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An Overview of the Legal Status of Land Ownership in Bangladesh

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ABSTRACT

The determination of land ownership is one of the fundamental issues in the property law of any jurisdiction. Also, the concept of ownership in jurisprudence owes to the idea of land ownership for the development of many theories on ownership. The concept of land ownership is pivotal for various significant personal to governmental matters ranging from interpersonal trade to state taxes and revenues. The legal status of land ownership in Bengal varies in different periods of history. The intention of this paper is to find out the legal framework of land ownership in Bangladesh by dissecting and analyzing relevant constitutional provisions, statutes, theories, histories and practices. The paper finds the recognition of private ownership of land with some legal restrictions along with the presence of state and co-operative land ownership in the current legal framework of Bangladesh. The paper also finds some practical official and documentation related dilemmas in the establishment and recognition process of land ownership in Bangladesh. The author finally recommends some escaping measures to ameliorate the present lacunae of land ownership in Bangladesh.

Keywords: Ownership, Private ownership, State ownership, Acquisition, Requisition, and State acquisition.

INTRODUCTION:

Ownership implies the legal relation of a person with an object to the exclusion of others. Ownership of land has invaluable significance in the development of many jurisprudential theories of ownership itself (Benditt, 2015). Land is indispensable, precious but limited natural resources while human demand on land is inexhaustible (FAO, 1999). Historically, in Bengal, signifying now Bangladesh and West Bengal of India sharing the common past up to 1947, the common people have been exploited by dint of some legal mechanisms on land as the life and livelihood mostly were dependent on land during these historical periods. Land was considered to be the property of the king and the subjects were liable to pay rent to the king for the usage of land. Some literatures although argues in the

existence of communal and private ownership of land, these status also did not deny the overexploitation of tenants by the king based on the land legislation (Islam, 2018). Because of such issues in hand, it is very much relevant to find out the legal ownership status of land and the lacunae behind, if there is any.

In modern Bangladesh, the ownership of land belongs constitutionally not only to the state only rather sometimes and most of the cases land belongs to the private individuals along with the existence of system of co-operative ownership. But, the private ownership of land is not unfettered. Some restrictions are imposed by different relevant laws. Also, some challenges and conundrums are present in the recognition and transferring process of land ownership of Bangladesh. It is,

hence, needed to find out the present legal status of land ownership in the independent Bangladesh.

In consideration of those issues in mind, the author has carried out the present study to identify the legal status and framework of land ownership in Bangladesh. In doing so, the author at first analyses the concept of ownership and land ownership in a nutshell. Then, he endeavors to review the legal status of land ownership in Bengal from ancient Hindu period till the 1971 independence of Bangladesh. Thereafter, the present constitutional framework of land ownership has been discussed followed by the analysis of the statutory provisions and limitations of land ownership. The author, then, reviews the ways of obtaining land ownership and documents to prove the land ownership in Bangladesh and the problems behind. Finally, he concluded the paper with some recommendations to better the position of owners and land ownership in Bangladesh.

Objective of the Research

The primary objective of this paper is to find out the status of land ownership and the lacunae and probable solutions of such problems of ownership of land in Bangladesh. To accomplish this basic objective, the following objectives are set which will be covered by this paper.

- 1) To review the concept of ownership and land ownership in general
- 2) To identify the legal status of land ownership in Bangladesh
- 3) To overview the legal framework on land ownership in Bangladesh
- 4) To find out the problems behind the land ownership and possible solutions of such problems in Bangladesh

METHODOLOGY:

For carrying on the current research, the author has adopted qualitative approach. Along with primary authority i.e., different relevant statutes, secondary sources such as many relevant peer-reviewed journals, books, related reports and reliable websites are reviewed in the accomplishment of the study.

