



Land Administration System in Chittagong Hill Districts: Examining the Efficiency

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Public Policy & Governance Program
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Dedicated to

MPPG 6th Batch

Declaration

I declare that the dissertation entitled “Land Administration System in Chittagong Hill Districts : Examining the Efficiency” submitted to the PPG Program of North South University, Bangladesh for the Degree of Master in Public Policy and Governance (MPPG) is an original work of mine. No part of it, in any form, has been copied from other sources without acknowledgement or submitted to any other university or institute for any degree or diploma. Views and expressions of the thesis bear the responsibility of mine with the exclusion of PPG for any errors and omissions to it.

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Abstract

Managing an efficient Land Administration System (LAS) is important to safeguard people's interest as well as of the government in any country at any point in time. LAS in the Chittagong Hill Districts (CHDs) in Bangladesh is relatively complicated and different from that of the plain-land districts. In the case of transferring ownership of land in plain-land districts is connected to two offices, but the same work in the CHDs is related to five offices. As a result, the process becomes more time consuming and creates more scope for corruption. Even though traditional owners of land in the CHDs were the indigenous people, they have had serious lack of documentation of their land. Any person could acquire and cultivate fresh land only by paying tax to the circle chief. Later, with the arrival of the Bengali settlers in the region, managing land records became more controversial. This phenomenon generated numerous land disputes in CHDs with the passing of time. The purpose of this study is to look for the factors that are affecting the efficiency of Land Administration System in CHDs.

A number of studies have been conducted on CHDs but most of them are regarding the Chittagong Hill Tracts Peace Accord, 1997; land rights of the indigenous people, the agriculture system, managing forests resources. There are also studies on the identity politics, and national integration of the people of CHDs. Most of these studies are dealing with the overall situation of the people of the CHDs; but there is no specific study available on the Land Administration System in that region.

In this study, efficiency of LAS in the CHDs is the dependent variable; whereas institutional and legal factors are the pertinent independent variables. The relationships between the dependent and independent variables are analyzed here to trace the weakness of the LAS in the CHDs. The study have been basically followed by qualitative analysis supported by some quantitative data. The data have been collected through semi-opened questionnaire and interview from both service receivers and service providers.

Finally, the study focuses on proposals to help streamline the land administration system in CHDs for increasing the level of efficiency and to address corruption and land disputes throughout the region.

Keywords: Chittagong Hill Districts (CHDs), Land Administration System (LAS), Transfer of Land Ownership, the Chittagong Hill Tracts Accord, Land Survey.

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Abbreviations and Acronyms

AC (L)	Assistant Commissioner (Land)
ADC (R)	Additional Deputy Commissioner (Revenue)
CEO	Chief Executive Officer
CHDs	Chittagong Hill Districts
CHT	Chittagong Hill Tracts
DC	Deputy Commissioner
EO	Executive Officer
GOB	Government of Bangladesh
HDC	Hill District Council
LA	Land Administration
LAO	Land Acquisition Officer
LAS	Land Administration System
LM	Land Management
LR	Land Registration
LS	Land Survey
PCJSS	Parbatya Chattagram Jana Samhati Samiti

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Chapter 1

Introduction

1.0 Contextualization

Land Administration System (LAS) in Chittagong Hill Districts (CHDs) is unique and distinctive in nature. It is a combination of both traditional LAS and formal LAS. Moreover, the presence of Hill District Councils (HDCs) to the land administration system in CHDs has created more complicity and established a tripartite system. Whereas LAS in plain-land districts connects only district administration; LAS in CHDs involves district administration, Hill District Council (HDC), Circle Chief and Headman. Here, Headman and Circle Chief originated from traditional land administration system and HDCs evolved after the Chittagong Hill Tracts (CHT) Peace Treaty. Like the rest of the districts of Bangladesh, the Deputy Commissioners (DCs) of the CHDs are vested with the powers of the collector. These powers include the authority to provide land settlement grants, to regulate the transfer of land titles, to issue license for extraction of forest and mineral resources (outside of the reserved forests), and to collect land revenue. All these powers, except for deciding revenue cases, are exercised by convention and administrative guidelines in consultation with the headmen of the mouzas. Revenue collection responsibility primarily lies on the headmen, whose functions are supervised concurrently by the circle chiefs and by the DC directly, and through the Upazila Nirbahi Officers/Assistant Commissioners (Land) in the case of revenue matters. Practically, the circle chiefs have far more influence and authority over the headmen than either the DCs or the UNOs/AC (L)s.

The Local Government Council (Amendment) Acts of 1998 propose to enhance the land-related powers of the HDCs. Firstly; the HDCs have authority over the headmen and lower-level revenue department officials. Secondly; no land in CHDs can be settled, leased out, transferred or compulsorily acquired, without the prior consent of the HDC. Thirdly; the HDCs will receive a portion of the land development tax and a portion of royalty from forest products and mineral extraction (Roy, 2000).

This phenomenon has made the LAS in CHDs very complicated. It has caused the system to be very lengthy. Moreover, no land survey has been done yet and there is no land manual (which rest of the country has) for CHDs which has caused lots of land related disputes. Thus this study looks for the factors that are affecting the efficiency of LAS in CHDs.

1.1 Area of the Study

Land Administration (LA) has three parts: Land Management, Land Registration and Land Survey. Land Management deals with updating land records due to transfer of title of land and collection of land revenue. Land registration deals with registering any sale or purchase or transfer of land. On the other hand, Land survey deals with performing measurement of land for a specific area to identify the plots and determine the owners with the type and amount of land.

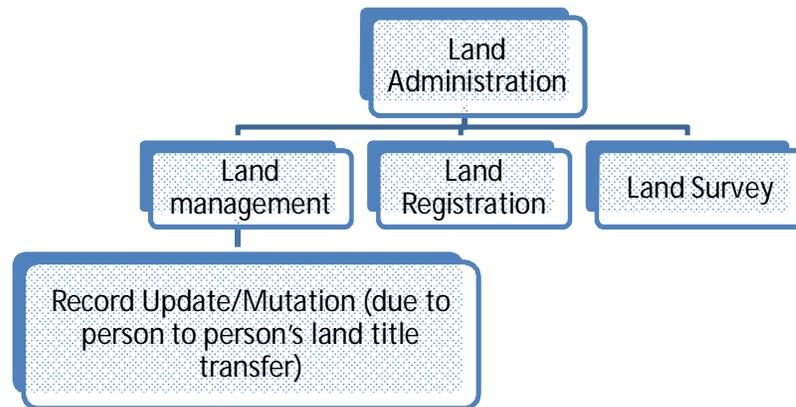


Figure 1.1 : Area of the Study

This study includes Land Registration, Land Survey and only Land Mutation (updating record due to person to person's land title transfer) from the Land Management part of LAS in CHDs. There is no separate land registration office in CHDs because DCs are authorised as registration officer according to the provision of the CHT Regulation, 1900. This is the reason why Land Registration is integrated to the Land Mutation process in CHDs. No land survey has been conducted yet in the region and for this reason, there is no Land Survey Office in CHDs. From the Land Management part, Land Mutation is the service which is frequently required by the service recipients. In this study, only Land Mutation due to person to person's land title transfer is

considered because land settlement by the government to anyone had been stopped since 2001 except to educational, religious and government institutions and graveyard since 2015. The word Chittagong Hill Districts (CHDs) instead of Chittagong Hill Tracts (CHT) is used in this study except in existing official terms and literatures because the British colonial ruler used this term with the sense of negligence to the region as an excluded area from the plain-lands.

1.2 Background of the Region

It is speculated that in a chain of human migration, the current population in the CHDs came over from the neighboring countries/regions over the last couple of centuries. Traditionally, the CHDs were self-governed though they used to pay an annual tax (in terms of cotton) to the Mughal Emperor. The British took control of the hilly region in 1860 and recognized it as an indigenous area distinct from the rest of the country. It should be mentioned that land related matters in CHDs have always been distinct from that of the plain-land districts of Bangladesh. As the British found indigenous system of land tenure in the CHDs is very different from their concepts of land administration, they reshaped the system for the convenience of the collection of land revenue. As a consequence, some administrative and legislative reforms were done through the CHT Regulation 1 of 1900. This Regulation is considered as the main instrument to manipulate the LAS in the CHDs.

The area of CHDs was demarcated into three separate "Circles" with the Regulation, and the three traditional leaders were designated as "Chiefs". Although these leaders had enjoyed the status of heads of state within their territories for centuries, after that regulation, they required the national authorities to recognize their right to rule.

The British also divided the CHDs into some territorial administrative units known as mouzas. They appointed headman for each mouza who had the authority to collect revenue and try local disputes. Each mouza was comprised of a number of villages and Karbari was the head of a village. The LAS in CHDs experienced another turning point after The Hill District Local Government Council Act, 1989 and The CHT Peace

Accord, 1997. At present, the LAS is a combination of customary and national framework.

1.3 Statement of the Problem

Land Administration System in CHDs is very complicated, accompanied by lengthy procedures. According to rule 34 (5) of the CHT Regulation, 1900 (also known as CHT Manual), for any sale or purchase or transfer of land ownership, DC's permission is mandatory. After the CHT Peace Accord, the Hill District Councils have been empowered with some land related authorities. According to clause 64 (1) (a) of the Hill District Council Act 1989, no sale, purchase, transfer or acquisition of land can be performed without the prior approval of the HDC. Along with the CHT Regulation, this Act added an extra tier to the LAS in CHDs and increased complicacy. Moreover, according to Act 42 of the Hill Tracts Manual 1900, the hill people did not need the ownership to use a land. As a result, the ethnic minority people did not feel the necessity of documentation of lands occupied by them. They continued to live and farm in their ancestral lands without registration and acquired new lands as per need by just paying land taxes to the Circle Chiefs. In addition to this scenario, with the advent of the Bengali settlers in the hilly region from the plain-land districts in early 1980s, having allegedly false documents, caused the emergence of land disputes between the two groups and earned a very unique dimension. Given the situation, it was not possible to conduct any land survey due to the mistrust and tension between the Jummas (the hill people) and the Bengalis. Consequently, there is no adequate and accurate land information (owner wise or plot wise) in CHDs. This phenomenon had caused more land disputes and also affected the usual efficiency of the LAS. The absence of Land Survey has also caused the absence of Land Manual for the CHDs. Moreover, land related service (for example, land mutation) is not uniform in CHDs. They vary according to the existing practices in different districts and upazilas.

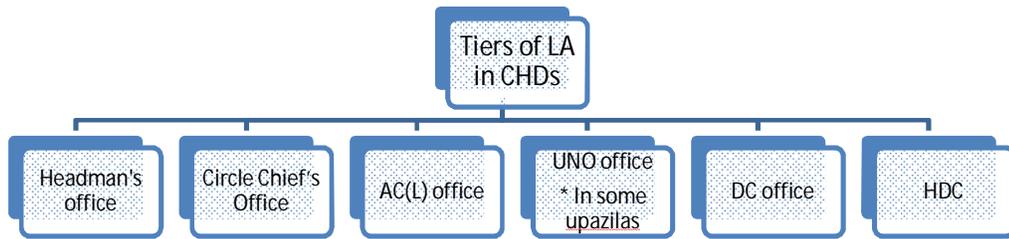


Figure 1.2 : Tiers of Land Administration in CHDs

At present, land in CHDs is looked after by the district administration, Hill District Council and the traditional system under the Circle Chiefs (whereas in plain-land districts, land is looked after only by the district administration). For this reason, it takes much more time in hill districts than that of plain-land districts, to transfer any title of land. The Headmen are the lowest tier of the Land Administration in CHDs. Deputy Commissioners appoint the Headmen in consultation with the Circle Chiefs. The Headmen collect revenues from their jurisdictions under the overall jurisdiction of the Circle Chiefs. The headmen are not government employee and not under the direct control of district administration. They are accountable both to the Deputy Commissioners and Circle Chiefs but practically only to the Circle Chiefs. Many of the headmen are not well educated, skilled and trained enough. They do not get any office provided by the government. They just use one room of their houses as office and compelled to store the records in an unsecured manner. However, as they are the lowest tier of land administration in CHDs, their role is very important because there are no Tahshildars (Union Land Assistant Officers) in CHDs as the plain-land districts.

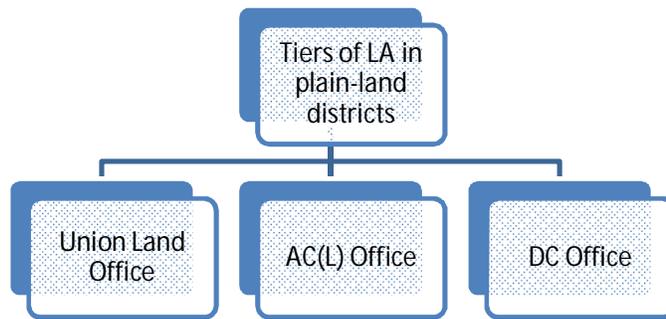


Figure 1.3 : Tiers of Land Administration in plain-land districts

Moreover, there is no AC (L) post in some upazilas of CHDs. The UNOs are in charge of AC (L) but cannot provide sufficient time in land related matters. Also there are no posted Land Officers in all three HDCs. The CEO/EOs are in charge of Land Officers and are not able to spend as much time on land issues as it should be. As a result, land related services, specially the Land Mutation or land title transfer process, is so much time consuming that many applicants die before the end of the process. Thus, many people turn out as illegal buyer or owner. Some frauds and land grabbers exploit this opportunity. Land disputes also trigger communal violence sometimes in CHDs. Since no land survey was performed in the region, there is no Khatian or Record of Rights (a statement containing details information regarding a piece of land) and it is difficult to identify one's land properly. Such type of complicacies also generated many land disputes. Consequently, involvements of the middlemen and unfair means are increasing as a pitfall of the LAS in CHDs.

