



Legal Counsel

BARRISTERS-ADVOCATES-LEGAL CONSULTANTS

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NEWS BULLETIN



EDITORIAL

We are pleased to present the twenty-ninth issue of The Legal Counsel News Bulletin, focusing on the fundamental principles of land and property law in Bangladesh. This issue provides a practical overview of land ownership, title and records, sale and transfer, registration, inheritance, mutation and leases, as well as remedies relating to fraud and unlawful occupation. Our aim is to provide readers with a clear and practical understanding of these key aspects and their relevance to property transactions and ownership. We hope this overview will assist readers in understanding the applicable legal requirements and taking appropriate steps to protect their interests in land and property matters.

ON A SERIOUS NOTE:

Client: "How do I know where my land ends?"

Lawyer: "When your neighbor says it does."



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Understanding Property and Land Law in Bangladesh

Land is the most valuable asset most families in Bangladesh will ever own. It provides a home, an income and security for the next generation. Yet land is also the largest single source of civil disputes in our courts. Many of these disputes arise not from bad faith but from a lack of basic knowledge about how land is owned, recorded and transferred. This article explains the main principles in simple terms.

Lack of one single piece of legislation

Bangladesh does not have one single legislation for land. Instead, several laws work together. The State Acquisition and Tenancy Act, 1950 governs ownership and the record of rights. The Transfer of Property Act, 1882 sets the rules for transfer i.e. sale, mortgage, lease and gift. The Registration Act, 1908 requires that all transfer has to be made by registered deed. Inheritance is decided by each person's personal law, whether Muslim, Hindu, Christian or Buddhist. More recent laws, such as the Land Development Tax Act, 2023 and the Land Crime Prevention and Remedy Act, 2023, deal with land tax, fraud and unlawful occupation.

Title and record: two different things

Two ideas lie at the heart of land law: title and record. Title means lawful ownership. It comes from a valid purchase, gift, inheritance or court decree. The record, known as the khatian or record of rights, is the government's register of who holds which land. Records have been prepared through several survey operations over the years, commonly called the CS, SA, RS and BS surveys.

The record is strong evidence of ownership and possession, but it does not by itself make anyone an owner. A correct record without valid title is of little value, and valid title without an updated record makes land difficult to sell, mortgage or develop. An owner needs both.

Buying and selling land

A sale of land must be made by a written deed registered at the Sub-Registry office. An unregistered sale does not pass ownership. An agreement for sale must also be in writing and registered within the time fixed by law. Before a sale deed is registered, the seller must show the latest khatian in his or her own name, a map of the land, a history of ownership for the last twenty-five years and an affidavit that the land has not already been transferred. Since 2026, the same requirements apply to gifts and heba. Stamp duty, registration fees and other charges are payable on registration, and both parties should plan for these costs in advance.

Inheritance

When a person dies, his or her land passes to the heirs under the applicable personal law. Under Muslim law, for example, sons and daughters both inherit, a daughter receiving half the share of a son, while the widow and parents take fixed shares. Heirs hold the land jointly until it is divided. Disputes often arise when one co-owner sells or occupies more than his or her share. The safest course is to divide inherited land by a registered partition deed and to have each heir's name recorded.

Mutation and land development tax

After land changes hands, the new owner should apply to the Assistant Commissioner (Land) for mutation, known as namjari. The application can now be made online. Mutation updates the khatian in the new owner's name. The owner must also pay Khajna (land development tax) every year, which can likewise be paid online. Tax receipts are useful evidence of possession and should be kept safely, and unpaid tax can be recovered from the owner as a public demand.

Mortgage and lease

Land may be used as security for a loan by way of mortgage, which must generally be made by a registered deed. A lease of land from year to year, or for more than one year, must also be registered. Short informal arrangements often lead to disputes later, so the terms of any mortgage or lease should always be written down clearly.

Protection against fraud and unlawful occupation

Forged deeds, the sale of the same land to two buyers and occupation by force remain common problems. The law provides both civil and criminal remedies. A civil court can declare title, cancel a fraudulent deed and order the recovery of possession. The Land Crime Prevention and Remedy Act, 2023 makes land forgery, fraudulent transfer and unlawful occupation criminal offences. Time limits also matter. A suit to recover possession must generally be filed within twelve years, so an owner who is dispossessed should act without delay.

Practical advice

A few simple habits prevent most problems. Check the khatian and the deeds before you buy. Register every transfer and apply for mutation promptly. Pay land development tax every year and keep the receipts. Divide inherited land by a Deed of Amicable Partition and register it. Never sign a document you have not read, and take legal advice before any major land transaction. A small effort today can save a family years of litigation tomorrow.

