

Capacity Assessment of Local Land Administration and Management in Bangladesh: Critical Reflections on Institutional Processes, Capabilities and Gaps

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 **Human Development Research Centre**

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manusher jonno
promoting human rights and good governance

Dhaka: October 2016

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Capacity of local land administration has to be addressed for further strengthening the governance system with a view to deriving the benefits of socio-economic, political and cultural development for the common people of this country. It is true that in Bangladesh, voice in favour of effective land administration and management is becoming louder at the national level. Representatives of LGIs, development workers, civil society members and international development partners, time and again, are raising and firmly advocating this long-drawn issue at policy level. The policy makers have demonstrated their positive attitude and actions as well. However, the ground realities are far from certain as evidenced in the documents and practices.

From this perspective, Manusher Jonno Foundation (MJF) deeply realized the idea of conducting a study on *Capacity Assessment of Local Land Administration and Management in Bangladesh: Critical Reflections on Institutional Processes, Capabilities and Gaps*. Human Development Research Centre (HDRC)-Dhaka was commissioned to carry out this research. This study is an outcome of about one and half year long study of a group of researchers groomed with the cooperation of a number of people and organizations. I really believe it is an elegant, insightful and effective study that combines astute theoretical reasoning with a firm grip of empirical circumstances, including institutional possibilities and limitations. Moreover, this study is a logical and sprightly discussion of wide-ranging issues centered on the contour of land administration and management, and a demonstration of intriguing connections among them.

I would like to acknowledge the contribution of MJF for comprehending the impelling exigency of such kind of study which would have accomplished earlier. As an academic researcher and development activist, I, if truth be told, enjoyed working with MJF team for their cooperative and friendly approach. This openness allowed the Research Team full liberty in thinking and designing the study. The enthusiasm of Shaheen Anam (Executive Director, MJF) towards the study is highly appreciated. I am also thankful to Rina Roy (Director, MJF) and Shazzad Khan (Programme Coordinator, MJF) for their stimulating inputs towards the study. I am particularly thankful to Md. Manirul Islam (Programme Manager, Policy Research, MJF) for his unstinted support at all stages of the research work.

Before finalizing research methodologies, a day-long methodology validation workshop has been organized on 24 August, 2015 (Monday) at HDRC's conference room with active participation of some prominent development researchers and practitioners representing different organizations. In this regard, I am grateful to Mr. Shamsul Huda, Executive Director, ALRD; A.K.M. Masud Ali, Executive Director, INCIDIN Bangladesh for their participation. I must also convey my special gratitude to Ms. Khushi Kabir, Coordinator, Nijera Kori. Special thanks to the delegates of Uttaran, Care-Bangladesh, MJF for participating in the workshop where they helped to validate research methodologies. I must acknowledge the contribution of Mr. Abdur Rouf, Former Deputy Secretary, Ministry of Land (MoL), for his active participation in the workshop and contribution to the study by sharing his practical experience that helped us developing data collection instruments.

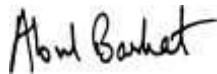
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During this endeavor, the Research Team met a number of government officials working at the field administration, including AC (Land), Officials of Tahsil office and Sub-registry office who helped this research by sharing their own experience as well as provided their insights and suggestions towards a pro-people land administration and management.

The Research Team met a good number of different stakeholders of land administration at upazilla level/district level/national level consultation meetings. I am thankful to all the participants from government offices, NGOs, representatives of various professional bodies, politicians, and civil society members.

I shall remain ever grateful to the respondents of the survey, without whose profound support, the implementation of the study would have been impossible.

Finally, I believe, the commitment and efforts put in this study would be significant to eradicate the disparity in accessing rural land administration by poor people and would help to make vibrant and people-friendly rural land administration.



Prof. Abul Barkat, *PhD*

Study Team Leader

&

Chief Advisor (Hon.), HDRC

Dhaka: October 2016

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Acronyms and Abbreviations

AC (Land)	Assistant Commissioner (Land)
ACCI	Aggregate Composite Capacity Index
BS	Bribe Sought
CBO	Community Based Organization
CCI	Composite Capacity Index
DCI	Data Collection Instrument
DISL	Dissatisfaction Level
DLRS	Directorate of Land Records and Survey
EPA	Enemy Property Act
FGD	Focus Group Discussion
GD	Group Discussion
HDRC	Human Development Research Centre
HLO	Household Land Ownership
HL	Hosmer-Lemeshow
IM	Institution Mapping
KII	Key Informant Interview
KP	Knowledge Practice
LA	Land Administration
LAB	Land Appeal Board
LDT	Land Development Tax
LGI	Local Government Institution
LIS	Land Information System
LMS	Lack of Monitoring and Supervision
LOVF	Land Office Visiting Frequency
LRB	Land Reform Board
M	Misbehavior
MDGs	Millennium Development Goals
MJF	Manusher Jonno Foundation
MoL	Ministry of Land
MoLJPAs	Ministry of Law, Justice and Parliamentary Affairs
NGO	Non-Government Organization
RLSM	Rural Land Sales Market
TIB	Transparency International Bangladesh
TL	Time Lost
Tk.	Taka
VPA	Vested Property Act

Executive Summary

Study on capacity issues regarding the land administration and management of Bangladesh is justified at least from two points of view. The first one is the deplorable situation of the land administration and management of the country which hinders peoples' property rights to different extents and the second one is the dearth of research studies focusing the capacity assessment aspects, in the realm of large number of studies focusing the problems and prospects aspect.

