



Legalized Discrimination and Communal Violence: A Structural Analysis of the Persecution of Hindus in Bangladesh (1971–2025)

Dr. Jewan Lal Dhar.

Associate Professor, Department of Political Science, Govt. Moulana Azad Memorial College, Cluster University Jammu, Jammu & Kashmir.

Abstract

Since Bangladesh's independence in 1971, the Hindu minority has experienced systematic discrimination through legal dispossession, communal violence, and political marginalization. Central to this process has been the Vested Property Act, 1974, a direct continuation of Pakistan's Enemy Property Act, 1965, which enabled the state to confiscate property primarily belonging to Hindus by declaring it "vested." Estimates indicate that 1.6–2.6 million acres of Hindu-owned land were expropriated, affecting over a million households and accelerating forced migration, economic decline, and demographic contraction.

This paper places the Act within a broader historical trajectory of persecution, from the Noakhali riots (1946) and post-Partition pogroms to the disproportionate targeting of Hindus during the 1971 Liberation War and recurrent post-independence communal violence. Despite legislative reforms such as the Vested Property Return Act, 2001, restitution has remained limited due to weak implementation and political obstruction. The study argues that the continued legacy of dispossession reveals a structural failure to translate constitutional secularism and minority rights into effective protection, making Hindu marginalization a persistent challenge to Bangladesh's democratic and constitutional order.

Key words: Enemy Property Act, 1965, Vested Property Act, 1974, Postcolonial legal continuity, Hindu marginalization, Land confiscation, Communal violence, Secularism, Minority protection.

Introduction:

The protection of religious minorities is not a matter of political discretion but a binding obligation under international human rights law. States are required to guarantee equality before the law, protection from discrimination, security of property, and effective remedies for rights violations, as affirmed in instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—all of which Bangladesh has endorsed. Yet, the post-independence experience of the Hindu minority in Bangladesh demonstrates a persistent failure to meet these obligations. Since 1971, Hindus have been subjected to systemic discrimination through legalized dispossession, recurrent communal violence, and the denial of effective legal protection, revealing a structural gap between formal commitments and lived realities.

The most explicit manifestation of this failure is the Vested Property Act, 1974, a law that institutionalized collective discrimination by permitting the confiscation of property largely on the basis of religious identity. Rather than dismantling discriminatory legal frameworks inherited from Pakistan, the Bangladeshi state retained and normalized them. The Act was a direct continuation of the Enemy Property Act, 1965, a

wartime ordinance that violated basic principles of due process and non-discrimination by presuming disloyalty on religious grounds. By preserving this framework after independence, Bangladesh transformed an emergency measure into a permanent legal regime that contravened core human rights norms, including Article 17 of the UDHR (right to property), Articles 2 and 26 of the ICCPR (non-discrimination and equal protection), and Article 27 of the ICCPR (minority rights).

The human rights impact of the Vested Property regime has been extensive and enduring. Estimates indicate that 1.6 to 2.6 million acres of land were expropriated under the Enemy and Vested Property laws, affecting approximately 1.2 million Hindu households. This mass confiscation constituted not only an arbitrary deprivation of property but also a violation of the right to livelihood and an adequate standard of living under the ICESCR. The law facilitated widespread abuse by state officials and politically connected local actors, enabling land grabbing, intimidation, and forced displacement with near-total impunity. In many cases, victims were denied access to effective remedies, in violation of Article 2(3) of the ICCPR, which obliges states to ensure judicial and administrative redress for rights violations.

These legal injustices have operated within, and reinforced, a broader historical pattern of anti-Hindu violence in Bengal and Bangladesh. From the Noakhali pogrom of 1946 and post-Partition massacres of the 1950s, to the disproportionate targeting of Hindus during the 1971 Liberation War, and recurring post-independence mob violence, Hindu communities have faced both physical insecurity and structural exclusion. International human rights standards recognize that systematic violence against minorities—particularly when linked to land seizure and displacement—may amount to persecution rather than sporadic disorder. In Bangladesh, communal attacks frequently coincide with land disputes, elections, and political instability, suggesting that violence functions as a mechanism of coercive dispossession rather than isolated religious intolerance.

Although the Bangladeshi state has introduced remedial legislation, notably the Vested Property Return Act, 2001, and subsequent amendments, these measures have failed to provide effective restitution. Delayed implementation, administrative obstruction, political interference, and intimidation of claimants have rendered restitution largely symbolic. From an international law perspective, this amounts to a continuing violation, as the failure to remedy past expropriation perpetuates its effects. Human rights law is clear that states bear an ongoing obligation to cease discriminatory practices, provide restitution or compensation, and guarantee non-repetition.

