

Updating ROR: A Critical Analysis of Modernizing and Creating Citizen-centric Land Management

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Abstract: Land management in a country like Bangladesh with a population of 140 million within 147570 square kilometers is one of the most difficult tasks for the Government. Scarcity of land and frequently increasing value of land has made the land management critical to get the maximum output of it. Moreover, land disputes are mainly originated from the improper management of land which is the root cause of other social evils and these leads to both civil and criminal cases. Lack of proper land record management is one of the main reasons for weak management of land. All these things are done by different uncoordinated departments. This study is an endeavor to explore the main reasons for faulty updating of Record of Rights and to put some recommendations as a measure of reforms like merging of land related departments under the same ministry, digitization of land records for an effective, efficient and citizen-centric land administration with proper updating of Record of Rights

1.0 Introduction

Land Record Management of 144570 square kilometers with 140 million people in a country, like Bangladesh, is one of the mounting tasks for the Government. It comprises preparation of Record of Rights (ROR), maintenance and updating of ROR and registration of land transfer deed. At present these three things are done respectively by the office of the Assistant Settlement Officer (ASO), office of the Assistant Commissioner (Land) and office of the Sub-Registrar at Upazila level, whereas Zonal Settlement Officer, Deputy Commissioner and District Registrar are the supervising officers at District level, quite independent of each other. These offices are mandated for ensuring property rights in land of the citizen through ROR. Among these three offices office of the Assistant Commissioner (Land) is directly involved with the updating and maintenance of ROR for interim period between two consecutive surveys. Mutation is the process of updating ROR. At present mutation is done manually and the complex process involved in it impedes the correct and timely updating of ROR. Faulty updating of ROR leads to land disputes all over the country resulting 75 percent civil cases (Samakal, June 6, 2009). Land disputes are the main reasons for no less than 70 to 80 percent both civil and criminal cases. At present about 32

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lakh land disputes cases are pending in the court (Banglanews, 2008). Lack of correct and updated land records is one of the key reasons for non-implementation of the land reform programs taken by different governments. So, for the implementation of any land reform programs for ensuring citizens benefit proper updating and maintenance of ROR is the demand of the time.

1.1 History of Land Management

The present land management system is fully a revenue-based administration which is neither people oriented nor goal oriented. The land revenue system was first introduced at the time of Hindu Rulers of ancient India. Sher Shah introduced a regular system of land measurement together with the assessment and collection of revenue. He worked on land record survey from 1540 to 1545. Then Akber, the great Mughal Emperor introduced a universal and standard way of land record and survey (Debnath: 2000: 16). The British established an elaborate system of land survey and registration based on the concept of net assets. In 1793, the Permanent Settlement Regulation vested rights to own land to a class of Zaminders. From 1888 to 1940, a Cadastral Survey (CS) of undivided Bengal created the original record of land rights. This is often still accepted as evidence by modern courts.

In 1947, Pakistan continued with a version of the net assets system but this declined in importance due to reduced frequency of settlements and poor maintenance of land records. After the enactment of The State Acquisition and Tenancy Act, 1950 Zamindari system was abolished. State Acquisition Survey was conducted from 1956 to 62, based on the CS blueprint. Although revisional settlement operation commenced in 1965, but progress was very slow and by 1995 it had only been completed 10% of all thanas. (The Daily Star: 2006). In this procedure the preparation of land records are entrusted with the Directorate of Land Records and Survey (DLRS) with the direct supervision of Zonal Settlement Officer. After preparation land records are handed over to the collector and thana (at present Upazila) and union land offices (Siddiqui: 1997:342). In between two settlement operations the land records are updated by the Assistant Commissioner (Land) as a consequence of sale, and transfer under the supervision of Deputy Commissioner. It is done through the process of mutation.

1.2. Objective of the Study

- To explore the major weaknesses in updating ROR in Bangladesh.
- To suggest the ways of improving present system of updating ROR to ensure citizen-centric land management as well as to minimize land hazards.

1.3. Rationale of the Study

Land records are being completed through the process of settlement, ROR and mouza maps are published by DLRS and handed over to the office of the Deputy Commissioner, Upazila, and Union Land Offices for land management as well as for the purpose of updating ROR between two surveys, with originals retained in the Office of the Deputy Commissioner under lock and key. The records are then updated through mutation as consequences of sale and transfer. It is supposed that the sold land and other transferred land records will be updated either at the instance of buyer's application or automatically by the AC (Land) himself within a month. But it frequently takes a year unless there is a payment of speed money (Siddiqui: 1997:354). As stated by Siddiqui, sometimes the changes of ownership and title of land occurs through illegal means either with the assistance of Sub-Registrar or the AC (Land) (Siddiqui: 1997:346). As a result numerous disputes arise in which the rich and the powerful inevitably enjoy the upper hand. In addition, there is a clear lack of coordination among land related departments which creates the process of updating ROR more complex. At present land owners do not have easy access to information on their land records. On payment of additional money the land owner gets a certified copy of his land. But it takes additional time also. To minimize complexity the procedure of updating ROR, the process should be transparent and simple. I hope the present study will help to identify the complexities of present land record management particularly updating of ROR and the way of improving it to ensure citizen-centric land administration.