‘Ownership’ and ‘Land Ownership’ Explained

The theory of ownership relates significantly not only to property law but also to many economic and social matters such as trade, business, money, debt, bank-

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ruptcy, criminality of theft, robbery, and dacoit, etc. Because of such dynamic interrelation of ownership, it is argued to be one of the most important founding blocks of the capitalist socio-economic system in modern world (Michie and Lobao, 2012). Ownership is in fact a legal status entitling a person to acquire some controlling rights over any object excluding the others. It is a legal relation between a person real or artificial and an object. Such relation entitles the person some absolute rights on such object and excludes others to enjoy and possess such object without the consent of such person (Britannica, 1998). The concept of ownership is based on the idea of dominium i.e., the control over any object but it has been gradually transformed and referred to as a ‘bundle of rights’. So, now it signifies a bundle of rights over any object such as the right to use and enjoy, the right to sell or bequeath, the right to consume, the right to dispose and destroy and the right to allow or exclude others to the use of such object (Benditt, 2015). According to Salmond, ownership is a relation between a person and some rights that are vested on him to the exclusion of others. He considers ownership to be an incorporeal body or form (Fitzgerald, 2013). Austin defines ownership to be a right indefinite in point of the user, unrestricted in point of disposition, and unlimited in point of duration over a determinate thing (Paranjape, 2013). Therefore, ownership implies some rights which are enjoyed by the owner over any object to the exclusion of others.

A person may be the owner of both tangible and intangible property. Because of the current prevalent societal patterns ownership of intangible property has much more significant than tangible one but most of the concepts of ownership derive from ownership of tangible property, especially from the ownership of land (Benditt, 2015). Once, the extent of land ownership is presumed to be beneath the surface of earth down ‘to the centre of earth’ and above the surface ‘to the heavens’ (Benditt, 2015). But over the time, this concept has been curtailed and now the extent of land ownership does not imply to be unrestricted and unlimited in nature. Land ownership is not like ownership of any other object. Land ownership is the ownership of a territory and a piece of earth’s crust generally cannot be dismantled or moved (Agter and Michel, 2020). So, the transfer of land is not similar to transfer

of any object. Also, land contains many natural resources ranging from water to many valuable minerals and so the ownership of land is defined in a country's law according to the need and necessity of the country's overall socio-economic situations. Therefore, the law of ownership varies from country to country. Because of this state, Joseph Comby argues in the "*La Gestion de Propriété*" that absolute ownership of land is a myth even in countries that invented the concept of right of absolute ownership as they also cannot apply this concept to the ground (Agter and Michel, 2020). Land ownership contains some level of controls over resources. Thus land ownership refers to bundle of rights which the owner applies over any other person in the world. This bundle of rights generally includes the right to use within the limit of law, the right to exclude other from its use, the right to hold and keep possession, the right not to be dispossessed by others except in accordance with law and the right to offer others to use it. In this way, one does not own land *per se* in reality but enjoy some rights to and over that piece of land (Larson and Janelle, n.d.).

In the ancient Roman law, the individual ownership of land absolutely was recognized in the name of *dominium* and the transfer of land involves either by a ceremonial conveyance known as *Mancipatio* or by a form of lawsuit before the magistrate called *In Jure Cessio* (Powell *et al.*, 2022). On the other hand, the Greek philosopher Plato argues that in an ideal state the land used by an individual is not his private property rather it is the common possession of the whole community (Plato, 2008). Because the concept of private ownership of land will result in "the disruption of the city if each man gave the name of 'mine' not to the same but to different things; if all took what they could get for themselves, - "(Plato, 2007). The Platonic view of community ownership is also prevalent in Christian thinking because the sentiments expressed were similar to New Testament as Timothy is quoted by Augustine: " - So, if we have food and clothes, we are content with that. For those who wish to become rich fall into temptation and into a snare, and into many foolish and harmful desires, which plunge men into death and destruction - "(Yates, 1992). In the mediaeval feudal society all land belongs to the King and he was the sole owner of the land of his kingship.

The king usually kept a quarter for his personal use as his personal property, a portion was donated to the church and the rest was leased out to the individuals under strict controls (Arifuzzaman *et al.*, 2021; Media, 2022). Therefore, from the history and works of the philosophers and jurists, the existence of state, community and private ownership of land can be traced.