This study critically examines the Vested Property Act as a case of state-sanctioned discrimination and structural rights violation against a religious minority. It situates the Act within a continuum of communal violence, forced migration, and demographic decline, and argues that the persistence of such legal and administrative practices reflects a deeper crisis of accountability, secularism, and rule of law in Bangladesh. Addressing the legacy of Hindu dispossession is therefore not merely a question of historical reconciliation but a legal and moral imperative grounded in international human rights obligations and essential to the credibility of Bangladesh's constitutional and democratic order.

Research questions:

1. How has the Vested Property Act, 1974 operated as a state-sanctioned mechanism of structural discrimination against the Hindu minority in Bangladesh?
2. In what ways does the continuation of the Enemy Property regime after 1971 constitute a violation of Bangladesh's constitutional guarantees and international human rights obligations, particularly concerning equality, property rights, and effective remedy?
3. What is the relationship between legalized land dispossession and patterns of communal violence, forced migration, and demographic decline among Hindus in Bangladesh?
4. Why has post-2001 restitution measures failed to provide effective justice to dispossessed Hindu communities, despite formal legal reforms?
5. To what extent does the legacy of the Vested Property Act represent a continuing human rights violation, and what legal and institutional reforms are required to ensure non-repetition and accountability?

Review of Literature:

The persecution of Hindus in Bangladesh has evolved around two interrelated strands: legalized discrimination through property regimes **and** patterns of communal violence and socio-economic marginalization. Together, this literature demonstrates that minority persecution in Bangladesh is not episodic but structurally embedded in law, politics, and governance.

Legalized Discrimination and Property Rights

The most influential body of work identifies the **Vested Property Act (VPA), 1974** as the primary legal instrument facilitating discrimination against Hindus. Abul Barkat et al. provide the most comprehensive empirical examination of the Act, documenting how it enabled the confiscation of approximately 2.6 million acres of Hindu-owned land, affecting an estimated 1.2 million households.¹ Their work establishes that the Act functioned less as a neutral administrative law and more as a systematic mechanism of minority dispossession.

Panday situates the VPA within Bangladesh's political economy, arguing that land confiscation was driven by elite interests and enabled through bureaucratic discretion and political patronage.² His analysis highlights how legal ambiguity allowed state officials and local power brokers to exploit Hindu vulnerability with minimal accountability. Legal advocacy organizations such as Bangladesh Legal Aid and Services Trust (BLAST) have further argued that the VPA violated constitutional guarantees of equality and international norms prohibiting arbitrary deprivation of property.³

Dispossession, Demographic Decline, and Migration

Several demographic and rights-based studies link legalized dispossession directly to the long-term decline of the Hindu population. Minority Rights Group International documents the reduction of Hindus from over 22 percent of the population in the mid-twentieth century to less than 9 percent today, attributing this decline to displacement, land loss, and recurring violence.⁴ Barkat's later demographic work estimates that more than eight million Hindus left Bangladesh between 1964 and 2001, describing them as "missing populations" created by structural discrimination.⁵

These studies emphasize that land loss undermined not only economic security but also political participation, access to education, and trust in state institutions, thereby reinforcing cycles of marginalization.

Communal Violence and Historical Continuities:

Historical scholarship situates post-1971 persecution within a longer trajectory of communal violence in Bengal. Batabyal's study of the Noakhali riots demonstrates how communal mobilization, land disputes, and political manipulation converged well before Partition.⁶ Kamra documents sustained pogroms against Hindus in East Bengal between 1946 and 1964, establishing continuity between pre- and post-independence violence.⁷

The Liberation War of 1971 occupies a central place in this literature. Multiple scholars argue that Hindus were disproportionately targeted due to their perceived political and religious identity, contributing to mass displacement and refugee flows into India.⁸ This historical violence laid the foundation for post-independence insecurity.

Post-Independence Violence and Structural Vulnerability

Human rights organizations such as Ain o Salish Kendra (ASK) provide annual documentation of post-independence communal violence, temple attacks, land grabbing, and police inaction.⁹ These reports reveal that violence against Hindus frequently coincides with elections, political instability, and allegations of religious offense, suggesting a pattern rather than isolated incidents.

Recent international assessments, including the 2025 OHCHR Fact-Finding Report, confirm that minority communities—including Hindus—were disproportionately affected during the 2024–25 political crisis, with state authorities often failing to provide effective protection or accountability.¹⁰ Scholars increasingly interpret such violence through the lens of structural violence, where legal discrimination and episodic physical attacks reinforce each other.

Conceptual and Analytical Gaps

While existing literature richly documents historical violence and legal discrimination, notable gaps remain. Few studies systematically apply international human rights law frameworks, particularly the ICCPR's provisions on minority rights and effective remedy. Comparative postcolonial analyses are also limited, as is research on intersectional vulnerability, especially among Dalit Hindus.

