

## **LEGAL CERTIFICATION AND OFFICIAL RECOGNITION PROCESS OF LANDS UNDER THE LAND LAWS OF BANGLADESH**

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### **ABSTRACT**

There is interest in the research article whether the article looks at the different approaches to guarantee land rights and suggests distinctive settle land. It is likewise proposed to feature the issues of the current land organization of Bangladesh and to recommend the reorganization of the land organization for legitimate administration of land. The land pivots the existence of individuals of Bangladesh. The current land laws, land organization, and land the executives in Bangladesh are not just brimming with multifaceted design, procedural troubles, and fumble yet besides not open and receptive to the interest of the commoners of the country. Besides, the current system to settle the land question isn't efficient, practical, quiet, and modern. If the land laws are unveiled vivacious and land organization is made well - organized in the feeling of good administration, e-administration, and advancement, the land interest of the commoners is maintained and land questions are settled with public fulfillment and certainty, a progressive change may achieve in the financial improvement of the commoners.

**Keywords:** Record of Rights, publication, evidentiary presumption, Mutation, Registration Act, Land Registration.

### **INTRODUCTION**

Land laws have a huge situation in the overall set of laws of Bangladesh. In all certainty, a large portion of the cases forthcoming the Courts of Bangladesh ensnare either straightforwardly or in a roundabout way land matter. Notwithstanding, the land framework in Bangladesh is generally founded on the old laws made during the British and Pakistan period. Generally, the eldest land laws in Bangladesh can be followed to the acts of native networks including the installment of a portion of the produce of the land to the top of the tribe, the privilege of the family to develop the land in its ownership, and the force of the top of a Panchayet to convey place that is known for the local area to its families and to settle land debates. Even though the family framework cum majesty arrangement of organization of the local area in course of time brought about the conservative and majority rule arrangement of organization of the govt., the land organization, land the board and land question settlement framework have not created in Bangladesh in the soul of good administration and friendly land debate settlement. In this way, to guarantee the land right of everyday citizens and limit land debates, the current organization for land executives ought to be changed immediately

### **METHODOLOGY**

Information used in this article have been gathered from the secondary sources and steady productive analogical apparatus of exploration strategy by adjusting antithetic appropriate standards in contradistinctive resolutions in various nations, i.e., from the books, law diaries, Acts, articles, papers as referenced in the references. The cases alluded to are from the current important episode which happened in better places in Bangladesh. This pack has likewise uncovered some compelling proposals which are viewed as important to deflect the abuse of land enlistment in the way of land laws and common procedures in Bangladesh.

### **OBJECTIVES OF THE RESEARCH**

Against the milieu of the set assertion, the fundamental destinations of the research paper are as per the following:

- (I) to inspect how the arrangements and standards of land registration are applied and authorized in Bangladesh.
- (ii) To distinguish and compare with the different case identified with land registration in Bangladesh.

- (iii) To see and recognize the dependability and alterability of the utilization of land enrollment in a random viewpoint.
- iv) To imply the result of augmentation and intentional Justification of land enlistment
- (v) To get mindful of the part use of various Acts and systems relating to land-related suits.

### **READINESS OF RECORD-OF RIGHTS**

The Government may, with a view to procurement under the arrangements of this Act of the interests of all lease recipients inside any region, part of a region or neighborhood of s different interests in land in that as are responsible to be obtained under the arrangements of this Act, and with a view to such appraisal of remuneration payable for all such interest including the interest which has effectively been gained under Chapter II, make a request coordinating -

- (a) That a record-of-rights be set up in regard of such region, part of a region or neighborhood,
  - (b) That the record-of-rights, last arranged lastly distributed under Chapter X of the Bengal Tenancy Act, 1885, in regard of such region, part of a region ar neighborhood, reconsidered, by a Revenue-official as per the arrangements of SAT Act and with so many principles as might be made for the benefit by the Government.
- (2) If a request has been made under segment 101 of the Bengal Tenancy Act, 1885, [or under segment 117] of the Sylhe Tenancy Act, 1936,]1 for the readiness of a record-of-rights in regard of any region, part of a region or the neighborhood, the planning of such record-of-rights has not been finished or such record-of-rights has not been at long last distributed when a request is made under sub benefit by the Government. section (1) for the planning or update of a record-of-directly in regard of such locale, part or territory, at that point on the making d a request under the said sub-segment, all further procedures identifying with the readiness of the record-of-rights under the said Act will be remained; and such record-of-rights will be set up as per the arrangements of this Chapter and with so much principles as might be made for this benefit by the: Government : Provided that any procedures in regard of the planning of such record-of-rights initiated under Chapter X of the Bengal Tenancy Act, 1885, [or under Chapter IX of the Sylhet Tenancy Act" 1936],2 and attempted before the distribution of the draft of such record-of-rights under segment 103A of the [Bengal Tenancy Act, 1885, or under area 119 of the Sylhet Tenancy Act, 1936, as the case may be),3 will, for the reasons for the arrangement of such record-of-rights under this Chapter, be considered to have been started and embraced under this Chapter.
- (3) A notice in the authority Gazette of a request under sub-segment (1) will be decisive proof that the request has been appropriately made.