The Status of Land Ownership in Ancient Bengal till the Independence of Bangladesh in 1971

Who will be the owner of land is a very important question to determine in any legal system. In ancient Bengal, many argue that the ownership of land was basically in the hands of the King and some point out the existence of communal ownership of land was in vogue (Kumar, 1985). But, no unanimous view has been found as to the category of ownership of land which was prevalent. At least three different views of the Jurists are available regarding the status of ownership of land in ancient Bengal. The first category is of the opinion that the ownership of land absolutely belonged to the King and the second category says that the village corporations not the king are the absolute owners of land whereas the third category recognizes the private ownership opining that the land belonged to the original cultivators (Islam, 2005).

In the *Vedic* period, the King was accepted to have the *ipso facto* sovereign power on earth and so no alienation of land could be accomplished without the consent of the *Vis* i.e., the King (Choudhary, 1965). Community ownership was also prevalent without questioning the royal control of land in the later *Vedic* period (Choudhary, 1965). Communal ownership of land was at that time believed by most scholars to have been an Aryan institution, common to the primitive German and Hindu alike (Hopkins, 1898). The state ownership of land was also a regular feature of the *Mauryan* economy and the authority of King on land was never challenged during the Buddhist peasant proprietorship period in Bengal (Choudhary, 1965). Kautilya, Manu's commentators, Medhatithi and Kullukabhata, Gautama, Manu, Narada, Brithaspati, Yajnavalkya, Manasollasa and the great explorers Fahien and Hiuentang support the concept of state ownership or royal ownership of land (Choudhary, 1965). Therefore, the royal ownership and sometimes communal ownership of land were most supported by many juri-

sts, law givers and historians and private ownership seems to be very tenuous in that period.

After the Hindu period, the Muslim rule under the Sultans began in 1206 and lasted until 1526. In 1526, the Muslim rule continued under the Mughal dynasty until the British colonial rule started in the then Indian subcontinent in which Bengal was a part. The concept of land ownership in the Sultanate period was based on agrarian system and the Sultan enjoyed the sovereignty over all landed property (Abbas *et al.*, 2016). All land in the sultanate belonged to the Sultan and land was distributed for cultivation in return for one-fifth or one-fourth of the produce and wasteland was given as *jagir*, *ayma* or *inam* for the private nobles (Islam, 2018). *Iqtas*, the small pieces of territorial or cultivable land, were often given to the commanders to maintain themselves and their troops out of the revenue of such land (Qureshi, 1944). There were separate crown lands known as *Khalsa* whose revenue was directly accumulated to the personal treasury of the Sultan (Abbas *et al.*, 2016). After the elapse of sultanate of Delhi the Mughal took over the reign of Delhi and fixed the land revenue at the rate of one-third of the produce in the entire empire (Islam, 2018). Like the early Sultans the Mughal emperors also continued the agrarian system and they were the sovereign over landed property in the deployment of intermediary zamindars and other concerned officers such *choudhris*, *deshmukhs*, *desais*, *muqaddams*, *qanungos*, and *ijaradars*, etc. for collecting revenues for the emperors (Hasan, 2005). After the introduction of British colonial rule, the British played different tactics for maximizing the land revenue over times. Through the mechanism of Permanent Settlement introduced by the British, the private ownership of land was given to the Indians for the first time in the British colonial period (Merillat, 1970). The Permanent settlement resulted in the commercialization of land which did not exist in the Bengal before (Islam, 2018). Land became a lucrative commodity but the beneficiaries were mostly the *zamindars* and bureaucrats class and the unfortunate peasants became more unfortunate. Both the *zamindari* and *roywatwari* system were prevalent for collecting revenues for the British administrators as intermediaries and the *zamindars* and *roywatwars* were rewarded for their services to the British (Abbas *et al.*, 2016). The *zamindari*

system was for so many reasons harmful and so the British government appointed a high powered commission led by Sir Francis Floud known as Floud Commission that recommended in 1940 the abolishment of the *zamindari* and introduction of state acquisition and tenancy making the *rayat* directly responsible to the government. Nothing happened afterwards due to the political instability. After the Independence of India and Pakistan in 1947, the East Bengal State Acquisition and Tenancy Act, 1950 was passed on 16th May 1951. The Act of 1950 abolished the intermediary *zamindari* and made the previous *rayats maliks* of the land and they are directly responsible to the government. In this way, the private ownership of individual *rayats* took place in the then East Bengal now Bangladesh.

