

# **A Study on Outcomes of the Vested Property Return Act And its Implementation Process**

Final Report

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Dhaka: July 2017

# A Study on Outcomes of the Vested Property Return Act And its Implementation Process

## Final Report

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## ACKNOWLEDGEMENTS

The Vested Property Return Act, 2001 and its succeeding amendments (except the first one) has been a progressive step taken by the government. In order to ensure a true environment for humane development in Bangladesh, there is no alternative but to abolish previous Act about the enemy property, and return the properties to their legal owners and inheritors, affected by Enemy Property Act or Vested Property Act.

Considering the immense policy utility of the holistic research view over the issue, Association for Land Reform and Development (ALRD) awarded Human Development Research Centre (HDRC) to carry out the study. Our thanks are, first and foremost, due to Mr. Shamsul Huda (Executive Director, ALRD) and his office for this timely initiative. Advocate Rafik Ahmed Sherajee of ALRD deserves special thanks for contributing inputs in various phases of the study.

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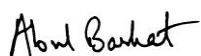
The successful administration of this study would not have been possible without the commitment and dedication of all those who were involved in the process. A very committed, competent and bright field team was entrusted with the difficult task of collecting information from the risky areas. Information collection was complex. However, our field team was so trained and committed that they finally did overcome all odds, and accomplished their assignments successfully. In this regard, we are grateful to them for their commendable work done with utmost sincerity.

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Should the analysis presented in the study be useful in understanding the outcomes of the Vested Property Return Act and its implementation process, the effort devoted would be worth itself.



Prof. Abul Barkat, *PhD*  
*Study Team Leader*

&  
*Chief Advisor (Hon.), HDRC*

Dhaka: July, 2017

## *Abbreviations*

AC	Assistant Commissioner
AL	Awami League
ASK	Ain-o-Shalish Kendra
ALRD	Association for Land Reform and Development
BDT	Bangladesh Taka
BLAST	Bangladesh Legal Aid Services Trust
BNP	Bangladesh Nationalist Party
CS	Case Study
CIRDAP	Center on Integrated Rural Development for Asia and the Pacific
CRAEPA	Council for Resistance against Enemy Property Act
CNCC-IVPRA	Citizens National Coordination Cell for Implementation of Vested Property Return Act
DC	Deputy Commissioner
DCI	Data Collection Instrument
DPR	Defence of Pakistan Rules
DLR	Dhaka Law Report
EPA	Enemy Property Act
FY	Financial Year
GP	Government Pleader
GDP	Gross Domestic Product
HDRC	Human Development Research Center
JP	Jatiyo Party
JI	Jamat-e-Islami
KII	Key Informant Interview
ML	Muslim League
NGO	Non-government Organization
UNO	United Nations Organization
USA	United States of America
VPA	Vested Property Act
VPRA	Vested Property Return Act

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# EXECUTIVE SUMMARY

## Background, Objectives and Methodology

After the decade-long struggles by the Civil Society and the victim families themselves, Vested Property Act (Continuance of notorious Enemy Property Act) was repealed and Vested Property Return Act was enacted in 2001. An immediate amendment in 2002 allowed the government unlimited time to return the vested properties, which imply “no-solution in-perpetuity”. Then again, a civil society movement, continued over a decade, was initiated for implementation of Vested Property Return Act to hand over the possession of the property from the custodian (the state) to the real owner (the victim VP families).

Viewing from this perspective, it has been rational to initiate a study to investigate the current status of affected persons, beneficiaries of VPA as well as perceptions or opinions of the stakeholders about Vested Property Return Act 2001 and its implementation process; and to assess and understand the visible changes and impact on the victims and the beneficiaries of Vested Property Act due to the Vested Property Return Tribunals and related legal implementation process.

The aim or broader objective of the study is to recommend and suggest a practical and implementable solution of the current problems in the implementation process of the Vested Property Return Act 2001. Also it is aimed to understand the extent of visible impact of the VPRA. The specific objectives are as follows:

- 1) To assess the consistency between the major recommendations of the various research/studies reports related to Vested Property Act (Enemy Property Act) made in recent decades and the demands raised by the civil society and the affected minority community, and the Vested Property Return Act 2001 as amended later by the Government.
- 2) To examine the legal framework and process set to be followed in accordance with the VPRA for returning the vested properties to their lawful owners/co-sharers as stated in the said law.
- 3) To identify the positive changes taken place to the victim families after the implementation process of the VPRA started since 2011-12.
- 4) To identify the major causes of delay in disposal of Tribunal cases and implementation process by the land offices at the field/district level.
- 5) To assess the scope and role of the civil society organizations/human rights/land rights organizations' campaign with regard to expediting the implementation process.
- 6) Finally to assess and put forward realistic recommendations to improve the process further for the government, implementing agencies as well as for the right based and civil society organizations.

This study is of qualitative nature. Qualitative information have been collected from both primary and secondary sources, through field research and desk research (literature and documents review), respectively. As methods of qualitative information collection, Case Studies (CS) and Key Informant Interviews (KIIs) were conducted with the pertinent stakeholders. A total of 43 case studies and 46 KIIs have been carried out. Primary

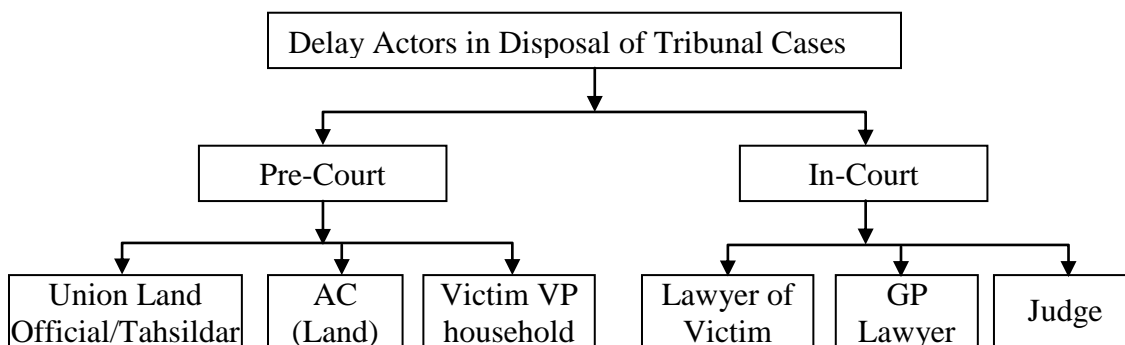
information has been collected from 7 districts; namely: Dhaka, Barisal, Khulna, Chittagong, Tangail, Faridpur, and Rajbari.

The study report is comprised of 5 analytical chapters, along with chapter on introduction and recommendation; preceded by an executive summary and followed by annexes and bibliography. The report is expected to serve the government agencies, law makers, civil society actors, researchers, and other relevant communities with the most recent ‘ground reality’ on ‘Outcomes of the Vested Property Return Act and its Implementation Process’, to make sustainable development policies for marginal communities.

## Key Research Findings

Present study has examined the legal framework and process set to be followed for returning the vested properties to their lawful owners and found some in-built hindrances like practices of delay, bribery, and other harassments — as very much observed in a criminalized socio-politico-economic environment, regined by the official and unofficial rent seekers. This inquest has also been helpful to identify the causes of delay in disposal of Tribunal cases. Delay in disposal of Tribunal cases is due to both pre-court delays and in-court delays (Diagram 1).

Diagram 1: Principal Delay-Actors in Disposal of Tribunal Cases



Pre-court delays are mostly due to the local land offices; the corrupt and inefficient (not all, but a significant portion of them) land officials seek bribe for issuing required documents and providing other related services. On average, each of the VP households had to spend around BDT 2,27,000. If at least 50 per cent of this spending is for bribing (which is much likely according to the respondents), the total amount of bribe trading for 2,00,000 cases (Total number of cases filed according to Dasgupta, 2017) will be BDT 2270 crore or USD 28,37,50,000 (USD 1= BDT 80, 9<sup>th</sup> May, 2017) which is around 2 per cent (1.94%) of National Annual Development Programm (BDT 1 lac 17 thousand crore) .

In-court delays occur mostly due to the lower number of courts or judges, compared to the higher number of cases, lack of emphasis on the VP cases etc. Primarily, in 2012, when the law-suits began, neither the lawyers nor the judges were interested about the vested property cases. Many judges had no knowledge about Vested Property Return Act in the beginning. Besides this primary weakness of understanding of the Law, lack of judges and lack of separate benches hampered the disposal of cases and the situation is frustrating. There are not required numbers of judges to dispose of the matter. The judges donot have any special incentive in disposing cases quickly. They take it as ‘additional’ work; not ‘regular’ and ‘serious’ work.

Government Pleader (GP) takes times by giving repeated applications and makes the process slow. Sometimes, lawyer (on behalf of plaintiff) holds the case for long time to get financial benefit. Their roles are not transparent. They adopt unfair means to prolong the case.

Delay was observed as one of the key factors behind the “Not Good” status of implementation of verdict. Despite that the prime minister asked for quick disposal of disputes over vested property, the administration — both civil and land — was obstructing implementation of the court verdicts. Deputy Commissioners (DC) were reluctant to hand over land even after the concerned cases had been resolved at Tribunals. In some districts, the Tribunals have directed removal of illegal occupiers from vested properties, but the DC, responsible for the removal, are not doing accordingly. Sometimes, DC is politically pressurized and also has personal interest to execute the judgment. At times, DCs are not willing to involve themselves with the land relating to the vested property because they get transferred within a very short time; so, they become reluctant to take such responsibility. After the judgment, the verdict is sent to the DC for execution. DC office sends it to Land Ministry or Law Ministry for reaffirmation which is not according to the law. Again, after the judgment, DC office engages AC (land) for vetting which is violation of law and also a contempt of Court.

On the enactment of VPRA and implementation of the law, after immeasurable afflictions of the victim and ceaseless movements of human rights defenders, it has been quite a natural expectation from concerned quarters that all sorts of evils, misdeeds, bad outcomes created due to EPA, VPA will come to an end, and the victim families will start to enjoy the long-cherished ‘humane’ life. Hence, a running hypothesis is there that the enactment and implementation of VPRA put forth merely positive impact upon the victim VP households after all their sufferings of EP-VP regime. The present study tests this hypothesis in the ground reality and finds something ‘different’ than the conventional wisdom.

The victim households, through enactment and implementation of the VPRA, now have the opportunity to establish ‘legal’ rights over their properties after the long-years of deprivation. This very feeling has set scope before them for getting out of the deprivation trap. Most of the households under the case studies mentioned this as the primary positive impact of VPRA implementation. As the possibility of regaining the properties increases, the confidence of the VP household members also increases, their ownership sense grows, pertinent practical knowledge level rises, and anxiety regarding potential problems due to lack of appropriate papers decreases.

The majority of households, who were in litigation process and who got the verdict in their favor and waited for the return of the property, expressed their intention of selling the land after getting the ‘rightful’ possession. The earnings from properties sold were expected to be utilized directly for increased household welfare by investing in human capital formation and expansion (through education and training, health facilities, food and nutrition intake etc.) and indirectly by investing in business and other entrepreneurships, and repaying the loan specially taken for running the VP litigation.

Some VP households, especially who got the verdict in their favor and waited for the property to be handed over, had a renewed hope for better living and livelihood, based upon the prospective property. They can use those lands for cultivation and use the earning for reinvestment in farming or fresh investment in small business, and finance other household expenditures like daughter’s marriage, sending son abroad etc. Some of them also planned for leasing the land for doing the same. All these indicate to an ‘instantaneous agility’ in the

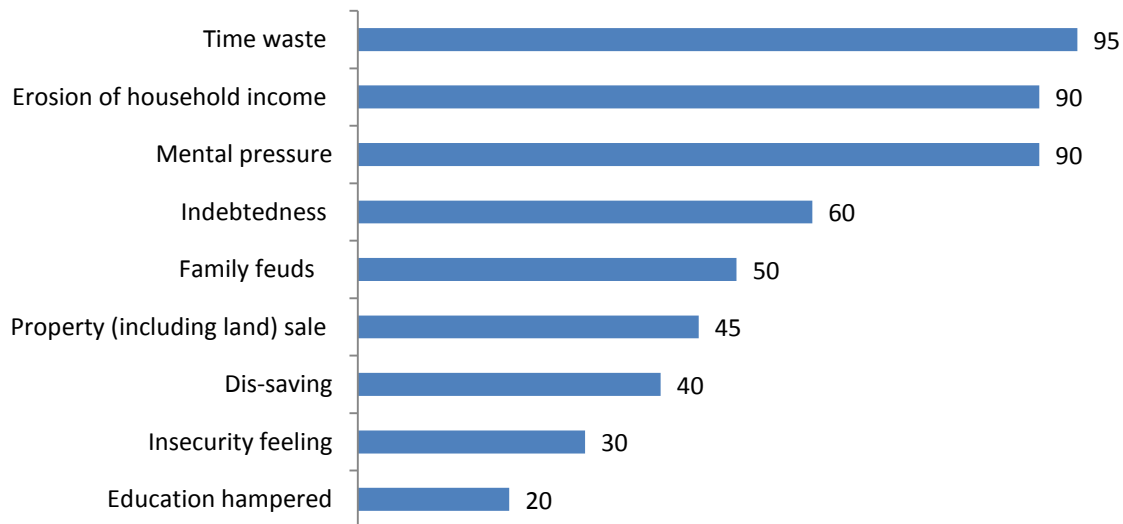
‘traditionally slow’ rural sales and tenancy market, after getting the land released from VP list.

Few VP households have taken loan from bank by showing the verdict of court over the earlier-vested property whether it is in their possession or yet to possess. Few of them arranged marriage for their daughter with that loan. Access to credit might have impact upon their living considerably, as the informants opined.

This is very natural that when the households have their VP property returned, their asset portfolio gets enriched and household welfare increased through invigorated entitlement. But the affluence or welfare relies on the cost of getting back the property. The costs are the negative impact experienced by the VP families when they are in the process of litigation and implementation of verdict.

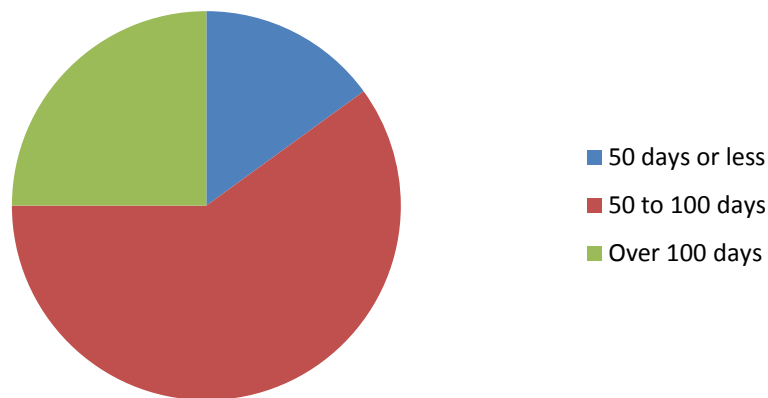
Some VP households (in this study 4 out of 43 or 10%) did not participate in the legal process to get back their property. This is due to ignorance, fear of potential time and money loss. Now they have the least possibility to be endowed with the property. Apparently they seem to be ill-fated. But considering the sufferings mentioned by the VP households, who were in the litigation process and who got the verdict in their favor and waited for the return of the property, those of VP households who did not participate in the legal process may consider themselves ‘lucky’, at least ‘rational’. Following figure (Figure 1) of negative impacts experienced by the participating VP households justifies the conscious and unconscious decisions of the non-participating VP households.

Figure 1: Negative impacts upon the VP households due to implementation of VPRA



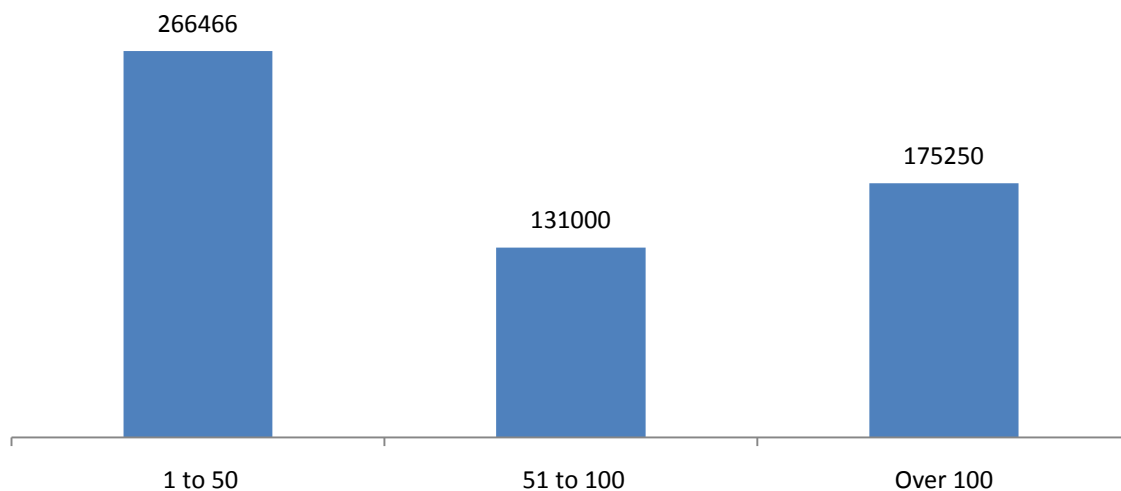
During the litigation process and implementation of the verdict, the VP claimers had to roam from land offices to court to DC office, for pre-case, in-case and post-case activities; for which most of them required 50 to 100 days (Figure 2). Though they could not identify the additional amount of time required, which is wasted for these activities, almost all of them outrightly claimed that excessive time was wasted.

Figure 2: VP households requiring time for pre-case, in-case and post-case activities (%)



Income of VP households eroded due to meet up the litigation costs, to pay for the loan taken to meet up the litigation costs and opportunity cost of loosing scope of earning for getting involved in the litigation.

Figure 3: VP households spending amount of money (BDT) according to the amount of vested land (decimal)



Though it is assumed that the EPA-VPA woes of the wretched VP households might come to an end, at least slow in the advent of VPRA; the dark story remains beneath the surface. Much more negative impacts — both actual and potential — are revealed by the respondents compared to the positive ones. The balance sheet of positive-negative impact due to VPRA is much imbalanced; the negative impacts are graver than the positive ones. These call for immediate action from the relevant stakeholders like government agencies and civil society actors.

Civil society has made historical contribution in repealing VPA and enacting VPRA and the subsequent amendments. During the movement for abolishment of VPA, civil society actors placed various recommendations to the policymakers and still they are doing so to make the implementation process of the VPRA 'victim-friendly' so that the 'real' victim households could get back their property comfortably. A consistency assessment between the civil

society recommendations and their reflections in the VPRA and subsequent amendments has been made in the present study. 11 per cent of the recommendations were fully reflected, 17 per cent partially reflected and the rest 72 per cent of the recommendations did not have any reflection in the VPRA and its subsequent amendments. Numbers of unreflected recommendations in VPRA, limitations of legal framework and implementation process, and unending negative impacts upon the victim family justify more pro-active civil society role.

## Recommendations

A list containing 18 specific, achievable and realistic solutions is presented below to improve the process further for the government, implementing agencies as well as for the right based and civil society organizations.

1. No new list of vested property, in the name of list prepared for the excluded, will be allowed to publish further. This directive of Honorable Prime Minister must come as a clear announcement from Land Ministry and the circular of the Land Ministry issued on 22 April 2016 “regarding publication of revised Gazette of property which are omitted and made incorrect in the published Gazette of list ‘A’ of vested property” must be withdrawn.
2. Directive to Deputy Commissioner (DC) and other relevant authorities for taking effective measures to implement the verdict bestowed in favor of the victim should be executed within 45 days. Harassment of the administration in the name of further ‘worthless’ appeal should be stopped.
3. By withdrawing the directive of Law Minister that on behalf of government ‘writ can be done’ against the judgment of Appeal Tribunal, the judgment of Appeal Tribunal is to be considered as final according to law; and hence, to implement the judgment in accordance with that, circular is to be issued from Law Ministry.
4. By any pretence, property shall not be transferred from list ‘B’ to list ‘A’.
5. In receiving rent for property under schedule ‘B’, the refusal of corrupted Tahsil office and harassment by AC (Land) office through non-cooperation, willful delay and corruption is to be stopped.
6. An independent National Commission is to be formed to accomplish the task of returning the vested property in the right way. This committee is expected to work for redressing the deadlock created at the local level.
7. In order for regular monitoring of implementation of Vested Property Return Act, local level and national level monitoring cells — comprising officials of land administration, government pleader, victim peoples’ representative, victim peoples’ lawyers — need to be formed; where civil society actors should role-play as both insiders and outsiders.
8. Except the annex of clause 29A mentioned in schedule-7 of the bill withdrawn from the meeting of cabinet ministry held on 24 November 2016, the bill with all other

remaining schedule must be presented in the cabinet meeting to transform it into an amended law.

9. Directive of Law Ministry to writ of government against the verdict of appellate Tribunal should be discarded without delay. A circular on quick implementation of the verdict of appellate Tribunal by the DC should be imminent; stating thereby “There is no need of permission from Law Ministry for releasing the vested property as, according to the Law, the verdict of the Tribunal is final”.
10. For quick decision regarding petition of vested property, speedy measures are to be taken to stop unnecessary delay for months after months in submitting written reply by the vested property tribunal. In order to stop this process of unnecessary delay in the settlement, it is understood that necessary circular is to be issued on urgent basis.
11. At least, a separate full-time vested property return tribunal is to be formed in each district. For this, measures are to be taken to appoint new judges shortly and in this regard, provision for necessary allocation is to be made in the national budget.
12. In the districts, where special appeal tribunal is not formed to execute the appeal made against the judgment given earlier by the tribunal having equal status of district judge and additional district judge, in that case, it is to be formed without much delay.
13. In the VPRA, clause 32 is provisioned for the punishment of land officer. But, there is lack of specificity as to how this punishment will be executed. As a result, land officers are playing a whimsical role regarding vested property. In order to make the punishment effective, provision for definite procedures shall have to be incorporated in the law.
14. A commission at national level is to be formed to protect the interest and security of minorities along with reducing their deprivation caused by VPA thereby making a provision so that everybody can access to the commission. Provision is to be made for inclusion of minority representatives in the commission.
15. Without making any further delay, VPRA must be implemented properly. By this time, the modifications recommended by the experts on VPRA are to be considered.
16. A provision of special “compensation package” is to be made for the affected families whose return of vested property may be delayed or execution may be hampered due to various reasons. Government *Khas* land and water bodies, bond, credit facilities (in terms of money or commodities) etc., can be included in the “compensation package”.
17. In case, where the legal claimant (inheritor) of enemy/vested properties is absent, those properties are to be used legally for human development activities, particularly, for poverty alleviation and development of affected poor Hindu communities (specially, for low caste Hindu community) and repressed and marginal indigenous peoples. In this regard, necessary amendment of law is to be made.

18. Local administration and local government (according to the rule mentioned in the article 59 and 60 of the constitution) is to be involved, to the fullest extent, in the implementation of VPRA.

# CHAPTER 1

## INTRODUCTION TO THE STUDY

### 1.1 Background

The Enemy Property Act (EPA) 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 (VPA) – 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 belonged 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 immeasurable 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 (Barkat 2014d).

Association for Land Reform and Development (ALRD) has been among the few organizations who played a pivotal role in advocacy and lobbying for repealing the discriminatory VPA and for enactment of a law for returning the vested properties to their deprived owners. The organization took the first initiative to carry out a study on the impacts of VPA. A research team led by eminent political economist Professor Abul Barkat conducted the study in 1993-94. The findings of the study were shared and discussed in different places of the country. First study was followed by another one having extensive coverage and deeper investigation in 2000. Subsequently, in 2006 ALRD, Nijera Kori and Samata initiated the third study on this issue which was carried out by Human Development Research Centre (HDRC) under the leadership of Prof. Barkat. The findings of the aforesaid study were widely disseminated, and the larger civil society groups including human right activists, NGOs, journalists, lawyers involved themselves in the campaign. Deputations were given to the lawmakers and government authorities at different levels. Meetings, seminars, and other formal and informal awareness building activities were held all over the country.

The government formed a parliamentary commission to examine the issues related to the VPA. The VPA was repealed in 2001 by the new law “Vested Property Return Act 2001” (VPRA). The victims formally got back their constitutional right through this act, but the implementation process was intentionally hindered from the very beginning. However, a remarkable change had been made by an amendment of that act in 2011 for its actual implementation. But, according to available information, the resolution of the disputes and end of injustice which have been piled up for over 50 years concerning huge number of victims are yet to be made. Nonetheless, in some districts a good number of victim families have been able to access justice and got back their ancestral homes (though very few in

number) or are in the process of getting back their properties which were vested before or after the independence. Also, it is clear from civil society evidences and media reports that a host of complications have flared-up due to noncompliance, corruption and complexities.

It has been rational at this point to initiate a follow-up study to investigate the current status of affected persons, beneficiaries of VPA as well as perceptions or opinions of the stakeholders about Vested Property Return Act 2001 and its implementation process; and to assess and understand the visible changes and impact on the victims and the beneficiaries of VPA due to the Vested Property Return Tribunals and related legal implementation process.

## 1.2 Objectives

The aim of the study is to recommend and suggest a practical and implementable solution of the current problems in the implementation process of the Vested Property Return Act 2001. Also it is aimed to understand the extent of visible impact of the VPRA.

In line with the aim or broader objective of the study, the specific objectives are as follows:

- 1) To assess the consistency between the major recommendations of the various research/study reports related to Vested Property Act (Enemy Property Act) made in recent decades and the demands raised by the civil society and the affected minority community, and the Vested Property Return Act 2001 as amended later by the Government.
- 2) To examine the legal framework and process set to be followed in accordance with the VPRA for returning the vested properties to their lawful owners/co-sharers as per the said law.
- 3) To identify the positive changes taken place to the victim families after the implementation process of the VPRA started since 2011-12.
- 4) To identify the major causes of delay in disposal of Tribunal cases and implementation process by the land offices at the field/district level.
- 5) To assess the scope and role of the civil society organizations/human rights/land rights organizations' campaign with regard to expediting the implementation process.
- 6) Finally, to assess and put forward realistic recommendations to improve the process further for the government, implementing agencies as well as for the right based and civil society organizations.

## 1.3 Methodology

Methodological issues of the study are mainly comprised of collection of information and their analysis. Information was collected from primary and secondary sources. Secondary sources of information were based on corresponding literature survey and relevant documents (those of land offices and other legal documents) review.

### *Collection of Information*

This study is of qualitative nature. Qualitative information have been collected from both primary and secondary sources, through field research and desk research (as mentioned, literature and documents review), respectively. For collecting qualitative information, Case

Studies (CS) and Key Informant Interviews (KIIs) were conducted with the pertinent stakeholders. A total of 43 case studies and 46 KIIs have been conducted (Table 1.1).

Table 1.1: Number of Case Studies and Key Informant Interviews conducted

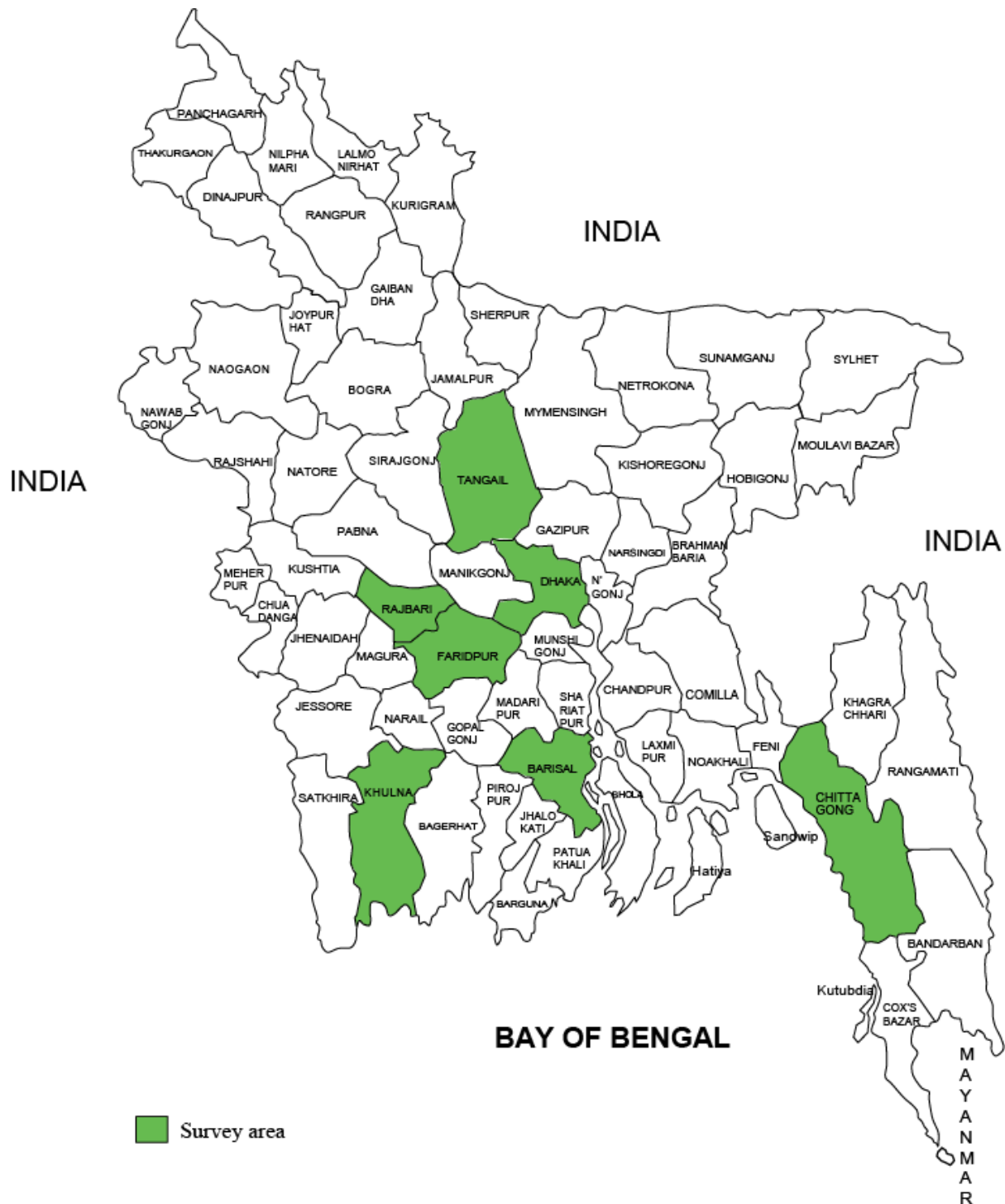
Sl.	Case study/KII	No. to be conducted
1	Case study with VP Household <sup>1</sup> (HH) involved in litigation	27
2	Case study with VP HH got the verdict but not possession of the property	10
3	Case study with VP HH got the verdict and possession of the property	2
4	Case study with VP HH not participated in the legal process	4
<b>Total number of case studies conducted</b>		<b>43</b>
5	KII with Union Parishad Chairman or Member	10
6	KII with Union Land Office or Tahsil Office	4
7	KII with AC (Land) Office	4
8	KII with ADC (Revenue)	3
9	KII with Advocate	10
10	KII with Judge	3
11	KII with Deputy Commissioner	2
12	KII with Civil Society representative	10
<b>Total number of KIIs conducted</b>		<b>46</b>
<b>Total number of qualitative scripts</b>		<b>89</b>

Among the 64 districts of the country, Barisal, Khulna, Pabna, Chittagong, Kushtia, Narsingdi, Manikganj, Rajshahi, Dinajpur, Sylhet, Natore, Nilphamari, Thakurgaon, Meherpur, Netrokona, Tangail, Faridpur, Rajbari and Habiganj are the districts where VP cases are prevalent, according to the concerned document and key informants. Primary information has been collected through CS and KIIs from 7 of the mentioned districts; namely: Dhaka, Barisal, Khulna, Chittagong, Tangail, Faridpur, and Rajbari (Map 1.1). The information collection tenure spanned from December 2016 to February 2017.

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<sup>1</sup> VP households, in the present study, are comprised of households involved in litigation process, households who received the verdict, but not got the possession of property, households who received the verdict and also got the possession of property and households not involved in litigation process. In this report, VP household and VP family are used interchangeably.

Map 1.1: Study Area



*Analysis of Information*

Qualitative scripts have been prepared and information has been analyzed using Atlas.ti software. The outline of approaches to qualitative data analysis is presented below:

1. Documentation of the information and the process of information collection
2. Organization/categorization of the information into concepts
3. Connection of the information to show how one concept may influence another

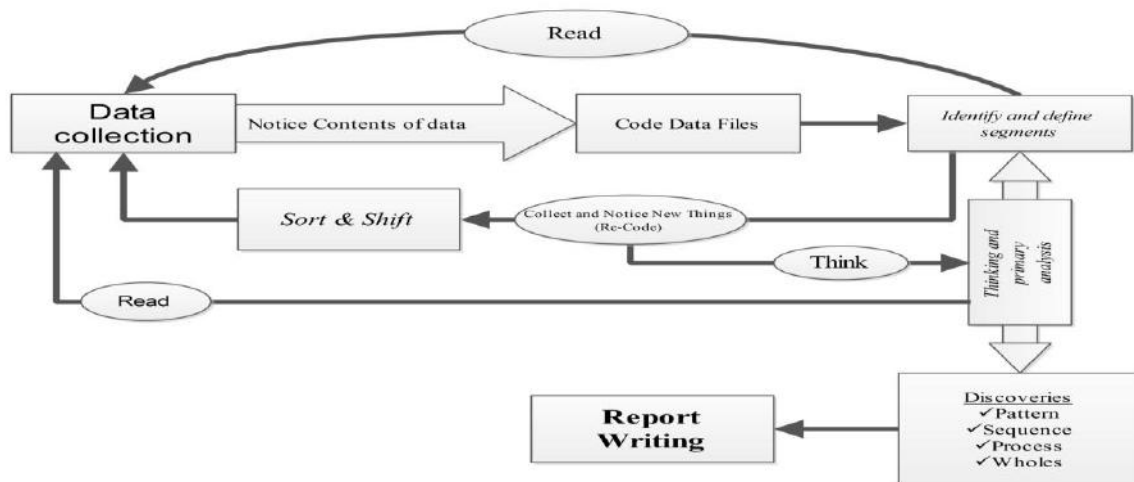
4. Corroboration/legitimization, by evaluating alternative explanations, disconfirming evidence, and searching for negative cases
5. Representing the account (reporting the findings)

The essence of all relevant steps adopted for collection and analysis of qualitative information obtained in the study with description of the relevant tasks performed are presented in Table 1.2.

Table 1.2: Steps to qualitative information analysis

Step	Title	Task
01	<i>Information collection</i>	Information has been collected through interviewing selected personnel; in this regard the methods have been Case studies and KIIs.
02	<i>Script preparation</i>	Collected information has been transferred into detailed written scripts.
03	<i>Identify and define segments</i>	The written scripts have been read and analyzed to identify and define different segment relevant to study objectives and research questions.
04	<i>Coding and editing</i>	Coding and editing have been done through the defined set of segments.
05	<i>Revisiting</i>	The scripts have been reviewed in line with the defined segments and searched for new findings.
06	<i>Recoding</i>	If there are insights from the reviewed scripts then the segments and codes have been revisited. Coding and editing have been revised in line with the new findings.
07	<i>Enumeration</i>	The recoding has been followed by enumerating of qualitative data.
08	<i>Creating Hierarchical Category Systems</i>	Such coding systems have been created through secondary analysis and brainstorming of the core team members. Enabling such system has created a greater opportunity to find relationship among categories.
09	<i>Memoing</i>	Memos have been written when ideas and insights are gained and include those memos as additional information analyzed.
10	<i>Examining Relationships and Displaying Data</i>	The process of examining relationships has been captured in a matrix that shows how different concepts are connected, or perhaps what causes are linked with what effects.
11	<i>Corroborating and Validating Results</i>	The results have been validated through validation workshop and meeting with personnel and stakeholders relevant to the process.
12	<i>Drawing Conclusions</i>	Conclusions have been drawn from the qualitative analysis keeping in mind ‘How credible was the information and validation’ and ‘Were statements made in response to the research questions, or were they spontaneous’

Diagram 1.1: Data Analysis Flow for Qualitative Information



### 1.4 Study Limitations

Time and resource constraints did not allow the study to dig deeper into the issues and provide a more comprehensive analysis of the Vested Property Return Act and its implementation process.

### 1.5 Organization and Utility of the Report

The study report, besides this current chapter, is comprised of 5 other analytical chapters, along with a chapter on recommendations; preceded by an executive summary and followed by bibliography and annexes. The report is expected to serve the pertinent government agencies, law makers, civil society actors, researchers, and other relevant communities with the most recent ‘ground reality’ on ‘Outcomes of the Vested Property Return Act and its implementation process’, to make pro-marginal communities sustainable development policies.

This chapter is developed for introducing the readers with the study setting, objectives and methodological issues, followed by two chapters on the historical evolution of the act and its political economy aspects.

Chapter 2 makes an important discussion on “EPA, VPA, VPRA AND PERTINENT AMENDMENTS” and Chapter 3 sketches “POLITICAL ECONOMY OF EPA/VPA and VPRA”. These will help to comprehend the study findings under the specific objectives of the research.

Five specific objectives, out of six (last one is of recommendations), are addressed in chapter 4, 5, and 6; mainly on the basis of primary information.

Chapter 7 outlines realistic recommendations to improve the implementation process further so that governments, implementing agencies as well as the right based and civil society organizations come forward to make a more positive contribution in this regard.

## CHAPTER 2 EPA, VPA, VPRA AND PERTINENT AMENDMENTS

### 2.1 Introduction

This report, as the nomenclature of the study title indicates, is aimed to explore the outcomes of the Vested Property Return Act (VPRA) and its implementation process. For the proper realization of the study objectives, it is of immense utility to comprehend the historical evolution of the VPRA. This chapter is an attempt for that particular comprehension. Before conclusion of the chapter, following four sub-sections (2.2.1, 2.2.2, 2.2.3 and 2.2.4) delineate the chronological brief of Enemy Property Act (EPA), Vested Property Act (VPA), VPRA and the subsequent amendments, with a diagrammatical representation of the development of an anti-people law into an apparently pro-people law. This epigrammatic chronological account of the pertinent acts will aid in unfolding how the present day situation beomes so complex through the state's civil and judicial actions over an 'apparently normal issue' year after year.

