Jagannath University, Dhaka

Department of Land Management and Law Course: Internship Course Code: LAN-4205



Internship Report on:

Corporate Documentation

Submitted to:

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1 Introduction:

'Azad & Company' is a renowned law firm in Bangladesh. It is working nationwide having head office in K.R. Plaza (6th & 7th floor), 31 Purana Paltan, Dhaka-1000, Bangladesh. This law firm has more than 50 lawyers and associates working under the head of the chamber Barrister Abul Kalam Azad. This law firm is technologically firm and provides quality services to its clients. The lawyers and associates who are working here are highly qualified and provide services under the motto of 'hear the clients thoughtfully and advise professionally'. In Bangladesh, the practice of law is broadly divided into two categories i.e., Civil and Criminal law. 'Azad & Company' provides both civil and criminal services to its clients. At present, their efforts encompass a wide range of civil law issues, such as intellectual property law, family law, employment law, tax law, and property law.³ In this regard, the chamber accepts cases on a case-by-case basis, as it considers client satisfaction to be its highest priority. It also provides services relating to criminal cases determined by the Supreme Court.⁴ It is currently dealing with the major cases concerned with the fields of company, marine, tax, and arbitration.⁵ Apart from that 'Azad & Company' generally practices a broad area of corporate law. They provide a variety of services relating to the corporate sector such as 'advertising, marketing & promotion', 'Asset Finance & Securitization', 'Employment & Labor', 'Energy & Infrastructure', 'Engineering & Construction Litigation', Environmental, 'Intellectual Property', 'International Risk & Investigations', and Appeals.⁶ Mainly corporate banks and offices are the clients of this chamber. Apart from the corporate banks and offices, any individual also avails of the services which they provide. Since its establishment in 2009, 'Azad & Company' has provided quality services to its clients and is regarded as the best service provider in Bangladesh.

2 Descriptions of Duties:

While working there as an associate lawyer, I have been assigned various tasks relating to land vetting and the preparation of legal opinions.

¹ 'About Us' (*Azad & Company*) https://www.azadncompany.com/about-us/ accessed 17 December 2023.

² ibid.

³ 'Azad & Company' (*Azad & Company*) accessed 17 December 2023.

⁴ ibid.

⁵ ibid.

⁶ ibid.

2.1 Day One:

On the first day of my internship, Associate lawyer Muhammad Muhibbulla was appointed to guide me. He provided me with a file containing some documents necessary to create a mortgage loan in the bank and told me to study and try to understand the documents contained in this file. I thoroughly studied those documents and tried to acquaint myself with those documents. The file contained a title deed, some bia-deeds, a trade license, a TIN certificate, national voter ID cards, a scheduled mouza map, 'valuation and survey report', 'CS khatian, SA khatian, and RS khatian', and land development tax receipt. After acquainted with these documents, he provided me with a digital file of legal opinion. I studied the demo legal opinion carefully and tried to understand various terms used in the demo legal opinion.

2.2 Day Two:

On the second day, I have been given a **task to write a legal opinion**. For that reason, a new file has been given to me with a format of legal opinion. I studied the new file and identified relevant things that are necessary to write the legal opinion. First of all, I identify the name of the person in whose name the mortgage will be sanctioned. Then I identify the title deed and relevant bia-deeds. The file also contained relevant khatian, land development tax receipt, National ID card number, E-TIN number, trade license, and some other documents. After thoroughly examining these documents I found the land measurement for which the mortgage will made, the name of the mortgagor, mortgagee, relevant dag, khatian, jot/holding, and mouza number. Then, I started to write legal opinions. After finishing the task given to me, I submitted it to my guide Muhammad Muhibbullah. He checked my work and gave me some suggestions regarding legal opinion writing so that I could do better in the future. After lunch, a general session was held relating to land vetting, title search, mode of transfer of land, and many practical aspects relating to land. I joined this session and gained lots of knowledge.

