

Sustainable Access to Land Equality (SALE)

(CARE Bangladesh, Uttaran and MJF)

Final Report

Training Needs Assessment (TNA)

November 09, 2014

Submitted By

Participatory Management Initiative for Development (PMID)

Table of content Contents

Abbreviations	4
Executive Summary	5
Chapter I: Project Background and Methodology of TNA	8
1.1 Introduction:	8
1.2 Objectives of Training Needs Assessment (TNA):.....	8
1.3 Methods and Tools for each Category of Respondents.....	9
1.4 Structure of the Report.....	9
Chapter II: Findings of TNA regarding Knowledge and Skills	9
2.1 Land Survey and Record.....	9
Community people.....	9
Vhumi committee	10
UP representatives.....	10
GoB land officials	11
2.2 Land Registration:	12
Community People.....	12
Vhumi Committee and UP representative.....	12
GoB officials	13
2.3 Mutation of Land.	14
2.4 Services related to Land taxes	15
2.5 Settlement of <i>Khas</i> land Services.....	15
2.6 Document and information Services	16
2.7 Sensitivity and Attitudinal Problems of the Service Providers (<i>Vhumi</i> Committee, UP and GoB Officials)	16
2.7.1 <i>Vhumi</i> Committee:	16
2.7.2 UP Representatives:.....	17
2.7.3 Government Officials:	18
Land survey & Record	18
2.8 Knowledge, skills and Attitudes of SALE Project staff.....	20
2.9 Experience of Tala Upazila under Satkhira District	21
Land record and survey.....	21
Land Registration	22

Mutation	22
Taxes	22
Khas land	23
Case and dispute	23
Document and information services.....	24
Chapter III: Recommendations.....	24

Abbreviations

AC	Assistant Commissioner
ASO	Asst. Settlement Officer
AULO	Asst. Union Land Officer
CARE	Cooperative for American Relief Everywhere
CS	Cadastral Survey
DAKC	District Agriculture Khas land Committee
DC	Deputy Commissioner
DCR	Duplicate Carbon Receipt
FGD	Focus Group Discussion
GoB	Government of Bangladesh
KII	Key Informant Interview
MJF	Manusher Jonno Foundation
NGO	Non-Government Organization
PMID	Participatory Management Initiative for Development
PS	Permanent Settlement
RS	Revisional Survey
SA	State Acquisition
SALE	Sustainable Access to Land Equality
SO	Settlement Office
SRO	Sub-Registrar Office
TNA	Training Needs Assessment
UAKC	Upazila Agriculture Khas land Committee
UASO	Upazila Assistant Settlement Officer
UCO	Upazila Cooperative Officer
ULO	Union Land Office
UNO	Upazila Nirbahi Officer
UP	Union Parishad
USO	Upazila Settlement Officer
VC	Vhumi Committees
WMC	Wetland Management Committee
ZRR	Zonal Record Room

Executive Summary

CARE Bangladesh in partnership with Uttaran and Manusher Jonno Foundation (MJF) is implementing Sustainable Access to Land Equality (SALE) project funded by European Union, the objective of which is to accelerate effectiveness, transparency and accountability in the activities and service deliveries of the land administration focusing on good governance to establish and strengthen the right of the people especially women, poor, minority and other socially excluded communities on land.

The main objectives for TNA were to identify prevailing perception and attitude among selective stakeholders who were responsible for providing services to target groups through distinguishing their needs in providing expected services. The specific objectives of this TNA were to identify the training needs of the GoB Land Officials (Upazila and union level), Union Parishad and *Vhumi* committees for delivery of service effectively and efficiently for the SALE project. The area under the TNA assessment covered Sadar Upazila of Jamalpur, Mohanpur Upazila of Rajshahi and Amtoli Upazila of Borguna including gathering of experience of Tala, Satkhira.

After review of relevant literature and documents, the TNA was conducted through FGDs, KIIs and workshops with different stakeholders i.e. AC(land) Office, Upazila Land Settlement Office, Union Land Office, Union Parishad, *Vhumi* committees of Upazila, Union and Ward levels, SALE project staff and finally KIIs was conducted at central level(Uttaran, CARE & MJF) .

About land survey and record, FGDs were conducted with the target community and *Vhumi* committee members who expressed that they didn't have enough experience about the step and process of land settlement. Through FGD with UPs in three Upazilas, it had also been found that they didn't have sufficient ideas and experience about the process of land record. However through Village Court, they had given legal services to settle land dispute which were insignificant in numbers. It was learnt that middle man play a role taking advantage of the inexperience of target people as this process is lengthy, time consuming and complicated. It was also learnt that in some cases ancestral property belonging to women were not recorded in their name during land survey and settlement.

The Assistant Settlement Officers (ASO) of three Upazilas had been interviewed through KII from which it had been learnt that very few people especially women were aware of land settlement steps and process.

Central level officials of GoB through KII noted that the digitalization of land management would ensure the land ownership and can reduce the hazard of people on land survey. Ultimately this would reduce land dispute, corruption and workload of GoB Officials and accelerate people's access to utilization of services and ensure transparency and accountability of land management system.

About land registration, some important points had been identified through discussion with the target community of the project. A few of them had the experience of visiting Upazila Sub-registrar office. They didn't have enough experience about the step and process of land registration. Some women during FGD reported that their only experience

of going to the sub-registrar office was for selling land accompanied with their father, brother or husband when they had just gave their thumb impression or put signature. Community and members of *Vhumi* committees alleged that women were neglected and were not given proper share of their husband's or paternal property. Even their names were not included in the succession certificate with ulterior motive to deprive them of their land rights. As to Hindu women, they are out rightly deprived from their ancestral property. This shows a clear gender disparity regarding land rights.

FGD had been conducted with members of *Vhumi* committees at Upazila, Union, and Ward levels. It was clear that members of these committees had little experience on land transferring process. As these committees had been recently formed, they had not been able to gather sufficient experience. It had been learnt, undervalue of deed is a common practice.

