

Towards Preparation of an Authentic Land Ownership Document

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Abstract : *Litigation over land is a common phenomenon in Bangladesh. Here courts are overburdened with cases pertaining to litigation over land that hinders the development process and causes sufferings of the people. A growing population, archaic lands laws, poor coordination among land offices such as settlement office and registration office stretches the land transfer process. Moreover, usage of family based khatian and absence of legal binding upon Sub-Registrar regarding verification of ownership and title over land parcel before registration have made the existing land record system inadequate of supplying up-to-date and authentic land ownership records. Consequently, people's ownership and title over the parcels of land are not getting due protection from the state. That's why, common people have since long been demanding for a fair, reliable, transparent, accurate, and authentic land ownership records. This situation claims urgent reforms in the existing system of preparation, maintaining and updating the land ownership records. With a view to address such an urgent situation and fulfil the people's demand, this paper, on the basis of the findings of a survey research, has suggested a mechanism regarding how to prepare a plot-based authentic single conclusive land ownership document to be called ALOD. This paper delves on the existing problems of determining land ownership and provides suggestions using a holistic approach. It has also justified why ALOD containing description of ownership rights/interest rights and land classification, should be a plot-based instead of family based land record. It has suggested a mechanism as to how ALOD be made reliable, transparent, accurate, authentic and conclusive land ownership document in order to reduce the litigation. Proper execution of plot-based ALOD will reduce people sufferings resulting from land litigation and also enhance revenue collection through appropriate property valuation procedure.*

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Introduction

Land is one of the most fundamental scarce natural resources in human life; without land no life on earth can be sustained. After birth human being first lands on land and after death s/he mingles with land for eternal rest.

Every one in Bangladesh desires to own a piece of land and defends to retain that land even at the cost of life. Bangladesh, with a population of about 130 millions within 147,570 square km. area of land, is one of the most densely populated countries in the world. At present per capita arable land in Bangladesh is 0.24 acres only, which is perhaps the lowest in the world. The growth of population at the rate of 1.8% per annum is putting a great pressure on the limited availability of land in Bangladesh. As a result, land holdings are getting fragmented day by day. The present land records administration is so complex that proving the title and possession of a plot of land is difficult. This is mainly because of : archaic land laws including its supporting rules & regulations; requirement of 3 different documents including settlement ROR (Record of Rights), mutated ROR, and registered Deed to prove ownership of land; lack of effective coordination among Assistant Commissioner (Land) office, office of the Assistant Settlement officer and that of Sub-Registrar; No legal bindings for verification of title and possession of land in the prevailing registration system.

With the increase in number of land related transactions, the current system has become incapable of supplying up-to-date, correct and authentic land ownership records. This situation leads to land litigation. About 60 to 70 percent¹ civil and criminal cases in Bangladesh directly or indirectly originates from land. Some land litigation takes several years to settle. As a result, people's

¹ Bangladesh-Land Administration Reform Project, Part A Report TA 3054-BAN: Strategies for the Future, DOLA, ADB, October 1999.-P 1-4

sufferings, particularly the sufferings of the poor people, are increasing and the process of socio-economic development of the country as a whole is getting hindered.

The government can not satisfy people's demand for a fair, reliable, transparent, accurate, and authentic land ownership record. It has now, therefore, become the felt need to reform the existing system of preparation, maintaining and updating of the land ownership records. Developing a mechanism to prepare ALOD (Authentic Land Ownership Document) and providing it to the landowners in the form of CLO (Certificate of Land Ownership) is a small attempt to that end.

ALOD will be an authentic land ownership document. It is expected to be a unique, authentic and conclusive land ownership document. It will be so authoritative that it will prove title and possession of the land owner beyond all doubts. It will be plot-based. It will contain information about : land plot description, ownership rights, interest rights, if any and classification.

The main objectives of this paper are:

- * to develop a mechanism to prepare an Authentic **Land** Ownership Document and provide it to the owners of land in the form of CLO ;
- * to reduce the number of ownership documents from existing four² to one;
- * to introduce plot-based land record in place of existing family-based land record, and
- * to reduce the litigation over land amongst the people of Bangladesh.

² Mouza Map, Settlement Khatian, Registered Deed or Testamentary papers and Mutation Record

The facts and figures incorporated in this paper have been collected both from primary and secondary sources. From the primary source opinions of the key land officials working in the Ministry of Land, Directorate General of Land Records & Surveys (DGLRS), Districts and Upazilla Offices and that of a few land owners have been collected through a structured questionnaire and through interviews and discussions. The analysis that has been made in this paper is based on the experiences gathered by the author from :

(a) results of the survey conducted by the author through structured questionnaire and through interviews, and discussions, (b) handling land litigation cases in his private life; (c) his field work as the Chief Executive of Upazilla Local Government and that of Paurashaba, (d) his work as the Staff Officer to the Secretary of the Ministry of Land; and (e) knowledge gathered from the study of the books, laws, rules & regulations, reports and other official documents, i.e., the secondary source used for writing this paper.

