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**POLICY BRIEF ON “LAND ADMINISTRATION”  
CPD TASK FORCE REPORT**



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## **CPD TASK FORCE REPORT ON “LAND ADMINISTRATION”**

### **I. Where can reforms yield greatest dividends?**

Generalized slogans on land reform with little operational grounding have been the bane of efforts to construct effective and meaningful agenda in this area. One of the key insights gained over the last decade has been the realisation that the absence of an up-to-date, systematic and universally accepted source of information on land resource availability and land rights lie at the root of much of the problems associated with land as well as with the inability to implement reform programmes. The key area to focus reform energy today is thus on reform of land administration.

There are five specific dividends expected from a reform programme on land administration:

- By streamlining and strengthening the information basis of land transactions, help to develop a dependable land market
- Reduce corruption associated with the process of land acquisition
- Reduce public suffering which arise from the archaic and dysfunctional land administration process
- Cut out much of criminal and civil cases in the courts most of which originate in land disputes fostered by tempered or outdated land records
- Improve the efficiency of reform programmes in khas land distribution, water rights, forest rights and land-use policy.

### **II. Reforming land Administration: priority areas**

There are three core components to the land administration process which are relevant to a reform programme:

- The physical form of the ownership record
- The institutional and physical method of record-keeping and
- The method of Up-dating ownership information including updating the mouza maps and changes in use and plot size.

The key reform already under discussion is the proposed Certificate of Land Ownership (CLO) which should replace existing form of owner-based land record i.e. khatian.

While there have been some technical progress in this direction, the actual reform is yet to be undertaken. Initial ideas of creating a new record for all land-ownership by an individual, the so-called consolidation of holdings approach, have now been found to be

not the best way forward. Instead, a plot-based CLO with boundary map of plot and photograph of owner(s) included is considered the best option. However, the real challenge lies in actual implementation of the programme and creating a system of immediate and continuous updating of the CLO with every change in ownership.

For this to start, provision of a *legal cover* for CLO is the essential first step. The CLO, to succeed, must be provided with the force of legal finality as distinct from the current situation wherein there is no specific finality except in the uncertain and very lengthy process of court judgements.

Any success in the introduction of the CLO will simultaneously serve to cure a number of current maladies. It will modernise the physical form of the record, confer finality on the document, and, ensure a smooth process of up-dating, and considerably ease land transactions.

A supplementary area of reform is in the area of record-keeping. The policy options to consider here are:

Is privatisation an option?

Should record-keeping be in hard copy or also be in electronic format?

Should electronic preservation of existing records be undertaken as a priority project?

As Land Reform is a very big subject it includes variety of issues which should be addressed.

To address the other issues relevant to land reform a special commission may be formed to analyse the issues and find its proper solutions are:

- Gender issue in land rights: changes in laws to empower women to inherit land.
- Customary rights of indigenous people should be clearly spelt in land laws.
- Rights to fisheries and waste bodies: Current system of lease to highest bidder should be discontinued and lease granted to those who depend on the 'mahals' for their livelihoods.
- Involvement of NGOs and local governments in the identification of khas land for redistribution to the landless.
- Local Grievance Redressal Committees (GRCs) to be set up with local government, NGO and land ministry participation to hear land disputes at local level in the finalization of CLOs. The GRCs can follow JMBA's EFAP procedures for suitable hearing in deciding cases.
- Merger of land registration and land management under one ministry so that simultaneous updating of records taken place whenever a transaction is made by way of simultaneous updating of records take place whenever a transaction is made by way of sale/gift etc.
- Special court to resolve land litigation quickly.
- Ensure access to land related information by introducing GIS in upazila level.
- Empower local government to resolve land related disputes locally .

### **III. 'Big solutions' and 'Small solutions'**

A realistic agenda on land administration has to focus on both 'big solution's and 'small solutions'. The CLO is an example of the 'big solution'. However, there is also a critical need to address 'small solutions', solutions which can get started right away with much less of a challenge in policy innovation. An effective example of the latter has been the recent change in the Stamp Act, a small administrative innovation which has proved to have brought about multiple areas of benefit. By one stroke, the amendment has led to cost-savings for the government, removed some of the institutional sources of corruption around the printing, distribution and forgery of stamp papers and on corruption on submission of chalans, saved on storage space by decreeing a maximum of Taka 1200 worth of stamp papers, reduced the bureaucratic load on the sub-registry offices, and reduced the hassle for the buyers and sellers of land.

It can be concluded in way that to ensure food for all citizens of Bangladesh and to eradicate poverty from the society land reform is the pre-condition in other way we could say without proper land reform sustainable development is not possible.