1.4 Objective of the Study

Efficiency is an essential element of a system to provide the utmost benefits to its users or service recipients. Land related services are complex not only in CHDs but also in plain-land districts. However, the LAS in CHDs is very complicated as well as lengthy and this nature of the system also creates greater scope for corruption. In addition to this, the absence of land survey has caused lots of land disputes in CHDs. Also most of the disputes are generated by from the dissimilarities between the traditional and formal Land Administration System. The capacity building of the involved institutions as well as the legal implications by the state are very important to ensure the efficiency of the LAS in CHDs. Moreover, the topographical condition of the region makes the transportation of the inhabitant service recipients laborious, time consuming and costly. It is the system which compels a villager to visit the offices situated in district or upazila headquarter frequently for the purpose of buying or selling a piece of land. The specific research objective is to:

- Look for the factors that are affecting the efficiency of the Land Administration System in CHDs.

1.5 Research Question

The study aims to answer a question regarding the efficiency of LAS in CHDs. The current research will illustrate the prevailing natures of LAS, identify the weaknesses of the system and leave some scope of recommendation to enhance the efficiency of the existing system, based on the participatory findings. Response and views collected from both service recipients and service providers from different levels have enabled the researcher to go for an in-depth investigation. Besides these, relevant clauses and rules from the prevailing Land related Acts, Rules and Regulations in CHDs have been analyzed. To answer the key question, the study has attempted to explore :

- What are the factors that are affecting the efficiency of Land Administration System in CHDs?

1.6 Rationale of the study

Land related services are very costly and time consuming even in the plain-land districts. Nevertheless, the scenario is much more complicated in CHDs because of the involvement of different kind of institutions and distinct legal implications by the state. Since ensuring service efficiency by the government organizations is a talk of the time and deserved by all citizens within the same country. The streamlining of a process is very important to serve the service recipients with optimum benefit.

As the LAS in CHDs involves more institutions than that of the plain-land districts, it seems to be less efficient and to create more scope of corruption. Besides these, in the absence of a land survey as yet due to sociopolitical reasons, the land records are incomplete. It generates communal discontent and mistrust, and eventually generate land disputes to hamper the usual efficiency of the system.

At the end, mass people are the sufferers they have to travel from the village to district or upazila headquarter time to time, wait longtime and spend larger amount of money for the completion of a land related service. Moreover, transportation in

CHDs is inconvenient due to its topological nature. Also the region is considered as one of the financially poorest areas in Bangladesh. In view of the existing scenario, question automatically arises in mind, which factors are affecting the efficiency of the LAS in CHDs. Apart from some books, articles or essays on the CHT Peace Accord, the ethnic origin of the indigenous inhabitants of the CHDs and their indigenous land rights; there is not much in-depth academic research conducted specifically on the efficiency of the existing LAS in CHDs. Thus a study aiming to explore the areas mentioned above, is important not only for the service providers but also for the policy makers to think objectively about the problems and develop appropriate land related policies in the CHDs by streamlining the system and incorporating a digital land survey. Once the efficiency of LAS in CHDs is enhanced through a process streamlining, there will be less scope for corruption as well as land disputes between individuals and communities.

1.7 Research Methodology and Design

This research is an exploratory research of qualitative method supported by some quantitative data. Both primary and secondary data sources are used in the analysis of the study. In line with the research objective, qualitative and quantitative data are collected through interviewing 39 respondents from two target groups: service providers and service recipients. Among them 24 respondents were service providers from six levels: AC (L), Surveyor/Kanungo, Headman, UNO, ADC (R)/RDC/LAO, CEO/EO and 15 respondents were service recipients from four different upazilas. Besides, four mutation cases from four upazilas were used as case studies, to form a comprehensive understanding of the steps of the process and disposal time. It enabled the researcher to present the actual scenario so as to increase the efficiency of the existing system. The sample size is 39, and purposive sampling technique was used to select the population, comprising service providers from different levels and service recipients from different upazilas. Techniques of data collection entail both primary and secondary modes. Three methods are used to collect primary data - questionnaire survey, interview and case

study. The following two tables (Table 1.1 and Table 1.2) show detail outline of the empirical approaches followed:

Table 1.1: Target groups for interview

Category of Respondents	Number
Assistant Commissioner (Land)	4
Upazila Nirbahi Officer (UNO)	3
Surveyor/Kanungo	4
Headman	8
ADC (R)/RDC/LAO	3
CEO/EO of Hill District Council	2
Total	24

A semi-structured form of interview has been chosen as the best alternative because it helps researcher in getting quality information based on interviewees' experience (Denscombe, 1998) and at the same time help in managing the interview with reasonable flexibility. The questions for interview were designed to explore the views, opinions and experiences of the service providing officials, staffs, Headmen and service recipients. Also, valuable comments and recommendations regarding the streamlining of the existing system were received from them.

Table 1.2: Target groups for questionnaire survey

Category of Respondents	Number
Service Recipients from Langadu upazila	6
Service Recipients from Lakkhichhari upazila	2
Service Recipients from Bandarban Sadar upazila	2
Service Recipients from Lama upazila	5
Total	15

Survey method was used to gather primary data about the existing LAS in CHDs and the factors behind it with a semi-structured questionnaire. Questionnaires were administered face to face (except one case) which ensured good response rate and quality of information. Questionnaires contain both close ended and open-ended questions to explore both quantitative (factual) and qualitative information. Besides, secondary data has been collected through content analysis of various literatures, scholarly writings and documents related to the subject matter. These documents provided valuable information. Relevant documents that have been consulted were the CHT Regulation 1900, the Hill District Council Act, the CHT Peace Accord, relevant circulars and orders issued by the Ministry of CHT Affairs and Ministry of Land from time to time, online articles, e-books, notes etc.

1.8 Structure of the Research Work

The thesis has been organized into six chapters. Chapter 1 presents the outline and context of the study. It includes the research objectives and questions, rationale and research methodology followed for the thesis work. Concepts related to the subject matter of the study and relevant literatures are reviewed in Chapter 2. This chapter also includes the analytical framework of the study. The definitions of the variables supporting the framework for analysis are operationalized in the latter part of the chapter. Chapter 3 focuses on the historical narratives of the LAS in CHDs. It contains anthropological history of the region, nature of land administration during the pre-colonial, colonial and Pakistan period. Chapter 4 discusses on different land administration policies taken by the government in different regimes for the CHDs. This discussion is divided into four phases highlighting on post-independent reality, pre Peace Accord situation and post Peace Accord situation. Presentation of data and analysis of findings are illustrated in Chapter 5. The data are sequentially presented in accordance to the variables framing the analytical framework of the study. The concluding chapter, Chapter 6, sums up the research findings and throws light on recommendations based on the findings. The recommendations

founded primarily on discussions with the respondents, are also developed from certain ground realities.

1.9 Conclusion

An efficient Land Administration System is necessary to make the land related service user friendly as well as time and cost effective. Now a days, the value of land has increased significantly and the amount of land transactions has been increased accordingly. A streamlined process is essential to maximize the benefit of a service to the citizens. However, LAS in CHDs is a combination of traditional land administration system and formal land administration which has made it very complicated. It has become even more complex after the CHT Accord, 1997. At present, there are three more tiers in land administration in CHDs than that of the plain-land districts. For this reason, the land related services have become lengthy and created much scope for corruption. In addition to this, as no formal land survey was done in the region, it is difficult to identify one's land properly. As a result, the number of land disputes tends to be high and nature of the disputes is also very complex. This study looks for the factors that are affecting the efficiency of LAS in CHDs and assist the policy makers to think for policies to simplify the existing system. Due to time constraints, every aspect of Land Administration has not been included in the study and no attempt has been made to show a comparative analysis between the LAS in CHDs and LAS in plain-land districts.

Chapter 2

Literature Review and Analytical Framework

In an attempt to maintain its indigenous heritage and cultural identity, the British colonial government named Chittagong Hill Districts as Chittagong Hill Tracts. Numerous Research have been conducted on Land Management System in plain-land districts of Bangladesh. Also works are available on political situation in CHDs, the CHT Peace Accord, and land related issues in the CHT Peace Accord. However, no research has been done on Land Administration System in CHDs. The LAS in CHDs consists of three extra tiers, namely: Office of the Headman, Office of the Circle Chief, and Hill District Council, in addition to District Administration. There are historical and political reasons behind the emergence of this current scenario. The above mentioned extra tiers in the current system created the barriers to prevent the efficiency of LAS in CHD. For the convenience of the current research work, some relevant literatures have been reviewed and an analytical framework has been included in this chapter.

2.1 Summary of the Reviewed Literatures

The demography of the Chittagong Hill Districts is different from the other part of Bangladesh and it is important to know about its distinct features prior to knowing about the land administration of the region. T. H. Lewin (1869) in his famous historical book *The Hill Tracts of Chittagong and the Dwellers Therein* depicts the nature of the region and lifestyle of its inhabitants. The traditional culture of the hill people and their style of cultivation was distinct from that of plain-lands. However, the hilly area had connection for trading with the plain-lands. Under the British legislation the entry of non-hill people to Chittagong Hill Districts was restricted except of the Bengali traders. Till 1860, the administration of the hilly region was controlled by the indigenous authorities which was terminated by the British Administration when they appointed a superintendent to supervise the hill peoples.

Eventually, the designation of Superintendent was changed to Deputy Commissioner and was vested with full controls all matters pertaining both to revenue and judicial affairs.

Willem Van Schendel (1992) identifies the “Jumma” identity, a single identity despite various ethnic identities of the indigenous people of Chittagong Hill Districts. He argues that the concept of “Jumma” nation, derived from the jum cultivation, a kind of swidden (a plot of land cleared for farming by burning away vegetation) farming has intensified the conflict and the cultural distinction between hill people and Bengalis which was later minimized by the Chittagong Hill Tracts Peace Accord in 1997. However, he does not address the land administration issues in CHDs.

Amena Mohsin (2003) in her book *The Chittagong Hill Tracts, Bangladesh: On the Difficult Road to Peace* examines the processes and peace building that resulted in the Peace Accord after the end of a two-decade-long armed insurgency. The accord was signed in 1997 between the government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti (PCJSS), the political representative of the Hill people. Due to some ambiguities within the accord and the failure in implementation, the situation in Chittagong Hill Districts (CHDs) is still away from the satisfaction of the PCJSS. The context of peace building in CHDs needs to be taken into consideration. The political and diplomatic tradeoffs in negotiation and implementation of the peace accord are important. Nevertheless, land administration system in CHDs is not focused in her book.

Panday and Jamil (2009) in the article *Conflict in the Chittagong Hill Tracts of Bangladesh: An Unimplemented Accord and Continued Violence* argue that violations of human rights by law enforcement agencies and Bengali settlers against indigenous people in CHDs continue even after the signing of the 1997 peace accord. The “top-down” nature of the accord is responsible for this failure which resulted the non-participation of indigenous people. However, the article do not discusses the land related issues generated from the non-implementation of the accord.

Siddiqui (2016) focuses on the challenges of implementation of the accord. The main challenge is to earn the satisfaction of the people in CHDs by the implementing

institutions and successive governments which basically depends on proper management of the existing crises and uprooting the underlying causes of future conflicts. But the importance of proper implementation of the Chittagong Hill Tracts Peace Accord (CHTPA) on enhancing the efficiency of land administration system, is not discussed.

Rajkumari Chandra Kalindi Roy (2000) describes the struggle of the indigenous peoples of the Chittagong Hill Districts (CHDs) to regain control over their ancestral land and resource rights in her book *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts, Bangladesh*. The report details the legal basis of the land rights of the indigenous peoples of the region and how these rights were violated by the administrations in different regimes to exploit their ancestral lands. Finally, the negligence of indigenous land rights created the scope for migration by the non-hill people from the plain-lands and created a large number of land disputes.

Aynul Islam (2013) analyses the post-conflict dynamics of land tenure in the Chittagong Hill Districts. He argues that land tenure is still insecure in the post-conflict scenario because the ownership is contested between indigenous hill people and settler Bengalis and, large-scale acquisition as well as incremental land grabbing is occurring in absence of effective tenure governance. He points out the access, control and transfer of land rights as the core reason of the violence in CHDs. He adds that the competition between customary landowners and settlers seeking customary lands for developing economic projects make the land context more complex.

The emergence of the Chittagong Hill Tracts Peace Accord has added a new dimension to the scenario of land administration in CHDs. However, most of the land related provisions of the accord are yet to be implemented. Roy (2000) focuses on the land related issues in the CHT Peace Accord, 1997 are: (i) to enhance the land administration powers of the hill district councils; (ii) to provide a portion of income from forest resources and the royalties from mineral extraction for the hill district councils ; (iii) to form of a commission on land to settle the land disputes; (iv) to cancel the leases of unutilized (for more than ten years) lands in CHT, granted to

non-resident individuals and corporate bodies; (v) conducting land survey in the CHT; (vi) the role of the Regional Council in land related policies.

Chowdhury (2012) states that the indigenous people (Jummas) in the Chittagong Hill Districts (CHDs), Bangladesh have survived their distinct Jumma identity despite alienation of land and resource over a century. This phenomenon makes the CHDs a field of legal pluralism, where the Jumma land title and community ownership has retained space competing with state imposed discriminatory laws. The ineffectiveness of the Land Dispute Resolution Commission for over a decade is also responsible to the non-recognition of legal pluralism which is delaying resolving the disputes.

However, land management system in plain-land districts is also affected by non-integration of various institutions involved. Bhuiyan (2009) illustrates that lack of co-ordination and monitoring mechanism at the national and the local level affects the efficiency of different organizations under the two different ministry; the Ministry of Land and Ministry of Law Justice and Parliamentary Affairs. The establishment of an integrated Land Management System comprising the preparation and maintenance of record of rights, collection of taxes, registration after transfer, correcting the map through settlement is essential for ensuring legal rights of all land owners as well as efficiency of land related services.

Land records are very important because this is the document that contains relevant information regarding a piece of land and also works as the evidence of rights. For this reason, it is also known as record of rights. Hasan (2008) points out that scarcity of land and frequently increasing value of land has made the land management very important to get the maximum output of it. In most of the cases, land disputes are originated from the improper management of land which is the root cause of other social ills and these leads to both civil and criminal cases. Lack of proper land record management is one of the main reasons for weak management of land. Weak management of land is originated from preparing and updating of Record of Rights as well as for its poor maintenance.