Problems with the Present Arrangements of Land Ownership Record

Present arrangements of land ownership records can not cope with present day demands of the Government as well as the people of Bangladesh. As we all know the present demand of the clientele is an ALOD in the form of CLO. It is because under the present arrangements, land ownership record is based on the following vital documents:

- Record of Rights (ROR) consisting of plot-based map called mouza map; records of ownership and /or possession thereof called khatian prepared by the Settlement Officer under the provisions of section 144 of the State Acquisition and Tenancy Act 1950 and Tenancy Rules 1954-55 ;

- ❑ Mutated ROR prepared and maintained by Assistant Commissioner (Land) under the provisions of sections 116, 117 and 143 of State Acquisition and Tenancy Act 1950; and
- ❑ Registered Deed prepared and maintained by Sub-Registrar under the provisions of Registration Act 1908 and Registration Rules 1973.

None of these documents is conclusive. These documents are prepared and maintained by three different departments independently - ROR by the Department of Land Records and Survey (DGLRS), Mutated ROR by the AC Land Office and Registered Deed by the District/Upazilla Registration Office. The DGLRS and AC Land Office function under the direct control and supervision of the Ministry of Land while the District/Upazilla Registration Office functions under the direct control and supervision of the Ministry of Law, Justice and Parliamentary Affairs. Due to poor coordination among these three departments, documents are never contemporaneously updated. This lack of currency and accuracy together with the diversity of the record sources and the absence of a statutory provision for ensuring conclusiveness in any one of the record sources makes the three sources practically irreconcilable.

Under the present registration system, the amount one needs to pay for registration of land transfer in the form of duty, tax and fees is altogether as good as 27.25%³ of the land value that discourages registration and encourages an informal land market – where land is held and enjoyed by one without documents. On the other hand, title to land is not registered under the present registration system. Because the Registering Officer, as per Registration Rules 1973, is not responsible for verification of the right and title of the plot of land for which he is registering the

³ 10% stamp duty, 2.5% Registration Fee, 1% Municipal or Local Government tax, 7.5% Source Tax, 0.5% Immovable Property Transfer Tax, 2% District Council Tax, etc.

legal document. He is rather responsible for verification of payment of stamp duty, capital gain tax, transfer fee and registration fee, for identification of the buyer and seller and for the entry of the documents in the 'Book 1'⁴.

As a result, a registered deed does not prove who genuinely owns the land, it only records an isolated transaction. It gives the opportunity of false registration. The degree of false registration is rampant in urban areas as there is no legal bar to do so. It results in selling of one plot of land to multiple buyers or selling of land by the fictitious owner. Under the present system after a deed is registered in the Sub-Registry office, the Sub-Registrar is supposed to send Land Transfer Notice to AC (Land) office regularly so that AC (Land) can update the record (i.e., *the khatian*). But, in practice, this does not occur. What occurs practically is that after a 3-4 month interval, LT (Land Transfer) Notices are sent in bundles to AC (Land) office and AC (Land) does never update records on the basis of such LT Notice as the records (i.e., *the khatian*) do *not* usually, due to backlogs in Settlement Operations (resulted from inefficient work practice, antiquated equipments and out-dated procedure and processes) reflect the name of the seller. In addition, under the present system AC (Land) office is not required to provide any information about the mutation cases to the Sub-Registrar office. Due to lack of effective supervision and presence of corrupt practices, few mutation cases are carried out properly by following rules and procedures. Furthermore, there is no scope, under the present system, of making correction in the mouza map immediately after the mutation case is finalized by the competent authority. As a result, neither AC (Land) office nor Sub-Registrar office even nor the Survey and Settlement office is, under existing land ownership record maintenance system, in a position to maintain a complete set of current and accurate information pertaining to any parcel of

⁴ Master Register where all Registered Documents are copied verbatim

land. What records they are maintaining now can no way be termed as up-to-date land ownership records. This means that under the present long, complicated and demeaning system the land ownership records are not up-to-date. It can not satisfy the demands of the government as well as the people of Bangladesh.

Why Plot-Based Land Record and Registration of Land Title for Resolution of Problems?