Indigenous community is more vulnerable as the process of land transferring system is comparatively critical. They believe in traditional ritual on ownership of land rather than maintaining papers or documents. Non-cooperation of local administration, pressure of local elite and lack of knowledge of indigenous community intensifies the problem.

The Sub-registrar of three Upazilas at the time of KII informed that the process of land transfer through deeds mainly depend on deed writer. The succession certificate is given by the UP chairman who is often influenced by the male members of most families to deprive their female inheritors. Women have less voice in case of fixing the value of ancestral property. The male members handled the land selling or purchasing process, it was learnt.

From discussion with AC (land) and Union Land Officer, it was clear that they had no gap of knowledge and understanding regarding land mutation. Both AC (land) and Union land officers opined that due to the lack of knowledge and awareness of the community people, they had not been able to submit application on time and the steps and process were not followed as per set rules of government. They added that community people and *Vhumi* committees were not much clear about the process of mutation.

About Land taxes, AC (Land) and Union Land Officer reported that community people, *Vhumi* Committees and Union Parishad were not fully aware about the actual rates of land taxes.

It became apparent that AC (land) and ULO were clear about the process of *Khas* land allotment. This process is also clear to NGO project staff. However Community people, Union Parishads and *Vhumi* Committees at different levels were not fully aware about the process of allotting *Khas* land to the landless people.

It appeared that AC (Land), USO and ULO were clear about the process of case and hearing of disputed land. This process is also clear to SALE project staff. However Community people, Union Parishads and *Vhumi* Committees at different levels are not fully aware about the process.

Moreover, AC (land), USO and ULO were clear about the process of documentation and information services. It became apparent that the project staffs had clear conception about the process of service delivery by relevant offices. However Community people, Union Parishads and *Vhumi* committees at different levels were not fully aware.

It had been observed that some important things and facilities were absent at the offices of AC land, Settlement, Sub-registrar and Union land offices which are necessary for service delivery.

Findings received through FGDs and KIIs revealed how women, ethnic minorities were deprived and treated in getting services. There is also disparity between men and women with regard to treatment. Less importance is given to the requirement of women. Proper treatment is not given to minority and ethnic people and other backward section of the communities.

Some attitudinal gaps may be summarized with respect to *Vhumi* Committees which include discriminatory attitude between men and women, poor and rich; lack of conviction of existing laws, Khas land policy, Adibashi land transfer law; not all members are equally active; nepotism and favoritism; non participatory; lack of confidence and inferiority complex.

Attitudinal gaps with respect to UP representatives includes discriminatory attitude between men and women, poor and rich; malpractice of providing succession certificate; lack of conviction of existing laws, Khas land policy, Adibashi land transfer law; less priority, less cooperation, ignoring poor people, inattention; nepotism and favoritism; take undue benefit; non participatory and dominating attitude .

Attitudinal problems with respect to GoB officials include less priority, less cooperation, ignoring poor people, not giving proper attention to poor, women, religious and ethnic minority; irregularities of service delivery; not sensitive towards poor, women, religious and ethnic minority; undue advantage from women, minority and poor; take undue benefit; dominating; non participatory; bureaucratic attitude; lack of transparency and accountability; creating complicity.

The SALE project staff has more or less clear conception about land matters, service delivery and process. During discussion, the project staff pointed out that government officials and staff had attitudinal problem of outlook and perception. They opined that UP representatives and *Vhumi* Committee members had insufficient knowledge about procedure, steps, related fees and their roles and responsibilities and there was gap in service delivery and support to the community people.

Based on Field findings, three curriculum outlines have been developed for giving training to the members of *Vhumi* Committees, UP representatives and land related GoB officials at union and Upazila level and given in recommendation chapter.

Chapter I: Project Background and Methodology of TNA

1.1 Introduction:

CARE Bangladesh in partnership with Uttaran and Manusher Jonno Foundation (MJF) is implementing Sustainable Access to Land Equality (SALE) project funded by European Union by addressing the 'access to land' issue in a sustainable manner to contribute to the efforts of GoB. In line with the overall Access-to-Land program, objective of the project is to strengthen access to land and property rights for the people focusing on the poorest citizens. The main objective (s) is to accelerate effectiveness, transparency and accountability in the activities and service deliveries of the land administration at the field level. Besides, it focuses on good governance to establish and strengthen the right of the people especially women, poor, minority and other socially excluded communities on land.

In order to create scope for equitable access to land for the disadvantaged communities, the project has planned to assess training need for change of perception and attitude of relevant stakeholders – AC(Land), Sub-Registrar, Settlement Officer, Union Land Officer, Union Parishad, *Vhumi* Committees and implementing staff with a view to enhance their perception and attitude to serve the poorest section of the community including women, minority people and others socially excluded section of the citizens.

1.2 Objectives of Training Needs Assessment (TNA):

The main objectives for TNA are to identify prevailing perception and attitude among selective stakeholders who are responsible for providing services to target groups through distinguishing their needs in providing expected services. The TNA focused on required “attitude and behavior changes” of staff related to land administration and management of local government and civil society groups towards more inclusive services for women, the poorest and marginalized communities.

The specific objectives of this TNA were:

- To identify the Training Needs of the GoB Land Officials (Upazila and union level), Union Parishad and *Vhumi* Committee to play their respective roles effectively and efficiently for the SALE project;
- To prioritize the Training contents based on the analysis of Field Findings;
- To recommend the relevant Training Courses for the different categories of target groups.

For the TNA under this study, three project areas have been visited including Tala Upazila under Satkhira district to gather experiences.

1.3 Methods and Tools for each Category of Respondents

A total of 12 FGDs were conducted - three with the target communities, three with the ethnic minority groups, three with the members of Vhumi Committees and three with the representatives of UP.

