing a general as well as case-specific solution matrix. These ideas were also reiterated and further substantiated by the knowledgeable persons participating at the national dissemination seminar on "Impact of VPA" held in Dhaka on April 13, 1996, and in the series of workshops organized by the Association of Land Reform and Development during 1996-1997.

The first study (1995) conducted by Barkat-team has clearly revealed the importance and urgency of undertaking an in-depth study on the same broad theme, however, by including many of the unexplored issues raised in the first study, and study on a much wider scale. Depth and intensity of the problem already identified, lead to the idea of exploring the issues further.

The second study in the series titled "Vested Property Act: Towards a Feasible Solution", launched in 1996 and conducted again by Barkat-team, was directed with the aim to attain more in terms of our knowledge-base about the subject and to identify feasible solutions. This second study was published in 2000 with a self-explanatory title "An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act: Framework for a Realistic Solution" (Barkat et al. 2000). The third study in the series was 2006 Study conducted by Barkat-team after the enactment of the Vested Property Repeal (Return) Act 2001. The 2006 Study outcome was published on 2008 as a book titled "Deprivation of Hindu Minority in Bangladesh: Living with Vested Property" (Barkat et al. 2008). The preliminary findings of this study were disseminated in 2007 which was instrumental in organizing large scale formal advocacy movement towards implementation of the Vested Property Repeal Act 2001.

In proactively raising the issue of Enemy Property Act (EPA) and Vested Property Act (VPA) as unconstitutional, anti-secular, anti-minority, anti-natural justice, anti-people and inhuman – the historical truth is that, the "justice system" during the Father of the Nation Bangabandhu Sheikh Mujibur Rahman was ahead of others by declaring the VPA as illegal and dead Act on 23 March 1974. The judiciary was then followed by some progressive politicians, political parties

upholding the principle of secularism, citizens resistance committee named “Council for Resistance Against Enemy Property Act” (CRAEPA), two-three NGOs, organization purports to support the cause of the affected people under the banner of *Bangladesh Hindu-Bouddha-Christian Oikyo Parishad*, and then after some time by a few progressive NGOs (in a country globally known for frontrunner in NGO activities with microcredit programme, among other). These NGOs, initially, in late 1990s worked in isolation doing mainly small scale stage setting advocacy about the need for repealing the Vested Property Act. Then, after having equipped with research-based hard empirical evidences (primarily from the above stated three research works of Barkat et al. 1997, 2000, 2008) started organizing joint meetings (to the best of my knowledge the process started in 2007) of nine NGOs¹³ (including one research organization) aiming at mobilizing public opinion in favour of the legitimate demands of the minority victims, their inheritors and successors-in-interest.

This group of nine NGOs together chalked out a tentative campaign programme to delve deeper in to the arena of nationwide advocacy on the issue of repealing the Vested Property Act and devising means and ways to return back the properties of religious minorities grabbed using EPA/VPA. During 2007-2010, this collaboration of nine organizations was still at the embryonic stage. Ultimately, in 2011, these nine organizations formed one unique formal body with the name “Citizens National Coordination Cell for Implementation of Vested Property Return Act” (CNCC-IVPRA; *Orpita Sammpotti Protarpan Ain Bastobayan Jatio Nagorik Sammonoy Cell*). This newly formed citizens coordination cell, since inception in 2011, started performing – based on empirical evidences – logically comparatively aggressive actions and activities towards changing and amending those articles and sections containing in the Vested Property Return Act 2001 which are communal, anti-secular, anti-minority, anti-affected people’s interest, pro-grabbers’ and pro-vested groups’ interest. The CNCC-IVPRA undertook planned efforts towards reaching their aim of supporting the cause of the EPA/VPA affected community. In doing so, they have performed the following, among other endeavors: started meeting affected people; organized public hearings; organized press conferences as and when needed; organized seminar, conference, roundtable, workshop in capital Dhaka and

¹³ These 9 organizations are (alphabetically): Ain-o-Shalish Kendra (ASK), Association for Land Reform and Development (ALRD), Bangladesh Hindu-Bouddha-Christian Oikyo Parishad, Bangladesh Legal Aid Services Trust (BLAST), Bangladesh Puja Udjapan Parishad, Human Development Research Centre (HDRC), Nijera Kori, Orpita Sampatti Ain Protirodh Andolon, and Sammilito Samajik Andolan.

outside Dhaka; organized conscientization efforts of various types; published many posters, leaflets, booklets for opinion building and advocacy; organized meeting with lawyers and activists; organized other NGOs in their network for the cause; organized many meetings with the relevant caucases in the National Parliament; organized meetings and seminars involving parliamentarians and members of relevant Standing Committees (Land, Law etc.); organized meetings with relevant Ministers; organized citizens rally and human chain on the issue in many parts of the country; produced useful booklets for those who are affected by EPA/VPA but unaware of how to get back their lost property through legal process; handing over memorandum of demands to the relevant Ministers, to the Hon'ble Speaker of the National Parliament, and to the Hon'ble Prime Minister. This long list of work accomplished by the said citizens group is indicative of their relative seriousness and commitment towards implementation of the Vested Property Return Act.

This organization – the CNCC-IVPRA has so far done a well-intended job in a relatively short time span (2-3 years). However, there is no room for complacency, because people-at-large are almost unaware about the issue and they must be involved in the process. But how and when that will be materialized? Here, it is my own (informed!) understanding that unless people-at-large are proactively involved – the whole process is bound to slow down and even may prematurely die. It is absolutely needed to turn the issue of Vested Property Return Act into a social movement, which needs more innovation in terms of ideas, tactics, strategies, and engagement. There is nothing to be complacent, because ultimately all affected persons (victims of EPA/VPA) must get back their lawful property lost due to EPA/VPA. Here also, my commonsense (which is very un-common!) question is how and when the affected people will get full justice and get back their properties? On this, I am skeptically optimist: Optimist, because we are talking about a historically unjust misdeed which is not only anti-constitutional but also anti-people, inherently communal, anti-secular, anti-fundamental and anti-basic human rights. I am skeptic, because we are talking about the most scarce source of power i.e., LAND and also the grabbers of those land and property who are not just rent seekers but also runs the show of governance and dominant politics. Here also, tactical and strategically innovative ideas need to be worked out and pursued keeping mass people engaged in the process. In realizing the optimistic scenario, intelligently designed conscientization struggle keeping people proactively involved has no alternative (for more analysis on this see, section 11).