Methodology :

This study adopts a qualitative, rights-based approach, combining doctrinal legal analysis, historical-empirical research, and case-study methods to examine the structural persecution of Hindus in Bangladesh from 1971 to 2025. It critically analyzes domestic laws, including the Vested Property Act (1974) and subsequent restitution measures, against constitutional guarantees and international human rights obligations under the UDHR, ICCPR, and ICESCR. Historical and contemporary evidence—including archival records, demographic data, NGO documentation, UN reports, media accounts, and verified case studies of communal violence such as mob lynchings—is used to trace patterns of legalized dispossession, socio-economic marginalization, and recurring violence. By situating episodic attacks within broader systemic structures, the study demonstrates how state-sanctioned legal frameworks and recurring mob violence operate in tandem to perpetuate human rights violations, and identifies gaps in accountability, restitution, and minority protection.

1. The Vested Property Act, 1974- Discrimination against the Hindus:

The Vested Property Act (VPA), 1974 functioned as a state-sanctioned instrument of structural discrimination against the Hindu minority in Bangladesh by legally institutionalizing dispossession, normalizing bureaucratic exclusion, and systematically eroding the economic and social foundations of a religious minority. Though framed in neutral legal language, its origins, implementation, and long-term consequences reveal a deeply discriminatory structure embedded within the post-colonial state.

The VPA was a direct successor to the Enemy Property Act promulgated during Pakistan's military rule in the 1960s, which authorized the confiscation of property belonging to individuals designated as "enemies of the state," a category that overwhelmingly targeted Hindus during periods of Indo-Pak conflict.¹¹ Following Bangladesh's independence in 1971, instead of repealing this discriminatory framework, the government retained and renamed it as the Vested Property Act in 1974.¹² This legal continuity transformed an emergency wartime provision into a permanent peacetime institution, thereby embedding discrimination within the ordinary legal order.

Empirical research conclusively demonstrates that the Act was applied in a grossly asymmetrical manner. Studies led by Abul Barkat show that approximately 1.2–1.6 million acres of land, the vast majority owned by Hindus, were confiscated under the VPA, affecting nearly 40 percent of Hindu households at some point.¹³ This selective enforcement was not accidental but reflected the structural vulnerability of Hindus, who were perceived as politically weak, religiously "other," and administratively expendable.

The VPA vested sweeping discretionary powers in local bureaucrats to declare property "vested," often without transparent procedures, judicial oversight, or adequate notice to owners.¹⁴ Hindu citizens frequently found their land classified as vested despite their continuous residence in Bangladesh, illustrating how citizenship rights were effectively suspended through administrative fiat. Legal remedies were expensive, slow, and largely inaccessible to marginalized minority communities, further entrenching inequality.¹⁵

Once vested, properties were routinely leased or transferred to politically connected individuals, local elites, and ruling-party affiliates.¹⁶ This facilitated a redistributive transfer of wealth from a religious minority to dominant social groups, reinforcing class and communal hierarchies. The Act thus operated not merely as a legal measure but as a mechanism of political economy, linking state power, patronage networks, and communal exclusion.

Although the Vested Property Return Act of 2001 promised restitution, subsequent amendments diluted its effectiveness by introducing procedural hurdles, discretionary delays, and exclusions.¹⁷ As a result, only a small fraction of confiscated properties were returned. The prolonged uncertainty perpetuated economic insecurity, discouraged investment, and reinforced the sense of second-class citizenship among Hindus.¹⁸

In theoretical terms, the VPA exemplifies structural violence, wherein harm is produced not through overt coercion alone but through normalized legal and administrative arrangements.¹⁹ By systematically depriving Hindus of land—an essential source of livelihood, status, and security—the Act contributed to poverty, displacement, and migration, thereby accelerating the demographic decline of the Hindu population in Bangladesh.²⁰

The Vested Property Act, 1974, was not an isolated policy failure but a structural instrument of discrimination, legally encoding communal inequality into the state apparatus. Its legacy underscores how laws that appear neutral can operate as powerful tools of exclusion when embedded in unequal social and political contexts. The Act thus stands as a paradigmatic case of state-sanctioned structural discrimination against a religious minority in Bangladesh.

2. Enemy Property Regime and Human Rights Violations:

The continuation of the Enemy Property regime after Bangladesh's independence—later formalized as the Vested Property Act, 1974—constituted a clear violation of Bangladesh's constitutional guarantees and international human rights obligations. By retaining a legal framework those disproportionately targeted Hindu citizens, the post-1971 state undermined equality, property rights, and access to effective remedy.