On the other hand, A total of seventeen KIIs were conducted- twelve with the UNO/AC (Land), Sub-Registrar, Assistant Settlement Officers and Assistant Union Land Officers and five with the central level officials of GoB, CARE, Uttaran and MJF. Besides, three workshops were conducted with the project staff of Uttaran at field level.

1.4 Structure of the Report

The total report has been divided into three chapters and each chapter deals with specific contents as stated below:

Chapter I: deals with project background and TNA objective and methodology.

Chapter II: deals with TNA findings separately knowledge, skills/practice and attitude of the TNA respondents including experience gathered from Tala, Shatkitra

Chapter III: Proposed training contents

Chapter II: Findings of TNA regarding Knowledge and Skills

Through the main focus of the study is related to perception and attitude of different service providers i.e. Members of Vhumi Committees, UP representative and land officials at union and Upazila level with regarding land related service delivery specially poor, women, ethnic and minority people, as this is an assessment of needs of training, their knowledge and skills regarding land related issues has also been assessed.

2.1 Land Survey and Record

Upazila Settlement office is mainly responsible for land survey and record. Dissemination of information and communication regarding land survey in the survey area, prepare map (*Cadastral Survey*) and record, provide field *Porcha*, receiving dispute, attestation of *Porcha*, draft publication, as per section 30 filing the appeal and settlement of the same, filing appeal against this verdict within 30 days, publication of final copy after final judgment and *Khas* land record etc. – all these activities are performed by Upazila Settlement Office. For these activities, people keep contract with the Upazila Settlement Office.

Community people

FGD has been conducted with the target community of the project which comprises small and marginal land owners, women, minority and indigenous people and landless/vulnerable women. It aimed to assess their experience and knowledge regarding different

process of land survey and settlement. It has been found that a few of them have the experience of visiting Upazila Settlement Office. Moreover, most of them have little experience about the steps and process and land settlement activities. In the three project areas, different segments of the community people that is women, religious minority and indigenous were met at the time of assessment. Some common problems have been pointed out by these people which are - financial inability of the community people to bear expenses for appeal and dispute resolution including other expenses; insufficient dissemination of information by GoB officials; community people get less opportunity to access services from service providers; undue interference by middle man; influence by the powerful persons; inadequate announcement of land survey; disinterest of some officials and staff in service delivery; delaying tendency and frequent changes of fix dates for service delivery; tendency to take undue benefit by a section of officials and staff.

Vhumi committee

There is provision of forming *Vhumi* Committees at Upazila, Union and Ward levels to give support to the target community to get proper services from government offices regarding land survey and record. FGD has been conducted with members of these committees at Upazila, Union and Ward levels. It has been found that a few of these members have proper and sound knowledge about the process and steps of land survey and record. It has been learnt that this committee has been recently formed as such they have not been able to gather sufficient knowledge and experience to help the target people. Some common issues which came out through FGDs with *vhumi* committee members are - a middle man group is playing a negative role and sometimes practicing unfair means and underhand dealing which is corrupting the system; the target group are mostly unable to communicate due to lack of education and awareness; insufficient dissemination of information by the GoB officials; ignorance of community people about appropriate authority to submit land documents; lack of transparency and accountability of government officials and staff;

UP representatives

The UP representatives of three Upazilas have been consulted through FGDs from which it has been learnt that these representatives have less idea and experience about process of land survey and record and hardly they go to the Upazila Settlement Office. However through Village Court and arbitration, they have given legal services to settle land dispute relating to ownership and demarcation of land which are very insignificant in numbers.

They stated that land record and survey takes lot of time covering different dates both at the field and field survey camp which hampers normal activities of land owners. Besides dispute resolution is lengthy and time consuming, people take this as a complicated procedure and cannot manage enough time to pursue this process. This has created opportunity for the middle man to interfere into the affair. It was also noticed that in most cases, ancestral property belonging to women were not recorded in their name during land survey and settlement. The UP representatives alleged that middle man play

a role taking advantage of the inexperience of target people. Sometimes they have to wait the whole day for their serials.

Besides some common point were pointed out by the UP representatives in all the areas which are given in concise form as follows - the community people are mostly unable to communicate due to lack of education and awareness; lack of knowledge and process about different government fees for getting land document and papers; ignorance of community people about appropriate authority to submit land documents; lack of transparency and accountability of government officials and staff; tendency to take undue benefit by a section of officials and staff.

GoB land officials

The Assistant Settlement Officers(ASO) of three Upazilas have been interviewed through KII from which it has been learnt that very few people are aware of this land settlement issues and this is more acute in the case of women, poor, ethnic people and religious minorities. Taking advantages of their ignorance and inexperience, a section of middle man has emerged to work on their behalf. During KII, they further stated that land owner should have knowledge regarding some important steps of survey and settlement which is mostly absent in the community level. These steps are - proclamation of circular; identification of land through demarcation; presence of land owners during survey with necessary land documents (ownership deeds with mutation, *Porcha*, *Dakhila*, Receipt of land tax payment) and registered *bontoknama* of the family property; recording properly in their names. It has been found through KII that the settlement officials have sound knowledge regarding the process and steps of land survey and record. However though they are conversant with the traditional method of land survey, they have enough curiosity and interest in the digital method of land survey. Moreover, settlement officers perceived that lack of awareness of the community and negative involvement of the middlemen played a key factor for land settlement dispute. However, they agreed that a number of lower level staffs of settlement offices were engaged in negative practices. GoB officials during KII pointed out some common problems among community people and service receivers which are as follows - lack of practice of keeping land documents properly; lack of knowledge and skills about filing appeal in case of dispute; process about different government fees for getting land document and papers; about synonyms of land related legal terms ;(i.e. CS, RS, SA etc.)

The KII with Central level officials of GoB noted that the digitalization of land management system would ensure the land ownership without hazard. The interviewees also stated that people become scared during land survey though it is vital for land ownership. The influence of a section of powerful people deprived the poor from their land rights. The digitalization of land management can reduce the hazard of people on land survey. To improve this sector, huge skilled manpower is a prerequisite along with improving local infrastructure and equipment. Ultimately this would reduce land dispute, corruption and workload of GoB Officials and accelerate people's access to utilization of services and ensure transparency and accountability of land management offices.