1.4. Scope and Limitations of the Study

The study mainly focuses on the institutional and functional aspects of existing land record management with special emphasis on updating ROR. This paper will also address the way for an effective updating of ROR with specific recommendations. Lack of data and literature are the main limitations behind this paper to prepare. However, I relied mostly on secondary data based on Books, Journals, Daily Newspapers and WebPages

1.5. Research Methodology

The study is mainly based on content analysis. Data regarding the number of land registered by the Sub-Registrar, number of land transfer notices sent to Upazila Land Office from the Office of the Sub-Registrar and disposal of mutation cases by the AC (Land) for the last three years have been taken from Sadar upazial under the district Netrokona. With this, three years working experiences of the researcher in the relevant field at Upazila level is an additional support to conduct the study.

1.6. Structure of the Paper

This study titled "Updating ROR: A critical analysis of modernizing and creating citizen-centric land management" is divided into seven sections. Section one is titled "Introduction," in which history of land management, objectives, rationale, scope and limitation of the study, research methodology and structure of the paper are discussed briefly. Section two is titled "Literature Review" in which several works in the related field by several authors are discussed.

Section three comprises of "Understanding of land management related terms" where different definitions have been clarified. In this section the present Land Administration of Bangladesh has also been defined with the organizational set up both at National and District Level.

Section four is titled "Updating and Maintenance of ROR in Bangladesh" in which definition of mutation, legal basis of mutation, why it is necessary, process of mutation, requirements for mutation and how effective mutation will serve the citizen are discussed. Section five is titled as "Case study on land registration and updating ROR". Section six depicts "Weaknesses of Updating ROR" followed by Recommendations and Conclusion.

2.0 Literature Review

To conduct the study and to get a preliminary idea of the related field I review some of the relevant and related documents. Narayan Chandra Debnath in his book "Land Management of Bangladesh" describes about the historical background of land record management in the part of 'History of Land Management'. O H Koenigsberger and S Groak in their book "A Review of Land Policies" describe about the land and urban land policies of different countries. Dr. Kamal Siddiqui in his book "Land Management in South Asia" describe about the land management of

South Asian countries. In Chapter 9 under the headline 'Land Management in Bangladesh' while analyzing problems of land management system in the region he has suggested family based ROR. (Siddiqui: 1997). He has made a comparative study of Land Administration in South Asian Countries. Public Administration Reform Commission in 2001 recommended a plot based khatian rather than a family based one because of its suitability under the existing socio-economic condition (GoB: 2000). Mr. Abul Barakat in his "Political Economy of Khas Land in Bangladesh" analyzed existing recording problems of khas land only. Dr. Hossain Zillur Rahman in an article titled "Rethinking Land Reform" discussed about the dynamics of Land Administration Reform emphasizing coordination of various government organs. 'To minimize the land hazards land records will be digitized', it has been said by the honorable Finance Minister in his budget speech of 2009-2010 (Samakal: 2009).

3.0 Understanding of Land Management Related Terms

3.1. Definition of Land, Land Management and Land Record Management: As land record management is involved with a complex system, so the most frequently used terms are defined and explained first before going to the detail study. At the present study key words are land, land management, land record management including updating ROR and land administration in Bangladesh needs to be clarified.

Land: Land is defined differently by different people. According to The Concise Oxford Dictionary, 'Land' means the 'solid part of the earth's surface'. The word 'land' is also defined in subsection 16 of section 2 of The State Acquisition & Tenancy Act, 1950 as 'Land means land which is cultivated, uncultivated or covered with water at any time of the year, and includes benefits to arise of land, houses or buildings and also things attached to the earth, or permanently fastened to anything attached to the earth' (Alam: 2007: 172)

Land Management: Land Management includes preparation of ROR, maintenance of ROR, implementation of land reform programs, assessment and collection of land development taxes, settlement of agricultural and non-agricultural khas lands and char land, maintaining the ceiling of land, recovery of excess land, management of public easement on land and sairat mahal, implementation of National Land Use Policy and other day to day functions of land management authorities.

Dr. Kamal Siddiqui in his book 'Land Management in South Asia: A Comparative Study says we will mean by land management the existing day to day and routine state interventions and regulations in the existing land system of a country/state/province. In other words, good land management tries to improve the existing land related practices and processes within the overall relation existing between the population, the land, and the state' (Siddiqui: 1997: 2).