### 2.2 Enemy Property Act to Vested Property Act to Vested Property Return Act<sup>2</sup>

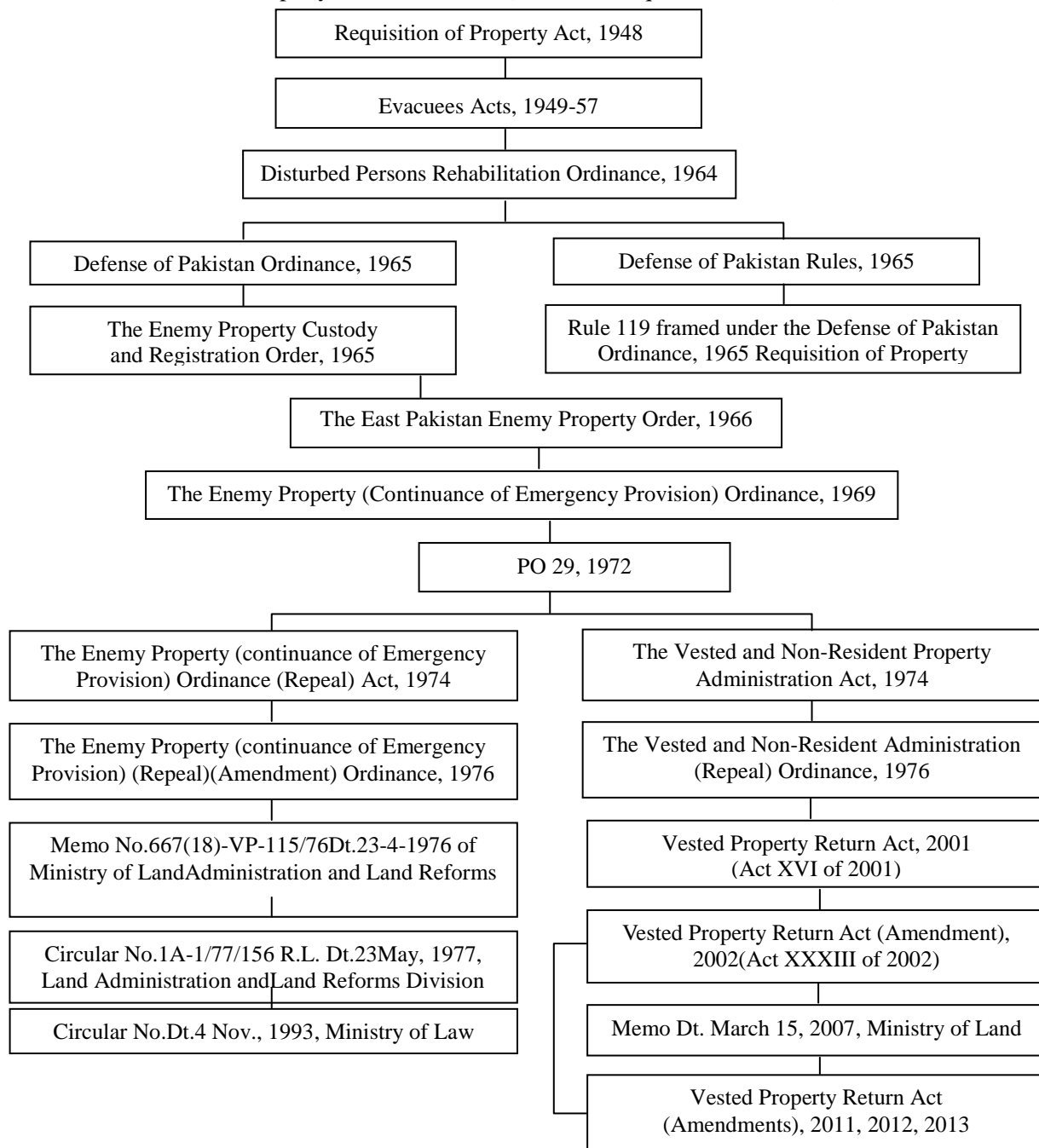
There is no denying the fact that the process of communal disharmony, disruption and disintegration in this part of the world started with the colonial "divide and rule" policy in Bengal. This has got further momentum with the evil spirited "two nation theory". This process was further institutionalized through the enactment of the state-sponsored EPA by the Pakistani regime during the 1965 Indo-Pak War that lasted for only seventeen days. 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 reasonable doubt. Among various mentionable factors, responsible for such a massive out-migration of Hindu population, were the impacts of laws, such as the EPA and the VPA.

The VPA 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 Diagram 2.1 (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.

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<sup>2</sup>This section is mostly excerpted from Barkat (2016).

Diagram 2.1: Evolution of Enemy Property Act, Vested Property Act, Vested Property Repeal Act, Vested Property Return Act 2001 (and all subsequent Amendments)



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

### 2.2.1 Enemy Property Act

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.

Following the war between India and Pakistan that started on 6 September 1965 (ended on 22 September 1965), the government of Pakistan promulgated an ordinance called the Defence 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 EPA 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.

### **2.2.2 Vested Property Act**

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 as a *dead act*. The Supreme Court's 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 fundamental 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 verdict of the highest court.

### **2.2.3 Vested Property Repeal (Return) Act**

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. 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 22<sup>nd</sup> 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. However, it is unfortunate to note 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 (for details see Barkat et al. 2008, p. 121-161).

#### **2.2.4 Amendments of Vested Property Repeal (Return) Act**

In response to the legitimate demands of the EPA/VPA affected victims and civil society on the one hand, and demands 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 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. The Act was amended regressively on 26 November 2002, with the BNP-Jamated four-party anti-secular alliance in power, the parliament passed an amendment (the first amendment out of six) to the Vested Property Repeal Act 2001 [Act XXXIII of 2002] and allowed 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.

It is noteworthy that, by dint of the Vested Property Return (Amendment) Act, 2013 the time period for publishing supplementary list of vested property has been increased by 300 days, in contrary to the time period for submission of application which falls on 30 June, 2013.

#### **2.3 Conclusion**

The discussion on chronological evolution of the VPRA makes it clear, among others, that the ill motives of the vested interest groups (mentioned as rent seekers in the following chapter) behind enacting EPA and VPA have been still functioning in the attempt of amendments of VPRA to hinder the implementation of the Act. The reasons and motivations behind the miscreant activities are expected to become more distinct in the next chapter on political economy of VPRA.

## CHAPTER 3

# POLITICAL ECONOMY OF EPA/VPA AND VPRA

### 3.1 Introduction

It is important to understand the political economic essence of a law which acted and/or act 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? This query is approached in the following subsection of 3.2.4. Besides the retort of this query, the core political economic issues of EPA and VPA encompass the un-peopling of Hindu population through forced out-migration, deprivation of the minority with sufferings of land loss and violence and the political patronization of vesting properties of the minority, among others. The political economy of EPA, VPA and VPRA (though the later one is in the nascent stage compared to the predecessor two) also unveils how the criminalized infrastructure, i.e., economy of the state instigates the criminalization of the superstructure, i.e., politics of the state.

### 3.2 Political Economy of EPA and VPA<sup>3</sup>

#### 3.2.1 “Un-peopling” Hindu Population through Forced Out-migration

“Unpeopling<sup>4</sup>” religious and ethnic minorities, using Enemy and/or Vested Property Acts – as a pretext – is a reality without an iota of doubt. This 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. One such example is: *In reality not vanished but reported as vanished in the official population statistics*. This can be termed as “enumeration politics”, “demographic politics”, “population politics” and “official intentional act to show less than the actual population size” (Barkat, Hussain and Hossain 2011 and Barkat et al. 2010). The religious minority population in the censuses is undercounted; over 6 per cent of the religious minority

<sup>3</sup> This section is mostly excerpted from Barkat (2014d).

<sup>4</sup> The concept of “un-people” or “unpeople” is not widely used concept in social, economic, political and 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’ 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). 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 his 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 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 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 Anglo sphere, 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).

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).

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 of the total population of the country.

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 EPA or VPA, the approximate size of the missing Hindu population would be 632 persons each day during 1964-2013.

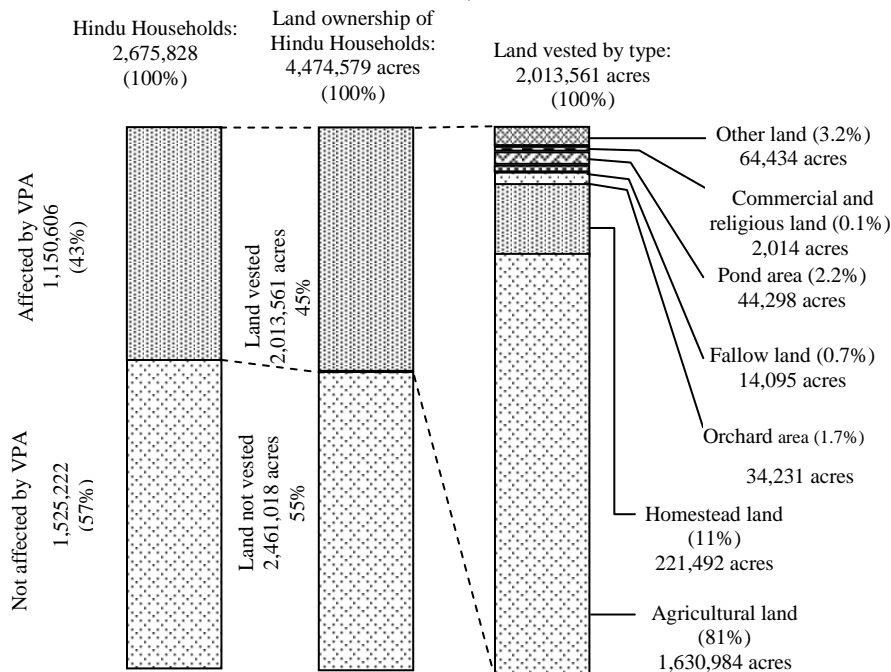
### **3.2.2 Land Loss, Violence and Deprivation**

Land grabbing of minority people, along with associated violence, has been a world-wide, historical and political phenomenon. Besides the land lost and violence related deprivation, the EPA/VPA-affected peoples have faced five other types of deprivation, namely- powerlessness, vulnerability, physical weakness, poverty, and isolation.

#### *Land Loss*

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. The total area of land lost by the Hindu households due to EPA/VPA 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 the Hindu households would be equivalent to 5.5 per cent of the total land area of the country. This estimate is based on ‘conservative’ official record – the actual amount of land area dispossessed due to EPA/VPA is much higher. 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. The pattern of dispossession of total land property by the Hindu households due to EPA/VPA by type of land is shown in Figure 3.1.

Figure 3.1: National level estimates of some dimensions of effect of EPA/VPA on the Hindu households, 1965-2006



Source: Barkat et al. 2008, p. 75

Assuming the average market price of land (Financial Year 2012-2013) (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 Bangladesh<sup>5</sup>.

Here, it is important to mention that not only the Hindu minority but also all other religious minorities and ethnic communities have been target for EPA/VPA-mediated land grabbing. Considering all religious and ethnic communities, the 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)<sup>6</sup>.

It has been revealed that the extent of the incidence of vesting has a direct positive relationship with the amount of original landownership 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

<sup>5</sup> In Financial Year (FY) 2012-13, the total Gross Domestic Product of Bangladesh (at current market price) was Bd. 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).

<sup>6</sup> Abul Barkat'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.

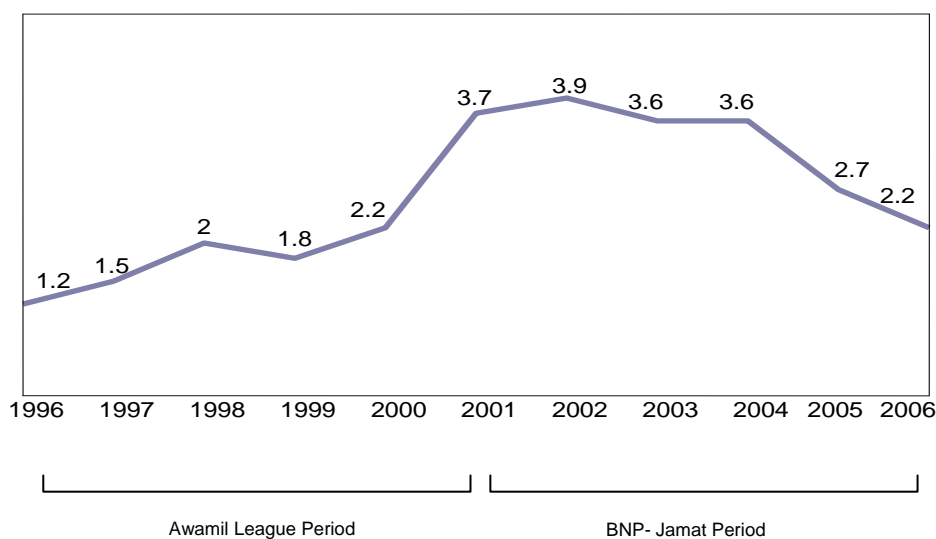
poor and marginalized people. Therefore, the whole issue of EPA/VPA has become essentially poor and marginalized people’s issue – a truly *class* issue.

The above statement, 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). 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 deteriorated – the poor and marginalized became pauper; the middle-class became poor; and the relatively well-off went down to join partly with the middle class and partly with the poor.

### Violence

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”. 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 EPA/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 (Awami League period) was 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 3.2.

Figure 3.2: Average number of violence faced by EPA/VPA affected households during 1996-2006

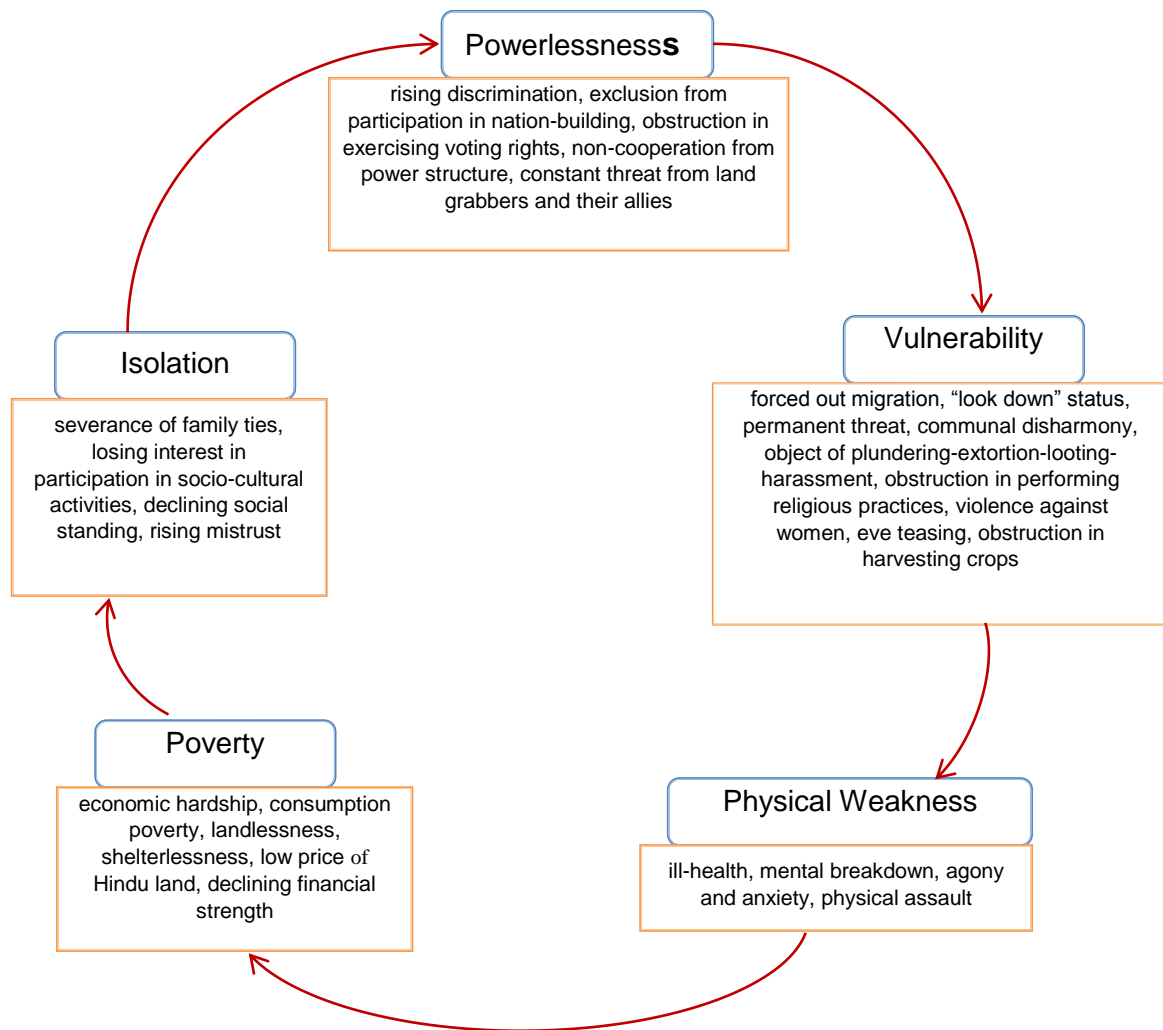


Source: Abul Barkat’s depiction by political regime based on information contained in Barkat et al. 2008, p. 96-97.

### *Deprivation*

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, moreover, 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. All specific types of deprivation under each broad type faced by the affected households and their members can be seen in Diagram 3.1. 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 of affectedness. These deprivations 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 (for 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 clearly – a “*cycle of deprivation in perpetuity*” for all the religious and ethnic minorities in Bangladesh.

Diagram3.1: Expanded model of deprivation trap of Hindu community



Source: Extended version based on Barkat 2003.

### 3.2.3 Incidence and Extent of Vesting: Politics Matters!

The intensity of vesting, in terms of both incidence and amount of land dispossessed, varies by historical and political time periods. 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 3.1).

Table 3.1: 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

Historical time period(s)	Political characteristics of the historical time period(s)	Share of total incidents (%)	Share of total land dispossessed (%)
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 years)		100.0	100.0

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

It is worth mentioning 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 unravels 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 implies that the VPA was not actually repealed even after the enactment of the Vested Property Return Act 2001.

### 3.2.4 The Grabbers – the Vulture-Destructors

The issue of “beneficiaries”(!) of enemy and vested properties of religious (mostly Hindu) and ethnic (indigenous peoples) minorities, to put it precisely, is an issue of land ‘grabbing’<sup>7</sup>. 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 is 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. 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<sup>8</sup>. 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.

The grabbing of properties (wealth and assets – immovable and moveable) of the religious minorities (predominantly the Hindus) and ethnic minorities (the indigenous peoples) using the EPA and/or VPA is an outcome of a politically and economically conscious unholy alliance of the ‘rent seekers’ and their subservient state power (with agents of governance) who tailored insalubrious politics to serve the purpose. As depicted in Diagram 3.2, this theoretical approach encompasses a triangle of politico-economic institutional matrix,

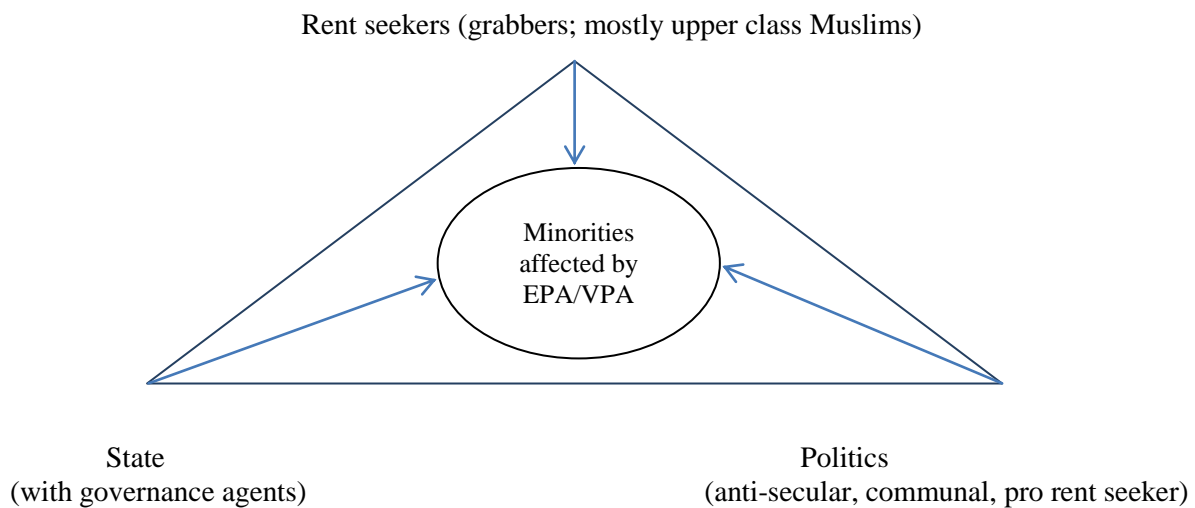
<sup>7</sup> Henceforth, the two categories, namely ‘beneficiary’ and ‘grabber’ will be used synonymously, or categories such as “beneficiaries-grabbers” or “grabbers-beneficiaries” will also be used to mean the same entity.

<sup>8</sup> 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.

through which process of grabbing wealth of others by the rent seekers using state-sponsored Acts is exposed more clearly.

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.) is 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).

Diagram 3.2: 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



Source: Barkat (2014d)

Empirical studies complemented by many case studies (Barkat et al. 1996; Barkat et al. 2000; Barkat et al. 2008) amply substantiate 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 Diagram 3.2, 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

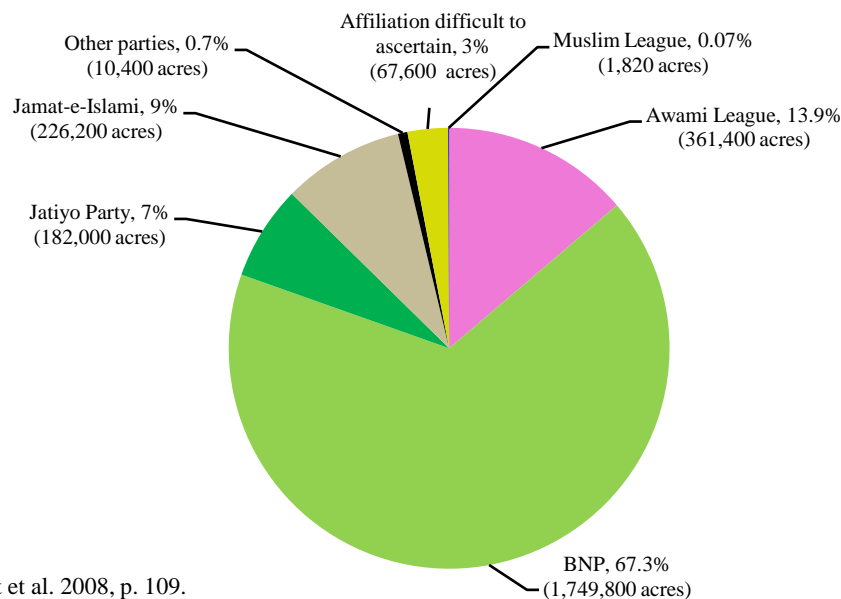
- (1) the Rent Seekers – who never create wealth rather take wealth away from others – the weaker sections of class society; who destroy wealth, and who are responsible for national disintegration, disharmony and distrust,
- (2) the State, which, as a subjugated entity of the rent seekers, promulgates 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. All these actions ultimately serve 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? 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). 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-beneficiaries<sup>9</sup>. 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 grabbers of enemy/vested property by share of total land grabbed is significant in understanding the political economy of EPA/VPA (Figure 3.3).

Figure 3.3: Amount of vested land with grabbers by grabber’s political affiliation, 2006



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

### 3.3 Political Economy of VPRA

Political economic issues of EPA/VPA, i.e, land grabbing by unholy alliance of rent seekers, and ensuing violence, deprivation of various forms, forced migration bestowed upon the minority etc. have been prevalent even during the regime of enactment and implementation of VPRA in a different trend and extent. Political economy of VPRA is in emerging stage compared to the EPA/VPA regime; even though the limitations of legal framework of VPRA and implementation process (will be discussed in chapter 4) and negative outcomes of VPRA

<sup>9</sup> 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-secular four-party alliance.

implementation (will be discussed in chapter 5) resemble the political economic issues of EPA/VPA, as mentioned with some difference in extent and appearance.

Political economy of VPRA has new dimension as well — bribe trading, which was less manifested in the regime of EPA/VPA. On average, each of the VP households had to spend a total of around BDT 2,27,000/- (see 5.2.2 and Figure 5.3). If at least 50 per cent of this spending is for bribing (which is much likely according to the respondents), the total amount of bribe trading for 2,00,000 cases (Total number of cases filed according to Dasgupta, 2017) will be BDT 2270 crore or USD 28,37,50,000 (USD 1= BDT 80, 9<sup>th</sup> May, 2017) which is around 2 per cent (1.94%) of National Annual Development Programm (BDT 1 lac 17 thousand crore) .

### **3.4 Conclusion**

Causes, manifestations and consequences of the EPA, VPA and VPRA — all contain deeper political economic issues; which cannot be comprehended by compartmental analysis of economics or politics alone. The historical political economic understading of the issues will help to recognize the factors behind limitations of legal framework and its implementation process as well as the sufferings that VP families are still facing, as discussed respectively in the following two chapters.

## CHAPTER 4

# LIMITATIONS OF LEGAL FRAMEWORK OF VPRA AND IMPLEMENTATION PROCESS

### 4.1 Introduction

After years-long civil society movement (will be discussed in chapter 6) and repeated amendments (mentioned in chapter 2), legal framework of Vested Property Return Act (VPRA) is expected to be pro-people, victim-friendly. But the discussion of political economy of Enemy Property Act (EPA), Vested Property Act (VPA) and VPRA, made in the earlier chapter 3, indicates that there is a high impact exerted by the unholy triangle (rent seekers-state-politics) over the legal framework of VPRA and its implementation process, restricting the welfare objective of the Law of returning the vested property from the custodian (state) to the real owner (victim families).

Present study has examined the legal framework and process set to be followed for returning the vested properties to their lawful owners and found some in-built hindrances like practices of delay, bribery, and other harassments — that are more frequent in a criminalized socio-politico-economic environment, reigned by the official and unofficial rent seekers. This inquiry has also been helpful to identify the causes of delay in disposal of Tribunal cases. Along with the findings on the delay-causes in case-disposal, this chapter also presents the findings on obstacles of implementation process created by the local land offices and DC office.

### 4.2 Limitations of Legal Framework and Process of VPRA

The legal framework of VPRA and its subsequent amendments enabled the real owners to reclaim their properties taken over by the government and the grabber-rent seekers. However, the provisions are limited to fulfill the demands that all the properties seized or taken over should be returned to their rightful owners. In this regard, following practical problems were identified by Barkat et al. (2014a):

1. The procedural activities related with the returning of vested property generate many problems. The accuracy of the gazette on vested property is questionable. It is alleged that the *Tahsildar* and *Amin* were not sincere in making the list of vested property. The name of the land owner and *mouza*, *khatian* and plot number is not mentioned correctly. These intractable mistakes cause a lot of harassments to the victim. Some corrupt officials are earning huge amount of money by deceiving the poor, women, and marginal people.
2. In section 2(m) of Vested Property Return Act, 2001 “Owner” means the original owner whose property has been enlisted as vested property or his heirs, or the successor-in-interest of the owner or his heirs; or in absence of them co-sharer by heir who is in possession by any other way. In the definition the word possession ‘by any other way’ is not specified. Possession by any other way cannot be accepted as criteria of acquiring ownership.
3. By the section 4 of the Vested Property Return (Amendment) Act, 2013 the time period for publishing supplementary list of vested property has

been increased by 300 days, contrary to the time period for submission of application which falls on 30 June, 2013. So, what shall be the procedure if a list is published after 30 June, 2013, is not specified on the Vested Property Return (Amendment) Act, 2013. Although the government in 2013 passed the Vested Property Return (second amendment) Bill 2013, several activities undertaken by different government organizations are delaying the implementation process of the law.

4. The provision of Abatement is kept in the section-13 of the Vested Property Return Act 2001. Under this provision a decree holder of that concerned property can be affected. Moreover, pending of suit in this regard in the revision and appellate court can also be affected.
5. It is written in the Section 26(1) of the VPRA that if any claimers of vested property fail to apply within the specified period, then this property shall be treated as Government property. By misusing this section many corrupt officials and touts are trying to harass the minority. The miscreants are trying to make delay in providing copies of gazettes and other documents which are necessary for submission of application. For that reason, the land of the minority now becomes the land of Government.
6. According to section 31 of the Vested Property Return Act, 2001 the activities of the district committee and the Tribunal are treated as judicial proceeding. A local Member of the Parliament has been included as an adviser in the District Committee. Keeping an adviser in a judicial proceeding contradicts with the formation of other courts established by other laws (e.g. Civil Courts Act-1887, Code of Criminal Procedure-1898) in Bangladesh.
7. This Act has no definition of 'in good faith'.
8. Time limit remains unfixed to send the copies of the judgment and decree.
9. Condition has been imposed to pay compensation to the victim.

The key informants (specially the lawyers, judges and the civil society members) under the present study also agreed on these practical problems identified by Barkat et al. 2014a; along with those, they also mentioned some other limitations of the legal framework, which are as follows:

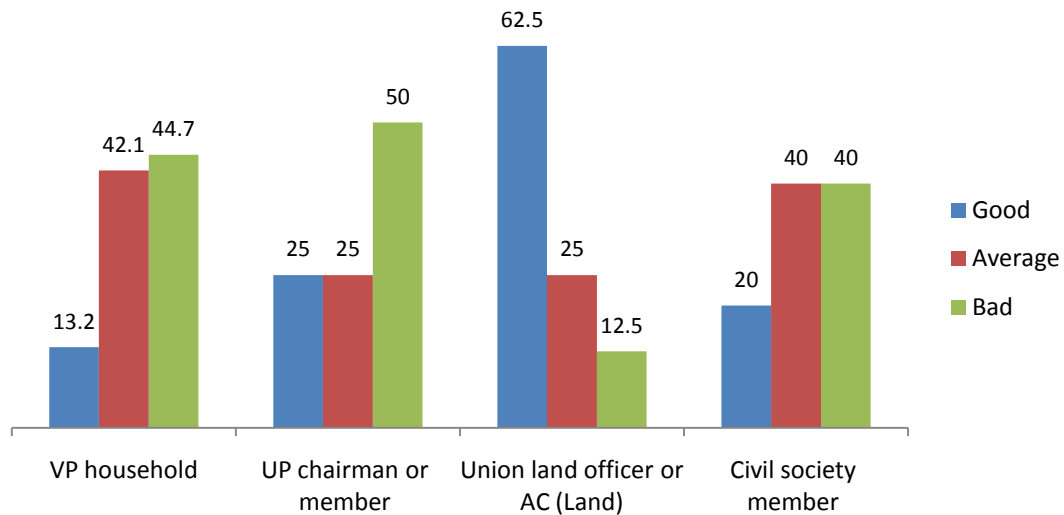
- No specific time of disposal of Tribunal cases is mentioned in the law relating to VPRA, resulting in taking indefinite period of time.
- Limited time for filing case; time passed over before a significant portion of VP families came to know about the tenure of filing case.

### 4.3 Disposal of Tribunal Cases

Most of the pertinent stakeholders, especially the 'victim' VP households were dissatisfied with the performance of disposal of Tribunal cases. They termed the status of disposal of Tribunal cases as "Not Good" — Average and/or Bad (Annex Tables 1,2, and 3; and Figure 4.1). Exceptions were there with the local level land officials, ADC (Revenue) and DC. Over four-fifth of the VP households opined from their own 'hard' and 'bitter' experience that the performance of the process of disposal of Tribunal was either Bad or Average; which were

resonated by the local government representatives and civil society members. Among the VP households, 54.1 per cent of the households engaged in litigation process (highest as a single category out of three) termed, as very much expectedly, the status of disposal of Tribunal cases as Bad.

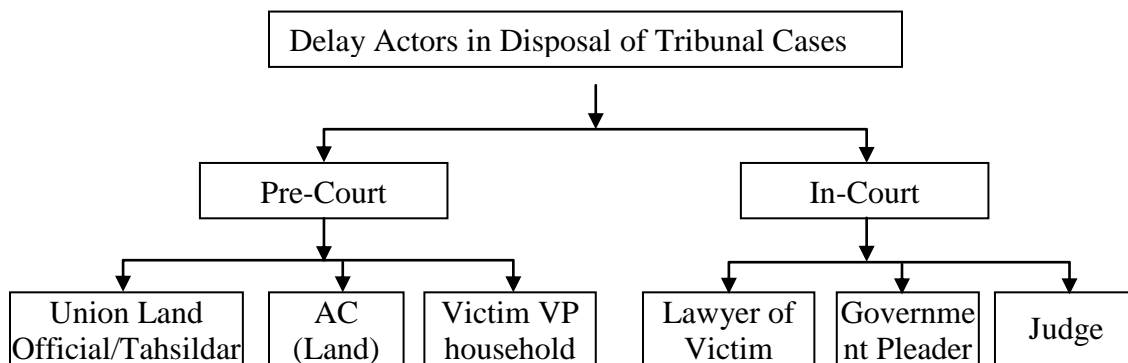
Figure 4.1: VP households, local government representatives, concerned land officials and civil society members about the status of disposal of Tribunal cases (%)



Almost all of the case study respondents and key informants mentioned about delay as one of the key factors behind the Not Good (Average plus Bad) status of disposal of Tribunal cases. In fact, one of the drawbacks in the case of quick disposal of Tribunal cases is the delay in process. The other major drawback is demand of excessive money (bribe) by the service providers, specially the land officials.

Delay in disposal of Tribunal cases, as the present study finds through case studies and key informant interviews, is due to both pre-court delays and in-court delays. Diagram 4.1 depicts the actors behind delay in disposal of Tribunal cases.

Diagram 4.1: Principal Delay-Actors in Disposal of Tribunal Cases



*Pre-court delays*

These types of delays are mostly due to the local land offices; the corrupt and inefficient (not all, but a significant portion of them) land officials seek for bribe for issuing required documents and providing other related services. They do not work or adopt 'go slow' policy, unless they are paid. Even there were cases, as claimed by the VP households, when some

bribed officials did not work at all and return the money (‘service charge’ — according to those miscreants), rather gave threats when the money was claimed. There was hardly any VP household who did not mention about the delay in union land office or AC (Land) office.

However, most of the officials under the key informant’s interview of the present study have outrightly repudiated the allegation of taking bribe by themselves or their colleagues and making delay for not getting any bribe; rather claimed that the papers of the service recipients are not ‘ok’ at most of the time; and they have to give ‘extra efforts’ for paying services to those service seekers; and hence, sometimes they demand some extra service charge! The irony is that the expected service cannot be attained in due time even after paying that ‘some extra service charge’, the sufferers complained.

*In-court delays*

In-court delays occur mostly due to the lower number of courts or judges, compared to the large number of cases, lack of emphasis on the VP cases etc. Primarily, in 2012 when the law-suits began, neither the lawyers nor the judges were interested about the vested property cases. Many judges had no knowledge about VPRA in the beginning. In their first hearing some of them even stated like this, “I know nothing about Vested Property Return Act.” At the onset, lawyers did not know how to frame a suit. They needed to consult about this matter with the lawers and judges of Dhaka, as mentioned by the key informants. All these contributed to a late-start of the cases.

Besides this primary weakness in understanding the Law, insufficient number of competent judges, and lack of separate benches impeded the disposal of cases and still impeding. The KIIs (especially, the lawyers, judges and the civil society members) claimed that there are not enough judges to dispose of the matter. A section of the lawyers, and the civil society members have pointed out that the judges do not have any special incentive in disposing cases quickly. They take it as ‘additional’ work and not ‘regular’ and ‘serious’ work.

A Tribunal, being ‘tight’ according to a lawyer, role-plays in delaying the legal process of VPRA. District judge gives the responsibility of the VP cases to some sub-judge 1, who distributes the cases among three other sub-judges, who again distribute the cases among seven other assistant judges. More than half of the cases get late-start due to delayed receipt of letter from the assistant judges, as the key informant lawyers mentioned.

Government Pleader (GP) takes times by giving repeated applications and makes the process slow. Often lawyer (on behalf of plaintiff) holds the case for more time to get financial benefit. Their roles are not transparent. They adopt unfair means to prolong the case — as claimed by some VP households, local government representatives and civil society members.

Table 4.1: Leading factors behind delay in disposal of Tribunal cases

Respondents	Leading factors	
	Pre-court delay	In-court delay
VP households	<ul style="list-style-type: none"> <li>• Corruption of the officials of the Union Land Office</li> <li>• Corruption of the officials of AC (Land) Office</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of judges</li> <li>• Disinterest of GP</li> <li>• Corruption of VP Lawyer</li> </ul>
Local	<ul style="list-style-type: none"> <li>• Corruption of the officials of the</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of judges</li> </ul>

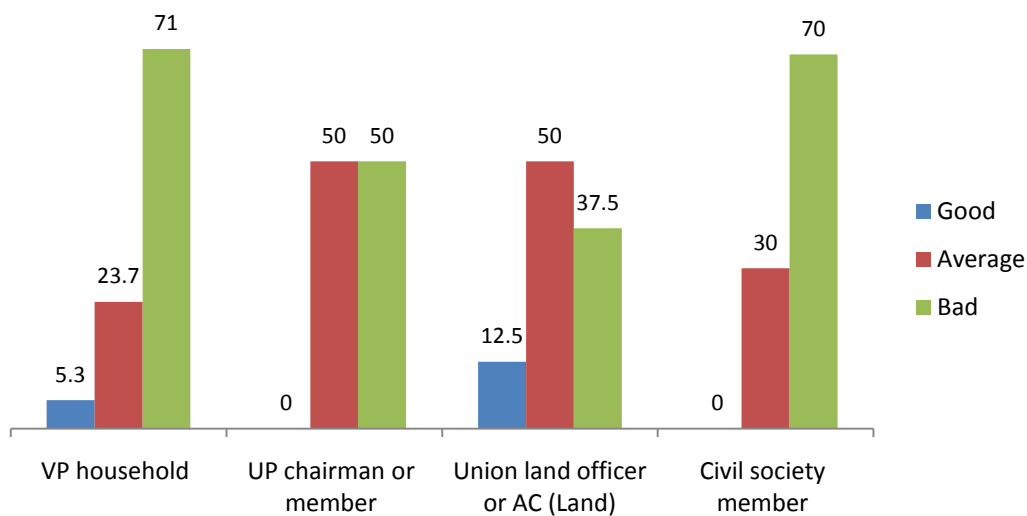
Respondents	Leading factors	
	Pre-court delay	In-court delay
government representatives	<ul style="list-style-type: none"> <li>Union Land Office or AC (Land) Office</li> <li>• Ignorance of claimers</li> </ul>	<ul style="list-style-type: none"> <li>• Disinterest of GP</li> </ul>
Local land officials	<ul style="list-style-type: none"> <li>• Lack of human resources, specially of efficient and technical persons</li> <li>• Insufficient and incorrect documents</li> <li>• Ignorance of claimers</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of judges</li> <li>• Disinterest of GP</li> <li>• Corruption of VP Lawyer</li> </ul>
Civil society members	<ul style="list-style-type: none"> <li>• Corruption of the officials of the Union Land Office or AC (Land) Office</li> <li>• Insufficient and incorrect documents</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of judges</li> <li>• Disinterest of GP</li> <li>• Corruption of VP Lawyer</li> </ul>
Legal personnel (VP Lawyer and Judge)	<ul style="list-style-type: none"> <li>• Corruption of the officials of the Union Land Office or AC (Land) Office</li> <li>• Ignorance of claimers</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of judges</li> </ul>

#### 4.4 Implementation of the Verdict

Implementation process of the VPRA law, in the broader sense, ranges from pre-case activities to full implementation of the verdict, i.e., handing over possession of the property to the real owner. As the earlier section (Section 4.3) has focused on the disposal of Tribunal cases (both pre-court and in-court activities), the present one delineates the implementation process of the verdict.