2.2 Land Registration:

Upazila Sub-registrar office is mainly responsible for land registration. They perform certain activities which includes providing advice to prepare land deed, registration of deed, delivering the original copy of deed to the land owner, searching report, delivering duplicate copy of deed etc. For all these purposes people visit Upazila Sub-registrar Office.

Community People

Some important facts have been revealed through discussion with the target community of the project comprising small and marginal land owner's, minority and indigenous people and vulnerable women. They reported that a few of them have the experience of visiting Upazila Sub-registrar office. They have little experience about the step and process of land registration. Some women during FGDs reported that their only experience of going to the sub-registrar office were for purchasing and selling land accompanied with their father, brother or husband when they just gave their thumb impression or put signature. When asked about land rights of women, they alleged that women were neglected and were not given due share of their husbands' or paternal property. Even in most cases their names are not included in the succession certificate which is vital for ownership of land and is required for selling and settlement purpose of land with ulterior motive to deprive them of their land rights. In some cases they have to remain satisfied with a nominal amount of money against property sale. Even when deprived women approach for any sort of arbitration for amicable settlement to get their rights over property, they are not given any importance and are avoided in most cases. This shows a clear gender disparity regarding land rights. Through discussion with religious minority groups and indigenous community, it was known that Hindu women are outright deprived from their ancestral property. In case of indigenous community, they are more vulnerable as the process of land transferring system is much critical in comparison to others. Indigenous community believes in traditional ritual on land ownership rather than preferring maintaining papers or documents. They also face non-cooperation of local government administration with regard to receiving ownership certificate if needed and also pressure of local influential in selling land at lower prices. Furthermore, due to lack of knowledge of indigenous community and ill motive of local influential intensifies the problem at the time of transfer and purchase of land by indigenous people.

Vhumi Committee and UP representative

FGDs have been conducted with members of *Vhumi* committees along with UP representatives. Members of these committees and UP representatives more or less have the experience of going to sub-registrar's office but some of them have little experience on land transferring process. It has learnt that most of the members of *vhumi* committee and UP representatives are not fully aware about different services i.e. providing advice to prepare land deed, registration of deed, delivering the original copy of deed to the land owner, searching report, delivering duplicate copy of deed and other services provided by AC (land) office and sub-registrar's office. As a result they cannot provide suggestions and advices to community people to access services from different government offices.

However, they raised some problems and limitations which need due attention by the concern authority to stop hassle and harassment of the community people. Some of these problems and limitations which they raised are - additional money is required to pay in the name of different charges other than fixed rate of government fees; irregular attendance of service staff; undue practice is entertained through middlemen/brokers; issuance of faulty succession certificate in some cases; registration of fake deed; sometimes, more land is shown in the deed beyond the knowledge of the seller; issuance of faulty succession certificate in some cases; community people who purchase land are not always not provided with previous information and document ; face hassle at the time of taking registration related documents; undue influence of association of deed writers for extra charges.

Members of vhumu committees and UP representatives also opined similar views regarding land rights of women, religious minority women and indigenous community. Some of these statements which are more or less common with the views of community people are - there is improper revenue collection through land transfer as undervalue of deed is a common practice; in most cases female successor of land are deprived as they are not shown as legal inheritor of land of their parents or widows' from their husbands' property; Hindu family, female members are altogether deprived of land right over their paternal property;

GoB officials

The sub-registrars of three Upazilas have been interviewed through KII from which it has been learnt that the process of land transfer through deeds mainly depend on deed writer who complete the major process of writing deeds. For registration, at first all document of land is given to deed writers for writing a deed. Then stamps are purchased as per direction of deed writer to prepare a deed by a government enlisted deed writers after depositing fees as per government rate in the bank. Deeds are submitted to the office by the deed writers. After that Signatory/ witness/petitioner/respondent remain present in front of sub-register and show all related documents and get the registration done. After one or two days, a receipt is collected from the sub register office and deed is given two months after registration. It can be said that sub-registrars have no knowledge and practice gaps regarding land registration. Though, they are over loaded with the volume of work as they reported and they undertake all activities manually and there is no scope for computer use at their offices to maintain officials' record. Sub-register skill/capacity/enthusiasm need to enhance regarding the validation of mutation, previous landownership deed, revenue receipts and authentication of buyer and seller. That issue also be extended due to lack of systematic documentation/computerization.

However, they pointed out some significant issues regarding land registration which are - community people are not properly aware about the procedure of land registration; lack of knowledge about government fees for land transfer and various services; lack of knowledge of synonyms of land related legal terms; less purchasing price is shown in the deed than the actual purchase price thus depriving the govt. from actual revenue; The male members handle the land selling or purchasing process; women have less voice in

case of fixing the value of ancestral property; the succession certificate is given by the UP chairman who is very often influenced by the male members of certain families to deprive their sisters and aunts from their ancestral property.

2.3 Mutation of Land.

AC (land) and union land officer are designated for carrying out the responsibility of mutation of land. During interview, AC (land) and Union land officer stated the process of land mutation which includes receiving application of mutation, preparing proposed Khatian verified by Union land officer with the clearance report and main document. If disputes raise amongst parties regarding ownership based on AC (Land) will send notice to both parties, hearing of mutation, accepting or rejecting, amending of Khatian

They also mentioned about relevant documents which are required for mutation which includes prescribed mutation form, purchase deed, pervious mutation document, and payment of fixed rates including court fees with tax payment receipt for mutation of land. It appears that both offices are conversant with this process. It was clear that AC (Land) and Union land officer have no knowledge and understanding gaps regarding land mutation.