International Journal of Land Management (1996) has defined Land Management as the 'means by which the resources of the earth with particular reference to land and all that is contained upon and below, is managed. The management includes the collection of data about land, the processing, analysis and presentation, followed by the decision to its use as dictated by imposed rules and regulations related to its ownership, valuation, rights, registration and its impact on the environment'. (Siddiqui: 1997: 3).

Land Record Management: Land record management means preparation of ROR with mouza map, updating ownership of land records i.e. ROR through mutation and maintenance of ROR.

3.2 Current Land Administration in Bangladesh

Land Administration can be defined as 'the process of determining, recording, and disseminating information about ownership, value and use of land; when implementing land management policies' (UN: 1996). From the above definition it is found that there are three prime areas of land management namely preparation of record of land ownership, determining value of land and implementing land management policies. In Bangladesh centrally Ministry of Land is responsible for overall land management except land registration. Land registration is under the control of Ministry of Law, Justice and Parliamentary Affairs. Under the supervision of Ministry of Land, DLRS is responsible for surveying, mapping, and preparation of ROR and their maintenance, Land Reform Board are involved with formulation and implementation of land reform programs. At the Divisional level Commissioner of that Division acts as the head of Land and Revenue Administration. He is the appellate authority of the Collector.

At District level Collector who is also the Deputy Commissioner and District Magistrate is entrusted with land management in his district. Apart from the responsibility of collection of land revenue, the collector accords approval for settlement of government land, changes in

classification of land according to their usage, acquisition of land for development or other purposes and performs many other supervisory functions over the revenue set-up. He is assisted by an Additional Deputy Commissioner in charge of revenue. At Upazila level AC (Land) is in charge of revenue administration. He is supervised by Upazila Nirbahi Officer (UNO). Among the functions, updating ROR is one of the mostly performed functions by AC (Land).

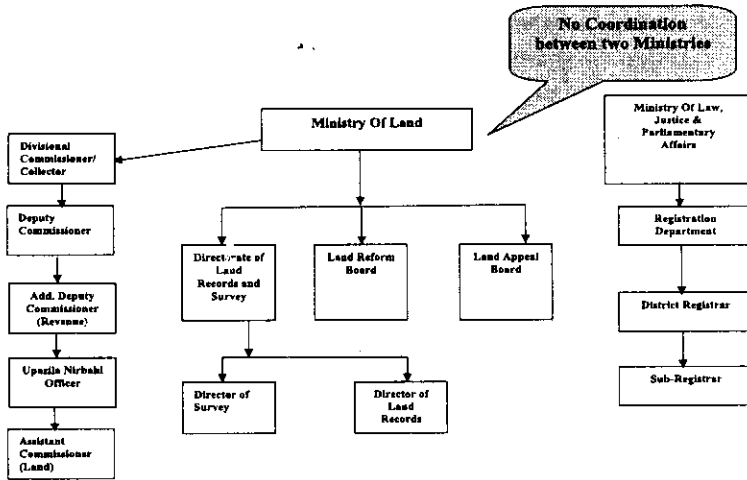


Figure-1: Current National Land Administration Structure

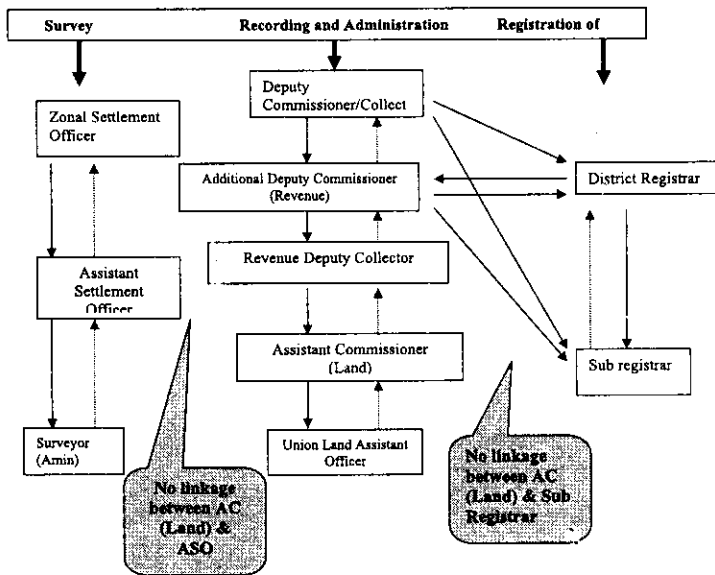


Figure-2: Land Administration at District and Upazila level

4.0 Updating and Maintenance of ROR in Bangladesh

During the intervening period of consecutive regular survey operations, updating ROR is done by AC (Land) through mutation under the supervision of Deputy Commissioner. Mutation forms a part of overall maintenance of ROR.