Like Bangladesh, many countries of the world including United Kingdom, Malaysia and Sri Lanka during the ninetieth century and first half of the twentieth century operated the system of family-based khatian and registration of deed not registration of title. This system operated effectively so long land ownership was restricted only to the wealthy and incidence of registration of deeds was minimal. But with the advancement of society when land transactions started to be frequent and land's trade started freely, most of the countries in the world started moving to the system of plot-based khatian and registration of title not deed. Plot-based title registration system is currently being operated in a number of countries of the world including Indonesia, the United Kingdom, Australia, Malaysia, Singapore, Thailand, Hong Kong, New Zealand, Sri Lanka and so on. Currently the World Bank, Asian Development Bank and other multilateral and bilateral agencies propose to modernize the land administration system in over forty countries of the world including Bangladesh by implementing plot-based record and title registration system.

In line with other countries of the world, the Government of Bangladesh has long recognized the serious problems associated with its present arrangements of recording rights in land and the impediment it represents to the progress and growth of the national economy and the mistrust and misery it caused to the people of the country. The GOB, therefore, wanted to bring about changes in the arrangements of land ownership records. Such intention of the GOB has been reflected in the following reports:

1. the report of Enquiry Committee on Land Revenue Administration Problems, 1974
2. Muyeed Committee Report of 1989 on Reorganisation of Administration ;
3. the Report of the Land Record and Settlement Evaluation Committee, 1989;
4. the Report of the UNDP and FAO on Improved Land Records, 1991 and
5. the report on Modernisation of Land Administration, 1995-99

Recommendations of all these reports were to place the responsibility of land transfer under a coordinated management and under the Ministry of Land exclusively. As some vested quarters are opposing implementation of the above recommendations, the GOB moved for modernizing the land administration in Bangladesh. With the technical assistance of ADB, the GOB undertook a 3-phase TA project for land administration reform in Bangladesh. The first phase of this TA project that commenced in late-1995 and concluded in mid-1996, helped Ministry of Land:

- (a) to study the existing land administration system in Bangladesh;
- (b) to pinpoint critical short term interventions; and
- (c) to design pilot scale interventions in the area of
 - (i) Cadastral Survey;
 - (ii) Map and Khatian Printing;
 - (iii) Computerisation of Land Records; and
 - (iv) Land Development Tax (LDT) reform.

It identifies that any reform in the land administration system in Bangladesh needs high level policy direction. So, after completion of the first phase of the project, a national seminar was jointly organized in August 1996 by the Ministry of Land and the ADB (Asian Development Bank)—in order to have a clear-cut direction regarding the focus of the necessary reforms. In that seminar the Prime Minister of the Government of the People's Republic of Bangladesh stated:

"In a world where many States have issued land ownership certificates with state guarantee, the people of Bangladesh are still languishing under land related litigations and harassments. Can we not devise a system of issuing state guaranteed certificates of land rights to our people? I believe that we are capable of developing an authentic, transparent and accountable land administration system in this country. I hope that the on-going modernization of land administration project will achieve the much-desired changes".

After having clear direction of the Prime Minister to devise a system of issuing state guaranteed certificates of land rights to the people of Bangladesh, the 2nd phase of the project commenced in early-1997. It concluded in mid-1998. Its main focus was on the use of pilot activities to test the use of modern technologies and methodologies. During this phase Land Administration Management System (LAMS) prototype software was developed to support the pilot projects and required equipment was purchased for operation of the pilot activities. The trial survey operation was conducted in three pilot mouzas, namely Patrun and Mahmud Nagar under Dhaka district, and one mouza named Hazipur under Moulavi Bazar district by applying modern technologies including application of:

- total station;
- electronic field book;
- Global Positioning System (GPS) receivers; and

- ❑ laptop computers with surveying and mapping tools and so on.

After completion of the 2nd phase of the TA project a national workshop was jointly organized by the Ministry of Land and the Asian Development Bank in May 1998. There was a consensus in the national workshop that modernization of the current land administration in Bangladesh is urgently needed. The aim of the modern land administration should be, inter alia, to introduce a system of plot-based land record and registration of title instead of registration of deed.

In a similar vein, the Public Administration Reforms Commission (PARC) proposed:

- ❑ to introduce a plot-based conclusive land ownership record in the form of a certificate of land ownership; and
- ❑ an integrated land administration system under which Sub-Registrar will register the land ownership document only after proper verification of ownership of the vendor.

According to PARC there should be :

- ❑ simplification of form and language for preparing the documents;
- ❑ placement of Assistant Commissioner (Land), Sub-Registrar and Assistant Settlement Officer (ASO) in the same vicinity; and
- ❑ amendment of all laws and rules for introduction of Certificate of Land Ownership (CLO) and modernization of land administration in Bangladesh.

The call for a system of accurate, authentic and transparent land ownership record that was first made in the 1996 seminar, has been recognized and reiterated in every meeting, seminar,

workshop and discussion held on land administration over the past few years. At this backdrop the 3rd phase of the TA project has been commenced in early-1999 with the following objectives:

- (i) to identify relevant laws, rules or other legal instruments; and
- (ii) to suggest modifications thereof or new laws for facilitating the issue of CLO and suggesting institutional changes for effective implementation of the CLO-driven system.