Similar to the status of disposal of Tribunal cases, most of the stakeholders termed the status of implementation of verdict as “Not Good” – Average and/or Bad (Annex Tables 4, 5, and 6; and Figure 4.2). About 95 per cent of the VP households opined, from their self-experience, that the performance of implementation of verdict was either Bad or Average; which were resonated by the local government representatives and civil society members as, more or less, same extent. Over 10 per cent local land officials stated that status of implementation of verdict was good. Among the VP households, 74.7 per cent of the households engaged in litigation process (highest as a single category out of three) termed, the status of implementation of verdict as Bad.

Figure 4.2: VP households, local government representatives, concerned land officials and civil society members about the status of implementation of verdict (handing over possession of property) (%)



Delay was mentioned as one of the key factors behind the “Not Good” status of implementation of verdict. While the prime minister asked for quick disposal of disputes over vested property, the administration — both civil and land — was obstructing implementation of the court verdicts. Deputy Commissioners (DCs) were not handing over land even after the cases concerned had been resolved at Tribunals. Assistant Commissioner (Land) in district areas were marking lands as government property to avoid handing over to their rightful owners. A section of government officials had previously tried to delay the implementation process of the law by asking for a list of hidden land that they believed were under the names of those who were not in the list.

In Faridpur, a case was sent for a writ, despite it was solved by the Appellate Tribunal; the very case was a glaring instance how the DC would take this as an opportunity to delay the vested property handover procedure. In some districts the Tribunals have directed removal of illegal occupiers from vested properties, but the DC, responsible for the removal, are not doing accordingly. Sometimes, DC is politically pressurized and also has personal interest to execute the judgment. Sometimes DC is not willing to involve them with the land relating to the vested property because they get transferred within a very short time; so, they become reluctant to take such responsibility.

Besides the empirical field level findings of delaying the execution of verdict, as mentioned here, there are some other notorious, ill-motivated practices played by the DC; which are as follows: after the judgment, the verdict is sent to the DC for execution. DC office sends it to Land Ministry or Law Ministry for reaffirmation which is not according to the law. Again, after the judgment, DC office engages AC (land) for vetting which is violation of law and also, a contempt of Court.

Despite the schedule-B being repealed through the latest amendment of the VPRA, responsible officials at the land department did not revise the volume of land records in the pretext of not issuing government circulars by the Land Ministry. There has not been any mutation and collection of land revenue for any of the land under this category.

#### **4.5 Conclusion**

Delay in disposal of case and implementation of verdict is reasoned due to the lack of political will of the government, sclerosis of land and civil administration, criminal intentions of the service providers. The poor families are getting poorer for the delay in disposal of Tribunal cases. The winner in the verdict, seemingly fortunate, is in total uncertainty about the mischievous role-play of DCs.

## CHAPTER 5

### IMPACT OF VPRA ON VICTIM FAMILY

#### 5.1 Introduction

The extent of mass destruction due to Enemy Property Act (EPA) and Vested Property Act (VPA), two predecessors of Vested Property Return Act (VPRA), was not only limited to quantifiable measures of land and other assets of the religious and ethnic minority people, it was much beyond that. As discussed briefly in chapter 3 on political economy of EPA, VPA, and VPRA that there has been inestimable 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. Has the impact of VPRA been different? Any research query like this may be pretty much likely after one and half decade of enactment of the law. The impediments of legal framework and process of implementation, discussed in earlier chapter, may exert added curiosity in this regard.

On the enactment of VPRA and implementation of the law after ocean of afflictions of the victim and ceaseless movements of human rights defenders, it has been quite a natural expectation from all the concerned quarters that all sorts of evils, misdeeds, bad outcomes created due to EPA, VPA will come to an end, and the victim families will start to enjoy the long-cherished 'humane' life. Hence, a running hypothesis is there that the enactment and implementation of VPRA put forth mere positive impact upon the victim VP households after all their sufferings of EP-VP regime. The present study tests this hypothesis in the ground reality and finds something 'different' than the conventional wisdom.

#### 5.2 Impact of Implementation of VPRA on Victim Families

The VP households, during the case studies, have identified the actual and potential, positive and negative impacts upon their households due to the implementation of VPRA. Besides those core stakeholders, the local government representatives (UP chairman and member) and the legal personnels (VP lawyer and judge) have also reflected their perceptions about the household effect of VPRA implementation. In connosance with the hypothesis mentioned (in section 5.1), following sections map out positive and negative impacts of VPRA.

##### 5.2.1 Positive Impact

The victim households, through the enactment and implementation of the VPRA, now have the opportunity to establish 'legal' rights over their properties after the long-years of deprivation. This subjective response has set scope before them for coming out from the deprivation trap (revisit Diagram 3.1 of chapter 3). This was noted by most of the households under the case studies, as the primary positive impact of VPRA implementation. The study highlights that as the possibility of regaining the properties increases, the mental confidence of the VP household members increases, their ownership sense grows, pertinent practical knowledge level rises, anxiety of potential problems due to lack of appropriate papers decreases. All these were stated by the respondents of the VP households as well as by the concerned key informants.

As only 2 households out of 43 households (less than 5 per cent) got the possession of their property after the verdict, and those 2 were yet to decide on the utilization of the property, the actual positive impacts on household could not be observed during the information collection phase of December 2016 to January 2017. However, potential positive impacts, articulated by the households who were in litigation, and the households who got the verdict but not the possession, were also mentioned by the key informant UP chairmen, members, lawyers and judges. The key informants mentioned about some actual positive impacts, which they came to know from other sources.

Some actual and potential positive impacts of enactment and implementation of the VPRA are stated as follows:

#### *Enhancing Household Welfare by Selling or Using the Property*

The majority of households, who were in litigation process and who got the verdict in their favor and waited for the return of the property, expressed their intention of selling the land after getting the 'rightful' possession. The earnings from properties sold were expected to be utilized directly to increase household welfare by investing in human capital formation and expansion, through education and training intake, health facilities, food and nutrition intake etc. and indirectly by investing in business and other entrepreneurship, and repaying the loan specially taken for running the VP litigation.

Some VP households, especially who got the verdict in their favor and waited for the property to be handed over, expected a renewed hope for better living and livelihood, based upon the prospective property. They can use those lands for cultivation and the earning for reinvestment in farming or fresh investment in small business, and finance other household expenditures like daughter's marriage, sending son abroad etc. Some of them also planned for leasing the land for doing the same. All these indicate to an 'instantaneous agility' in the 'traditionally slow' rural sales and tenancy market, after getting the land released from VP list.

#### *Access to Credit*

According to the key informants, few VP households have taken loan from bank by showing the verdict of court over the earlier-vested property whether it is in their possession or yet to possess. Few of them arranged marriage for their daughter with that loan. Access to credit might have impacted upon their living considerably, as opined by the informants.

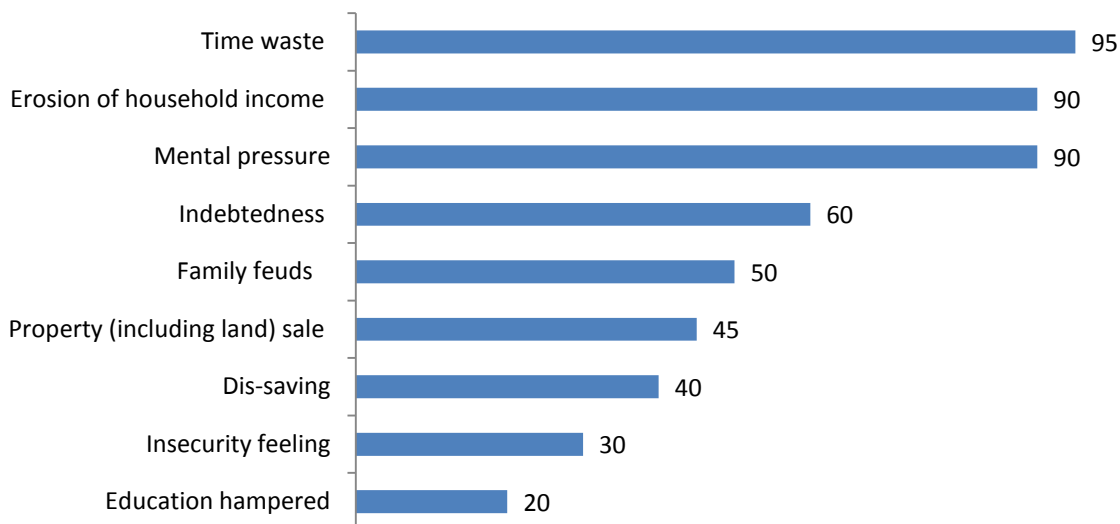
This is natural that when the households have their VP property returned, their asset portfolio gets enriched and household welfare increased through invigorated entitlement. But the affluence or welfare, among many other factors, depends on the cost of getting back the property. The costs are the negative impacts experienced by the VP families when they are in the process of litigation and implementation of verdict.

### **5.2.2 Negative Impact**

Some VP households (in this study 4 out of 43 or 10%) did not participate in the legal process to get back their property because of their ignorance, fear of potential time and money loss. Now, they have the least possibility to be endowed with the property ever. They seem to be ill-fated in the first place. But compared to the sufferer VP households, who were in the litigation process and who got the verdict in their favor and waited for the return of the

property, the VP households who did not participate in the legal process may consider themselves ‘lucky’, at least ‘rational’. Following figure (Figure 5.1) of negative impacts experienced by the VP households (who were in the litigation process and who got the verdict in their favor and waited for the return of the property, and who got back the property) justifies the ‘conscious or unconscious’ decisions of the non-participating VP households.

Figure 5.1: Negative impacts on the VP households due to implementation of VPRA

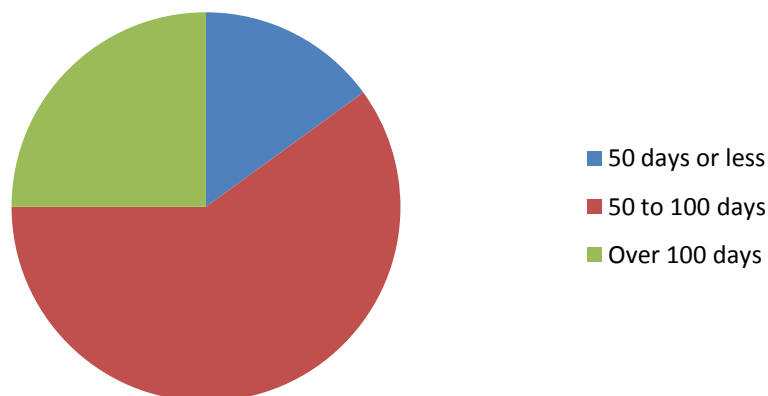


*Waste of Time*

Most of the cases of the VP households started in 2012-13; already 4 to 5 years have elapsed. Majority of the cases are yet to get the verdict; some of the cases where verdicts were made, are yet to be implemented. Implementation of verdict, i.e., returning the property to the ‘real owner’ could be possible in infinitesimal number of cases.

During the litigation process and implementation of the verdict, the VP claimers had to roam from land offices to court to DC office, for pre-case, in-case and post-case affairs; for which most of them required 50 to 100 days (Figure 5.2). Though they could not identify the additional amount of time required, which is wasted for these activities, almost all of them outrightly claimed that excessive time was wasted.

Figure 5.2: VP households requiring time for pre-case, in-case and post-case activities (%)



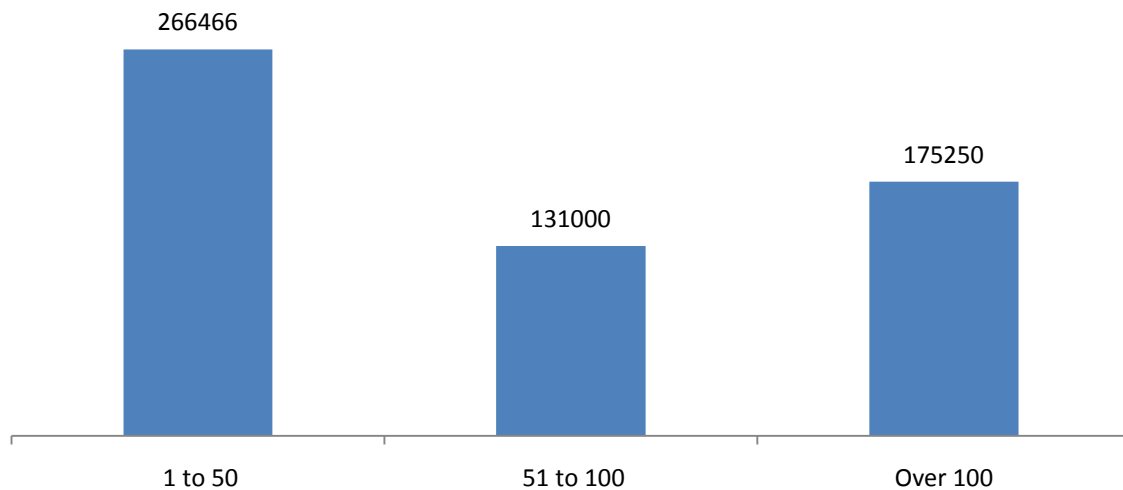
Waste of time led to the erosion of household income, mental pressure and other negative impacts, as depicted in Figure 5.1.

*Erosion of Household Income*

Income of VP households eroded to meet up the litigation costs, to pay for the loan which was made to meet up the litigation costs and opportunity cost of loosing earning scope for getting involved in the litigation. Though the case study respondents could not determine the opportunity costs, they well-identified other costs which had deteriorating impact over the household income. During the process of lawsuit whatever papers have been asked, bribe is demanded to collect those from AC (land) or Tahsil office; while the legal cost in this process is supposed to be very low, the actual cost is beyond any logical estimation.

On average, each of the VP households had to spend around BDT 2, 27,000. Following figure (Figure 5.3) shows the amount of household expenditure according to the amount of vested property.

Figure 5.3: VP households spending average amount of money (BDT) according to the amount of vested property (decimal)



*Mental Pressure and Family Feuds*

A 90 per cent of the case study respondents mentioned that their family members were in constant mental pressure, generated due to fall in household income, indebtedness, decline in property portfolio, dissaving etc. This reminds the mental breakdown, agony and anxiety of the deprivation trap caused by EPA/VPA and the chain reaction (Revisit Diagram 3.1 of chapter 3). In many cases, because of delay in disposal of Tribunal cases, victims lost their money as well as land for getting back the VP property. They also lost their confidence and became mentally ill. As a result, some poor victims became poorer. Mental pressurers and others appended to various family feuds, which were addressed by 50 per cent case study respondents as negative effect.

*Dissaving, Property Sale and Indebtedness*

The households who could not finance their litigation and other related costs from current income and savings (by making dissavings) opted for selling property (including sale of other land) and borrowing. In the hope of getting back the vested property, people sell land when they consider the value of the VP land is higher than the sold property.

### *Fall of Land Price*

In rural Bangladesh, in most cases, the price of land properties of similar qualities at the same location (village) and at the same time, separately owned by the Muslims and Hindus, are not same. Usually, Hindu owners are in some disadvantaged situation. Because, the demand and supply of Hindu land properties constitute one of the major impacts of VPA. As Barkat et al. (2008) expounds the price of Hindu land at a given point of time is usually less than the average price of land in the market during the same time and this is contradictory to the economics of land price in a densely populated country like Bangladesh. The key informants of the current study mentioned that the price of land in the VP area decreased since the law has been passed in 2001. On the other hand, Government has increased land registration fee. So, the victim households of both Hindu and Muslim community are now affected.

#### **Box 5.1: Sufferings of a VP household member**

A poor man, Bidhan Datta lives in Faridpur town with his family. After knowing that his property was included in the vested property list, he went to land office to inquire of how the land was enlisted as vested property despite possessing all legal documents in support of their ownership of property. He was retorted that there was nothing that the land officials could do. Then Bidhan had no other option but to file a release petition before the Vested Property Return Tribunal of Faridpur.

The Tribunal fixed a date for first hearing but on that day, the Tribunal adjourned the hearing and fixed a new date. Bidhan lost his hope of a speedy disposal; instead he tried to make his mental and financial preparation for 'at least two years of pain for no wrong doing'. It seemed great relief to him when the new amendment of Vested Property Return Act was passed in the parliament on 8 October 2013, repealing the schedule 'kha'. The amendment also declared that the enlisted property in that very schedule would be deemed to have never been vested property before.

But agony seemed to be never ending. This time Bidhan came to know that that the Record of Rights of that land had to be revised again. According to the circular of Land Ministry, in compliance of the new amendment, the unpaid taxes are to be paid and a mutation process to be completed. He was informed by almost every person that this process would create many difficulties; land officials would not let him to make it so easily. Some suggested him to spend huge amount of money as corrupt land officials must be bribed to do this. Some persons who were in the same situation could not give him much hope as the land offices did little to make the process on going. Some acquainted land officials proposed him package of huge amount to get rid of this. After that Bidhan went to land office and told when Upazila land office sought the report from his union land office, the sub assistant union land officer asked him to pay 1 (one) lac taka bribe for providing a report in his favor. Bidhan refused to give bribe. The official told him that without bribe, mutation would not be possible as the lion share of the bribe will be taken by higher officials. Bidhan uttered 'I told him that I want to know it from their mouth.' After such repeated struggles, Upazila land office processed the mutation. Now, the record-of-rights of land is after Bidhan. He uttered his bitter experience:

'It is just unbelievable, when I first heard that our land went into the vested property list, saw it in the gazette, I felt that I was the most helpless person on the earth. At that moment, I can only assume how much I have to pay for it and how many hardships are waiting for me. When I first entered the court process, I was just horrified. I only prayed for less suffering.'

*Source: Case Study*

### **5.3 Conclusion**

Despite it is widely presumed above the surface that the sufferings of EPA-VPA affected households might come to end due to VPRA; the dark story remains beneath the surface. Compared to the positive ones, more negative impacts — both actual and potential — are revealed by the respondents. There is a serious imbalance between positive and negative impacts of VPRA; the negative impacts outweigh the positive ones; and to redress the matter immediate action is to be taken by the relevant stakeholders like government agencies and civil society actors.

## CHAPTER 6

### VPRA AND CIVIL SOCIETY ROLE

#### 6.1 Introduction

The role of civil society, albeit, is highly debated in Bangladesh, it has been contributing considerably to the repealing of Vested Property Act (VPA) for enactment of Vested Property Return Act (VPRA) and its implementation process. During the movement for abolishing VPA, civil society actors placed various recommendations to the policy makers and still they are doing so. The objective is to make implementation process of VPRA 'victim-friendly' so that the 'real' victim households could get back their property. A consistency assessment between the civil society recommendations and their reflections in the VPRA and subsequent amendments has been made in the present study.

As is revealed in chapter 4, hindrances are there in the legal framework of VPRA and its implementation process and as consequences of those obstacles, huge negative impacts fell upon the victim households (discussed in chapter 5); identifying the potential civil society role in smoothening and expediting the implementation process has also been the research scope of this chapter.

#### 6.2 Historical Role of Civil Society<sup>10</sup>

VPA – a continuation of the Enemy Property Act (EPA) is one of the most tyrannical acts having serious impact on all five substantive types of freedom<sup>11</sup> of all the religious and ethnic minority communities in Bangladesh. Although the act exists since 1965, no significant actions were taken to repeal it 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 domain of the Enemy/Vested Property Act (EPA/VPA), 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 (for 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 VPA until 1979<sup>12</sup>, except occasional protest from some left wing political parties and social movements. A Citizen's Resistance Committee for repealing the VPA named as "Council for Resistance against Enemy Property Act" (Satru Sampatti Ain Protirodh

<sup>10</sup>This section is mostly excerpted from Barkat (2014d).

<sup>11</sup> These include (1) political freedom, (2) economic opportunities, (3) social facilities, (4) transparency guarantee, and (5) protective security (for details see Sen 1999).

<sup>12</sup> Continuation of the EPA as VPA 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 were unorganized protests and pressure during the early seventies mostly at 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 VPA until 1979.

Parishad) was constituted in 1979. 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.

In the same year (1979) late Advocate Sudhansu Shekhar Halder, a member of the then Parliament, moved a private member's bill seeking repeal of the VPA 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 a low profiled campaign against tyranny of the Vested Property Act alongside its main campaign for distribution of *Khas* Land among landless in 1988<sup>13</sup>. 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 Prof. Abul Barkat, the lead author of this report to conduct the first ever small scale research study of exploratory nature. 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 EPA just to undertake a research study to understand the multidimensional impacts of EPA/VPA.

The second study in the series titled "Vested Property Act: Towards a Feasible Solution", launched in 1996 and conducted again by Barkat-led-team, was directed with the objective to attain more in terms of our knowledge-base about the subject and to identify feasible solutions. The 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

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<sup>13</sup> Although NGOs have been very active on poverty and general human rights related issues since seventies, they had no visible role on VPA 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 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 the issue as a priority of ALRD. In 1994, ALRD initiated a study – the first study by Barkat et al. 1996, 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 DharendraNath Dutta.

study in the series was 2006 Study conducted by Barkat-led-team after the enactment of the Vested Property Repeal (Return) Act 2001. The study outcome was published in 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 VPRA.

While proactively raising the issue of EPA and VPA as unconstitutional, anti-secular, anti-minority, anti-natural justice, anti-people and inhuman – the historical truth is that, the “justice system” during the regime of 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 others). These NGOs, initially, in late 1990s worked in isolation doing mainly small scale stage setting advocacy about the need for repealing the VPA. 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 our knowledge the process started in 2007) of nine NGOs<sup>14</sup> (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 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. 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)<sup>15</sup>; This citizens’ coordination cell, since its very inception, 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 city Dhaka and 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

<sup>14</sup> 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.

<sup>15</sup> Orpita Sammpotti Protarpan Ain Bastobayan Jatio Nagorik Sammonoy Cell

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 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. However, there is no room for complacency. Concerned key informants in the present study were not fully satisfied with the efforts of the civil society actors; at least for their role-play in the implementation process of VPRA (will be discussed shortly, in sub-section 6.3.2).

### **6.3 Major Civil Society Recommendations and their reflections in VPRA**

#### **6.3.1 Major Civil Society Recommendations**

A total of 33 recommendations were placed in three seminal books on the EP, VP and VPRA, as just mentioned (Barkat et al. 1997a, Barkat et al. 2000, and Barkat et al. 2008). All those recommendations were made on the basis of hard evidences from ground reality, i.e., from the voices of the VP victims; and major civil society recommendations. Some of the recommendations like those of 'Kha' or 'B' list have become invalid in course of time as the list itself has been discarded. However, most of those recommendations are valid till date. Barkat (2016) in most recent study on the subject categorized 23 specific recommendations into the following five categories:

- Category 1: Related to Vested Property Return Act 2001 and subsequent relevant Amendments; implementation issues
- Category 2: Related to listing of vested property and publication of gazette
- Category 3: Related to assigning priority in returning back vested property
- Category 4: Related to active participation of civil society
- Category 5: Related to punishment of grabbers-rent seekers, illegal occupants and rent seeking officials

Citizens National Coordination Cell for Implementation of Vested Property Return Act (CNCC-IVPRA) in their last national dialogue, held in CIRDAP auditorium on 15<sup>th</sup> February 2017, made public their 9-points demands, which are yet to be approached by the law or subsequent amendments.

#### **6.3.2 Reflections of Civil Society's Recommendations in the VPRA**

The issues of EPA, VPA and VPRA have been social movement ones for the civil society actors. They are trying to contribute to the repeal (VPA) and enactment (VPRA) of the Acts for properly returning vested property to the real owner or their successors. Before or after commencement of the Vested Property Return Act 2001, the civil society and the affected minority community, through various media, have proposed many recommendations for effective implementation of the Act. Among those recommendations, some have been

reflected fully (Table 6.1), some have been reflected partially (Table 6.2) and a considerable section have been quite untouched in the VPRA and subsequent amendments.

Table 6.1: Full reflections of recommendations in the VPRA and as amended later

Sl	Recommendations	Reflected Sections of the VPRA
1.	Vested Property Act should be abolished, without any delay.	Full Act had been passed in 2001- The Vested Property Return Act 2001 (amended in 2011, 2012 and 2013)
2.	The schedule ‘B’ shall have to be declared void because this list is not prepared legally.	Section 28A of the Vested Property Return Act (Amendment) Act, 2013; Special provisions related to the omitted of the Schedule ‘B’ etc.
3.	Vested property having no legal claimant should be utilized by the government, especially for the development of the minority community affected by the EPA/VPA.	According to section 26 of the Vested Property Return Act 2001- (1) If no application is submitted within the time limit or no appeal is filed within the time limit or claim is not proved in appeal concerning vested property shall be treated as <i>khas</i> property of the government.  (2) The government shall have the right to sell, transfer, use, or settle that property, as it considers necessary.
4.	A list of beneficiaries with all the details (as the list of affected persons) should be prepared as immediately as possible.	According to section 9 of the VPRA 2001- publication of the list of vested property-  (1) The government, according to provisions of this section, shall publish the district wise list of restorable vested property through a public gazette notification within 300 days since commencement of Vested Property Return (Amendment) Act, 2011.  Government shall publish Upazila-wise or Thana-wise or District-wise list by gazette notification.  Provided that, if it is impossible to prepare list and publish government gazette notification within said 300 days, Government shall prepare list and publish government gazette notification writing specific cause within additional 90 days.  1(a) In spite of the expiry of the date of publication of the list of the vested property published under sub-section 1, Government can publish additional list of the vested property within 300 days of the commencement of this Act for the public interest.  (2) In the said <i>mouza</i> -wise list detail description of the vested property described in schedule ‘A’ [for example, type of such properties, <i>khatian</i> no. (earlier and current) and plot no. (earlier and current) in case the property is land, area etc.] shall be included.  (3) Relevant information of restorable public welfare properties, according to subsection 2, shall have to be included separately in the list;  (4) If the property has been taken in public interest and some money has been kept against that for paying compensation, description, date of acquire, and amount of money shall have to be published, according to sub-section 2 separately.  (5) As soon as the government publishes the list, it shall – a. Give advertisement in the radio, television, and other media for people’s awareness; b. Supply sufficient number of copies of the list to the

SI	Recommendations	Reflected Sections of the VPRA
		<p>office of the Deputy Commissioners (DCs) such that any person who is interested can collect it by paying a fixed price.</p> <p>(6) Any property, which is not included in the schedule 'A' and not included in the published gazette of vested property, shall not be considered vested and the government shall not have any title, interest, right and responsibility there upon.</p>

Table 6.2: Partial reflections of recommendations in the VPRA

SI	Recommendations	Reflected Sections of the VPRA
1.	Amount of total benefits derived by the beneficiaries before 1971 should be estimated, and based on that, decision should be taken in terms of compensation for and/or imposition of a sort of taxation to the beneficiaries.	According to section 5 of the VPRA 2001, Restoration of vested property to the owners and its effects –  According to the provisions of this Act, properties which are enlisted as restorable, shall be restored to their owners, or as needed, in order to fulfill the objective of restorable public welfare properties, those shall be restored to the <i>sebayet, mohanta</i> , or Managing Committees of those properties according to section 15; and all rights, title, interests, and responsibilities of the government shall be withdrawn upon such properties provided that the government or anyone who has set up any buildings or movable assets on such properties with due approval from the government, shall have the right to take over that building or movable assets from those properties.
2.	Most recent beneficiaries (say those in the last ten years) having legal lease-in documents may be given compensation payment from the amount to be collected through the above taxation.	
3.	Compensation packages for the affected families in the form of bond, loan (in cash or in kind), lease of <i>Khas</i> land, etc., should be designed keeping in mind the nature of the problems, and be implemented.	<p>(1) According to the provisions of this Act, if the government has acquired some vested property, money kept against those properties for paying compensation, shall be paid to their owners.</p> <p>(2) The rules and regulations of the Land Reform Ordinance 1984 (X of 1984) shall be applied by this Act, in case of restorable agricultural land.</p>
4.	Attempts should be made to identify the real owners or the successor(s) of the land already enlisted under VPA or EPA. If they (owner/successors) still live in Bangladesh, attempts should be made to give the land/property back to them. In this connection it is suggested that the Government should constitute in every district a committee comprising judicial and administrative personnel and headed by the District Judge. At the highest level, the Government should constitute a Vested Property Commission.	<p>Section- 9B of the Act, 2001- District Committee.</p> <p><i>Note: Section 9B of the VPR Act 2001 has been omitted as amended in 2013.</i></p>
5.	All activities related to the identification and enlistment of any property as vested should be banned immediately. In this regard, an official declaration in the mass media should be the immediate action of the democratic government.	The Vested Property Return (Amendment) Act 2012 ----- after the date of 26.04.2012, all activities related to the identification and enlistment of any property as vested shall be banned immediately.
6.	Intentional mistake cannot be accepted and concerned official	According to section 32 of the Vested Property Return Act, 2001- Offences and punishment-- If someone –

Sl	Recommendations	Reflected Sections of the VPRA
	should be punished.	<p>a. Makes a false application or false appeal to the Tribunal or Appellate Tribunal, or gives false statement either written or oral, or - by hiding his own identity -makes application, statement, witness, or claim by taking identity of other man;</p> <p>b. Submits false or forge deeds intentionally to the Tribunal or Appellate Tribunal; or</p> <p>c. Violates any order given by the DC with the intention of implementing some order or decree of the Tribunal or Appellate Tribunal;</p> <p>He shall be given sentence to imprisonment of seven years or less, or shall be fined with Tk. 1,00,000 or less, or shall be punished with both terms.</p>

Some mentionable recommendations, not reflected in the VPRA at all, are as follows:

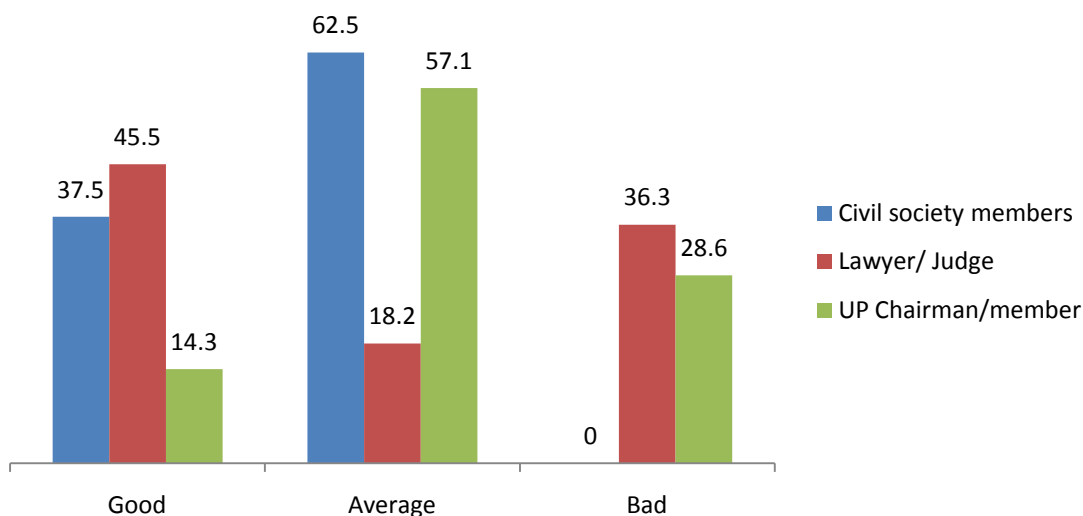
1. All vested property under the custody of the government should be leased out to real owners or their legal heirs who are permanent residents of Bangladesh till the final settlement of the problem. In this regard, preferences should be assigned in accordance with the law of inheritance.
2. No property should be taken to the custody of the VP administration if the owner(s) of the property or their legal inheritor(s) are in possession of that property.
3. In the absence of the major shareholders, the legal co-share(s) right to lease-in the whole property be ensured until the final settlement of the issue.
4. All 99 years leasing-out of vested properties should be declared null-and-void and the ownership rights of the original owners or their inheritors should be established if they are the bona fide citizens of Bangladesh.
5. All vested deity property and places of cremation should be unvested and be brought under public trust. The leased-out or sold-out properties belonging to this category should be declared void.
6. Law of inheritance should be enforced with adequate provisioning for women inheritance. If the male heirs of the property are absent and the female(s) are permanently residing in Bangladesh, in that case the property should be leased-out to them until final settlement is made.
7. Priority should be given to unvest homestead land.
8. Priority should be given to those who were small landowners (owned  $\geq 300$  decimals before EPA/VPA) and who in the process of EPA/VPA have pauperized and marginalized.
9. Priority should be given to those families in which almost all the legal inheritors are permanently residing in Bangladesh.
10. Priority should be assigned to the affected female-headed households.
11. Priority should be assigned to those cases whereby the property is grabbed mainly by the Tahsilders and other land officials.
12. Priority should be assigned to the vested properties which are illegally occupied by others without leasing-in from the government.
13. Priority should be given to those who were affected before 1971.

14. Government should establish "Vested Property Bank" which will keep detailed account of all vested property by types, locations and other relevant status variables having policy and programmatic relevance.
15. Government should issue a 'white paper' explaining the background of the Act (EPA, VPA and VPRA) and the position of the Government on the Acts, and should circulate this widely through print and electronic media.
16. Considering the significance of nation-building and human capital formation attached to the problem, it would be appropriate to organize an open debate in the society on the relevant issues aiming at reaching a national consensus on those.
17. The Government should constitute a Vested Property Commission at the national level to deal with various issues pertaining to the immediate development and designing of the appropriate solution matrix. The Commission should be headed preferably by a retired judge (Chief Justice) or a person of a national repute with appropriate representation of the members of the civil society.
18. Government should constitute in every district a Committee headed by the District Judge and comprising judicial and administrative personnel, representatives from various relevant non-governmental social-development organizations, and peasants' organizations.
19. In designing the phased-in solution programme, the Government should prioritize the problems using certain criteria, such as current disadvantaged situation of many affected families, female-headed families, families with affected homestead land, illegal occupants, places of cremation and deity property etc.
20. Government, in collaboration with the relevant non-governmental organizations and lawyers' associations, should arrange provisioning of free-of-cost legal assistance to the affected persons. A special 'legal assistance cell for those affected by EPA/VPA' needs to be established in each district as soon as possible.
21. The mechanisms for appropriate monitoring and follow-up of the solution should be devised involving experts in the field.
22. Behavior change communication efforts in the field of maintenance and promotion of communal harmony, and promotion of freedom-mediated developmental mind-set of the people should be given the top priority.
23. Section 13 shall have to be amended by changing the provision of abatement of suit and in the proposed provision, abatement of suit shall not be applicable for those properties which have been released by the decree of the court and about which appeal, review or revision is pending.
24. Legally there is no scope for publishing supplementary list, so section 9(1) or 9(1A) of the Vested Property Return Act-2001 shall have to be amended and provision of making supplementary provision shall have to be repealed.
25. Definition of "Owner" is given in section 2(m) of the Vested Property Return Act, 2001; it is proposed to amend this definition and the word 'Possession by any other way' should be replaced by the word 'Possession by any other legal way'.
26. In section 9(b) of the Vested Property Return Act, 2001 it is proposed to include two persons having legal and practical knowledge in the district committee instead of two local honorable persons. The post of adviser in the district committee can also be abolished because an adviser cannot be included in a judicial proceeding.

If we consider all the recommendations mentioned above as the full set of recommendations put forward by the civil society, 11 per cent of the recommendations were fully reflected, 17 per cent partially reflected and the rest 72 per cent of the recommendations did not have any reflection in the VPRA and its subsequent amendments. The efforts of civil society can be assessed with this outcome to some certain extent.

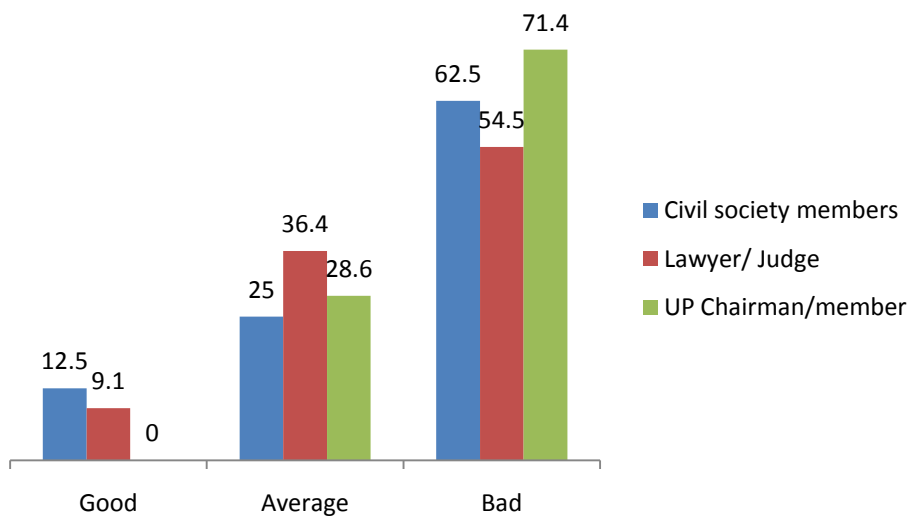
The efforts of civil society have also been assessed by the key informants under the present study (Figure 6.1 and Figure 6.2). More than 60 per cent of the civil society members themselves assessed the civil society activities in case of suit disposal of the Tribunal as 'Not good' and about 90 per cent of the civil society members themselves assessed the civil society activities in case of handing over possession of the property as 'Not good'.

Figure 6.1: Respondents on civil society activities in case of suit disposal of the Tribunal (%)



Civil society performance is worse in case of handing over possession of the property compared to the case of suit disposal of the Tribunal.

Figure 6.2: Respondents on civil society activities in case of handing over possession of the property



## 6.4 Potential Civil Society Role in Expediting Implementation Process

Civil society has made historical contribution in repealing VPA and enacting VPRA and the subsequent amendments. However, there is nothing to be complacent in this regard, as the earlier sub-section reveals that civil society actors' performance are not up to the expectation both in case of suit disposal by the Tribunal and of handing over possession of the property. They have to go a long way, with quick move, to finish this race; adopting following three strategic roles:

### *Making the Movement People-centric*

People-at-large are almost unaware about the issue; they must be involved in the process. Unless people from each and every corner from the society are proactively involved, the whole process is bound to be futile and even may prematurely die. It is absolutely needed to turn the issue of VPRA into a social movement, which requires more innovation in terms of ideas, tactics, strategies, and engagement; where lies the crucial potential role of civil society.

### *Emphasizing the Movement in the Field*

In most of the cases, civil society activities, by nature, have been limited to 'Table Work' like round table, seminar, workshop etc. Emphasis should be given more on 'Field Work' like procession, public meeting etc.

### *Making the Civil Society Movement into a Political Movement*

As the issues related to VPRA are completely politico-economic, 'like-minded' pro-people political forces should be mobilized, assembled under the same umbrella to run a continuous political movement unless and until the final day of the full and real implementation of the VPRA.