Land registration is essential to manage information for land administration. Nichols (1993) emphasizes on effective designing of land registration to meet the broader requirements of land management. The complex legal procedures of land tenure innovative simplification to reform the system which can be accomplished by proper information management function of land registration. Deininger & Feder (2009) illustrate that land registration enhances land tenure security which benefits investment with a large margin and increased productivity. It also increases activity in land rental market which leads to higher efficiency. If land administration interventions are conducted considering the policy, social, and governance environment of a region, the performance of land administration system can meet the coverage, cost-effectiveness, and quality of service provision.

Auzins (2004) emphasizes on institutional arrangements to achieve sustainable land use. He also discusses the importance of systematization of both the regulatory framework, i.e. institutions and the procedures in that regard. Besides, he addresses the issues of assessing the efficiency of land management and land administration systems which include intergovernmental coordination, centralization/decentralization, the roles of the public and private sectors, mechanisms that meet user needs, management of the particular organizations, relevant information and human resources, education, training and research, and international cooperation.

2.2 Understanding Land Administration Systems

Ian Williamson, Stig Enemark, Jude Wallace and Abbas Rajabifard (2008) in an international seminar on "Land Administration Trends and Issues in Asia and The Pacific Region", presented a land administration framework. They tell about four key fundamental concepts to understand modern land administration systems. First one is the land management paradigm and its influence on the land administration framework. Second one is the role of cadastre in sustainable development. Third one is the changing nature of ownership and the role of land markets. Fourth one is a

land management vision which promotes land administration in supporting sustainable development and spatial enablement of society.

The land management paradigm is theoretical and universal in application and can be used by national governments, to design, build and monitor their LAS. The core idea tends to consider land administration beyond its usual functions of surveying, and registering land. These familiar functions (land tenure, value, use, and development) need to be approached holistically and integrated strategically to achieve sustainable development. The paradigm provides adaptability and flexibility of land administration, both theoretically and practically.

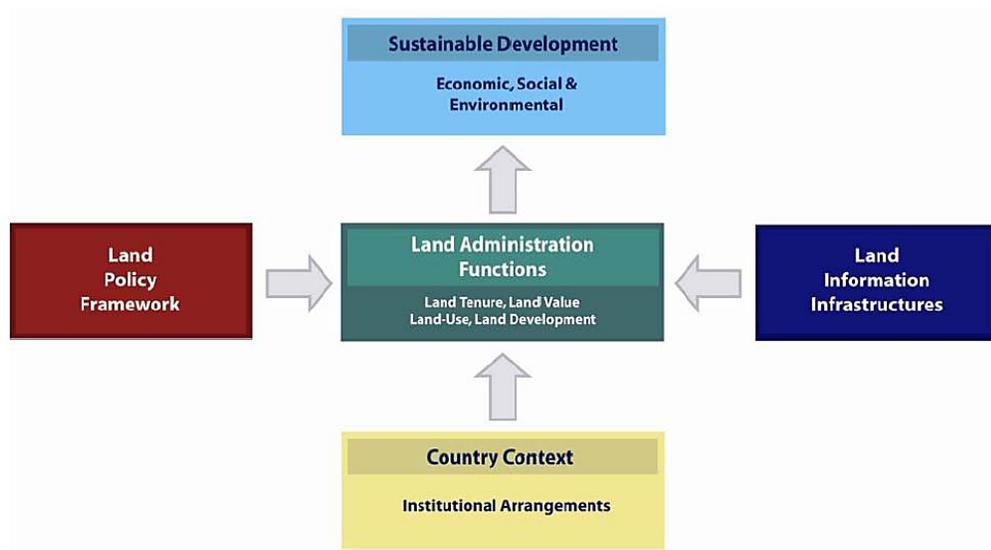


Figure 2.1: The Land Management Paradigm (Enemark and others 2005)

"The paradigm enables LAS designers to manage changes in institutional arrangements and processes to implement better land policies and good land governance by identifying a conceptual framework for understanding each system. In theoretical terms, the paradigm identifies the principles and processes that define land management as an endeavor. It recognizes that in practice, the organizational structures for land management differ widely among countries and regions throughout the world and reflect the local cultural and judicial settings of a country. Within the country context, land management activities may be described by three components: land policies, land information infrastructure, and land administration

functions that support sustainable development" (Williamson, I., Enemark, S., Wallace, J. & Rajabifard, A. 2010: 116).

"The operational component of the land management paradigm is the range of land administration functions that ensure proper management of rights, restrictions, responsibilities, and risks in relation to property, land, and natural resources. These functions include the processes related to land tenure (securing and transferring rights in land and natural resources); land value (valuation and taxation of land and properties); land use (planning and control of the use of land and natural resources); and, increasingly important, land development (implementing utilities, infrastructure, and construction planning). These functions interact to deliver overall policy objectives and are facilitated by appropriate land information infrastructure that includes cadastral and topographic datasets" (ibid: 118).

Conducting a land survey is essential to develop a database on land information and without cadastral survey, an efficient Land Administration System is not possible. The cadastre also known as digital cadastral data base or DCDB, shows land allocation patterns, uses and location. This ensures user-friendly identification to have impact on government policies and regulations. The cadastre needs to promote sustainable development in the context of people to land relationships.

Land Administration Functions are dependent on land policy framework, land information infrastructure and institutional arrangements. Having proper policy on land, adequate information of land and right arrangements of the institutions is very important to build efficient land administration which promotes sustainable economic, social and environmental development.

Land Administration and the benefits of a good Land Administration System

Land Administration Guidelines by United Nations' Economic Commission for Europe (1996) refer the term "land administration" as the processes of recording and disseminating information about the ownership, value and use of land and its

associate resources. The processes include the determination of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information in support of land markets.

According to the same guidelines, the benefits of a good land administration system are as following:

1. Guarantee of ownership and security of tenure
2. Support for land and property taxation
3. Provide security for credit
4. Develop and monitor land markets
5. Protect State lands
6. Reduce land disputes
7. Facilitate rural land reform
8. Improve urban planning and infrastructure development
9. Support environmental management
10. Produce statistical data

2.3 Analytical Framework of the Study

The analytical framework has been formed on the basis of the nature of LAS in CHDs and the factors behind the nature. The LAS in CHDs is very complicated and efficiency of the system seems to be very unsatisfactory. The mutation process is very lengthy and involves three more offices than that of the plain-land districts. Also the quality of the land records is not up to the mark because of absence of land survey in the region. The quality of governance by the institutions and the capacity of the institutions as well as the legal factors are important to enhance the efficiency of a system. Efficiency of LAS in CHD is the dependent variable and institutional factors, and legal factors are the independent variables in the current study. Based on the reviewed literatures and the Land Management Paradigm, the following analytical framework (Figure 2.2) is used to operationalize the variables.

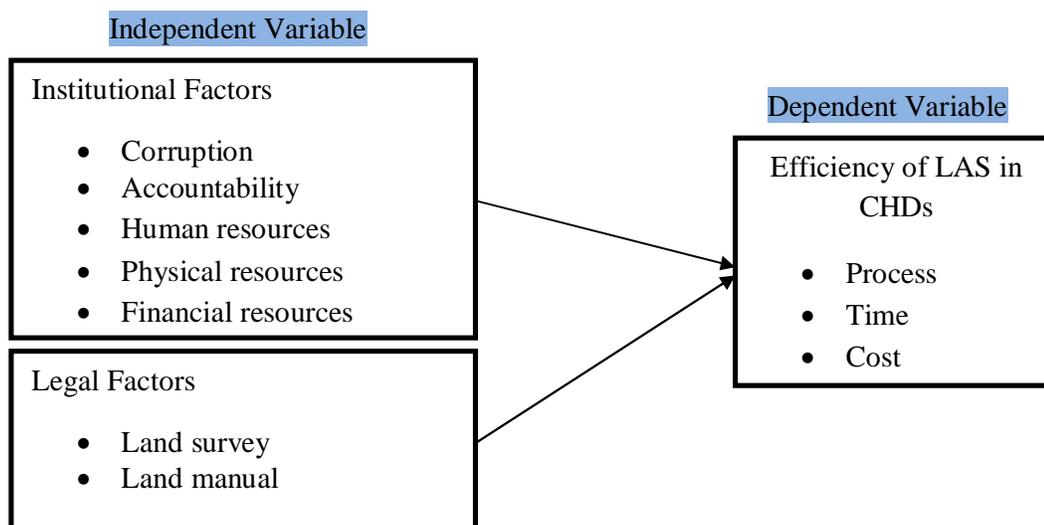


Figure 2.2 : Analytical Framework of the Study

a. Indicators for dependent variable

The following table presents the indicators selected for the dependent variable and the assessing criteria.

Table 2.1 : Indicators for the Dependent Variable

Dependent Variable	Indicators	Assessing Scale/Criteria
Efficiency of LAS in CHDs	➤ Nature of the process	➤ The number of institutions involved in the process
	➤ Time needed to get a record correction service	➤ The amount of time taken for the completion of the process
	➤ Cost to get a record correction service	➤ The amount of money spent by the service recipients to get the service

b. Indicators for independent variables

The following table presents the indicators selected for the independent variables and the assessing criteria.

Table 2.2 : Indicators for the Independent Variables

Independent Variables	Indicators	Assessing Scale/Criteria
Institutional Factors	➤ Corruption of the institutions	➤ Amount of extra money taken other than government fee from the service recipients
	➤ Accountability of the institutions	➤ Whether there is any time limit set for the institutions to finish the process ➤ Whether there is any citizen charter regarding the service
	➤ Condition of human resources of the institutions	➤ The quality of the Headmen in terms of education, skill and training ➤ Number of AC (L) posts ➤ Number of Land Officers in HDCs
	➤ Condition of physical resources of the institutions	➤ Whether the Headmen get any office, furniture and stationeries
	➤ Quantity of financial resources of the institutions	➤ Salary/allowance of the Headmen ➤ Budget allocation for the Land Offices
Legal Factors	➤ Land survey	➤ Whether land survey has been performed or not ➤ The condition of the land records
	➤ Land manual	➤ Whether there is any land manual ➤ Uniformity of the process

c. Operational definition of dependent and independent variables and their indicators

Efficiency is a key criteria of a system to generate the output in such a way that the users get the optimum benefit. However, every system is not efficient and even there is variation in the efficiency level among different systems. The characteristics

of the system itself and the characteristics as well as the arrangement of the inputs determine the efficiency. Efficiency of LAS in CHDs is the dependent variable in the study to examine its efficiency and institutional, and legal factors are the two independent variables to check whether these factors are affecting that efficiency.

Dependent Variable

The dependent variable of the study and its indicators are discussed below.

Efficiency of LAS in CHDs

Efficiency of LAS in CHDs means whether the land mutation process (land registration process is integrated within the land mutation process in CHDs) is streamline or not and whether the system is time and cost effective or not. The dependent variable, efficiency of LAS in CHD is measured by a set of indicators such as nature of the process, time and money cost by the service recipients.

a. Nature of the process

The nature of the process means whether it is simple or complicated. It is assessed by the number of institutions involved in the process, assuming that the more the number of institutions, the more the complicity.

b. Time needed by the system

The amount of time cost by the system for the completion of a mutation case is used to assess the efficiency.

c. Cost required by the system

Usually the service receivers have to spend a significant amount of money other than the government fee for the purpose of completing a mutation case. The total amount of money cost by a service recipients due to the system is also measured to assess the efficiency.

Independent Variables

The independent variables of the study and their indicators are elaborated as following.

1. Institutional factors

The role of institutions involved in the LAS in CHD is very important. The institutions should have the practice of good governance and enough capacity to perform their roles properly. This independent variable consists of indicators like corruption, accountability, human resources, physical resources, and financial resources of the institutions.

a. Corruption of the institutions

Here corruption of the institutions means whether corrupt practice of taking bribe and the involvement of middlemen is there in the institutions.

b. Accountability of the institutions

The accountability of the institutions in the study indicates whether the institutions are accountable to the service receivers to deliver the land related services within a certain amount of time. The presence of citizen charter regarding these services and following that charter by both the service providers and receivers is also very important to maintain the accountability which increase the efficiency of the system.

c. Human resources of the institutions

Having sufficient human resources at institutions at different level and ensuring quality in human resources is one of the pre-requisites for service efficiency. As the Headmen are not government employees but the lowest tier of the LAS in CHDs, it is very important to check their competencies. Besides, having sufficient numbers of officers at land related offices in various levels is also crucial to maintain the efficiency of service by them.

d. Physical resources of the institutions

Since the Headmen are not civil servants, it should also be checked that whether offices are allotted for them by the government with basic facilities like furniture, stationeries etc. Because without these facilities, they may become less motivated to serve their duties regarding land related services.

e. Financial resources of the institutions

Financial resources of the institutions are also very important not only to motivate its human resources but also for the undisturbed execution of their functions. Budget allocation for the land related offices must be sufficient and financial incentives to the human resources (especially the Headmen) of the institutions also should be reasonable to motivate them.

2. Legal factors

Legal factors determine the basic framework of a system. This independent variable consists of indicators like land survey land manual. Every standard LAS deserves to have a complete land database originating from a land survey. This database should be supported by a land manual to clarify the procedures and maintain the uniformity of the procedures.

a. Land survey

Without conducting a land survey, having complete land records is impossible. The incomplete land records generates lots of confusion and causes land disputes. The disputes consume greater time for the resolution and thus delays the transfer process of land title. However, no land survey has been conducted yet in CHDs.

b. Land manual

Land manual elaborates the procedures by defining the number of steps and ensuring the uniformity of the procedures. There is no land manual for the LAS in CHDs and the processes are practice based. Thus the same mutation process is

different in different districts and upazilas and some unnecessary steps have been added in some cases to prolong the process.

The LAS in CHDs is complicated and distinct from that of the plain-land district with more institutions involved in the system. Some literatures related to the CHDs (also known as CHT) and LAS has been reviewed according to the purpose of the study. Literature review generates some key concepts regarding the analytical framework of the study. Those concepts assist to go to the deep in the further study. Since the existence of current LAS in CHD has some historical and political reasons behind it, it is important to know about the history and politics of the region. The analytical framework creates a roadmap for the research. The independent variables are measured through their respective indicators and the relation of the independent variables with the dependent variable establishes the concept.