First, the regime violated the constitutional principle of equality and non-discrimination. Articles 27 and 28 of the Constitution guarantee equality before law and prohibit discrimination on grounds of religion.²¹ Although facially neutral, the Enemy/Vested Property laws operated in a manner that overwhelmingly affected Hindus, amounting to indirect and structural discrimination. Empirical studies show that the vast majority of confiscated properties belonged to Hindu citizens, revealing a systematic departure from substantive equality.²²

Second, the regime infringed the constitutional right to property under Article 42.²³ Property was often declared “vested” without due process, individualized determination, or compensation, even where owners were lawful citizens residing in Bangladesh. Such arbitrary deprivation fails the test of reasonableness required under constitutional law and amounts to unconstitutional expropriation rather than legitimate regulation.²⁴

Third, the continuation of the regime denied effective constitutional remedy. While Article 44 guarantees access to the High Court for enforcement of fundamental rights, in practice victims faced procedural barriers, bureaucratic non-compliance, and prolonged litigation.²⁵ Even the Vested Property Return Act, 2001 proved largely ineffective due to discretionary delays and restrictive amendments, rendering remedies illusory.²⁶

Finally, the regime breached international human rights obligations. As a State Party to the ICCPR, Bangladesh is bound by Article 26 (equality before law) and Article 2(3) (effective remedy).²⁷ The discriminatory impact of the Enemy Property regime violates these provisions, as recognized by UN human rights jurisprudence on indirect discrimination.²⁸ Moreover, arbitrary confiscation of property contravenes Article 17 of the UDHR, which prohibits deprivation of property without due process.²⁹

In sum, the post-1971 continuation of the Enemy Property regime represents a systemic constitutional and human rights failure, transforming an emergency wartime law into a normalized instrument of structural discrimination against a religious minority.

3. Relationship between Legalized Land Dispossession and Communal Violence, Forced Migration, and Demographic Decline:

Legalized land dispossession—most notably through the Enemy Property regime and the Vested Property Act, 1974—has played a central role in shaping patterns of communal violence, forced migration, and demographic decline among Hindus in Bangladesh. Rather than operating in isolation, legal expropriation functioned as a structural trigger that normalized vulnerability and facilitated recurring cycles of violence and displacement.

First, legalized dispossession created structural insecurity by stripping Hindus of land, the primary source of livelihood, social status, and physical security in rural Bangladesh. Empirical studies show that large-scale confiscation of Hindu-owned land weakened community resilience and increased exposure to coercion by local elites and political actors.³⁰ This economic marginalization made Hindu households particularly susceptible to communal intimidation during periods of political instability.³¹

Second, land laws and communal violence operated in a mutually reinforcing relationship. Episodes of communal violence—often triggered by rumors, elections, or regional conflicts—were frequently followed by the declaration of Hindu properties as “vested,” incentivizing violence as a means of facilitating land grab.³² Conversely, fear of dispossession encouraged pre-emptive migration, with families fleeing to avoid future confiscation.³³ Thus, violence did not merely accompany dispossession; it functioned as a mechanism enabling it.

Third, legalized land seizure directly contributed to forced migration, particularly to India. Studies estimate that millions of Hindus left Bangladesh between 1964 and the early 2000s, with land loss identified as a primary driver rather than religious persecution alone.³⁴ The loss of property made return economically impossible, transforming temporary displacement into permanent migration.³⁵

Finally, these processes cumulatively resulted in demographic decline. The proportion of Hindus in Bangladesh’s population declined from approximately 22 percent in 1951 to less than 8 percent today, reflecting the long-term impact of dispossession-induced migration and insecurity.³⁶ Legalized land expropriation thus functioned as a form of structural violence, producing demographic change without overt population transfer policies.³⁷

To conclude legalized land dispossession in Bangladesh acted as a foundational driver linking communal violence, forced migration, and demographic decline among Hindus. By institutionalizing economic exclusion and normalizing vulnerability, the state created conditions in which violence and migration became rational survival strategies, thereby reshaping the country’s social and demographic landscape.

4. Post-2001 Restitution Measures Failed to Deliver Effective Justice to Dispossessed Hindus:

Despite the enactment of the Vested Property Return Act (VPRA), 2001, post-2001 restitution measures in Bangladesh have largely failed to provide effective justice to dispossessed Hindu communities. This failure stems from structural, administrative, political, and legal constraints that undermined the transformative intent of formal legal reform.

First, the restitution framework suffered from procedural complexity and bureaucratic discretion. Claimants were required to produce decades-old documents, meet restrictive deadlines, and navigate multiple layers of administration; often in the face of missing or destroyed records.³⁸ Local officials retained wide discretionary powers to accept or reject claims, reproducing the same administrative bias that enabled dispossession in the first place.³⁹

Second, political capture and elite resistance obstructed implementation. Much of the vested land had already been transferred to politically connected individuals, local elites, or state agencies.⁴⁰ Returning such land threatened entrenched interests, resulting in deliberate delays, non-enforcement of orders, and administrative inertia. Restitution thus conflicted with existing patronage networks, making compliance politically costly.⁴¹

Third, the narrow temporal and substantive scope of restitution laws excluded large categories of victims. Amendments limited eligibility by cut-off dates and excluded properties vested after certain periods, leaving many dispossessed families without legal standing.⁴² This selective restitution produced partial justice rather than comprehensive redress.

Fourth, the absence of effective judicial enforcement weakened the restitution regime. Although courts occasionally ruled in favor of claimants, implementation depended on the same local bureaucracy implicated in earlier dispossession.⁴³ Lack of monitoring mechanisms, penalties for non-compliance, and independent oversight rendered court decisions ineffective in practice.