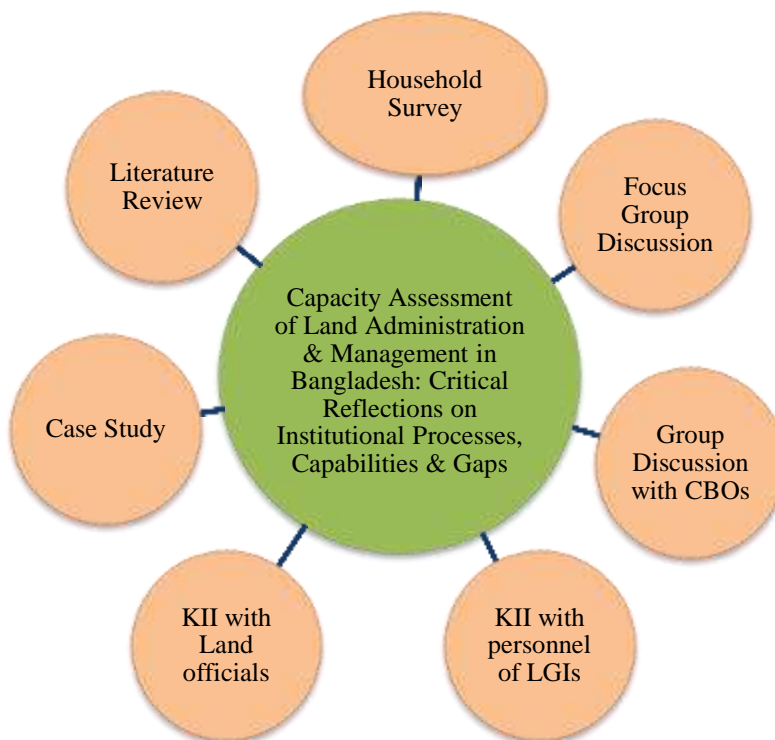
The study titled as *Study on Capacity Assessment of Local Land Administration and Management: Critical Reflections on Institutional Processes, Capabilities and Gaps* is aimed to identify and analyze key gaps of different institutions and of associated policies and practices and of those related to potential actors that make up the total land governance system as well as to suggest a capacity building strategy.

In line with the research objectives, this study has tried to address the following six key research questions –

- 1) What are the main resource gaps of different institutions/structures in relation to effective land right governance?
- 2) What are the main impediments/barriers in relation to policy and processes for efficient land right governance?
- 3) What are the main impediments at practice level?
- 4) What are the capacity gaps from the part of the right-holder stakeholders that hinder their land-right claiming ability?
- 5) What are the main capacity gaps from the part of the right-bearer stakeholders that hinder their effective contribution in the land right governance?
- 6) What are the main options/alternatives that various actors/stakeholders perceive can improve land-right governance?

By nature it is an explorative study with the following broad methods used in the research –

Figure 1: Study methods



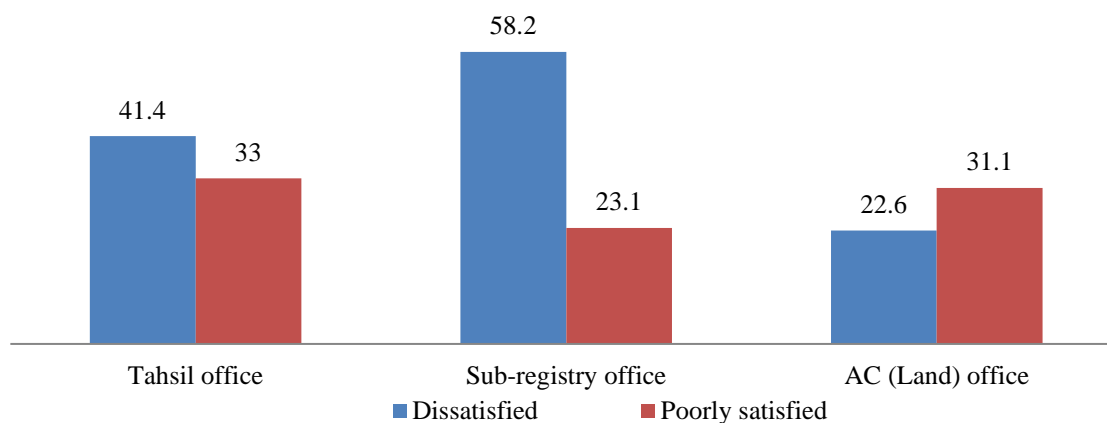
After an extensive literature review, following 83 indicators under 11 variables have been sought for data collection and analysis.