## 6.5 Conclusion

Civil Society actors and organizations played an important role in repealing VPA, enacting VPRA and amending it for proper implementation. Numbers of unreflected recommendations in VPRA, limitations of legal framework and implementation process and unending negative impacts upon the victim family justify more pro-active role of civil society.

## CHAPTER 7 RECOMMENDATIONS

A list containing 18 specific, achievable and realistic solutions — based on the analyses of the information sought, through the case studies with VP households and the discussions with the relevant stakeholders, against the queries emanated from the six specific objectives (Section 1.2 of chapter 1) — is presented below to improve the process further for the government, implementing agencies as well as for the right based and civil society organizations.

1. No new list of vested property, in the name of list prepared for the excluded, will be allowed to publish further. This directive of Honorable Prime Minister must come as a clear announcement from Land Ministry and the circular of the Land Ministry issued on 22 April 2016 “regarding publication of revised Gazette of property which are omitted and made incorrect in the published Gazette of list ‘A’ of vested property” must be withdrawn.
2. Directive to Deputy Commissioner (DC) and other relevant authorities for taking effective measures to implement the verdict bestowed in favor of the victim should be executed within 45 days. Harassment of the administration in the name of further ‘worthless’ appeal should be stopped.
3. By withdrawing the directive of Law Minister that on behalf of government ‘writ can be done’ against the judgment of Appeal Tribunal, the judgment of Appeal Tribunal is to be considered as final according to law; and hence, to implement the judgment in accordance with that, circular is to be issued from Law Ministry.
4. By any pretence, property shall not be transferred from list ‘B’ to list ‘A’.
5. In receiving rent for property under schedule ‘B’, the refusal of corrupted Tahsil office and harassment by AC (Land) office through non-cooperation, willful delay and corruption is to be stopped.
6. An independent National Commission is to be formed to accomplish the task of returning the vested property in the right way. This committee is expected to work for redressing the deadlock created at the local level.
7. In order for regular monitoring of implementation of Vested Property Return Act, local level and national level monitoring cells — comprising officials of land administration, government pleader, victim peoples’ representative, victim peoples’ lawyers — need to be formed; where civil society actors should role-play as both insiders and outsiders.
8. Except the annex of clause 29A mentioned in schedule-7 of the bill withdrawn from the meeting of cabinet ministry held on 24 November 2016, the bill with all other remaining schedule must be presented in the cabinet meeting to transform it into an amended law.
9. Directive of Law Ministry to writ of government against the verdict of appellate

Tribunal should be discarded without delay. A circular on quick implementation of the verdict of appellate Tribunal by the DC should be imminent; stating thereby "There is no need of permission from Law Ministry for releasing the vested property as, according to the Law, the verdict of the Tribunal is final".

10. For quick decision regarding petition of vested property, speedy measures are to be taken to stop unnecessary delay for months after months in submitting written reply by the vested property tribunal. In order to stop this process of unnecessary delay in the settlement, it is understood that necessary circular is to be issued on urgent basis.
11. At least, a separate full-time vested property return tribunal is to be formed in each district. For this, measures are to be taken to appoint new judges shortly and in this regard, provision for necessary allocation is to be made in the national budget.
12. In the districts, where special appeal tribunal is not formed to execute the appeal made against the judgment given earlier by the tribunal having equal status of district judge and additional district judge, in that case, it is to be formed without much delay.
13. In the VPRA, clause 32 is provisioned for the punishment of land officer. But, there is lack of specificity as to how this punishment will be executed. As a result, land officers are playing a whimsical role regarding vested property. In order to make the punishment effective, provision for definite procedures shall have to be incorporated in the law.
14. A commission at national level is to be formed to protect the interest and security of minorities along with reducing their deprivation caused by VPA thereby making a provision so that everybody can access to the commission. Provision is to be made for inclusion of minority representatives in the commission.
15. Without making any further delay, VPRA must be implemented properly. By this time, the modifications recommended by the experts on VPRA are to be considered.
16. A provision of special "compensation package" is to be made for the affected families whose return of vested property may be delayed or execution may be hampered due to various reasons. Government *Khas* land and water bodies, bond, credit facilities (in terms of money or commodities) etc., can be included in the "compensation package".
17. In case, where the legal claimant (inheritor) of enemy/vested properties is absent, those properties are to be used legally for human development activities, particularly, for poverty alleviation and development of affected poor Hindu communities (specially, for low caste Hindu community) and repressed and marginal indigenous peoples. In this regard, necessary amendment of law is to be made.
18. Local administration and local government (according to the rule mentioned in the article 59 and 60 of the constitution) is to be involved, to the fullest extent, in the implementation of VPRA.

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# ANNEX **1**

## **Data Collection Instruments (DCIs)**

For any empirical research, appropriately designed data/information collection instruments (DCIs) constitute primary necessity to ensure credible evidence of the study findings. The idea of providing all 12 DCIs administered under this study here in this annex is to make the researcher more accountable and transparent to the readers and users of the findings of this report. In addition, the DCIs highlight the core information, key respondents, institutions, and different topics of discussion astutely embodied in this report. More importantly, the data collection instruments, used in this study, might be useful for those who intend to conduct future research in the complex terrain of “VPRA” in Bangladesh. The Bengali versions of these DCIs were administered during field survey to collect the required information.

## Research Study on 'Outcomes of the Vested Property Return Act and the Implementation Process of the Act'

### Data Collection Instrument 1: Case Study with the Household Engaged in Litigation Process

**Background**

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. The aim of the study is to understand the extent of visible impact of the Vested Property Return Act (VPRA) and to suggest a practical and implementable solution of the current problems in the implementation process of the VPRA. To get knowledge about the VPRA, we need to discuss with you. We would be very happy if you kindly provide us the information. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

Identification of Respondent	
Name:	Age:
Sex: Male = 1, Female = 2;	Mobile No:

Location of Respondent	
Village:	Union:
Upazila:	District:
Division:	

Name: Signature: Date:
Interviewer:
Supervisor:
Quality Controller:

**Conducted by**  
 **Human Development Research Centre**

Road # 8, House #5, Mohammadia Housing Society, Mohammadpur, Dhaka –1207  
 Phone : (8802) 8116972, 8157621, Fax: 880-2-8157620; E-mail: [info@hdrc-bd.com](mailto:info@hdrc-bd.com); Website: [www.hdrc-bd.com](http://www.hdrc-bd.com)



December 2016 – January 2017



5. When did you come to know that your property was listed as Vested Property? What did you do after knowing that?
6. What legal procedure did you follow? Did anyone assist you? If yes, how? If no, why?
7. Have you faced any harassment in land office? If yes, in which office (Union Land Office/Tahsil Office, AC Land, ADC (Revenue))? On what matter (mutation, land tax, opening new holding etc.) did you suffer most?
8. How long are you conducting the case? What kind of problem did you face during conduct of the case? For this reason, what impact has fallen upon your household? Discuss in detail about all the negative impacts faced by household members.
9. How much additional money you have to spend conducting the case? How have you managed that additional money? How much of your time have been wasted?
10. There is an opportunity to regain the lost land through this law; what may be the impact of this opportunity on your household? Discuss in detail about the positive and negative impacts.
11. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

12. What role the Government should play for quick disposal of case and handover of possession of the property?

<p><b>Interviewer:</b> Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.</p>
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## Research Study on 'Outcomes of the Vested Property Return Act and the Implementation Process of the Act'

Data Collection Instrument 2: Case study with Household who received the Verdict (But not getting the possession of property)

**Background**

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. The aim of the study is to understand the extent of visible impact of the Vested Property Return Act (VPRA) and to suggest a practical and implementable solution of the current problems in the implementation process of the VPRA. To get knowledge about the VPRA, we need to discuss with you. We would be very happy if you kindly provide us the information. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

Identification of Respondent	
Name:	Age:
Sex: Male = 1, Female = 2;	Mobile No:

Location of Respondent	
Village:	Union:
Upazila:	District:
Division:	

Name: Signature: Date:
Interviewer:
Supervisor:
Quality Controller:

**Conducted by**  
 **Human Development Research Centre**  
 Road # 8, House #5, Mohammadia Housing Society, Mohammadpur, Dhaka –1207  
 Phone : (8802) 8116972, 8157621, Fax: 880-2-8157620; E-mail: [info@hdrc-bd.com](mailto:info@hdrc-bd.com); Website: [www.hdrc-bd.com](http://www.hdrc-bd.com)



December 2016 – January 2017



5. When have you come to know that your property is listed as Vested Property? What did you do after knowing that?
6. Have you faced any harassment in land office? If yes, in which office (Union Land Office/Tahsil Office, AC Land, ADC (Revenue)? On which matter (mutation, land tax, opening new holding etc.) did you suffer most?
7. What legal procedure did you follow? How many days did your case continue? How much times wasted for the case?
8. What kind of problem did you face during conducting the case? How much additional money you have to spend conducting the case? How have you managed that additional money?
9. What are the effects on your households in consequence of those problems? Discuss all types of negative impact faced by the members of your household?
10. Have you got possession of the land after the verdict of the case? If not, why not? If yes, what were the problems you faced for getting possession of the land? What are the effects on your households in consequence of those problems? Discuss all types of negative impact faced by the members of the household.
11. Some victims are getting possession after the verdict. Why did they get? How did they get?
12. There is an opportunity to regain the lost land through this law; what may be the impact of this opportunity on your household? Please discuss in detail about the positive and negative impact of this scope.
13. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

14. What is the role the Government should play for speedy disposal of case and handing over possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on 'Outcomes of the Vested Property Return Act And the Implementation Process of the Act'

Data Collection Instrument 3: Case study with Household who received the Verdict and also got over the 'Possession' of Property

### Background

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. The aim of the study is to understand the extent of visible impact of the Vested Property Return Act (VPRA) and to suggest a practical and implementable solution of the current problems in the implementation process of the VPRA. To get knowledge about the VPRA, we need to discuss with you. We would be very happy if you kindly provide us the information. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

### Identification of Respondent

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Sex: Male = 1, Female = 2;      Mobile No: \_\_\_\_\_

### Location of Respondent

Village: \_\_\_\_\_ Union: \_\_\_\_\_  
Upazila: \_\_\_\_\_ District: \_\_\_\_\_  
Division: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewer: \_\_\_\_\_  
Supervisor: \_\_\_\_\_  
Quality Controller: \_\_\_\_\_

 **Conducted by**  
**Human Development Research Centre**

Road # 8, House #5, Mohammadia Housing Society, Mohammadpur, Dhaka -1207  
Phone : (8802) 8116972, 8157621, Fax: 880-2-8157620; E-mail: [info@hdrc-bd.com](mailto:info@hdrc-bd.com); Website: [www.hdrc-bd.com](http://www.hdrc-bd.com)

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**Association for Land Reform and Development**

December 2016 – January 2017

Household Background					
SL.	Name of the members (Start with household head)	Age	Sex Male = 1, Female = 2	Educational Qualification	Occupation
1					
2					
3					
4					
5					
6					
7					
8					
9					

1. From where do you hear about the Vested Property Return Act? When did you hear? What did you hear?
2. During the enactment of the law, did you or any member of your household get involved in civil society activities? If yes, to what extent? If no, why?
3. During the implementation of the law, did you or any member of your household get involved in civil society activities? If yes, to what extent? If no, why?
4. How was your property included under Vested Property? Which list (ka, kha or both)?

#### Description of the lost land under EPA or VPA (Decimal)

Time	Year	Homestead	Agricultural land	Pond	Orchard	Business / shops	Waste land	Others	Total	Present Market Price
First Time										
Second time										
Third Time										
Total										

5. When did you come to know that your property is listed as Vested Property? What did you do after knowing that?
6. Have you faced any harassment in land office? If any, in which office – Union Land Office/Tahsil Office, AC Land, ADC (Revenue)? On what matter (mutation, land tax, opening new holding etc.) did you suffer most?

7. What legal procedure did you follow? How many days did your case continue? How much times were wasted for the case?
8. What kind of problem did you face during the case? How much additional money you have to spend conducting the case? How have you collected that additional money?
9. What are the effects on your households in consequence of those problems? Discuss all types of negative impact faced by the member.
10. Are you getting possession of the land after the verdict of the case? If no, why? What are the problems have you faced for getting possession of the land? What are the effects on your households in consequence of those problems? Discuss all types of negative impact faced by the members of the household.
11. There is an opportunity created to recover the land through this law – in that case, what will be the impact on your household? Discuss in detail about all types of positive and negative impact.
12. Some victims are not getting possession of the verdict. Why did they not get?
13. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	bad
In case of suit disposal			
In case of handing over possession of the property			

14. What role the Government should play for quick disposal of case and handover of possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on ‘Outcomes of the Vested Property Return Act And the Implementation Process of the Act’

Data Collection Instrument 4: Case study with the Household not engaged in Litigation Process

### Background

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. The aim of the study is to understand the extent of visible impact of the Vested Property Return Act(VPRA) and to suggest a practical and implementable solution of the current problems in the implementation process of the VPRA. To get knowledge about the VPRA, we need to discuss with you. We would be very happy if you kindly provide us the information. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

### Identification of Respondent

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Sex: Male = 1, Female = 2; Mobile No: \_\_\_\_\_

### Location of Respondent

Village: \_\_\_\_\_ Union: \_\_\_\_\_  
Upazila: \_\_\_\_\_ District: \_\_\_\_\_  
Division: \_\_\_\_\_

Name: Signature: Date:

Interviewer:  
Supervisor:  
Quality Controller:

 **Conducted by**  
**Human Development Research Centre**

Road # 8, House #5, Mohammadia Housing Society, Mohammadpur, Dhaka –1207  
Phone : (8802) 8116972, 8157621, Fax: 880-2-8157620; E-mail: [info@hdrc-bd.com](mailto:info@hdrc-bd.com); Website: [www.hdrc-bd.com](http://www.hdrc-bd.com)

*Conducted for*  
  **এএনআরডি**  
Association for Land Reform and Development

December 2016 – January 2017

Household Background					
SL.	Name of the members (Start with household head)	Age	Sex Male = 1, Female= 2	Educational Qualification	Occupation
1					
2					
3					
4					
5					
6					
7					
8					
9					

1. From where did you hear about the Vested Property Return Act? When did you hear? What did you hear?
2. During the enactment of the law, were you or any member of your household involved in civil society activities? If yes, to what extent? If no, why?
3. During the implementation of the law, were you or any member of your household involved in civil society activities? If yes, to what extent? If no, why?
4. How was your property included under Vested Property? Which list (ka, kha or both)?

Description of vested property loss law of the land (Decimal)

Time	Year	Homeste ad	Agricult ural land	Pond	Orchard	Business / shops	Waste land	Others	Total	Present Market Price
First Time										
Second time										
Third Time										
Total										

5. When did you come to know that your property was listed as Vested Property?

6. What did you do after knowing that?
7. Why did you not take assistance in legal process? Please explain, what were the reasons behind not participating in legal process?
8. Have you faced any harassment in land office? If yes, in which office (Union Land Office/Tahsil Office, AC Land, ADC (Revenue)? On what matter (mutation, land tax, opening new holding etc.) did you suffer most?
9. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	bad
In case of suit disposal			
In case of handing over possession of the property			

10. What role the Government should play for quick disposal of case and handover of the possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on 'Outcomes of the Vested Property Return Act And the Implementation Process of the Act'

Data Collection Instrument 5: Interview with UP Chairman or Member

**Background**

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

**Identification of Respondent**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Sex: Male = 1, Female = 2; Mobile No: \_\_\_\_\_

**Location of Respondent**

Union: \_\_\_\_\_ Upazila: \_\_\_\_\_  
 District: \_\_\_\_\_ Division: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Interviewer: \_\_\_\_\_  
 Supervisor: \_\_\_\_\_  
 Quality Controller: \_\_\_\_\_

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*Conducted for*  
  **এএলআরডি**  
 Association for Land Reform and Development

December 2016 – January 2017

1. Please brief us about the incident relating to vested property in your Union.[Interviewer: Collect the list of Vested Property]
2. In case of handing over possession of the vested property, what is your role?
3. Have you played your role properly? If no, why? Please discuss the reason.
4. What is your opinion of corruption against the UP Chairman or Member in this regard?
5. Do you think that all the affected family participated in legal procedure? What are those reasons if someone is excluded from that procedure?
6. In which Land Office, did the affected people suffer most?

Union Land Office  AC Land Office  , ADC (Revenue) Office

7. What is the effect of VPRA implementation on the affected households? Discuss both positive and negative impact.
8. Your assessment about civil society activities(Please mark '√')

	Good	Average	Bad
Civil society activities in case of suit disposal			
Civil society activities in case of handing over possession of the property			

9. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

10. What role the Government should play for quick disposal of case and handover possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

**Research study on ‘Outcomes of the Vested Property Return Act  
And the Implementation Process of the Act’**

Data Collection Instrument 6: Interview with Tahsilder or Union Land Officer

**Background**

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

**Identification of Respondent**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Sex: Male = 1, Female = 2; Mobile No: \_\_\_\_\_

**Location of Respondent**

Union: \_\_\_\_\_ Upazila: \_\_\_\_\_  
District: \_\_\_\_\_ Division: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Interviewer: \_\_\_\_\_  
Supervisor: \_\_\_\_\_  
Quality Controller: \_\_\_\_\_

**Conducted by**  
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*Conducted for*  
  **এএলআরডি**  
**Association for Land Reform and Development**

December 2016 – January 2017

1. Please brief us about the incident relating to vested property in your Union.[Interviewer: Collect the list of Vested Property]
2. In case of handing over possession of the vested property, what is your role?
3. Have you played your role properly? If no, why? Please discuss the reason.
4. What is your opinion about the extra money taken and extra time spent against the Tahsil Office?
5. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	bad
In case of suit disposal			
In case of handing over possession of the property			

6. What role Government should play for quick disposal of case and handover of the possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on ‘Outcomes of the Vested Property Return Act And the Implementation Process of the Act’

Data Collection Instrument 7: Interview with Assistant Commissioner (Land)

**Background**

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

Identification of Respondent

Name:	Age:
Sex: Male = 1, Female = 2;	Mobile No:

Location of Respondent

Upazila:	District:
Division:	

Name: Signature: Date:

Interviewer:

Supervisor:

Quality Controller:

**Conducted by**  
**Human Development Research Centre**

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 Phone : (8802) 8116972, 8157621, Fax: 880-2-8157620; E-mail: [info@hdc-bd.com](mailto:info@hdc-bd.com); Website: [www.hdc-bd.com](http://www.hdc-bd.com)

*Conducted for*

**ALRD** **এএলআরডি**  
 Association for Land Reform and Development

December 2016 – January 2017

1. Please brief us about the incident relating to vested property in your Upazila.[Interviewer: Collect the list of Vested Property]
2. In case of handing over possession of the vested property, what is your role?
3. Have you played your role properly? If no, why? Please discuss the reason.
4. What is your opinion about the extra money taken and extra time spent against the AC (Land) Office?
5. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

6. What role the Government should play for quick disposal of case and handover possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on 'Outcomes of the Vested Property Return Act And the Implementation Process of the Act'

### Data Collection Instrument 8: Interview with Additional Deputy Commissioner (Revenue)

<b>Background</b>
<p>Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.</p>

Identification of Respondent
<p>Name: <span style="float: right;">Age:</span>                  Sex: Male = 1, Female = 2;      Mobile No:</p>

Location of Respondent
<p>District: Division:</p>
<p>Name: Signature: Date:</p>
<p>Interviewer: Supervisor: Quality Controller:</p>


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 Association for Land Reform and Development

December 2016 – January 2017

1. Please brief us about the incident relating to vested property in your district.[Interviewer: Collect the list of Vested Property]
2. In case of handing over possession of the vested property, what is your role?
3. Have you played your role properly? If no, why? Please discuss the reason.
4. What is your opinion about the extra money taken and extra time spent against the ADC (Revenue) Office?
5. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

6. What role the Government should play for quick disposal of case and handover possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on 'Outcomes of the Vested Property Return Act And the Implementation Process of the Act'

### Data Collection Instrument 9: Interview with Lawyer

#### Background

Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.

#### Identification of Respondent

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Sex: Male = 1, Female = 2; Mobile No: \_\_\_\_\_

#### Location of Respondent

District: \_\_\_\_\_  
Division: \_\_\_\_\_

#### Name:Signature:Date:

Interviewer: \_\_\_\_\_  
Supervisor: \_\_\_\_\_  
Quality Controller: \_\_\_\_\_

 **Conducted by**  
**Human Development Research Centre**

Road # 8, House #5, Mohammadia Housing Society, Mohammadpur, Dhaka –1207  
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Association for Land Reform and Development

December 2016 – January 2017

1. How many VP cases have you engaged or solved? Please tell us about this in details.
2. In which Land Office, did your client suffer most?  
 Union Land Office , AC (Land) Office , ADC (Revenue) Office
3. In case of handing over the vested property to the lawful owner, what is your role?
4. Have you played your role properly? If no, why? Please discuss the reason.
5. What is your opinion about the extra money taken and extra time spent against the Lawyer?
6. During the enactment of the law, were you or any member of your household involved in civil society activities? If yes, to what extent? If no, why?
7. During the implementation of the law, were you or any member of your household involved in civil society activities? If yes, to what extent? If no, why?
8. Is there any limitation in the legal structure or process?
9. Is there any role of legal procedure in case of delay of justice?
10. Is there any role of legal procedure in case of delay of handing over the possession of land?
11. Will all the cases be resolved quickly, if the special Tribunalis created in this regard? What kind of special qualification, experience is necessary for lawyer in special Tribunal?
12. What is the effect of VPRA implementation on the affected households? Please discuss both positive and negative impact.
13. Your assessment about civil society activities (Please mark '√')

	Good	Average	Bad
Civil society activities in case of suit disposal			
Civil society activities in case of handing over possession of the property			

14. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

15. According to your opinion, what role the Government should play for quick disposal of case and handover of possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on 'Outcomes of the Vested Property Return Act And the Implementation Process of the Act'

### Data Collection Instrument 10: Interview with Judge

<b>Background</b>
<p>Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.</p>
<b>Identification of Respondent</b>
<p>Name: _____ Age: _____                  Sex: Male = 1, Female = 2;                      Mobile No: _____</p>
<b>Location of Respondent</b>
<p>District: _____                  Division: _____</p>
<p>Name: _____ Signature: _____ Date: _____</p>
<p>Interviewer: _____                  Supervisor: _____                  Quality Controller: _____</p>


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Conducted for  

**এএলআরডি**  
 Association for Land Reform and Development

December 2016 – January 2017

1. How many VP cases have you disposed or are you continuing? Please tell us about this in details.
2. In case of handing over the vested property to the lawful owner, what is your role?
3. Have you played your role properly? If no, why? Please discuss the reason.
4. Is there any limitation in the legal structure or process?
5. Is there any role of legal procedure in case of delay of justice?
6. Is there any role of legal procedure in case of delay of handing over the possession of land?
7. Will all the cases be resolved quickly, if the special Tribunal is created in this regard? What kind of special qualification and experience is necessary for the lawyer in special Tribunal?
8. What is the effect of VPRA implementation on the affected households? Please discuss both positive and negative impact.
9. Your assessment about civil society activities (Please marked '√')

	Good	Average	Bad
Civil society activities in case of suit disposal			
Civil society activities in case of handing over possession of the property			

10. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012 (Please marked '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

11. What is the role Government should play for quick disposal of case and handover possession of the property?

<p><b>Interviewer:</b> Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.</p>
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## Research study on 'Outcomes of the Vested Property Return Act And the Implementation Process of the Act'

### Data Collection Instrument 11: Interview with Deputy Commissioner

<b>Background</b>
<p>Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.</p>

<b>Identification of Respondent</b>
<p>Name: <span style="float: right;">Age:</span>                  Sex: Male = 1, Female = 2;      Mobile No:</p>

<b>Location of Respondent</b>
District:
Division:
Name: Signature: Date:
Interviewer:
Supervisor:
Quality Controller:


**Conducted by**  
**Human Development Research Centre**  
 Road # 8, House #5, Mohammadia Housing Society, Mohammadpur, Dhaka –1207  
 Phone : (8802) 8116972, 8157621, Fax: 880-2-8157620; E-mail: [info@hdrc-bd.com](mailto:info@hdrc-bd.com); Website: [www.hdrc-bd.com](http://www.hdrc-bd.com)

Conducted for  


**এএলআরডি**  
 Association for Land Reform and Development

December 2016 – January 2017

1. Please brief us about your role in case of handing over the vested property to the lawful owner?
2. Have you played your role properly? If not, why? Please discuss the reason.
3. How many Vested Property have you handed over to the lawful affected households? Tell us about this in details.
4. Is there any limitation in the legal structure or process?
5. Will all the cases be resolved quickly, if the special Tribunal is created in this regard? What kind of special qualification and experience is necessary for lawyer in special Tribunal?
6. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

6. What role Government should play for quick disposal of case and handover of the possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## Research study on ‘Outcomes of the Vested Property Return Act And the Implementation Process of the Act’

### Data Collection Instrument 12: Interview with Civil Society Member

<b>Background</b>
<p>Good morning/noon/afternoon, my name is..... We are working in a research organization titled as HDRC (Human Development Research Centre). It is situated in Dhaka. With assistance of the ALRD (Association for Land Reform and Development), HDRC is conducting the above mentioned research study. Main goal/purpose of the study is to investigate the effects on victim persons or families in the case of implementation of the Vested Property Return Act (VPRA) and its subsequent amendments. For this, we are collecting necessary data. To get knowledge about the implementation of the Act (VPRA) and its consequences, we need to discuss with you. We would be very happy to get assistance from you in this regard. All information/data provided by you will be confidential and shall not be used for any purpose other than this research study. Your name and household identification will not be disclosed.</p>

Identification of Respondent
<p>Name: <span style="float: right;">Age:</span>                  Sex: Male = 1, Female = 2;      Mobile No:                  Organization:</p>

Location of Respondent
<p>Union: <span style="float: right;">Upazila:</span>                  District: Division:</p>
<p>Name: Signature: Date:</p>
<p>Interviewer:                  Supervisor:                  Quality Controller:</p>


**Conducted by**  
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**এএনআরডি**  
 Association for Land Reform and Development

December 2016 – January 2017

1. Have you submitted any recommendation relating to the Vested Property Return (amendment) Act 2011-2012? If any, to what extent it has been reflected in the law?
2. Has any of your recommendation missed, which would make the legal procedure and recovery of land more effective, if reflected?
3. During the enactment of the law, were you or any member of your household involved in civil society activities? If yes, to what extent? If no, why?
4. During the implementation of the law, were you or any member of your household involved in civil society activities? If yes, to what extent? If no, why?
5. Is there any limitation in the legal structure or process?
6. Do you think that all the affected family participated in legal procedure? What do you think, if someone is excluded from that procedure?
7. Is there any limitation in handing over the property?
8. Will the case disposal be faster, if a special Tribunal is created? What do you think of the qualification of special Tribunal lawyer?
9. What is the role of Civil Society to make the legal procedure and handing over the property more effective? What are you doing in this regard?
10. Your assessment about civil society activities(Please mark '√')

	Good	Average	Bad
Civil society activities in case of suit disposal			
Civil society activities in case of handing over possession of the property			

11. Your assessment about implementation of the Vested Property Return (Amendment) Act 2011-2012-2013 (Please mark '√')

	Good	Average	Bad
In case of suit disposal			
In case of handing over possession of the property			

12. What role the Government should play for quick disposal of case and handing over possession of the property?

**Interviewer:** Give thanks to the respondents for their invaluable time, hospitality and cooperation extended throughout the interview process.

## **Annex 2:**

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## **ANNEX TABLES**

Table 1: Frequency distribution of the respondents about the status of disposal of Tribunal cases

Respondent	Assessment		
	Good	Average	Bad
Household engaged in litigation process	1	10	13
Household who received the verdict, but not got the possession of property	2	5	1
Household who received the verdict and also got the possession of property	1	1	-
Household not engaged in litigation process	1	-	3
UP Chairman or Member	2	2	4
Tahsilder or Union Land Officer	1	2	1
Assistant Commissioner (Land)	4	-	-
Additional Deputy Commissioner (Revenue)	2	1	-
Lawyer	-	6	2
Judge	-	3	-
Deputy Commissioner (DC)	1	1	-
Civil Society Member	2	4	4

Table 2: Percentage distribution of the respondents about the status of disposal of Tribunal cases

Respondent	Assessment		
	Good	Average	Bad
Household engaged in litigation process	4.2	41.7	54.1
Household who received the verdict, but not got the possession of property	25	62.5	12.5
Household who received the verdict and also got the possession of property	50	50	-
Household not engaged in litigation process	25	-	75
UP Chairman or Member	25	25	50
Tahsilder or Union Land Officer	25	50	25
Assistant Commissioner (Land)	100	-	-
Additional Deputy Commissioner (Revenue)	66.7	33.3	-
Lawyer	-	75	25
Judge	-	100	-
Deputy Commissioner (DC)	50	50	-
Civil Society Member	20	40	40

Table 3: Percentage distribution of the VP households, local government representatives, concerned land officials and civil society members about the status of disposal of Tribunal cases

Respondent	Assessment		
	Good	Average	Bad
VP household	13.2	42.1	44.7
UP chairman or member	25	25	50
Union land officer or AC (Land)	62.5	25	12.5
Civil society member	20	40	40

Table 4: Frequency distribution of the respondents about the status of implementation of verdict (handing over possession of property)

Respondent	Assessment		
	Good	Average	Bad
Household engaged in litigation process	1	5	18
Household who received the verdict, but not got the possession of property	-	3	5
Household who received the verdict and also got the possession of property	1	1	-
Household not engaged in litigation process	-	-	4
UP Chairman or Member	-	4	4
Tahsilder or Union Land Officer	-	2	2
Assistant Commissioner (Land)	1	2	1
Additional Deputy Commissioner (Revenue)	-	2	1
Lawyer	-	1	7
Judge	-	1	2
Deputy Commissioner (DC)	-	1	1
Civil Society Member	-	3	7

Table 5: Frequency distribution of the respondents about the status of implementation of verdict (handing over possession of property)

Respondent	Assessment		
	Good	Average	Bad
Household engaged in litigation process	4.5	20.8	74.7
Household who received the verdict, but not got the possession of property	-	37.5	62.5
Household who received the verdict and also got the possession of property	50	50	-
Household not engaged in litigation process	-	-	100
UP Chairman or Member	-	50	50
Tahsilder or Union Land Officer	-	50	50
Assistant Commissioner (Land)	25	50	25
Additional Deputy Commissioner (Revenue)	-	66.7	33.3
Lawyer	-	12.5	87.5
Judge	-	33.3	66.7
Deputy Commissioner (DC)	-	50	50
Civil Society Member	-	30	70

Table 6: Percentage distribution of the VP households, local government representatives, concerned land officials and civil society members about the status of implementation of verdict (handing over possession of property)

Respondent	Assessment		
	Good	Average	Bad
VP household	5.3	23.7	71
UP chairman or member	-	50	50
Union land officer or AC (Land)	12.5	50	37.5
Civil society member	-	30	70

Table 7: Percentage distribution of the negative effects fallen upon the VP households

Negative effects	Percentage of the households
Time waste	95
Erosion of household income	90
Mental pressure	90
Indebtedness	60
Family feuds	50
Property (including land) sale	45
Dis-saving	40
Insecurity feeling	30
Education hampered	20

Table 8: Percentage distribution of the VP households requiring time for pre-case, in-case and post-case activities

Time spent	Percentage of the households
50 days or less	15
50 to 100 days	60
Over 100 days	25

Table 9: Percentage distribution of the VP households spending amount of money according to the amount of vested land

Amount of vested land (decimal)	Amount of money spent (BDT)
1 to 50	2,66,466
51 to 100	1,31,000
Over 100	1,75,250

Table 10: Percentage distribution of the respondents on civil society activities in case of suit disposal of the Tribunal

	Good	Average	Bad
Civil society members	37.5	62.5	-
Lawyer/ Judge	45.5	18.2	36.3
UP Chairman/member	14.3	57.1	28.6

Table 11: Percentage distribution of the respondents on civil society activities in case of handing over possession of the property

	Good	Average	Bad
Civil society members	12.5	25	62.5
Lawyer/ Judge	9.1	36.4	54.5
UP Chairman/member	-	28.6	71.4

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## **Annex 3:**

### **Case Studies**

Case Study 1:  
Household who was engaged in litigation process

*Village: Agbehoir, Union: Gala, Upazila: Sadar, District: Tangail*

Raj Kumar Sarkar (55), the respondent of the case study, stated that vested properties were those properties which were undertaken by government. He heard about the Vested Property Return Act (VPRA) from the neighbors. He heard about the law in a meeting, conducted in Dakeswari Mandir, Dhaka in 2012. His mother used to attend the meeting organized by Nijera Kari (NK) office and sometimes the officials of NK came to his home to do meeting. He attended a meeting in Tangail town, 3 to 4 years back. There he heard, for the first time, that a suit needed to be filed for getting back the property.

Their total homestead property was 84 decimal. He had three brothers and they were also owners of the property through inheritance. He did not know that much about the land issues. They neither paid the land tax for a long time nor mutated the property. He had taken lease of his father's property in 2007 by others' suggestion. In 2012, he heard that a large number of properties in their area have been listed as VP property and the VP list was available in DC office. Going there (DC office) he came to know that their property was also listed as VP property. Then upon the advice of a brother, he visited with a lawyer. His lawyer advised him to file a suit. He filed a suit in the court with heir's papers, *parcha* etc. according to the advice of lawyer. A 'local brother' assisted him to collect the property related documents. The case was running from the beginning of 2012. He had to take loan to conduct the suit. He was very anxious about the recovery of the property and also the education of his daughter. A date for case was fixed by the Tribunal in every two months. He had to spend 1000 tk. (for lawyer, *muhuri*, transportation etc.) in every date of the case. Many times he has to take loan to bear the expenditure of the suit. He needs to close his shop for that day.

If Raj Kumar gets back that property, he can start his business by selling some portion of the property. He will be able to give better education to his daughters. It will be better to get judgment and decree within the stipulated time. His lawyer told him that, the suit would come to an end within 6 months but already 4 years passed, the suit is not finished yet.

Case Study 2:  
Household who was engaged in litigation process

*Village: Dayarambari, Union: Dhopakhal, Upazila: Dhanbari, District: Tangail*

Romendra Narayan Dutta (59), the respondent under the case study, mentioned that the Vested Property Return Act (VPRA) referred to the properties included in the schedule 'A' (that is under the custody of the government), that are due to be handed over the possession to the lawful owner. He heard about it from the local land rights NGOs.

In 20<sup>th</sup> December 1984, his father gifted him 58 decimal lands with the deed of registration no. 13381. He possessed total 58 decimal land including 29 decimal by opening different account no. 524 (1×-1) 87-88 at his own name in 5<sup>th</sup> December, 1987 and paying taxes by check deposition. He paid the tax of total 58 decimals along with 29 decimals of that land regularly till the year of 2000. In 2012, when he went to pay tax to the Tahsil office, Tahsilder refused to take tax of 29 decimals of the land and told him that his 29 decimals of land had been included in the vested property list.

After the vesting of 12 years, he came to know about his land being vested property. Then he went to a lawyer. He collected all types of papers or documents (such as deed, deed of gift, Parcha, land tax papers etc.) of his land suggested by his lawyer, and filed a case in the Tribunal. When he went to collect mutation, Khatian, Parcha and tax papers from the land office, he suffered excessively. He paid them extra 2500 Tk. instead of 5 Tk. for any work. Day after day, he had to roam around the Tahsil Office. The case has been pending since the date of 10<sup>th</sup> February 2013. The problems are as follows:

Date after date for hearing. If a judge comes to court, lawyer is not present there; if a lawyer is present then judge is absent. If both are present, then they give verdict only one or two cases. The Government Pleader (GP) does not come regularly in court. For every date of hearing of the case, he had to give the visit fee to the GP like his lawyer.

He has already spent approximately 2, 50,000 Tk. from 2013 till date. Due to continuation of the case for long, the costs have been over the land prices. Every date of hearing of the case, he had to spend 2000-3000 Tk. (the date of hearing of the case remains in every month). Obtaining judgment, it is uncertain that how many years will have to be waited for getting the possession of the property.

Positive impacts include the right for getting back his own land has been established through this law. There is no option of the land to be *khas*. After getting the verdict, he can take the loan from the bank or sell his land for his family's need. Negative impacts include: If he didn't get back his land in right time, the continuation of litigation costs will surpass the land prices. If he did not participate in litigation process, he could buy a new land instead.

Ramendra suggested that measures should be taken for quick disposal of cases within a specified time. After the verdict, measures should be taken for handing over the possession of the property (with all the documents) within maximum of 15 (fifteen) days.

Case Study 3:  
Household who was engaged in litigation process

*Village: Gala, Union: Gala, Upazila: Sadar, District: Tangail*

Property went under the custody of government are VP property — remarked Babul Hossain (38). He heard from his cousin that their 24 decimal lands were under the coverage of 'Ka' Tafshil. On hearing this, he went to the Tahsil office; they sent him to DC office. After going there, he got to know that their 24 decimal lands became VP. He heard about Vested Property Return Act (VPRA) in 2012 and claimed that he knew about the law in detail.

His father bought 24 decimal lands from his uncle in 1983. And he heard that his uncle bought the land from a Hindu person. It is under the coverage of VP property because of Hindu's name in the record of 1962. He heard that his father did not keep trace of this land since 1983. In 2012 they got to know that their land is under coverage of 'Ka'. He took legal help after knowing approximately 30 years later. He filed lawsuit in the court following lawyer's advice by submitting deed, settlement document, heir certification etc. His cousin and chairman helped him in this matter. He became victim of more harassment in Union Land Office. He was harassed more to collect land annulment, record of the land and settlement document.

The lawsuit has been in progress from 2012 till today. To run this case, he had to face lots of problems: witness was not present at the right time, lawyer's lack of goodwill, judge did not give hearing at the specific date, the date was scheduled time and again etc. They had to give lawyer 6000 Tk. while filing the lawsuit and 500 Tk. at every date; 100 Tk. was spent for transportation every day and 5000 Tk. for collecting documents before filing the lawsuit.

Positive impacts of the implementation of VPRA are: they can get land, can correct all related papers and can sell the land after getting back etc. While the negative ones are: they can't carry out expense of family; money has been borrowed from NGO, needed to borrow more money and loss of work.

Likewise lands under 'Kha' Tafshil, Babul opined that land under 'Ka' Tafsil should also be released.

Case study 4:  
Household who was engaged in litigation process

*Village: Pichuriya, Union: Bagil, Upazila: Sadar, District: Tangail*

Md. Jonab Ali (60) knew about Vested Property Return Act (VPRA). At first he heard about it from people of his area. Then in 2011 he heard about it from his nephew who was a deed-writer. Land of many people, in his area and in neighborhood, had become VP. He opined that law-suit can be filed to get back the land and if correct documents can be submitted, they would get back their VP land.

Jonab Ali bought 72 decimal lands from Makhan Lal in 1982. He paid taxes from the year of buying land till 1996. In 2012 when he went to Union Land Office to pay taxes, revenue collector told him that his land had become VP. Revenue collector couldnot give positive answer when he asked how his land became VP. Later he got to know, from his nephew, that his 72 decimal lands were included in 'Ka' Tafshil.