Fifth, restitution measures failed to address the broader harms of dispossession, such as loss of livelihood, displacement, and intergenerational impoverishment. The legal framework focused narrowly on title return, offering no compensation, rehabilitation, or guarantees against renewed dispossession, thereby limiting substantive justice.⁴⁴

Finally, persistent communal insecurity discouraged claims. Many Hindu families—having migrated or facing ongoing intimidation—were unable or unwilling to pursue restitution, particularly in rural areas where social and political power remained asymmetrically distributed.⁴⁵

To sum-up, post-2001 restitution failed not because of absence of law, but due to structural continuity between dispossession and restitution regimes. Legal reform without administrative transformation, political will, and protective guarantees resulted in symbolic rather than substantive justice for dispossessed Hindu communities.

5. Vested Property Act as a Continuing Human Rights Violation and the Need for Non-Repetition and Accountability:

The legacy of the Vested Property Act (VPA), 1974 represents a continuing human rights violation, not merely a historical injustice. Although formal repeal and restitution laws were introduced after 2001, the enduring effects of dispossession, ineffective remedies, and institutional inertia continue to violate the rights of Hindu minorities in Bangladesh, particularly concerning equality, property, dignity, and effective remedy.

Under international human rights law, a violation is considered continuing when its effects persist due to state inaction or ineffective remedies.⁴⁶ The failure to fully restore confiscated property, provide compensation, or ensure legal certainty means that dispossession under the VPA remains ongoing in effect, even if the original act occurred decades earlier.⁴⁷ Dispossessed families continue to suffer loss of livelihood, displacement, and legal insecurity, while many properties remain under illegal occupation or state control.

Moreover, the absence of accountability for past confiscations normalizes impunity. This violates Bangladesh's obligations under Article 2(3) and Article 26 of the ICCPR, which require effective remedies and equality before law.⁴⁸ The demographic decline and sustained socio-economic marginalization of Hindus further underscore that the harm produced by the VPA is structural and intergenerational, rather than concluded.⁴⁹

To ensure non-repetition and accountability, reforms must go beyond symbolic repeal and address structural roots of injustice.

First, comprehensive restitution or compensation mechanisms are essential. Where physical return of property is impossible, victims must receive fair compensation consistent with international standards on reparations.⁵⁰

Second, an independent land restitution commission with quasi-judicial powers should be established to adjudicate claims, bypassing compromised local bureaucracies and ensuring time-bound decisions.⁵¹

Third, judicial enforcement and oversight must be strengthened through mandatory compliance mechanisms, penalties for non-implementation, and monitoring by higher courts or human rights institutions.⁵²

Fourth, accountability for past abuses is crucial. Investigations into illegal vesting, fraudulent transfers, and abuse of office should be conducted, with criminal and civil liability imposed where appropriate.⁵³

Finally, guarantees of non-repetition require structural safeguards: digitization of land records, minority-sensitive administrative training, repeal of residual discriminatory provisions, and alignment of domestic law with international human rights norms.⁵⁴

6. Mob Lynching, Religious Persecution, and ICCPR Violations in Bangladesh:

Recent incidents of mob lynching in Bangladesh constitute the most extreme and visible manifestation of the structural vulnerability faced by religious minorities, particularly Hindus.⁵⁵ The December 2025 lynching of Dipu Chandra Das, a Hindu garment worker in Mymensingh, exemplifies how communal prejudice, rumor-based blasphemy accusations, and state inaction converge to produce lethal outcomes.⁵⁶ The victim was attacked by a mob following unverified allegations of religious offence; subsequent investigations reportedly found no credible evidence to support the charge.⁵⁷ The public and collective nature of the killing underscores the persistence of vigilante violence rooted in religious majoritarianism, whereby informal accusations are transformed into instruments of extrajudicial punishment.⁵⁸

From the standpoint of Article 6 of the International Covenant on Civil and Political Rights (ICCPR), such lynchings constitute a grave violation of the right to life.⁵⁹ Article 6 obliges states not only to refrain from arbitrary deprivation of life but also to take positive measures to protect life.⁶⁰ When authorities fail to prevent foreseeable harm, intervene promptly to disperse violent mobs, or ensure effective investigation and prosecution, violence perpetrated by private actors may amount to extrajudicial killing attributable to state responsibility.⁶¹ Recurrent mob violence thus signals a systemic failure to discharge the protective obligations inherent in Article 6.⁶²

The reliance on blasphemy allegations also directly implicates Article 18 of the ICCPR, which guarantees freedom of thought, conscience, and religion.⁶³ Informal, unsubstantiated accusations—often amplified through social and communal networks—create a climate of fear that disproportionately affects religious minorities.⁶⁴ This environment inhibits the free manifestation of religion and belief and suppresses everyday expression, movement, and participation in public life.⁶⁵ Where blasphemy allegations repeatedly lead to violence against a particular community, the resulting repression of religious freedom is structural rather than incidental.⁶⁶