10. Destruction and Deprivation of Religious Minorities due to EPA/VPA – Key Recommendations towards Resolution

Based on the analyses of the whole issue of un-peopling and deprivation of the religious minorities due to EPA/VPA, and based on the discussions with all relevant stakeholders, a list containing some specific, achievable and realistic solutions is presented below. In designing the proposed solutions all recent development towards the solutions has been given due consideration, which include the Vested Property Repeal (Return) Act 2001, and its subsequent six amendments (2002, 2011, 2012, and 2013). Due to complex nature of the whole problem, it should be mentioned that some of the solutions need further investigation and examination by relevant experts including the social thinkers, politicians, legal experts, human rights activists, and the affected persons. The proposed solutions grouped into five interrelated broad categories have been worked out keeping in mind intra-category prioritization. This does not necessarily imply that this prioritization is a water tight compartment. Depending on the nature of problem and time the priority may change. The recommended solutions grouped in 5 broad categories are presented below:

Category 1 : Related to Vested Property Return Act 2001 and subsequent relevant Amendments; implementation issues

1. All-out efforts should be continued to identify and accordingly change the provisions in the Vested Property Return Act 2001 and its subsequent amendments including the implementation modalities of the Act which are contradictory to the spirit of the law to return the properties to the affected owners and their lawful inheritors or successor-in-interest. In accomplishing this and in obtaining suggestions for improvement of the law towards making it more effective and efficacious – seeking impartial opinion of the civil society members, concerned expert lawyers, human rights and land rights experts and activists, and most importantly, the effected persons should be given topmost priority.
2. All properties listed as vested after 23 March 1974 should be omitted from the Vested Property (VP) List as the Appellate Division of the Supreme Court has declared all vested properties enlisted after that date to be illegal as because the law of enemy property became a dead law since that date. And those who were involved in the process of enlisting properties as vested after 23 March 1974 should be brought to task for committing contempt to the highest court of the country.

3. All properties vested after the declaration of the Vested Property Repeal (Return) Act 2001 and included in the gazette of vested property should be declared totally unlawful and be returned back immediately to the affected owners from whom the properties were taken as vested property, and those who have engulfed such properties must be exemplary punished.
4. The abatement clause (Section 13) of the Vested Property Return Act should have a saving sub-clause to protect the legal rights of the affected persons with regard to cases already disposed of or decreed by competent courts or appeals pending with higher courts.
5. Notwithstanding the existing inheritance law of Hindu community and other religious and ethnic minorities – the female heirs or co-sharers of the vested properties should be treated as legal claimants and equal as males and get priority in disposing of any case pending with the Vested Property Tribunal, provided the female heir(s) is (are) citizen(s) of Bangladesh.
6. The existing tribunals formed for the resolution of the vested property return purposes shall be made more active and effective, and to be provided with human and financial resources, including necessary competent manpower.
7. This is due to the increasing number of vested cases – around 500,000 cases have already been filed – it is becoming difficult to dispose-off cases within stipulated time. Therefore, it is suggested – due to increasing number and complexity of cases – to increase both the number of tribunals and the number of knowledgeable and committed judges in the tribunals.
8. Vested property having no legal claimant should be utilized by the government for the purpose of human development, especially for the accelerated development of the minority communities – both religious and ethnic.

Category 2 : Related to listing of vested property and publication of gazette

1. All activities related to identification and enlistment of any property as vested should be banned immediately and no further gazette of vested property should be published. In this regard, an official declaration in the mass media should be the immediate action of the government.

2. All illegal revised lists and gazettes which are already published or awaiting publication have to be declared void.
3. All properties listed as vested in the new list violating the Section 9(6) of the Vested Property Return Act 2001 are illegal, and therefore be discarded or excluded from the list.
4. The 'Schedule B' (*Kha Tafsil* or *Kha List*) is illegal. Reportedly, ill-motivated efforts are there to include properties of *Kha List* into *Ka List*. This should be resisted at any cost and declared ban by the government.
5. A separate list may be prepared and published by the government for those properties of the minority communities which were brought under the Enemy Property Act during the period between 6 September 1965 and 16 February 1969 (A Census List was prepared in 1966-67 which was pencilled – not inked; in 1987-88 another list was prepared which is inked).

Category 3 : Related to assigning priority in returning back vested property

1. All enemy and vested property should be given back to the lawful owners and/or to their legal inheritors and/or to their successors-in-interest. However, in the process, if need be, priority should be given to the following categories
 - (a) Those families in which almost all the legal inheritors are permanently residing in Bangladesh.
 - (b) The affected female-headed households.
 - (c) Those cases whereby the property is grabbed mainly by the *Tahsildars* and other land administration officials.
 - (d) The vested properties, which are illegally occupied by others without leasing-in from the government.
 - (e) Homestead land (about 62 per cent of the total incidences and about only 39 decimals of dispossession per household in this category) should be un-vested. Implementation of this may be not easy, however, this will resolve shelter problem of 62 per cent of the affected households.
 - (f) Those who were small landowners (who owned equals to or less than 300 decimals before EPA/VPA), and who in the process of EPA/VPA have become pauperized and marginalized. This recommendation, at first glance, may appear to be difficult to implement, but this alone

will solve 47 per cent of the problem in terms of number of vested households, and 14 per cent of the problem in terms of amount of total vested land.