2.3 Day Three:

On the third day, he (Muhammad Muhibbullah) provided me with a draft document of 'Title Search' and told me to study the document and try to understand the terms that are used in the draft. I studied the draft of 'title search' and understood the terms of the drafts. Basically, for mortgages, land vetting is important. While an advocate writes a legal opinion, he has to focus on the absolute right, title, and possession of the mortgaged property with the mortgagor. In that regard, at the request of the concerned bank, a lawyer may search the title of the concerned mortgagor. Mainly a lawyer verified title deeds, mutation khatian, land

development tax, and the latest khatian. To verify those above-mentioned documents, lawyers have to go to the concerned offices i.e. Upazila Sub-Registry Office, Tahsil office, Union Parishad, and sometimes to the District Collector office. The main aspect of verifying those documents is to check the genuineness of the document provided by the mortgagor.

After that, he (Muhammad Muhibbullah) provided me with a **deed of mortgage and a bank loan sanction letter** and <u>told me to study the mortgage document</u>. I studied the document and tried to understand how a mortgage deed is made. He also provided me with a **draft of a letter of sanction**. I studied it too. From the draft mortgage deed, I understand that a mortgage deed may be made between the mortgagor and the mortgagee. Though I know that, because of studying the Transfer of Property Act 1882 earlier. But the new thing is If a person is not the owner of the mortgaged property, he can still manage to mortgage the same as the third party. In that case, he will be a borrower and the person whose property will be mortgaged as the mortgagor. This type of mortgage is called a third-party mortgage.

2.4 Day Four:

On the fourth day, I was assigned to a new file of 'Prospective Purchase (P.P.) Vetting'. Prospective Purchase (P.P.) Vetting is concerned with the prospective mortgage of a property. In that type of mortgage, the person who will become the mortgagor is not the actual owner of the property to be mortgaged. Rather he desires to buy the prospective mortgaged property through obtaining a bank loan. In that case, the person who wants to sell the property is the owner of the property, the person who wants to buy is the prospective mortgagor and the concerned bank is the mortgagee.

2.5 Day Five:

On the fifth day, my task was to **write a mortgage deed**. I completed the task to which I was assigned. I also took note of how a mortgage deed is written.

2.6 Day Six:

On the sixth day, I was given the task of <u>preparing a note of the thing which I learned in the previous 5 days</u>. After completing the task, I showed it to my guide. He saw the note and made some corrections to the note.

After that, a close session was held to give the two of us of the team an insight into land documentation and land vetting. Here the mentor emphasized the writing of the chain of ownership of the land. He told us that, chain of ownership is very important to identify the

legal ownership of the land owner. The correct chain of ownership gives absolute rights, title, and ownership to the landowner. After closing the sessions, a new task of writing a chain of ownership was assigned to me. This was a new file. I studied the file carefully and wrote the chain of ownership. Then I submitted my task to the mentor who assigned me to the task. He checked my submission and used this in his work of giving legal opinions.

2.7 Day Seven:

On the seventh day, I saw the previous work I had done and what had been assigned to me. After that, my guide Muhammad Muhibbullah provided me with two documents one is the **draft of the redemption of the mortgage** and the other is the **revocation of power of attorney**. I studied those documents carefully. After studying those documents I told my guide that till now I had not learned how a power of attorney is made, so it is difficult for me to understand the document of revocation of power of attorney. After that, he provided me with a document of **irrevocable power of attorney** and helped me to understand what power of attorney is and why it is necessary for documentation and also to take a loan from the bank by way of a mortgage. Then I studied the document of power of attorney and learned how a power of attorney document was made.

2.8 Day Eight:

On the eighth day, while a senior consultant checked a file of legal opinion, I watched this and tried to understand how a file had to be checked before final submission. He told me that the most important part of legal opinion writing is the checking chain of ownership. One who is better at writing a chain of ownership can make it easier to write legal opinions.