CURRENT AFFAIRS

Bangladesh Boosts Renewable Energy with Loans & Tax Cuts



The government is supporting renewable-energy expansion through a BDT 1,500 crore loan scheme at a 6% interest rate for projects including solar power, alongside an NBR reduction in the total import tax burden on eligible solar equipment from 17% to 1% for 180 days. Together, these measures aim to lower financing and equipment costs, encourage investment in clean energy, and accelerate the expansion of renewable power generation in Bangladesh.

Moody's Revises Bangladesh's Outlook to Stable



Moody's, the global credit rating agency, has revised Bangladesh's sovereign credit outlook from negative to stable, citing stronger foreign-exchange reserves, a more flexible exchange-rate regime and record remittance inflows. These improvements have strengthened Bangladesh's external position and helped ease some of the pressures affecting the economy. Moody's also noted that continued engagement with the IMF and other international financial institutions remains important for supporting economic reforms and external financing.

DID YOU KNOW

Finders Have Rights Too



Under Section 168 of the Contract Act, 1872, a finder of lost goods may retain the goods until receiving compensation for voluntarily incurred expenses in preserving them and finding the owner. If the owner has offered a specific reward for their return, the finder may also sue for that reward.

NEW IMPORTANT LEGISLATIONS (JULY 2026-SEPTEMBER 2026):

1. The Finance Act, 2026
2. The Appropriation Act, 2026
3. The Gambling Prevention Act, 2026
4. The Cyber Security (Amendment) Act, 2026
5. The Public Examinations (Offences) (Amendment) Act, 2026
6. The Narcotics Control (Amendment) Act, 2026
7. The Bangladesh Medical University (Second Amendment) Act, 2026
8. The Bogura University Act, 2026
9. The Invest Bangladesh Act, 2026
10. The Transfer of Property (Amendment) Act, 2026
11. The National Human Rights Commission Act, 2026
12. The Prevention and Remedy of Enforced Disappearance Act, 2026
13. The Bank Resolution (Amendment) Act, 2026
14. The Special Response Battalion (SRB) Act, 2026
15. The Armed Police Battalion (APBn) Act, 2026



IN CONVERSATION WITH

Barrister Miti Sanjana

Partner, Legal Counsel



Interviewed by:
Barrister Nabil Hazzaz



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.



— In conversation with —

Barrister Omar H. Khan

Managing Partner and
Head of Chambers, Legal Counsel



Interviewed by:
Barrister Moe Moe Than

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.

**GOOD PAPERWORK IS THE
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.

LEGAL COUNSEL NEWS



On 16 August, all members of the Legal Counsel team attended a short course on Opinion Writing, conducted by the Head of Chambers, Barrister Omar H. Khan.

The session focused on the key aspects of effective legal opinion writing, including structuring legal analysis, presenting arguments clearly and providing well-reasoned conclusions. The practical guidance and engaging discussion made the session both informative and valuable for the team.

PRO-BONO WORKS: PUBLICATIONS AND TV SHOWS (JULY 2026 – SEPTEMBER 2026)

PUBLICATIONS AND INTERVIEWS

- ✓ The Legal Architecture of Financial Stability | Barrister Omar H. Khan, Managing Partner Legal Counsel | Quarterly Journal of American Chamber of Commerce in Bangladesh | July 13, 2026 | [Click Here](#)
- ✓ When Reconciliation Fails: Legal Remedies for Women Facing Continued Domestic Abuse | Barrister Miti Sanjana, Partner Legal Counsel | Prothom Alo | July 22, 2026 | [Click Here](#)
- ✓ Judiciary Signals a New Direction for Women and Child Protection | Barrister Miti Sanjana, Partner Legal Counsel | Amader Shomoy | August 23, 2026 | [Click Here](#)
- ✓ Amendment to the Transfer of Property Act: Examining Its Compatibility and Conflict with Islamic Principles and Its Role in Protecting Parents | Barrister Miti Sanjana, Partner Legal Counsel | Alap | September 07, 2026 | [Click Here](#)
- ✓ Rights and remedies of elderly parents | Barrister Omar H. Khan, Managing Partner Legal Counsel | The Daily Star | September 09 2026 | [Click Here](#)

TV SHOWS AND INTERVIEWS

- ▶ What Does It Really Mean To Be A Woman In Today's Bangladesh? | Barrister Miti Sanjana, Partner Legal Counsel | The Daily Star | September 11, 2026 | [Click Here](#)
- ▶ Challenges Faced By Women In Our Country | Barrister Miti Sanjana, Partner Legal Counsel | Dhaka Papers | September 23, 2026 | [Click Here](#)
- ▶ GPS Trackers for Child Safety | Barrister Miti Sanjana, Partner Legal Counsel | Channel I | September 23, 2026 | [Click Here](#)
- ▶ Athlete Denied Metro Station Entry Over Shorts | Barrister Miti Sanjana, Partner Legal Counsel | BBC News | September 28, 2026 | [Click Here](#)

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