Table 1: Name of variables and number of indicators

Name of Variables	Number of Indicators
1. Effective land rights governance	7
2. Resource gap of local land offices	16
3. Capacity gap of service recipients	12
4. Policy hindrance	6
5. Implementation	5
6. Decision making	2
7. Accountability mechanism	3
8. Political influence	9
9. Corruption	7
10. Delay	7
11. Capacity gap of policy actors	9

The study finds a huge dissatisfied number of service recipients. Loss of time and and loss of money remain the major causes behind the excessiveness of client dissatisfaction.

Figure 2: Dissatisfaction level of service recipients (%)



Money lost is highest in case of AC (Land) office compared to other two offices. It is also seen that amount of money lost is higher in the bribery form compared to non-bribery form.

Table 2: Average amount of money lost (BDT) (% of total)

Land offices	Average amount of money lost (BDT) (% of Total)		
	Bribe	Non-bribe	Total
Tahsil office	1422 (85.2) (11.8)	247 (14.8) (14.6)	1669 (12.2)
AC (Land) office	5583 (86.6) (46.3)	864 (13.4) (51.2)	6447 (46.9)
Sub-registry office	5045 (89.7) (41.9)	577 (10.3) (34.2)	5622 (40.9)
Total	12,050	1,688	13,738

In order to assess the capacity of three land and land related offices, i.e., Tahsil office, AC (Land) office and Sub-registry office, Composite Capacity Index (CCI) was constructed based on four capacity motivating factors, such as infrastructure, human resources, logistics and financial resources. Three CCIs have been constructed with the data gathered from Institution mappings and KIIs. Identifying least capacitated land office is not straightforward as least capacitated land office for all CCIs is not same.

Table 3: Capacity assessment of local land offices according to CCI and ACCI

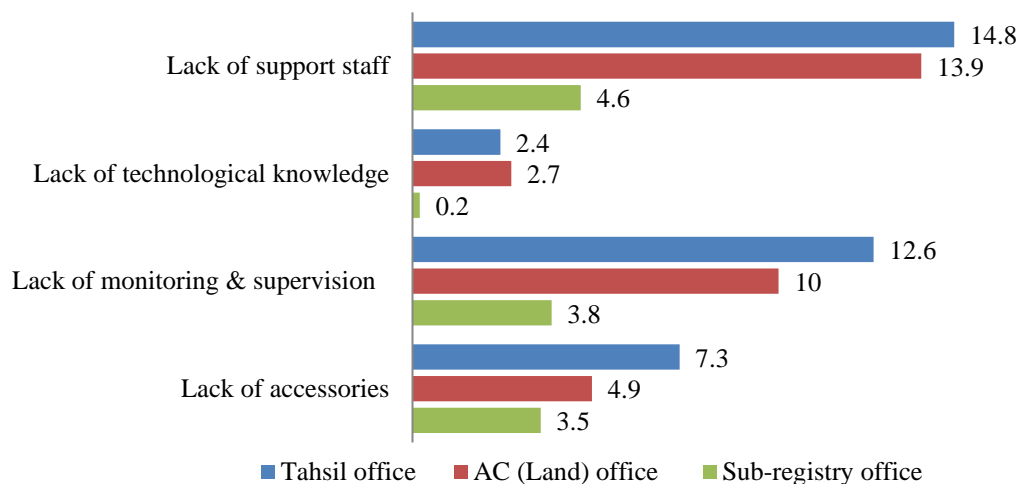
CCI	Least Capacitated Land Office
CCI based on IM of land offices	Tahsil office
CCI based on KII with land officials	Sub-registry office
CCI based on KII with LGI representatives	Tahsil office

But according to ACCI, most reliable due to its aggregation of all three CCIs, the least capacitated land office is Sub-registry office.

Service recipients are also asked to assess the capacities of land offices.