After 34 years of buying the land, he knew about its VP status. After knowing it he filed a case which was in progress and the number was 210/12. All documents of his land placed included: Deed of land, Receipt of taxes, Heir certification and Settlement document of 1962 etc. He became victim of harassment in Union Land Office. From 2012 the lawsuit was still in progress. Government lawyer appeals to increase time. Date is on his side and the lawyer says the judge has not come to the court; again when the judge comes to the court, the government lawyer appeals for time.

In case of land registration, taxes, settlement document etc., he was charged extra money and had to go roaming day after day. Tk. 50,000 was spent till today to run this lawsuit, which was collected through loan and selling crops. Almost 4 years were over. Besides waste of time and financial loss, family activity interrupted due to mental pressure etc.

Jonab Ali can make papers of his land after he gets the verdict of land. If he wants to sell the land, he canot sell it; but after getting the land back he can sell that. Acgnidroc

Jonab thinks that the power should be given to the judge to cancel the land registration directly after the verdict of lawsuit. Police power should be given to the judge.

**Case Study 5:**  
Household who was engaged in litigation process

*Village: Aloya Vabani, Union: Pourashova, Upazila: Sadar, District: Tangail*

As far as Sunil Dutta (62) knows vested properties are those which government has given lease. He heard about this law from a friend, first in 2012. Because of Hindu name in 1962's record, DC leased 6 decimal of his land to another person. Due to this mistake, his 6 decimal out of 22 decimal land got included in 'Ka' list.

He bought the land in 1986. After 5 to 6 years, he went for annulment of land. He got to know that government leased 6 decimal of his land. That time, he could not do annulment of the land. He knew, from the VP gadget, that his land was enlisted in 'Ka' list. After knowing that he contact with a lawyer and filed a lawsuit.

Lawyer and his friend helped him with deed of buying land, settlement document of 1962, heir certification, annulment duplication etc. He became a victim of harassment in Union Land Office in case of collecting annulment and land registration and settlement document.

His VP case was continuing from 2012 till now (2017). Judge does not come on due date and even government lawyer does not come on due date; they change date, one after another.

Sunil Dutta and his family members are afflicted with mental pressure. They can not sell the land, are always afraid that government can lease the land to other. They can not manage family work properly, can not pay taxes and can not do annulment etc. Apart from the waste of time, waste of money is a serious concern. To collect different documents of land they have to give 3500 Tk., to file the lawsuit 2500 Tk. to lawyer and a regular 200 Tk. to lawyer for each date.

In case of getting back the land lawfully, they will be able to sell the land, can annulment and pay the taxes, don't have to think in future about the land of family.

Quick settlement of rejected lawsuits in 'Ka' Tafshil law; extending number of court and judge are his suggestions for quick disposal of cases.

**Case Study 6:**  
Household who was engaged in litigation process

*Village: Aloya Vabani, Union: 9 No. Ward Pourashova, Upazila: Sadar, District: Tangail*

Md. Aminul Islam (45) learned about this Act (VPRA) from his village's ward Commissioner, neighbors and Tahsilder. In 2012, when he went to the Union Land Office for mutation of land, Tahsilder told him that his property was included as vested property in the schedule "Ka".

20 to 25 years ago, when the land was owned by a Hindu person, Tahsilder leased 42 (forty two) decimal land to some unknown person without informing them. As a result, in 2012, total land of that khatian was included into the schedule "Ka" with gazette notification. After knowing the publication of gazette notification in 2012, he filed a case in the court with assistance of his Lawyer.

Aminul took various types of legal aid, such as Kabla deed, Mutation documents of land approved by the DC, rent receipt, heirs descend, etc. In this case, neighbors, former commissioner and clerk helped him a lot for bringing land's documents. All the documents relating to the land were collected from the Union Land Office by giving money (bribe) to the Tahsilder. Apart from bribing, when he went to collect various documents of land (such as land tax, mutation, copy of judgment, etc.) from the Union Land Office, he suffered from various problems.

The case has been pending in the court since 2013. The case is not in the court timely or in due course for not assistance by the Judge and Government Pleader. The date of the case gets changed, month after month. For this reason, they underwent spending of lots of money, waste of time, harassment, loss of works, etc. Approximately Tk. 25000/- has been spent for filing a case and giving money to the lawyer. Giving mortgage of land, he took loan with interest from a local NGO.

Due to the possibility of getting the property back through the VPRA, as Aminul stated, they could sell, mortgage and lease the land to others.

Case Study 7:  
Household who was engaged in litigation process

*Village: Kismat Fultola, Union: Botiyaghata, Upazila: Botiyaghata, District: Khulna*

At first in 2001, Amidas Roy (66) came to know that an act (VPA) had been enacted to return the lands to the real owners or successors. The law was mainly enacted for returning vested property to those people who left for India in 1965.

Total amount of land of the Roy family was 8 acre 96 decimal. His grandfather Becharam Mondal owned the property. He had 4 sons and 1 daughter, 2 of them went to India. Becharam then donated his property through will to his 2 sons who remained in the then East Pakistan. In 1965, men from Tahsil office came to them and informed that their 4.48 decimal lands had been enlisted under VP. Becharam went to the Tahsil and DC office to search for the real situation and being informed of the fact. He filed an injunction case against the government. That case went out of control from DC because the jurisdiction of DC is limited to deal with the property that is not more than 2 Acre. Then the case went to the Ministry.

Amidas with his brother continued the case. The government took step to inquire whether Becharam died in the country or not. Amidas collected the death certificate; and people around the land gave witness that Becharam died in the country. Then Ministry of Land released the land to Mr. Sukhendra and Mr. Jitendra, through issuing a release letter to the DC and AC (Land) office. In the mean time before reaching the letter to the Tahsil office, the RS field survey had been completed. At that time either Amidas or his family members could not participate in the field survey due to not getting the release order at their hand. Then Tahsil office completed their survey enlisting 4.48 decimal of land under schedule 'A' and 4.48 decimal under schedule 'B'. After getting release order at hand they applied to the Tahsil office for mutation, but in vain.

Later on, while the relevant gazette had been published in 2012, they found that their land had been under schedule 'A'. They went to consult with a lawyer and following his suggestions, they filed case at the Tribunal with support of the relevant papers and documents. Getting the gazette at hand, they went to Nijera Kari (NK) office. NK supported them well by providing necessary suggestions and gave a lawyer to consult with.

They had been victim of sufferings at the land office in various ways. While they went to AC (Land) office for mutation, the clerk claimed money equivalent to the price of one bigha (33 decimals), maintaining the value of the whole property more than one core taka. Showing the law they told that government took their lands which would not mitigate in a day. They applied for mutation but land officers cancelled it. If they wanted to know the reason, they showed various pretexts and advised to apply again. When they wanted to pay rent, the Tahsilder told that the land had been turned into VP, so they could not receive rent.

Their VP case has been continuing since 1964. Before 2012, once a verdict had been declared in their favor. But later on when the gazette was published in 2012, it was found that the land still remained under VP list. Then they filed case again in the Tribunal, which is still running. Amidas mentioned about their financial loss, mental distress due to the jeopardy. At the end of his life, he apprehended that if the case would not be solved, the successors of the property might have to be impoverished. He expressed with deplorable voice that now days neither

they could provide adequate support to education for their children, nor avail treatment of household members, purchasing better cloths etc. due to lack of money.

In order to continue the case, they had to spend BDT 10 lakh approximately. They managed the money by selling crops, livestock, and poultry; sometimes they had to receive loans; had to clip their living expenditure. He disclosed about his indescribable loss of time from the very beginning of the case. Yet, he could not feel any blessing of hope to get back his land. It is quite uncertain how many days will be needed to get relief from the curse of quitting the case.

Amidas could not find any hope to get back the property by dint of the law. There has been lack of seriousness of bureaucrats, policy makers, law enforcing agency. They are not interested obligingly to free people from the sufferings. He explained the negative effect that consequently affecting his family e.g., mental unrest, financial crisis, constant deficiency of livelihood, inadequate expense to education and health, all-time anxiety and so on. He is worried about his next generation that without the property whether they would be deprived from their basic needs.

Amidas suggested that Government should create pressure on respective officials from top to bottom i.e., Ministry, DC office, judges of the Tribunals, AC (Land) office, Tahshil office etc. Increase monitoring on releasing the cases; organize implementation committee with members from affected people, NGOs and civil society organization, and inspiring the affected people to be more stentorian to get back their property.

Case Study 8:  
Household who was engaged in litigation process

*Village: Bolabuniya, Union: Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

Anupam Sarkar (33) stated his understanding about VPRA that the lands under ownership of people who went to India during the war had been included in the Vested Property. Now, in order to return those lands to the owners, successors, or lawful claimants the government of Bangladesh has enacted this Vested Property Return Act. He heard about the law first from the neighbors. Then he was informed about the specific schedule under which his land had been enlisted into the VPA through gazette notification.

Baburam, father of Anupam, went to India during the liberation war and came back after independence. Referring the pretext of Anupam's temporary leave, his lands were placed under VPA, which had been enlisted in both of the schedules 'A' and 'B'.

Anupam was informed the situation 15 years earlier, though his father knew that from the very beginning. Despite knowing they had nothing to do rather than waiting for better opportunity. 10 years ago they filed a case in the judge court to make release of the lands amounting 22 decimal from schedule 'A'. During the continuation of the case another person would cut the DCR that they did not know. However, after the gazette being published, Anupam went to his advocate with necessary documents and filed a case in the Tribunal.

Anupam suffered mostly from the Union land office in case of inquiry about the condition of the lands, to pick up the parcha etc. whatever he wanted to pick up, the clerk and other officials demanded bribe, but provided no service. Despite paying money, he did not get service in time.

His case has been continuing since 2012. He had to undergo financial crisis, mental agony, and waste of time, hassle and harassment during the period. Yet, a bit confidence has grown that there has been an opportunity to get back the lands.

Anupam had to spend additional money in the process of operating the case. He did not keep account exactly however; he reported that he had to offer huge amount of money to the advocate, mahuri and clerk and many of the office workers. He managed that amount of money by renouncing the livelihood expenditure, selling trees, receiving loans. There had been an expectation that he might get back the land. On the contrary, he disclosed more negative aspects that he had to bear huge loss in terms of money, sufferings of livelihood and huge wasting of time, mental distress and so on. At present his family is in miserable condition. Now a day, there is no way to spend otherwise than the livelihood.

Anupam provided some suggestions for effective implementation of VPRA– the persons in government service should be more sincere to perform their duties; system should be imposed in which government officials are compelled to provide service lawfully; Government should take steps to bring servicemen under accountability of their works; Government servants should be brought under trial in case of their misdeeds.

Case Study 9:  
Household who was engaged in litigation process

*Village: Kholshi Buniya, Union: Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

In 2011, Khiraj Chandra Boiragi (60) came to know from neighbors of VPRA and went to lawyer. His nephew (Uttam Kumar) used to catch crab in jungle for livelihood. He looked after his nephew's property. Kumar's uncle left for India and did not come back. After then their uncle's property possessed by parcener through false paper and they filed a case in court to get those property in own name. He appeared in court with all documents on behalf of his nephew and the court canceled that document. The court gave verdict that as the person in record was not the citizen of this country; the land should be listed under VP. The property was kept in schedule 'A' in 1980/81.

After 1980's verdict of court, he knew that their land was enlisted as VP. And after that he didnot do anything. In 2011, he got to know about law in details from lawyer and by his opinion he filed a case in Tribunal with proper documents. Nijera Kari NGO and the lawyer helped him by giving advice about the necessary documents and the process applied.

In AC (land) office, they suffered most of the time for taking *Parcha* and DCR. There, they could not do any work without broker. Brokers want more money but could not deliver their work in proper time.

This case was continuing from 2012. To continue this case, he had to be abused by the opponent and spend lots of money. He could hope that his nephew might be getting back their land. To continue this case, he spends his own money in most of the time. Besides money, lots of time was also wasted. For continuing this case, lot of additional money was spent which is countless. Sometimes he spent his own money because his nephew could not afford. But his nephew returned his money by taking loan.

Khiraj Chandra provided some suggestions for effective implementation of VPRA. Government should arrange to learn about the implementationof the law and process for common people, have to release broker from land offices. The law must be strict because officials didnot do their job according to law. Governments have to arrange punishment for those miscreants.

Case Study 10:  
Household who was engaged in litigation process

*Village: Kismat Fultola, Union: Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

Polash Kumar Mandal (41) has no proper idea about VP. He heard about the law from Nijera Kari NGO, AC (Land) office and reading newspaper in 2012.

Polash could not tell how to add this property as vested, because these properties were of his grandfather. Land officer also could not tell them. They just told that it went to be vested according to law. Their property was enlisted in both the schedule 'A' and 'B', in 1990. At that time they did nothing. After knowing about VP, he consulted with lawyer and by his advice he filed a case in Tribunal with all relevant documents and gadget. The lawyer told him if he did not file a case right now that property was going to under government *khas* land. Then lawyer wanted all documents according to law and he helped him to file a case taking court fee.

In this case, they suffered mostly in land office to collect documents and especially for annulment. AC (land) office does not work without money. Still it does not work if they give money, because there are lots of *dalals*.

From 2012, this case is continuing. They did not face that much trouble to continuing this case. Wastage of money and time were taken. For this wastage, some negative impact fell upon his family. For continuing this case some additional money was spent and still continuing that expense. He collected that additional money from taking loan, selling tree and crops. He mentioned that, from 2012 till now time is getting wasted which cannot be counted.

Positive impact would be to get back the land. He got to see that they get back their land. Negative: For this case lot of money was spent and they became destitute. Moreover, lot of additional time got wasted.

As Polash asserted that government must have the good wish to dispose quickly and handing over possession of VP. Affected people must have the delegacy. The time limit should be bound. Punishment system should be kept if they donot dispose the case in proper time. The DCs are still giving schedule 'B' listed property as lease. It should be closed.

**Case Study 11:**  
Household who was engaged in litigation process

*Village: Botiyaghata, Union: Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

Prasanta Kumar Biswas (41) got to know about this law through various papers, gadget, law arbitration board and Nijera Kari. First time he heard about it in 2001. His lands were under that *khatiyon* which owners were Hindus, namely- Jotindronath Raha, Subroto Kumar Sen, Prosanto Kumar Saha, Mahima Rani Sen. In that *khatiyon*, there were 9 acre 37 decimal lands which were under four *dag* no. 694, 711, 717 and 701. In 1965, Aftab Uddin (Indian) and Jotindranath (Bangladeshi) exchanged their land. After that Aftab came to Bangladesh and tenured that land. In addition, Aftab sold that land into Otish Chandra Mondal and then Otish sold again to his father Onumoti Biswas (Mondal). After then, this land was tenured by them and they regularly paid the tax. But that land was vested from earlier by the CS and SA record because there were the names of Hindus. His properties were vested by this way and it was enlisted in schedule 'A'.

Prasanta came to know that their land was VP in 1988. He informed that their land was VP when their land was given lease to Abul Bashar. After knowing that, he went to AC (land) and told them that land could not be VP as a purchasing source. He appealed in ADC (revenue) office; after that 'land appeal board' ordered to stop the perpetual lease or DCR. That land was not given lease but still that land was in gadget and did not get released. In addition in 2013, he filed a case in Tribunal for releasing the land from VP. The case no. was 202/13. Now the case is continuing under sub judge 4.

In gadget, it was mentioned that affected people have to apply within 300 days. According to this, he filed a case giving 300 Tk. court fee and with all land documents, and heir's certificate. He was related with law profession; so lawyers and Nijera Kari helped him by giving various advices.

Prasanta suffered mostly from AC (Land) office for mutation of schedule 'B'. He went to AC (land) office repeatedly but nothing was done or could not get any solution. Rather than without any reason schedule 'B' properties were rejected. When he went to file a case again, they told him that, application time was over and did various dilly-dally and made waste of time.

This case was in Tribunal from last 4 years. They have to face different types of problem to continue this case; have to be affected financially; getting harassment for going to land office repeatedly; procrastination for finishing the case. Moreover, socially they were disgraced, because they were supposed to live on VP land. Although notice was sent again and again for doing DCR and sometimes threat was given that land was being provided to someone else from DC office. DC office created barriers against peaceful tenure and innocent people's sleep at night was spoiled.

For continuing the case lot of money was wasted. He took loan for collecting those extra money. He had to break his savings and sell animal for continuing this case. Moreover, time was wasted because he filed a case in Tribunal in 2012 but still it was continuing which was supposed to dispose within 150 days.

Now they started to see dreams that they could get back their father's properties. They could claim the land of their own. They could provide the tax by their own name. Nobody could interrupt in their occupancy and familial feud would stop.

In case of doable for government for quick disposal of the cases related to VPRA he suggested applying the law strictly. Related officials must have to fulfill their responsibility. In the case of schedule 'A' and 'B', the time of application need to be increased. Awareness among people needs to be created and court's employee to be increased. Pressure on government needs to be created through those NGOs who are working on it. Non-government facilities needs to be established besides government ones to give legal support. For quick disposal, the mentality of related officials needs to be changed. Corruption needs to be eradicated, so that the verdict could be there without money.

### Case Study 12:

The household who received the verdict, but did not get back the possession

*Village: Boyer Vanga, Union: Botiyaghata, Upazila: Botiyaghata, District: Khulna*

In 2012, Debdas Biswas (47) came to know that government took the attempt of returning the properties to rightful owners through Vested Property Return Act. In 12 July 1979, their land was registered on his mother's name (Radha Rani). When Debdas went to give tax, he came to know that their land was VP. In that, Khatiyans have a lot of names from whom he bought. Among those people, one left for India and he did not come back. For this reason, they enlisted all peoples' land as VP. One record was listed in schedule 'A' and other four (of five *dags*) was in schedule 'B'.

Debdas has possession of 50 decimal lands in schedule 'B' from *dag* 1. In addition, lawyer told him to gather all documents and filed a case in Tribunal. He suffered a lot in Tahsil office for doing mutation, *parcha* etc. In this sector, number of *dalals* increases. *Dalals* did not do their work in proper time even if they took the bribe.

Debdas filed the case in 2012 and got the verdict in 25 February 2016. For continuing this case he had to waste a lot of time to attend court. There were no proper time schedules for hearings. Debdas had to give a lot of money to clerk and lawyer. Even if, he had to provide them those things which were demanded. Otherwise, his cases would not progress. He had to spend extra money which was collected by selling his crops and animal. He had to suffer a lot for collecting this money.

After getting the verdict, he could not get the possession. A little mistake occurred in writing the name of *mouza*, that is why lawyer kept all documents for re-correcting that name. Still he did not pay the land tax and go to any land office. Except schedule 'A', he had the possession of land under schedule 'B'; so he had not gone to any land office by taking all papers and did not face any problem.

The positive impact fallen upon his family was creating the opportunity to recover the land through this law. He could come out of all types of problem if the verdict came on behalf of him. Negative impact was that a lot of money and time was being wasted and his family suffered crisis and troubles.

In order for quick disposal and handing over possession of the property, the government should play the following roles – need to fix the time for quick disposal; need to give the time who could not participate in litigation process; need to reduce local peoples suffering at land office; need to free from *dalal*; need to establish an investigation committee to check those who did not do their work properly.

## Case study 13:

The household who received the verdict but not endowed with the possession

*Village: Hatbati, Union: 2 no. Botiyaghata, Upazila: Botiyaghata, District: Khulna*

Bipul Kanti Roy (63) came to know that his properties were listed as VP after publishing the gadget. He was informed in detail by his lawyer about this law. Through this law, affected people could get back their property. In 1977, some people told Bipul, by doing a DCR that, his land was under custody of them and they would start cultivating on that. However, that land records was in his father's name and he had all documents. Then he went to Khulna for making 'stay' against DCR but he could not release. After that in 1990, he released that land from land ministry. But in addition when gadget was published in 2012, he found that the land was still VP. He got no profit after releasing the land. But he was paid tax in every year. His land was enlisted in schedule 'A'.

Bipul came to know after around 22 years, that his land was under VP after publishing the gadget in 2012. The result of land ministry in 1990 was zero. Then he turned to seek to lawyer and by his advice he filed a case giving 300 Tk. to court, attaching all documents. In this case, he was a victim of harassment from land office. He could not pay tax in Tahsil office, change the mutation in AC (land) office. Land office is a panic for local people. No work would be done there, without money. Sometimes work could not be done even after giving the money.

After getting gadget, Bipul filed a case in Tribunal in 2012 with all documents upon the advice of his lawyer. He got the verdict after 4 years in 17 February, 2016. But he heard that, the DC would appeal against this. So he could not tell when he could release the property. Bipul faced financial problem in continuing the case. He faced problem to collect documents, maintain the court regularly, mental depression etc. for spending a huge amount. There is a saying that, the ghost provides the money for litigation. He was continuing his case by taking loan from his relatives and savings. For this problem, disappointment among household members arose. What would they do if verdict goes against them after spending so much time and money? — These things worried him.

Even after the verdict, DC office did not hand over the land. They do not know how they could bring the order from DC office. They have no idea in which process they have to apply, who could do the job and how the DC will be approached. In this case lawyer could do nothing.

To best of his knowledge, only Tarini Kanta got the possession of his land in this village. Tarini was a powerful man. He had a good relationship with MP. He might contact with DC officer through MP and had done his work. But they have no MP, so how local people could get their property back. One more reason for getting back the property that, Tarini was alive and the property was on his name and he was a civilian of the state. The court gave the verdict directly on his name.

In the positive viewpoint, he would get comfort with the possibility of getting back the property. Now he could give the tax quickly. In order for quick disposal and handing over possession of the property, the government should play the roles to implement the verdict of court quickly and dispose the case from court quickly. Steps should be taken so that the plaintiff need not have to face any problem to get back the property.

#### Case Study 14:

The household who received the verdict but not endowed with the possession

*Village: Gala, Union: Gala, Upazila: Sadar, District: Tangail*

Md. Abdul Hai (50) informed at first that his land was vested through the land registry office at Tangail Sadar and later on very soon informed of the detail from the gazette notification.

In the year 2011 an amount of 72 decimal of homestead land and 60 decimal of agriculture lands in total 132 decimal of lands have been included under vested property. At present the price of the total amount of lands is Tk. 10,000,000.

Through the hostility of an influential person in the locality in connivance with the union Tahsildar, upazila land surveyor his 132 decimal land was enlisted as Vested Property. It was enlisted under 'ka' list in 2011 and in 2013 through the gazette notification he found that 132 decimal of his land was under 'kha' list. He had been paying rents for the land till 2001. [But in 2012, he filed case to receive his 132 decimal lands that had been enlisted in schedule A]. About 48 years after buying the lands he could know that his lands had been enlisted under schedule A. He had known and filed case. He suffered most in Union Tahsil office, like doing mutation, annulment, *parcha* etc.

Abdul Hai filed the case on 24 April 2012 through a lawyer with all support papers and documents e.g., record *parcha*, sharer's certificate, payment receipt of rents and documents in favor of his lands. He continued the case from 24 April 2012 to 20 February 2013. He lost 1 year for the purpose of continuing the case. He did face lots of problems to continue the case other than annoyance in absence of the lawyer in some of the trial dates, reluctant even opposing tendency of GPVP, irregular session of judge, spending excessive money, and loss of huge time. He spent about Tk. 40,000 in operating the case, which was collected from savings, taking loan from his two brothers.

After the verdict he made mutation certificate, rent payment receipt, etc. from the DC office. Positive impact was the respondent received legitimacy of his land. His land was in his possession all along. There are no negative things because they already have land's possession.

For speedy disposal of the case and to handover possession of the property, according to Abdul Hai, government should provide the direct administrative power to the Judges to deliver the legal documents as well as hand over the possession of lands to the real owner of the property.

## Case Study 15:

The household who received the verdict but not endowed with the possession

*Village: Galar Char, Union: Gala, Upazila: Sadar, District: Tangail*

Jahid Hossen Safi (65) heard about Vested Property Act in 2012 from a person who in a day sold his land to his (Jahid) father. Then he collected the relevant Gazette papers from the DC office in Tangail and knew that his land had been enlisted under VPA.

In 1996, his father donated him 32 decimal of land on heba will and in that connection he became owner of the land but in the register of the Tahsil office the name of the land owner was a Hindu person. His father got that land as korfapattan by deed from that Hindu person and he had the deed. Thus, he had been owner of the land and the land all along was under his possession even till now.

In 1962, the Tahsil office found that Hindu name as owner of the land in their register and made the land vested by their marking. Thus the land went under the Vested Property Act and included in Schedule 'A'. After a long fifteen years, he could know that his land had been under VPA when the Tahsilder did not agree to receive rent against the land. With the document of his father, his own deed, SA record of 1962, document of co-sharers, rent receipt etc., he filed a case in 2012. He had to continue the case in the court for more than two years.

Jahid Hossen suffered mostly at Union Tahsil office in case of collecting relevant papers of lands such as *parcha*, mutation, duplication etc. He had to face many difficulties like managing excessive money, running here and there with anxiety, mental agony and so on. He had to spend about Tk. 150,000 to continue the case. He spent all of his savings and at last he had to receive loan from others to carry out the case. After two years from filing the case, he obtained verdict in his favor. A huge loss had been in his family as he mentioned that he did not pay attention to his household works. In the dates of the case he did not open his shop; always he had to be worried about the case.

His land is under his possession. Despite getting the verdict in his favor, he could not do mutation by his name due to dilly-dally of the land office staff. There was no person who got possession of his land after having verdict in Tangail.

In the positive viewpoint, Mr. Jahid referred that from the removal of the vicious obsession of the VPA the victim would get relief in many aspects such as they would get mutation or the respective lands, they would sell the lands in case of their requirements. On the contrary in consideration of negative viewpoint he apprehended that the miscreants, influential, people with fake document owners might be able to make court in their favor and could manage the verdict in favor of them. Above all, it is tremendously difficult matter to get possession despite getting verdict.

Jahid Hossen opined that the Government should request to the learned Judges to quick dispose of the VP cases. The Deputy Commissioners should be taken under accountability on their obstinacy against the victim of the notorious Vested Property Act.

### Case study 16:

The household who received the verdict and also endowed with the possession

*Union: 2 no. Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

During the 1965 war between India and Pakistan, some people left for India; their properties became enemy property. After independence, this property was turned into VP. It was just change of the name. Tarini Kanta Mondal (73) heard about this law from people and different papers. Afterwards he got to know that properly about this law when gadget came. People, whose properties were turned as VP, despite having all papers, have to file a case under this law. They can get back their properties later on.

At first, his property was turned into VP in 1967 by CO revenue office. Afterwards he got to know that by searching in Tahsil office. His property became VP even though he stayed in the country at that time. After communicating with CO revenue office, his properties were released from VP. So he started to pay his rent. But when the gadget published in 2012, he was informed that, his properties were still VP. Then he consulted with his lawyer and filed a case in Tribunal with necessary documents. All of his property (total land 3.66 decimal) was included in schedule 'A'.

At first he knew about it in 1967. After knowing this, he released VP from CO revenue office. But when the gadget was published in 2012, he got to know that his property was still VP. After knowing this he filed a case in Tribunal with the help of his lawyer.

Tarini Kanta suffered in each land office. During the payment of rent and taking *parcha* he had to suffer in Tahsil office. In AC (land) office he had to suffer for mutation and in this office he had to suffer most. Any work could not be done smoothly in this office. There are lots of brokers and without money no works can be done.

Following the gadget, he got the legal help by consulting with a lawyer and managed important papers like heir's certificate, photocopy of national ID card, previous records, *votar* list, account book records, *parcha* and paid 300 Tk. as court fee. He filed the case in 2012 and got the verdict on September 2016. According to the law, the case was expected to be solved in 120 days but it took around 4 years.

Tarini had to present in court on every date. He suffered from mental tensions about what would happen next. He faced financial crises. He had to manage money whatever the work proceed or not. He had to spend from his savings. The household members were obsessed with the happening whether they got the verdict on their side or not. This matter disturbed him all time. So he could not concentrate in other works. One matter always hunted him that he is a citizen of this country. His properties were turned into VP on the pretext that left for India. What could be more than this trouble?

After getting verdict he had to face lots of problem but except that he had to lobby for getting the land and able to give rent. And DC gave order on his name. In this law, a copy of verdict goes to DC office. Again it was sent to AC (land) office. After the verdict he did not have to face problems to get possession because that land was in their custody. But MP's interference was needed for releasing his name from DC. He has a good relationship with MP as he is a neighbor to him. Even though he had to visit many places for these problems. It was waste of time and money and a mental pressure.

Now their mental condition is better than earlier to get back this land by this law. He can work attentively. He gets back his lost properties. Again he can claim an owner of himself. Before anyone could possess VP but now there is no fear of possession by others. Lands will not be VP again. His ownership has been established. Now no one can call it VP. Family members are also tension-free now.

For the quick disposal and handing over the possession the government should pay attention about lessening of human sufferings. The court is taking 4-5 years in the place of 120 days for giving verdict; hence increasing the number of judges was his another suggestion for well implementation of VPRA.

Case study 17:  
Household who was not engaged in litigation process

*Union: 2 no. Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

At first from the newspaper Bijoy Krisna Roy (65) got to know about vested property law. After that in 2012, he understood this law more clearly when the VP law came in the form of gadget. Moreover, it was discussed in tea stall gathering. As he came to know about this law that, it was a process for those whose properties became VP despite the property papers they had, government handing over those properties according to this law to the owner's.

This property was bought in 1957. In account book, the property was in name of four people. Two of them left for India. And the other two including his father stayed here. In survey of 1962, his father's (late Baburam Roy) name was in record. Record was made on name of four people's in a *parcha*. In account book, others' name stayed anonymously who went to India. Till then, he possessed the lands. In the RS survey of 1980, his father was thinking not to be with other people and to separate his land from account book. They got a field *parcha* of record. In 1990 (after few years) printed *parcha* was also given. After getting the printed *parcha* his father did not see that, and locked them into a file. As his father locked those in a file, they could not see them. After his father's death in 1997, his elder brother was taking care of those land papers. His brother was giving rent regularly.

But the last time when brother of Bijoy Krisna went to give rent, the office refused to take. When he asked for the reason, they told them that their properties became VP. They could not give the rent. Then they took the help of lawyer. The lawyer said time was over to make any case. In addition they could not make case in civil court. They could make a case in High Court. All papers were sent to the high court lawyer. Now the lawyer was saying, just account number is matching according to the gadget. In that gadget there was no name of donor and his father. Their land was in Tetul Tola Mouza, there also written Kouria under Mouza. This was not making any sense to them. Lawyer of the high court to whom papers were sent, could not make any case for this difficulty. In printed *parcha*, it was written that properties were VP. He was thinking that those two who left for India, for them their properties become VP. There is a basic concept that in SA record the land was in his father's name so that properties not to be VP. His father's properties could not be VP, properties of other people could be.

There was no similarity between field *parcha* and printed *parcha*. At last lawyer told that, he was not clear whether their properties were VP or not. He advised them they should collect information slip about the land of Koritola Mouzas, account number 14, and whether it was VP or not. The land officials refused for this slip after two time appeal and did not give till now. Case could not be started without this paper.

There was nothing to do after knowing that. When he got to know, the time was over to make a case in Tribunal. In addition, case could not be filed even in civil court. His lawyer suggested him to make case in high court. Then he came to a high court lawyer, he is Deputy Attorney General now. He told, that he was not confirmed whether the property was VP or not. So they could not make a case in high court. They were waiting for information slip from AC (land) office about the clearance of their land to be 'VP' or not. They applied for twice; but out of various pretexts, the land officials did not give the information slip till then.

Case study 18:  
The household who did not participate in the law-suit

*Village: Gala South-West Para, Union: 2 No. Gala, Upazila: Sadar, District: Tangail*

Nitai Chandra Sheel (65) knew at first from his village people that his land had been enlisted under Vested Property and afterwards heard about the same from UP Chairman and then early in the year of 2013 could know officially from the *Tahsil* office while he went to go to *Tahsil* office in order to prepare the mutation certificate by his name against his land. At that time he informed of his land had been enlisted into 'ka' list under the Vested Property Act. In that case he had to file case against the government to get back his land.

In the year 1980, they bought 11 decimal of land from Bhabani Shankar Chakrabarti. Mr. Nitai had been paying rents for his land till 1997 after buying the land. In 2013, he knew that his land had been vested after he had gone to the *Tahsil* office in order to make mutation by his name. He had asked to the *Tahsildar* to know how his land had been vested but he got no answer.

After 33 years of purchase, Nitai knew that his land had been vested. He tried to file a case, to get release his land from vested property then the dead line had been passed. In 2012, the land was not enlisted under 'ka' list of the Vested Property Act. The property was under schedule A through the gazette notification in the year 2013. He did not collect necessary papers from the *Tahsil* office in time due to financial crisis. He mentioned that he had to pay Tk. 3000 instead of Tk. 30 to collect RR from the DC office.

While they had gone to *Tahsil* office to pay rent they did not pay attention, even did not want to take rent without paying additional money. Generally for the mutation they had to pay Tk. 5,000 instead of Tk. 1,200. Besides, to provide necessary papers and documents they have dilly-dallied usually. The work, requiring only two days, took two months for that.

For paying rents it is to be followed the category of lands i.e., the rent for agricultural land, homestead, ponds etc. having different in rates to determine rents but the land office receives rents for all types of lands on the same rate of rent fixed for the homestead land.

Government should increase the number of courts; it should have the rule to provide compulsorily the necessary papers and documents to the real owners of lands from the DC office just after the declaration of the verdict for speedy disposal of case and handover possession of the property, as suggested by Nitai Chandra Sheel.

**Case Study 19:**  
**The household who was engaged in litigation process**

*Village: Hatbari Boro, Union: 2 no. Botiyaghata, Upazilla: Botiyaghata, District: Khulna*

Bipul Biswas (45) through this law, they could get the solution of VP. Those people will get the solution, who have the original papers. At first in 2012, he got to know about VP through lawyer, conversation in tea stall and various people. He collected the gadget from photostat house.

Bipul could not tell how would be his properties listed as VP. They provided land tax in 1984-1986. After that, when he went to pay tax to land officials, they told him that their land has some problems. His properties were in both schedule 'A' (2.5 acre) and 'B' (10.5 acre) But he could not understand why land officials took tax in 1986.

In 1987, when Bipul went to pay tax to land officials, they told him that their land has some problems. Then he asked to land officials, why they took tax before and why they could not take the tax now. The land officials told him that their land was added into the VP list; that is why they could not take the tax. He went to AC (land) office and heard that nothing could be done then, because it was already in VP list. He stayed on that land because it was on his possession. Between this, some insidious people applied to AC (land) office for doing DCR on his land. Investigation officer came to his land for doing DCR from AC (land) office but they could not make it because, he was already living there. After a long time in 2012, when the gadget was published, he filed a case by taking advice from lawyer with all documents.

Bipul Biswas filed a case following the advice of his lawyer. Nobody helped him for this case and he did not expect it as well. He was a disabled person; his lawyer helped him a lot. He did not have to face any trouble in land office.

This case was continuing from last four years and he could not tell that, when it will be end. To continuing this case for long time, poor people like him faced lot of problem: financial loss, mental pressure, hindrance of children education, have to manage money for lawyer and clerk in time, to go to court was facing problem, familial turmoil.

For continuing the case, he had been wasting uncountable money. When they needed to go to court, it took lot of money and without money anyone did not work. They had to give money to government lawyer for getting his response. If they did not give them money, lawyer did not respond on behalf of anyone. Without lawyer's response the case did not continue. So they had to give them money for getting response. He collected that money from income of his business, reducing household expenditure, and taking loan from different NGO.

After four years, any progress could not be seen. The case did not get any solution. Date after date was given, but they could not get any hope. For this, disappointment was created among his family members. They always continued complaining against each other.

Bipul Biswas provided following suggestions for effective implementation of VPRA: need to quick dispose and makes it effective, to close the money games, to complete judicial proceedings quickly, to give the verdict by checking original document, and to bring them under the law, who grabbed the properties forcefully.

**Case Study 20:**  
The household was engaged in litigation process

*Village: Dumuriya, Union: Chatri, Upazilla: Anoyara, District: Chittagong*

Hamidul Haque (85) told that during India Pakistan war in 1965, government possessed all the lands of Hindus terming them as 'enemies' property'; in 1974 those lands were considered as vested property. For returning those properties to lawful owners or heirs, government made a law which called vested property return Act (VPRA). According to this law, the owners would get back their properties, and those who were not in country, government would take care of those properties.

Before buying this property, the owner of the land of Hamidul was a Hindu. The land may became VP on that time that. But the land was under his possession even after getting VP. That is why he did not have to take lease from the government. According to the law, the land should be enlisted in schedule 'B', while in reality it was listed in schedule 'A'.

In 2002, he got to know that his land was VP. In 1970, after 42 years, he got to know that their properties were VP. After knowing that, he filed a case discussing with those who knows about this land.

In addition, he filed a case in court by consulting with lawyer after publishing the gadget. The lawyer helped him a lot in this case. He hoped that, he would get the verdict in a few days. He did not have to go to land office to get back the properties. His lawyer did that all.

Hamidul filed the case in 2012, still it was continuing from last four years. He has to attend in court when cases day falls and have to pay fees to lawyer, clerk and bench-clerk. To continue this case, he has to spend both time and money. Also have to face harassment.

Almost 40,000 Tk. was already spent to continuing this case. Although, he did not had to sell any land for collecting those money but his family faced financial crisis. The case was continuing from last four years and after every two or three months he has to attend in court. It was wasting their time.

The properties were under his control and still it is. For these properties, he did not have to pay any money to government for lease. To get back the properties any positive effect did not create among his family, rather there was some negative effect. It was wasting lot of money and time. Moreover, he suffered from mental pressure.

He provided following suggestions for effective implementation of VPRA:

- Need to scrutiny the schedules again for re-correction.
- Need to appoint extra judges.
- Need to provide litigation verdict in short time.
- Need to arrange to continue the cases at low cost.

**Case Study 21:**  
The household who was engaged in litigation process

*Village: West kannara, Union: 8 No. Chatri, Upazilla: Anoyara, District: Chittagong*

Priyotos Dutta (56) heard about it from local people conversation in 2011-2012. It published in newspaper but he did not get the opportunity to saw it. He heard that government creates a law to returning the vested property to rightful owner.

He was attending in a meeting for one day which was held in Joykali market with some honorable persons from society and lawyer. He understood little about the law and informed what should be necessary works for partners.

In 2008, he informed that his land was added in VP and after he knew that, it was enlisted in schedule 'A'. However, he wanted to give the tax to Tahshilder but Tahsilder refused. After waiting two years, he went to AC (land) office, then that official told him to wait for some more times, because new law was coming and he could file a case. In 2012, he filed a case and still it was continuing.

He continued the case according to 2012 and 2013 laws. His lawyer helped him. He also took help to continue this case from some knowledgeable person who knew about this law and land disputed deposit.