Recommendations incorporated in the final report of the 3rd phase of the TA project, include, among others, draft legal and institutional framework for introduction of plot-based land record system.

Results of Survey on the Need and Process of Issuance of ALOD in the form of CLO

Besides the above information gathered from secondary sources, a survey was conducted by the author among the 99 key land officials working in the different government organizations including MOL, DGLRS, Districts and Upazilla Offices and a few land owners through a leading questionnaire. He also interviewed and made discussions with many of them about the need and process of issuance of ALOD in the form of CLO. The results of survey, interviews and discussions he made in brief are as follows:

Everyone of those who were interviewed on the need and process of issuance of ALOD in the form of CLO is of the opinion that the present land ownership records are complicated, its administration is not transparent, it cannot satisfy people's demand and so on. They are frustrated with it. They want a fair, simple, authentic, accurate, transparent and conclusive land ownership document, if possible, not three but one state-guaranteed document. They do not like family-based khatian. They are in

favor of a plot-based ALOD. They want modernized survey operation with application of digital technology. They put their demand that an owner of a piece of land must know what are the documents they need to produce during survey and settlement operation. They want each stage of verification of claims for title in the settlement process must be made clear to all landowners. They strongly feel that a computer-based Land Administration Management System (with textual and spatial database server) be developed for preparation of land records and for their updating and maintenance. They demand for a well-coordinated and transparent land record administration. They want Assistant Commissioner (Land), Sub-Registrar and Assistant Settlement Officer to function within the same premise in close harmony with each other. They opine that performance of AC (Land), Sub-Registrar and Assistant Settlement Officer should be regularly monitored. They want mutation be followed by updating of mouza map. They want Sub-Registrar to register land ownership documents only after proper verification of the title and possession of the vendor. They expect that government should make necessary amendments in the existing land and registration laws so that ALOD can be prepared, issued, maintained and updated to the satisfaction of the land owners i. e., the stakeholders. Some of them apprehend that introduction of ALOD in the form of CLO may face resistance from some vested interest groups such as (a) illegal possessor of government land; (b) vested quarters deriving interests from land litigation related court cases; (c) land administration officials deriving undue benefits from the existing system; (d) deed writers; and (e) parasites developed around the existing land administration. That's why they are of the opinion that for introduction of the proposed new system not only strong political commitment but also wholehearted participation of the stakeholders is a must.

Preparation of Alod in the Form of CLO

Brief explanation of each of the stages of preparation of ALOD and its issuance in the form of CLO is given below:

Stages	Explanation
1. Inclusion of a Upazilla for preparation of ALOD	In each year a number of Upazillas will be included in the Annual Plan for preparation of ALOD
2. Establishing Geodetic survey Control Network	For the cadastral survey, the existing national geodetic network (established by Survey of Bangladesh) will be used by densifying it further at suitable concentration in/around a mouza.
3. Local Proclamation for ALOD and CLO Settlement	Each year, specific Mouzas will be chosen for ALOD and CLO settlement. Accordingly, a Local Proclamation (notification) will be made with reasonable advance notice .
4. Local Control and detailed Cadastral Survey	While Total Station will be the main technology for doing cadastral survey, a series of local survey controls need to be established. The local control and cadastral survey work will be an integrated single process.
5. Production of Draft Mouza Map and Old-New Plot Index	After completion of cadastral survey for the whole Mouza, a draft Mouza map showing new plot numbers with their dimensions and other particulars will be produced. In addition, an overlay of old and new Mouza maps (at same scale) will be produced and from there an Old-New plot Index will be prepared for its use in subsequent stages.
6. Initial Record Writing and Explanation of Draft Map	The Initial Record Writing stage refers to field recording of owners details and other rights or encumbrances with respect to all plots. In order to achieve that land owners will be required to produce a list of documents (shown at Annexure-3) as proof of his/her ownership and other rights, which will also be recorded for later examination and adjudication. Since the new technology is enabling production of draft Mouza map instantly (with dimensions, area, etc.) right at the field, these will be shown and explained to the owners

	during initial record preparation for resolution of any errors / discrepancies with regards to measurement of the land plot.
7. Publication of Draft Record	Once, the initial record preparation is done and accurate Mouza maps are prepared then a primary version of ALOD will be created. Based on this ALOD, a draft CLO containing all information pertaining to each plot will be produced and published for explanation and filing of objections, if any.
8. Period for filing Objection	A reasonable time period will be allocated for filing any objections on the Draft CLO Record.
8.1 Disposal of Objections	If there is no objection case filed, then the authoritative CLO Record will be created. Otherwise, the objection cases will be disposed of and CLO record will be amended, if required.
9. Period for filing Appeals	A reasonable time period will be allocated for filing any appeals on the verdict of the Objection case.
9.1 Disposal of Appeals	If there is no appeal case filed, then the authoritative CLO Record will be created. Otherwise, the appeal cases will be disposed of and CLO record will be amended, if required.
10. Creation of CLO Record (Authoritative Record)	A final authoritative CLO Record will be established within the Upazilla Land Office.
11 Issuance of CLOs	CLO will be prepared and issued to the owners for all land plots in that Mouza.

