



— In conversation with —

Barrister Omar H. Khan

Managing Partner and
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Interviewed by:
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Barrister Omar H. Khan is the Managing Partner and Head of Chambers of **Legal Counsel** and an Advocate of the Supreme Court of Bangladesh. Called to the Bar from Lincoln's Inn, he has over two decades of experience in corporate and commercial law, foreign direct investment, employment and real estate. He writes the "Your Advocate" column in The Daily Star and is the author of Legal Stories of Life.

1. Which laws govern real estate development in Bangladesh?

The key law is the Real Estate Development and Management Act, 2010, which regulates developers and protects landowners and buyers. Building approval is governed by the Building Construction Act, 1952 and the building rules made under it, and in Dhaka by RAJUK and its Detailed Area Plan. Housing projects on larger areas of land also need approval under the rules on private residential land development, and the Apartment Ownership Act, 2008 deals with the management of apartment buildings after completion.

2. What should a landowner check before signing with a developer?

First, the developer must be registered under the 2010 Act, and its record of past projects should be checked. Second, the agreement should be clear on the sharing ratio of flats, any signing money, the completion date, compensation for delay and what happens if the project is abandoned. The development agreement and the power of attorney given to the developer should both be registered. Under the Power of Attorney Act, 2012, a power of attorney to deal with immovable property must be registered, and it should be limited to what the project actually needs.

3. How are apartment buyers protected?

The 2010 Act requires developers to build according to the approved plan, to hand over flats on the agreed date and to register each flat, with its proportionate share of land, in the buyer's name. A developer cannot sell more flats than the approved plan allows or change the design without consent. Failure can lead to fines, compensation and refunds. Buyers should still check the land title, the approved plan and the allotment agreement, and make payments through the bank.

4. What are the main legal concerns in land development projects?

Filling in rivers, canals, ponds, wetlands, parks and playgrounds is restricted by law, including the natural water bodies conservation law of 2000. Larger projects need environmental clearance under the Bangladesh Environment Conservation Act, 1995. Developers who buy up many small plots must also verify each owner's title and mutation, because one weak title can delay the whole project.

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FOUNDATION OF EVERY
GOOD BUILDING**

5. What happens once a building is handed over?

Under the Apartment Ownership Act, 2008, flat owners form an owners' association to manage the common areas, such as the roof, stairs, lifts and parking, and to collect service charges. The developer should hand over the approved plans, completion documents and utility connections. Each owner should then complete registration and mutation of his or her share.

6. What is your advice for landowners, buyers and investors?

The sector is moving towards digital records, with online mutation, online land tax and e-registration. This is making information easier to check. My advice is simple: verify the title, read every agreement carefully, register every document that the law requires, and take legal advice at the start of a project rather than at the end. Good paperwork is the foundation of every good building.