2.9 Day Nine:

On the ninth day, I was given the task of **identifying various types of khatian** such as C.S. khatian, S.A. khatian, R.S. khatian, B.S. khatian, and Mutation khatian. Though it is easy to identify khatian which is made or collected nowadays from concerned Land Office. But the previous khatian had no identifying name in the front and difficult to identify the same. But there are some ways to identify the khatian whether it is C.S. khatian, S.A. khatian, R.S. khatian, or B.S. khatian.

2.10 Day Ten:

On the tenth day, no such particular task was given to me. Rather they told me to revisit the whole learning from the first day to the last day. The senior consultant of the firm asked me a question, how I can identify a title deed as original or certified? I answered that the stamp

duty of an original deed would be at least 100 takas. He told me that it was before. But the latest stamp duty of an original deed would be at least 400 takas and a certified copy of the original deed of 200 takas.

3 Skills Learned:

During the internship period, I learned lots of things. Those are mentioned below —

3.1 Land Vetting: It involves a series of processes that should be followed to make sure that the property in question is genuine and free from any complications; purchasers would acquire legal ownership of the property. In Bangladesh, it is very difficult to purchase any property because there are many opportunities to scam the purchaser. This is also true in the case of taking a loan from the bank. Sometimes, the mortgagor mortgaged his property earlier and he wishes to mortgage the same property subsequently to take a loan from the bank. In that case, the respective bank must verify the rightful ownership and possession of the person who wishes to mortgage the property for taking a bank loan. Land vetting has some steps involved to identify the ownership of the respectful owner. Those are mentioned below —

3.1.1 Gathering Information about the Property: While vetting, the first thing is to find the title deed to identify the owner of the land, and to find information about the deed number, execution date, concerned sub-registry office, measurement of the property, types of the deed, respective khatian number. For that purpose, one has to carefully read the face of the title deed and the schedule of the respective title deed.

3.1.2 Verification of the Title Deed: After gathering information about the respective property, the lawyer has to verify the ownership of the property. It can be verified in two ways. It can be verified by the concerned sub-registry office where it is registered. It is the most appropriate method of verifying the title deed. The other way is to check the stamp duty in the title deed. The original title deed bears the stamp duty of at least 400 takas. The certified copy of the title deed bears the stamp duty of at least 200 taka. A certified copy of the title deed must have the SRO token. Without this token, no one can get the main title deed from the registry office. If the SRO token is lost, the concerned person has to make a general diary to te concerned police station.

⁷ MD MOSLEHUDDIN SADI KHAN, 'Property Vetting: A Sense of Security and Safety' *The Financial Express* (Dhaka, 19 September 2020) https://thefinancialexpress.com.bd/views/analysis/property-vetting-asense-of-security-and-safety-1600446117 accessed 17 December 2023.

- **3.1.3 Chain of Ownership:** After verifying the title deed, the concerned lawyer has to establish the chain of ownership of the concerned property for at least 25 years. For that reason, a lawyer needs relevant bia-deeds. Bia-deeds are those deeds that are previous to the latest title deed of the respective property. It is the most important part of land vetting and also a time-consuming and critical one.
- **3.1.4 Verification of Khatian:** Verification of Khatian is important because it is the proof of possession of the property. While establishing the chain of ownership, verification of khatian plays an important role. The owner of the property must have the name in the latest khatian. If the name of the owner is not in the latest khatian, then it is doubtful about his rightful ownership and possession of the property. Khatian is of two kinds. One is survey khatian and the other is mutation khatian. C.S. khatian, S.A. khatian, R.S. khatian, B.S. khatian, and Dhaka City Jareep are examples of survey khatian. When the name of the owner of the property is not in the survey khatian, then his name must be in the mutation khatian. While checking the mutation khatian, the concerned lawyer has to check both the Duplicate Carbon Receipt (DCR) and the Respective Mutation Proposal Letter.
- **3.1.5** Checking Land Development Tax Receipt: While any property is to be mortgaged or prepared for transfer by any of the modes of transfer, land development tax must be paid up to date. When the property is in the municipal area, there must be a municipal holding tax receipt. This tax also be paid up to date. Any sort of missing records may cause an assumption that the tax is not paid up to date.
- **3.1.6 Non-Encumbrance Certificate:** The question is whether the scheduled property is encumbered or not. To prove the property is not encumbered, a non-encumbrance certificate from the concerned sub-registry office has to be provided.
- **3.1.7 Valuation & Survey Report:** Before mortgaging or transferring the property, a valuation and survey report must be provided to the concerned lawyer to give his legal opinion. In the case of a city corporation area, if the property is building, it also has to provide a building plan and approval letter from the concerned authorities to check its genuineness.
- **3.1.8 Laws Consulted & Examined:** While giving a legal opinion, the concerned lawyer has to consult and examine various provisions of the following laws
 - Transfer of Property Act, 1882.