Maintenance and Updating Process of ALOD

The CLO Record will be maintained continuously on a transaction by transaction basis. The workflow showing the process of different types of tasks is shown at annexure-4. Brief explanation of the different types of tasks relating to updating and maintenance of CLO is given below :

Subdivision or Amalgamation of Plot(s)

Task	Explanation
1. Lodge Application	This task involves the submission of an application in the standard form for a transaction involving a change in a plot boundary. The application should be accompanied by the appropriate application See for the transaction.
2. Examination and field measurement	After receiving the application, it will be examined whether the applicant has the right to sub-divide the plot as mentioned in his/her application. It would also ascertain that the application and supporting documents contain the information necessary to complete the transaction. If the right exists, then a decision will be made whether there is any need for a cadastral survey. If a survey is required, then a survey team would be sent from the Upazilla Land Office to carry out the survey. This process would result in a survey plan, showing the new plot structure.
3. Updating CLO Record and Maps	The survey will result in a new plot structure, which will need to be recorded on the Mouza Map. The transaction generally require that the CLO Record is updated. The nature of this update will depend on the transaction type, e.g., for a subdivision, two or more plots will be created for which ownership and other details will need to be recorded.
5. Verification of CLO Record Updating	The updating of the CLO Record and Mouza Map should be verified as to its correctness and completeness by a senior officer prior to preparation and issuance of the new CLO.
6. Issue new CLO(s)	The new CLO (s) 'resulting from the transaction will be prepared on the basis of the verified CLO Record and will be issued to the owner(s).

Transfer of Ownership or Lease of Plot (s)

Task	Explanation
1. Lodge Application	This task will involve the submission of an application in the standard form for a transaction by the applicant (the owner and/or the buyer depending upon the nature of transaction). The application will accompany the transaction cost.
2. Examination of Application	After receiving the application, it will be examined whether the applicant has the right to transfer or lease the plot as mentioned in his/her application. It would also be ascertained whether the application and supporting documents contain the information necessary to complete the transaction.
3. Interim Updating of CLO Record	The transaction will require that the CLO Record is updated. The nature of this update will depend on the transaction type, e.g., for a transfer of ownership, the details of the new owner will be recorded.
4. Assess and Collect Stamp Duty, Tax, etc.	Assess the stamp duty, taxes and transfer fee legally payable on the transaction. Collect the fees, as assessed, from the applicant.
5. Verification of CLO Record Update	The update of the CLO Record will be verified as to its correctness and completeness by a senior officer prior to preparation and issuance of the new CLO.
6. Issue new CLO(s)	The new CLO(s) resulting from the transaction should be prepared on the basis of the verified CLO Record and will be issued to the owner(s).

Recording of Encumbrances, Inheritance or Other Rights

Task	Explanation
1. Lodge Application	This task involves submission of an application in the standard form for a transaction by the applicant (which may be the owner or a second party). The application should be accompanied by the required fee for the transaction.

2. Examination of Application	After receiving the application, it will be examined whether the applicant has the right to deal with the land plot in the manner as requested in his or her application. It would also be ascertained that whether the application contains the supporting documents and the information necessary to complete the transaction.
3. Record Encumbrance and Update CLO Record	The transaction will require that the CLO Record is updated. The nature of this update will depend on the transaction type. The details of the encumbrance will be recorded.
5. Verification of CLO Record Update	The update of the CLO Record will be verified as to its correctness and completeness by a senior officer prior to preparation and issuance of the new CLO(s).
6. Issue new CLO(s)	The new CLO(s) resulting from the transaction will be prepared on the basis of the verified CLO Record and will be issued to the owner(s).