2. In absence of the major shareholders, the legal co-sharer's right to lease-in the whole property should be ensured until the final settlement is accomplished.
3. There shall be no new leasing of any vested property by Deputy Commissioner or District Magistrate except renewing the old leases of vested property subject to final disposal of the property concerned by the tribunals or appeal tribunals or higher court.
4. All 99-year leasing-out of vested properties should be declared null and void and the ownership rights of the original owners or their inheritors or successors-in-interest should be established if they are the *bona fide* citizens of Bangladesh.

Category 4 : Related to active participation of civil society

1. The government shall hold regular (may be monthly and/or as and when necessary) meeting with the "National Coordination Cell for Implementation of Vested Property Return Act" – the most relevant and proactive civil society body, so far, working on this nationally vital historical issue.
2. All relevant civil society bodies including carefully chosen media¹⁴ shall be made proactive in the following areas pertaining to the expedition

¹⁴ Media matters! This is more so when the question comes to choose a media in the struggle to fight injustice, when now-a-days most media are not unpeople-friendly. Most of the Western media and their subservient in the developing countries are good in "colonizing people's mind and mind of the perpetrators". They are experts in dis/misinformation propaganda and media terrorism; media has high level of expertise in promoting "selective blindness"; they rarely talk about "uncomfortable truth" (details about role of media propaganda in support of Western imperialism, see Chomsky and Vltchek 2013, p. x, xi, 9-11, 13, 28). Here a few more substantive facts on media having historical relevance would be useful to know and internalize. This is due to the fact that media – mass media including electronic and print and all e-media including internet, twitter, websites, facebook, and so on serves specific purpose of specific interest group in specific time. An objective and truthful account of the essence of the propaganda role of Western media is essential for our understanding how are world has been controlled and governed, as well as to know how the media "manufactures" public opinion, ideology and perception. Western media – developed through a long process – is a complex and "sophisticated" (media) propaganda system aimed ultimately at serving the interests of their masters – the Western imperialism – by way of masking the truth ("under-carpeting truth") through deliberately disseminating wrong information, distorted information, partial

implementation of the Vested Property Return Act: review and identification of practical loopholes in returning back the vested properties to its lawful owners and suggest remedial measures to the competent authorities and follow-it up; provide voluntary legal support to the affected persons; form nation-wide network of secular people and non-state organization as "Friends of EP/VP Affected People"; conduct relevant advocacy efforts using all possible means and ways; organize local community and form local support group and watch dog mechanisms to uphold the lawful rights in getting back the properties by the affected people.

Category 5: Related to punishment of grabbers-rent seekers, illegal occupants and rent seeking officials

1. The government officials (especially those in the land-related offices) who were involved in vesting properties of the affected persons after the enactment of Vested Property Repeal (Return) Act 2001; those who were involved in the process of enlisting properties as vested after 23 March 1974 (i.e., after the Supreme Court's Appellate Division's declaration of such act as illegal), and those who have grabbed those properties shall be exemplary punished.
2. Official circulars for the quick supply of Khatian, certificate, and other land-related documents to the victims should be sent to the relevant land and sub-registry offices. This circular shall mention the nature of award for good work and heavy punishment for bribe and other forms of corruption.

information, over information, distorted information, mis-information, tight lipped gesture, determined disinformation campaign against "uncomfortable truth" and ideological manipulation. The following excerpts, drawn from Noam Chomsky and Andre Vltchek (2013), are absolutely worth in understanding the revealing reality of Western media and the essence of its propaganda role (*the question for us are mine*): (1) How many people the Belgian King Leopold II killed in Congo? "In 1910 or so, the Belgian King Leopold II, during his rule in Congo, conducted the super-genocide killing ten million Congolese people. So, Belgian killed more people in Africa than what was then population of their own country.However, in the most famous edition of the *Encyclopedia Britannica*, the entry on Belgian King Leopold II talks about the wonderful things he did and at the end says something like "he sometimes treated people harshly" – yes, such as murdering ten million"; (2) What massacre the French colonialists has done? During French colonialism, "In some places the French managed to massacre the entire native population, such as on the island of Grenada. Those they did not kill were jumping from the cliffs to escape horror of falling into their hands"; (3) Why U.S. bombed in Laos and Cambodia which were never reported? In 1970's, "the U.S. Campaign, using B52s,

The recommendations or suggestions presented above should be internalized and respectfully implemented without delay. The justice towards those religious and ethnic minorities who are affected by the EPA/VPA (as well as punishing those who were behind the act of injustice) has already been over delayed (at least in terms of enactment of the Vested Property Return Act 2001) and implementation of justice seems to be caught in a process of indefinite further delay. This is unacceptable. Whatever the case is, not fighting the cause of EPA/VPA affected people in establishing their rights through implementation of the recommended suggestions (there may be other suggestions also) would be morally gruesome, ethically unjust, and historically suicidal. On the other hand, it should be kept in mind that it is absolutely impractical to assume that all the proposed solutions will be materialized automatically. Efforts to create an enabling environment to resolve the issues would be needed. Three basic preconditions, among others, should be fulfilled: the government should be *concerned* about the gravity of the problem first; then it should be *committed* to resolve the problem, and be *competent* enough to carefully and confidently handle the issues involved. The government should recognize that any feasible attempt to resolve the problem will enhance its credibility and image, both nationally and internationally.