- State Acquisition and Tenancy Act, 1950.
- Registration Act, 1908.
- Contract Act, 1872.
- Stamp Act, 1899.
- Land Reforms Ordinance, 1984.
- Bangladesh Land Holding Limitation Order, 1972.
- **3.1.9 Wanting Papers and Documents:** If any documents or papers necessary to give a legal opinion are not delivered to the concerned lawyer, then he can want those papers and documents. After getting all of the papers or documents, he gives his final legal opinion.
- **3.1.10 Legal Opinion:** When all the steps are complied with, the concerned lawyer finally gives his legal opinion regarding the scheduled property whether the owner has the rightful ownership and possession of the property or not. Is the scheduled property capable of being mortgaged or transferred or not? At the time of giving a legal opinion the concerned lawyer assumed that all the photocopies of the relevant documents were correct and compared to the original documents and that all representations and statements made concerning the documents by the party are true and accurate.
- **3.2 Prospective Purchase Vetting (P.P. Vetting):** This type of vetting is similar to land vetting. However, there is a slight difference between land vetting and prospective purchase vetting (p.p. vetting). In the case of land vetting, either the owner himself or the borrower mortgaged the property. In prospective purchase vetting the mortgagor is not the real owner of the property, rather he mortgaged the property which he desires to buy from the real owner after getting the loan from the concerned bank.
- **3.3 Title Search:** Land vetting or Prospective Purchase (P.P.) vetting is done based on certified or, photocopies of the documents. While conducting vetting, the concerned lawyer assumed that the certified copies or the photocopies were true and accurate. But this is merely an assumption, not the exact truth. For that, a title search is important to identify the exact truth regarding the property that will be mortgaged or transferred. While the concerned lawyer conducting a title search, he verified the title deed, mutation khatian, land development tax payment receipt, and latest khatian. Title deeds can be verified from the concerned sub-registry office, mutation khatian from the A. C. Land office, latest khatian from the district office, and land development tax from the concerned Union Parishad.

- **3.4 Letter of Satisfaction:** When the loan is sanctioned to the mortgagor by the concerned bank, a sanction letter is issued by the bank. To sanction a loan to the mortgagor, the concerned bank wants some paper and documents from the concerned borrower/mortgagor. The concerned lawyer prepares and collects those papers and documents on behalf of the mortgagor. After that, the concerned lawyer prepared a letter of satisfaction for the concerned bank stating the mortgagor/borrower executed the following security documents in favor of the bank. Mainly a bank wants the following documents and papers for sanctioning a bank loan
 - a) Certified copy of Deed of Mortgage with discharged delivery receipt In terms of the security provision of the Sanction Letter.
 - b) Certified copy of Power of Attorney with discharged delivery receipt.
 - c) Demand Promissory Note.
 - d) Letter of arrangement.
 - e) Letter of Continuity.
 - f) Letter of Disbursement.
 - g) Letter of Installment.
 - h) Letter of Debit authority.
 - i) Irrevocable Letter of Authority.
 - j) Letter of Lien and Authority.
 - k) Letter of Lien and Set-off.
 - 1) Personal guarantees.
 - m) One fully prepared and valid signed post-dated cheque.
 - n) Letter of revival.
 - o) Letter of Disclaimer.
 - p) Letter of Declaration.
 - q) Sanction Letter and so on.
- **3.5 Preparation of Mortgage deed:** I learned to prepare the draft of a mortgage deed. Section 58(a) of The Transfer of Property Act 1882 defines the term mortgage. According to this section, A mortgage is the transfer of an interest in specific immoveable property to secure the payment of money advanced or to be advanced by way of a loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary

