

Property and Land Law in Bangladesh

Property and land laws in Bangladesh govern the ownership, transfer, registration, and management of immovable property, primarily under the Transfer of Property Act 1882, the Registration Act 1908, the Land Reform Act 1984, and the State Acquisition and Tenancy Act 1950. These laws regulate transactions like sales, leases, mortgages, and inheritance, while addressing disputes such as illegal occupation or fraudulent transfers. The Penal Code 1860 supplements these laws for criminal offenses like trespass or forgery. The Bangladesh Land Survey Act 1875 and the Vested Property Act 1974 address land records and enemy property issues. The Ministry of Land and the Land Record and Survey Department oversee implementation, with Land Tribunals resolving disputes. Below is an overview of key property and land laws and their punishments for violations, presented in a clear, copyable format. For official texts, refer to bdlaws.minlaw.gov.bd or land.gov.bd.

Key Property and Land Laws and Punishments:

- **Illegal Transfer of Property (Section 82, Transfer of Property Act 1882):** Transferring property without legal authority carries up to 7 years' imprisonment and a fine under Section 420 of the Penal Code 1860 (cheating); fraudulent deeds carry up to 7 years' imprisonment and a fine under Section 465 (forgery).
- **House Trespass (Section 448, Penal Code 1860):** Unlawfully entering another's property carries up to 1 year's imprisonment, a fine up to 1,000 taka, or both; aggravated trespass with intent to commit an offense (Section 457) carries up to 7 years' imprisonment and a fine.
- **Criminal Trespass (Section 441):** Entering property with intent to commit an offense or intimidate carries up to 3 months' imprisonment, a fine up to 500 taka, or both; if involving house-breaking (Section 445), up to 2 years' imprisonment and a fine.
- **Forgery of Property Documents (Section 467, Penal Code 1860):** Forging land deeds or valuable securities carries life imprisonment or up to 7 years' imprisonment with a fine; simple forgery (Section 465) carries up to 7 years' imprisonment and a fine.
- **Non-Registration of Property Documents (Section 49, Registration Act 1908):** Failing to register mandatory documents (e.g., sale deeds) renders the transfer invalid; fraudulent non-registration carries up to 7 years' imprisonment and a fine under Penal Code Section 420.
- **Illegal Occupation of Land (Section 441, Penal Code 1860):** Unlawfully occupying another's land (benami or forceful occupation) carries up to 3 months' imprisonment, a fine up to 500 taka, or both; if with criminal intent, penalties align with trespass provisions.
- **Violation of Land Use Regulations (Section 15, Land Reform Act 1984):** Using agricultural land for non-agricultural purposes without permission carries a fine up to 10,000 taka; repeated violations may lead to land forfeiture.
- **Fraudulent Land Mutation (Section 11, State Acquisition and Tenancy Act 1950):** Falsifying land records for ownership transfer carries up to 7 years' imprisonment and a fine under Penal Code Section 465 (forgery).

- **Encroachment on Government Land (Section 97, State Acquisition and Tenancy Act 1950):** Unauthorized occupation of khas (government) land carries up to 2 years' imprisonment, a fine up to 10,000 taka, or both, with eviction orders.
- **Violation of Vested Property Laws (Vested Property Act 1974):** Illegally claiming or transferring vested (enemy) property carries up to 7 years' imprisonment, a fine, or both, with property confiscation.
- **Breach of Lease Agreements (Section 108, Transfer of Property Act 1882):** Violating lease terms (e.g., non-payment of rent) allows eviction; fraudulent breaches carry up to 7 years' imprisonment under Penal Code Section 406 (criminal breach of trust).
- **Illegal Mortgage Transactions (Section 58, Transfer of Property Act 1882):** Fraudulent mortgages or misrepresentation carry up to 7 years' imprisonment and a fine under Penal Code Section 420.
- **Destruction of Property (Section 426, Penal Code 1860):** Mischief causing damage to land or property carries up to 7 years' imprisonment, a fine, or both; aggravated mischief (e.g., by fire, Section 435) carries up to 7 years' imprisonment and a fine.
- **Non-Payment of Land Revenue (Section 144, State Acquisition and Tenancy Act 1950):** Failing to pay land development tax carries a fine up to 5,000 taka; persistent default may lead to land auction.
- **Illegal Land Grabbing (Section 441, Penal Code 1860):** Forcefully grabbing private or public land carries up to 3 months' imprisonment, a fine up to 500 taka, or both; if involving violence, up to 7 years under Section 395 (dacoity).
- **Violation of Land Survey Regulations (Bangladesh Land Survey Act 1875):** Tampering with survey markers or records carries up to 3 years' imprisonment, a fine, or both under Penal Code Section 434.

Implementation and Additional Notes:

Property and land disputes are common in Bangladesh, with 80% of civil litigation involving land (Supreme Court data, 2020). The Registration Act mandates registration of transfers like sales or mortgages, with non-compliance leading to invalidity and potential criminal charges. Land Tribunals and civil courts handle disputes, but backlogs (over 1 million pending cases) and corruption in land offices delay justice. The Penal Code's criminal provisions apply to fraud or trespass, with non-bailable offenses like forgery leading to prolonged detention. The Vested Property Act addresses properties abandoned during the 1971 war, but misuse persists. Land mutation and survey errors fuel disputes, with 60% of rural conflicts tied to fraudulent records (World Bank, 2020). The digital land management system (e-Mutation) aims to reduce fraud but faces implementation challenges. For updates, consult bdlaws.minlaw.gov.bd or land.gov.bd.