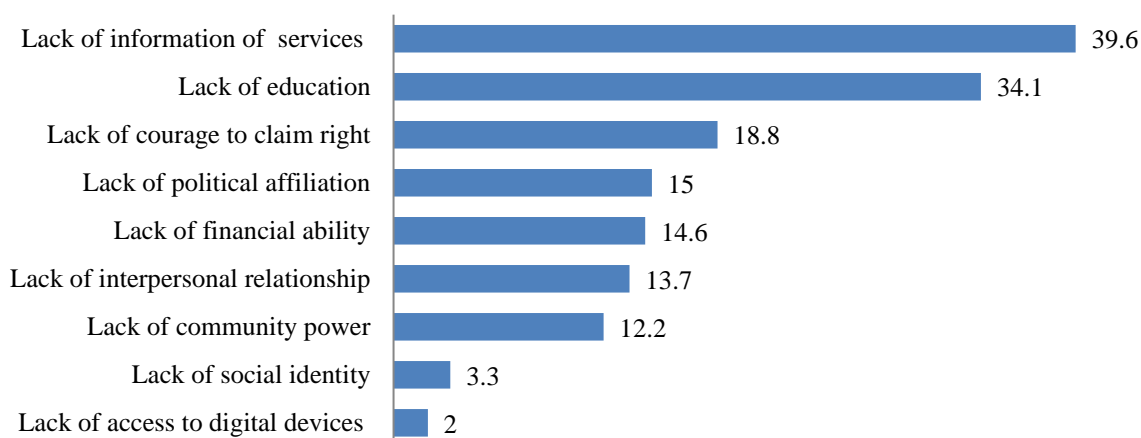
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Figure 3: Capacity crisis- service recipients' assessment (%)



The study argues that capacity crisis is not only a supply side issue but also a demand side phenomenon. Supply side capacity crisis gets augmented due to capacity crisis of demand side, which is reflected in the various incapacities of the service recipients.

Figure 4: Personal barriers of service recipients in accessing service (%)
(Multiple response)



The study concludes with the following key learning's-

- ✓ All three land and land related offices are not capacitated to the warranted extent.
- ✓ Sub-registry office is found to be the least capacitated.
- ✓ Land offices are suffered with acute deficit of the supply side capacity-motivating factors, i.e., infrastructure, human resources, logistics and financial facilities.
- ✓ Crisis in human resources and logistics in the offices seems to be severe.

- ✓ Corruption (money lost) and harassment (time lost) are rampant across the offices, where AC (Land) office seems to supersede others.
- ✓ Poor capacities of the land offices get severe in the face of poor capacities of service recipients.
- ✓ Access to relevant information by the service recipients is highly constrained for their lack of personal capacities as well as for the role-play of vested interest.

Considering the broader aspects of the rent-seeker dominated criminalized socio-political-economic environment, the recommendations for overcoming the capacity crisis of the local land administration should not be fragmented and compartmentalized; rather a holistic approach of agrarian reform is a must. However, for the immediate short run solutions, following recommendations are put forward:

A. On Land Offices' Capacitization Issues

1. Infrastructure for Tahsil office should be built to accommodate activities according to the right holders' demand. It is also true for AC (Land) office and Sub-registry office.
2. Depending on the nature of functions and type of local land office, adequate number of relevant personnel should be recruited. Land offices are suffering from crisis of sufficient human resources, particularly in administrative and technical areas. To overcome this crisis in human resources, government can set up an independent recruitment agency or give authority to respective local land offices to recruit personnel according to their requirement.
3. It is necessary to provide effective training to all the personnel along with relevant officials on rules and functions of land offices.
4. Adequate and effective investment is urgent for strengthening supply side capacity-motivating factors of land and land related offices.
5. Persistent and immediate financial and administrative interventions are needed in case of human resources and logistics facilities of land and land related offices.
6. Sub-registry office should be given special focus in capacity strengthening program.
7. In case of curbing corruption and harassment, AC (land) office should be treated on priority basis.

B. On People's Accessibility Issues

1. It should be mandatory to ensure displaying the Citizen's Charter at land office premises and displaying amount of fees and charges required for different services.
2. It is necessary to strengthen the current mechanism of ensuring transparency and accountability of land offices.
3. Role of civil society at national and local level for effective functioning of land administration and governance. In this respect, the most mentionable

recommendations are: (i) developing a guideline to guarantee inclusion of civil society members in all committees, (ii) elected representatives should behave well with civil society representatives, and (iii) dissemination of appropriate information to civil society.

4. Intensive awareness program should be conducted focusing land administration and management issues.
5. Service seekers' ability in accessing and utilizing information should be enhanced.

C. On Policy Reform Issues

1. A single parcel basis system of land registration must be established.
2. It is necessary to create an efficient survey, documentation, record and taxation system, which would provide transparent land administration.
3. Land mutation and registration should be brought under one ministry and functions of registration and mutation should be entrusted to a single official.
4. Exemplary punishment should be ensured for those who make false documents and deeds of land ownership to grab land, depriving real land owners of their rights to land.
5. A registered document should be operated from time of its registration.
6. The old Balam system should be abolished to make it comfortable and digital.
7. The compilation of different laws and rules, as regards survey operation needs to be done in a single Act and a rule.
8. In order for continuous survey operation, a permanent setup of staff at district level needs to be established.