was to bomb the Laotian and Cambodia countryside to prevent Laos and Cambodia from joining Vietnam in its liberation struggle. Millions were mercilessly killed.... In Cambodia, it all began with the U.S. implanting an illegitimate and corrupt government in the capital, Phom-Penh.... And there is no doubt that more people were murdered during the U.S. bombing campaigns of the Cambodian countryside than by Khmer Rouge actions..... The scale of the bombings has never been reported... The disinformation campaign of the West is clear: to indict Communist ideology, to connect it to Pol Pot's atrocities"; (4) Who killed people in Eastern Congo and why? "Some of the worst atrocities in the world have been committed over the last few years in the Eastern Congo. Three to five million people may have been killed. And who do you point the finger at? They have been killed by militias, but behind the militias are multinational corporations and governments, and they are not visible"; (5) Why ten million people were killed in Rwanda and Uganda? "It is mostly Rwanda, Uganda, and their proxies who are murdering millions of innocent people, behind this are always Western geopolitical and economic interests"; (6) Why is the international tribunals so hostile to Africa? "If we look at the international tribunals, the only people who are indicted are overwhelmingly Africans and one or two people who are enemies of the West, like Milosevic. And the Africans are also always from the side that we don't like"; (7) How come the Western media knew in advance about U.S. bombing in Tripoli, Libya? "I had a good friend, Charlie Glass, who was the Middle East correspondent for ABC TV for years... He didn't go along with them and they finally pretty much threw him out. In 1986, the evening of the bombing of Libya, he called me from Tripoli, around 6.30 at night and he said you should watch the 7 o'clock news tonight.... He couldn't tell me why. I turned on the television set at 7 o'clock. Precisely at 7 o'clock, the bombing started. All the Studios were there..... Nobody pointed out that this was the first time in history that a bombing was scheduled for prime-time television"; (8) How do the Western media colonizes people's mind including the minds of the perpetrators? "Eastern European dissidents

II. In Lieu of Conclusions: Solution is Necessary but Constraints are Formidable. Are We Fighting a Losing Battle?

In conclusion – based on political economic analyses of various dimensions of the Enemy Property Act, Vested Property Act, Vested Property Return Act (alongwith all amendments), and the real life situation – it is difficult to draw any straightforward conclusion pertaining to the possibilities of resolution of the problem, meaning here that the affected people, in near future, will get justice in having back their properties lost due to EPA/VPA. The normative conclusion is that the affected people (and/or their legal inheritors and/or their successors-in-interest) have all the inherent rights to get back their properties; however, the objective practical conclusion is that the distance of the affected people is still far away from the frontier of reaching the point when they will get back their properties lost due to EPA/VPA.

In the relevant literature and in political parlance, the whole issue of EPA/VPA has so far, been presented as a religion-based issue, which is just an appearance on the surface. To put it bluntly, the issue of EPA/VPA, in essence, is not a religion-based issue. This is clearly a “class” issue (not in the classical-traditional sense of the term) wherein the upper class of rent seekers grab everything (from natural resources to verdict of the court, from labour of weaker sections of people to

like Vaclav Havel are very famous in the West and greatly honored... Vaclav Havel (right after the fall of the Berlin Wall) came to the United States and he spoke before a Joint Session of Congress where he got just rapturous applause, especially when he described the United States as “the defenders of freedom”, who have just brutally murdered half a dozen of his counterparts in a place which is inhabited by un-people. No comment”; (9) Who are the target of negative propaganda by Western media? “Look at the attacks against China. Whenever China makes an error, the smallest error, like the mining disasters in Zambia in which its companies were involved and several people died– several, not millions – it becomes the target of negative propaganda by the local and international press”; (10) Who were behind the atrocities in Algeria in the 1990s? “Atrocities attributed to the Islamists were actually carried out by the government with fake Islamist costumes and so on... France likely had a hand”, (11) Who are the real targets of Western propaganda and why? “What I read in the Western press and what I witnessed all over the world somehow did not match. Failed feudal states were hailed as a “vibrant democracies”, oppressive religious regimes were described as “tolerant” and “moderate” countries, while nationalist and socially-oriented states were incessantly demonized... Western misinformation had been clearly target countries that have been refusing to succumb to Western dictate : Cuba and Venezuela, Eritrea and China, Iran, Zimbabwe, Russia, while glorifying those nations that were either ravishing its neighbors on behalf of Western interests, or plundering their own impoverished people: Rwanda, Uganda, Kenya, Indonesia, Saudi Arabia, Israel, the Philippines and many others;” and (12) “It was the fear of being targeted, of being “punished” by the seemingly omnipotent Western masters of the world... Nihilism has also being spread by propagandists firmly entrenched in Western media outlets and in academia” (for details about all the above stated see Chomsky and Vltchek 2013, p. x-xi, 6-11, 13, 18-19, 26-29, 42-43).

product of their labour etc) and in doing so they use all possible means and ways including religion, ethnicity, legal and extra-legal instruments and institutions, power, politics, muscle. The aim is simple: To become wealthy by taking away wealth from others who are weak; and not become wealthy by creating wealth by themselves and to multiply that grabbed wealth (not only during the period of primary accumulation of wealth under capitalism, but also throughout all the stages of capitalism including under imperialism) and, thereby, create a condition in which the State, Government, Politics become subservient to them – the rent seekers-grabbers (in this case grabbers of properties of religious and ethnic minorities using EPA/VPA). Therefore, there should not be any doubt, that the whole issue of EPA/VPA, both politically and economically, is a class issue. And, fighting class issue using religion is a misnomer, and such struggle is destined to fail such battle is inherently a losing battle.