Specifics to be recorded in the record-of-rights: At the point when a request is made under area, the Revenue-official will record in the record-of-rights, to be arranged or modified incompatibility of such request, such specifics as might be recommended.

### **Draft and last distribution of the record-of-rights:**

- (1)When a record-of-rights has been arranged or changed to contain or incorporate in that the specifics alluded to in area 18, the Revenue-official will distribute a draft of the record-of-rights so arranged or modified in an endorsed way and for the recommended period and will get are to consider any complaints which might be made to any passage in that or any exclusion in this way during the time of such distribution.
- (2) Any individual distressed by a request passed by the Revenue-official on any protest made under sub-segment (1) may interest the endorsed Revenue Authority not underneath the position of an Assistant Settlement Officer in such way and inside such period as might be recommended. (3) When every single such complaint and advances have been thought of and discarded by such principles as the Government may make for this benefit, the Revenue-official will at last casing the record and will make such record be at long last distributed in an endorsed way and the distribution will be indisputable proof that the record has been appropriately arranged or changed under this Chapter. record-of-rights has been at long last distributed (4) When an under sub-segment (3), the Revenue-official will, inside, for example, the Board of Revenue may fix for this sake, make a certificate expressing the reality of such last distribution and the date thereof and will date and buy-in something similar with his name and official title.

### **Evidentiary estimation of the record-of-rights**

A record of records neither makes nor douses any right. According to section 14 of the SAT Act: When a right is just a rebuttable piece of proof. A section in such record-of-rights is set up based on belonging, it stays as a piece of proof with an assumption of rightness connected to it. While on the other hand, in section-15 a record-of-rights without anyone else doesn't outfit any proof on the subject of the title yet it is confirmation of title to the extent that the title depends on belonging. 16 If, notwithstanding, the section is by all appearances ridiculous, no dependence can be put upon it.

### **Weight of proof of the record-of-rights**

The passage in the record-of-rights is possible to prove regarding the state of things that existed at the time the record was readied. Such records are set up with significant trouble and the procedures of the income officials are directed with exposure. On the off chance that the passages in such records are softly dismissed, the actual object of its planning will be baffled.

### **Mutation and its importance**

Transformation is a property documentation method through which the past proprietor of the property replaces their name with the new proprietor in the Khatiyani (Records of Rights) without transformation, one can't formally guarantee responsibility for the property. Also, if proprietors don't transform property with the name of the new proprietor, the property can, in any case, be legitimate under the responsibility of the past proprietor. Additionally, you need to transform your property for enrollment, charges, and another property-related issue. How property mutation occurs: On the off chance that the structure isn't gathered, apply on white clear paper alongside court expenses worth Tk 100 and a change charge of Tk 25 (after getting endorsement) with other required archives.

### **Normal documents for land mutation process**

1. Copy of the principle deed,
2. via deed,
3. Copy of Khatiyani,
4. Receipt of installment of land improvement charge,
5. Proof of intends to gain the possession i.e parcel deed,
6. Copy of the announcement or judgment got from a skilled court (assuming any),
7. Passport size photo of the candidate,
8. Additional required records.

### **The time needed for mutation**

Ordinarily, it requires 60 days to complete the entire cycle of transformation in the metropolitan territory. Also, for different districts, it is generally 45 days. Most importantly, even before you choose to buy any property, check the authoritative reports first. When you get every one of the archives and check with nearby land workplaces, really at that time you ought to continue with the land transformation measure. At long last, you will get the appropriate documentation of your responsibility for the property.