Benefits of ALOD

Indicative benefits of moving from the existing family-based khatian system to a proposed plot-based ALOD in the form of CLO system will be as follows:

- reduction of land related litigation and simplified and less expensive resolution;
- less duplication of effort in preparing and maintaining multiple ownership registers;
- more efficient functioning of the property market;
- fairness and equity in revenue collection activities;
- informed decision making in land and land related matters;
- improved use of land resource;

- improved property valuation - enabling land to be used as collateral to obtain bank loan;
- improved and accurate economic reporting leading to improved credit rating and cheaper international finance;
- more investment in Bangladesh by multilateral companies;

Through implementation of the proposed CLO system in its entirety, the GOB would be able to generate substantial amounts of money, not just from the fees earned from the operations of the land registry, but by other means, including:

- improved collection of LDT due to enhanced efficiency brought by full participation and a market based assessment;
- increased and more equitable stamp duty and transfer tax collection due to 100% participation in the registration / recording process and reduction of under valuation and associated fraudulent acts;
- informed decision making by the GOB in its dealing in land including acquisition and sale, purchase and rental;

Above all, the peoples' demand for a fair, reliable, authentic, transparent and accurate land ownership record system will be satisfied.

Recommendations

ALOD is required to be designed to address the misery of the landowners. As it is completely a new concept, strong political will and consensus among the major political parties must be there for successful implementation of this new concept, ALOD . It is encouraging that there exists a political consensus for modernization of land administration in Bangladesh. Though our politicians fight each other often and on but here they agree and cry in one voice, 'let the land administration be modernized and state guaranteed land record be issued'.

An enabling law along with its supporting rules and technical manuals is a pre-condition for introduction of ALOD in

Bangladesh. The aim of the new law and its supporting rules and technical manuals should be:

- (a) to bestow conclusive validity upon the ALOD preparation process;
- (b) to authorize the establishment to issue ALOD in the form of CLO;
- (c) to protect persons dealing on the faith of the CLO; and so on.

ALOD preparation and its issuance in the form of CLO will be entirely a new process in Bangladesh. There is no operational experience and no established practices. So, responsiveness of the management in solving issues timely and in consistent manner will be very much necessary for smooth functioning of the preparation process of ALOD. For this, an appropriate organizational structure needs to be developed under the legal coverage of the Law to be enacted in the Parliament. The organizational structure should facilitate functioning of a well coordinated and transparent land record administration. The physical facilities of the organization at the Upazilla level will be such that Assistant Commissioner (Land), Sub-Registrar and Assistant Settlement Officer can function within the same premise in close harmony with each other.

Successful implementation of the ALOD preparation process will depend, among others, on the degree of commitment and level of skill of the workforce who will work in the process. So, the workforce who will be engaged to carry out the given functions in the implementation process must be dedicated and skilled.

The workforce who will work in the process should be properly trained and equipped so that they can facilitate the efficient introduction of ALOD through the transition phase and beyond. Training should be in all levels including informal and on-the-job training. Training component should be comprehensive so that it can give effect to the skills requirements of the introduction of ALOD in the form of CLO.

A comprehensive public awareness campaign should be made for community acceptance. Relevant information should be made available at all levels. The campaign should target all potential land holders and it be made through the television, film, radio, printing media, community meetings, etc. Operational benefits that ALOD will generate for the land owners/holders should be communicated to them so that they feel encouraged to participate in the process. While formulating campaign program, it should be kept in view that the more people know the system, the less they distrust.

Appropriate technology should be applied for smooth and successful implementation of the proposed new system of land record. To make the process speedy and to maintain accuracy in the prepared record digital technology will be better option.

For processing survey and mapping data (spatial data) and gathering ownership and other relevant data (textual data) in connection with land plot and Land Administration Management System (Software prototype system) LAMS database should be established. So that, this LAMS database can hold the legal Land Record from which CLO will be issued. The system should be designed and built in such a manner that security safeguard remains in-built in it and it can record and update all future land transactions and dealings for each land plot.

The people of this country is habituated to the old system. They have no idea about the new system. They do not know what outcome the new system will bring for them and how. So, at the beginning of the transition process, the proposed system may be implemented phase by phase, preferably on pilot basis. With the process when people will be fully aware of the benefits of the new system, technology including software will be updated and customized and the landowners will be confident enough about the new system, then and only then new system may be put into operation at a large scale.