Equally significant is the violation of Article 26 of the ICCPR, which guarantees equality before the law and protection against discrimination.⁶⁷ The repeated targeting of Hindus through mob violence, coupled with inadequate state protection and selective enforcement of criminal law, reveals a pattern of *de facto* discrimination.⁶⁸ When similarly situated individuals are denied equal protection because of their religious identity, the state fails to uphold its obligation to ensure non-discriminatory access to justice and security.⁶⁹

Underlying these violations is a broader failure to comply with Article 2 of the ICCPR, which requires states to respect and ensure Covenant rights and to provide effective remedies for violations.⁷⁰ Persistent delays in police response, failure to prevent mob formation, weak investigations, and limited accountability for perpetrators and complicit officials reflect a lack of due diligence.⁷¹ Such failures foster impunity and may amount to tacit state acquiescence in violence against minorities.⁷²

This incident must be situated within a wider structural context. For Hindu communities already affected by legalized land dispossession under the Vested Property Act, political scapegoating, demographic displacement, and episodic communal attacks, mob lynching represents the most violent endpoint of sustained marginalization.⁷³ International jurisprudence recognizes that repeated violations of Articles 2, 6, 18, and 26—when occurring together and directed against a specific group—may amount to persecution rather than isolated criminal conduct.

The December 2025 lynching therefore reinforces the central argument of this study: persecution of Hindus in Bangladesh operates through a mutually reinforcing combination of legalized discrimination and episodic communal violence, sustained by weak accountability mechanisms. Compliance with the ICCPR requires more than reactive arrests; it demands structural reforms, including effective prevention of mob violence, robust protection of religious minorities, accountability for official inaction, and the provision of effective remedies. Without such measures, mob lynching will continue to function as a recurring instrument of terror within an unequal social and legal order.

Conclusion:

This study has demonstrated that the marginalization of Hindus in Bangladesh is not the product of isolated legal anomalies or episodic communal unrest, but the outcome of a structurally embedded system of discrimination sustained through law, administration, and political practice. The Enemy Property regime and its post-independence successor, the Vested Property Act, 1974, transformed an emergency wartime measure into a permanent legal apparatus of exclusion. Although couched in formally neutral language, the operation of these laws overwhelmingly targeted Hindu citizens, systematically eroding their economic foundations, social security, and substantive citizenship.

The post-1971 retention of this regime constituted a serious constitutional and human rights failure. By undermining equality before the law, property rights, and access to effective remedies, the Bangladeshi state entrenched structural discrimination within its legal order. These violations are not merely historical. The persistence of dispossession, weak restitution mechanisms, and absence of accountability indicate a failure to remedy past wrongs, thereby sustaining a continuing breach of both domestic constitutional guarantees and international obligations under the International Covenant on Civil and Political Rights (ICCPR), particularly Articles 2, 6, 18, and 26.

The analysis further established that legalized land dispossession functioned as a structural catalyst linking communal violence, forced migration, and demographic decline. Loss of land—central to livelihood, status, and security in rural Bangladesh—produced chronic vulnerability among Hindu communities. This vulnerability normalized coercion by local elites and political actors, incentivized violence as a means of facilitating land capture, and encouraged pre-emptive migration as a survival strategy. The resulting demographic decline of Hindus in Bangladesh thus reflects not spontaneous population movement, but the cumulative impact of sustained structural violence operating through law and governance.

Post-2001 restitution measures failed to provide effective justice. Despite formal repeal and restitution legislation, implementation was undermined by bureaucratic discretion, political resistance, narrow eligibility criteria, and weak enforcement. The same administrative structures that enabled dispossession were entrusted with restitution, ensuring continuity rather than rupture. As a result, restitution remained partial, delayed, and inaccessible for most victims, producing symbolic compliance rather than substantive redress. Legal reform without institutional transformation proved insufficient to dismantle entrenched patterns of exclusion.

The contemporary phenomenon of mob lynching represents the most extreme and visible manifestation of this structural order. Incidents such as the December 2025 lynching of Dipu Chandra Das illustrate how historical dispossession, communal stigmatization, and institutional impunity converge into lethal outcomes. From an ICCPR perspective, such violence constitutes grave violations of the right to life (Article 6), freedom of religion (Article 18), equality before the law (Article 26), and the right to effective remedy (Article 2). Recurrent failures to prevent mob violence, investigate crimes, and ensure accountability signal not isolated lapses, but systemic deficiencies amounting to tacit state acquiescence.

Taken together, the findings establish that the legacy of the Vested Property Act constitutes a continuing human rights violation. The harm persists through unresolved dispossession, intergenerational impoverishment, demographic marginalization, and recurring violence. International human rights jurisprudence recognizes that where discriminatory laws, denial of remedies, and repeated violence operate cumulatively against a targeted group, the resulting condition may amount to persecution rather than sporadic illegality.