The service providers related to mutation mentioned some problems of the service recipients which are as follows - community people, Vhumi committee and Union Parishad are not fully aware about the process; due to lack of knowledge and awareness, community people don't submit application and keep it pending for long though there is no time limit for mutation and sometimes process was not followed as per requirement; mutation is given less importance and not done timely by the community people; faulty papers are submitted by community people; lack of knowledge of community people on government fees for mutation; lack of knowledge about synonyms of land related legal terms; lack of patience of the service receivers; lack of financial capacity of service receivers for mutation; undue interference by brokers; lack of requisite papers for mutation etc.

On the other hand, service recipients also mention some points which they face at the time of receiving at the time of mutation. These are - non-cooperation of service providers at the time of mutation; lack of competent human resources to serve people timely and without delay; demanding additional fees and taking much time; irregular attendance of office; adopting time consuming tactics; women, ethnic minorities and poor people are given less importance as they lack knowledge about mutation process and are financially insolvent as they belong to lower income group with little scope for regular earning. In addition, AC (LAND) office never asked for specific documents rather ask different document for different cases. Collection and submission of such kind of

different documents for mutation always straggling for small landowners. . It should be noted that Union Assistant Land officer prepare a note on mutation application based on ownership documentation, procession and record. Sometimes, lack of proper documentation at union land offices accelerate Union Assistant Land Officer to prepare and give less evidential note that creates loopholes for inviting corruption. Such examples majorly revealed in the mutation process of vested property for minority people.

2.4 Services related to Land taxes

Union land office is responsible to collect taxes, maintenance of government *Khas* land, assist in distributing *Khas* land, submission of proposal for mutation after verification, keeping land record update, collecting land tax from market (Hat/ Bazar), and maintenance of government *Khas* water body. AC (Land) supervises the activities of Union land office and gives necessary guidance and advice in discharge of the functions.

The major problems stated by service providers through KIIs are as follows – community people, *Vhumi* committee and Union Parishad are not fully aware about these activities of land offices; nonpayment of taxes timely; lack of accurate knowledge on official measurement of land in decimal (in different areas different measurement *like khata, kani, gonda* etc. are in use); lack of knowledge of tax rate; lack of understanding about the benefit of giving land taxes; insolvency; lack of interest to go Union Land Office personally; influence of brokers etc.

On the other hand service recipients also reported some problems which they usually face. These problems are - imposition of additional tax on different pretext; charging illegal interest through trickery; demand for extra payment for services; auction of land due to non-payment of tax.

2.5 Settlement of *Khas* land Services

Through FGD and KII with AC (land), Union Land Office (ULO) and UP representatives, it has been learnt that the process of settlement of *Khas* land lies with AC (Land) & ULO. Landless person submit prayer to AC land office for getting *Khas* land. Upazila *khas* land settlement committee prepare a draft list of land less people for allotting *Khas* land and send the same to Upazila land office. AC land office collects information of *Khas* land from Union land office. After getting report from ULO, AC (land) office approves the report after verification. Union land office gives DCR. For yearly lease 30 days is required. For permanent lease, approval from Upazila Agriculture *Khas* land Committee meeting is forwarded to DC office. After meeting of the District agriculture *Khas* land Committee, approval is given by the Divisional Commissioner and the list is returned to AC Land office for permanent settlement. Sometimes Union Parishad and ULO identify landless person. Landless person is required to collect landless certificate from UP chairman.

It is evident that AC land and ULO are clear about the process of *Khas* land distribution. Both AC (land) and ULO mentioned that community people, Union Parishads and *Vhumi* committees are not fully aware about the process of allotting *Khas* land.

Some common problems which community people face in getting *Khas* land have been revealed by recipients and service providers includes delay approved of report; malpractice at the time of preparing list of genuine landless people; malpractice in giving land less certificate; priority to ruling party men; irregularities in collecting information about landless; malpractice in drawing map; irregularities in the submission of application form; nepotism/ favoritism for local influential/leaders; undue advantage taken in issuing DCR; delay in giving permanent settlement; violation of serial; interference by middleman to get undue benefit; problems of collecting DCR; problems of collecting permanent settlement etc.

2.6 Document and information Services

It has been learnt through FGDs and KIIs that different official are responsible for providing land related document and information. ZRR is responsible for providing *Khatian/Porcha*. For providing of forms and land information, ULO & AC Land is responsible. Total land ownership certificate is provided by AC land and Union Land Office. Surveyor (*Amin*) is responsible for drawing map and design. Time of getting service can be known through citizen charter.

It is clear through KIIs with AC (land) USO and ULO are clear about land related documents and information services. However Community people, Union Parishads and *Vhumi* committees at different levels are not fully aware about different land related services offered by govt. offices.

Service providers mentioned some problems which are common with service receivers includes lack of knowledge about proper information; lack of education; lack of knowledge about requisite government fees for various services; lack of ability to draft application properly; tendency to take help from broker; getting wrong information; lack of knowledge about proper process; lack of financial ability etc.

Service receivers also mentioned some problems which they usually face includes not proper estimation and delay under different pretext; demanding undue benefit; not following timely procedure; hiding information; favoring well off man; nepotism and partisan; problems in collecting document and information etc.

2.7 Sensitivity and Attitudinal Problems of the Service Providers (*Vhumi* Committee, UP and GoB Officials)

2.7.1 *Vhumi* Committee:

Through FGD, KII with GoB officials, UP representatives, *Vhumi* Committees and community people and also through observation, some attitudinal problems of members of *Vhumi* Committees have been identified.

It has been observed that in general some members of *Vhumi* Committees were supportive to poor, women, ethnic and religious minority groups though the community people have also the doubt that this committee members may discriminate between men and women in preparing the list for the distribution of *Khas* land. Moreover, community

people have the doubt that some members of the *Vhumi* Committees may indulge in nepotism and favoritism in the selection of real beneficiaries for the *Khas* land. This apprehension of the community people has been validated by the findings in Tala under Satkhira. On the other hand, lack of representations of *Vhumi* committees in the government *khas* land allotment committees causes disinterest and inactiveness of *vhumi* committees.