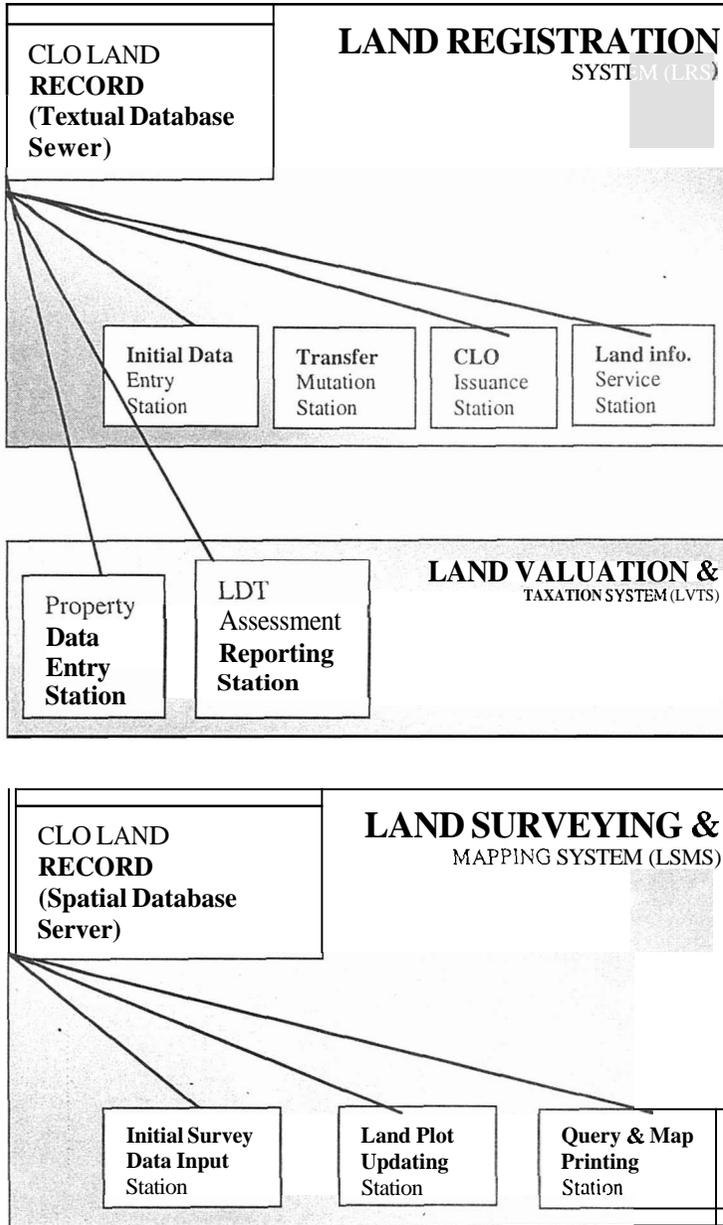
Strong political will and consensus among the major political parties must be there for successful implementation of this new

concept, ALOD . It is encouraging that there exists a political consensus for modernization of land administration in Bangladesh. Though our politicians fight each other often and on but here they agree and cry in one voice, 'let the land administration be modernized and state guaranteed land record be issued'. In testimony of this fact the statement of Awami League President and Prime Minister of People's Republic of Bangladesh as made in the national seminar on "*Modernization of Land Administration in Bangladesh*" held in Dhaka in August,1996 and that of BNP spokesman for Land Affairs Mr Kabir Hossain as made in the Parliament during the Budget Sesion of 1996 may be referred.