Ensuring compliance with constitutional and international obligations therefore requires a shift from formal repeal to structural accountability. Effective remedies must include comprehensive restitution or compensation, independent adjudicatory mechanisms insulated from local power structures, robust enforcement of judicial decisions, and accountability for past abuses. Equally important are guarantees of non-repetition through administrative reform, protection of minorities, and alignment of domestic law with international human rights standards.

Beyond the specific context of Bangladesh, this study underscores a broader normative lesson: law itself can function as an instrument of persecution when embedded in unequal political and social contexts. The experience of Hindus in Bangladesh demonstrates how legalized discrimination, when left unaddressed, evolves into normalized violence. Addressing this reality is not only a matter of minority protection, but a test of constitutionalism, the rule of law, and the credibility of the international human rights framework.

References:

1. Abul Barkat et al., *Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act* (Dhaka: PRIP Trust, 2000), 45–78.
2. Pranab Kumar Panday, “Politics of Land Grabbing: The Vested Property Act and the Exploitation of Hindu Communities in Bangladesh,” *International Journal on Minority and Group Rights* 23, no. 3 (2016): 382–401.
3. Bangladesh Legal Aid and Services Trust (BLAST), *Human Rights Implications of the Vested Property Act* (Dhaka: BLAST, 2013).
4. Minority Rights Group International, *State of the World’s Minorities and Indigenous Peoples 2018* (London: MRG, 2018), 142–146.
5. Abul Barkat, *Political Economy of Unpeopling of Indigenous Peoples: The Case of Bangladesh* (Dhaka: Pathak Samabesh, 2011), 112–135.
6. Rakesh Batabyal, *Communalism in Bengal: From Famine to Noakhali, 1943–47* (New Delhi: Sage Publications, 2005), 260–289.
7. A. J. Kamra, *The Prolonged Partition and Its Pogroms: Violence Against Hindus in East Bengal 1946–1964* (New Delhi: Voice of India, 2000), 52–78.
8. Nisid Hajari, *Midnight’s Furies: The Deadly Legacy of India’s Partition* (New York: Houghton Mifflin Harcourt, 2015), 54–60.
9. Ain o Salish Kendra (ASK), *Human Rights in Bangladesh: Annual Report 2016–2024* (Dhaka: ASK).
10. Office of the United Nations High Commissioner for Human Rights (OHCHR), *Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh* (Geneva: United Nations, 2025).
11. Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (Dhaka: University Press Limited, 1980), 145–47.
12. Government of Bangladesh, *The Vested and Non-Resident Property (Administration) Act, 1974* (Dhaka: Bangladesh Government Press, 1974).
13. Abul Barkat et al., *Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act* (Dhaka: Pathak Samabesh, 2008), 37–52.
14. Abul Barkat and Prosanta Kumar Chakraborty, *Political Economy of Vested Property Act in Bangladesh* (Dhaka: HDRC, 2003), 21–28.
15. Minority Rights Group International, *Bangladesh: Hindus* (London: MRGI, various years).
16. Barkat et al., *Deprivation of Hindu Minority*, 89–101.
17. Government of Bangladesh, *Vested Property Return Act, 2001 (Act No. 16 of 2001)*.
18. United States Department of State, *International Religious Freedom Report: Bangladesh* (Washington, DC: U.S. Department of State, various years).
19. Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 170–72.
20. Abul Barkat, “Political Economy of Deprivation of Hindu Minority in Bangladesh,” *Journal of Bangladesh Studies* 6, no. 1 (2004): 10–14.
21. Government of Bangladesh, *The Constitution of the People’s Republic of Bangladesh* (Dhaka: Bangladesh Government Press, 1972), arts. 27–28.