Reversal of “political economy of injustice” into “political economy of justice” is history in and by itself. It is worth keep in mind that over 50 per cent of the total incidences of dispossession and about 75 per cent of the total land dispossession of religious minorities affected due to the Enemy Property Act (and subsequently by the Vested Property Act) took place 40 years ago (between 1965 and 1971) during the military-autocratic Pakistani rule. After a long struggle, the Vested Property Act has been repealed (in 2001) and the Vested Property Return Act 2001 (alongwith subsequent amendments) has been enacted by the national Parliament during democratically elected government. This should be treated as a historically welcoming act of rectifying historical misdeeds of the past. However, this should not cause complacency. This is primarily due to the fact that after 40 years of grabbing land of the religious minorities giving those back to their legal owners or to their inheritors or to their successors-in-interest is unprecedented in history making this history can never be an easy route. Here, it is important not to remain oblivious of the unpalatable truth that the operation of the Vested Property Act as a continuation of the Enemy Property Act had its root in distinct historical doctrine in the religion-based state-craft of Pakistan. Depriving religious minorities through Enemy Property Act and Vested Property Act was not an historical accident *per se*. It was rather an outcome of conscious decision by the Pakistani rulers to *Pakistanize* the East Bengal (East Pakistan), to use “Islam is in danger” as a means to obstruct development of secular Bengali culture and associated human capital formation in East Bengal (Pakistan), to un-people a large part of Bengalees from their roots based on their non-Muslim identity, and to try to establish military feudalistic elitist Pakistanized hegemony over the Bengalees and, thereby, to create their politico-economic allies in East Pakistan (East Bengal). In materializing these,

the Enemy Property Act promulgated in 1965 – using the War between India and Pakistan as a pretext – and subsequently the Vested Property Act – after 1971 War of Independence of Bangladesh – were used to divide people based on their religious affiliations. This legal instrument – EPA/VPA – was used by the barbarian rulers as a mass weapon of destruction towards oppressing people, especially the religious and ethnic minorities. The consequences have been, simply, gross denial of freedom and liberty, and institutionalization of systematic social, cultural, economic, political, and psychological deprivation of the religious and ethnic minorities in Bangladesh. The fuelling of religious fundamentalism in politics, economy and culture has been an obvious consequence as well as an objective.

The national disaster has been so huge that approximately 1.5 million households or 7.5 million people belonging to various religious and ethnic minorities have been directly and severely affected by the Enemy/Vested Property Act, and have lost about 3.0 million acres of their land property. In addition, there has been unmeasurable extent of national losses in terms of forced mass out-migration, stresses and strains, mental agonies, severance of family ties, loss of human potentials, disruptions in communal harmony, un-freedom, and disintegration in the process of national human capital formation. All these have happened as mediated through the Enemy/Vested Property Act. This act violated all fundamental human rights; this act contradicted the basic spirit of the Proclamation of Independence; this act contradicted the basic premises of the constitutional provisions of “equality, equity, freedom and justice for all citizens”; and this act has been inherently communal, anti-human, and anti-democracy. This act created an environment which was adequately enough to destroy the inherent spirit of freedom, liberty, and choice.

It is, therefore, in order to ensure a true environment for humane development in Bangladesh, there is no alternative but to successfully and expeditiously implement the Vested Property Return Act 2001 maintaining the core spirit of the Act, and return back the properties affected by EPA/VPA to their legal owners and inheritors. This demands political commitment towards ensuring the well-being of the people affected by EPA/VPA coupled with substantive public actions. And all these are absolutely necessary to institutionalize liberty, freedom, and choice – as both means and ends to true humane development in Bangladesh. Therefore, in order for to revert the conscious historical misdeeds done towards the religious and ethnic minorities through the Enemy and Vested Property Acts – *political economy of injustice* should be turned into *political economy of justice*, and in ensuring that the accelerated implementation of the Vested Property Return Act has no alternative. Since the issue of EPA/VPA is ultimately a class issue – the

question remains: "Are the affected people going to get back their properties in a class society dominated by the grand alliance of the agents of an unholy triangle – the Rent Seekers-Grabbers, the State (with governance agents), and the Politics serving rent seekers interest"? A difficult question to answer!

My answer is 'No', not in the near future. There is plethora of reasons of my concluding so. The first and foremost is: We have accepted the battle based on *appearance of things* and not *essence of things* – and fought and still fighting the battle as a battle between religions (Muslims versus the non-Muslims, and primarily the Hindus) and, so far, acted accordingly. This battle is destined to be a losing battle. To the contrary, we have never get in to the essence of things to think the issue of EPA/VPA as a class issue, as an issue of wealth and resource grabbing by the rent seekers aided by their super-structural ideologies and institutions (state, government, politics, religion – local, national, international), as an issue that all forms of violence have played immense role in both establishing and perpetuating capitalism. In order to establish lawful, constitutional, fundamental and human rights of the people affected by EPA/VPA – the affected people themselves are not involved (or remotely involved) in the movement. To put it baldly, there is no relevant true movement *per se* in which, irrespective of religious identity people, especially people who are exploited in a class society are fighting unitedly to establish their rights to liberty, freedom, equality, fraternity, and solidarity.

Is resolution possible? Are we fighting a real battle – the way we are fighting it? Based on my twenty years of research experience on political economy of EPA/VPA coupled with my relatively proactive participation in advocacy movement against this inherently communal law and civilized act towards returning back the properties grabbed using EPA/VPA to their legal owners and/or to their legal inheritors and/or to their legal successors-in-interest (as applicable) – my informed reply would be both 'NO' and 'YES'. To put it objectively, the resolution depends on the readiness of the two sides – the supply side (meaning the state, the government, and the grabbers) and the demand side (meaning the affected people, their community, their organizations, and exploited people at large). To my knowledge, the directly affected people comprising people representing religious and ethnic minorities, especially the Hindu community (let alone the indigenous peoples) is not ready or yet to be ready – they themselves are divided in to different interest groups in a class society; their unity in diversity is yet to be consolidated; many of their leaders and/or activists suffer from elitism (and there is no historical evidence of elitist leaders serving the causes of the poor and marginalized people); many of their leaders are not that really serious about