Definition of Mutation: Mutation is a process through which record of land ownership is updated. It is the process of revising and updating ROR on transfer of land ownership and also on subdivision and amalgamation of landholdings. Ownership changes of land that take place during the intervening period of consecutive regular survey operations are needed to be reflected in the ROR (Mia: 1996: 180).

Legal Basis of Mutation: Mutation is done by AC (Land) under section - 143 of The State Acquisition & Tenancy Act, 1950. It is either for amalgamation of holding or for separation of holding. Amalgamation of Holding is done under section- 116 and Separation of Holding is done under section -117 of The State Acquisition & Tenancy Act, 1950. This law is applied keeping in view relevant provisions of Survey Act, 1875, Transfer of Property Act, 1882, Tenancy Rules, 1955, Land Reforms Ordinance, 1984, Manual on Land Management, 1990 and Land Administration Manual, 2003 and Registration Act, 2005. Each case is to be decided on its own merit. Register IX (Part-I & Part-II) of Land Office are specifically used for mutation.

Why Mutation is necessary?

Following are the circumstances (GoB: 1997: 467) when updating of ROR becomes necessary through mutation:

- a. When transfer of ownership of land is made through a registered deed and land transfer notice is received from Sub-Registrar or District Registrar;
- b. When landowner dies leaving behind his heirs;
- c. When new settlements of khas land (government owned land) are made;
- d. When any land vests in government as a result of certificate case;
- e. When title of any land vests in the government as a result of auction sale based on the judgment of a court;
- f. When orders are passed by a court on application for pre-emption;
- g. When rent of a holding is abated on account of abandonment or diluvion;

- h. When any raiyat is entitled to repossess or hold any land on alluvion;
- i. When a parcel of land is amalgamated or a holding is subdivided;
and
- j. When the right of a co-sharer in a holding is transferred through sale.

Process of Mutation: The process starts in the case of transfer on receipt of Land transfer (LT) notice and in all other cases with applications from the tenants or proposals from Union Land Assistant Officers. AC (Land) initiates a mutation proceeding and sends the application and other documents attached with the application to the concerned ULAO for inquiry. ULAO verifies the genuineness of ownership and possession of the transferor. He then determines whether any public demand is due on account of Land Development Tax, any certificate case lies pending on the land and whether the proposed land transferee's holding exceeds the ceiling of land holdings as per law. After receiving a proposal from ULAO, notice is issued to the parties concerned with fixing a date for hearing. After hearing and on consideration of the report and if the land on verification is found not under the category of khas, abandoned, surrendered, and vested property, *waqf*, *devottar*, AC (Land) passes order for mutation. Four copies of khatian will be prepared of which first copy will be used for correction of records at Upazila Land Office, second copy will be sent to the Union Land Office (ULO) for correction of record, third copy will be given to the parties concerned and the fourth copy will be sent to Record Room of the Office of the Deputy Commissioner for preservation. Accordingly ROR in Register 1 and Register 2 & IX will be updated.

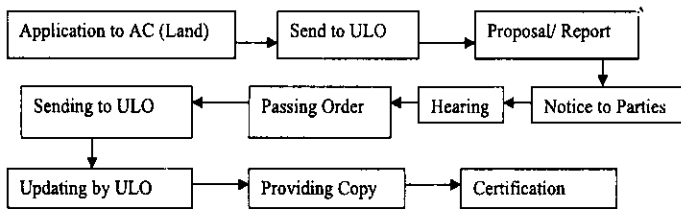


Figure-3: Steps of a Mutation Case

Requirements and time needed for mutation: Mutation is started either with the application of the land owner or from the copy of a land transfer notice received from the office the Sub-Registrar. To complete the process of mutation certified copies of transfer deeds, via-deeds, certificate of inheritance, registered within 30 days if there is no deed of division within the co-sharer etc. are needed. At present a mutation case

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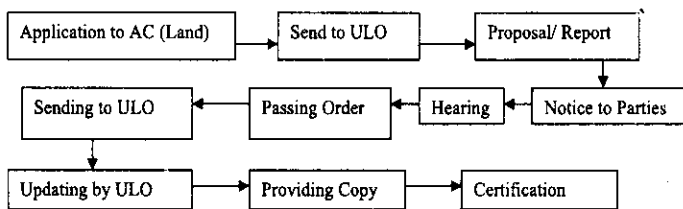