Besides, most of the members of the *Vhumi* Committees have not been equally active as some of the members have not attended meetings regularly. Members of these committees are known to the community people and they apprehend that some of them may show dominating and highhandedness attitudes over other committee members and community people. It has also been noticed that some of the members lack confidence to deal with GoB land officials.

It has been found that there is a general lack of conviction which is related to attitude about existing law of inheritance; *khas* land policy and Adibashi land transfer law among some members of these committees. These lacks of conviction in some members frustrate and hamper activities of *Vhumi* Committees and fails to earn confidence to some extent of the community.

It may be concluded that, some *Vhumi* Committee members suffer from **conviction** in land related government policies, lack of confidence, nepotism, favoritism and also dominating tendency which are related to attitude.

2.7.2 UP Representatives:

Through FGD, KII with GoB officials, UP representatives, *Vhumi* Committees and community people and also through observation, some attitudinal problems of UP representatives have been identified.

The UP representatives are supportive to poor, women, ethnic and religious minority groups though in some cases some of them were involved in gender disparity and gave priority to man in preparing the list for the distribution of *Khas* land for their narrow outlook and local political benefit. They also indulged in nepotism and favoritism in the selection of genuine beneficiaries for distribution of *Khas* land. From their bitter experience, community people expressed their doubt that, these sort of attitudinal problem may be reflected in the activities of UP representatives in future.

The community people expect that UP representatives should have a positive notion towards law of inheritance and believe in women's rights to land, in fact due to ulterior motive of taking undue benefit, in some cases, they issue faulty succession certificate depriving female successors.

Some UP representatives do not take easily the existing law of inheritance; *Khas* land policy and Adibashi land transfer law. It has been learnt that some UP representatives have the tendency to impose the decision at the time of dispute resolution and arbitration relating to land on the community people which is sometimes beyond the range of acceptable limit.

It may be concluded that, some UP representatives indulge in gender disparity, nepotism and favoritism, lack of conviction in government policies related to land and also dominating tendency which are related to attitude and outlook.

2.7.3 Government Officials:

Some attitudinal problems of government officials have been identified through FGD, KII with GoB officials, UP representatives, Vhumi Committees and community people and also through observation.

Through review of the entire findings, some specific perception and attitudinal problems and issues of service providers at Upazila and Union level for different land related services have been identified which are stated hereinafter.

Land survey & Record

As to service delivery regarding land survey and record, a number of significant attitudinal problems have been identified. These include disinterest shown by the service providers in their duties; lack of positive attitude of government officials and staffs; in some cases service providers adopt delaying policy; sometimes fixed dates for delivery of services including documents are frequently changed and additional money is required to pay for receiving service. All these have been identified during FGDs and KIIs with different stakeholders. Officials know about the rule and manual, but less willing to follow all instruction due to influence of vested interest groups e.g. publicly dissemination of DP, collect signature of owners during attestation, village note preparation etc.

(a) Registration

During registration of land and transfer of ownership, service receivers face some problems due to the attitudinal problems of some service providers. These problems includes undue practices manipulated through deed writers; irregular presence of sub-registrar at the duty station; tendency to earn something excess; bureaucratic attitude of some service providers; women are given less importance; women's right of land is neglected and are deprived of their paternal property; sometimes fake deed are registered. less willingness to check previous documentation prior to endorse registration

(b) Mutation

Mutation is an important stage of land ownership which is done after completion of the registration in case of land purchase and land transfer through inheritance. But in the rural areas specially people are sometimes harassed and incur losses and ultimately involve in litigation for not doing mutation timely. Through FGDs, KIIs and discussion with relevant stakeholders some problems were identified related to mutation. These are - not providing adequate support to the service receiver for mutation; women, ethnic minorities and poor people are given less importance due to financial insolvency and lack of knowledge; lack of pro-poor values in the case of service providers; some service providers demand excess fees; irregular attendance at office of service providers; some service providers follow time consuming tactics and create complexity. This is revealed

through the reluctance of some land officials to sit with both parties with clear documents rather asking for benefit, union offices unwilling to give note on each file with clear reference; not communicating with Union parishad for succession certificate etc. Rather ULAO meet with parties individually and deal separately that creates more disputes amongst parties.

(d) Taxes

Some attitudinal problems relating to payment of land taxes found out during TNA includes giving service in exchange of extra benefit; imposition of excess tax and undue interest on different pretext; bureaucratic attitude of service providers and under estimation of poor people; sometimes payment of taxes is not given proper entry in registers intentionally; intentionally wrong calculation of taxes.

(e) *Khas* land

Government has a policy to distribute *Khas* land among the genuine landless people. But due to a number of reasons, in some cases, genuine people are deprived due to nepotism and bad practices by a section of service providers. At the time of TNA, some major problems have been identified which includes malpractice and influence of middle man in preparing list of landless people and giving landless certificate; irregularities in collecting information about landless people; malpractice in drawing map of *Kash* land; malpractice at the time of submission application form; late approval of inquiry report and lists; political influence for inclusion of party man; collection of excess money at the time of giving possession of *Khas* land; excess money is taken from landless people through hiding plot number; priority is given to political party man and influential person's choice; normal tendency of union land officials for hiding information regarding all types of *khas* land; sometimes union land officials cannot perform their duties properly due to pressure created by local political influential and middlemen as they are powerful and can exert influence through transfer of land officials;

(f) Case and dispute for land related services

Case and dispute of land are very much integrated and often leads to fatal consequences and disorder in the society. It is known that millions of land related cases are pending in different courts of the country for decades which could have been avoided with proper attention and service delivery by different land offices and local arbitration. During TNA some such factors has been identified which includes - delay in giving case & dispute related information; lack of proper treatment by some officials; not giving patient hearing to the people in some cases by officials; taking advantages from influential person; nepotism and partisan practiced by service providers; some service providers make delay under different pretext; demanding unwanted money and interest of some officials in litigation of government property;

(g) Observation of field level land related offices

The team during study visited the offices of AC(land), Settlement, Sub-registrar and Union Land offices at District, Upazila and Union levels. It has been found that some important things and facilities are absent in these offices which are necessary for service delivery to the people. Mentionable among these are – non availability of signboard and citizen’s charter highlighting different services; no provision for waiting room with toilet facilities for service receivers; absence of separate counters for male and female service receivers; not maintaining any serial for providing services; absence of female service providing officials/staff; apathy of service receivers to go to designated official’s chamber directly. During observation, the team had the scope to meet a few service receivers both male and female who came from long distances accompanied by minor children and had been waiting outside these offices for hours even the whole day to get a single service.