Chapter 3

Historical Narratives of the Region

3.1 Introduction

The history of Chittagong Hill Districts (CHDs) is different than the other part of Bangladesh. It has passed a number of phases in different historical contexts. The administration (including land administration) formed different shapes under various regimes. The Chittagong Hill Districts are situated to the south-eastern part of Bangladesh. It has borders with Tripura (an Indian state) in the north and Mizoram (also an Indian state) in the east, and Myanmar (Burma) in the south-east and south. The Chittagong district of Bangladesh is situated in the west of CHDs. The volume of the area of Chittagong Hill Districts is 5,089 sq. miles (13, 189 sq. km.). The CHDs include the present three Hill Districts, namely : Rangamati, Khagrachari and Bandarban. The volume of are of Rangamati, Bandarban and Khagrachari is 2,351 sq. miles (6,089 sq. km.), 1,738 sq. miles (4,502 sq. km.) and 1,000 sq. miles (2,590 sq. km.) respectively.

The area of CHDs incorporated valleys formed by Feni, Karnaphuli, Matamuri and Sangu river and their tributaries. The average height of the hills is about 2,000 ft. (600 meters) with the direction of north-east to south-west. CHDs are diverse in population and cultural heritage. According to the national census of 2011, the total population of CHDs is 15, 98,291. Thirteen different tribes inhabit CHDs, apart from the Bengalis. The tribes are Chakma, Marma, Tripura, Murang, Tanchangya, Bawm, Pankho, Khumi, Khyang, Chak, Lushai, Ushai and Riyang. Each of these tribes has different culture and history. 47% people are Bengalis, 53% people are tribes among the total population.

3.2 Anthropological History

The ethnic minority peoples of CHDs originated from proto-Mongoloid ethnicity and their languages came from the extraction of the Tibeto-Burman language family. Their appearance and culture have close similarities with the people of the neighboring north-eastern states of India and Myanmar. Chakmas, Marmas, Tanchangya and a portion of the Mros follow Buddhism. However, Tripuras follow Hinduism and Lushais, Pankho, Bawm, and some of the Mros follow Christianity while others follow traditional religions.



Figure 3.1 : Map of the Chittagong Hill Districts

The traditional indigenous houses are unique in structure and made from bamboo and sun grass. The traditional dresses of the ethnic minority peoples are hand-woven and very colorful. The women still wear them on ceremonial occasions.

Chakma, Marma and Tripura are the three major ethnic minority groups of the region. "According to tribal mythology, the Chakmas originated from Champak Nagar of Arakan Kingdom. One of the King's son named Bijoygiri marched east from the foothill of the Himalayas with a large army to conquer new lands. The Buddhist prince eventually crossed the Meghna River and captured Arakan and developed Chakma settlement. It was in the aftermath of Arakan-Burmese clash, sometime in the beginning of 1660, when the Chakmas crossed over the Naf River in the southern part of Chittagong and started living in Ramu" (Hossain, M.S. 2014). About the Tripuras, it is told that they migrated from the Indian state, Tripura to the current Khagrachari District.

"It has been learnt that, back in 1804, the Marmas stepped in the hilly terrains of Bandarban moving towards upstream of the Sangu river, following their beloved leader Kong Hla Prue (1722-1811), the 5th Bohmong Raja" (Prue K. S. 2014).

"The Bohmong dynasties of Bandarban are the descendents of dominant emperor Tabin Shweti (1531-1551) of historical Pegu Empire in the present Myanmar. His descendents Baran Naung (1551-1581) and Nanda Baran (1581-1599) reigned the Pegu Empire dynamically. The Emperor Nanda Baran was defeated and died in a terrible bloody war that took place in 1599 while the then Emperor of Myanmar resorted to war for occupying Pegu Empire in alliance with the kings of Arakan and other neighbouring provinces. The Prince Maung Saw Pyne and Princess Shin Dwe Hnaung, son and daughter of the deceased emperor, were brought as captives to Arakan. Later the King of Arakan married Princess Shin Dwe Hnaung and endowed her as the Queen. And in 1674 the Pegu Prince Maung Shaw Pyne (1614-1630) was appointed the administrator of Chittagong region which was then a part of Arakan province. In 1620 Maung Saw Pyne defended the Chittagong region against the Portuguese invasion with enormous courage. Eventually he was awarded with the

title Bohmong or The Chief of the Generals. In this way Maung Saw Pyne was ordained as the first Bohmong" (ibid).

3.3 Pre-colonial Land Administration

From the very beginning, the ethnic minority people of CHDs were anthropologically different from the plain-land people, in terms of appearance, culture etc. Till the Mughal period, the people of CHDs were governed by their king. The LAS was very simple and consisted of Raja, Talukdar/Dewan and Karbari. For any transfer of ownership of land, only verbal commitment was enough. People only needed to inform Raja and pay an annual tax to Raja. Rather than the homestead lands and farmed lands, other lands were treated as common land which belonged to the community.

Historically the area of CHDs was independent which remained out of colonization until the 18th century. The CHDs retained their independent status till the Mughal period with their unique custom based administration. Though the CHDs and Chittagong District are adjacent, the development of their history is significantly different.

"Thus despite their geographical proximity, the plain and the hills have for a long time experienced different political and legal regimes. In the hills, the different peoples were basically self-governing small entities without highly formalised political systems, whereas the people in the plain were always subject to an external power" (Mey, W. 1983).

However, trading created the connection between CHDs and Chittagong District as timber, cotton and bamboo were exported from the hilly region to the plain-land region, while salt and kerosene were imported from the plain-land.

3.3.a The Right for Trading with plain land

The Hill Districts could not continue their isolation from the market economy of the rest of the Indian sub-continent and caused the trade between the two regions to

carry on. The tax on trade was fixed in cotton, a quality local product of the Hill Districts at that time. This tax on trade related only the Jummas (hill people) and the traders from plain-land districts which was payable with ease. However, this provision did not violate any right of the Jummas and sovereignty of the region.

3.3.b Treaties with the Mughals (1713) for Trading

The hilly land had some business transaction with the plain land. The hill people used to buy some daily essential commodities like sea salt, kerosene, soap, aluminum pots etc from the plain land beparies (Bengali merchants). Cotton, bamboo, wood etc were sold to the plain land from the hilly region. In exchange of this trade right, the Raja needed to pay an annual tax to the Mughal emperor.

Chakma Raja, Fateh Khan reached into the treaty with Mughal emperors for allowing the beparies to continue trade with the Jummas (hill people) with the provision of paying a one-time tribute of 11 maunds of cotton. But the traditional indigenous authorities continued administering the region without external interference, despite the treaty.

3.3.c Customary Law

Thus, until the British intervention over CHDs, the land administration was based on customary laws. Land rights in CHDs are derived from these laws. The Swedish Code of Land Laws describes ancient rights as:

"It is immemorial right, when one has had some real estate or right for such a long time in undisputed possession and drawn benefit and utilised it that no one remembers or can in truth know how his forefathers or he from whom the rights were acquired first came to get them."

Traditional land rights of the hill people are distinct from other part of the country. It is inherent and considered within the customary legal framework. These rights are formulated and implemented by indigenous institutions according to the customary laws for the management of land and land based resources. The land is classified into a number of categories based on the modality of land use and management

according to the traditional indigenous system and the amount of revenue is fixed accordingly and paid to the indigenous administrations.

3.3.d Collective Rights

Collective land rights are very essential for understanding the land rights of the hill people. Collective rights are based on customs and usages and belong to the community as a whole. Those can be categorized as the following levels:

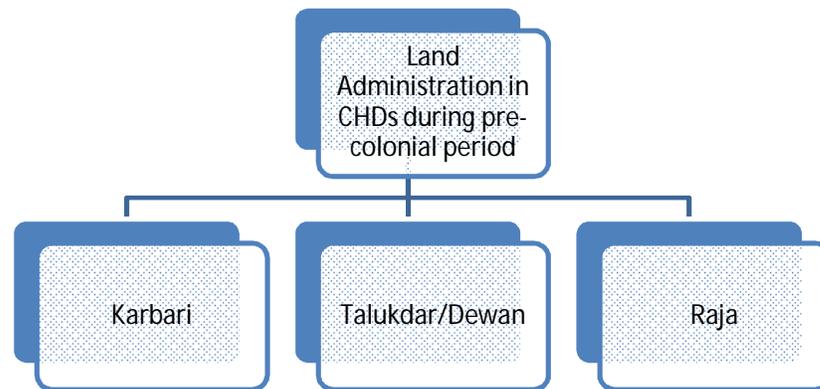


Figure 3.2 : Land Administration in CHDs during pre-colonial period

1. Village Administration. The village is jointly responsible for the management of land within the village. The village chief, known as Karbari, is nominated by the villagers first and then appointed by the Raja formally.

2. Taluk Administration. A taluk comprised a number of villages, usually containing people of one single goza (clan), controlled by the Dewan. Usually head of a clan was nominated as Dewan. He had subordinate revenue officials, known as Khisas.

3. Overall Administration. Traditionally, the three Rajas were responsible for the overall administration of their respective territories, including land administration. The Raja's perspective toward land is holistic, property by the people, not personal.

Allocation, conservation and use of land are governed by customary practices, modality determined by the community. Common land like grazing fields are identified by the community and the forests are accessible to all. Disputed matters were judged by the Dewan and, also by an informal council of elders in some cases.

Though the individual rights are applicable on the homestead and its surrounding lands, the common land are shared by the community. The community as whole was responsible for the resource-conservation of these common lands, although the ultimate responsibility lied on the Dewan. In case of soil exhaustion and decline of the common lands, the community used to decide not to use the land of that area for a certain period. Thus, the common lands were accommodated a period for the recuperation of essential soil nutrients.

3.3.e Individual Rights

Individual land rights are applied only for specific domestic and agricultural purposes like on a homestead land or a particular jum (hilly land, used for terraced cultivation). However, if a jum or house is not occupied by the individuals for a long period of time, the land is returned to the community.

So, though individual land rights exist in CHDs, the collective right prevails. Ultimately, the community owns the land. However, individuals have rights of use, possession and title of land. The tenancy arrangements sets the ownership rights to the Jummas (the cultivators of the jums) as a whole, vested in the persona of the traditional Rajas.

3.3.f Revenue Administration

Revenue administration in CHDs was arranged by the Rajas and it was distinct from that of the areas of Bengal. Each area was divided into taluks under the authority of Taluk Dewan or Talukdar. The major source of revenue is the jum tax, an annual tax paid to the Raja for using the land of a jum. These taxes was collected by the Talukdars and submitted to the Raja.

3.4 The British Land Administration

3.4.a Peace Treaty with the British (1787)

The British East India Company had succeeded in annexing Bengal by 1760. The Company was a commercial enterprise, guided by its economic interests. The CHDs

drew their attention as a strategic frontier area to create access to neighboring regions. Also CHDs were rich in natural resources, especially in forest produce like timber and bamboo.

The first British military attempt occurred in 1776 in the aim of bringing CHDs within their control. They faced strong resistance from the Chakma Raja, Jan Bux Khan, and his general, Ranu Khan Dewan. The fighting continued for a decade but the British could not succeed. Then, they changed their strategy and imposed an economic blockade, stopping supplies of essential goods including salt to the area. Eventually, Raja Jan Bux Khan was compelled to sign a treaty of peace with the British Governor General, Lord Cornwallis in 1787 at Fort William, Calcutta. According to the terms of the treaty, the Chakma Raja had to pay about 20 maunds of cotton to the British for continuing the trade with the plain-lands. The tribute in cotton was later imposed on the Marma Raja and the whole area got familiar as the 'Kapas Mahal' or Cotton Area.

3.4.b British Tributaries by the Chiefs

The British started with collecting the cotton tax only, but they used this as an instrument to gradually establish their authority over the CHDs. However, they kept the internal administration intact, which remained under the control of the Chiefs and the Headmen; this fact is noted in an official record:

"In 1829, Mr. Halhed, the Commissioner stated that the hill-tribes were not British subjects, but merely tributaries, and that he recognized no right of the British to interfere with their internal arrangements. The near neighbourhood of a powerful and stable Government naturally brought the chiefs by degrees under British influence, and by the end of the 18th century every leading Chief paid to the Chittagong Collector a certain tribute or yearly gift made to purchase the privilege of free trade between the inhabitants of the hills and the plains. These sums were at first fluctuated in amount but gradually were brought to specified and fixed limits, eventually taking the shape, not of tribute but of revenue paid to the State. The Government did not, however, interfere directly with the internal economy of the Hill Tracts" (CHT Gazetteer 1971: 28).

3.4.c Intervention by the British Administration

Then the British administration focused on increasing revenue from the region. They changed the total administration of the CHDs, including the land administration. They divided the CHDs into three circles and named the region as Chittagong Hill Tracts. Every circle was divided into several mouzas. Circle Chief was in charge of a circle and Headman was in charge of a mouza. They also appointed a Deputy Commissioner to whom the actual power was vested upon. Thus the authority of the Raja was transferred to the Deputy Commissioner.

The hilly area of CHDs was declared as a district within Bengal In 1860 by Act No. XXII of 1860. A Superintendent was appointed to this district, under the supervision of the Commissioner in Chittagong. After finalizing the annexation of CHDs, the total area was divided into three circles under three Rajas. Among them, the Chakma Raja's territory covered about half the CHDs, the Bohmong's covered the south up to the border with Myanmar and the Mong's the north-west. However, the traditional Rajas could exercise their authority within their jurisdiction, though they needed to pay the annual revenue to the British administration.

Captain T. H. Lewin was appointed as Superintendent of the CHDs in March 1866. He had an insight aim to bring the hill peoples within his control :

"The real rulers of the Hill Tracts were undoubtedly the chiefs, and they I found, were highly suspicious and jealous of any infringement on their power and prerogatives. My proper place, they considered, was to remain an ornamental representative of Central Government. But this, of course, was not my view" (Lewin, T. H. 1912 : 205).

"They had hitherto opposed all efforts of the Government representative to introduce any change whatever in the administration.... The stick or the sugar-stick - for them the choice - but by one or the other, or by both, I intended to rule" (Lewin, T. H. 1912 : 211).

3.4.d Status as an Autonomous Region

The British took the charge of administration of the region in 1860 with the objective to establish supervisory authority over the area. However, the British administration continued their policy of non-interference and the Rajas controlled the internal affairs.