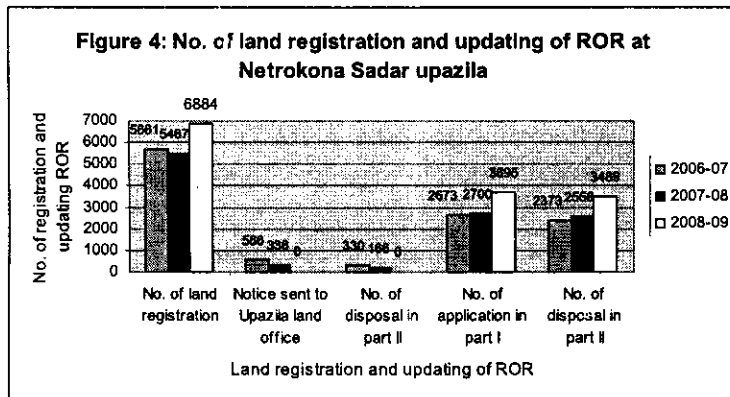
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will be disposed of either in the absence of or after hearing the objection from the co-sharer or from any parties concerned. Total costs for mutation are 227.50 only.

5.0 Case study on Land Registration and Updating ROR

Land record management, one of the mounting tasks for the government of Bangladesh, as mentioned earlier, involves a number of managerial as well as administrative issues. To get the clear idea regarding the current status of updating ROR a study was conducted with data available at Netrokona Sadar upazila under the district Netrokona. The data of land registration, number of land transfer notice sent to Upazila Land Office and number of application for updating record of rights by the land owner and number of disposal of mutation cases both in part-I and part-II were collected from the Office of the Sub-Registrar and Upazila land office for the year 2006-07, 2007-08 and 2008-09. The data were analyzed to get the current status of land registration and updating ROR as well as to find out the gaps between land registration and updating ROR for preparing suggestions for the management of land records properly. The data of land registration and mutation were presented in figure 4.



The figure shows that in year 2006-07 number of land registration was 5661. Against the registration deed mentioned above only 566 land transfer notice was sent to Upazila Land Office which was only 10 percent of the total registration and among them only 330 cases were approved. In the same year 2673 application were submitted to Upazila Land Office by the land owner to get the copy of their piece of land mutated. Among them 2373 applications were approved for updating ROR. In year 2007-08 the number of land registered in the Office of the Sub-Registrar was 5467. Among them only 336 land transfer notice were sent to Upazila Land Office and 166 cases were disposed of in part II. In

the same year, 2700 application were submitted to Upazila Land Office by the land owner to get their copy of land mutated and 2558 cases were approved for updating their ROR. In year 2008-09, the number of land registration was 6884 and no land transfer notice was sent to Upazila Land Office. For the last three years, out of 18012 land registration only 902 land transfer notices were sent to Upazila Land Office and 496 cases were approved for updating ROR, which is only 2.75 percent of total land transferred. So, the transfer and disposal both are not at all satisfactory. In the same year, the number of application submitted to Upazila Land Office by the land owner to get their copy of land mutated was 3695 and among them 3489 cases were disposed of for updating ROR which is satisfactory.

From the above discussion it is found that for last three years against 18012 registrations only 902 land transfer notices were sent to Upazila Land Office and among them 496 cases were approved for updating ROR. It depicts that in respect of land registered; sending of land transfer notices was minimal. Although minimum number of notices were sent for the year 2006-07, 2007-08 and in year 2008-09 no land transfer notices were sent to Upazila Land Office, but there were no initiative taken from Upazila Land Office to get land transfer notice regularly. It clearly indicates the lack of coordination between Upazila Land Office and Office of the Sub-Registrar regarding updating ROR. From the data mentioned above it is found that against 18012 land registration, all the owners of transferred land did not apply to get the copy of their land mutated. In case of disposal of mutation cases a number of discrepancies exist in different AC (Land) Offices. With rare exceptions, register 1 is corrected or updated after the approval of mutation cases by the AC (Land) which is the key requirement for complete updating of ROR. In case of the studied Upazila register 1 was not updated after approval of mutation cases by the AC (Land) or person authorized to do that. Without updating register 1 land records cannot be maintained properly with the current ownership of land which is must for citizen centric land management. Thus, sending minimum number of land transfer notices by the Sub-Registrar, least number of applications by the land owner and least steps or minimum steps taken by the AC (Land) for updating ROR is the few among the number of weaknesses of updating ROR in Bangladesh.

6.0 Weaknesses of Updating ROR

Updating ROR through mutation is mainly done by the AC (Land) with the assistance of ULAO, Surveyor, Mutation Assistant and Kanoongo. It

involves a lengthy procedure. As a result problems in updating ROR are also manifold. The problems in updating ROR can be discussed under the following points.

Lack of access to land records: Currently common people do not have any access to information maintained by Sub Registrar. If anybody likes to have a copy of the registered deed they have to spend a significant amount of money and time for that purpose. Any information on previous registration involves a time-consuming retrieval from volumes of records (Siddiqui: 1997: 353). A registered deed, in spite of being an essential part of land record, is prepared and maintained by the Office of the Sub-Registrar, quite in isolation without active supervision of AC (Land). Although after the promulgation of The Land Registration Act, 2002 there is a provision of checking ownership title of a transferor before registration but this is also not maintained properly due to corrupt practices of deed writers and registration official's which leads to ownership litigations on land.

