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From Phantom Paper to Unyielding Power: How Asset Tracing and Executive Muscle Can Transform Decree Execution in Bangladesh

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For more than a century, civil litigation in Bangladesh harboured a cruel paradox; the moment of ultimate victory was often the exact moment a plaintiff's true nightmare began. A decree-holder would emerge from years of gruelling trial court combat holding a magnificently drafted judgment, sealed with the crest of the court—only to discover they possessed nothing more than a phantom prize. It was a framed piece of parchment, legal victory in name, but hollow in substance.

The traditional execution proceeding was where substantive rights were quietly starved to death. Dishonest judgment-debtors treated civil court decrees with calculated indifference. They operated in the shadows, systematically stripping their balance sheets, shifting real estate into the names of trusted proxies, funnelling liquid capital through complex webbed accounts, and taking refuge behind procedural labyrinths. While the decree-holder weathered endless adjournments and watched their legal fees compound, the judgment-debtor enjoyed the fruits of non-compliance. Winning the lawsuit was merely an invitation to step into a secondary, far more exhausting arena of evasion.

That era of systemic helplessness can be said to be over. A fundamental structural transformation has swept through Bangladeshi civil jurisprudence. The execution framework has been radically re-engineered, converting passive judicial observation into an aggressive, state-backed asset recovery

process. Modern civil practice no longer begs a debtor to pay; it hunts down their wealth using a sophisticated toolkit of executive mobilisation, regulatory asset tracing, and coercive personal liability.

The Executive Strike Force: Commanding the Power of the State

The most visible and immediate shift in modern execution is the direct integration of executive muscle into civil court orders. The historical absurdity of dispatching a solitary, unarmed court peon to enforce a vacant possession order against aggressive land-grabbers or recalcitrant corporate entities has been entirely discarded.

Direct Command Over Law Enforcement: Civil courts now hold explicit authority to bypass administrative middlemen and issue direct, binding commands to executive authorities, including district police forces and local administrative magistrates. When an order for physical possession or asset seizure is issued, law enforcement is not merely invited to assist—they are legally mandated to deploy the requisite physical force to execute the court's command.

Continuous Suit Lifecycle: The bureaucratic wall that historically separated the main trial from execution has been dismantled. Courts can now enforce judgment remedies seamlessly within the primary suit record itself. The debtor is deprived of the months or years they once used to hide assets while a secondary execution file was being established.

State-Underwritten Personal Detention: The financial shield that once protected judgment-debtors from civil prison has been inverted. In money decrees, creditors no longer bear the out-of-pocket burden of paying monthly "subsistence allowances" to keep a defaulting debtor in civil detention. The state now underwrites these expenses entirely, removing the financial friction for the creditor while placing an immediate, unyielding clock on the debtor's personal freedom.

The Art of Forensic Asset Tracing: Unmasking Hidden Wealth

Because execution mechanisms now operate with speed and teeth, modern legal strategy centers on aggressive forensic asset tracing. Modern jurisprudence recognizes that a debtor's balance sheet is rarely contained in their immediate possession; it is scattered across public registries, banking networks, and regulatory filings.

Courts now routinely exercise their expansive authority to transform state regulatory organs into active investigative units on behalf of the decree-holder:

The Tax and Revenue Audit Vector: Upon petition, the executing court can command national revenue authorities to produce the debtor's historical income tax filings, wealth statements, and declared corporate assets. This exposes the immediate contrast between what the debtor claimed to own when filing taxes and what they claim to lack when facing execution. Any discrepancy instantly creates severe legal jeopardy.

Piercing the Banking Network: Directives can be dispatched across the central banking network and financial clearinghouses to audit, freeze, and expose every account associated with the debtor. This includes sweeping for undisclosed personal accounts, corporate credit lines, money market instruments, fixed deposits, and registered proxy accounts linked to immediate family members or business associates.

Unravelling Corporate Shells: Through binding directives issued to corporate registries, the court can map the debtor's entire corporate ecosystem. Litigators can uncover hidden equity holdings, beneficial ownership structures in parent-subsidiary networks, pledge records, dividend receivables, and recent fraudulent transfers of shares designed to dilute personal holdings.

Real Estate and Proxy Registry Seizures: Local land registries, municipal mapping authorities, and power-of-attorney archives can be commanded to disclose all property titles, land conveyances, and commercial leases registered under the debtor's name or known corporate proxies.

Compelled Judicial Examination: Converting Financial Non-Compliance into Penal Vulnerability

While executive assistance and forensic tracing address physical and financial assets, modern execution jurisprudence provides an equally decisive mechanism aimed directly at the judgment-debtor's individual accountability: compelled oral examination under oath.

Upon application by the decree-holder, the court possesses the statutory mandate to summon the judgment-debtor—or key corporate officers, such as managing directors and chief financial executives, where the debtor is a legal entity—to physically appear in court. The court requires them to undergo oral examination regarding their financial means and submit a comprehensive, sworn affidavit accounting for all personal and corporate assets.

This procedural mechanism creates a clear legal divide for the judgment-debtor:

Statutory Obligation of Full Disclosure: Once placed under oath in open court, the debtor is legally bound to provide a truthful, exhaustive accounting of their global assets, incoming receivables, and financial holdings. A full and honest declaration provides the court and creditor with the precise information needed to attach assets immediately through executive channels.

The Inherent Criminal Consequences of Misrepresentation: Should a debtor attempt to conceal assets, present altered financial ledgers, or make false statements during oral testimony or within a sworn affidavit, the proceeding fundamentally shifts. Giving false evidence under oath or submitting fraudulent declarations transitions the matter out of ordinary civil enforcement and directly into the scope of criminal liability under penal law.

Elevated Personal Risk Profile: Making deliberate misrepresentations under judicial oath exposes corporate directors and individual debtors to statutory penal sanctions, including criminal prosecution for providing false evidence, which carries potential imprisonment. Consequently, persistent financial non-compliance evolves from a commercial dispute into an immediate threat to personal liberty.

The modernisation of the civil execution framework within Bangladesh necessitates a strategic recalibration of commercial dispute management for both creditors and corporate debtors.

It is advisable for creditors to initiate applications for sworn asset disclosures and formal oral examinations at the inception of enforcement proceedings. Establishing a comprehensive judicial record of the debtor's declared assets under oath provides a baseline reference to facilitate subsequent recovery mechanisms. Furthermore, enforcement efficacy is optimized when judicial examinations are conducted in conjunction with independent administrative discovery. Concurrently seeking judicial directives addressed to revenue authorities, central banking networks, and corporate registries ensures that sworn disclosures can be verified against statutory state records in real time. Conversely, for corporate entities defending civil claims, reliance on historical systemic execution delays no longer constitutes a viable risk mitigation strategy. In light of the enhanced efficiency of direct executive assistance, automated registry disclosures, and the significant personal liabilities associated with fraudulent financial declarations, defence counsel should advise clients to evaluate amicable settlement options at an earlier stage of the dispute lifecycle.

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