CHDs were partitioned into three administrative circles in 1884; namely : the Chakma, the Bohmong and the Mong. The circles defined the territorial boundaries of the three rulers. The status quo was not altered due to this transformation and the Rajas and their Headmen continued to be recognized as autonomous entities. Decisions on local matters were used to be taken by the local indigenous authority. It was important in the sense of economic factors that the Bengalis controlled the economy of the region, despite being only 2% of the total population. However, there was no provision to grant any title or settlement to land for these Bengalis. To continue this restriction and save the cultural and territorial integrity of the indigenous people to the area, the British administration formulated the CHT Regulation, 1900.

3.4.e Regulation 1 of 1900 or CHT Manual

The British took over the charge of CHDs in 1860 and recognized it as an indigenous area which is distinct from the rest of the country in terms of its administration, including land administration. However, as the indigenous land administration system of CHDs was totally different from the British system of land administration, the British administrators reformed it for the convenience of their land revenue collection. Sequentially, a set of administrative and legislative transformation culminated the Regulation 1 of 1900 which is the major instrument to regulate the land related matters in CHDs.

A set of rules were enacted in 1892 to elaborately develop the Regulation 1 of 1900 which is familiar as the CHT Manual. This manual worked as safeguard for self-determination of administrative, judicial and legal measures followed by the procedural mechanisms in CHDs. For the convenience of the British administration,

the British introduced the CHT Regulation, 1900 with a provision that for any sale or transfer of land, DC's permission is mandatory. However, they did not abolish the local norms, traditions and customs.

"Although they paid a trade tax to the Mughals, the Chakma and other tribal people retained their traditional authority over the region. When the region was ceded to the East India Company and subsequently administered by the British there was little change in the relationship. Indeed the British administration formalized the autonomy of the region with the promulgation of the Chittagong Hill Tracts Regulation of 1900. Although ultimate authority resided in the British-appointed deputy-commissioner, the political institutions of the hill people were unaffected, and tax collecting and many aspects of criminal and civil law were administered by the tribal chiefs" (Burger, J. 1989).

According to the CHT Manual, the area of CHDs was divided into two sub-divisions, namely: Rangamati and Ramgarh. Two sub-divisional officers were appointed in charge of those two sub-divisions. Beside these, other major transformation performed by the Regulation was the partition of CHDs into three administrative "Circles", and the designation of the Rajas was converted to "Circle Chiefs". Consequently Rajas needed the national authorities for the recognition their right to rule CHDs, though they had been enjoying the status of heads of state within their territories for the last couple of centuries.

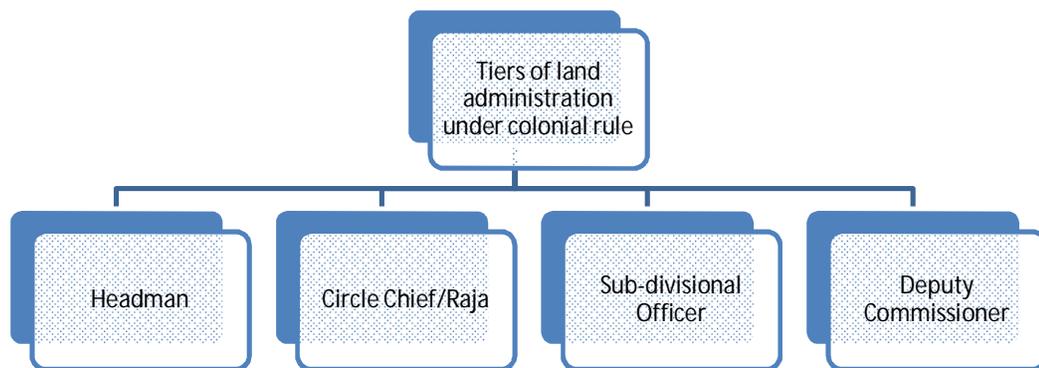


Figure 3.3 : Tiers of Land Administration in the CHDs under colonial rule

The British also divided the CHDs into a number of administrative units, mouzas which replaced the previous taluk system. Headman was the responsible authority for each mouza to collect land revenue and judge local disputes. A mouza comprises of a number of villages and Karbari was the head of village. The revenue administration was designed according to the structure of land use by the hill people and imposed taxes were specified by the category of land. The declaration of the Regulations of 1900 was the initial mechanism to neglect the indigenous land rights of the hill people. Nevertheless, these regulations are still considered as the major legal instrument and applicable in CHDs :

"These Regulations still form the basis for the civil, revenue and judicial administration of the CHT, although there have been several amendments to the rules and several new laws have been made applicable to the CHT between 1900 and up to the present" (Roy, R. D. 1995: 54).

However, according to rule 34(5) of the CHT Regulation 1900, for any sale or transfer of land, Deputy Commissioner's permission was needed. According to rule 12(a), registration of deeds for sale or transfer of immovable properties is compulsory and according to rule 20, DC is authorized as registration officer. According to rule 43(1), Headmen will collect all type of taxes and submit it to DC except the jum tax (the jum tax is submitted to the Circle Chief/Raja). Thus, the formal administration by the British authority was injected within the traditional land administration of the Chittagong Hill Districts.

3.5 Land Administration under Pakistan

During the Pakistan period, the zamindari (land lordship) system was abolished with the introduction of State Acquisition and Tenancy Act, 1950. This act is still considered as the foundation act for the LAS in the plain-land districts. However, the same act was not applied in the CHDs because the Raja was not the Zamindar as he was not the owner of all lands.

In 1947, the partition of Indian subcontinent gave birth of two nation-states - Pakistan and India. Pakistan was formed with the Muslim-majority areas, remaining areas fell within India. The political leaders of India and Pakistan agreed to the formation of a boundary commission, chaired by Sir Cyril Radcliffe during the partition process to finalize the demarcation of the national boundaries for the provinces of Punjab and Bengal.

The leaders of the CHDs including three chiefs met with the British Government and the leaders of the sub-continent to express their desire. They demanded the independence of the CHDs. Nevertheless, if this was not possible, then CHDs inclusion to India rather than to Pakistan.

The people of the erstwhile Sylhet District of Assam and the North West Frontier Province of the Indian subcontinent got the chance of referendum to decide their annexation to India or Pakistan but no such measure was taken for the people of CHDs. The Commission even did not take the consent of the representatives of CHDs' people.

Finally, the Radcliffe Commission included the CHDs within East Pakistan which was announced four days later the independence of India and Pakistan. The alleged reason for this inclusion is the commercial interest, to access the connection of Karnaphuli river to the port city of Chittagong. Pakistan was composed of East Pakistan (later became Bangladesh) and West Pakistan.

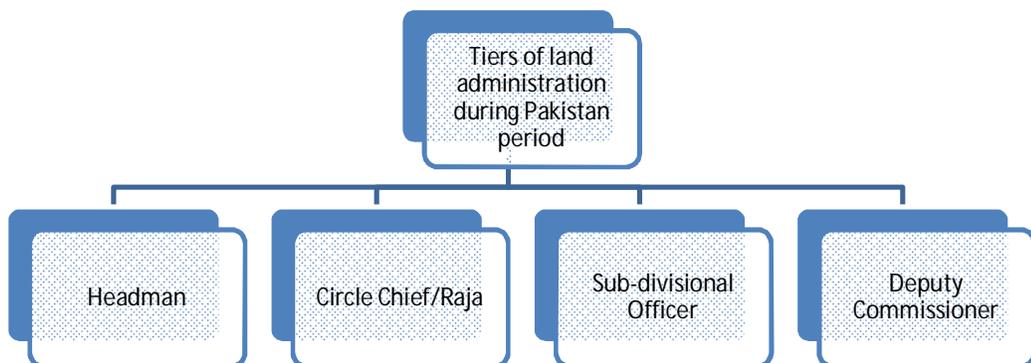


Figure 3.4 : Tiers of Land Administration during Pakistan period

In 1950, the Pakistan government introduced the State Acquisition and Tenancy Act, 1950 to abolish the zamindari (or land lordship) system which act is still considered as the foundation of land management laws in the plain-land districts of Bangladesh. However, this act was not activated in the Chittagong Hill Districts because the Rajas (circle chiefs) were not Zamindars which is explained earlier. In 1952, the district of CHT was divided into one more sub-division, Bandarban. Thus, there had been three sub-divisions under three sub-divisional officers.

The first Constitution of Pakistan was promulgated in 1956 and gave the CHDs the recognition as an Excluded Area. It also recognized the area as homeland for hill peoples and restricted the settlement of non-hill people. The Constitution of 1962 upheld the status of CHDs as a Tribal Area and set a provision of requirement of presidential approval for any amendments to its administration.

3.5.a The impact of the Hydroelectric Project (1959-63)

The Pakistan government took a decision to produce more electricity in the region by exploiting the current of the hilly Karnaphuli river. A hydro-electric power plant was constructed in the CHDs between 1959 and 1963. An embankment was built on the Karnaphuli river and it created a lake occupying 256 square miles which was one of the erstwhile largest artificial lakes in the world and had greater impact on the land management of the region.

The barrage submerged 54,000 acres of agricultural land in the CHDs, about 40% of the total plough cultivable land. Most of these lands were the paddy-fields. Beside losing the cultivable and homestead lands, more than 100,000 hill people were displaced to evacuate the designated area. The information is noted in the official Government records:

"According to the survey undertaken by the Rehabilitation Officer, about 10,000 ploughing families having land in the reservoir bed and 8,000 landless jumia families comprising more than one lakh people were displaced. The reservoir submerged a vast area comprising 125 mouzas. The inundation threw over 54,000 acres of plough land out of cultivation. This area constitutes 40 per cent of the total settled

cultivable land of the district. The fertile valleys of the district, viz., Karnafuli, Chengi, Kassalong and Maini have been inundated" (CHT District Gazetteer 1971: 42).

The dam was built despite strong objections from the indigenous leaders, convincing them with its essentialness. Also the hill people was never consulted during the project formulation or implementation. However, an alternative site was proposed to lessen the damage but that was rejected due to its nearness to the international border with India.

3.5.b Exclusion of the status as an indigenous area

The status as an indigenous area of the CHDs continued till 1964 prior to abolishing it by the Pakistan government to bring the area under the overall legislatures. The constitutional amendment in 1964 removed CHDs from the list of tribal areas and it was a violation of the Article 223 of the Constitution by which the desires of the concerned peoples had to be recognized prior to such measures.

The consequence of this legal change was observed later. CHDs had no longer been officially designated as an exclusive Tribal Area for the hill people that it enjoyed earlier. The policy change also facilitated the migration of outsider Bengalis by creating the window for their settlement and acquiring land there. However, the CHT Manual or the Regulation 1 of 1900 continued to exist and due to that lands could not be provided randomly to plain-land people.

3.6 Conclusion

The people of the CHDs had lost their own style of administration (including land administration) gradually with passage of different eras. In Mughal period, the Raja of the hilly area made an agreement with the Mughals in exchange of right to trade with the plain land. However, administration of the region was not altered by the Mughals. The customary administration was fully applicable for the people of the CHDs which included Raja, Talukdar (or Dewan) and Karbari. The British started with tributaries by the Raja and later implemented formal administration in the region

which was institutionalized by the CHT Regulation, 1900. They partitioned the hilly area into three circles and established mouza as the administrative unit. The taluk system was abolished and Headmen were appointed in charge of the mouzas. The Rajas (named as Circle Chief by the British) could practice their customary power but the actual authority was handed to the Deputy Commissioner, the in charge of the district of CHT. The district was also divided into two sub-divisions and two sub-divisional officers were appointed to be supervised by the DC as the representatives of the formal administration. In Pakistan period, one more sub-division was created for the convenience of the formal administration. The Karnaphuli river was dammed during 1959-1963 to construct a hydro-electric power plant and more than 1,00,000 inhabitants were displaced due to this. In 1964, the CHDs were excluded from the tribal areas' list by the Pakistan government.

Chapter 4

Land Administration Policies in Post-independent Era

4.1 Introduction

As the CHDs were part of erstwhile East Pakistan, it became part of Bangladesh after the independence. Governments in different regimes took such land policies for the region which did not favor the well-being of the local hill people. Several amendments were made to the CHT Regulation, 1900 in 1971 and 1979. However, the set up of land administration remained same as it was during the Pakistan period and it continued till 1984. In 1985, the post of Assistant Commissioner (Land) was created by the government and it replaced the role of Sub-Divisional Officers in the formal land administration. The CHT Peace Treaty was signed between Government of Bangladesh (GOB) and Parbatya Chattagram Jana Samhati Samiti (PCJSS) in 1997 and according to the treaty, the Hill District Council Act, 1989 was amended in 1998 with the provision of Hill District Council's prior consent for any sale or transfer of land within the region. Thus, it created a new phenomenon for the land administration of the Chittagong Hill Districts. According to the provision of the Peace Accord, a commission on land was established in 1999 for resolving the land disputes and later, the Chittagong Hill Tracts Land Dispute Resolution Commission Act, 2001 was enacted. However, because of some debated provisions in that act, the commission could not function properly. Finally, the Chittagong Hill Tracts Land Dispute Resolution Commission (Amendment) Act, 2016 was approved by the cabinet in 2016. The whole timeline of land administration of CHDs after the independence of Bangladesh can be divided into several phases.

4.2 Phase 1 (1971-1989): Post-independent Reality

After the independence of Bangladesh, Sheikh Mujibur Rahman, founder of Bangladesh declared Bengali nationalism as one of the state principle for the

country. But Manabendra Narayan Larma, the then independent Member of Parliament from the region protested it because the ethnic minority people of CHDs are not Bengali. They have different language, food habit, culture etc. and cannot be Bengali. Manabendra Narayan Larma also placed a number of demands with four points regarding the discriminations under the Pakistani rule. The points were: i) autonomy for CHDs with their own legislature, ii) retention of the CHT Manual, 1900 and provision for restriction on its amendment iii) continuity of the offices of Circle Chiefs/Rajas and iv) banning the settlement of non-hill people to the CHDs. Nevertheless, the government did not give importance to their demand and Manabendra Narayan Larma eventually established Parbatya Chattagram Jana Samhati Samiti (PCJSS), a local political party in 1972. To establish the demands, the "Shanti Bahini", a rebellion armed group of PCJSS announced its existence in 1973.