Access to land record is a tough job for the tenants or the person who needs to get access even in the office of the Deputy Commissioner or in the office of the AC (Land). Although there is a provision to get a certified copy of his land by the land owner, but sometimes it needs extra money, sometimes it is not possible to get the real information due to torn or tampered record.

Faulty Record and lengthy procedure: Record prepared during British period as CS record and after the enactment of The State Acquisition and Tenancy Act, 1950 as SA record, in most of the cases are torn. As presently records are maintained manually, the tampering of records is a common phenomenon which is being done by illegal means by the vested quarters. As a result particulars about a piece of land maintained in different offices may not always corroborate with the information provided by the parties concern. This leads to complications calling for careful cross-checking. Sometimes proposals and reports are not submitted timely by ULAO. Sometimes co-sharers are not properly notified to narrate their versions of ownership status and actual possession during hearing which deprives them to exercise their right of pre-emption. Sometimes parties of interest do not attend the hearing with required documents. Tempered record and uncorroborated information makes the procedure more complex leading to further delay.

Lack of coordination: Lack of coordination among the offices related to updating ROR is a reason of hindrance regarding updating record or

rights. There is no effective coordination between the office of the AC (Land) and office of the Sub-Registrar. As a result, LT notices instead of being sent to the AC (Land) Office as soon as registration is completed are sent in lots and not in time. Although it is being sent to AC (Land) office but LT notices lack the essential information for mutation. Again carbon copies of them are mostly illegible and incomplete (Debnath: 1996:170). As a result they fail to form dependable basis for starting mutation proceedings. Sub Registry Office sends them as a formality and does not care much about their efficacy in subsequent recording phases. AC (Land) Office also does not take specific initiative to get the notices accurately filled in by sending them back. Functional compartmentalization thus complicates the mutation process and amplifies suffering of tenants.

Lack of awareness among tenants: Many people are not aware of the legal requirement of mutation as a means of updating ownership. They also do not know the procedures of mutation. They hardly go to the AC (Land) Office to get their right of inheritance on land updated. It is the duty of ULAO to notify the heirs for mutation of records as soon as he knows the death of a tenant. Union Parishad (the lowest tier of local government) which is supposed to maintain the Death Register but it is very much reluctant to record it and even if it records occasionally on insistence of relatives of the deceased is not obligated to send the information to AC (Land) Office and sometimes issue faulty or erroneous certificate. This gap along with ignorance of the people obstructs mutation to be undertaken on account of inheritance.

Corruption: Land management, the vital part of public administration of Bangladesh is very much corrupt which creates a lot of both civil and criminal cases. As per rule only Tk. 227.50 is supposed to be paid for an attested copy of an ROR (khatian), but it is an open secret that applicants have to spend an extra amount. As tenants usually go for mutation only in case of an urgent need, they do not hesitate to spend speed money. Corrupt officials create pressure on tenants by making delays in sending reports or even threatening to send misleading reports. Tenants are similarly harassed when they go for certified copies of land records from Record Room. A household study conducted by TI in Bangladesh, India, Pakistan and Nepal reveals that land administration is in the top three sectors prone to corruption (TI : 2005).

Corruption is manifested through bribery for the registration of property rights or changes of the title, acquiring land information, cadastral land

survey and land use planning observed in Bangladesh, India, Nepal, Pakistan, Vietnam and China. In Bangladesh (TI : 2005 a), a survey of 2000 households reveals that 97% of households paid bribes for land registration, 85% paid bribes for land mutation, 85% paid bribes to obtain land (TI: 2005a) .

National Household Survey 2007 on Corruption in Bangladesh depicts the clear picture of corruption in land administration with other sectors. Land administration is the countries third corrupt sector followed by law enforcement agencies and local government. 25.20 percent of the surveyed households interacted with a land office or received services from various outfits within and administration. Among those, 53.03 percent experienced bribery. On average, each of them paid Tk. 4237 for land registration and Tk. 3303 for mutation. 63.4 percent of the households experience! corruption to get their copy of mutated land. ULAO's involvement for mutation was 56.4 percent where as dead writers were found in highest proportion in dealing of bribery for services like land registration (48.7%), and selling and purchase of land (80.0%). Involvement of Sub-Registrars was found highest in land registration. In cases of mutation, Assistant Commissioner's involvement in bribery was found in highest proportion (TIB: 2008).