Constitutional Provisions on Land Ownership in Bangladesh

After the 1971 independence, now in Bangladesh has adopted its Constitution on 4 November 1972 and it got effectiveness on 16th December 1972. The Constitution of the People's Republic of Bangladesh has contained the provisions of ownership, land rights of individuals and necessary state intervention of land use by the private individuals.

The principle of ownership is clearly stated in the Constitution of the People's Republic of Bangladesh in its article 13. The Constitution recognizes three kinds of ownership i.e., state ownership, cooperative ownership and private ownership. Therefore, every citizen has now right to acquire, hold, transfer or otherwise dispose of the land individually and jointly under the scheme of cooperative ownership in Bangladesh like any other commodity but for such enjoyment they have to pay rent and necessary taxes as the state gives them protection and security. In this way, the right of private and co-operative ownership is in no way unfettered rather this right is limited by the prescription of other relevant laws of the land (Islam, 2018).

The right to property of every individual is ensured under Article 42 of the Bangladesh constitution. Here the individual's private property cannot be acquisitioned or requisitioned without the lawful authority and the citizen shall have the right to acquire, transfer, hold or otherwise dispose of the land subject to the

lawful restrictions meaning prohibition or extinction (Islam, 2012). Hence, a privately owned land may in any time be taken over by the government in the form of acquisition or requisition for any public purpose using the power of *eminens dominium* under article 42 of the Constitution of the People's Republic of Bangladesh (Islam, 2018).

A list of the property of the state is provided within the Constitution under its Article 143. All mineral or anything valuable beneath the land territory of Bangladesh be it privately owned or otherwise shall be vested absolutely to the government of Bangladesh. Also all lands, minerals and anything valuable underlying the ocean inside the territorial waters or the ocean over the continental shelf of Bangladesh shall be vested to the republic. In addition, any ownerless land in Bangladesh shall vest to the republic under the said Article. The executive authority is empowered to deal with land in the republic as per Article 144 of the Constitution of the People's Republic of Bangladesh. So, the private ownership given by the Constitution is not unfettered rather bordered with some necessary limitations.

Statutory Provisions on Land Ownership in Bangladesh

A citizen of Bangladesh can own land but the maximum amount of land that can be owned is fixed by the statutes. According to section 90 of the State Acquisition and Tenancy Act, 1950, the ceiling of land held by a *malik* shall not exceed three hundred and seventy-five standard *bighas*. Any portion of land in excess of such limit shall vest to the government. But for industry, co-operatives and farming any quantity of land in excess of three hundred and seventy-five standard *bighas* may be acquired. Thereafter, Article 3 of the Bangladesh Land Holding (Limitation) Order 1972 fixed the ceiling of private ownership of land a maximum of one hundred (100) standard *bighas* in aggregate. Article 4 of the Order of 1972 also made almost the similar exceptions for industry, co-operatives, farming, cultivation of tea, rubber or coffee, production of raw materials for the manufacture of commodities and for any situations where the excess land is required for the public interest beyond the ceiling of one hundred standard *bighas*. Later, the Land Reforms Ordinance, 1984 under section 4 fixed the highest

quantity of agricultural land to be sixty standard *bighas* that a person can hold. Therefore, now a person can own one hundred standard *bighas* of land in aggregate of agricultural and non-agricultural land according to the provisions of the Bangladesh Land Holding (Limitation) Order, 1972 and the provisions of State Acquisition and Tenancy Act, 1950 about the ceiling i.e., three hundred and seventy-five standard *bighas* will not be applicable because there is a doctrine that *Lex posterior derogat (legi) priori* "A later law repeals an earlier (law)." For agricultural land alone the ceiling shall be sixty standard *bighas* as provided by the Land Reforms Ordinance, 1984 for the same reason. So, now a person can own one hundred standard *bighas* of land in aggregate of agricultural and non-agricultural land where the quantity of agricultural land shall not exceed sixty standard *bighas*, Therefore, if a person holds more than the said quantity of land, the surplus land must vest to the government.