In contrast, the amendment of the CHT Regulation was continued. Rule 34 of Regulation 1 of 1900 was amended in 1971, as: "(a) (1) The quantity of cultivable or cultivated flat land to be settled for plough cultivation with a single family of hillmen or non-hillmen residents shall be such that added to the quantity of land already in its possession it does not exceed 5 acres." The ceiling for grove land was also 5 acres though extension to 10 acres in the cases "where the performance of a lessee is found by the Deputy Commissioner to be highly satisfactory." Nevertheless, Rule 34 (l) mentioned that "No settlement of land in this district shall be made with outsiders without the prior approval of the Board of Revenue." Moreover, non-residents of CHDs were not allowed to inherit any land "except with the express consent of the Deputy Commissioner who shall have regard to the principles of equity and as far as may be to the rights of the plains men which, but for this rule, would be operative.", according to Rule 34 (13). Thus, this amendment created scope for the outsiders to settle with land in CHDs.

Bangladesh was declared as a uni-cultural and unilingual nation state in 1974. The Governments during Zia and Ershad regime relaxed the restriction of settlement of non-hill people to the CHDs. It was done in 1979 by amending Rule 34 of the CHT Manual and a large number of Bengali people migrated there. Due to this settlement, about 100,000 hill peoples were dislodged from their traditional lands.

About 400,000 Bengalis migrated and settled in CHDs during the period of 1979-1984 (Mohsin, 2000: 61-70).

Amendment to Rule 34 of the 1900 Regulations in 1979 expanded the criteria for eligibility for land settlement and ownership in CHDs to "deserving persons". It was amended as: "Land for residential purposes may be settled by the Deputy Commissioner with deserving persons on long term lease basis." with Rule 34 (d) (I). This provision facilitated the settlement of the Bengalis and transformed many of the hill people into landless laborers. The inrush of outsiders had a major impact on land rights.

Outside Settlement's Impact on Land Rights

The government promoted Bengali settlers during the time period 1979-1984 from the plain-lands using the concept of 'Demographic Engineering'. "Demographic engineering is a novel concept employed to explain the forced migration and ethnic cleansing of recent decades in several regions of the world, such as the Balkans, Caucasus and Africa. Nevertheless, it is not appropriate to confine the use of the concept to a region and/or historical period since it defines state intervention regarding population level, composition, distribution and increase/decrease. In other words, any deliberate state programme or policy originating from religious/ethnic discrimination of initiated for political, strategic or ideological reasons which aim to increase the political and economic power of one ethnic group over others by manipulating population through various methods can be defined as demographic engineering" (Seker, N. 2007). The settlers created land disputes as there was scarcity of paddy cultivable plain land and they were not accustomed to Jum cultivation. It is found in some literatures that they snatched away many lands from the ethnic minority people forcefully with the support of militaries and the government provided land records for them.

The impact of the above mentioned settlement programme was very negative to the land rights of the hill people. This is considered as the main reason behind the prevailing unrest in CHDs. The pressure on limited cultivable land and natural resources was not considered prior to deciding the settlement of the outsiders.

"Allocation of land for settler families was given the highest priority, and in 1979 survey officials were observed measuring land, including that occupied by the hill people. With the settlement programme underway, the Government had to find an immediate solution to the lack of available land. As an initial measure, a portion of the Kassalong Reserve Forest near the confluence of the Maini and Kassalong Rivers was de-reserved and settled in their favour. However, this was far less than the amount of land needed, which was between 460,000 to 920,000 acres. The Government undertook certain measures to bridge this gap, providing settler families with lands belonging to ethnic minority people" (Roy, C.K. 2000).

"The problem was solved by settling the migrants on land already belonging to resident hill people with dire disregard to the rights of the landowners. The remainder of the migrants were settled on land quite inadequate to support them. Consequently, a large number of encroachments took place, and in some cases, straight-forward land-grabbing by violently militant settlers. A large number of these new migrants were given deeds to lands which were either settled earlier in the name of indigenous farmers or were already in their possession. The numerous disputes over land, especially regarding the scarce plough lands and fringe lands was almost a foregone conclusion because the amount of land required for the new settlers as per the fairly generous Government estimate was simply not there" (Roy, R.D. 1995).

The settlers were allocated lands without the consultation of the mouza headmen and village Karbaris and thus violating the title rights of the actual owners of those lands. Consequently, many of the allocations turned illegal, as those lands were already recorded in the names of hill people, or under their occupation.

"The settlers proceeded to take the lands, and often resorted to violent means. This was facilitated by the provision of arms to some of the settlers, ostensibly for their protection. The ensuing tension between the ethnic minority people, and the settler communities erupted in violent incidents including rape, torture, mass killings etc. reports of which are well-documented" (Amnesty International, 1991). The impact of

the settlement programme on the land rights of the ethnic minority people is summarized below:

1. Plough lands. The plough lands were the most valuable lands because they could be cultivated easily. Though the plough lands were recorded in the names of their owners by the late 1960s, many of them were resettled by the outsiders. The Bengali settlers were from plain-land districts and were used to with the plough cultivation. So, they were eager to have this type of lands and caused many of the hill people to resettle.

"Many took these lands from their legal owners by force, or obtained them by other unlawful means. In some cases the legal owners, many of whom were illiterate and/or unversed in bargaining, were persuaded to part with their valuable lands for prices far below the market value. Of these lands, the majority are in the Kaokhali thana in Rangamati district, in the Dighinala, Panchari, Matiranga, Tabalchari and Ramgarh Thanas in Khagrachari district and in the Lama and Alikadam Thanas in Bandarban district" (Roy, R.D. 1995).

2. Hillside lands. Hillside lands were also allocated for the settlers. However, the settlers, being from the plain-land was not familiar with jum cultivation (terraced cultivation) and forcibly took of plough lands from hill people.

3. Fringe lands. Fringe lands rises when the water level of the lake gets lowered. These lands emerge in the dry season and are plough cultivation can be done. So, these lands were also taken by the settlers from the hill people.

4. Fruit gardens and private forests. Many hill people lost their fruit gardens and private forests to the settlers, too. "Some of the larger gardens and the woodlands with teak and gamar trees were very valuable. The larger trees were chopped down almost overnight to be sold as timber or firewood on the lucrative black market. Some of the fruit gardens are still thriving now, but in the hands of people who had nothing to do with their creation. In some places, almost no traces are left of the previous habitations. These were said to be deliberate acts to disguise any remaining traces of evidence of appropriation" (Roy, R.D. 1995).

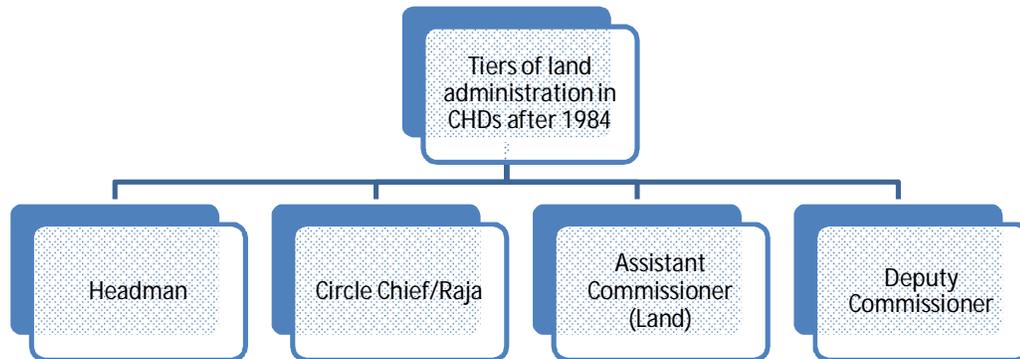


Figure 4.1 Tiers of Land Administration in CHDs after 1984

By this time, the Local Government Ordinance of 1982 abolished the "Mahakuma" (Mahakuma was a term of administration under district containing some sub-district) as an administrative tier by re-designating and upgrading into new districts. The Local Government Ordinance of 1982 was amended a year later, re-designating and upgrading the existing thanas as upazilas. The post of Thana Nirbahi Officer (TNO) or Upazial Nirbahi Officer (UNO) was created as the chief executive officer of the Upazila or Thana. In 1985, the government created the post of Upazila Revenue Officers and detailed administrative set up for land management at Upazila level in the plain-land districts. The positions of Upazila Revenue Officers were immediately filled by Assistant Commissioners of Administration Cadre. For the hill districts, only the post of Upazila Revenue Officer was created but the post of Tahsildars or Union Land Assistant Officers (ULAOs) was not created. It was the Headman who worked at union level. Later thanas were converted into upazilas in 1999 and administrative terms in this level were renamed to upazila.

4.3 Phase 2 (1989-1997): Reforms by Ershad Regime

The Hill District Local Government Council Act, 1989

President Ershad enacted Local Government (Zila Parishad) Act, 1988 for enhancing the local governments in the plain-land districts. A year later, Local Government Parishads/Councils for the three Hill District were created by three separate Acts.

These legislations were introduced with the aim of autonomy to the hill peoples of CHDs.

The chairmen of the three Hill District Local Government Councils are elected from the hill peoples. The functions of the deputy commissioners of these districts are as secretaries of the Councils. According to the existing laws, the three circle chiefs can attend the meetings of their respective Councils. The term of the Hill District Local Government Councils is three years after their constitution.

The three Hill District Councils Act, 1989 was amended in 1998 after the CHT Peace Treaty. The Treaty substantially strengthens the power and authority of the councils to play an important role in land affairs. According to the terms of the Treaty, a significant change in prerogatives of the HDCs and their powers and functions regarding the finance and development is observed. This is to be enhanced through the below mentioned main components:

- The number of subjects, to be transferred to the HDCs is increased;
- Administrative powers over the functions of the transferred and to be transferred departments and subjects are enhanced;
- Powers of taxation (mainly local rates and taxes) are enhanced;
- Power to receive a part of the income/royalties from forest and mineral resources extraction;
- All developmental projects relating to the subjects transferred to the HDC and the projects initiated at the national level to be implemented and funded through the HDCs.

The other significant transformation is in the legislative sphere. The HDCs are empowered to formulate and adopt administrative regulations independently and consult with the GOB prior adopting any rules under the concerned Act. However, the important post-Accord power and authority regarding land affairs is:

The amendment of section 64 of the 1989 Act as no land in CHDs can be settled, leased, purchased, sold or transferred without the prior consent of the HDCs. Moreover, land management authority is yet to be transferred to the HDCs.

Previously, the prior sanction of the HDCs (though not in practice) was required prior to settling or leasing out unclaimed "state-owned" or "khas" lands (indigenous common lands) by the district administration. Besides, no lands were to be transferred to non-residents of CHDs without the prior sanction of the HDCs. However, this authority was retained by the Deputy Commissioner and the higher authorities. The HDCs also had no power to protest the compulsory land acquisition by the government. This limited authority was not vested to the HDCs before the CHT Peace Accord, though it was provided for in the 1989 Acts.

4.4 Phase 3: The CHT Peace Accord, 1997

By this time, the guerrilla insurgency wing of PCJSS, Shanti Bahini (Peace Force) increased its activities with the demand of autonomy. To minimize the tension, the CHT Peace Accord was signed between the GOB and PCJSS in 1997. According to a provision of the accord, the Hill District Council Act, 1989 was amended in 1998, adding a clause that no sale or transfer of land can be performed without the prior consent of the Hill District Council. Thus, this local government institution also got involved in the LAS in CHDs, adding an extra tier.

"The PCJSS, having been deprived of their expected level of recognition and administrative freedom, resorted to taking up arms with the formation of SB (Shanti Bahini) in the CHT, and aimed to fight for the ethnic minority peoples. In order to constrain the insurgent assaults by the SB (Shanti Bahini), the government employed different mechanisms such as deploying military in the rebel-infested neighborhoods, establishing other types of authority figures whose specific purpose was to bring people from the plains in order to introduce them as settlers in the CHT; this was done with a purpose of curbing insurgency. So, the presence of security officials played a role in the transfer of land ownership. In order to legalize such evil

acts, the government implemented the Chittagong Hill Tracts (Land Khatiyan) Ordinance in 1985. The Government also restricted return of the sponsored Bengali settlers to their origin until 1989" (Life is not ours 1991).

"The CHT Peace Accord was signed in 1997 and it became possible because of the willingness of the successive government of Bangladesh. However, it was not done overnight and took two decades to be formulated. The Peace Accord was substantiated during the regime of Sheikh Hasina, and different national and international communities played important roles as catalysts to continue the negotiation for materializing the process of the Peace Accord to pacify the insurgent situation in the CHT" (Chowdhury 2009).

"(1) The first steps came from the foreign donors in 1980, when they pressured the government to stop the insurgency in the CHT. (2) The second from the government of Bangladesh which grew more cautious after the end of the Cold War in 1990. (3) The third through the establishment of parliamentary democracy in Bangladesh in 1991 which accelerated the process . Before coming to power in 1996 ,the Bangladesh Awami League declared that they would resolve the CHT problem if they came to power, a declaration that stood as their election manifesto. The Awami League, led by Sheikh Hasina won the election and took steps for negotiations, which eventually started with a committee of 12 members. After several meetings between the representative of the Bangladeshi government and the representatives of PCJSS, both parties agreed to sign a peace accord on December 2, 1997 and the procedure was forwarded for a formal recognition" (Ibid).

The accord highlighted on resolving the land issue and ensuring the social, political, cultural, educational and economic rights of the hill people in the CHDs. Both parties of the CHT Peace Accord agreed that the HDCs and the Regional Council (both with representatives of the hill peoples) should supervise and control land and management of land, law and order, public administration, police (local level), development, primary and secondary education, forest, and environment .

"The major changes that are proposed by the accord contain the following provisions: (i) to enhance the land administration powers of the hill district councils;

(ii) to enable the district councils to receive a percentage of the income from forest resources and from the royalties from mineral extraction; (iii) to provide for the settlement of land-related disputes through the formation of a commission on land; (iv) to cancel the leases of lands granted non-resident individuals and corporate bodies where the concerned lands have been left unutilised for more than ten years; and (v) to conduct a survey of the lands in the CHT" (Roy, R.D. 2000).

