



IN CONVERSATION WITH

Barrister Miti Sanjana

Partner, Legal Counsel



Interviewed by:
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Barrister Miti Sanjana is a founding Partner of **Legal Counsel** and an Advocate of the Supreme Court of Bangladesh. Called to the Bar from Lincoln's Inn, she practises in property, family, company and labour law. Through her "Pathoker Ukil" column in the Daily Prothom Alo and thousands of television programmes, she has answered thousands of questions from ordinary people about land, inheritance, heba and mutation.

1. Why is land law in Bangladesh so complex?

Because there is no single land law. Ownership and the record of rights come from the State Acquisition and Tenancy Act, 1950, transfers from the Transfer of Property Act, 1882, and deeds from the Registration Act, 1908, while inheritance depends on each person's religion. Over all of this lie the CS, SA, RS and BS survey records, the Land Development Tax Act, 2023 and the Land Crime Prevention and Remedy Act, 2023. These layers often do not match. A family's land may stand in one name in the CS khatian, another in the SA and a third in the RS, while possession and the registered deeds show something else again. Every gap becomes a dispute, and in a densely populated country with rising land prices, those disputes multiply. Yet most of them begin with something ordinary: a record never updated, a share never partitioned, a deed signed without being checked.

2. What is mutation and why is it so important?

Mutation is a very important process to establish ownership over any land in Bangladesh. When a person acquires ownership of an immovable property, i.e. land by purchase, gift, exchange or any other way, he needs to complete the mutation process as prescribed by law. It is not possible to transfer a piece of land if the present owner's name is not on the latest Khatian (Record of Rights). Mutation is done by updating the record through inserting the name of present owner instead of the former owner. As per the law of the land without mutation a land will not be transferable. Mutation is a process by which the current owner's name is recorded in the Khatian, who has become the owner by way of registered transfer or inheritance by way of kabala/sell, gift, exchange, will, waqf, inheritance or by the Govt. The Parliament has amended the Registration Act, 1908 and the Transfer of Property Act, 1882 in 2004 with effect from July 1, 2005. As per the Registration Act Section 52A, Registering Officer cannot register a transfer, unless certain particulars are included in an instrument of transfer. These include the latest khatian of the property in the name of the seller even if he is owner of the property by inheritance. Latest Khatian of the property prepared under the State Acquisition and Tenancy Act, 1950, in the name of his predecessor, if he is owner of the property by inheritance will not be sufficient to transfer the property as per the recent amendments of 2026. Assistant Commissioner (AC) (Land) is the authority where an owner of a land can apply to mutate his/her name in the government record. If a property is leasehold, still the mutation with (AC) (Land) is required to update record maintained at that government agency along with the mutation permission from e.g. RAJUK, National Housing Authority, Ministry of Housing and Public Works etc.

3. What is the process of Mutation in Bangladesh?

To mutate a piece of land, the owner or his nominated representative can apply to the AC (Land) in a government's prescribed form and fees prescribed by the Government along with the required documents. In the application form the applicant must clearly mention the full name and address of the applicant and the transferor, schedule of the land with boundary, size, nature and, registered deed number and date of such registration. Moreover, the applicant shall submit the copy of title deed, bia deed, copy of all the Khatians (C.S., S.A., R.S.), Dhaka City Jorip Khatian if the land is located in Dhaka or B.S. Khatian if the land is located outside Dhaka, receipt of payment of land development tax, City Corporation tax payment receipt if applicable, copy of the order obtained from competent court (if any), relevant permissions from the Lessor in case of leasehold property, passport size photograph of the applicant etc. with the application. Theoretically, it takes 60 days to complete the whole process of mutation in metropolitan area and 45 days for any other area. But practically it may take some more time. If any person is not aggrieved with the decision of the mutation case, he can file an appeal to the collector and the appeal can go to the Commissioner of the Division. Mutation is essential to create the proprietary rights over the land for the purpose of payment of rent in the name of the current owner to avoid any future complicity in terms of peaceful possession and enjoyment of that land.

4. What are the main problems women face over property?

The law gives women clear rights that are often not respected in practice. Under Muslim law a daughter takes half a son's share, a wife one-eighth where there are children, and the mother has a fixed share too. Yet daughters and sisters are still pressured into signing away their shares, sometimes without reading the document, or are simply left out of the heirs' mutation. Under Hindu law in Bangladesh a widow generally takes only a limited right to possess a piece of land with certain conditions, and reform has been discussed for many years. Requiring all heirs to be mutated together helps, because it is harder to leave a sister out of the record. I would urge families to execute amicable partition by registered deed rather than informal arrangement, and women never to sign a no-claim document or a power of attorney without independent advice.

**MOST LAND DISPUTES CAN
BE AVOIDED**

5. What should a buyer check before buying land?

Due diligence costs far less than litigation. Check the seller's name in all the survey khatians and the latest mutation khatian. Take certified copies of the title deeds and trace ownership back at least twenty-five years, which the deed itself must now show. Search the sub-registry for any earlier sale, mortgage, gift or power of attorney. Confirm land development tax is paid, visit the property and ask who is actually in possession, and check for pending cases. For apartments, examine the land-owner and developer agreement, the approved plan and the developer's power of attorney. The Land Crime Prevention and Remedy Act, 2023 has made land forgery and unlawful occupation criminal offences, but criminal remedies come after the harm is done. Checks before buying are what protect the buyer.

6. What should families do differently after the 2026 amendments?

Plan early and plan openly. Bring the records up to date, partition inherited land by registered deed, and discuss the options, heba, a Section 122A gift or a will, with the whole family and a lawyer. Parents now have a real answer to the question I have been asked for years: if I give my house to my son, can he put me out? But they should also understand that the gift is irrevocable once registered, except by mutual consent or with the District Judge's permission. A little planning now spares a family years of dispute later.