In 1987/1988, Tahshilder provided that land to lease to another person in that village. Noted that, this land was his uncle's. When his uncle left for India he gave the land to his father and till then they were in possession of that land. ....Don't Understand)..... Tahshilder could not show the proves of the document of leased. They did not take the tax before continuing the case and after it they told them; 'they would see that after getting verdict'. Tahshilder and the false leaseholder gave a lot of sufferings to him. He had been gone to that person son's for three times after that leaseholder's death. In last time, that son (Doctor) told him if he could prove to court that the land belongs to him then, they would not claim it further. Later than, he told in front of all village people that, 'here is all documents'. If anyone could show all papers then he would destroy his own papers and claimant. And if anyone could not show then he would be the claimant. All over, the court come to give the verdict in this coming February. Hopefully they will get the verdict if Tahshilder did not create any more trouble. Most of the time, they had to suffer in Tahshil office like others.

This case was continuing, from last four years. They faced financial problem and they were already debited in 4 *lakh* taka with all others cases. He faced mental pressure due to this loan but if he got the verdict on behalf of him then hopefully would solve the problems.

For continuing this case, they had to spend more than 1 lakh taka. He could not identify why their property were VP after having PS, RS record to his father and uncle's name in the similar *dag*. To continuing this case, he has to mortgage some jewelry from his home for collecting money. He had to wasting many days like all others sufferer businessman when fell the date of court and at the same time his income were close. He took a long date from the court due to illness (stroke). He could not talk properly and his right hand became paralyzed. In addition, one date was adjourned due to lack of money. Overall, he had to sell a small land for this.

As mentioned earlier that, any other person (including false leaseholder) could not claim that land so, they have no problem. If he was getting the verdict on behalf of him than he could get release from all problem. He mentioned that, if the court dates fall repeatedly then the poor families facing lot of troubles like him. Their expenditure increased, getting mental pressure and troubles remains. They have to pay to Tahsilder, government lawyer and AC (land) officials ten thousands taka just for their sign which was very painful. They have to give money to lawyer and court in every hearing. In 2014, he had to waste lot of money for submitting his case when it was transfer from district to Potiya. "Money, money, money", anything could not done without money.

He provided following suggestions for effective implementation of VPRA:

- Need to solve the cases quickly, not giving long dat.
- Need to fix an amount in every place, wherein decrease the cost.
- Need to assured that, Tahsilder and AC (land) officials provide the information correctly.

**Case Study 22:**  
The household who was engaged in litigation process

*Village: Nala Para, Union: Jarif Koloni, Upazilla: Chittagong Sadar, District: Chittagong*

Endu Nandan Dutta (65) knew about the VP from earlier. Because he was involved in the time of protest. They protested for enactment and implementation of this law.

He and his younger brother protested as militant members of Hindu, Buddhist Alliance Parishad on behalf of Chittagong-Comilla. Dr. Jatip (01867404157) participated in meetings, seminars, procession etc. They forced to government to giving the gadget and law through this protest of 2001-2013. They were presenting various steps to government through the meetings. And it would continue until, vested property will be released.

Since 1947 they have the possession of the property. Presently they are taking lease from ADC in every year. But after 1947, PS and RS were their relation. They had the possession of relatives' ownership in 1947. They had khatiyani, record and gave the tax in Bangla year 1413. After that they could not give the tax. They took lease for one year from ADC. In 1961, they had the power of attorney and court also noticed. Just for remissness of court and government officials and bureaucratic complexity their land was turned into VP. This property was under schedule 'A'.

In Bangla year 1413, they got to know that land was VP, when they went to pay tax. He filed a case in court, when the law was initiated in 2012. He filed a case through legal process. Lawyers and judicial peoples helped him a lot.

Government bureaucrats and officials gave sufferings. Government passed the law by creating gap, creating problems in implementation process by publishing false gadget.

The case is continuing from last 5 years. He hoped this year they would get the verdict. The court has very pressure and that's why gives a long date for hearings. They have to do nothing in that case.

Already spent almost 2 lakh taka. He spent those money from his savings. In this year, many days were spent in court.

Earlier the law was communal, colonial and law of an eviction from land. For a special community it was the law of eviction from land. The present law is competent and result of government good wishes. But it could not be implemented for some bureaucrats and lawyer's view of untidiness.

He provided following suggestions for effective implementation of VPRA:

- The court needs to release the property by giving less date.
- Let it be short not doing procrastination.
- Need to establish separate tribunal.
- Need to appoint judges.
- Need to dispose quickly by reducing sufferings of the people.

On his opinion, "We are the owner of this property, government is the custodian only".

**Case Study 23:**  
The household who was engaged in litigation process

*Village: East Singhora, Union: Chatri, Upazilla: Anoyara, District: Chittagong*

Many years ago, in the time of Indo-Pak war government took some land under control. To return those lands to real owner, government creates a law which is called Vested Property Return Act. Kiron Dutta (58) came to know about this law from local people in some years ago.

Four years ago he bought the land and later got to know that it was VP. He did not know, how it was enlisted as VP, but the land was listed in schedule 'A'.

Four years ago, he heard about it. After knowing that, he discussed with neighbors regarding what to do.

He filed a case in court, consulting with lawyer. Neighbors told him to take the help of lawyer.

He did not go to land office for this; so, he could not explain are there situation of that office.

It was continuing from last four years. The days of cases are there day by day, but verdict did not come out. For this reason, he was facing the loss in shop business. Financial situation of his family is bad compared to earlier, for giving lawyer's fees and bearing transportation cost.

For continuing the case, he had to spend 20,000 Tk. which was a greater loss for him.

Four years ago, he bought this land and till then he was in its possession. They did not have to give any amount to government, for using this land. So, no positive impact fell upon their family. Rather, negative impact was created because still they have to spend money.

He provided following suggestions for effective implementation of VPRA:

- Need to establish separate tribunal.
- Need to dispose the cases quickly by giving short-time date.
- Need to give the opportunity to file a case again, for who did not file a case earlier.

### Case Study 24:

The household who was engaged in litigation process

*Village: Ali Nagar, Union: Ward No. 9, Upazilla: Chittagong, District: Chittagong*

In his opinion, those lands who are under control of government, are enlisted as schedule 'A' and those lands are under control of people, are enlisted in schedule 'B'. Schedule 'B' properties now are not termed as VP. Schedule 'A' properties would be back to rightful owners through the law. Mojammel Hoque (64) came to know about VP from the newspaper in 2012.

He bought this land in 1995. In 1965, this land was of a Hindu person and at that time it had been listed as VP. His land was enlisted in schedule 'A'. But the land was in his possession so how would it be enlisted in schedule 'A'. Moreover, he did not take lease from government. So it should be listed in schedule 'B'.

He informed that the land was VP in 2012, though he bought that land in 1995. After knowing that, he filed a case by taking help from lawyer.

He discussed with lawyer and filed a case. He did not take others' help except lawyer.

He did not go to any land office for this case. So, he did not suffer any harassment.

This case is continuing from last four years. This case's date fell after long time and in every visit, they have to give money to clerk, bench clerk and lawyer. For this reason, his family faced financial crisis. Moreover, they have to suffer harassment and wastage of time.

For continuing this case he had already spent 80,000-1, 00,000 Tk. and still it is continuing. It was continuing from last four years and he did not know how many days it would take.

With the possibility of getting back their property for this law, no positive impact fell upon his family. Because, the properties were under his possession and still it is. But the negative impact is, lots of money were still wasting.

He provided following suggestions for effective implementation of VPRA:

- Need to justify whether schedule 'A' were right. If the law was right, how those properties could be enlisted which possession was under people.
- Need to dispose cases quickly.
- Need to arrange for continuing the cases at low cost.

Case Study 25:  
The household who was engaged in litigation process

*Village: Cheragi Pahar, Union: Cheragi Pahar, Upazilla: Chittagong Sadar, District: Chittagong*

At first, Shamsul Haque (42) came to know about VP in 1980 and got to know about VPRA in 2011. In 1964 during the Indo-Pak war, government took the custody of Hindu's property as enemy property. And in 1974, name of enemy property was turned to vested property. After that in 2001, VPA was replaced and Vested Property Return Act (VPRA) was enacted. And in 2011, 2012 and 2013 this law was amended. For this law, the possibility to get back properties to them, which had been VP.

He bought this land in 1980. He informed that the land was VP when he went to give the tax. He has the possession and not need to pay to government for this land. Hence, it should be enlisted in schedule 'B' but it listed in schedule 'A'.

He informed that land was VP after buying it in 1980. It was vested in 1964. After knowing that, he involved in legal process.

He continued the case by following 2013 amendment, with the help of lawyer.

He has some cases related to land and others subject. So, he has some knowledge about case. Hence, land offices could not get the chance to give him the sufferings. Moreover, his lawyer protects him to be a victim of sufferings. He had to roaming round the AC (land) office for picking up the record. For the date of attendance, he had to remind Tahsilder continuously.

Still the case is continuing, from 2012. He did not have to face any kind of problems to continue this case, except to attend frequently in court. Whereas, he was a business man. Time was wasted, when he went to court for attending or hearings of the cases.

For continuing this case he had already spent 30,000-40,000 Tk. He spent that money from his savings. As a result he requested to understand that, how much time was wasted in so many years.

He had all the proper papers when he bought the land. So, he hoped that the possibility there would be to get back the property. Negative impact fell upon his family which was getting the harassment. The problem was to circling at court leaving the business.

He provided following suggestions for effective implementation of VPRA:

- Need to arrange quick implementation of law.
- Need to stop giving the hearing dates frequently.
- Need to continue quick judgmental process, not providing harassment.
- Need to have willingness of government.

### Case Study 26: The Household Engaged in Litigation Process

*Village: Kotoyali, Union: Kotoyali Thana, Upazilla: Chittagong Sadar, District: Chittagong*

Rabindranath Dutta (70) got to know about this law in 2001. Schedule 'A' and 'B' was in 2010, but the law was amended in 2011, 2012 and 2013 and published as a gadget. As a lawyer he has to know about VP, the knowledge got augmented for his father's vested property.

They had the part in 6.1 acre lands like others. PS and RS were also perfect. Suddenly they got to know that their 31 decimal lands were VP, which was leased by another person (with false name and identity). Tahsilder told them that land was leased by Mr. X in 1982, but still it was under possession of them. They paid the tax in 1963. It was given in 1965 to his grandfather by his grandfather's aunt. They got the possession in 1966 but it was added in VP in 1964. But they could not give the tax after having the possession, so they took the help of law. They applied in 1970, but for war, nothing could be done. After that nothing could be done. At last, they filed a case in 2012 and still it is continuing.

In 1966, they knew that their land was VP. But litigation process started in 2012; though the application was placed in 1970.

He applied at first with some other lawyers and the court took that into consideration.

They were not harassed anywhere. But Tahsil office and government lawyer at Upazila Parishad told them that their land was taken lease by someone in 1982. But they could not prove it. Because at that name there was no one and could not show the papers of lease. On last hearing court expressed dissatisfaction, and in next hearings the court might rebuke Tahsilder for taking falsehood. Because Tahsilder told that one man took the lease from 1982-1987 and paid the tax but they could not prove it and presented that man.

This case was continuing from last five years. Hopefully this year they could get the verdict. He suffered extra harassment. He thought that, government should tell any Hindu should not live in this country.

To continue this case they had to spend 1 and half lakh taka. His father had not to pay extra fee because he was a lawyer. For this reason they had to spend less money. They just suffered harassment from last five years, even from 1970; when they applied for the first time.

Positive: They could get back their property in the legal process.

Negative: They faced harassment due to impact and complexity of government bureaucrats and political power. They were harassed even after showing papers, evidence.

He provided following suggestions for effective implementation of VPRA:

- Judges have less experience. Some of his friends were judge. They were supposed to be a judge after 2 years practice but they were not.
- Need to establish helping tendency among government officials.
- Negligence of government agencies.

- Judges have no point.
- Have no special tribunal.
- Have no special judge.
- Need to reduce the mentality of wasting time from government lawyer.
- Need to be brought them to accountability for meaningless harassment.

Case study 27:

The household who received the verdict (but not handing over the possession)

*Village: Chakbazar, Union: Bakoliya Thana, Upazila: Sadar Chittagong, District: Chittagong*

Sadhan Ranjon Chowdhury (70) came to know about VP, in 2012. At first, he heard about it from known people and then he saw in paper. He heard that, government was going to published a gadget where it was mention that whose properties were in VP. And those people could get back their properties by proving their ownership through litigation process. Enemy properties were goes to publish under a gadget as schedule 'A' and 'B'. In addition, he informed that, schedule 'B' was canceled and under this schedules, properties would returning to the rightful owners and schedule 'A' properties could get back through litigation process.

He did not participate in any type of civil society activities. But he provided some advice and explanation of the law to some known person. However, he did not go any seminars or meetings.

He did not know, when and how his lands were VP. Even if, he bought the lands from a Hindu person. That Hindu person not left for India and still some of his family members living in Bangladesh and doing job and business. He went to land office when he felt the necessity of giving the lands tax and there; he informed that his 3 decimal homesteads included as VP and it was in schedule 'A'.

He knew about it, in 2011/2012. He also knew that, they did not take tax after 1984. He informed that, it was VP when he went to pay tax. But the lands were in under possession of him and he has homestead on that land. According to RS record, he bought that land from right owners. After knowing that, he filed a case in court by taking advice from his lawyer. And he submitted all the responsibility to the lawyer and discussed with him that, what should have to be done for wining this case. Then he collected all record and filed the case, in 2013.

He did not suffer any problem in any land office because, his documents were all right. Only he could not know why his lands were VP.

According to vested property return act law, he filed the case. It was continuing from last four years.

For continuing this case, he did not face any trouble. But he has to running to court giving up his business and it was a problem. Moreover, already 50-60 thousands money was spent. And he was spent those money from his savings.

He did not face that much of problem in business, because his brother, brother's son, manager and also has phone for look after his business.

From earlier, he has possession of the land. He just waited for the verdict of court. He built his home on that land before it was turn as a VP.

He mentioned that, those people getting/got back their land who has the right documents. There is no chance for corruption but if there have any kind of political leader or powerful person or bureaucrats then corruption could be possible.

The law is perfect. But it could be better for rightful implement, if there have some classification in properties. And local people could get the facility to know the rightful information. If ..... He did not have to face any problem without mental pressure.

In order for quick disposal and handing over possession of the property, the government should play the following roles –

- Need to take the attempt to return VP directly to rightful owners after court's verdict (do not give the chance for appeal). In this process, affected people suffered less.
- If there is presence of AC (land) officials or Tahshider to be a witness, then people have to give money to them.
- Need to give the opportunity of those who could not file the case.

## Case study 28:

The household who received the verdict and also got the 'Possession' of property

*Village: Noya Bazar, Mousumi Abashik Area, Union: 2 no. road, 6 no. house, Upazilla: Sadar Chittagong, District: Chittagong*

Earlier, Md. Mansur Rahman (57) heard that about VP, but he forgot. He accomplished to know about VP through newspaper and TV in 2010 or 2011. He did not participate in any type of civil society activities but he helped to continue the cases of his area's people whose cases were going on in the court. There are 3 to 4 people in his area, who also got verdict on behalf of them. He was the first person in his area who filed case; that is why his area's people took suggestions about the process from him. He helped them as a secretary of mousumi residential area. For continuing this case he has to be acquainted with lot of people and he tried to help them to his level best.

Mansur came to know that land was VP when he went to pay tax according to BS record after buying the land. It was VP in 1964, but RS, BS and PS record were 100 per cent okay. Mentionable that in 1950, a person named Hazi Ali Kalam were owner of 1 acre land in same *dag*. He bought a little portion from that 1 acre. After 1950, they were providing tax according to RS, PS record. But Tahshilder told them that they could not take the tax on BS record. The land was added in 226 no. *Khatiyan* in 1950 and after that it was in *Khatiyan* no. 226/1. Before 1950, it was a Hindu's property. His land was enlisted in schedule 'A', though according to the law, it might be added in schedule 'B'.

After 20 years, in 2012, He came to know that land were as VP. He bought that land in the eighties. He did not pay attention to the tax but he lived on that land. After knowing about that in 2012, he filed a case in court by taking advice from his lawyer. And he started to communicate for collecting necessary documents.

Most of the people faced harassment in Tahshil office. After 1964 (he could not remind in which year), from Tahshil office it was said, that land was VP that's why someone (Tahshilder mentioned that person name) took lease. But Tahshilder could not prove/show to the court that leaseholder, documents and any money recite. On the other hand government lawyer repeatedly wanted time from court on behalf of Tahshilder. He has to romping to AC (land) office for collecting record. Tahshilder and government lawyer wanted money for this purpose.

He continued the case through a lawyer related with this litigation process. He also won the appeal verdict in lower court. He heard that after getting verdict of appeal from the lower court, government could appeal in higher court. In his case government was not appeal in high court however, 60 days were already passing. This case was continuing from 2012 to till 2016. To create documents, continuing this case, for hearings and attendance, and rescue the record he has to waste lot of days. He has to give, his all time to court.

All problems in the Tahshil office. His all known person were harassed in Tahshil office and Tahshilder want money from them. He has to spend around 4 lakh taka to continuing this case. He were spent this money from his own savings.

He had to attend at court when hearings date was fall by excluding all of his work and had to pay the fees to all, including lawyer. His whole working day was ruined. In last for years,

minimum 100 working days were just wasted. He faced some loss in business but he could overcome with it.

He did not face any trouble after getting verdict because he was in possession of that land. But, the documents of verdict reached in Tahshil office lately that's why the tax was too late to take. By his opinion, in this case government must be declared that "after getting verdict no arguments, no money and no delay". Documents should be fix up quickly and arrange to take the tax.

Negative impact:

- Waste of money
- Waste of time
- Extra tension
- Loss in business
- Waste of days

Positive impact: Getting peace for regaining his property.

The reason for not getting the properties back

- May be the documents was not right
- Under trail, get the verdict on time
- Could not work properly due to law capacity
- Lack of money
- Lack of knowledge about law
- Government lawyer created trouble
- Tahshilder wants more money
- Tahshilder did not give the attendance
- Could not appear that false leaseholder in court etc.

For the quick disposal and handing over the possession the government should do-

- Need to give the restriction for closing the case in short time.
- Need to fix the time limit.
- Need to dispose the case within 7-8 hearings not 30-40 hearings.
- Need to surveillance on Tahshilder and government lawyer for taking bribe.
- Need to give the documents after publishing the verdict and taking the tax by stop argument.

**Case Study 29:  
The Household Engaged in Litigation Process**

*Village: Jordan Road, Union: 10 no. ward, Upazilla: Barishal, District: Barishal*

In 2012, Kamrun Nahar (58) heard about VP from local people and newspaper. She heard that, during the war lot of Hindus left for India. In that time, some people lands including those Hindu's properties were grabbed through evicted them. This law was made to recovery those properties from grabbers. She informed about this law from different lawyers and Blast. Affected people could get back their property by officially filing up a case. In this regard, this law was made.

She participated in various protest, seminars and created awareness through NGO among affected people.

She knew that, how his land were VP. She came to know from one of her father's house that her lands were VP. They bought that land from Hindu. In 2012, she came to know that their land listed in schedule 'A' as VP after publishing the gadget.

In 2012, she came to know that their land were VP. After knowing that she took the help of lawyer and filed a case in the court. After filed a case against the government, the case was continuing in the court. Then she wanted some advice from lawyer.

She filed a case by filling up the application on right way and took relevant all necessary documents, *khatian*, *parcha*, record etc. through the advice of lawyer.

Yes, she suffered harassment in AC (land) office for withdrawing *parcha*. Land official wanted more money instead of specific money; otherwise they gave the documents lately. Despite she has earlier *parcha*, but she could not do the mutation. Various problems show in front of her and land official mentioned that her documents were not correct; the papers were false.

From 2012, her case was continuing. They faced some problem like- government lawyer did not explain properly, they were just take time. Long date was felt on this case also have to spend lot of money. If it is continuing like this, all things will be lost. Some negative impact was that they were affecting financially. To continue this case, maybe she has to sell her own land. Savings of families was destroying.

Till today she has to spend 1 lac-1.5 lac Tk. In every date, 2 or 3 thousand Tk. would be spending in the court for continuing this case. She spent that money by broke their own savings and income of her own and families.

Positive impact was that they get back mental satisfaction. It was felt bad to hear that where they were living that was a vested property. But through the case they would be legal owner. However, it would have been better if the case was quickly disposed. Some negative impact was that lot of money was spend to continuing this case. Before they did not need to go to the court but now they are need to go. They lived that land but after that they could not feel that land was them.

She provided following suggestions for effective implementation of VPRA:

- Need to fix the time on behalf of government for quick disposal.
- Need to arrange monitoring system from DC office to see how far it is settled.
- Government need to ensure that original owner could get back their property after settlement of the cases.
- The court could be handing over the possession directly after getting the verdict.

Case Study 30:  
The Household Engaged in Litigation Process

*Village: Chak Bazar, Union: City Corporation, Upazilla: Barishal Sadar, District: Barishal*

Md. Hossain (70) knew about VPRA that, in the time of liberation war, those Hindu families' properties were under custody of government who left for India to leave their own property. After that the vested property return act law was made for returning those properties to lawful owner. He came to know about this law around 4/5 years ago through various newspapers.

He did not know anything about this law when it was made. Although, he and his father were busy with their business so they could not get the time for collecting those information. He and his father were busy with their business so they could not get the time for collecting those information about that.

He has a shop which total amount was 1 decimal and between that 0.5 decimal onward lands was bought by his father. And other part of this land was already listed as VP. They bought that VP land as a lease and in that land they started their shop. Suddenly they came to know after publishing the gadget that his father's land also added as VP. But they gave the land tax regularly.

After published the gadget, in 2012, he came to know that his land was VP. After knowing this incident he went to meet a lawyer and filed a case.

He took the help of lawyer through legal process. He gave all necessary land related documents to the lawyer. In this case, his lawyer helped him a lot.

He suffered little bit at ADC (revenue) office. When he went to know about anything related that VP land, the ADC officials answered that they don't know anything, come latter and told them to go to AC land office etc. They just wasted his time.

He filed this case in the end of 2012. He faced lot of trouble. He has to continuing his business by taking his own land as a lease. He maintained his family's expenditure by that business. All family members always stayed under mental pressure that what happened if their only income occupation were close.

Already he has to spent 3/4 lac taka. To collect that extra money his business capital were decreased. Although he has to take loan from his friends and relatives. If he did not get the result of this case may be he has to sell his others property. This case was continuing last four years that's why he could not give the time properly in business.

They got some wish that they could get back their own property through this law. but now he realized that he could buy another land by those money which had been wasting to continue this case.

He provided following suggestions for effective implementation of VPRA:

- Need to return those Hindus property to their heirs, whose land had been taken under custody of government in the war.

- Need to re-correct the VP list and return those Muslims property who was given their land tax after the liberation war.
- Government need to provide special attention in this case. As long as government don't give the special attention, until then affected people sufferings do not reduce.

## **Annex 4:**

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### **Vested Property Return Act 2001 (along with subsequent six amendments)**

## অর্পিতসম্পত্তিপ্রত্যর্পণআইন, ২০০১

(২০০১সনের১৬নংআইন)

[১১এপ্রিল, ২০০১]

অর্পিতসম্পত্তিহিসাবেতালিকাভুক্তকতিপয়সম্পত্তিবাংলাদেশীমূলমালিকবাতাহারবাংলাদেশী উত্তরাধিকারীবাউক্তমূলমালিকবাউত্তরাধিকারীরবাংলাদেশীস্বার্থাধিকারী (Successor-in-interest) এরনিকটপ্রত্যর্পণএবংআনুষংগিকবিষয়াদিসম্পর্কেবিধানপ্রণয়নকল্পেপ্রণীতআইন।

যেহেতুঅর্পিতসম্পত্তিহিসাবেতালিকাভুক্তকতিপয়সম্পত্তিবাংলাদেশীমূলমালিকবাতাহারবাংলাদেশীউত্তরাধিকারীবাউক্তমূলমালিকবাউত্তরাধিকারীরবাংলাদেশীস্বার্থাধিকারী (Successor-in-interest) এরনিকটপ্রত্যর্পণএবংআনুষংগিকবিষয়াদিসম্পর্কেবিধানপ্রণয়নসমীচীনওপ্রয়োজনীয়;

সেহেতুএতদ্বারানিষ্করূপআইনকরাহইল :-

### সংক্ষিপ্তশিরোনামা

১। এইআইনঅর্পিতসম্পত্তিপ্রত্যর্পণআইন, ২০০১নামেঅভিহিতহইবে।

### সংজ্ঞা

২। বিষয়বাপ্রসঙ্গেরপরিপন্থীকোনকিছুনাথাকিলে, এইআইনে,-

(ক) “অর্পিতসম্পত্তি” অর্থঅর্পিতসম্পত্তিআইনেরঅধীনেসরকারেন্যস্তসম্পত্তি;

(খ) “অর্পিতসম্পত্তিআইন” অর্থ-

(অ) Defence of Pakistan Ordinance, 1965 (Ord. No. XXIII of 1965) (যাহা১৬/০২/১৯৬৯ইংতারিখপর্যন্তকার্যকরছিল);

(আ)উক্ত Ordinance No. XXIII of 1965 এরঅধীনেপ্রণীত Defence of Pakistan Rules, 1965 এবংউক্ত Rules এরঅধীনপ্রদত্তআদেশেরযতটুকুদফা

(উ) তেউল্লিখিত Act বলেহেফাজতকৃত;

(ই) Enemy Property (Continuance of Emergency Provisions) Ordinance, 1969 (Ord. No. I of 1969) (যাহা Act XLV of 1974 দ্বারারহিত);

(ঐ) Bangladesh (Vesting of Property and Assets) Order, 1972 (P. O. No. 29 of 1972) এরযতটুকুউপ-দফা (অ), (আ) এবং (ই)-তেউল্লিখিত Ordinance এবং Rules এরক্ষেত্রেপ্রযোজ্যহয়;

(উ) Enemy Property (Continuance of Emergency Provisions) (Repeal) Act, 1974 (XLV of 1974); এবং

(উ) Vested and Non-resident Property (Administration) Act, 1974 (XLVI of 1974) (যাহা Ord. No. XCII of 1976 দ্বারারহিত) এরযতটুকুউপ-দফা (অ), (আ) এবং (ই)- তেউল্লিখিত Ordinance এবং Rules এরক্ষেত্রেপ্রযোজ্যহয়;

(গ) “অস্থায়ীইজারা” অর্থ, অকৃষিজমিরক্ষেত্রে, ১২ (বার) বত্সরেরকমমেয়াদীইজারাএবংকৃষিজমিরক্ষেত্রে, ১৫ (পনর) বত্সরেরকমমেয়াদীইজারা;

(ঘ) “আপীলট্রাইব্যুনাল”  
অর্থধারা১৯এরঅধীনেস্বাপিতঅর্পিতসম্পত্তিপ্রত্যর্পণআপীলট্রাইব্যুনাল;  
১ [ \*\*\* ]

(ঙ) “জেলাপ্রশাসক” বলিতে, এইআইনেরউদ্দেশ্যপূরণকল্পে, তত্কর্তৃকক্ষমতাপ্রদত্তঅন্যকোনকর্মকর্তাওঅন্তর্ভুক্ত;

(চ) “ট্রাইব্যুনাল” অর্থধারা১৬এরঅধীনেস্বাপিতঅর্পিতসম্পত্তিপ্রত্যর্পণট্রাইব্যুনাল;

২ [ (ছ) "ডিক্রী" অর্থধারা১০(৮) ওধারা১৮(৬) এরঅধীনযথাক্রমে, ট্রাইব্যুনালবাআপীলট্রাইব্যুনালকর্তৃকপ্রস্তুতকৃতডিক্রী;]

(জ) “তত্ত্বাবধায়ক”  
অর্থঅর্পিতসম্পত্তিরতত্ত্বাবধানওব্যবস্থাপনারজন্যঅর্পিতসম্পত্তিআইনেরঅধীননিযুক্ত Custodian, Additional Custodian, Deputy Custodian বা Assistant Custodian;

(ঝ) “দেওয়ানীকার্যবিধি” অর্থ Code of Civil Procedure, 1908 (Act V of 1908);

(ঞ) “প্রত্যর্পণযোগ্যসম্পত্তি”  
অর্থঅর্পিতসম্পত্তিআইনেরঅধীনেতত্ত্বাবধায়ককর্তৃকঅর্পিতসম্পত্তিহিসাবেতালিকাভুক্তকরাহইয়াছেএইরূপসম্পত্তিরমধ্যে-

(অ) যাহাএইআইনপ্রবর্তনেরঅব্যবহিতপূর্বেসরকারেরদখলেবানিয়ন্ত্রণেছিল; বা

(আ)যাহা “প্রত্যর্পণযোগ্যজনহিতকরসম্পত্তি” অর্থাৎদেবোত্তরসম্পত্তি, মঠ, স্মশান, সমাধিক্ষেত্রবাধর্মীয়প্রতিষ্ঠানেরবাদাতব্যপ্রতিষ্ঠানেরসম্পত্তিবাজনকল্যাণেরউদ্দেশ্য ব্যক্তিউদ্যোগেসৃষ্টট্রাস্টসম্পত্তিএবংযাহাএইআইনপ্রবর্তনেরঅব্যবহিতপূর্বেসরকারেরদখলেবানিয়ন্ত্রণেছিল;

ব্যখ্যা। - ধারা৬এরদফা (ক) হইতে (চ)

তেউল্লিখিতকোনসম্পত্তিউক্তরূপপ্রত্যর্পণযোগ্যসম্পত্তিবাপ্রত্যর্পণযোগ্যজনহিতকর সম্পত্তিহিসাবেগণ্যহইবেনা-তবেউক্তধারারদফা (চ)

এরশর্তাংশেউল্লিখিতক্ষতিপূরণেরঅর্থপ্রত্যর্পণযোগ্যসম্পত্তিবলিয়াগণ্যহইবে;

(ট) “<sup>৩</sup>[ প্রত্যর্পণযোগ্য] সম্পত্তিরতালিকা”

অর্থধারা৯এরঅধীনেপ্রকাশিত <sup>৪</sup>[ প্রত্যর্পণযোগ্য] সম্পত্তিরতালিকা;

(ঠ) “বিধি” অর্থএইআইনেরঅধীনেপ্রণীতবিধি;

<sup>৫</sup>[ \*\*\*]

<sup>৬</sup>[ (ড) ‘মালিক’

অর্থযেব্যক্তিরসম্পত্তিঅর্পিতসম্পত্তিহিসাবেতালিকাভুক্তহইয়াছেসেইমূলমালিকবাভা  
হারউত্তরাধিকারী, বাউক্তমূলমালিকবাউত্তরাধিকারীরস্বার্থাধিকারী(Successor  
in interest), বাভাহাদেরঅনুপস্থিতিতেভাহাদেরউত্তরাধিকারসূত্রেএমনসহ-  
অংশীদারমিনিবাযাহারাইজারাগ্রহণদ্বারাবাঅন্যকোনভাবেসম্পত্তিরদখলেরহিয়াছে  
ন (Co-sharer in possession by lease or in any  
form)যদিউক্তমূলমালিকবাউত্তরাধিকারীবাস্বার্থাধিকারী (Successor in  
interest)বাউত্তরাধিকারসূত্রেসহ-অংশীদার(Co-sharer in possession by  
lease or in any form) বাংলাদেশেরনাগরিকওস্থায়ীবাসিন্দাহন;]

(ঢ)

অর্পিতসম্পত্তিবাপ্রত্যর্পণযোগ্যসম্পত্তিবাপ্রত্যর্পণযোগ্যজনহিতকরসম্পত্তিরক্ষেত্রে,  
“সরকারেরদখলেবানিয়ন্ত্রণে”

অর্থসরকারেরসরাসরিদখলেবাসরকারপ্রদত্তঅস্থায়ীইজারাবাভাড়াবাঅনুমতিসূত্রে  
সরকারেরপরোক্ষদখলেবানিয়ন্ত্রণে,বাএইআইনপ্রবর্তনেরতারিখেবাততপূর্বেউক্ত  
পস্থায়ীইজারা, ভাড়াবাঅনুমতিরমেয়াদশেষহইয়াথাকিলে,  
উহারনবায়নহইয়াথাকুকবানাকুকউক্তসম্পত্তি;

(ণ) “স্থায়ীইজারা” বলিতেনিম্নবর্ণিতইজারাসমূহকে

(অ) ৯৯ (নিরানব্বই) বতসরমেয়াদীইজারা;

(আ) অকৃষিজমিরক্ষেত্রে, ১২ (বার) বতসরমেয়াদীবাভূমিমেয়াদীইজারাযাহা  
Non-Agricultural Tenancy Act, 1949 (E. B. Act XXIII of 1949) এর  
section 8 এরঅধীনেউক্তমেয়াদেরপরস্থায়ীইজারায়রূপান্তরিতহয়; এবং

(ই) কৃষিজমিরক্ষেত্রে, ১৫ (পনের)

বতসরবাতদূর্ধ্বমেয়াদীএমনইজারাযাহাসংশ্লিষ্টইজারাদলিলবলেউক্তমেয়াদশেষে  
স্থায়ীইজারায়রূপান্তরিতহয়।

<sup>৭</sup>[ (ত) “কতফসিল” অর্থএইধারারদফা (ঞ) তেবর্ণিতসম্পত্তি;

<sup>৮</sup>[ \*\*\*]]

<sup>৯</sup>[ (দ) “তফসিল” অর্থএইআইনেরঅধীনসরকারিগেজেটেপ্রজ্ঞাপনদ্বারাপ্রকাশিত  
‘ক’ <sup>১০</sup>[ \*\*\*] তফসিলেবর্ণিতসম্পত্তিতালিকা।]

১১ [\*\*\*]

### আইনেরপ্রাধান্য

৩। আপাততঃ বলবত অন্যকোন আইনে ভিন্নরূপযাহা কিছুই থাকুক না কেন, এই আইনের বিধানাবলী কার্যকর থাকিবে।

### দেওয়ানী কার্যবিধিরসী মিতপ্রয়োগ

৪। এই আইনের অধীন কোন কার্যধারায় দেওয়ানী কার্যবিধির নিম্নবর্ণিত বিধানাবলী ব্যতীত অন্য কোন বিধান প্রযোজ্য হইবে না, যথা:-

(ক)

এই আইনে বা বিধিতে কোন বিষয়ে দেওয়ানী কার্যবিধির কোন বিধান যতটুকু প্রযোজ্য মর্মে বিধান করা হয় ততটুকু; এবং

(খ) উক্ত কার্যবিধির ১১ ধারা।

### মালিক,

### প্রমুখের নিকট প্রত্যর্পণ যোগ্য সম্পত্তি প্রত্যর্পণ এবং ইহার ফলাফল

৫। (১)

এই আইনের বিধানাবলী অনুসারে প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় অন্তর্ভুক্ত সম্পত্তি উহার মালিকের নিকট বা, ক্ষেত্রমত, প্রত্যর্পণযোগ্য জনহিতকর সম্পত্তি ধারা ১৫ অনুসারে সেবায় তবামোহন্ত বা পরিচালনা কমিটির নিকট, প্রত্যর্পণযোগ্য জনহিতকর সম্পত্তির উদ্দেশ্য পূরণকল্পে, প্রত্যর্পণ করা হইবে; এবং উক্তরূপে প্রত্যর্পিত সম্পত্তির উপর সরকারের স্বত্ব, স্বার্থ, অধিকার ও সকল দায়-দায়িত্ব বিলুপ্ত হইবে:

তবে শর্ত থাকে যে,

প্রত্যর্পণযোগ্য সম্পত্তি তে সরকার বা সরকারের অনুমোদিত দখলদার সরকারের অনুমতি সহ কোন স্থাপনানির্মাণকরিয়া থাকিলে বা উহাতে কোন অস্থাবর (immovable) সম্পত্তি থাকিলে সরকার বা ক্ষেত্রমত উক্ত দখলদার তাহা সরাইয়া লইতে পারিবে না।

(২)

কোন অর্পিত সম্পত্তি অধিগ্রহণ করা হইয়া থাকিলে উক্ত সম্পত্তির বিপরীতে জমাথাকা ক্ষতিপূরণের টাকা উহার মালিককে এই আইনের বিধানাবলী অনুসারে প্রদান করা হইবে।

(৩) এই আইনের অধীনে প্রত্যর্পণযোগ্য সম্পত্তি কৃষিভূমি হইলে উহা প্রত্যর্পণের ক্ষেত্রে Land Reforms Ordinance, 1984 (X of 1984) এবং তদধীনে প্রণীত বিধিমালা প্রযোজ্য হইবে।

**কতিপয়সম্পত্তি** <sup>১২</sup>[প্রত্য ৬। <sup>১৩</sup>[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকায়  
**র্পণযোগ্যসম্পত্তিরতালি** নিম্নবর্ণিতসম্পত্তিঅন্তর্ভুক্তকরাযাইবেনা, যথা:-  
**কায়] অন্তর্ভুক্তিনিষিদ্ধ**

(ক)

কোনসম্পত্তিঅর্পিতসম্পত্তিনহেমর্মেএইআইনপ্রবর্তনেরপূর্বেযথাযথআদালতচূড়ান্ত সিদ্ধান্তপ্রদানকরিয়া থাকিলেসেইসম্পত্তি;

(খ)

এইআইনপ্রবর্তনেরপূর্বেযেকোনসময়তস্বাবধায়ককর্তৃকঅর্পিতসম্পত্তিরতালিকা হইতেঅবমুক্তকরাহইয়াছেএরূপকোনসম্পত্তি;

(গ)

সরকারকর্তৃককোনসংবিধিবদ্ধসংস্থাবান্যকোনসংগঠনবাকোনব্যক্তিরনিকটস্থায়ীভাবেহস্তান্তরিতবাস্থায়ীইজারাপ্রদত্তঅর্পিতসম্পত্তি;

(ঘ)

কোনসংবিধিবদ্ধসংস্থারনিকটন্যস্তএমনঅর্পিতসম্পত্তিযাহাশিল্পবাবাগিজ্যিকপ্রতিষ্ঠানএবংউহারআওতাধীনসকলসম্পদএবংএইরূপসংবিধিবদ্ধসংস্থাকর্তৃকউক্তপ্রতিষ্ঠানবাউহারআওতাধীনসম্পদবাউহারকোনঅংশবিশেষহস্তান্তরকরিয়া থাকিলেসেই হস্তান্তরিতসম্পত্তি;

(ঙ)

এমনঅর্পিতসম্পত্তিযাহাকোনকোম্পানীরশেয়ারবান্যকোনপ্রকারেরসিকিউরিটি;

(চ) জনস্বার্থেঅধিগ্রহণকরাহইয়াছেএইরূপকোনঅর্পিতসম্পত্তি:

তবেশর্তথাকেযে,

উক্তঅধিগ্রহণকৃতসম্পত্তিরবিপরীতেপ্রদেয়ক্ষতিপূরণেরঅর্থজমাথাকিলেউক্তসম্পত্তিরঅধিগ্রহণ-

পূর্বমালিককেবাতাহারউত্তরাধিকারীবাস্বার্থাধিকারীকেক্ষতিপূরণেরঅর্থএইআইনে রবিধানঅনুসারেপ্রদানকরাহইবেযদিউক্তমালিকবাউত্তরাধিকারীবাস্বার্থাধিকারী <sup>১৪</sup>

<sup>১৪</sup> [\*\*\*]বাংলাদেশেরনাগরিকওস্থায়ীবাসিন্দাহন।

<sup>১৫</sup>[ প্রত্যর্পণযোগ্য]