Lack of uniformity in updating records: The way in which records are being updated and maintained in different land offices are not uniform. It is said that after mutation Register 1 will be corrected and it will be attested by the AC (Land) but in practice it is not done in most of the districts. Even in the same district variation occurs both in updating and in numbering of new khatians. Usually by-numbers are used for a mutated copy but it is supposed that the numbering will be started after the last khatian number of the Register 1. Planned and systematic maintenance of records such as khatian, plot index, mauza map are not very common in most of the Districts and Upazila Record Rooms (GoB: 1989). Many valuable records in Record Room have become worn out due to continuous use over a long period of time. Absence of trained staff makes quick identification of required record very difficult. Some Record Rooms do not keenly adhere to security norms. Many part-timers are allowed to make copies when regular copyists fail to cope with workloads. They are in connivance with corrupt officials sometimes tamper ownership records.

Weak monitoring and supervision: Monitoring and supervision is very much important for an effective and efficient land administration. But the system of monitoring and supervision is not effective at different level. As

per circulars it is said that UNO will inspect at least two Union Land Offices per month and AC (Land) will inspect at least four Union Land Offices in a month. But in many Upazila the post of AC (Land) is vacant for years together and in absence of AC (Land) UNO is working as AC (Land) in addition to his duties. As a result it is not always possible for the UNO to supervise the Union Land Offices properly. Due to absence of a fulltime officer the updating of ROR is not being made possible regularly which creates some other problems also in land administration.

7.0 Recommendations and Conclusion

Land Administration is treated as one of the most inefficient as well as corrupt sector of the country in which commoner has no access on it. Land litigation leads to a complex process with a broader range of deprivation. From the above discussion it is found that land record management is done by three different department. Multiplicity of documents and lack of coordination is the main barrier for an effective land record management. Lack of coordination, lack of access to land records, fictitious and tempered records, corruption, weak monitoring and lack of public awareness are the key features of current land administration. These impedes the proper management of land and proper updating of ROR leading to land disputes and land litigations. Litigation leads to loss of money and time for both the parties - plaintiff and defendant which is ultimately a national loss. Litigation also creates tension among the parties concerned.

With this, I would like to mention that to materialize the spirit of a good land administration particularly an efficient way of updating ROR to ensure citizen-centric service the following areas need to be addressed.

Merging of land registration and land management under the same ministry: As I have discussed earlier that land related affairs are managed and maintained by three different offices under the supervision of two uncoordinated ministries, so it is the first and foremost duty to bring all these three offices under a single umbrella in regard to land administration. Currently at Upazila level there is least or no effective coordination among the Office of the Sub-Registrar, Office of the AC (Land) and Office of the ASO. It leads to people's suffering even for any information related to land. In case of my particular study if these offices are being brought under the same umbrella with the supervision of a particular Officer it will ensure better service to people. Particularly in updating ROR, after the registration of a piece of land one copy of

registered deed will be sent to Upazila Land Office and after receiving the copy of registered deed Upazila Revenue Officer (URO) will start the process of mutation. It would be worthwhile to mention that three copies of original deed will be signed at a time by the Sub-Registrar. One copy will be sent to Upazila Land Office, one copy will be given to purchaser of the land and the rest copy will be preserved at the office of the Sub-Registrar as an official document. After the completion of mutation the updated information of the land will be sent to the Office of the ASO. The communication between URO, ASO and Sub-Registrar will be reciprocal. As a routine work it is not necessary that the process of mutation would be initiated by AC (Land). Rather it will be initiated by URO. AC (Land) should be meant for supervising authority of the three departments related to preparation and maintenance of ROR as well as land management rather than service provider. At the time of Survey operation AC (Land) will coordinate the activities of record preparation on behalf of ZSO. Collector will be informed about the overall activities of land in an Upazila by the AC (Land). At present there is a post of AC (Land) at every Upazila but in the proposed system AC (Land) will work as AC (Land) Circle. A Circle will be comprised of two or three Upazila on the basis of its area and economic importance. As a result it will be possible for the Government to provide a fulltime officer to ensure service to the people related to land litigation. As a supervising authority AC (Land) Circle should be given authority to hear about the primary land litigation which is civil in nature.

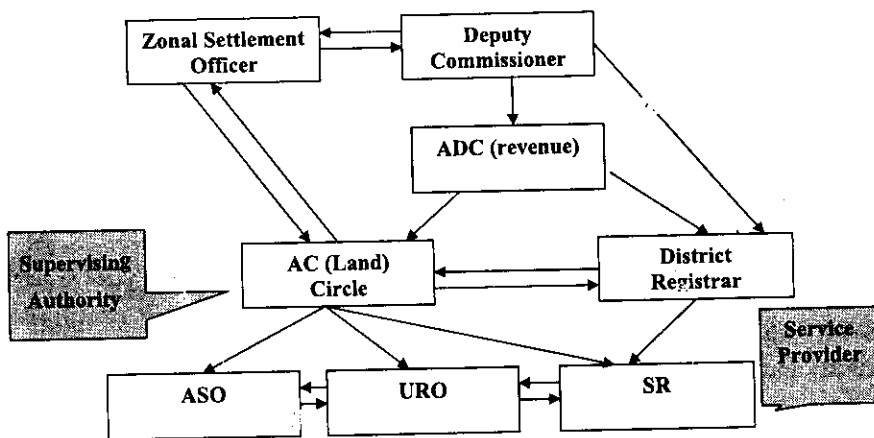


Figure-5: Organogram of District Land Administration (Proposed by the Researcher)