the poorest of the poor EPA/VPA affected persons who have become landless and/or shelterless and/or pauper-beggar (such seriousness has never been expressed in public); most of their leaders and activists are yet to internalize the politico-economic essence of unpeopling the minorities; most of them are not in a position – in terms of their thoughts and actions – to accept the issue as a matter of rights, establishing which requires a serious movement of class struggle in essence and which in no way should be a subject of begging to the grabbers-grand-alliance; most of them do not recognize or are not adequately serious about the equality of women in inherited properties; most of their ‘movement’ is purely Dhaka-centric urban and to be more precise, Dhaka press club-centric; some of their ‘movement’ is at best district-level-centric and almost never reached the rural areas (where 75 per cent population live and where almost 80 per cent of the incidences of EPA/VPA took place); most of them, in reality, do not believe in their core of their heart that the affected people will get back their properties lost due to EPA/VPA, however, for reasons not known to me somehow they are comfortable and complacent with the pathing-up system of Vested Property Return Act; most of them are most likely suffer from a gross misperception that their religions-based organization – the Hindu-Bouddha-Christian Oikyo Parishad- will be adequately strong enough to resolve the problem; some of them even preaches Hindu fundamentalism and some other, Christian fundamentalism; most of them think that some of the NGOs active in the field especially those that are getting funding support from outside Bangladesh (“donors” or currently politely renamed as “development partners”) will be the saviour and will do everything to resolve the problem; many of them still believe and believe strongly that the mighty neighbour India (from religion point of view dominated by population belonging to Hinduism) will come forward and resolve the issue; most of them perceive the problem of EPA/VPA as an issue of the Hindus only, and not as a national issue in which irrespective of caste-cred-religion – all citizens shall participate in the “battle for justice”. Each of the abovementioned is not only unhealthy for the growth of the real movement, but also provides dividend to the grabbers-grand-alliance without investment. This has to be realized and recognized carefully by the movement makers and opinion leaders who want to really fight the “battle for justice” and ‘win the battle’. The movement towards resolution of the unsurmountable destruction done by EPA/VPA although morally and ethnically correct in its own right is not all-encompassing and politically still in her infancy. Involving Indian State and government, diplomatic missions and donors (“development partners”) will be both ethically and politically incorrect, counterproductive and may be suicidal.

Upholding the whole issue of EPA/VPA as an issue of 'religious right' will ultimately imply getting in to an unresolvable trap, because fanaticism is a basic trait in all religion, wherein if battle for justice somehow perceptively turns into a battle for fighting the religion of majority – that will end up with getting into a trap-in-perpetuity. The problems grown out of EPA/VPA, in that case, will never be resolved; on the contrary, those problems will multiply. It is therefore, my suggestive conclusion towards getting rid of destructions done by EPA/VPA would be as follows: (1) Do everything to transform EPA/VPA-related thoughts and actions from *appearance of things to essence of things*, i.e., leave aside the "religion" part and uphold the 'class' dimensions. (2) Involve people from all walks of life, especially all affected people and exploited people at large (irrespective of religion) to shape the movement as "mass movement" against the rent seekers-grabbers grand alliance. In which case, the movement of right to land of the religious and ethnic minorities (or at least to get back those lands which were lost due to EPA/VPA) should be transformed into an integral part of the nationwide Agrarian Reform (or at least land reform) movement, which will unite all the poor, marginalized and exploited people. This should be treated as the only pathway towards resolution of the relevant problems once for all. And, walking through this pathway towards substantive change will require a paradigm shift in the whole philosophy of rights-based movement (including the changes in the mindset of the leaders and movers). Finally, this philosophy of rights-based movement should uphold the politically correct and substantive class-oriented slogan "*All poor and marginalized people unite*" or, to be more correct in a globalized mono-polar imperialist world, "*All poor and marginalized people of the world unite*".

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References

- AHMED, S. A. (1996). Personal Letter to the Director, ADAB, Mr. Shamsul Huda after having reviewed the Research Report "Impact of Vested Property Act on Rural Bangladesh: An Exploratory Study" by Barkat et al, 1996. Dhaka.
- BANGLADESH. (1994). The Constitution of the People's Republic of Bangladesh (As modified up to 30th June, 1994), Ministry of Law, Justice and Parliamentary Affairs.
- BANGLADESH. Bangladesh Bureau of Statistics. (1993). *Statistical Pocketbook of Bangladesh 1993*. Dhaka: Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning.
- BANGLADESH. Bangladesh Bureau of Statistics. (1999). *Statistical Pocketbook of Bangladesh 1998*. Dhaka: Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning.
- BANGLADESH. Bangladesh Population Census. (1981). *Analytical Findings and National Tables, 1984*. Dhaka: Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning.
- BANGLADESH. Bangladesh Population Census. (1991). *Vol. 1, 1994*. Dhaka: Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning.
- BANGLADESH. Bangladesh Population Census. (1991). *Vol. 2, 1993*. Dhaka: Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning.
- BANGLADESH. Bangladesh Population Census. (2001). *National Report (Provisional) 2003*. Dhaka: Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning.
- BANGLADESH. Ministry of Finance. (2013). *Bangladesh Economic Review 2013*. Dhaka: Economic Advisor's Wing, Finance Division, Ministry of Finance.
- BANGLADESH. *The Dacca Law Reports*, Vol. XXIV (April-December 1972). Dacca: DLR 1972.
- BANGLADESH. *The Dacca Law Reports*, Vol. XXIX (January-December 1977). Dacca: DLR 1977.
- BANGLADESH. *The Dacca Law Reports*, Vol. XXVI (January-December 1974). Dacca: DLR 1974.
- BANGLADESH. *The Dhaka Law Reports*, Vol. LVI (January-December 2004). Dhaka: DLR 2004.
- BANGLADESH. *The Dhaka Law Reports*, Vol. LVIII (January-December 2006). Dhaka: DLR 2006.

