

AN APPEAL TO BEGUM KHALEDA ZIA MP. HONOURABLE PRIME MINISTER, PEOPLE'S REPUBLIC OF BANGLADESH

FOR RELEASE OF THE CHURCH PROPERTY OF THE UNITED BAPTIST CHURCH TRUST ASSOCIATION AT BADURTALA, COMILLA TOWN

Your Excellency:

Following our appeal published in the daily newspaper "Prothom Alo" on 8 April 2004, Your Excellency had graciously directed the concerned authorities to take appropriate steps for the release of the Church property owned by The United Baptist Church Trust Association at Dharmasagar Par, Badurtala, Comilla Town since the time of British India. Your immediate kind intervention in this regard to release the property was reported on 9 April 2004 in the "Prothom Alo" and "Jugantar".

The abovementioned property of The United Baptist Church Trust Association was earlier requisitioned by the Deputy Commissioner, Comilla in 1965. The Association successfully challenged the legality of such requisition in the High Court Division of the Hon'ble Supreme Court of Bangladesh, whereupon the High Court Division declared the requisition to be without lawful authority holding amongst others that properties belonging to religious institutions are not liable to requisition under the law. The Government preferred a petition for Leave to Appeal in the Appellate Division of the Hon'ble Supreme Court of Bangladesh, which dismissed the Civil Petition for Leave to Appeal Nos. 533 and 462 of 2000 filed by the Government upholding the verdict of the High Court Division in favour of the Trust Association in its judgement dated 10 April 2002, the Appellate Division of the Supreme Court of Bangladesh held that "the property is being admittedly used by The Baptist Church Trust Association for the various purposes of religious activities and the same is essentially required for religious training, Bible teaching camp, religious seminars, religious conferences, staff and student accommodation so as to enable the Church to make full expression of its faith and discipline. We are of the view that the property is not liable to be requisitioned under the provision to Section 3 of the Emergency Requisition of Property Act, 1948, and accordingly we do not have any cogent to interfere with the impugned order.

Since the purpose of the requisition proceeding was illegal and initially the requisition was contrary to the provision of law, the submission of the learned Additional Attorney General that once the property is requisitioned it could be used for another public purpose has no substance..."

It was our earnest hope and expectation that the concerned authorities, particularly the Deputy Commissioner, Comilla, would act in aid of the Honourable Supreme Court in fulfillment of their solemn duty as enshrined in Article 112 of the Constitution, and take necessary steps at the earliest to comply with the judgement so that

the property was released and handed over to the Association, but the Deputy Commissioner, Comilla did not take any steps whatsoever in this regard. Our earlier appeal to your Excellency was made in the wake of the Deputy Commissioner's failure to perform his duty. At the time, we felt deeply obliged when Your Excellency responded to our appeal and directed the Deputy Commissioner, Comilla, to release and return the property forthwith. Such prompt action on your part not only bore ample testimony of your respect for the Rule of Law and its equal application, irrespective of cast, creed and religion, but also reinforced your various public statements that Bangladesh represented a model of communal harmony.

However, to our utter disappointment, the property has not yet been released and returned to the Church Trust Association, and the Deputy Commissioner of Comilla continues to flout not only the order of the Hon'ble Supreme Court but also the directive issued by the Head of the Government. On the contrary, at the behest of influential local politicians, the "Comilla Mohila College" has been forcibly established on the Church property in violation of all Rules and Regulations and by directly attacking the sentiments of the Christian community as a whole. Shockingly, the Deputy Commissioner, Comilla, the very same person who was enjoined by the orders of both the Supreme Court and Your Excellency to return the property, now sits as the Chairman of the Governing Committee of the said college in contemptuous disregard of such orders.

In this regard, we note from newspaper reports the proceedings of a meeting of Your Excellency with the Divisional Commissioners and Deputy Commissioners of all the Divisions and Districts of Bangladesh held on 2 April 2006 where, in the presence of the Cabinet and Establishment Secretaries, you directed all concerned to serve the people without fear or compulsion when the Deputy Commissioners vented their frustration stating that they were unable to perform their duties independently as servants of the Republic due to the unwarranted interference of influential local politicians. We apprehend that our case has also become hostage to the machinations of the such coterie. We wonder whether our Church property would have suffered a similar fate had it belonged to a Madrassah, a Mosque or a Waqf? We certainly do not think so.

The establishment of the Comilla Mohila College on the property belonging to a Christian Church Trust in the manner above only shows the arrogant and wanton disregard of its founders to the sentiments and rights of the minority Christian community of Bangladesh. It seems as though that Article 28(1) of the Constitution,

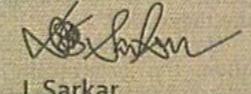
which protects citizens against discrimination on grounds of, amongst others, religion, bears no meaning to them. We do not want to believe that we live in a country where there is no Rule of Law and where the minority communities, particularly Christians, have no freedom to practice and pursue their own religion and religious rights in their own places of worship namely the Church. We do not want to believe that we live in a country where public official can openly flout and defy the orders of the highest Executive and Judicial Authorities of the country. Can't we Christians, who have always upheld the sovereignty of Bangladesh and have made supreme sacrifices in the cause of her independence, expect protection of law and the government for preservation and enjoyment of the properties of our Church itself equally as the Muslim community enjoys theirs! After all, our Church and its properties are as valuable and sacred to us as the Mosque, Madrassah, Waqf and their properties are to the Muslims. We would like to be treated at par with our Muslim brothers in respect of rights and religion as, after all, no discrimination is permitted by the constitution. Similarly, we also want the judgment of the Hon'ble Supreme Court to be respected and enforced by every one, as is required by the constitution.

It is in such context, with hearts now filled as much with trepidation as with hope, that we renew our earlier appeal to you, and pray that Your Excellency would issue a decisive order, to save the image of our beloved country, to the concerned authorities, particularly the Deputy Commissioner, Comilla, immediately to take steps to release and return the property immediately to The United Baptist Church Trust Association so that our hope and confidence in the future of our country is restored.

Let us not forget, any failure to restore to our Church property to us despite the Hon'ble Supreme Court judgement will lead all to an irresistible conclusion that religious minorities such as Christians are not only discriminated but are also not safe and secure in Bangladesh when it comes to their properties and religious practice.

In anticipation, we remain

Obediently yours,


L. Sarkar
General Secretary
The United Baptist Church Trust Association

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