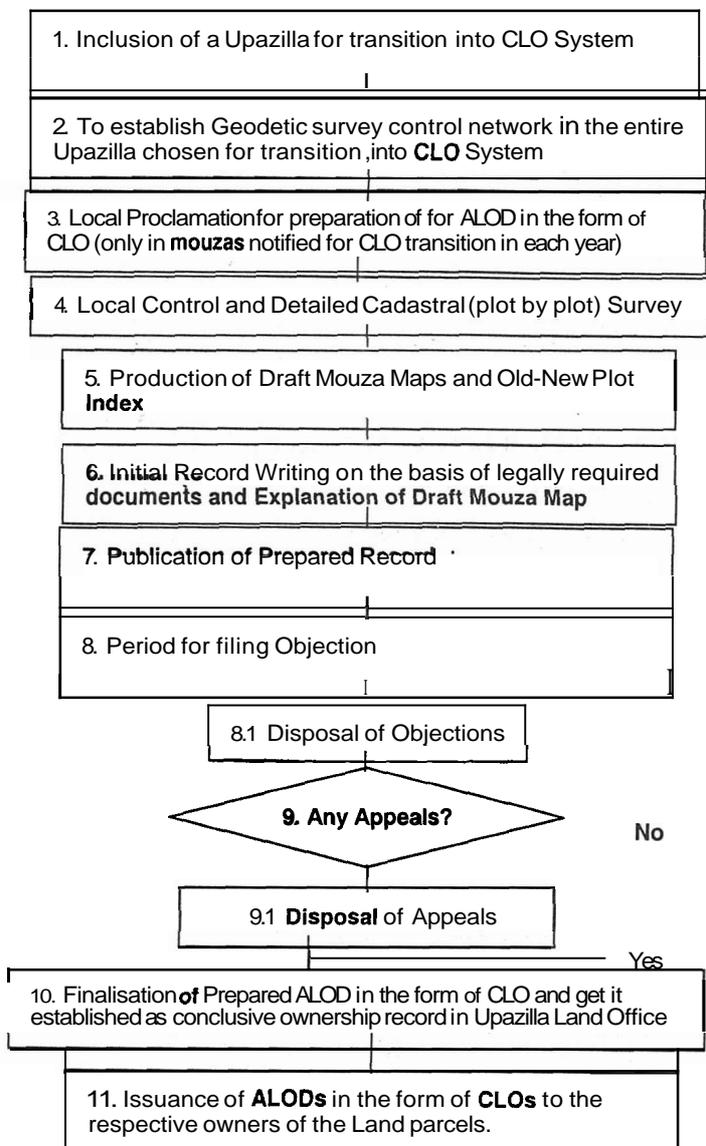
Conclusion

The Article 42(1) of the Constitution of the People's Republic of Bangladesh h̄as entrusted the GOB with the responsibility of protecting land ownership right of each and every citizen of the country, but the title and ownership of the land owners of this country are not yet protected. The courts are now over-burdened with the cases rooied from the disputes over the ownership of land. Peoples are frustrated with the present system of land administration. As political consensus, technology and good will **that** is required to **change** and bring a new system are there, one may hope that the present elected government of Bangladesh will move towards ALOD-driven land record system in order to surely make land administration of Bangladesh in the 21st century accountable, responsive and transparent.

Annexure-1



Land Administration Management System (LAMS)

*Annexure-2***STAGES OF PREPARATION OF ALOD**

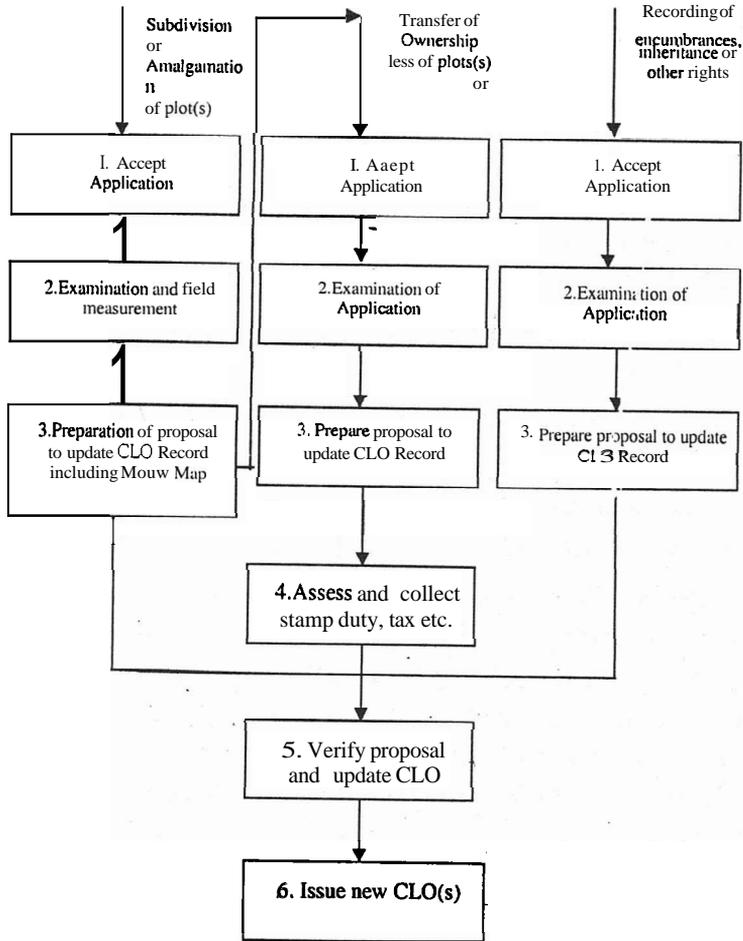
**List of Documents Required to be Produced as Proof if
Ownership and other Rights**

Documents to be produced by the owner or person having an interest in the plot in support of his claim are as follows:

- i) Khatian or parcha of the last survey and settlement operation;
- ii) Khatian subsequently prepared, as a result of mutation, if any;
- iii) the deed of purchase in original or certified copy thereof, if ownership is claimed through purchase;
- iv) in case of purchase by auction, the sale certificate and the certificate of delivery of position;
- v) if acquired from the Government or statutory corporation/authority, the deed of lease or allotment;
- vi) in the case of a court order, the **decree/order** of the court;
- vii) in case of ownership through a Will, the Will and probate granted by the District court;
- viii) in case of gift, documents in support of the gift;
- ix) in case of exchange, the exchange deed;
- x) in the case of enlisted vested property, the order release from the category of vested property;
- xi) in case of inheritance, the faraize or-amicable partition agreement;
- xii) if ownership is acquired in any other way, the documentary evidence thereof;
- xiii) rent receipts; and
- xiv) documents of possession, if any.

Annexure-4

Stages of CLO Maintenance and Updating Process



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