- BANGLADESH. The Dhaka Law Reports, Vol. XIII. (January-December 1996). Dhaka: DLR 1996.
- BANGLADESH. The Dhaka Law Reports, Vol. XIVL (January-December 1994). Dhaka: DLR 1994.
- BARKAT, A. (2003). Right to Development and Human Development: Concepts and Status in Bangladesh. In H. HOSSAIN (Ed.) *Human Rights in Bangladesh 2002*. Dhaka: Ain o Salish Kendra.
- BARKAT, A. (2005). *Arpita Sampotti Aain:Khatir Bapti O Koronio Proshange* (in Bengali) (Vested Property Act: About the Extent of Loss and Doables). Bangladesh Institute of Law and International Affairs (BILIA). Dhaka. July 2005. Dhaka: Bangladesh Institute of Law and International Affairs (BILIA)
- BARKAT, A. (2007). *Bangladeshe Arpito Sampotti Aine Khotigrosthro Lakhho Lakhho Paribarar Bonchona* (in Bengali) (Deprivation of Millions of Families Affected by the Vested Property Act). ALRD, Nijera Kori and SAMATA. Dhaka. May 2007. Dhaka: ALRD, Nijera Kori and SAMATA.
- BARKAT, A. (2008). *Arpita Sampotti Aaine Khotigrosto Manusher Artho-Samajik Bonchona: Prokiti o Samadhan* (in Bengali) (Socio-Economic Deprivation of People Affected by the /in the name of Vested Property Act: Nature and Solutions). Bangladesh Economic Association, ALRD, and Bangladesh Economic Association-Chittagong. Chittagong. February 2008. Chittagong: Bangladesh Economic Association, ALRD, and Bangladesh Economic Association-Chittagong.
- BARKAT, A. (2011). Political Economy of Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act. In A. DASGUPTA, M. TOGAWA and A. BARKAT (Eds.) *Minorities and the State: Changing Social and Political Landscape of Bengal*, chap. 5, p. 91-118. New Delhi: SAGE Publishers India Pvt. Ltd and Japanese Association for South Asian Studies (JASAS).
- BARKAT, A. (2012). *Minorities and Human Rights: Democracy Matters*. Bangladesh-India Friendship Society. Dhaka. October 2012. Dhaka: Bangladesh-India Friendship Society.
- BARKAT, A. (2014a). *Bangladeshe Daridro-Boishommo-Osomota: Akibhuto Rajnaitik Arthonitir Totter Sandhane* (in Bengali) (Poverty-Disparity-Inequality in Bangladesh: In Search of a Unified Political Economic Theory). Dhaka. March 2014. Dhaka: Bangladesh Economic Association.
- BARKAT, A. (2014b). Political Economy of Indigenous Peoples in Bangladesh. In S. ZAMAN (Ed.) *Survival or Extinction? Adivasi Rights in Bangladesh*. Chap. 1, p. 6-79. Dhaka: National Human Rights Commission (JAMAKON), Bangladesh.

- BARKAT, A. (2014c). *Political Economy of Adibashi People in Bangladesh* (in Bengali: *Bangladeshe Adibashi Manusher Rajnaitik Arthoneeti*). Annual Lecture at Institute of Bangladesh Studies, Rajshahi University. February 2014. Rajshahi: Institute of Bangladesh Studies, Rajshahi University.
- BARKAT, A. et al. (1997). *Vested Property Act: Towards a Feasible Solution*. Report. Dhaka: PRIP Trust.
- BARKAT, A. et al. (2000). *An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act, Framework for a Realistic Solution*. Dhaka: PRIP Trust.
- BARKAT, A. et al. (2008). *Deprivation of Hindu Minority in Bangladesh – Living with Vested Property*. Dhaka: Pathak Shamabesh.
- BARKAT, A. et al. (2009a). *Socio-Economic Baseline Survey of Chittagong Hill Tracts*. Report. Dhaka: UNDP and Human Development Research Centre (HDRC).
- BARKAT, A. et al. (2009b). *Life and Land of Adibashis: Land Dispossession and Alienation of Adibashis in the Plain Districts of Bangladesh*. Dhaka: Pathak Shamabesh.
- BARKAT, A. et al. (2010). *Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh*. Report. Dhaka: Human Development Research Centre (HDRC) and Royal Danish Embassy.
- BARKAT, A. and P. K. ROY. (2004). *Political Economy of Land Litigation in Bangladesh: A Case of Colossal National Wastage*. Dhaka: Association for Land Reform and Development and Nijera Kori.
- BARKAT, A. and S. ZAMAN. (1997). *Vested Property Act: Towards a Feasible Solution. Land – A Journal of the Practitioners, Development and Research Activists*. Dhaka: December 1997, 3 (3).
- BARKAT, A. and S. ZAMAN. (1998a). *Vested Property Act: Political and Economic Consequences. Political, Economic and Legal Aspects of the Vested Property Act*. Report. Poverty Alleviation Research Program, Grameen Trust, Grameen Bank. November 1998. Dhaka: Poverty Alleviation Research Program.
- BARKAT, A. and S. ZAMAN. (1998b). *Impact of Vested Property Act on Minorities in Bangladesh: A Human Right Perspective. In Regional Consultative Meeting on the Minorities*. Kathmandu. August 1998. Nepal: South Asian Forum for Human Rights and Odhikar.
- BARKAT, A. and S. ZAMAN. (1998c). *Bangladesher Grameen Artho-Samajik Poriprekhte Arpito Sampotti Ainer Provab: Ekti Prathomik Anusandhan* (in Bengali) (Impact of Vested Property Act in the Rural Socio-Economic Context of