liability.⁸ For a bank loan, a mortgage deed is to be prepared for the scheduled property. In case of default of payment of bank loan, the concerned bank can sell and dispose of the property to make good on their loan.

3.6 Preparation of Redemption of Mortgage Deed: When a mortgage deed has to be redeemed, a deed of redemption of the mortgage must be prepared to give effect to the redemption. When the borrower pays the loan which he obtained from the bank, a redemption request is made to the bank. After satisfaction the concerned bank release and discharge the mortgaged property to the mortgage/borrower.

3.7 Preparation of the Deed of Power of Attorney: Mainly power of attorney is given to anyone to perform his obligation in case of absence, illness, or business and financial transaction. In the case of taking a bank loan, the borrower must have made an irrevocable power of attorney in favor of the concerned bank as security. If the borrower fails to pay the loan, then the concerned bank by using such power of attorney can sell the property mortgaged to the bank and make good to the loan facility without taking court assistance. While making a draft deed of power of attorney the concerned lawyer must identify the name of the principals and the attorney input the details of them in the draft deed. After that, he has to write a description of the authorities and responsibilities of the attorney provided by the principals. Description of financial facilities and responsibilities, chain of ownership and schedule, tenure of power of attorney, and nature of power of attorney must be mentioned in the draft deed. The draft deed must bear the signature of principals, attorneys, and witnesses respectively. It also has an affidavit made by the principal and bears the name and signature of the concerned sub-registry office and officer respectively.

3.8 Preparation of the Deed of Revocation of Power of Attorney: Irrevocable power of attorney can be revoked if the purpose for which the power of attorney is made is satisfied and exhausted. ¹² I learned how a draft of revocation of power of attorney is made. The draft of revocation of power of attorney contains the name and details of both the principal and the attorney, reasons for which power of attorney has to be revoked, schedule of the release property, name, and signature of the principal, attorney, and witnesses. It also contains the

⁸ The Transfer of Property Act 1882, s 58(a).

⁹ 'Power of Attorney' (*Corporate Finance Institute*) https://corporatefinanceinstitute.com/resources/wealth-management/power-of-attorney/> accessed 17 December 2023.

¹⁰ The Transfer of Property Act 1882, s 69.

¹¹ The Artha Rin Adalat Ain 2003, s 12.

¹² Saud Hassan and Monica Khan, *Legal Drafting and Conveyancing* (2nd edn, New Warsi Book Corporation 2010) 343 & 344.

name of the person who drafted the deed and also contains an affidavit, the signature of the identifier, and the signature of the sub-registrar.

3.9 Identification of Khatian: I also learned how a khatian should be identified. In modern day khatians bear the name of the face of the khatian. But the problem arises when it is old-fashioned. C.S. Khatian is prepared after the cadastral survey. It is presented in two portrait pages. This first page has two parts. The upper part contains the particulars of superior interest and the bottom part contains the particulars of the raiyat. The other page contains the particulars of the land. This khatian has an evidentiary value of correctness. A. Khatian is prepared after the state acquisition survey. This khatian uses different styles in different parts of the country. For that reason, it is very difficult to identify this khatian. Broadly it is recorded in landscape paper and two pages. The first page contains the particulars of the raiyat and the second page contains the details of the land. The particulars in this khatian are written in handwriting. R.S. Khatian is prepared based on a revisional survey under section 144 of The State Acquisition and Tenancy Act, 1950. This khatian is recorded on a portrait paper and a single page. But in several districts including Dhaka, it is recorded in two pages like C.S. khatian. B.S. khatian is recorded on a portrait paper and one single page. These records of rights bear evidentiary value because it is conducted by plot-to-plot survey.