(h) Women and ethnic minorities faced Problems to take services from land related offices

The following finding received through FGDs and KIIs reveals how women, ethnic minority people are deprived and treated in getting services. Disparity exists in the treatment of man and woman and less importance is given to women. Sometimes women and ethnic minority people have to digest some bitter hurting, insulting and indecent words uttered by some of the land officials. They receive unfair treatment and officials ask them harshly to go away or sit aloof as officials have the idea that women cannot protest. Moreover, our society has grown mainly as male dominated as a result in some cases women are neglected and deprived. They cannot raise their voice against gender disparity and deprivation. Besides, most of the women have less confidence in themselves. They have the fear of defamation and acceptability. Women are given less priority and importance as they don’t have adequate financial capacity to pay undue money. Protest by women does not get importance in the society and get less weight. In some cases women feel insecure. Though sympathy is shown to women, in reality they are deprived. Lack of knowledge on subject matter relating to land is also responsible for the deprivation of women and they can be easily cheated.

The ethnic and minority people suffer from inferiority complex. They cannot become easy in all offices due to language and behavior. Disadvantaged people (barber, cobbler, washer man) are given less priority in providing services. Proper treatment is not given to minority and ethnic people and other backward section of the community.

2.8 Knowledge, skills and Attitudes of SALE Project staff

Discussion was carried out with the SALE project staffs of Jamalpur Sadar, Mohonpur, Rajshahi and Amtoli, Borguna.

About the SALE project staffs of three areas, it can be said that they have more than average knowledge about different land related services and process of service delivery. However they lack update information and rates of fees for different services. They are also not conversant with specific requirement of documents and related terminologies for different service delivery.

The project staff also lacks sufficient communication and facilitation tools to deal with community people, UP representative and GoB officials regarding land related issues as they have scarcity of required materials and updated information. However, project staffs have been found committed to their responsibilities and positive outlook to the target groups. Though they have received basic training, further training is required to scale up their knowledge and facilitation capacity.

Besides, when asked about the SALE project staff's perception from their working experience about the knowledge, skill and attitudes of upazila and union level government land related officials, UP representatives and members of vhumu committee, they stated that upazila and union level land related govt. officials are conversant with their job responsibilities, but their problem is related to attitudinal outlook and perception. The SALE project staff reported that UP and *Vhumi* Committees have inadequate knowledge about procedure, steps, related fees and their roles and responsibilities to facilitate the poor men and women regarding land issues. This section may be the part of Bhumi Committee rather Project staff.

2.9 Experience of Tala Upazila under Satkhira District

Project staffs are working for a long time in Tala, Satkhira. In this process they have gathered a vast experience through working with *Vhumi* committees, GoB officials and community people. The studies team endeavored to share these experiences of Tala through visiting the site and discussion with GoB officials, *Vhumi* committee, UP representative and relevant of Uttaran. Through these threadbare discussions, some significant points have come out which need for further consideration. These points are given hereafter.

Land record and survey

- Service receivers lack knowledge of proper safe keeping of documents;
- Proper Information are not reaching to the common people;
- Service receivers are ignorant about appropriate authority to submit land documents;
- Service receivers do not know synonyms of land related legal terms;
- Service receivers are not aware of CS, RS, SA land survey & record related basic law and regulations;
- Notification for land survey is not widespread;
- Service providers show disinterest in duties;
- Service providers adopt delaying policy;
- Sometimes fixed dates for delivery of services including documents are frequently changed;
- Influence of powerful person;

- Excess money is required to pay;
- adoption of undue practice for providing services;
- Due to not filing objection at proper stage, sometimes it is not possible to deliver proper service.

Land Registration

- Lack of necessary documents and knowledge of law of service receivers is a major problem;
- irregular presence of sub-register;
- Some service providers have the tendency to earn something excess;
- Some service providers are not fully conscious about service delivery to the people;
- bureaucratic attitude of service providers;
- Women are given less importance;
- Some UPs sometimes issue faulty succession certificate;
- Hindu women are deprived as per law of succession;
- In reality women's right of land is neglected, Muslim women are deprived of their paternal property;
- Service receivers are ignorant about actual government fees for land transfer;
- Sometimes fake deed are registered;
- More land is shown in the deed beyond the knowledge of seller.

Mutation

- Mutation is not done timely;
- Lack of requisite papers for mutation.
- Giving less importance on mutation;
- Faulty papers;
- Service receivers are unaware of requisite government fees for mutation;
- Not receiving proper cooperation at the time of mutation;
- Lack of competence of some services providers;
- Some service providers demand excess fee;
- Irregular attendance at office of service providers;
- Some service providers follow time consuming tactics;
- Women, ethnic minorities and poor people are given less importance due to financially insolvent and lack of knowledge;
- Harassment of service receivers by brokers;

Taxes

- Taxes are not paid timely;
- Lack of knowledge on official measurement of land - in different areas of the country different measurement system are followed;
- Adequate importance is not given to tax payers;
- Lack of knowledge of tax rate;

- Lack of awareness;
- Insolvency of tax payers;
- Lack of interest to go to Union land office personally;
- Influence of brokers
- Imposition of excess tax on different pretext;
- Charge excess interest through trickery;
- Bureaucratic attitude of service providers;
- Underestimation of grassroots people;