**সম্পত্তিরদাবীতেনূতন  
মামলাদায়েরবাদাবীউ  
থাপননিষিদ্ধ**

৭। (১)

এইআইনপ্রবর্তনেরপরকোনব্যক্তিকোনসম্পত্তি <sup>১৬</sup>[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা  
য়অন্তর্ভুক্তিযোগ্যনহেমর্মেবাউক্ততালিকায়অন্তর্ভুক্তকোনসম্পত্তিপ্রত্যর্পণযোগ্য]  
সম্পত্তিনহেমর্মেকোনআদালতেমামলাদায়েরকরিতেবাএইরূপসম্পত্তিঅবমুক্তিরজন্য  
তস্বাবধায়কেরনিকটকোনদাবীউথাপনকরিতেবাউহারব্যাপারেনামজারীরজন্য  
কোনরাজস্বকর্মকর্তারনিকটকোনআবেদনকরিতেপারিবেনা।

(২)



(ক) জনসাধারণেরজ্ঞাতার্থেএতদবিষয়েরেডিও, টেলিভিশনএবংঅন্যান্যপ্রচারমাধ্যমেবিজ্ঞপ্তিপ্রচারকরিবে;

(খ) প্রত্যেকজেলাপ্রশাসকেরকার্যালয়েউক্ততালিকারপর্যাপ্তকপিসরবরাহকরিবে, যাহাতেআগ্রহীযেকোনব্যক্তিউহারনির্ধারিতমূল্যসংগ্রহকরিতেপারেন।

৩০[ (৬) এইধারারঅধীনে 'ক'<sup>৩১</sup> [\*\*\*]

তফসিলেবর্ণিতএবংগেজেটেপ্রকাশিতসম্পত্তিরতালিকায়অন্তর্ভুক্তনহেএমনকোনসম্পত্তিঅর্পিতসম্পত্তিবলিয়াগণ্যহইবেনাএবংউহাতেঅর্পিতসম্পত্তিহিসাবেসরকারেরকোনস্বত্ব, স্বার্থ, অধিকারবাদায়-দায়িত্বথাকিবেনা।]

৩২[ \*\*\*]

৩৩[ \*\*\*]

৩৪[ \*\*\*]

৩৫[ \*\*\*]

৩৬[ \*\*\*]

৩৭[ \*\*\*]

৩৮[ \*\*\*]

৩৯[ \*\*\*]

৪০[ \*\*\*]

৪১[ \*\*\*]

৪২[ প্রত্যর্পণযোগ্য]

সম্পত্তিপ্রত্যর্পণবাবমু  
ক্তিরআবেদন, রেজিষ্ট্রি,  
রায়ওরায়েরঅনুলিপি

১০। (১) ৪৩[ ধারা৯এরঅধীনগেজেটেপ্রকাশিতকতফসিলভুক্তঅর্পিত]

সম্পত্তিরমালিকউক্তসম্পত্তিতাহারঅনুকূলেপ্রত্যর্পণেরজন্য,

উক্তসম্পত্তিরতালিকাপ্রকাশের<sup>৪৪</sup>[ ৩০০ (তিনশত)] দিনেরমধ্যে,

ট্রাইব্যুনালেরনিকটআবেদনকরিতেপারিবেনএবংআবেদনেরসহিততাহারদাবীরসমর্থনেসকলকাগজপত্রসংযুক্তকরিবেন।

৪৫[ (১ক) উপ-ধারা (১)

এরঅধীনআবেদনদায়েরকরারসময়সীমাঅতিক্রান্তহওয়াসঙ্গেওএইআইনকার্যকরহইবারপর <sup>৪৬</sup>[ ৩১ডিসেম্বর]

২০১৩খ্রিস্টাব্দতারিখপর্যন্তট্রাইব্যুনালেআবেদনদায়েরকরায়াইবে।]

(২) ধারা৯(৪)

অনুযায়ীতালিকায় অন্তর্ভুক্ত কোন অধিগ্রহণকৃত অর্পিত সম্পত্তির বিপরীতে প্রদেয় ক্ষতি পূরণের দাবীদার উপ-ধারা (১)

অনুসারে ট্রাইব্যুনালে আবেদন করিবেন এবং আবেদনের সমর্থনে সকল কাগজপত্র সংযুক্ত করিবেন;

তবে এই আবেদনে তিনি জমাকৃত অর্থ বা বদ কোন সুদ দাবী করিতে পারিবেন না বা এইরূপ সুদ পাওয়ার অধিকারীও হইবেন না।

(৩)

প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় প্রত্যর্পণযোগ্য জনহিতকর সম্পত্তি হিসাবে অন্তর্ভুক্ত কোন সম্পত্তি প্রত্যর্পণের জন্য কোন ব্যক্তি ট্রাইব্যুনালের নিকট আবেদন করিতে পারিবেন না,

বরং উহা প্রত্যর্পণের জন্য ১৫ ধারা অনুযায়ী উক্ত ধারায় উল্লিখিত ব্যক্তি জেলা প্রশাসকের নিকট আবেদন করিতে পারিবেন:

তবে শর্ত থাকে যে,

যদি কোন সম্পত্তি প্রত্যর্পণযোগ্য সম্পত্তি তালিকায় অন্তর্ভুক্ত থাকে এবং কোন ব্যক্তি দাবী করেন যে, ধারা ৬ অনুসারে উক্ত সম্পত্তি উক্ত তালিকায় অন্তর্ভুক্তি যোগ্য নহে,

তাহা হইলে তিনি উক্ত তালিকা হইতে উক্ত সম্পত্তি অবমুক্তির জন্য উপ-ধারা (৪)

এর অধীনে ট্রাইব্যুনালের নিকট আবেদন করিতে পারিবেন।

(৪)

প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় ধারা ৬তে উল্লিখিত কোন সম্পত্তি অন্তর্ভুক্ত হইয়া থাকিলে সংশ্লিষ্ট স্বার্থবান ব্যক্তি ট্রাইব্যুনালের নিকট উক্ত সম্পত্তি প্রত্যর্পণযোগ্য সম্পত্তির তালিকা হইতে অবমুক্তির জন্য উপ-ধারা (১)

এ উল্লিখিত সময়সীমার মধ্যে আবেদন করিতে পারিবেন এবং দাবীর সমর্থনে সকল কাগজপত্র আবেদনের সহিত সংযুক্ত করিবেন।

(৫)

প্রত্যর্পণযোগ্য সম্পত্তি প্রত্যর্পণ বা অবমুক্তির জন্য ট্রাইব্যুনালে উপস্থাপিত সকল আবেদন একটি স্বতন্ত্র রেজিস্টারে লিপিবদ্ধ করিতে হইবে এবং যে সম্পত্তি প্রত্যর্পণ বা অবমুক্তির জন্য আবেদন করা হয় উহার বিপরীতে সংশ্লিষ্ট আবেদন বা আবেদন সমূহ কেন স্বর যুক্ত করিয়া উহার বিবরণ লিপিবদ্ধ করিতে হইবে।

(৬) এই ধারার অধীনে আবেদন প্রাপ্তির পর ট্রাইব্যুনাল-

(ক) অনধিক ৩০ (ত্রিশ)

দিনের মধ্যে উক্ত আবেদন এই আইন অনুযায়ী গ্রহণযোগ্য কিনা এবং আবেদনের সমর্থনে আপাতঃ দৃষ্টে পর্যাপ্ত কাগজপত্র দাখিল করা হইয়াছে কিনা তাৎসম্পর্কে সিদ্ধান্ত ও প্রয়োজনীয় নির্দেশ প্রদান করিবে;

(খ)

আবেদনটি গ্রহণযোগ্য হইলে সরকারের পক্ষে সংশ্লিষ্ট জেলার জেলা প্রশাসককে নোটিশদি

বে;

(গ) উপস্থাপিত আবেদন বা আবেদনসমূহ (যদি থাকে)

ও সরকারের কোন বক্তব্য থাকিলে ততসম্পর্কে উভয় পক্ষকে শুনানীর সুযোগ দিবে;  
এবং

(ঘ)

ট্রাইব্যুনালের বিবেচনায় কোন বিষয় অনুসন্ধানের প্রয়োজন থাকিলে ততসম্পর্কে অনুসন্ধানের উদ্দেশ্যে কোন বিচার বিভাগীয় বা কোন সরকারী কর্মকর্তা বা তাহার বিবেচনায় উপযুক্ত অন্য কোন ব্যক্তিকে এই অনুসন্ধানের নির্দেশ দিতে এবং সংশ্লিষ্ট অনুসন্ধান প্রতিবেদন বিবেচনা প্রদান করিতে পারিবে।

<sup>৪৭</sup>[ (৭) এই আইনের অধীনে কোন আবেদন প্রাপ্তির ৩০০ (তিনশত)

দিনের মধ্যে ট্রাইব্যুনাল উহার রায় প্রদান করিবে:

তবে শর্ত থাকে যে,

কোন অনিবার্য কারণে উক্ত মেয়াদের মধ্যে কোন আবেদন নিষ্পত্তি করা সম্ভব না হইলে,  
ট্রাইব্যুনাল কারণ লিপিবদ্ধ করিয়া ৬০ (ষাট)  
দিনের মধ্যে আবেদন নিষ্পত্তি করিতে পারিবে <sup>৪৮</sup>[ \*\*\*];

আরও শর্ত থাকে যে,

উল্লিখিত বর্ধিত সময়ের মধ্যে যদি যুক্তিসঙ্গত কোন কারণে কোন আবেদন নিষ্পত্তি করা সম্ভব না হয়,  
তাহা হইলে ট্রাইব্যুনাল উহার কারণ লিপিবদ্ধ করিয়া আবেদন টি নিষ্পত্তির জন্য সর্বশেষ  
আরো ৩০ (ত্রিশ) দিন সময় বর্ধিত করিতে পারিবে <sup>৪৯</sup>[ \*\*\*] ।]

<sup>৫০</sup>[ (৭ক) এই ধারায় যাহা কিছু ই থাকুক না কেন, এই আইন কার্যকর হইবার পর,

কোন ট্রাইব্যুনাল উপ-ধারা (৭)

এ উল্লিখিত সময়সীমার মধ্যে কোন আবেদন নিষ্পত্তি করিতে না পারিলে উহা সরকারকে  
লিখিত ভাবে অবহিত করিবে এবং সরকার, জনস্বার্থে,

সরকারি গেজেটে প্রজ্ঞাপন দ্বারা উক্ত ট্রাইব্যুনালের মামলার সংখ্যা,

আঞ্চলিক এখতিয়ার ইত্যাদি বিবেচনাক্রমে এই ধারার অধীন আবেদন নিষ্পত্তির জন্য প্রয়োজন অনুযায়ী সময়সীমা বৃদ্ধি করিতে পারিবে।]

(৮) ট্রাইব্যুনালের রায় লিখিত হইবে এবং উহাতে নিম্নবর্ণিত বিষয়াদি থাকিবে:-

(ক) আবেদনকারী বা আবেদনকারীগণ (যদি থাকে) এর দাবী এবং সরকারের বক্তব্য,  
যদি থাকে, এর সংক্ষিপ্ত বর্ণনা;

(খ) দাবীকৃত সম্পত্তি বা অধিগ্রহণকৃত সম্পত্তির ক্ষেত্রে উহার বিপরীতে প্রদেয় ক্ষতি-  
পূরণের অর্থ প্রত্যর্পণযোগ্য সম্পত্তির তালিকায় অন্তর্ভুক্ত আছে কিনা ততসম্পর্কে সিদ্ধান্ত;

(গ) আবেদন উপ-ধারা (১)

এউল্লিখিত সময়সীমার মধ্যে ট্রাইব্যুনালে পেশ করা হইয়াছে কিনা;

<sup>৫১</sup>[ (ঘ)

কোন সম্পত্তি প্রত্যর্পণের বাঞ্ছিত্রমত উপরোক্ত ক্ষতিপূরণ প্রাপ্তির আবেদন করা হইলে আবেদনকারী—

(অ)

তাহার দাবীকৃত সম্পত্তি বাঞ্ছিত্রমত অধিগ্রহণকৃত সম্পত্তির মালিক কিনা তৎসম্পর্কে সিদ্ধান্ত; এবং

<sup>৫২</sup>[ (আ) <sup>৫৩</sup>[ \*\*\*] দাবীকৃত সম্পত্তির গেজেটে প্রকাশিত তালিকায় অন্তর্ভুক্ত মালিক Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O. No. 149 of 1972)

অনুসারে বাংলাদেশের নাগরিক ও স্থায়ী বাসিন্দা কিনা তৎসম্পর্কে সিদ্ধান্ত। ]]

(ঙ) উপ-ধারা (৩)

এর অধীনে কোন আবেদন থাকিলে সংশ্লিষ্ট সম্পত্তি প্রত্যর্পণযোগ্য তালিকা হইতে অবমুক্ত করা হইবে কিনা তৎসম্পর্কে সিদ্ধান্ত;

(চ)

উপরোক্ত সিদ্ধান্ত সমূহের ব্যাপারে উপস্থাপিত সাক্ষ্যের সংক্ষিপ্ত বিশ্লেষণ ও মূল্যায়ন সহ সিদ্ধান্তের কারণ;

(ছ) আবেদনকৃত প্রত্যর্পণ,

ক্ষতিপূরণ বা অবমুক্তির ব্যাপারে সুনির্দিষ্ট সিদ্ধান্ত ও নির্দেশ সম্বলিত আদেশ।

(৯)

এই ধারার অধীনে ট্রাইব্যুনাল প্রত্যর্পণযোগ্য সম্পত্তি প্রত্যর্পণ বা অধিগ্রহণকৃত অর্পিত সম্পত্তির বিপরীতে জমাকৃত ক্ষতিপূরণের অর্থ প্রদান বা উহাকে প্রত্যর্পণযোগ্য সম্পত্তির তালিকা হইতে অবমুক্তির আবেদন মঞ্জুর বা নাম মঞ্জুর করারায় প্রদান করিলে, রায় প্রদানের ৭ (সাত) দিনের মধ্যে, উক্ত রায় ভিত্তিক একটি ডিক্রী প্রস্তুত করিবে।

(১০) এই ধারার অধীনে ট্রাইব্যুনালের-

(ক) রায় ঘোষণার অনধিক <sup>৫৪</sup>[ ৩০ (ত্রিশ)]

দিনের মধ্যে আগ্রহী পক্ষ উক্ত রায়ের ও ডিক্রীর অনুলিপি রজন্য আবেদন করিতে পারিবে

ন এবং অনুলিপিসরবরাহের ব্যাপারে ট্রাইব্যুনালের কোন নির্দেশ (যদি থাকে)

পালন সাপেক্ষে, আবেদনকারীকে ট্রাইব্যুনাল পরবর্তী <sup>৫৫</sup>[ ৩০ (ত্রিশ)]

দিনের মধ্যে উক্ত অনুলিপিসরবরাহ করিবে;

(খ)

অন্যে কোন আদেশের অনুলিপি রজন্যে কোন আগ্রহী পক্ষ যেকোন সময় আবেদন করি

তেপারিবেএবংট্রাইব্যুনাল, এইরূপঅনুলিপিরব্যাপারেট্রাইব্যুনালেরনির্দেশ  
(যদিথাকে) পালনসাপেক্ষে, অনধিক <sup>৬৬</sup>[ ৩০(ত্রিশ)]  
দিনেরমধ্যেট্রাইব্যুনালউক্তঅনুলিপিসরবরাহকরিবে।

## ডিক্রীবাস্তবায়ন

১১। (১) উপ-ধারা (২) এরবিধানসাপেক্ষে,  
ট্রাইব্যুনালউহারডিক্রীবাস্তবায়নেরউদ্দেশ্যে, ডিক্রীপ্রস্তুতহওয়ার৪৫ (পঁয়তাল্লিশ)  
দিনপর,  
রায়ওডিক্রীরঅনুলিপিজেলাপ্রশাসকেরনিকটপ্রেরণকরিবেএবংজেলাপ্রশাসকএইধা  
রাঅনুযায়ীউক্তডিক্রীবাস্তবায়নেরব্যবস্থাগ্রহণকরিবেন।

(২)  
ডিক্রীরবিরুদ্ধেদায়েরকৃতকোনআপীলশুনানীরজন্যআপীলট্রাইব্যুনাল <sup>৬৭</sup>[ \*\*\*]  
কর্তৃকগৃহীতহইলেউক্তডিক্রীবাস্তবায়নস্বগিতথাকিবে।

(৩)  
কোনসম্পত্তিপ্রত্যর্পণেরডিক্রীথাকিলেএবংউহারসরকারেরসরাসরিদখলেথাকিলেজে  
লাপ্রশাসকউহারদখলঅবিলম্বেডিক্রীপ্রাপককেএবংঅধিগ্রহণকৃতঅর্পিতসম্পত্তিরক্ষ  
ত্রেজমাকৃতক্ষতিপূরণেরঅর্থডিক্রীপ্রাপককেপ্রদানকরিবেন।

(৪)  
ডিক্রীকৃতসম্পত্তিঅন্যকোনব্যক্তিব্যাপ্তিষ্ঠানেরদখলেথাকিলেউক্তব্যক্তিব্যাপ্তিষ্ঠান  
কেজেলাপ্রশাসক-

(ক) অনধিক৩০ (ত্রিশ)  
দিনেরনোটিশদিয়াদখলপরিত্যাগেরনির্দেশদিবেনএবংতদনুসারেউক্তব্যক্তিব্যাপ্তি  
ষ্ঠানদখলপরিত্যাগকরিলেডিগ্রীপ্রাপককেদখলবুঝাইয়াদিবেন; এবং

(খ)  
নোটিশঅনুযায়ীউক্তব্যক্তিব্যাপ্তিষ্ঠানদখলপরিত্যাগনাকরিলেপুলিশফোর্সেরসহায়  
তায়প্রয়োজনীয়শক্তিপ্রয়োগেরমাধ্যমেএবংক্ষত্রমতকোনস্থাপনাঅপসারণকরিয়ান  
রবর্তী৩০ (ত্রিশ)  
দিনেরমধ্যেদখলদারকেউচ্ছেদক্রমেডিগ্রীপ্রাপককেদখলবুঝাইয়াদিবেন।

(৫) উপ-ধারা (৩) বা (৪)  
অনুযায়ীডিগ্রীপ্রাপককেপ্রত্যর্পণযোগ্যসম্পত্তিরদখলবুঝাইয়াদেওয়াহইলেপ্রত্যর্পণ  
যোগ্যসম্পত্তিরপ্রত্যর্পণসম্পন্নহইবে।

(৬) উপ-ধারা (৩) বা (৪)  
অনুসারেপ্রত্যর্পণযোগ্যসম্পত্তিরদখলবুঝাইয়াদেওয়ারপরজেলাপ্রশাসক-

(ক) তৎসম্পর্কেট্রাইব্যুনালেরনিকটএকটিপ্রতিবেদনপ্রেরণকরিবেন; এবং

(খ) সংশ্লিষ্টরাজস্বঅফিসেডিগ্রীকৃতসম্পত্তিবাধরক্ষিতরেকর্ডঅবরাইটস পরবর্তী ৩০ (ত্রিশ) দিনেরমধ্যেসংশোধনপূর্বকউহাতেডিগ্রীপ্রাপকেরনামঅন্তর্ভুক্তিরব্যবস্থাকরিবেন, এবংউক্তরূপেসংশোধিতরেকর্ডঅবরাইটস এরঅনুলিপিতাহাকেপ্রদানকরিবেন।

(৭) কোনপ্রত্যর্পণযোগ্যসম্পত্তিবাউহারঅংশবিশেষঅবিভক্তবাঅবিভাজ্যঅবস্থায়থাকি লেজেলাপ্রশাসকবিষয়টিসম্পর্কেপ্রয়োজনীয়তথ্য, প্রয়োজ্যক্ষেত্রেখসডানস্বাসহ, একটিপ্রতিবেদনওএতদবিষয়েকোনসুপারিশসহ, যদিথাকে, একটিপ্রতিবেদনট্রাইব্যুনালেরনিকটপ্রেরণকরিবেনএবংএইরূপপ্রতিবেদনউপ-ধারা (১) এরঅধীনেডিগ্রীরঅনুলিপিপ্রাপ্তির ৩০ (ত্রিশ) দিনেরমধ্যেপ্রেরণকরিতেহইবে।

(৮) উপ-ধারা (৭) এরঅধীনেপ্রতিবেদনপ্রাপ্তিরপরট্রাইব্যুনালডিগ্রীকৃতসম্পত্তিরদখলবুঝাইয়াদেওয়ার জন্যউহারবিবেচনামতপ্রয়োজনীয়সিদ্ধান্তওনির্দেশদিতেপারিবেএবংতদনুসারেজেলা প্রশাসকপরবর্তী ৩০ (ত্রিশ) দিনেরমধ্যেতদনুযায়ীব্যবস্থাগ্রহণকরিয়ানুসারেউপ-ধারা (৪) ও (৬) অনুসারেকার্যক্রমগ্রহণকরিবেনএবংএতদবিষয়েএকটিপ্রতিবেদনট্রাইব্যুনালেপ্রেরণ করিবেন।

৫৮ [\*\*\*]

**অবমুক্তিরসিদ্ধান্তেরআইনগতপ্রকৃতি** ১২। এইআইনেরঅধীনেকোনসম্পত্তি <sup>৫৯</sup> [ ৬০ [ প্রত্যর্পণযোগ্য] সম্পত্তিরতালিকা] হইতেঅবমুক্তিরসিদ্ধান্তপ্রদানকরাহইলে-

(ক) উক্তসম্পত্তিধারা ৬তেউল্লিখিতপ্রকারেরসম্পত্তিহওয়ারবিষয়েচূড়ান্তহইবে; এবং

(খ) যেব্যক্তিরআবেদনেঅবমুক্তিরসিদ্ধান্তপ্রদানকরাহয়তাহারস্বস্বাদখলবাঅন্যকোন অধিকারউক্তসিদ্ধান্তদ্বারাঘোষণাবাহালকরাহইয়াছেবলিয়াগণ্যহইবেনা;

(গ) অন্যকোনআইনেরঅধীনউক্তসম্পত্তিরব্যাপারেআবেদনকারীবাঅন্যকোনব্যক্তির বৈধঅধিকারথাকিলেতাহাশুণহইবেনা।

<sup>৬১</sup> [ প্রত্যর্পণযোগ্য] সম্পত্তিসংক্রান্তমামলার ১৩। (১) <sup>৬২</sup> [ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা] সরকারীগেজেটেপ্রকাশেরতারিখেযদি কোনআদালতেএমনদেওয়ানীমামলাঅনিশ্পন্ন

**abatement,  
কার্যধারাবন্ধওট্রাইবু  
নালেদাবীউত্থাপন**

থাকেযাহাতেউক্ততালিকায়অন্তর্ভুক্তকোনসম্পত্তিতেস্বহদাবীকরিয়াবাউহাঅর্পিতসম্পত্তিমর্মেদাবীকরিয়াকোনপ্রতিকারপ্রার্থনাকরাহইয়াছে, বাযদিতস্বাবধায়কেরনিকটএমনকোনকার্যধারানিস্পন্নথাকেযাহাতেউক্তসম্পত্তিকে ৬৩[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা] হইতেঅবমুক্তিরআবেদনকরাহইয়াছে, তাহাহইলে-

(ক) ৬৪[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা]

সরকারীগেজেটেপ্রকাশেরতারিখেউক্তমামলায়উক্তসম্পত্তিযতটুকুজড়িতততটুকুবা বদমামলাটিআপনাআপনি abated হইয়াছেবলিয়াগণ্যহইবে;

(খ) এইরূপ abatement

এরজন্যসংশ্লিষ্টআদালতকর্তৃকআনুষ্ঠানিকআদেশপ্রদানেরবাধ্যবাধকতাথাকিবেনা, এবংউক্ততারিখেরপরএইরূপসম্পত্তিরবিষয়েউক্তআদালতপ্রদতকোনআদেশ (আনুষ্ঠানিক abatement আদেশব্যতীত) এরকার্যকরতাথাকিবেনা;

(গ)

উক্ততালিকাসরকারীগেজেটেপ্রকাশেরতারিখেতস্বাবধায়কউক্তকার্যধারাকার্যক্রমবন্ধকরিবেনএবংউক্ততারিখেরপরএইরূপসম্পত্তিরবিষয়েতস্বাবধায়কপ্রদতআদেশ (কার্যক্রমবন্ধকরণেরআদেশব্যতীত) এরকার্যকারিতাথাকিবেনা।

(২) উপ-ধারা (১)

এউল্লিখিতসম্পত্তিরমালিকউহাপ্রত্যর্পণেরজন্যবাউক্তসম্পত্তিরক্ষেত্রেধারা ৬প্রযোজ্য হইলেসংশ্লিষ্টস্বার্থবানব্যক্তিউহা ৬৫[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা] হইতেঅবমুক্তিরজন্যবাজনস্বার্থেঅধিগ্রহণকৃতঅর্পিতসম্পত্তিরবিপরীতেপ্রদেয়ক্ষতি পূরণেরজন্য ৬৬[ \*\*\*] ট্রাইবুনাালেরনিকট, এবংকোনসম্পত্তিপ্রত্যর্পণযোগ্যজনহিতকরসম্পত্তিহইলেউক্তধারায়উল্লিখিতব্যক্তি জেলাপ্রশাসকেরনিকট, আবেদনকরিতেপারিবেন।

(৩)

এইরূপআবেদনউপস্থাপনওনিস্পত্তিরওসংশ্লিষ্টডিক্রীবাস্তবায়নেরক্ষেত্রেধারা ৬৭[ \*\* \*] ১০, ১১এবংক্ষেত্রমতধারা ১৫এরবিধানাবলীপ্রযোজ্যহইবে।

**অস্থায়ীইজারা প্রদত্ত ৬৮[  
প্রত্যর্পণযোগ্য]  
সম্পত্তিসম্পর্কিতবিধান**

১৪। ৬৯[ (১) ৭০[ প্রত্যর্পণযোগ্য]

সম্পত্তিপ্রত্যর্পণনাহওয়াপর্যন্তউক্তসম্পত্তিজেলাপ্রশাসকেরনিস্বল্পণেথাকিবেএবংতিনি প্রচলিতআইনঅনুযায়ীউহাইজারা প্রদানকরিবেন।]

(২) উপ-ধারা (১)

এউল্লিখিতইজারা প্রদত্তসম্পত্তিরদখলপ্রত্যর্পণেরজন্যট্রাইবুনাালেরডিক্রীথাকিলে, তদানুযায়ীডিক্রীপ্রাপককেধারা ১১তেবর্ণিতপদ্ধতিতেউক্তসম্পত্তিরদখলবুঝাইয়া দিতেহইবে।

**প্রত্যর্পণযোগ্যজনহিত ১৫। (১)****করসম্পত্তিসম্পর্কিতবিধান**

কোনপ্রত্যর্পণযোগ্যজনহিতকরসম্পত্তিদেবোত্তরসম্পত্তিহইলেউহারসেবায়ত, বাউহামঠহইলেউহারমোহন্ত, বাউহাম্মশানবাসমাধিক্ষেত্রবাদাতব্যপ্রতিষ্ঠানহইলেবাজনকল্যাণেরউদ্দেশ্যব্যক্তিউদ্যোগেস্ট্রাষ্টবাধর্মীয়প্রতিষ্ঠানহইলেউহারপরিচালনাকমিটি (যেনামেইঅভিহিতহউক) এরকোনসদস্য, বাট্রাস্টিবাএইরূপসেবায়তবামোহন্তবাকমিটিনাথাকিলে, সংশ্লিষ্টসম্প্রদায়েরকোনস্থানীয়নাগরিক, উক্তসম্পত্তিপ্রত্যর্পণেরজন্য<sup>১১</sup>[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা] সরকারীগেজেটেপ্রকাশের<sup>১২</sup>[ ৩০০(তিনশত)] দিনেরমধ্যে, জেলাপ্রশাসকেরনিকটআবেদনকরিতেপারিবেন।

(২) উপ-ধারা (১) এরঅধীনেকোনআবেদনেরপরিপ্রেক্ষিতেজেলাপ্রশাসকউপ-ধারা (৪) এরবিধানসাপেক্ষে-

(ক)

দেবোত্তরসম্পত্তিরক্ষেত্রেআবেদনকারীতাহারদাবীমতেসেবায়তবামোহন্তকিনাএবং বাংলাদেশেরনাগরিকওস্থায়ীবাসিন্দাকিনাতাহানির্ধারণকরিয়াজুসেবায়তবামোহন্তেরনিকট, উক্তসম্পত্তিরউদ্দেশ্যপূরণকল্পে, ধারা১১এরউপ-ধারা (৩), (৪) এবং (৫) এরবিধানাবলীযতদূরসম্ভবঅনুসরণক্রমে, উক্তসম্পত্তিপ্রত্যর্পণকরিবেন; এবং

(খ) উক্তসম্পত্তিরকোনসেবায়তবামোহন্তনাথাকিলে, বাউহাম্মশান, সমাধিক্ষেত্রবাধর্মীয়বাদাতব্যপ্রতিষ্ঠানহইলে, উহারব্যবস্থাপনাওযথায়থপরিচালনারউদ্দেশ্যে, স্থানীয়সংশ্লিষ্টসম্প্রদায়েরঅনধিকপাঁচজনসদস্যসমন্বয়েএকটিপরিচালনাকমিটিগঠনকরিয়াজুসেবায়তবামোহন্তেরনিকটউক্তসম্পত্তিপ্রত্যর্পণকরিতেপারিবেন।

(৩) কোনপ্রত্যর্পণযোগ্যজনহিতকরসম্পত্তিরব্যাপারেউপ-ধারা (১)

এরঅধীনেএকাধিকব্যক্তিআবেদনকরিলেজেলাপ্রশাসকএইরূপআবেদনএকযোগেনিষ্পত্তিকরিবেনএবংএইব্যাপারেউপ-ধারা (২)

অনুযায়ীসিদ্ধান্তওঅন্যান্যকার্যক্রমগ্রহণকরিবেন,

এইরূপসিদ্ধান্তসংক্ষুব্ধকোনব্যক্তিউক্তসিদ্ধান্তেরবিরুদ্ধেসরকারেরনিকটআপীলদায়েরকরিতেপারিবেনএবংএইব্যাপারেসরকারেরসিদ্ধান্তচূড়ান্তবলিয়াগণ্যহইবে।

(৪) উপ-ধারা (১)

এউল্লিখিতসম্পত্তিবাউহারকোনঅংশবিশেষধারা৬অনুসারে<sup>১৩</sup>[ প্রত্যর্পণযোগ্যসম্পত্তিরতালিকা]

অন্তর্ভুক্তিযোগ্যনহেবিধায়উহাঅবমুক্তিরজন্যকোনব্যক্তিধারা১০এরউপ-ধারা (৩) বা (৪) এরঅধীনেট্রাইবুনােলেরনিকটআবেদনকরিলেজেলাপ্রশাসক-

(ক) উপ-ধারা (২) এর অধীন কার্যক্রমস্বগিত রাখিবেন; এবং

(খ)

উক্ত আবেদনের ব্যাপারে এই আইনের অধীনে প্রদত্ত চূড়ান্ত সিদ্ধান্ত প্রাপ্তির পর তদনুযায়ী ব্যবস্থা গ্রহণ করিবেন।

### ট্রাইব্যুনাল স্থাপন ও উহার গঠন

১৬।<sup>৭৪</sup> [(১) এই আইনের অধীন আবেদন সমূহ নিষ্পত্তির উদ্দেশ্যে সরকার, সরকারি গেজেটে প্রজ্ঞাপন দ্বারা, প্রত্যেক জেলার জন্য একটি অর্পিত সম্পত্তি প্রত্যর্পণ ট্রাইব্যুনাল এবং, প্রয়োজন বোধে, এক বা একাধিক অর্পিত সম্পত্তি প্রত্যর্পণ অতিরিক্ত ট্রাইব্যুনাল স্থাপন করিতে পারিবে।]

(২) কোন জেলার জন্য একাধিক ট্রাইব্যুনাল স্থাপিত হইলে,-

(ক) ট্রাইব্যুনাল স্থাপনকারী প্রজ্ঞাপনে সরকার নির্দিষ্ট করিয়া দিবে যে, উহাতে উল্লিখিত ট্রাইব্যুনালে সকল আবেদন পেশ করা হইবে; এবং

(খ)

উক্ত ট্রাইব্যুনাল ততকর্তৃক শুনানীর জন্য গৃহীত আবেদন সমূহের মধ্যে কোন আবেদন নিষ্পত্তির জন্য অতিরিক্ত ট্রাইব্যুনালে স্থানান্তর করিতে পারিবে।

<sup>৭৫</sup> [\*\*\*]

(৪) <sup>৭৬</sup> [ <sup>৭৭</sup> [\*\*\*] যুগ্ম জেলা জজ বা সিনিয়র সহকারী জজ]

পর্যায়ের বিচার বিভাগীয় একজন কর্মকর্তা সমন্বয়ে ট্রাইব্যুনাল গঠিত হইবে এবং সরকার ট্রাইব্যুনাল বা অতিরিক্ত ট্রাইব্যুনালের বিচারকে ট্রাইব্যুনালের জন্য এককভাবে বা তাহার সাধারণ দায়িত্বের অতিরিক্ত হিসাবে উক্ত ট্রাইব্যুনালের বিচারক নিয়োগ করিতে পারিবে।

<sup>৭৮</sup> [(৪) সরকার সরকারি গেজেটে প্রজ্ঞাপন দ্বারা উপ-ধারা (৪)

এর অধীন ট্রাইব্যুনাল গঠন সম্পর্কিত প্রজ্ঞাপনে সংশ্লিষ্ট ট্রাইব্যুনালের আঞ্চলিক অধিক্ষেত্র (Territorial Jurisdiction) নির্ধারণ করিয়া দিবে; ]

<sup>৭৯</sup> [\*\*\*]

### ট্রাইব্যুনালের এখতিয়ার

১৭। ট্রাইব্যুনাল-

(ক) [ <sup>৮১</sup> [\*\*\*] ধারা ১০ এর]

অধীনে পেশকৃত আবেদন এই আইন অনুসারে নিষ্পত্তি এবং এই আইনে প্রদত্ত অন্যান্য ক্ষমতা প্রয়োগ ব্যতীত অন্য কোন মামলা নিষ্পত্তি বা অন্য কোন ক্ষমতা প্রয়োগ করিবেনা;

(খ) কোনসম্পত্তি <sup>৮২</sup>[ <sup>৮৩</sup>[ প্রত্যর্পণযোগ্য] সম্পত্তিরতালিকায়]  
অন্তর্ভুক্তনথাকিলে উক্তসম্পত্তির বিষয়ে পেশকৃত আবেদনশুনানীর জন্য গ্রহণ করিবে  
না, বরং উহা সরাসরি নাকচ করিয়া দিবে;

(গ) <sup>৮৪</sup>[ <sup>৮৫</sup>[ প্রত্যর্পণযোগ্য] সম্পত্তিরতালিকায়]  
অন্তর্ভুক্ত কোনসম্পত্তির ব্যাপারে ধারা ১০ অনুসারে উক্তধারার উপ-ধারা (৮)  
তে উল্লিখিত প্রস্তাব উক্ত প্রসিদ্ধান্ত গ্রহণের উদ্দেশ্যে উহার সহিত সরাসরি জড়িত প্রস্নে  
সিদ্ধান্ত প্রদান করিবে; অন্য কোন প্রস্তাব বিষয়ে সিদ্ধান্ত প্রদান করিবে না;

(ঘ)  
উক্ত তালিকায় অন্তর্ভুক্ত কোন সম্পত্তির ব্যাপারে একাধিক ব্যক্তি আবেদন করিলে এইরূপ  
আবেদন একযোগে শুনানী করিবে এবং প্রয়োজনবোধে একটিরায়ের মাধ্যমে উহা দিগকে  
নিষ্পত্তি করিতে পারিবে।

## আপীল

১৮। (১) উপ-ধারা (২)  
এ উল্লিখিত ট্রাইব্যুনালের সিদ্ধান্ত সমূহের বিরুদ্ধে শুধুমাত্র আপীল ট্রাইব্যুনালে আপীল দা  
য়ে র করা যাইবে;  
ট্রাইব্যুনালের অন্য কোন সিদ্ধান্তের বিরুদ্ধে আপীল ট্রাইব্যুনালে বা অন্য কোন আদালতে  
বাকর্তৃপক্ষের নিকট উক্ত সিদ্ধান্তের বৈধতা,  
যথার্থতা বা সঠিকতাসম্পর্কে কোন প্রশ্ন উত্থাপন

করা যাইবে না,  
এবং তাহা করা হইলে আপীল ট্রাইব্যুনাল বা উক্ত অন্য আদালত বাকর্তৃপক্ষ সরাসরি নাক  
চ করিয়া দিবে।

(২)  
ট্রাইব্যুনালের নিম্নবর্ণিত সিদ্ধান্তের বিরুদ্ধে আপীল ট্রাইব্যুনালে আবেদনকারী বা প্র  
তিপক্ষ আপীল দায়ে র করিতে পারিবে:-

(ক) <sup>৮৬</sup>[ <sup>৮৭</sup>[ \*\*\*] ধারা ১০] এর উপ-ধারা (১), (২) বা (৪)  
এর অধীনে কোন আবেদনশুনানীর জন্য গ্রহণ নাকরিয়া সরাসরি নাকচের সিদ্ধান্ত;

(খ) একতরফা বা দোতরফা শুনানী অন্তর্ধারা ১০ এর উপ-ধারা (১) বা (২)  
এর অধীনে প্রত্যর্পণযোগ্য সম্পত্তি প্রত্যর্পণ বা ক্ষতিপূরণের টাকা পাওয়ার আবেদন মঞ্জুর  
বানামঞ্জুর করিয়া প্রদত্তরায়;

(গ) একতরফা বা দোতরফা শুনানী অন্তর্ <sup>৮৮</sup>[ <sup>৮৯</sup>[ \*\*\*] ধারা ১০(৩)]  
এর অধীনে উপস্থাপিত অবমুক্ত করণের আবেদন মঞ্জুর বানামঞ্জুর করিয়া প্রদত্তরায়;

তবে শর্ত থাকে যে, এই উপ-  
ধারায় উল্লিখিত ট্রাইব্যুনালের সিদ্ধান্ত বারায়ের পূর্বে প্রদত্ত এমন অন্তর্বর্তী আদেশের ব্যা

পারেআপীলেপ্রশ্নউত্থাপনকরাযাইবেযাহারভিত্তিতেট্রাইবুনালাউক্তসিদ্ধান্তবারায়প্রদানকরিয়েছে।

(৩) ট্রাইবুনালাকোনআবেদনধারা২৩(৩)

এরঅধীনেখারিজকরিলেসেইআদেশেরবিরুদ্ধেআপীলকরাযাইবেনা।

(৪) উপ-ধারা (২) এউল্লিখিতসিদ্ধান্তবারায়প্রদানের৪৫ (পঁয়তাল্লিশ)