4 Relevancy, Impact & Benefits of the Skills Learned in My Study Area: Theoretical things are based on theory and ideas, while practical ones are based on practice. In university, we are taught theoretical knowledge and shared ideas. At the time of the internship, we used those theoretical knowledge and ideas to do better performance. In this internship, I learned lots of things that are directly connected with my study area. In university, I learned about The Transfer of Property Act, 1882; The Registration Act of 1908; a course of survey and settlement; a course of conveyancing, drafting, and trial; and I also learned similar kinds of things throughout my journey in the University which I apply in my internship days. I see the practical application of the theory and ideas that I learned in my university to the corporate field of practice. So, the things I learned on my internship days are highly relevant to my study area. The things I learned in my internship days are highly impactful because theory and ideas help me to gather information and know things in a better way, but the reality is I

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¹³ Mohammad Towhidul Islam, *Land Law: Text, Cases & Materials* (2nd edn, Centre for Human Rights and Legal Research 2013) 76.

¹⁴ The Bengal Tenancy Act 1885, s 103.

¹⁵ Mohammad Towhidul Islam (n 13) 78.

¹⁶ ibid 79.

have to practice or step ahead in the job field. In that case, work experience is highly required, but as a full-time student, it is impossible to gather experience by doing a job. So, it is assumed that a student will gather experience by internship in their relevant fields. After finishing study, a law student can't become a lawyer as soon as possible. He needs time and must clear Bar exams to become a lawyer. But he can be an associate of any law firm and gather experience in the law field. For this reason, this internship opportunity has had a huge impact on my study. I gathered practical knowledge about my study area and learned the etiquette and manners of the official environment as well. This internship is beneficial for the above reasons as well.

5 Observations:

Azad & Company is a renowned law firm in the corporate sector. More than 50 highly trained and capable associates and lawyers are working here. 17 It is the biggest strength of this law firm. This law firm has a good computer network system that helps speedy and smooth working as its main function is to draft various documents and store those documents safely. Leadership in a corporate firm is very important. If there is no central leadership and supervision, it is difficult to get better performance from the employees. This law firm has good leadership and supervision by the head of the chamber. This law firm has weaknesses also. It used Windows 7 in its computer system which is not up to date. Sometimes, computers are lagging. It seriously causes hamper to the work. This law firm can easily overcome this kind of weakness by just replacing Windows 7 and upgrading it to Windows 10 or 11. Its working capacity is quite good. Already I mentioned more than 50 lawyers and associates are working here. As it is a corporate law firm, there is less opportunity to work for the route-level people. But this law firm is contributing to the corporate legal sector very well. This law firm drafts a wide number of corporate documents, land-related documents, and other documents as well. It also has a litigation wing. If anyone has issues relating to legal documents and wants to file a suit, this law firm can help such a person file a suit and help him by assisting with the entire procedure.

6 Recommendations and Conclusions:

Internships are an important aspect of our study because, throughout our undergraduate journey, we only get theoretical knowledge. There is no scope to get practical knowledge except this internship opportunity. So, it must adhere to due care and importance. For

¹⁷ 'About Us' (n 1).

internship purposes, Documentation is a good side. But I also recommend adding the corporate litigation side for upcoming learners to the internship module. The period for internship has to be increased by at least one month for complete basic learning of documentation. Azad & Company can improve their training facility by making a module of learning so that a student has the opportunity to know what he will learn throughout the internship period. After all, it is a great and memorable journey for me as an intern and learner of law.

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