The *rayat* has been vested the right to hold, use and occupy the holding in any manner he likes under section 83 of the State Acquisition and Tenancy Act, 1950 and under Article 42 of the Constitution of the People's republic of Bangladesh. Section 88 of the Act of 1950 also allows a *rayat* to transfer the holding as he wishes. The law also permits to merge several holdings in a single holding or divide a holding into pieces by way of amalgamation, consolidation and sub-division of holding to address the need of the *rayat* under section 116-134A of the State Acquisition and Tenancy Act, 1950.

Again, in some circumstances one may lose the ownership of land. Under section 84 of the State Acquisition and Tenancy Act, 1950, when a *rayat* dying intestate leaving no heir, his interest in the holding shall vest to the government in extinguishment of his ownership over such land. According to section 92 of the State Acquisition and Tenancy Act, 1950, if a person dies intestate and has no heir to get entitled to the land or he surrenders the agricultural land in accordance with the legal framework then his interest on such land shall extinguish. Also, voluntary abandonment of any agricultural land without arrangement of the payment of rent and cultivation for a period of three years and for a person on whom the interest of such devolved by way of inheritance, voluntary abandonment for five

years will result in the extinguishment of the ownership of such agricultural land. Making sub-tenancy is a total contradiction of the purpose of the State Acquisition and Tenancy Act 1950. And so, sub-letting of the holding is provisioned to be void and this will amount to lose the property and get vested to the government under section 75A, 93 and 81A of the State Acquisition and Tenancy Act 1950.

Even a *rayat* may be evicted from his holding if he does anything in contravention of the provisions of the Act of 1950 under section 85 of the said Act of 1950. But eviction from or any similar other legal process against home-stead land is provisioned to be invalid under section 6 of the Land Reforms Ordinance, 1984. But the home-stead may also be lawfully acquisitioned for any public purposes as per the said section. It is pertinent to mention here that under section 7 of the Land Reforms Ordinance, 1984, the government is required to make settlement of *khas* land for home-stead preferably for the laborers and farmers. A maximum of five *kathas* shall be allotted to them and the right on such allotted land shall be inheritable but not transferable. *Benami* transaction is also prohibited under section 5 of the 1984 Ordinance and so becoming owner of land for others become illegal within the ambit of the present legal framework. Hence, the private ownership of land is to be enjoyed within some legal obligations. The privately owned land can also be acquisitioned and requisitioned under the Acquisition and Requisition of Immovable Property Act, 2017 for public interest or public purposes. Because, absolute ownership also should mean that the government will have the right to interfere and intervene in the use of land for *bona vacancia* or compulsory acquisition (Allot, 1961). The owner of land thus should also accomplish some legal obligations by providing land taxes and performing such other duties imposed by the laws of the land.

The Ways of Obtaining Land Ownership in Bangladesh

A Bangladeshi citizen may acquire ownership of land by many lawful ways. One of the most common ways to obtain land ownership is purchase. Like any other commodity, land can be sold and bought. Sale is defined under section 54 of the Transfer of Property Act, 1882 to be the transfer of ownership in exchange for a

present or future promised price. The land purchase shall be made written and with registered instrument. Even the contract for sale of land shall be registered under the Registration Act, 1908 as per the provisions of section 54A of the Transfer of Property Act, 1908 and section 17A of the Registration Act, 1908. The sold land shall be delivered by placing the buyer in possession of such land.

Ownership of land may also be obtained by way of exchange or *eowaj*. According to section 118 of the Transfer of Property Act, 1882, exchange is the transfer of ownership of one thing for the ownership of another thing. So, if the ownership of a piece of land is exchanged for the ownership of a car, for example, the transaction will become exchange. The legal provisions of exchange are the similar to those of sale.

Gift is another way of getting ownership of land. Section 122 of the Transfer of Property Act, 1882 defines gift to be a transfer of movable or immovable property without consideration. So, if a person gives some other person any piece of land without taking any consideration, the transaction will amount to a gift. *Heba* under Muslim law will have the same effect as of gift of immovable property as provisioned under section 123 of the Transfer of Property Act, 1882. The gift or *Heba* of land shall be made by a registered instrument signed by the donor and attested by at least two witnesses. However, through *Heba*, land may be transferred only to siblings, father/mother, son/daughter, husband/wife, grandparents, and grandchildren.

