

Why property (Land) Disputes in Bangladesh should be resolved through Arbitration?

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Land is the well precious property of all assets that a human being can have as it is the component of social and economic enlargement of any society. Land is a manifestation of the standing of a given community in the sense that, economics of a community is defined by the nature of land it has. The value of land in terms of economic growth and development of any given country is enormous. In Bangladesh for example, majority of the population derives their main livelihood from agriculture and livestock sector activities which all

consent. In other words there is no deprivation of real property (land) without any sanction of the law.

Hence, our interest in land is universal and it is one of the human rights which are protected by the Constitution of the People's Republic of Bangladesh and Universal Declaration of Human Rights (UDHR). Conversely, where there is an interest, there is a dispute. Accordingly, land dispute results from land interest. Although, appropriate land laws, elevated thought-out land administration, vibrant land management in an background of

of law may decrease, and impatience and violence may rise in the society", Former Chief Justice Surendra Kumar Sinha said while addressing the national judicial conference at the Bangabandhu International Conference Centre in Dhaka on Sunday, December 25, 2016.

Presently, there is no standardized mechanism for resolving land disputes in Bangladesh. In fact, the Revenue Officer, the Civil Court, the Magistrate Court, the Village Court or Municipal Board may settle land disputes. In the context of its limited number of judges, inadequate judge-population ratio, insufficient budget allocation for the judiciary and lack of infrastructure in the legal system, the reliance on Arbitration becomes just a demand of the time. Given that many developed and developing countries have gained tremendous success in reducing pending cases by adopting Arbitration, Bangladesh should find and try ways and means to develop Arbitration mechanism in the same craze. In case of any disputes arising during land survey and recording, it can be resolved with the help of NGO, CSO and local government bodies such as Union Parishad (UP) representatives.

Most of the Bangladeshis are predominantly dependent on land for their daily living. Apposite management of land can shield the interests of the bona fide cultivators and make their lives better-off and well again. To this end in view, the significance of reshuffling and pioneering arbitration as a means of alternative dispute resolution in the land management and land administration by making amendment to the existing laws or enacting laws where necessary cannot be inflated.



depend on land. Being most valuable land has to be administered with due process.

Legally Land is a real property. Land as a property in legal sense it has an aggregate of rights attached to it which are guaranteed and protected by law. Its domination or indefinite right of use or disposition which one may lawfully exercise over particular thing or subject is what gives its value and therefore protection of its interest. Land as real property is inherent in every sovereign state by exercising its powers of eminent domain to expropriate land without owners

good governance, and above all alternative mechanism of dispute resolution may condense land dispute into a enduring height.

"There are 27 lakh cases pending with lower courts across the country, and this burden of undisposed cases can slow down the management of the courts and might increase the cost of case disposal. For this, people might be discouraged to take their disputes before the courts and be encouraged to get favourable solutions through extrajudicial means or muscle power. In such a situation, people's faith in the rule

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