22. Abul Barkat et al., *Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act* (Dhaka: Pathak Samabesh, 2008), 37–52.
23. Constitution of Bangladesh, art. 42.
24. Barkat and Prosanta Kumar Chakraborty, *Political Economy of Vested Property Act in Bangladesh* (Dhaka: HDRC, 2003), 21–28.
25. Constitution of Bangladesh, art. 44.
26. Government of Bangladesh, *Vested Property Return Act, 2001 (Act No. 16 of 2001)*.
27. United Nations, *International Covenant on Civil and Political Rights*, 1966, arts. 2(3), 26.
28. UN Human Rights Committee, *General Comment No. 18: Non-Discrimination* (1989).
29. United Nations, *Universal Declaration of Human Rights*, 1948, art. 17.
30. Abul Barkat et al., *Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act* (Dhaka: Pathak Samabesh, 2008), 61–78.
31. Minority Rights Group International, *Bangladesh: Hindus* (London: MRGI, various years).
32. Barkat and Prosanta Kumar Chakraborty, *Political Economy of Vested Property Act in Bangladesh* (Dhaka: HDRC, 2003), 45–52.
33. Abul Barkat, “Political Economy of Deprivation of Hindu Minority in Bangladesh,” *Journal of Bangladesh Studies* 6, no. 1 (2004): 8–12.
34. Barkat et al., *Deprivation of Hindu Minority*, 101–115.
35. United States Department of State, *International Religious Freedom Report: Bangladesh* (Washington, DC: U.S. Department of State, various years).
36. Government of Bangladesh, *Population Census Reports*; Barkat et al., *Deprivation of Hindu Minority*, 129–135.
37. Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 170–72.
38. Abul Barkat et al., *Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act* (Dhaka: Pathak Samabesh, 2008), 149–162.
39. Barkat and Prosanta Kumar Chakraborty, *Political Economy of Vested Property Act in Bangladesh* (Dhaka: HDRC, 2003), 73–81.
40. Minority Rights Group International, *Bangladesh: Hindus* (London: MRGI, various years).
41. Abul Barkat, “Political Economy of Deprivation of Hindu Minority in Bangladesh,” *Journal of Bangladesh Studies* 6, no. 1 (2004): 12–15.
42. Government of Bangladesh, *Vested Property Return (Amendment) Act, 2011*.
43. United States Department of State, *International Religious Freedom Report: Bangladesh* (Washington, DC: U.S. Department of State, various years).
44. UN Human Rights Committee, *General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties* (2004).
45. Minority Rights Group International, *Bangladesh: Hindus*.
46. UN Human Rights Committee, *General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties* (2004).
47. Abul Barkat et al., *Deprivation of Hindu Minority in Bangladesh: Living with the Vested Property Act* (Dhaka: Pathak Samabesh, 2008), 163–175.
48. United Nations, *International Covenant on Civil and Political Rights*, 1966, arts. 2(3), 26.
49. Abul Barkat, “Political Economy of Deprivation of Hindu Minority in Bangladesh,” *Journal of Bangladesh Studies* 6, no. 1 (2004): 13–16.
50. United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation* (2005).
51. Minority Rights Group International, *Bangladesh: Hindus* (London: MRGI, various years).
52. Constitution of Bangladesh, arts. 44, 102.
53. Barkat and Prosanta Kumar Chakraborty, *Political Economy of Vested Property Act in Bangladesh* (Dhaka: HDRC, 2003), 82–90.
54. UN Special Rapporteur on Minority Issues, *Reports on Non-Repetition and Institutional Reform*, various years.
55. “Hindu Garment Worker Lynched in Mymensingh over Blasphemy Rumour,” *The Daily Star* (Dhaka), December 2025; Ain o Salish Kendra (ASK), *Human Rights Situation Report 2025* (Dhaka: ASK, 2026).
56. Bangladesh Police, Mymensingh District, “Preliminary Investigation Report on the Death of Dipu Chandra Das,” December 2025; ASK, *Human Rights Situation Report 2025*.

57. Christophe Jaffrelot, “Vigilantism and Majoritarian Violence in South Asia,” *Journal of Democracy* 31, no. 2 (2020): 90–104.
58. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, 999 U.N.T.S. 171, art. 6.
59. UN Human Rights Committee, *General Comment No. 36: Article 6 (Right to Life)*, UN Doc. CCPR/C/GC/36 (2018), paras. 7, 21–23.
60. Velásquez Rodríguez v. Honduras, Inter-American Court of Human Rights, Judgment of July 29, 1988, Series C No. 4, paras. 172–176.
61. UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, *State Responsibility for Mob Violence*, UN Doc. A/HRC/44/38 (2020).
62. ICCPR, art. 18.
63. UN Human Rights Committee, *General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, UN Doc. CCPR/C/21/Rev.1/Add.4 (1993), paras. 2–4.
64. UN Special Rapporteur on Freedom of Religion or Belief, *Collective Punishment and Mob Violence Related to Blasphemy Allegations*, UN Doc. A/HRC/46/30 (2021).
65. ICCPR, art. 26.
66. UN Human Rights Committee, *General Comment No. 18: Non-Discrimination*, UN Doc. HRI/GEN/1/Rev.1 (1989), paras. 7–10.
67. Minority Rights Group International, *Bangladesh: Minorities under Pressure* (London: MRG, 2024).
68. ICCPR, art. 2(1)–(3).
69. UN Human Rights Committee, *General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), paras. 8, 15–18.
70. UN Office of the High Commissioner for Human Rights, *Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)* (New York: United Nations, 2017).
71. Abul Barkat et al., *Deprivation of Hindu Minorities in Bangladesh: Living with the Vested Property Act* (Dhaka: Pathak Samabesh, 2008).
72. Prosecutor v. Kupreškić et al., ICTY Trial Chamber, Judgment of January 14, 2000, para. 621.
73. Amnesty International, *Bangladesh: Ending Impunity for Communal and Mob Violence* (London: Amnesty International, 2023).