Will or *Wasiyah* in Islamic law is also a way of obtaining land ownership. Section 2(h) of the Succession Act, 1925 defines will to be a legal declaration of the testator about his property which he intends to come into effect after his death. According to section 59 of the Succession Act, 1925, a person may make a will if he is sound mind and not a minor. The will must be written, signed by the testator and attested by at least two witnesses as per section 63 of the Act of 1925.

A deceased person's legal heirs receive land ownership among other properties by way of inheritance. In Bangladesh, the law of inheritance is governed by personallaw. Therefore, a Muslim follows Islamic law of inheritance to distribute the property of the deceased. Similarly a Hindu, Buddhist, *Sikh* or *Jaina* also follows

his/her religious instructions for succession. The succession law provisioned by the Succession Act, 1925 shall only be applicable if he is not a Muslim, Hindu, Buddhist, *Sikh* or *Jaina*.

Adverse possession also called squatter's right is a well-established doctrine of property law in the common law jurisdictions. The common law doctrine of adverse possession is known as 'Acquisitive Prescription' in Civil Law jurisdictions. Adverse possession is a way of acquiring ownership to a piece of land by the hostile, exclusive continuous possession of the property within the knowledge of the true owner for a certain statutory period within which the real owner fails to bring a suit for possession of that land. Becoming a Common Law country, Bangladesh also contains the law on adverse possession. Section 28 of the Limitation Act, 1908 provisioned that if a person fails to bring a suit for possession of any property, at the determination of the statutory period, his ownership over such property shall be extinguished. The period for instituting a suit is twelve years from the date of discontinuance or dispossession as per Article 142 of the Limitation Act, 1908. The statutory period will extend up to thirty years for any local authority for possession of public road or street or a part thereof under Article 146A of the Act of 1908. The law on adverse possession is criticized because it is an incentive to the wrongdoers. An owner of land has bundle of rights. Right to use should also contain the choice of right not to use such land (Benditt, 2015). But through adverse possession, this particular right is being disturbed.

Documents for Proof of Land Ownership in Bangladesh

To ascertain the ownership of land, at least three documents are to be paralleled: the instruments/deeds/*dolil* of the land, Record of Rights (ROR)/ *Khatian*/ *Porcha* and the Mouja Map or *Naksha*.

Instrument or *dolil* refers to the registered papers of land by which the ownership of a piece of land is ascertained. Due to the diversified nature of transfer of land, instruments or *dolils* are of many kinds. Amongst them *safkabala Dolil*/ purchase deed, *baya dolil*, gift deed/ *Heba dolil*, will deed, partition deed/ *bonton-nama dolil*, exchange deed/*eowaj dolil*, contract for

sale deed/ *Baynapotra dolil* are mostly used types of *dolils* in Bangladesh. Though at present, deeds are in type written format, previously it was in hand written format which are mostly unclear, vague and non-understandable to the general people. Profound availability of technical terms in the deeds makes those papers unintelligible. Some foreign words e.g., *ejmali* (concerted), *Sakin* (village), *khiraj* (land tax), *tudabondi* (demarcation) etc. are being used in the deeds that may easily be converted to the understandable Bangla words.

Record of rights or *khatian* is another significant document that an owner of land should have. This document is prepared for the purpose of determining the then possession, identification and fixation of land development tax. *Khatian* can broadly be classified into two types: survey *khatian* and mutation *khatian*. CS, SA, RS, BS and City *Jarip* are the widely used Survey *Khatians* prevalent in the country. For a single piece of land, there remains more than one *khatian* because of the nature of survey record or rights. Record of rights or *khatian* cannot be easily understood as the name of such ROR is not mentioned in the ROR. Whether a paper is CS or RS ROR is to be understood by some unique identifiable marks. Presence of ambiguous foreign words such as *Sabek* (former), *hale* (present), *rayat* (tenant), *ana*, *gonda*, *kora kranti* (ancient land measurement unique) are often making the people confused.

