



# Legal Framework on Property Ownership Bangladesh Perspective

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# About Bangladesh

Total Population	: 160.8 in million
Male	: 80.5
Female	: <b>80.3</b>
GDP	: 7.28
Per capita Income	: 1610 \$
Literacy Rate (7+ Years)	: 71.0
Male	: 73.0
Female	: <b>68.9</b>
Life Expectancy (At birth)	: 71.6 years
Male	: 70.3
Female	: <b>72.9</b>



# Bangladesh: The Constitutional Provision

The Constitution of Bangladesh Provides that .....

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- All citizens shall have the right to hold, acquire, transfer and dispose of property.
  - The Bangladesh authorities recognize to a limited extent customary rights and practices notably regarding personal laws and simple civil matters.
  - With respect to land principles of customary law are codified in formal law.
  - Ownership of land in Bangladesh is vested in either private individuals or entities of the state.
  - Ownership-rights to land for individuals can be acquired through purchase, inheritance, gift or settlement by the government



# Bangladesh: The Legal Framework that Govern Inheritance

- The 1984 Land Reforms Ordinance:

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Placed a 20-acre ceiling on acquisition or holding of agricultural land and invalidated benami transactions, in which a person purchases land in the name of another so as to evade the land ceiling. o Provided greater tenure security to sharecroppers (bargadars) in sharecropping contracts with landowners o Agricultural households already occupying farmlands obtained rights to their homestead land through an anti-eviction provision.

-The Land Use Policy 2001 of Bangladesh

-The State Acquisition and Tenancy Act 1950



# Bangladesh: Muslim Family Law 1961

## Inheritor

Daughter (one daughter and no son)

## Property owned by

Father

## Share of property

1/2

Daughter (more than one and no son)

Father

2/3

Daughter (with son)

Father

Residuary, one daughter gets 1/2 of one son

Mother (If there is grandson)

Son

1/6

Mother (If there is no grandson)

Son

1/3

Wife (If there is no son)

Husband

1/4

Wife (If there is son)

Husband

1/8

Half-sister from the mother's side (one only and there is no descendants and parents of the deceased)

Brother

1/6

Sister (more than one and there is no descendants and parents of the deceased)

Brother

All get 1/3 of the property

Uterine sister (one only and there is no descendants and parents of the deceased)

Brother

1/2

Uterine sister (more than one and there is no descendants and parents of the deceased)

Bother

1/3



## Bangladesh: The Hindu Women's Rights to Property Act, 1937

When a Hindu governed by any school of Hindu Law or by customary law dies intestate leaving separate property, his widow, or if there is more than one widow all his widows together, shall be entitled in respect of property in respect of which he dies intestate to the same share as a son:

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-Provided that the widow of a predeceased son shall inherit in like manner as a son if there is no son surviving of such predeceased son, and shall inherit in like manner as a son's son if there is surviving a son or son's son of such predeceased son;

Provided further that the same provision shall apply mutatis mutandis to the widow of a predeceased son of a predeceased son.

(1) When a Hindu governed by any school of Hindu Law other than the Dayabhag School or by customary law dies having at the time of his death an interest in a Hindu joint family property, his widow shall, subject to the provisions of sub-section (3), have in the property the same interest as he himself had.

(2) Any interest devolving on a Hindu widow under the provisions of this section shall be the limited interest known as a Hindu Woman's estate, provided however that she shall have the same right of claiming partition as a male owner.

(3) The provisions of this section shall not apply to an estate which by a customary or other rule of succession or by the terms of the grant applicable thereto descends to a single heir or to any property to which the [Succession Act, 1925](#) applies.



# Comparison between current Social practice and Islamic law

<b>Subject</b>	<b>Islamic property distribution system</b>	<b>Current social practice</b>
Financial independence	Woman has financial independence	Woman does not have financial independence
Property inheritance	Woman has fixed shares in the inheritance property	Woman is deprived of the inheritance property
Maintenance for family	Man is responsible for providing maintenance for women and children from his property	There is no rule regarding this. In many cases, man takes over woman's property to provide maintenance for the family
Bridal gift	It is compulsory on man to provide a bridal gift to woman	Woman/her family is required to provide bridal gift to man on many occasions



THANK YOU