Khas land

- Malpractice in preparing list of landless people;
- Malpractice in giving land less certificate;
- Irregularities in collecting information about landless people;
- Malpractice in drawing map of *Kash* land;
- Influential persons are given preference and excess money taken from genuine land less people;
- Undue advantages is taken at issuing DCR;
- Delay in giving permanent settlement;
- Nepotism/ favoritism by local leaders;
- Priority is given to party man and influential person's choice;
- Undue practices through middleman;
- Delay in giving approval in the case of common people's cases.
- In some case land less people cannot collect application form from land office without the help of brokers.
- Delay in forwarding case file to higher committees.
- Problem is created in the demarcation of land boundary as surveyors are reluctant to work without financial benefit.
- Irregular meeting of upazila khas land allotment and management committee is also responsible for placing od case file

Case and dispute

- Delay in providing information;
- Avoiding tendency;
- Not given proper attention;
- Involvement of officials with local influential;
- Pretense of preoccupation with office work;
- Interest of some government officials in litigation of government property;
- Some service providers dislike illiterate and poor people;
- Lack of sufficient official staff;
- Service receivers are not always informed about proper documents and places;
- Are unaware of requisite government fees for various services;
- Service receivers are not always aware of appropriate authority to submit documents;

- Service receivers do not know synonyms of land related terms;
- Land office cannot handover possession of khas land due to pressure created by influential;
- Lack of required documents at the time of application for khas land;
- Illegal possession of influential creating bottle neck;
- Service providers have the tendency to receive extra benefit;
- Existence of political influence;
- Lack of sufficient money;

Document and information services

- Sometimes service providers are not estimated fairly;
- Some service providers delay under different pretext;
- A section of service providers demand unwanted money;
- Some service providers hide necessary information;
- Solvent persons are favor by service providers;
- Nepotism and partisan practiced by service providers;
- Lack of knowledge, process and information by some service receivers;
- Lack of knowledge of requisite government fees for various services;
- Tendency of some service receivers to take help form broker;

Chapter III: Recommendations

For TNA, gaps with respect to knowledge, skills and attitude have been viewed critically; however as the main focus for the training module is attitudinal change as such this has been given priority in the selection of training contents. Training contents for the three categories (land related GoB officials of upazila and union level, *Vhumi* committees and UP representatives) have been shown in the following table.

Major attitudinal indicators and proposed Contents for three Training Modules

Participants of the training	Major Indicators	Proposed Contents
Upazila and Union level Land related Government Officials	<ul style="list-style-type: none"> ▪ Less priority, Less co-operation, Ignore, inattention to poor, women, religious and ethnic minority ▪ Irregularities of service delivery 	<ul style="list-style-type: none"> ▪ Situation analysis regarding existing land services
	<ul style="list-style-type: none"> ▪ Not sensitive towards poor, women, religious and ethnic minority to 	<ul style="list-style-type: none"> ▪ Gender: vulnerability of poor, religious and ethnic minority women and its affect on land ownership and

	<ul style="list-style-type: none"> provide services ▪ Undue advantage from women, minority and poor 	<ul style="list-style-type: none"> controlling patterns ▪ Gender sensitive attitudes and human Rights
	<ul style="list-style-type: none"> ▪ Try to take undue benefit from women ▪ Non participatory ▪ Bureaucratic attitude ▪ Lack of transparency and accountability ▪ Create complicity 	<ul style="list-style-type: none"> ▪ Land Governance <ul style="list-style-type: none"> - Principles of Land Governance - Land Governance: Good Practice & Tools ▪ Right Based approach (RBA) <ul style="list-style-type: none"> - Demand of right holders - Obligation of duty bearers
UP representative	<ul style="list-style-type: none"> ▪ Discriminatory attitude between men to women; rich to poor; majority to minority groups ▪ Malpractice of providing services (example: succession, landless certificate) 	<ul style="list-style-type: none"> ▪ Gender framework: context of local land management ▪ Inheritance Law and practices in rural community ▪ How property distribution practice harming disadvantaged groups.
	<ul style="list-style-type: none"> ▪ Lack of conviction of existing laws, <i>Khas</i> land policy, <i>Adibashi</i> land transfer law ▪ Malpractice of providing Landless certificate 	<ul style="list-style-type: none"> ▪ Khas land policy, Adibashi land transfer law ▪ Land ownership status: Existing law and practices ▪ Land Rights ▪ Harm of providing landless certificate to those people who are not entitle to get Khas land
	<ul style="list-style-type: none"> ▪ Less priority, Less cooperation, Ignore, inattention ▪ Nepotism and favoritism ▪ Take undue benefit ▪ Non participator ▪ Dominating tendency 	<ul style="list-style-type: none"> ▪ Role and responsibility ▪ Motivation ▪ Communication and networking skills (Govt. officials and others)
Vhumi	<ul style="list-style-type: none"> ▪ Discriminatory attitude between man and women, poor and rich, major and minority 	<ul style="list-style-type: none"> ▪ Gender: Gender discrimination and its consequences ▪ Women constrains to communicate land office

committee	groups	<ul style="list-style-type: none"> ▪ Inheritance Laws practices
	<ul style="list-style-type: none"> ▪ Lack of conviction of existing laws, <i>Khas</i> land policy, <i>Adibashi</i> land transfer law 	<ul style="list-style-type: none"> ▪ Land ownership status: Existing law and practices (<i>Khas</i> land policy, <i>Adibashi</i> land transfer law) ▪ Land Rights
	<ul style="list-style-type: none"> ▪ Not all members are equally active ▪ Nepotism and favoritism ▪ Non participatory ▪ Lack of confidence and inferiority complex ▪ Dominating tendency 	<ul style="list-style-type: none"> ▪ How volunteerism benefits community and individual ▪ Motivation, counseling techniques ▪ Role and responsibility ▪ Communication & networking (Govt. UP and relevant stakeholders)