### **Mutation Process**

Change alludes predominantly to the exchange of title. There are two different ways a transformation cycle can begin, specifically:

- Mutation as indicated by land move (LT)
- Mutation in light of the application

At the point when the responsibility is changed because of an offer or something else, and this difference in proprietorship is enrolled, the sub-enlistment center, under the Transfer of Property Act and Registration Act, sends a land move notice to the Thana Land Office. On receipt of the LT notice, the AC (Land) begins a case for refreshing the record of rights or ROR. The refreshing of records of rights is likewise done during a settlement activity. When there is no settlement activity, this is finished by the AC (Land)/Thana Revenue Officer under area 143 of the East Bengal State Acquisition and Tendency Act, 1950 on receipt of an

application from the occupants. In the event of change through legacy, after getting data of the passing of the inhabitant, the land official (Tehsildar, today is known as Union Bhumi Shohokari Kormokorta) may send a notification to the occupant. The gathering/occupant may likewise apply for change demonstrating their offer as per the law of legacy. By and large, the replacement in interest applies to the transformation of possessions. In Bangladesh, transformation because of both legacy and deal is normal. In 1994, the normal number of transformation cases recorded in Part I (change because of legacy) was 23,893/month. Part II kind of change numbered 46,828. Around the same time, the month-to-month normal number of transformation cases discarded in Part II and Part I were 21,496 and 16,778 separately. The general normal month-to-month removal in every month was 8,554, and the total figures are expanding each year.

### **Registration and the Registration archive**

Registration is the way toward recording an archive with an allotted official and keeping it as a freely available report. The motivation behind the Act is to unite the law identifying with enlistment and accommodates the strategy for its enrollment. It sets down what archives are necessary for enrollment. It likewise gives a period breaking point to the introduction and enlistment of records and guarantees arrangement for the legitimate and introduction of the report.

Following are the motivation behind why enlistment of the record is significant:

1. Some records are obligatory to enroll as refer to in segment 17.
2. Registered record forestalls extortion and abuse of the property.
3. Registration likewise fills in as lawful proof in the court.
4. Registration gives data to individuals who may manage a property, concerning the nature and degree of the rights which people may have, influencing that property.

Mandatory to register under Registration Act 1908: Section 17 of the Act depicts the report which obligatory to enlist. Those are as per the following:

1. Instrument of Gift of undaunted property;
2. Non-testamentary instruments which are implying to creation, task, presentation, quenching of any interest in any steady property worth Rs. 100 or more or by recognizing receipt or installment of any thought for creation, task, announcement or constraint of any right, title or interest;
3. Lease of ardent property for a period surpassing one year or lease is paid yearly;
4. Contracts for the move of steadfast property for thought according to Section 53A of Transfer of Property Act, 1882 which is executed on or after the initiation of this demonstration.

Records are not compulsory to enlist under the registration Act 1908: Section 18 of the Act depicts the record which is discretionary to enlist. They are as per the following:

1. Decree or request of court involving an ardent property
2. Lease of ardent property not surpassing a time of 1 year
3. Non-testamentary instruments which are implying to creation, task, statement, quenching of any interest in any versatile property.
4. Wills
5. Any other archive which isn't compulsory to enlist under section 17

**Instruments of the endowment of unfaltering property:** Declaration of Heba under the Muslim Personal Law (Shariat) As material since first July 2005, along with that Declaration of blessing under the Hindu, Christian, and Buddhist Personal Law

1. Instrument of home loan alluded to in section 59 of the Transfer of Property Act, 1882
2. Leases of unfaltering property from one year to another, or for any term surpassing one year, or saving a yearly lease,
3. Instrument of the parcel of steady property affected by people upon legacy as indicated by their laws,
4. Instrument of the deal incompatibility of a request for the Court under area 96 of the State Acquisition and Tenancy Act, 1950,

5. A Contract available to be purchased: An agreement for the offer of any steady property must be recorded as a hard copy and enlisted. The report must be introduced for enrollment within 30 (Thirty) days from the date of execution of the agreement.

## CONCLUSION

The challenge of land laws in Bangladesh is to guarantee admittance to land and property rights through arranged and supportable land the board in Bangladesh. The current land organization and the board are mind-boggling. An enormous number of government services, directorates, divisions, offices, and districts are engaged with the administration of land. The fundamental elements of current are three:

- (1) record-keeping,
- (2) Registration, and
- (3) Settlement.

The critical issue here is the variety of reports or records of rights kept up in various workplaces under various un-composed services. This framework is wasteful; non-straightforward; answerable for double proprietorship; shapes the reason for imaginary records, questions, and prosecutions; goes about as a disincentive for creation, and helps the land grabbers; likewise frames the reason for land-related debasement. No single office is altogether liable for the execution of any undertakings of land strategy or organization. Even though digitization of land records has been presented uniquely at a limited scale the entire cycle is manual, relentless, and time-serious. Ordinary techniques for a land overview, planning, and up-degree of land records, support of all connected information for each bundle of land make land organization and the executives fragmented and inadequate. Arranged and powerful activity to digitalize the record of rights, mouza planning, and deed enrollment may make the land organization venture forward straightforwardly and effectively.

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