However, there is no reference to "non-resident" in the Accord which leads to infer that it would depend upon the HDC to decide whether or not non-residents can acquire lands within the region. In addition to this, the HDCs are to exercise a measure of authority over indigenous institutions and lower level officials of land administration, and to receive a portion of the land revenue, according to the terms of the Accord. Among the above mentioned provisions, only provision (i) and (iii) have partially been implemented but other provisions are yet to be implemented.

Clause 26(2), Section B/Kha of the Accord states the requirement of prior consultations [with] and approval of the HDCs for compulsory acquisition of lands, hills and forests in CHDs by the government. Moreover, the HDCs' consent will also be required in case of all transfers, settlements and leases of land within CHDs. These two provisions are in practice at present involving both the district administration and HDCs.

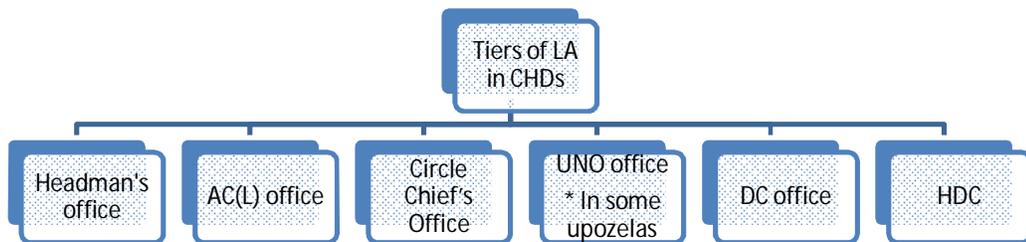


Figure 4.2 : Tiers of Land Administration in CHDs after Peace Treaty

However, the Accord does not give the HDCs any authority to play role on the lands which had already been leased out by the government. It also does not deal with the agricultural lands illegally occupied by Bengali settlers, and the leases to non-

resident individuals and corporations for commercial plantations and the establishment of heavy industries. Nevertheless, HDCs' authority by the accord on leases and transfers of lands is significant towards the independent formulation of land allotment and land management policies by them.

Previously, the major responsibilities for land administration were vested on the Deputy Commissioners (DCs). The DCs had to consult the Headmen of concerning mouzas regarding land grants and the use of natural resources. The revisional jurisdiction over the powers of the DCs were exercised by the Divisional Commissioner of Chittagong and the Ministry of Land (earlier, the Board of Revenue). Though the powers exercised by the DCs are subject to the consent of the HDCs under the proposed new system, the DC's Offices still continue to play a major role in land administration.

4.5 Phase 4: Post Accord Implications

a. The Chittagong Hill Tracts land Dispute Resolution Commission Act, 2001

The success of implementation of the CHT Peace Accord, 1997 depends on resolving the land disputes. Reducing the land disputes is also important to enhance the efficiency of the LAS in CHDs. A Commission on Land was formed under the Accord to look after the land related issues. The Commission was expected to provide time and cost effective remedies for cases of land disputes, also considering the local customs. It is to be headed by a retired judge of the High Court of Bangladesh and the chairpersons of HDCs, a representative of the RC chairperson, the three traditional Rajas, and the Commissioner of Chittagong Division are the other members of the commission.

The terms of reference of the Commission allowed both the hill people and the settlers to submit complaint-petitions before it. However, there was lack of trust whether or not custom based title rights will be equally considered with those based upon registered title. If customary right is considered there can be no khas land or state-owned land in the CHDs, because they are owned by the Jummas. But the Act

exempts those lands from challenge which the GOB regards as khas land. Therefore, the Act suffers from inherent dichotomy. There was no provision in the Act to put customary laws and practices into operation for dispute settlement the viability of the Commission in resolving disputes was under serious doubts.

There are certain ways in which title deeds are problematic from the viewpoint of both Jummas and settlers. The reasons for non-registration of Jumma land title includes reliance on oral arrangements which is also supported by the CHT Regulation and the delay and denial of the land office to register even when the Jummas apply for registration. On the other side, the settlement documents of Bengali settlers often lacked specificity, since the same land may have been allocated to multiple persons and some settlers sold their land or failed to cultivate the land as per condition of the settlement. Thus, possible conflicts between customary law and codified regulations makes the resolution of land disputes very complicated.

"A likely source of difficulty is the question of priority when conflicting claims based upon the following or a combination of such appears before the Land Commission: (i) registered title from the district land registries; (ii) titles of homesteads of indigenous people based on the registers of the headmen; (iii) ownership and user rights based upon informal leases granted by headmen, e.g. for the Karnaphuli reservoir area lowlands, i.e. fringe lands; (iv) rights based upon long use or prescription; and (v) custom-based rights. The permutations, and the envisaged complications are numerous and highly complex requiring a detailed knowledge of both national and more importantly, indigenous laws and customs" (Roy, C. 2000). The most sensitive issue for the Land Commission is the resolution of disputes between Jummas and government-sponsored settler Bengalis which is expected to be done in a fair and just manner.

"According to Clause D-4 of the Peace Accord, when it comes to a resolving land dispute, a land commission will be formed whose head will be a retired justice. And the Commission will have the authority to cancel ownership of the land that has been illegally occupied and settled, so that tribal refugees land disputes can be resolved. The Commission's decision in this regard will be final and no one can

appeal against the decision of the Commission. But contradiction arose when a new law regarding the land commission was passed in 2001 because this enacted law and provision of the Accord was contradicted to each other. The RC proposed 23 amendments to the land commission act but the government became indifferent to their grief and the commission was kept inactive until 2009, when the Awami League came into power and reactivated it" (Adnan 2004).

"The present chairman of the Commission is a retired high court justice who entered his office on the 20th of July 2009. He has become very controversial figure due to his unsatisfactory role as Chairman. The Chairman was not selected from the tribal communities; and he has taken unilateral decisions neglecting the tribal members of the Commission, which is a systematic violation of the accord" (ibid).

"The present Chairman called for the submission of applications for resolving land disputes which created widespread resentment among the tribal communities and its tribal members. The members of the Commission boycotted the application process because they were not consulted before the Chairman took the decision about the submission of applications. There are about 5,000 applications in three hill districts for resolving land disputes but applications from tribal communities were few, no more than five to ten percent. So, it is expected that the Chairman will support the Bengali community while delivering the verdict over disputed lands because the participation of the ethnic minority is too minor to affect the hearing of the land commission" (ibid).

From the very beginning of the Land Commission Act, some of its sections were very controversial and they are section 7(3)(4) and section 16. Quorum of the Commission is fulfilled by the chairman and any two members and in cases where the agenda remains unresolved proceeding can be continued in the next day even if the members who were present in the earlier meeting stay absent (Section 7(3)(4)). The decision of the Commission has been made final without any provision for appeal, revision or judicial review (Section 16).

From the beginning the RC and PCJSS demanded revision of the terms of the Act so as to bring conformity with the CHTPA. Justice Khademul Islam Chowdhury, erstwhile

Chairman of the Commission in 2010 declared that cadastral survey will be conducted in the CHDs before resolution of disputes. However, the CHTPA provided for survey after resolution of land disputes to be conducted by the GOB in consultation with the RC. But the Chairman called for the first hearing of disputes on 27 December, 2010 without consulting other members. The day before the scheduled first hearing, the Peace Accord Implementation Committee (PAIC) postponed all activities of the Commission until conformity with the CHTPA is brought by amending the commission act.

b. The Chittagong Hill Tracts Land Dispute Resolution Commission (Amendment) Act, 2016

The Chittagong Hill Tracts Land Dispute Resolution Commission (Amendment) Act, 2016 was passed by the Parliament in August, 2016. The existing provisions of quorum of the meeting of the commission were amended. The amendment incorporated the proposals of signed document between the government and PCJSS in 2015. According to the previous law, the decision of the Chairman had been considered as the decision of the Commission itself. But after the amendment, decision has to be taken upon the opinion of the majority members of a meeting. The formation of the Commission is as following: a retired Judge of the Bangladesh Supreme Court is to be chaired the Commission while chairman of RC or his representative, concerned chairman of the HDCs, concerned circle Chief of CHDs, and Divisional Commissioner of Chittagong are to be the members of the Commission. The amended law modified the quorum of a meeting as attendance of at least three members and its Chairman instead of two members and Chairman as per the previous law.

4.6 Conclusion

After the independence of Bangladesh in 1971, the dimensions of land administration of CHDs became much complicated with the passage of time. The entity of the ethnic minority people was neglected by the state and this negligence

caused the emergence of PCJSS and its armed group SB. The customary land rights of the Jummas were not given importance as it should have been rather the government played an interceptive mechanism to manipulate the indigenous systems gradually. The government sponsored Bengali settlement during the period of 1979-1984 generated most of the existing land disputes in the region as well as made the land related issues much critical and sensitive. However, the government led by Sheikh Hasina took initiative to terminate the two decades long insurgency in CHDs. As a result, the Peace Treaty was signed by the GOB with PCJSS in 1997 and the Hill District Council Act, 1989 was amended in 1998 according to one of the terms of the treaty, giving some authority to the councils. One of these was the requirement of HDC's prior consent for any transfer of land ownership and thus an extra tier was added to the land administration of the CHDs. So, from history to present, the LAS in CHDs was and is distinct from that of the plain-land districts and it is observed that basically the sociopolitical factors had influenced the nature of LAS in CHDs.

Chapter 5

Analyses of Selected Case Studies

The purpose of this paper is to look for the factors that affect the efficiency of Land Administration System in Chittagong Hill Districts. This chapter deals with the findings and analysis in this regard, based on data gathered from primary and secondary sources. The chapter is divided into four parts, beginning with the analysis of prevailing land related Acts, Rules and Regulations in CHDs. The next two parts are the analyses of perspective of service providers and experience of the service recipients, collected through the questionnaires. The finishing part includes case study of four mutation case from four different upazilas to support the analyses. Efficiency of LAS means whether the process is streamlined or not as well as time and cost effective or not. It may be mentioned here that the intended outcome of LAS is to ensure easy and efficient land related services to the citizens. Besides, the condition of the land records, whether they contain complete information or not, is also considered within the efficiency of LAS in the current paper.

The streamlining of the process depends on the number of institutions involved, the less the number, the less the complications. Also the capacity and quality of governance of the institutions affect the process. Besides, land disputes indirectly affect the efficiency of LAS. Most of these disputes are the result of absence of land survey in the region. So, the institutional and legal factors seem to affect the efficiency of LAS in CHDs.

For the purpose of achieving the objectives of this paper, data has been collected through questionnaire surveys and interviews. Different set of questionnaires were developed for the purpose of the study, to collect primary data from both the service providers and receivers. Face-to-face interview was conducted using semi-structured questionnaire containing both open-ended and close-ended questions. Thematic analyses of responses made by respondents of the groups have revealed a number of aspects relating to factors affecting the efficiency of LAS in CHDs. Tables

incorporating the responses (in numbers to measure time and money cost), and figures used to show the steps of processes are described in the following part of the chapter. Data collected through the questionnaires has been presented according to dependent and independent variables with findings and necessary analysis, supported by case study of four mutation case from four different upazilas.

5.1 Case 1 : Prevailing Acts, Rules and Regulations

The State Acquisition and Tenancy Act, 1950 is considered as the foundation Act for the LAS in plain-land districts. However, it was not applicable in Chittagong Hill Districts because LAS in CHDs was distinct from that of the plain-land districts from the very beginning. The present Land Administration in Chittagong Hill Districts mainly follow the following two:

- The Chittagong Hill Tracts (CHT) Regulation, 1900
- Hill District Council (HDC) Act, 1989

CHT Regulation, 1900

The British government took over the charge of CHT from the East India Company in 1860. For the convenience of administering the region, they introduced the CHT Regulation, 1900. Among other administrative measures, measures regarding land administration is also included in the regulation. The British also partitioned the whole region in three circles and circles into mouzas for the convenience of revenue collection. A mouza comprises a number of villages and a Headman was in charge of a mouza. The traditional leaders or Rajas were converted to Circle Chiefs.

According to rule 3four(5) of the regulation, for any sale, purchase or transfer of land, Deputy Commissioner's permission is mandatory. This is how the district administration got involved in land administration since the then period and this still exists.

According to rule 12(a), registration of deeds for sale or transfer of immovable properties is compulsory and according to rule 20, DC is authorized as registration

officer. With this provision, DC or district administration is involved in the registration process. Thus, land registration is integrated within the land mutation process in the hilly districts. That is why there is no separate land registry office in the region.

According to rule four3(1), Headmen collect all type of taxes and submit it to DC. Till now, Headmen are important part of land administration in CHDs. There are no Tahshildars or Union Land Assistant Officers in the region. Headmen are performing ULAO's duty and they are the root-most tier of land administration in CHDs.

HDC Act, 1989

HDC Act, 1989 was introduced to strengthen the local government in the region. The Hill District Councils were given some authority in land related affairs after their formation. However, those were not in practice until the CHT Peace Accord was signed between GOB and PCJSS in 1997. The HDC Act, 1989 was amended in 1998 after the Peace Treaty with activating the following:

According to clause 6four(1)(a) of Hill District Council Act, 1989, no sale, purchase, transfer can be performed without the prior consent of the council. This provision added one more extra tier to the land administration of CHDs and also made the mutation process lengthier.

Subsequently, Land Administration System in Chittagong Hill Districts has the following tiers:

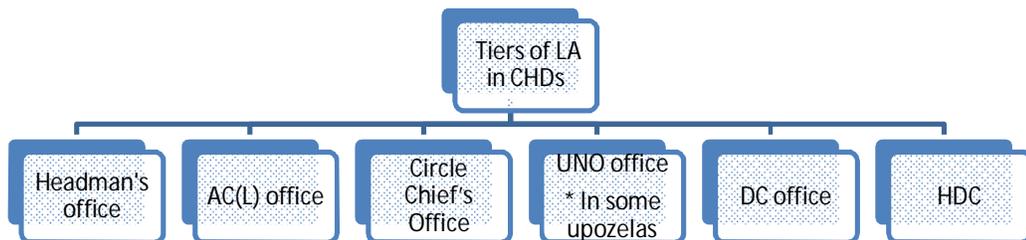


Figure 5.1 : Present Tiers of Land Administration in CHDs

5.2 Case 2 : Service Providers' Perspectives

Interviews were taken from service providers from different levels involved in the land mutation process; namely: Assistant Commissioner (Land), Surveyor/Kanungo, and Upazila Nirbahi Officer from upazila level, Headman from union level, Additional Commissioner (Revenue)/Revenue Deputy Collector/Land Acquisition Officer from district level and Chief Executive Officer/Executive Officer from Hill District Council.