Mouja is a sort of administrative unit analogous to a specific land area where the land boundaries and land use and land size and amount are designed. *Mouja* itself is a confusing name. This may be renamed by prevalent name of area. For understanding the quantity of land in the *mouza* map, every piece of land in a *dag* number is measured using such scales like *Gunia* etc. which are in common not understandable.

If a piece of land is to be transferred from one person to another person's ownership, the deed or *dolil* is obligatory to be registered by the concerned sub-register office which is under the ministry of law, justice and parliamentary affairs. After the registration of transfer is done, the sub-register office sends a Land Transfer (LT) notice to the Assistant Commissioner (Land) office for mutation purpose. AC (Land) office

is responsible for mutation or *namjari*, *namkharij* etc. The Directorate of Land Records and Surveys (DLRS) are bestowed with the duties of performing surveys and preparation of *khatian* and *mouza* map. A revised *mouza* map exhibiting location, area and features and a *khatian* showing ownership, area and character of land are the two essential parts of record of rights. The DLRS carries on surveys and settlement issues through Zonal Settlement offices and *Upazila* Settlement offices. The DLRS works under the ministry of Land.

The registration of land documents is mandatory but it is not an easy process. Registration is done by the sub-register office. Often it is argued that registration cannot be done with the government fixed fees rather corruption is evident in these offices. Also with the means of such things, often the land is shown underpriced for evading land tax or overpriced for getting high bank loan. It is a common phenomenon in Bangladesh not to make the registration of inherited land immediately and sometimes the bought land is also registered much later because of the high expenses and hassle of the registration process (Arens, 2011). Since the inherited land is not registered immediately, the land remains recorded in the name of deceased resulting in so many unexpected disputes and effects (Desai and Barik, 2017; Shovon *et al.*, 2022). For establishing the ownership of land, registration of proper instruments is a pre-requisite. But it is contended that proper scrutiny and reliable system is not present in the registration system and so forged deeds are often made by the bad people to illegally possess other's land (Aziz, 2004).

CONCLUSION AND RECOMMENDATIONS:

Bangladesh has allowed private ownership of land along with co-operative and state ownership in its legal framework. But the private ownership of land is subject to some statutory limitations. If the owner violates any of the laws, his interest shall vest to the government as per the laws. Again, the government may initiate the acquisition and requisition of privately owned land for any public interest or public purposes. Therefore, the private ownership of land may not be said to be truly absolute, unfettered in nature rather absolute with state limitations. A citizen of Bangladesh may obtain ownership of land in many lawful ways. But almost in all such ways, the owner shall make the regis-

tration of instrument. The registration process in the country is not free from lacunae. The government should take appropriate measures to ameliorate the present condition of registration and other relevant official task to better the land ownership status of the citizen. Determining the status of land ownership is one of the most significant aspects of property law of any country. In Bangladesh, state, co-operative as well as private ownership of land is recognized through its legal framework. However, after reviewing the laws, policies and practices, the author finds and recommends the following -

- 1) The laws on ownership of land are scattered. Land is considered to be a commodity. The owner should have the opportunity to know and understand the relevant Laws on his/her land ownership conveniently.
- 2) Land ownership requires the registration of instruments in almost all cases. The registration process should be smooth enough so that the true owner may have the opportunity to make his/her newly owned land registered within shortest possible time.
- 3) The owner of land shall confirm the alignment of instrument, *khatian* and *mouza* map to determine the ownership. Those all documents contain some ambiguities in their forms and structures. It would be convenient for the laymen to understand what they contain if the government take initiatives to ease all such documents by restructuring and introducing common understandable terms in those documents.
- 4) If the ownership is transferred, the mutation process takes place after the registration. Those are done in different offices of the government. It would be a wonderful initiative by the government, if all concerned offices relating to land transfer could be done under a single rooftop. It may be convenient in terms of time and cost effectiveness.
- 5) The private ownership of land is enjoyed within the statutory limits. Among other restrictions imposed by the government, the environmental causes should also be included. In the present legal literature, no such concern is provisioned. The government may provision the confiscation of the private land if environmental damage occurs in anyone's privately owned land.

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CONFLICTS OF INTEREST:

The author declares no conflicting interest in the paper.

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