He will be solely responsible to ensure service to people with the general supervision of the Deputy Commissioner who will be assisted by ADC (Revenue). At the same time AC (Land) Circle will be held accountable to ZSO. District Registrar will also be held accountable to Deputy Commissioner. District Registrar and AC (Land) Circle will be meant for supervising authority and they will be working in coordination with each other. It will eventually lead to introduction of quick and effective updating of ROR to ensure citizen-centric service regarding land management. It is the need of the time to ensure quick and effective service to people specially for a democratically elected government. For this only strong political commitment is needed.

Digitization of land records: Digitization is a must for an effective land administration. It can be done using its own resources by the government with trained manpower or with the assistance of others as a means of outsourcing. At first all mouza maps, copies of ROR and registration forms have to be scanned and saved as read-only so that one cannot tamper the record. With the scanning, all ROR will be preserved at Upazila Land Office for the purpose of updating of ROR. All the records of the Office of the Sub-Registrar, Upazila Land Office and Upazila Settlement Office will be in a form of soft copy and all these will create databases. These land databases will be connected through a Local Area Network (LAN). When a land will be registered in the office of the Sub-Registrar, the land database will be updated immediately by the concerned officials and it will be duly authorized by the Sub-Registrar or by the Officer in Charge. After being authorized URO or Officer in Charge of updating ROR will initiate the process of updating. After examining all the relevant papers and essential documents the Officer in Charge will update the record as per rules and regulations. With updating ROR the department of survey and settlement will take the necessary information for the purpose of survey. From the registration to updating ROR it will take hardly 2-3 days without any harassment as well as without any additional cost. At present it takes thirty days to complete the process of mutation with the additional cost of fixed fee. To do this only political commitment and change of mindset of the service provider are needed.

The process of digitization of land records may be started as pilot project basis at Upazila level. After completion of a pilot project successfully it

will be implemented at District level and finally it will be implemented at National level with the creation of Wide Area Network (WAN). When all the process of updating ROR will be digitized it will ensure access to information on land and easy access will ensure transparency and reduce corruption which will eventually ensure quick delivery of service reducing both civil and criminal cases. Finally it will ensure citizen-centric service regarding land management.

Creating public awareness: As the citizens are the ultimate beneficiary of any government reform and reform is made to ensure service to the people so people's participation is a must. To ensure people's participation creation of public awareness is a must. To create public awareness both electronic and print media can play a vital role. Representatives of local government, local elites as well as members of civil society can play an effective role to create public awareness. Use of leaflets with other information related to updating of ROR may be an effective tool in this regard. Arrangement of meetings, gatherings etc. can play an important role to create public awareness. This type of gathering will create public awareness and will help to ensure transparency and accountability of the officials concerned. As the tenants get the opportunity to know about the information related to land administration as well as get the opportunity to lodge the complaints (if any) to the superior officers publicly about the quality and quantity of service provided by the service provider, it will ensure a sort of transparency and accountability.

Presently there is a provision of maintaining a citizen charter in front of the office in a visible place so that client can know about service of the government. It is also applicable to Upazila Land Office but it is not duly maintained. Sometimes it becomes so small and hanged in such a place so that the people cannot reach properly. Proper size of the board is to be fixed. It is to be ensured properly for a citizen-centric service.

8.0 Conclusion

Land is still the most important factor for the livelihoods of a densely populated country like Bangladesh. Due to huge population and the increase of population day by day per capita amount of land is becoming scarcer. It is becoming tougher to implement any policy related to land due to lack of an up-to-date land database. An up-to-date land database

can only be formed if the ROR is updated regularly and effectively in a uniform basis all over the country. It can be possible with the merging of land related departments under the same ministry to ensure effective coordination among the related departments. With this administrative reform the procedural reform like digitization of land records, creation of LAN and WAN will help to improve the present land record management particularly updating of ROR which is the precondition for a citizen-centric land administration. For this, strong political commitment is necessary and it is to be done without any hesitation for the betterment of the people. It is the demand of the people to get the desired service quickly and smoothly without any harassment especially at the tenure of a democratically elected Government. To conclude, I would like to mention that recommendations stated above must be taken into consideration with immense importance for a fair, corruption free and pro-poor land administration and land management all over the country.

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