দিনেরমধ্যেআপীলদায়েরকরিতেহইবেএবংএইসময়সীমাবৃদ্ধিকরারক্ষেত্রে

Limitation Act, 1908 (IX of 1908) এর Section 5 প্রযোজ্যহইবেনা।

৯০ [ (৫)

আপীলট্রাইবুনালাউভয়পক্ষকেশুনানীরসুযোগপ্রদানপূর্বকআপীলদায়ের৩০০

(তিনশত) দিনেরমধ্যেউহারায়প্রদানকরিবে:

তবেশর্তথাকেযে,

কোনঅনিবার্য কারণেউক্তমেয়াদেরমধ্যেকোনআপীলনিষ্পত্তিকরাসম্ভবনাইলে,

আপীলট্রাইবুনালাকারণলিপিবদ্ধকরিয়েঅতিরিক্ত ৬০(শাট)

দিনেরমধ্যেআপীলনিষ্পত্তিকরিতেপারিবে <sup>৯১</sup>[ \*\*\*] :

আরওশর্তথাকেযে,

উল্লিখিতবর্ধিতসময়েরমধ্যেওযদিযুক্তিসঙ্গতকোনকারণেকোনআপীলনিষ্পত্তিকরাসম্ভবনাইলে,

তাহাইলেআপীলট্রাইবুনালাউহারকারণলিপিবদ্ধকরিয়েআবেদনটিনিষ্পত্তিরজন্যস

র্বশেষআরো৩০(ত্রিশ) দিনসময়বর্ধিতকরিতেপারিবে<sup>৯২</sup>[ \*\*\*] ]]

(৬)

কোনপক্ষকেশুনানীঅন্তেআপীলট্রাইবুনালাআপীলমঞ্জুরবানামঞ্জুরকরিয়েসিদ্ধান্তপ্রদানকরিলেউহারভিত্তিতে৭ (সাত)

দিনেরমধ্যেএকটিডিক্রীপ্রস্তুতকরিবেএবংপ্রয়োজনীয়ব্যবস্থাগ্রহণেরউদ্দেশ্যেঅবিল

ম্বেউক্তরায়ওডিক্রিরঅনুলিপিট্রাইবুনালাওজেলাপ্রশাসকেরনিকটপ্রেরণকরিবে।

### অর্পিতসম্পত্তিপ্রত্যর্পণ আপীলট্রাইবুনালাস্থাপন ওউহারগঠন

<sup>৯৩</sup>[ ১৯। (১) এইআইনেরঅধীনেআপীলআবেদনসমূহনিষ্পত্তিরউদ্দেশ্যেসরকার,

সরকারিগেজেটেপ্রজ্ঞাপনদ্বারা,

প্রত্যেকজেলারজন্যএকটিঅর্পিতসম্পত্তিপ্রত্যর্পণআপীলট্রাইবুনালাএবং,

প্রয়োজনবোধে,

একবাএকাধিকঅর্পিতসম্পত্তিপ্রত্যর্পণঅতিরিক্তআপীলট্রাইবুনালাস্থাপনকরিতেপারিবে।

(২) জেলাজজসমন্বয়েঅর্পিতসম্পত্তিপ্রত্যর্পণআপীলট্রাইবুনালাগঠিতহইবেএবংউপ-ধারা (১)

এর উদ্দেশ্যপূরণকল্পে অতিরিক্ত জেলা জসমন্ত্রয়ে অর্পিত সম্পত্তি পর্যাপ্ত অতিরিক্ত আপীল ট্রাইব্যুনাল গঠিত হইবে।

(৩)

অর্পিত সম্পত্তি পর্যাপ্ত আপীল ট্রাইব্যুনাল ধারা ১৮ এর অধীন দায়েরকৃত আপীল আবেদন সমূহের মধ্যে যেকোন আপীল আবেদন নিষ্পত্তির জন্য অর্পিত সম্পত্তি পর্যাপ্ত অতিরিক্ত আপীল ট্রাইব্যুনালে স্থানান্তর করিতে পারিবে।]

### আপীল ট্রাইব্যুনালের এ খতিয়ার

২০। (১) এই আইনের অধীন দায়েরকৃত আপীলে উত্থাপিত তথ্যগত প্রশ্নে (question of fact) এবং আইনগত প্রশ্নে (question of law) আপীল ট্রাইব্যুনাল উহার সিদ্ধান্ত প্রদান সহ আপীলকৃত সিদ্ধান্ত সম্পূর্ণ বা আংশিক ভাবের হিতকরিতে বাঞ্ছনীয় অনুমোদন (confirm) করিতে বা উহা সংশোধন করিতে পারিবে:

<sup>১৪</sup>[ তবেশর্ত থাকে যে, ধারা ১০(৮)

এ উল্লিখিত বিষয় এবং ট্রাইব্যুনালের রায় বা সিদ্ধান্তের বৈধতা ও যথার্থতা <sup>১৫</sup>[ \*\*\*] ব্যতীত অন্য কোন বিষয়ে আপীল ট্রাইব্যুনাল সিদ্ধান্ত প্রদান করিবে না।]

(২)

আপীল নিষ্পত্তির সুবিধার্থে আপীল ট্রাইব্যুনাল এমন অতিরিক্ত সাক্ষ্য গ্রহণ করিতে পারিবে যা আপীলের বিষয়বস্তুর সহিত সরাসরি সম্পর্কযুক্ত এবং যা ট্রাইব্যুনাল কর্তৃক সিদ্ধান্ত প্রদানের পরে উদ্ধৃত হইয়াছে।

(৩)

আপীল ট্রাইব্যুনাল কোন আপীলে উত্থাপিত প্রশ্নপূনঃ শুনানী বা পুনঃ সিদ্ধান্তের জন্য ট্রাইব্যুনালে ফেরত (remand) দিবে না, বরং নথিভুক্ত কাগজপত্র এবং সাক্ষ্যের ভিত্তিতে উহার সিদ্ধান্ত প্রদান করিবে:

<sup>১৬</sup>[ তবেশর্ত থাকে যে, ট্রাইব্যুনাল <sup>১৭</sup>[ \*\*\*]

কোন আবেদন শুনানির জন্য গ্রহণ না করিয়া সরাসরি না চকরিয়া থাকিলে এবং আপীল ট্রাইব্যুনাল উক্ত সিদ্ধান্ত হিতকরিলে আবেদনটির উপর শুনানির জন্য আপীল ট্রাইব্যুনাল নির্দেশ দিতে পারিবে।]

(৪)

একই সম্পত্তির ব্যাপারে একাধিক আপীল দায়ের হইলে আপীল ট্রাইব্যুনাল একযোগে প্রসঙ্গিক আপীল শুনানী ও নিষ্পত্তি করিবে এবং প্রয়োজনবোধে একটি রায় দ্বারা উহা দিগকে নিষ্পত্তি করিতে পারিবে।

<sup>১৮</sup>[ \*\*\*]

<sup>১৯</sup>[ \*\*\*]

১০০ [\*\*\*]

১০১ [ ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনাল ] ১০২ [ ২২। (১) ১০৩ [ ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনাল ]  
 ন ট্রাইব্যুনালের কার্যপদ্ধতি] এর সকল শুনানী প্রকাশ্যে অনুষ্ঠিত হইবে এবং উহার রায় প্রকাশ্যে ঘোষিত হইবে।  
 (২) এই আইনের বিধানাবলী সাপেক্ষে, ১০৪ [ ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনাল ]  
 বিধি দ্বারা নির্ধারিত পদ্ধতি অনুসরণ করিবে,  
 এবং এইরূপ বিধি প্রণীত না হওয়া পর্যন্ত প্রচলিত নিয়ম ও পদ্ধতি অনুসারে উহার কার্যক্রম  
 পরিচালনা করিবে।  
 (৩) আপীল ট্রাইব্যুনাল ১০৫ [ \*\*\* ] উহার নিকট উপস্থাপিত তথ্যগত বিষয়  
 (Question of fact) ও আইনগত বিষয়ে (Question of law)  
 যথাযথ সিদ্ধান্ত গ্রহণ করিতে পারিবে এবং উহার রায় চূড়ান্ত বলিযা গণ্য হইবে।

একতরফা শুনানী ও এক ২৩। ১০৬ [ (১)  
 তরফা খারিজ সম্পর্কিত একতরফা ভাবে কোন পক্ষকে শুনানী অন্তে কোন আবেদন বা আপীল মঞ্জুর বা নাম মঞ্জুর ক  
 বিশেষ বিধান] রার ক্ষেত্রে ১০৭ [ ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনাল ] উল্লিখিত বিষয়ে,  
 সঠিকতা ও যথাযথতা সম্পর্কে বিবেচনা করিয়া সিদ্ধান্ত বা ক্ষেত্রমত রায় প্রদান করিবে।।  
 (২) ১০৮ [ ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে ]  
 কোন আবেদন বা আপীল একতরফা ভাবে কোন পক্ষকে শুনানী অন্তে মঞ্জুর বা নাম মঞ্জুর ক  
 রাহইলে একবারের বেশী উক্ত আবেদন বা আপীল পুনর্বহাল বা একতরফা আদেশ রহিত  
 ক্রমে পুনঃ শুনানী করা যাইবে না।  
 (৩) ১০৯ [ ১১০ [ ধারা ১০ এর অধীনে পেশকৃত কোন আবেদন ] বা ধারা ১৮ এর অধীনে ]  
 দায়েরকৃত কোন আপীল শুনানীর সময় আবেদনকারী বা আপীলকারী উপস্থিত না থাকি  
 লে এবং অন্য কোন পক্ষ শুনানীতে আগ্রহী না হইলে আবেদন বা আপীল খারিজ হইবে এবং এ  
 ইরূপ ক্ষেত্রে আনুষ্ঠানিক রায় প্রদানের প্রয়োজন হইবে না।  
 (৪) উপ-ধারা (৩)  
 এর অধীনে প্রদত্ত খারিজ আদেশ একবারের বেশী রহিত ক্রমে উক্ত আবেদন বা আপীল পুন  
 র্বহাল করা যাইবে না।

সাক্ষ্য গ্রহণ, ২৪। (১)  
 সাক্ষীর উপস্থিতি ও দলি এই আইনের অধীনে পেশকৃত আবেদন বা দাবী বা আপীলের সমর্থনে সংশ্লিষ্ট পক্ষ কর্তৃক উ

**লউপস্থাপননিশ্চিতকরণ** পস্থাপিতসাক্ষীরবক্তব্যেরসারাংশ<sup>১১১</sup>[ ট্রাইব্যুনালবাআপীলট্রাইব্যুনাল]  
লিপিভদ্ধকরিবে।

(২)<sup>১১২</sup>[ ট্রাইব্যুনালবাআপীলট্রাইব্যুনাল]  
কর্তৃককোনবিষয়েসিদ্ধান্তগ্রহণেরউদ্দেশ্যেকোনব্যক্তিরসাক্ষ্যবাউপস্থিতিকিংবাকোন  
দলিলঅনুসন্ধানবাউপস্থাপনেরপ্রয়োজনহইলে, উক্তউপস্থিতি,  
অনুসন্ধানবাউপস্থাপননিশ্চিতকরিবারজন্যদেওয়ানীকার্যবিধিরএরবিধানঅনুসা  
রেএতদসংক্রান্তবিষয়েকোনদেওয়ানীআদালতযেক্ষমতাপ্রয়োগকরিতেপারে<sup>১১৩</sup>[ ট্রা  
ইব্যুনালবাআপীলট্রাইব্যুনাল] সেইক্ষমতাপ্রয়োগকরিতেপারিবে।

(৩)  
কোনআবেদনবাআপীলনিষ্পত্তিরজন্যযেকোনব্যক্তিকেহাজিরহওয়ারবাপ্রয়োজনীয়  
কোনদলিলবাকাগজপত্রকোনব্যক্তিরনিয়ন্ত্রণবাহেফাজতেথাকিলেউহাউপস্থাপনেরজ  
ন্য<sup>১১৪</sup>[ ট্রাইব্যুনালবাআপীলট্রাইব্যুনাল]  
উক্তব্যক্তিকেনির্দেশদিতেপারিবেএবংউক্তনির্দেশপালনেউক্তব্যক্তিবাধ্যথাকিবেন।

**বিধানেরঅপর্যাপ্ততার ক্ষেত্রে<sup>১১৫</sup>[ট্রাইব্যুনালও আপীলট্রাইব্যুনালের]বি শেষএখতিয়ার** ২৫। এইআইনেরঅধীনকোনআবেদনবাআপীলনিষ্পত্তিরব্যাপারেএইআইনবাবিধি  
তেপর্যাপ্তবিধাননাইবলিয়ামনেকরিলে<sup>১১৬</sup>[ ট্রাইব্যুনালবাআপীলট্রাইব্যুনাল]  
বিষয়টিলিপিভদ্ধকরিয়াসংশ্লিষ্টপরিস্থিততেউহারবিবেচনামতন্যায়বিচারেরজন্যস  
হায়কহয়এইরূপস্বাথ্যপদ্ধতিঅনুসরণওসিদ্ধান্তপ্রদানকরিতেপারিবে।

**অ-  
দাবীকৃতসম্পত্তিসংক্রান্ত  
বিধান** <sup>১১৭</sup>[ ২৬। <sup>১১৮</sup>[ (১)  
এইআইনেরঅধীনআবেদনেরজন্যনির্ধারিতসময়সীমারমধ্যেআবেদনকরানাহইলে  
বানির্ধারিতসময়েরমধ্যেআপীলদায়েরকরানাহইলেবাআপীলদাবীপ্রমাণিতনাইলে  
সংশ্লিষ্টঅর্পিতসম্পত্তিসরকারীসম্পত্তিহিসাবেগণ্যহইবে।]

(২) উপ-ধারা (১)  
এবর্ণিতসরকারীসম্পত্তিসরকারবিক্রয়বাঅন্যকোনভাবেহস্তান্তরবাসরকারেরবিবে  
চনামতেযেকোনভাবেব্যবহারবানিষ্পত্তিকরিতেপারিবে।]

**ক্রয়েরক্ষেত্রেঅগ্রাধিকার** <sup>১১৯</sup>[ ২৭। (১) ধারা২৬এরঅধীনে 'ক'  
তফসিলেবর্ণিতসম্পত্তিবিক্রয়বাস্বামীইজারাপ্রদানেরক্ষেত্রে,  
উক্তসম্পত্তিযেহোল্ডিং/খতিয়ানভুক্তসেইহোল্ডিং/খতিয়ানেরমিনিউত্তরাধিকারসূত্রে  
সহ-অংশীদার (co-sharer), যদিথাকে, তিনিঅগ্রাধিকারপাইবেনএবংএইরূপসহ-  
অংশীদারনাথাকিলেমিনিবিক্রয়েরপূর্বেইজারাসূত্রেভোগদখলভুক্তছিলেনতিনিঅগ্রা  
ধিকারপাইবেন।

১২০ [\*\*\*]

(৩) উপ-ধারা (১) ১২১ [\*\*\*]

এরঅধীনেক্রয়কৃতসম্পত্তিকৃষিজমিহইলেউহারক্ষেত্রেLand Reforms Ordinance, 1984 (X of 1984)এবংতদ্বীনপ্রণীতবিধিপ্রযোজ্যহইবে। ]

### অর্পিতসম্পত্তিবাদক্ষতিপূরণবান্যবিধদাবীনিষিদ্ধ

২৮। এইআইনপ্রবর্তনেরপূর্বেঅর্পিতসম্পত্তিহিসাবেতালিকাভুক্তকোনসম্পত্তিউক্তরপেতালিকাভুক্তহওয়ারকারণে, বাঅর্পিতসম্পত্তিআইনবাএইআইনেরঅধীনেপ্রত্যর্পণবাবমুক্তিবানিস্পত্তিবাত্তসম্পর্কেঅন্যকোনব্যবস্থাগ্রহণেরকারণে, কোনব্যক্তিউক্তসম্পত্তিবাদকোনক্ষতিপূরণ, বাউক্তসম্পত্তিহইতেসরকারকর্তৃকপ্রাপ্তকোনআয়বাসুবিধা, বাসরকারকর্তৃকউক্তসম্পত্তিরনিস্পত্তিবাসরকারপ্রদত্তইআরবাবানুমতিসূত্রেকোনব্যক্তিকর্তৃকউহাহইতেপ্রাপ্তআয়বাসুবিধাবাদকোনক্ষতিপূরণবানুরূপকোনদাবীকরিতেপারিবেননা; এবংকোনআদালতবাকর্তৃপক্ষেরনিকটএইরূপদাবীকরাহইলেউক্তআদালতবাকর্তৃপক্ষউক্তদাবীসরাসরিনাকচকরিয়াদিবে।

### 'খ' তফসিলবিলুপ্তি, ইত্যাদিসম্পর্কিতবিশেষবিধান

২২২ [ ২৮ক। (১) অর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩কার্যকরহইবারসঙ্গেসঙ্গেঅর্পিতসম্পত্তিসম্পর্কিত 'খ' তফসিলবাতিলহইবেএবংউহাএমনভাবেবাতিলহইবেযেন, উক্ততফসিলভুক্তসম্পত্তিকখনোইঅর্পিতসম্পত্তিরতালিকাভুক্তহয়নাই।

(২) এইআইনেরঅধীনস্থাপিতট্রাইব্যুনাল, আপীলট্রাইব্যুনালবাবিশেষআপীলট্রাইব্যুনালকর্তৃকউপ-ধারা (১) এরঅধীনবিলুপ্তকৃত 'খ' তফসিলভুক্তসম্পত্তিরবিষয়েইতোমধ্যেনিস্পত্তিকৃতযেকোনমামলাররায়বাডিক্রীবা তিলওঅকার্যকরবলিয়াগণ্যহইবেএবংউক্তট্রাইব্যুনাল, আপীলট্রাইব্যুনালবাবিশেষআপীলট্রাইব্যুনালেবিচারাধীনউক্ত 'খ' তফসিলভুক্তসম্পত্তিসম্পর্কিতসকলমামলা abate হইয়াযাইবেএবংএইরূপ abatement এরজন্যসংশ্লিষ্টআদালতকর্তৃকআনুষ্ঠানিকআদেশপ্রদানেরপ্রয়োজনহইবেনা।

(৩) উপ-ধারা (১) এরঅধীনবাতিলকৃত 'খ' তফসিলসম্পর্কিতকোনআবেদনবানালিশজেলাকমিটি, বিভাগীয়কমিটিবাকেন্দ্রীয়কমিটিতেযেকোনপর্যায়েইথাকুকনাকেনউহাস্বয়ংক্রিয়ভাবেবাতিলহইয়াযাইবে।

(৪) উপ-ধারা (১) এরঅধীন 'খ'

তফসিলবাতিলহওয়াসঙ্গেওউক্ততফসিলভুক্তসম্পত্তিতেসরকারবাকোনব্যক্তিরকোনস্বত্ববাস্বার্থসম্পর্কেপ্রচলিতআইনেরঅধীনপ্রতিকারলাভেকোনআইনগতবাধাথাকিবেনা।

(৫)

ধারা২০কবিলুপ্তহওয়াসঙ্গেওউক্তধারারঅধীনগঠিতকোনবিশেষআপীলট্রাইব্যুনালে 'ক' তফসিলভুক্তসম্পত্তিসম্পর্কিতকোনমামলাবিচারাধীনথাকিলেউহাএমনভাবেচলমানথাকিবেযেন,উক্তট্রাইব্যুনালবিলুপ্তহয়নাইএবংউক্তমামলায়প্রদত্তডিক্রীধারা২ (ছ) এরউদ্দেশ্যপূরণকল্পেপ্রদত্তডিক্রীহিসাবেগণ্যহইবে।]

### সরলবিশ্বাসেকৃতকাজ কর্মরক্ষণ

২৯। অর্পিতসম্পত্তিআইনবাএইআইনবাবিধিরঅধীনেসরলবিশ্বাসেকৃতকোনকাজেরফলেকোনব্যক্তিক্ষতিগ্রস্তহইলেবাতাহারক্ষতিগ্রস্তহইবারসম্ভাবনাথাকিলে, তজন্যসরকারবাট্রাইব্যুনালবাআপীলট্রাইব্যুনালবাএইসবট্রাইব্যুনালেরকোনবিচারকবাসরকারেরকোনকর্মকর্তাকর্মচারীরবিরুদ্ধেকোনদেওয়ানীবাহৌজদারীবাঅন্যকোনআইনগতকার্যধারাদায়েরকরাযাইবেনা।

### বিধিপ্রণয়নেরক্ষমতা

৩০। <sup>১২৩</sup>[ <sup>১২৪</sup>[ \*\*\*] এইআইনে]উদ্দেশ্যপূরণকল্পেসরকার, সরকারীগেজেটেপ্রস্তাপনদ্বারা, বিধিপ্রণয়নকরিতেপারিবে।

### বিচারিককার্যক্রম

<sup>১২৫</sup>[ ৩১। এইআইনেরঅধীনে <sup>১২৬</sup>[ ট্রাইব্যুনালওআপীলট্রাইব্যুনালের] বাকেন্দ্রীয়কমিটিরকার্যক্রম Penal Code (XLV of 1860) এর Section 228 এউল্লিখিতবিচারিককার্যক্রম (Judicial Proceeding) ওCode of Criminal Procedure, 1898 (Act, V of 1898)-এরSection 480 তেউল্লিখিতCivil Court এরকার্যক্রমবলিয়াগণ্যহইবে।]

### অপরাধওদণ্ড

৩২। কোনব্যক্তি-

(ক) <sup>১২৭</sup>[ ট্রাইব্যুনালবাআপীলট্রাইব্যুনালের]

সম্মুখেইচ্ছাকৃতভাবেমিথ্যাআবেদনবাআপীলকরিলে,

বালিখিতবামৌখিকভাবেমিথ্যাসাক্ষ্যদিলেবানিজেরসঠিকপরিচয়গোপনকরতঃঅন্যব্যক্তিরপরিচয়েআবেদনবাবক্তব্যপেশবাসাক্ষ্যপ্রদানবাকোনদাবীউপস্থাপনকরিলে;

(খ) ইচ্ছাকৃতভাবে <sup>১২৮</sup>[ <sup>১২৯</sup>[ ট্রাইব্যুনালবাআপীলট্রাইব্যুনালে] এর]

কোনজালবামিথ্যাদলিলউপস্থাপনকরিলে; বা

(গ) <sup>১৩০</sup>[ ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালের]  
কোন নির্দেশ বা ডিক্রী বা স্তবায়নের উদ্দেশ্যে জেলা প্রশাসক প্রদত্ত নির্দেশ লংঘন করিলে;  
তিনি অনধিক ৭ (সাত) বত্সরের কারাদণ্ডে বা অনধিক ১,০০,০০০ (এক লক্ষ)  
টাকা অর্থদণ্ডে বা উভয়দণ্ডে দণ্ডনীয় হইবেন।

## রহিতকরণ

৩৩। (১) এতদ্বারা Enemy Property (Continuance of Emergency Provisions) (Repeal) Act, 1974 (XLV of 1974) রহিত করা হইল।  
(২) উক্ত রূপ রহিতকরণসঙ্গেও,  
কোন প্রত্যর্পণযোগ্য জমিসরকারের দখলে বা নিয়ন্ত্রণে থাকাকালে কোন ব্যক্তি বা প্রতিষ্ঠানের নিকট উক্ত সম্পত্তি বা বদকোন পাওনা অপরিশোধিত থাকিলে উহা সরকারী পাওনা (Public demand) হিসাবে আদায়যোগ্য হইবে এবং আদায়কৃত অর্থ বা সম্পদ <sup>১৩১</sup>[ প্রজাতন্ত্রের সরকারি হিসাবে] জমা হইবে।

১দফা (ঘঘ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(ক) ধারাবলে বিলুপ্ত।

২দফা (ছ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(খ) ধারাবলে প্রতিস্থাপিত।

৩ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(গ) ধারাবলে প্রতিস্থাপিত।

৪ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(গ) ধারাবলে প্রতিস্থাপিত।

৫দফা (ঠঠ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(ঘ) ধারাবলে বিলুপ্ত।

৬ উপ-ধারা (ড) অর্পিত সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ২৩ নং আইন) এর ২(খ) ধারাবলে প্রতিস্থাপিত।

৭দফা (তে) ওদফা (থ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ২(ক) ধারাবলে প্রতিস্থাপিত।

৮দফা (থ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(ঘ) ধারাবলে বিলুপ্ত।

৯দফা (দ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১২ (২০১২ সনের ৩৯ নং আইন) এর ২(খ) ধারাবলে সংযোজিত।

১০ “ও” শব্দ, বর্ণ ও চিহ্ন অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(ঙ) ধারাবলে বিলুপ্ত।

১১দফা (ধ) অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২(চ) ধারাবলে বিলুপ্ত।

১২ “প্রত্যর্পণযোগ্য সম্পত্তির তালিকায়” শব্দগুলি “অর্পিত সম্পত্তির তালিকায়” শব্দগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ৩ ধারাবলে প্রতিস্থাপিত।

১৩ “প্রত্যর্পণযোগ্য সম্পত্তির তালিকায়” শব্দগুলি “অর্পিত সম্পত্তির তালিকায়” শব্দগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ

(দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৩ধারাবলেপ্রতিস্থাপিত।

১৪ "অব্যাহতভাবে" শব্দটিঅর্পিতসম্পত্তিপ্রত্যর্পন (সংশোধন) আইন, ২০১১ (২০১১সনের২৩নংআইন) এর৩ধারাবলেবিলুপ্ত।

১৫ "প্রত্যর্পণযোগ্য" শব্দটি "অর্পিত" শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৪(ক) ধারাবলেপ্রতিস্থাপিত।

১৬ "প্রত্যর্পণযোগ্যসম্পত্তিরতালিকায়অন্তর্ভুক্তিযোগ্যনহেমর্মেবাউক্ততালিকায়অন্তর্ভুক্তকোনসম্পত্তিপ্রত্যর্পণযোগ্য" শব্দগুলি "অর্পিতসম্পত্তিরতালিকায়অন্তর্ভুক্তিযোগ্যনহেমর্মেবাউক্ততালিকায়অন্তর্ভুক্তসম্পত্তিকোনসম্পত্তিঅর্পিত" শব্দগুলিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৪(খ) ধারাবলেপ্রতিস্থাপিত।

১৭ "প্রত্যর্পণযোগ্য" শব্দটি "অর্পিত" শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৫ধারাবলেপ্রতিস্থাপিত।

১৮ধারা৮অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর৩ধারাবলেপ্রতিস্থাপিত।

১৯ "প্রত্যর্পণযোগ্য" শব্দটি "অর্পিত" শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৫ধারাবলেপ্রতিস্থাপিত।

২০ "প্রত্যর্পণযোগ্য" শব্দটি "অর্পিত" শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ক) ধারাবলেপ্রতিস্থাপিত।

২১উপ-ধারা (১) ও (২) অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১সনের২৩নংআইন) এর৪ (খ) ধারাবলেপ্রতিস্থাপিত।

২২ "৩০০ (তিনশত)" সংখ্যা, বন্ধনীওশব্দগুলি "১৫০ (একশতপঞ্চাশ)" সংখ্যা, বন্ধনীওশব্দগুলিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১২ (২০১২সনের২২নংআইন) এর৫ধারাবলেপ্রতিস্থাপিত।

২৩ "ও" শব্দ, বর্ণওচিহ্নঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(খ) ধারাবলেবিলুপ্ত।

২৪ "প্রত্যর্পণযোগ্যসম্পত্তির" শব্দগুলি "অর্পিতসম্পত্তির" শব্দগুলিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(খ) ধারাবলেপ্রতিস্থাপিত।

২৫ "উপজেলাবাথানাবা" শব্দগুলি "মৌজাভিত্তিক" শব্দেরপরঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৩(ক) ধারাবলেসন্নিবেশিত।

২৬ "।" কোলনপ্রান্তস্থিত "।" দাড়িরপরিবর্তেপ্রতিস্থাপিতএবংঅতঃপরশর্তাংশটিঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৩(খ) ধারাবলেসন্নিবেশিত।

২৭উপ-ধারা (১ক) অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর৪ধারাবলেসন্নিবেশিত।

২৮ "প্রত্যর্পণযোগ্য" শব্দটি "অর্পিত" শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩(২০১৩সনের৪৬নংআইন) এর৬(গ) ধারাবলেপ্রতিস্থাপিত।

২৯ "ও (খ)" শব্দ, বর্ণওবন্ধনীঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ঘ) ধারাবলেবিলুপ্ত।

৩০উপ-ধারা (৬) অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১সনের২৩নংআইন) এর৪ (গ) ধারাবলেপ্রতিস্থাপিত।

৩১ “ও খ” শব্দ, বর্ণগুচিহ্নঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ঙ) ধারাবলেবিলুপ্ত।

৩২ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ক) ধারাবলেপ্রতিস্থাপিত।

৩৩ধারারকঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৭ধারাবলেবিলুপ্ত।

৩৪ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ক) ধারাবলেপ্রতিস্থাপিত।

৩৫ধারারখঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৭ধারাবলেবিলুপ্ত।

৩৬ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ক) ধারাবলেপ্রতিস্থাপিত।

৩৭ধারারখঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৭ধারাবলেবিলুপ্ত।

৩৮ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ক) ধারাবলেপ্রতিস্থাপিত।

৩৯ধারারগঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৭ধারাবলেবিলুপ্ত।

৪০ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৬(ক) ধারাবলেপ্রতিস্থাপিত।

৪১ধারারঘঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৭ধারাবলেবিলুপ্ত।

৪২ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৮(ক) ধারাবলেপ্রতিস্থাপিত।

৪৩ “ধারারএরঅধীনগেজেটেপ্রকাশিতকতফসিলভুক্তঅর্পিত” শব্দগুলিওসংখ্যা “প্রত্যর্পণযোগ্য” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৫(খ)(অ) ধারাবলেপ্রতিস্থাপিত।

৪৪ “৩০০(তিনশত)” সংখ্যা, বন্ধনীওশব্দ “১২০ (একশতবিশ)” সংখ্যা, বন্ধনীওশব্দগুলিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৫(খ) (আ) ধারাবলেপ্রতিস্থাপিত।

৪৫উপ-ধারা (১ক) অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১০(ক) ধারাবলেসন্নিবেশিত।

৪৬ “৩১ডিসেম্বর” সংখ্যাওশব্দটি “৩০জুন” সংখ্যাওশব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর৮(খ) ধারাবলেপ্রতিস্থাপিত।

৪৭উপ-ধারা (৭) অর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৫(গ) ধারাবলেপ্রতিস্থাপিত।

৪৮ “এবংতৎসম্পর্কেসুপ্রীমকোর্টকেলিখিতভাবেঅবহিতকরিবে, যাহারএকটিঅনুলিপিসরকারেরনিকটপ্রেরণকরিতেহইবে” শব্দগুলিওকম্মাঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১০(খ) (অ) ধারাবলেবিলুপ্ত।

৪৯ “এবংএইরূপসময়বর্ধিতকরণসম্পর্কেসুপ্রীমকোর্টকেলিখিতভাবেঅবহিতকরিবে, যাহারএকটিঅনুলিপিসরকারেরনিকটপ্রেরণকরিতেহইবে” শব্দগুলিওকম্মাঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১০(খ) (আ) ধারাবলেবিলুপ্ত।

৫০উপ-ধারা (৭ক) অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১০(গ) ধারাবলেসন্নিবেশিত।





৮৮ “ধারা৯কএরউপ-ধারা (১) বাধারা১০(৩)” শব্দগুলি, সংখ্যাগুলিওবন্ধনীগুলি “ধারা১০(৩)” এরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৮(ক)আ) ধারাবলেপ্রতিস্থাপিত।

৮৯ “ধারা৯কএরউপ-ধারা (১) বা” শব্দগুলি, সংখ্যাগুলিওবন্ধনীঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১৬ধারাবলেবিলুপ্ত।

৯০উপ-ধারা (৫) অর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১২ (২০১২সনের৩৯নংআইন) এর৮(খ) ধারাবলেপ্রতিস্থাপিত।

৯১ “এবংতৎসম্পর্কেসুপ্রীমকোর্টকেলিখিতভাবেঅবহিতকরিবে, যাহারএকটিঅনুলিপিসরকারেরনিকটপ্রেরণকরিতেহইবে” শব্দগুলিওকম্মাঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১৪(ক) ধারাবলেবিলুপ্ত।

৯২ “এবংএইরূপসময়বর্ধিতকরণসম্পর্কেসুপ্রীমকোর্টকেলিখিতভাবেঅবহিতকরিবে, যাহারএকটিঅনুলিপিসরকারেরনিকটপ্রেরণকরিতেহইবে” শব্দগুলিওকম্মাঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১৪(খ) ধারাবলেবিলুপ্ত।

৯৩ধারা১৯অর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১৭ধারাবলেপ্রতিস্থাপিত।

৯৪শর্তাংশটিঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১সনের২৩নংআইন) এর৮ (ক) ধারাবলেপ্রতিস্থাপিত।

৯৫ “বাধারা৯গএউল্লিখিতকেন্দ্রীয়কমিটিররায়বাসিদ্ধান্তেরবৈধতাওযথার্থতা” শব্দগুলি, সংখ্যাওঅক্ষরঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১৬(ক) ধারাবলেবিলুপ্ত।

৯৬শর্তাংশটিঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১সনের২৩নংআইন) এর৮ (খ) ধারাবলেপ্রতিস্থাপিত।

৯৭ “বাকেন্দ্রীয়কমিটি” শব্দগুলিঅর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১৬(খ) ধারাবলেবিলুপ্ত।

৯৮ “প্রত্যর্পণযোগ্য” শব্দটি “অর্পিত” শব্দটিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১২ধারাবলেপ্রতিস্থাপিত।

৯৯ধারা২০কঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১৮ধারাবলেবিলুপ্ত।

১০০ধারা২১অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১৮ধারাবলেবিলুপ্ত।

১০১ “ট্রাইব্যুনালওআপীলট্রাইব্যুনালেরকার্যপদ্ধতি” শব্দগুলি “ট্রাইব্যুনাল, আপীলট্রাইব্যুনালওবিশেষআপীলট্রাইব্যুনাল, ইত্যাদিরকার্যপদ্ধতি” শব্দগুলিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১৯(ক) ধারাবলেপ্রতিস্থাপিত।

১০২ধারা২২অর্পিতসম্পত্তিপ্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩সনের২০নংআইন) এর১৯ধারাবলেপ্রতিস্থাপিত।

১০৩ “ট্রাইব্যুনালওআপীলট্রাইব্যুনালেরকার্যপদ্ধতি” শব্দগুলি “ট্রাইব্যুনাল, আপীলট্রাইব্যুনালওবিশেষআপীলট্রাইব্যুনাল, ইত্যাদিরকার্যপদ্ধতি” শব্দগুলিরপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১৯(ক) ধারাবলেপ্রতিস্থাপিত।

১০৪ “ট্রাইব্যুনালওআপীলট্রাইব্যুনাল” শব্দগুলি “ট্রাইব্যুনাল, আপীলট্রাইব্যুনালওবিশেষআপীলট্রাইব্যুনাল” শব্দগুলিওকম্মারপরিবর্তেঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন) এর১৯(গ) ধারাবলেপ্রতিস্থাপিত।

১০৫ “ওবিশেষআপীলট্রাইব্যুনাল” শব্দগুলিঅর্পিতসম্পত্তিপ্রত্যর্পণ (দ্বিতীয়সংশোধন) আইন, ২০১৩ (২০১৩সনের৪৬নংআইন)



ধারাবলেবিলুপ্ত।

১২২ ধারা ৮ ক অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২৪ ধারাবলে সন্নিবেশিত।

১২৩ "এই আইন কার্যকর হওয়ার তারিখ হইতে ১৫০ (একশতপঞ্চাশ) দিনের মধ্যে, এই আইনের" শব্দগুলি, সংখ্যা, কমা ও বন্ধনী "এই আইনের" শব্দগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ২৩ নং আইন) এর ১৪ ধারাবলে প্রতিস্থাপিত।

১২৪ এই আইন কার্যকর হইবার তারিখ হইতে ১৫০ (একশতপঞ্চাশ) দিনের মধ্যে," শব্দগুলি, সংখ্যা, বন্ধনী এবং কমা অর্পিত সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩ সনের ২০ নং আইন) এর ২৩ ধারাবলে বিলুপ্ত।

১২৫ ধারা ৩ ১ অর্পিত সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ২৩ নং আইন) এর ১৫ ধারাবলে প্রতিস্থাপিত।

১২৬ "ট্রাইব্যুনাল ও আপীল ট্রাইব্যুনালের" শব্দগুলি "ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল, বিশেষ আপীল ট্রাইব্যুনাল, জেলা কমিটি, বিভাগীয় কমিটি, কেন্দ্রীয় কমিটির" শব্দগুলি ও কমাগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২৫ ধারাবলে প্রতিস্থাপিত।

১২৭ "ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালের" শব্দগুলি "জেলা কমিটি, বিভাগীয় কমিটি, কেন্দ্রীয় কমিটি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিশেষ আপীল ট্রাইব্যুনালের" শব্দগুলি ও কমাগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২৬(ক) ধারাবলে প্রতিস্থাপিত।

১২৮ "জেলা কমিটি, বিভাগীয় কমিটি, কেন্দ্রীয় কমিটি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিশেষ আপীল ট্রাইব্যুনাল এর" শব্দগুলি ও কমাগুলি "জেলা কমিটি, কেন্দ্রীয় কমিটি, ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে" শব্দগুলি ও কমাগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১৩ (২০১৩ সনের ২০ নং আইন) এর ২৫ ধারাবলে প্রতিস্থাপিত।

১২৯ "ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালে" শব্দগুলি "জেলা কমিটি, বিভাগীয় কমিটি, কেন্দ্রীয় কমিটি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিশেষ আপীল ট্রাইব্যুনাল" শব্দগুলি ও কমাগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২৬(খ) ধারাবলে প্রতিস্থাপিত।

১৩০ "ট্রাইব্যুনাল বা আপীল ট্রাইব্যুনালের" শব্দগুলি "জেলা কমিটি, বিভাগীয় কমিটি, কেন্দ্রীয় কমিটি, ট্রাইব্যুনাল, আপীল ট্রাইব্যুনাল বা বিশেষ আপীল ট্রাইব্যুনালের" শব্দগুলি ও কমাগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (দ্বিতীয় সংশোধন) আইন, ২০১৩ (২০১৩ সনের ৪৬ নং আইন) এর ২৬(গ) ধারাবলে প্রতিস্থাপিত।

১৩১ "প্রজাতন্ত্রের সরকারি হিসাবে" শব্দগুলি "সরকারি তহবিলে" শব্দগুলির পরিবর্তে অর্পিত সম্পত্তি প্রত্যর্পণ (সংশোধন) আইন, ২০১১ (২০১১ সনের ২৩ নং আইন) এর ১৬ ধারাবলে প্রতিস্থাপিত।

## **Annex 5:**

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## **The Study Team**

## MEMBERS OF THE STUDY TEAM

### Team Leader

Abul Barkat, *Ph.D*

### Core Team

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Md. Omar Faruque

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Md. Shahajalal Howlader

Syed Azharul Islam

Md. Abdullah Al Mamun

### Finance Support

Abu Taleb

Md. Arif Miah

### Administrative Support

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Sabed Ali

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