- Bangladesh: A Primary Search). Dhaka. October 96-June 97. Dhaka: *Viswabidyalaya Patrika* (Dhaka University Studies) combined edition 56, 57, 58.
- BARKAT, A., A. AL. HUSSAIN, and M. I. HOSSAIN. (2011). Mismatch of Minority Population in Bangladesh: Population Census vis-à-vis National Voter List. *Bangladesh Journal of Political Economy*, vol. 27, no. 1 and 2, p. 9-28.
- BARKAT, A., S. ZAMAN, A. RAHMAN and A. PODDAR. (1997a). *Political Economy of Vested Property Act in Rural Bangladesh*. Dhaka: Association for Land Reform and Development (ALRD).
- BARKAT, A., S. ZAMAN and K. A. HUSSAIN. (1997b). *Bangladeshe Arpito Sampotti Ain O Tar Provab: Samassa O Samadhan Prosange* (in Bengali) (Vested Property Act in Bangladesh and Its Impact: On Problems and Solutions). Association for Land Reform and Development (ALRD). Dhaka. November 1997. Dhaka: Association for Land Reform and Development (ALRD).
- BARKAT, A., S. ZAMAN and S. RAIHAN. (2001). *Political Economy of Khas Land in Bangladesh*. Dhaka: Association for Land Reform and Development.
- BARKAT, A., S. ZAMAN, A. RAHMAN and A. PODDAR. (1996). *Impact of Vested Property Act on Rural Bangladesh: An Exploratory Study*. Report. Dhaka: Association for Land Reform and Development.
- BHATTACHARYA, D. C. (1991). *Enemy (Vested) Property Laws in Bangladesh*. Dhaka: MS Chitra Bhattacharya.
- BHATTACHARYA, D. C. (1994). *Nature and Character of Enemy (Vested) Properties*. Dhaka: Samprodaik Samprity Parishad.
- CARROLL, L. (1865). *Alice in Wonderland* (the original title is *Alice's Adventures in Wonderland*). UK: Macmillan and Co.
- CHOMSKY, N and A. VLTCHEK. (2013). *On Western Terrorism: From Hiroshima to Drone Warfare*. London: Pluto Press.
- CHOMSKY, N. (2005). *Imperial Ambitions*. NY: Penguin Books.
- CHOWDHURY, M. R. (Ed.) (1998). *Kalonko Mutchoner Lorai: Arpita Sampotti Ain Batiler Samajik Sangrme Du-bochorer Aviggata* (in Bengali) (The Struggle for Removal of /Exoneration of Stigma: Two Year's Experience in the Social Struggle of Abolishing Vested Property Act). ALRD: Dhaka.
- CHOWDHURY, P. B. (1993). *Enemy (Vested) Property Ordinance: A Tyranny to the Minorities of Bangladesh* (Communal Discrimination in Bangladesh: Facts and Documents). Dhaka: Bangladesh Hindu Buddhist Christian Unity Council.
- DE, D. (1999). *Satru (Arpito) Sampotti Ain O Bangladesher Sankhyialoghu* (in Bengali) *Enemy (Vested) Property Act and Minorities of Bangladesh*: Chittagong: Shoily Publishers.

- HAQUE, F. and S. HAQUE. (1998). *Arpita Sampottir Netibachok Provab : Madaripur Zilar Rajoir Thanar Opor Ekti Samikkha* (in Bengali) (Negative Impact of Vested Property: A Search on Rajoir Thana of Madaripur District). Report. Nuton Sahar, Madaripur: Madaripur Legal Aid Association.
- NAHAR, S. (1994). *Sankhyalaghu Sampradai* (in Bengali) (A Comparative Study of Communalism in Bangladesh and India (vol. 1). Dhaka: Dhaka Prakashan.
- ORWELL, G. (1949). *Nineteen Eight-Four*. London: Secker and Warburg.
- PAKISTAN. Census of Pakistan Population (1951). Vol. 2. Karachi: Ministry of Home and Kashmir Affairs.
- PAKISTAN. Census of Pakistan Population (1961). Vol. 2. Karachi: Ministry of Home and Kashmir Affairs.
- PAKISTAN. East Pakistan Acts, Regulations and Ordinances from the 23rd March, 1956 to the 31st December, 1959. Dhaka: Law Department.
- PAKISTAN. East Pakistan Code (1st ed.), Volume VII (East Bengal Acts, Regulations and Ordinances from 15th August, 1947 to the 22nd March, 1956). Dhaka: Law Department.
- PAKISTAN. East Pakistan Code (1st ed.). Volume VIII (East Pakistan Acts, Ordinances and Regulations from 1960 to 1965), Dhaka: Law (Legislative) Department, Government of Pakistan, 1967.
- PAKISTAN. *The Emergency Laws 1966*. Dhaka: Law Division, Ministry of Law and Parliamentary Affairs, Government of Pakistan.
- PERKINS, J. (2005). *Confessions of an Economic HitMan: The shocking inside story of how America REALLY took over the world*. Great Britain: Ebury Press.
- RAKSHIT, M. K. (1979). *The Law of Vested Properties in Bangladesh*. First Edition. Chittagong: Mrinal Kanti Rakshit.
- RAKSHIT, M. K. (1991). *The Law of Vested Properties in Bangladesh. Part I*. Fourth Edition. Chittagong: Mrinal Kanti Rakshit.
- SEN, A. K. (1999). *Development as Freedom*. New York: Alfred A Knopf, Inc.
- SEN, R. L. (1994). *Impact of Enemy (Vested) Property Laws on Bangladesh*. In National Seminar on Enemy (Vested) Property Act. Dhaka: Samprodaik Samprity Parishad.
- SOBHAN, K. M. (1994). *A Peep into Enemy (Vested) Property Act*. In National Seminar on Enemy (Vested) Property Act. Dhaka.
- The East Bengal (Emergency) Requisition of Property Act 1948* (1st ed.). (1970). In Obaidul Huq Chowdhury (ed.), Dhaka.