Assistant Commissioner (Land) or AC(L) is a vital post in upazila administration who deals with the land administration. Among the four upazilas, there are AC(L) posts in Langadu, Bandarban Sadar and Lama but there is no AC(L) post in Lakkhichhari. UNO, Lakkhichhari acts as AC(L), Lakkhichhari. Among the four responding staffs, three were Surveyors and one was Kanungo. All of them work under the direct supervision of AC(L). They are the technical experts in this field. They verify the reports submitted by the Headmen and report to AC(L). In some of the upazilas, UNO Office is directly involved in the mutation process. Out of four upazilas, AC(L), Bandarban Sadar was in charge of UNO, Bandarban. That is why only interview of UNO, Langadu, UNO, Lakkhichhari and UNO, Lama was taken.

Headmen are the lowest tier of land administration system in CHDs. The post of Headmen represents the traditional customary land administration system in the region. The British institutionalized it through the CHT Regulation, 1900. Headmen play the role of Tahshildars or Union Land Assistant Officers of plain-land districts. Most of the Headmen are from ethnic minority people. A few Headmen are 'Bengali' (in the mouzas where 'Bengali population is majority). Out of eight respondents Headmen, seven are ethnic minority people and one is 'Bengali'.

The land mutation power is still vested only to DC in CHDs. Three respondents were selected from the three DC offices. One of them is Additional Deputy Commissioner (Revenue), one is Revenue Deputy Collector and one is Land Acquisition Officer.

HDC's prior approval to any kind land sale, transfer or settlement is compulsory. One of the three CEO/EOs was not interested to give interview to the questionnaire because he thinks that HDC's role in land administration system is not significant. It

just checks the documents and gives approval as routine work. So, here the number of respondents is twos.

5.2.1 Regarding the efficiency of LAS in CHDs

a. Mutation Process

Land mutation process is different in four different uapzilas. Land registration is integrated within the land mutation process which is done by DC Office but it needed to be done twice. Once for the binanama or primary deed and once for the saf-kobola or final deed.

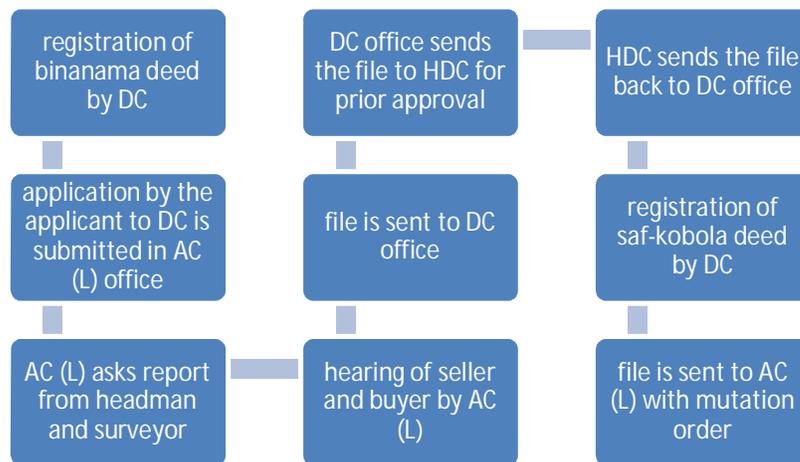


Figure 5.2 : Mutation Process in Langadu Upazila (in Rangamati District)

At first, the binanama or primary deed between seller and buyer needs to be registered at DC Office. An Assistant Commissioner acts as Registration Officer on behalf of DC. Then the applicant submits his application to DC in AC (L) Office. AC (L) asks report from Headman and Surveyor and justifies both reports. After justification of reports, hearing of seller and buyer is taken by AC (L) and case file is sent to DC Office. DC Office sends the file to HDC for prior approval. HDC sends the file back to DC Office with approval and again the seller and buyer are called to DC Office for registering the saf-kobola deed. Finally, the case file is sent to AC (L) Office with mutation order.

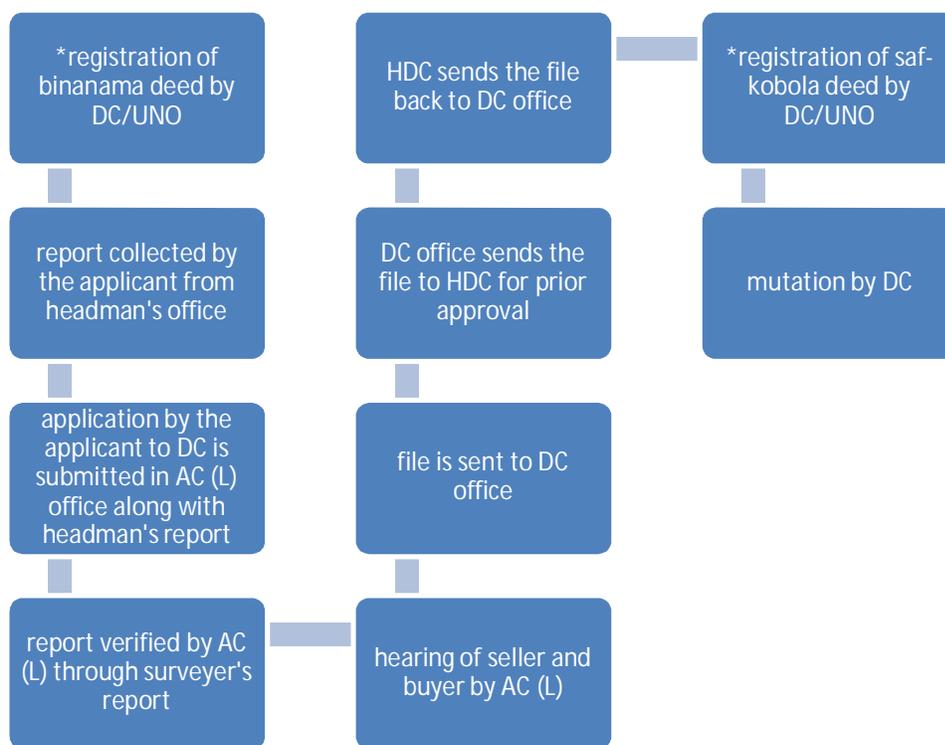


Figure 5.3 : Mutation Process in Lakkhichhari Upazila (in Khagrachhari District)

*If the price of the land is above 10 lac taka, DC registers the binanama and saf-kobola deed.

* If the price of the land is below or equal to 10 lac taka, UNO registers the binanama and saf-kobola deed.

At first, the binanama or primary deed between seller and buyer needs to be registered at DC Office/UNO Office according to the above mentioned condition. At DC Office, an Assistant Commissioner acts as Registration Officer on behalf of DC. Then the applicant collects Headman's report and submits his application to DC in AC (L) Office along with that report. AC (L) asks report from Surveyor and justifies both reports. After justification of reports, hearing of seller and buyer is taken by AC (L) and case file is sent to DC Office. DC Office sends the file to HDC for prior approval. HDC sends the file back to DC Office with approval and again the seller and buyer are called to DC Office/UNO Office for registering the saf-kobola deed. Finally, mutation is done by DC and an order is sent to AC (L) Office to update the record.

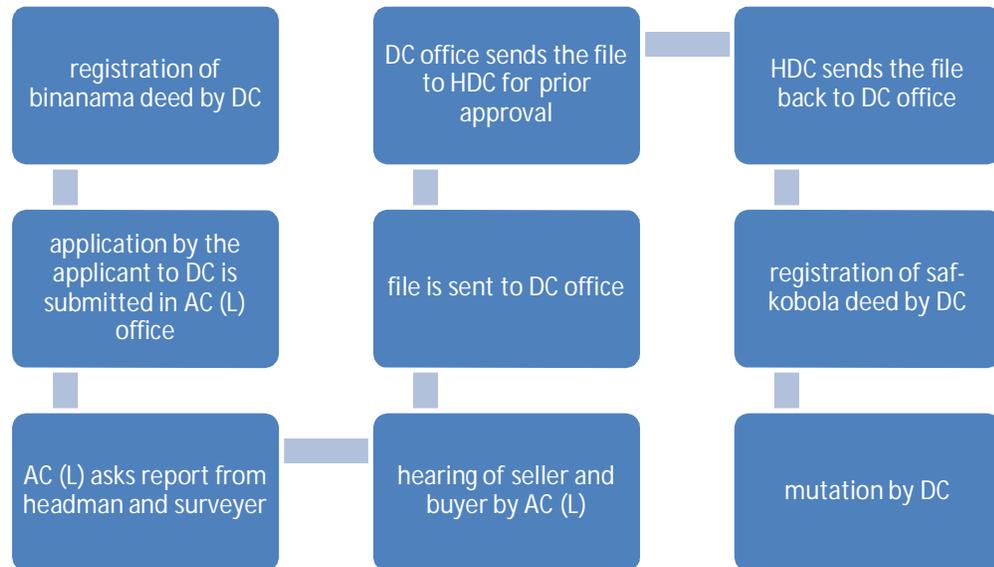


Figure 5.4 : Mutation process in Bandarban Sadar Upazila (in Bandarban District)

At first, the binanama or primary deed between seller and buyer needs to be registered at DC Office. An Assistant Commissioner acts as Registration Officer on behalf of DC. Then the applicant submits his application to DC in AC (L) Office. AC (L) asks report from Headman and Surveyor and justifies both reports. After justification of reports, hearing of seller and buyer is taken by AC (L) and case file is sent to DC Office. DC Office sends the file to HDC for prior approval. HDC sends the file back to DC Office with approval and again the seller and buyer are called to DC Office for registering the saf-kobola deed. Finally, mutation is done by DC and an order is sent to AC (L) Office to update the record.

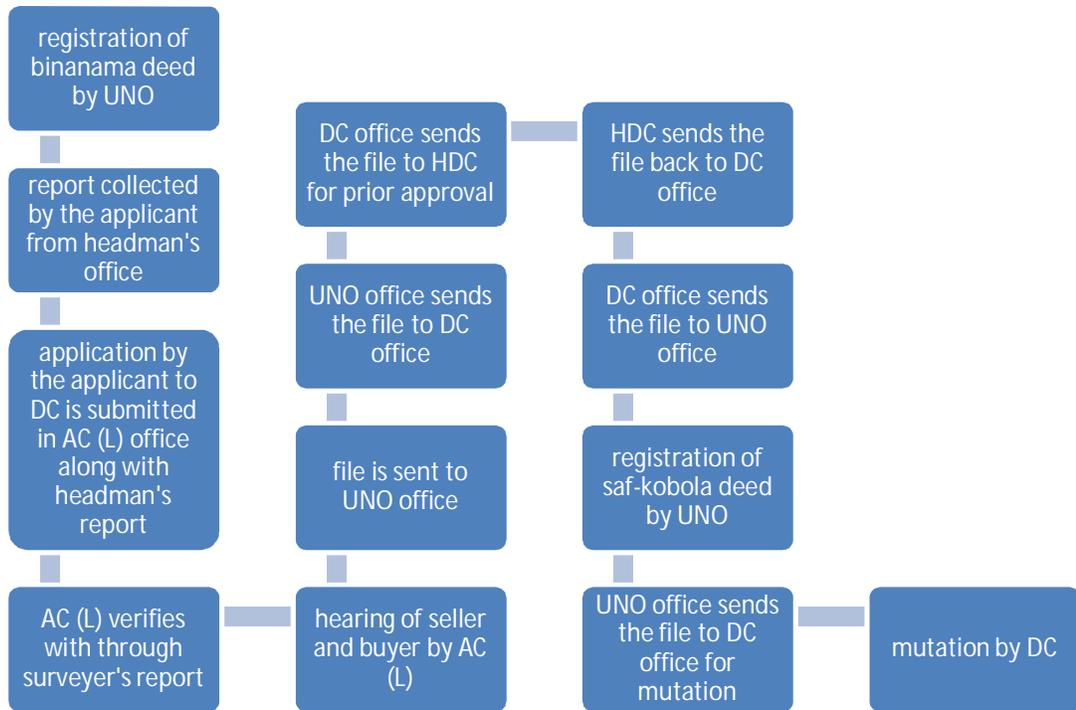


Figure 5.5 : Mutation Process in Lama Upazila (in Bandarban District)

At first, the binanama or primary deed between seller and buyer needs to be registered at UNO Office. Then the applicant collects Headman's report and submits his application to DC in AC (L) Office along with that report. AC (L) asks report from Surveyor and justifies both reports. After justification of reports, hearing of seller and buyer is taken by AC (L) and case file is sent to UNO Office. UNO Office sends the file to DC Office. DC Office sends the file to HDC for prior approval. HDC sends the file back to DC Office with approval. DC Office sends the file to UNO Office and again the seller and buyer are called to UNO Office for registering the saf-kobola deed. UNO Office sends the file back to DC Office. Finally, mutation is done by DC, informing AC (L) Office about the record update.

b. Time needed for the completion of a mutation case

The required time to finish the process is different in four upazilas. However, according to the information given by the service providers, the range is minimum three months to maximum twelve months. On average, it is five to six months which is two to three months in plain-land districts.

c. Cost required for a mutation case

All service providers informed that only eleven hundred and seventy taka is needed to get the land mutation service which is government fee.

5.2.2 Regarding the Institutional Factors

a. Corruption by the Institutions

Most of the service providers said that there is no corrupt practices in their offices while a few told that they know nothing regarding the matter.

b. Accountability of the Institutions

There is a time limit for a mutation case to be disposed in plain-land districts by Land Reforms Board. Within the metropolitan areas, it is sixty days and for the other areas it is forty five days. However, for CHDs, no time limit is set neither for the involved offices individually to finish their parts in time nor for the whole process. For this reason, none of the Offices made Citizen Charter regarding this service. Thus, the whole process gets delayed and in some cases, it is limitless.

Another interesting dimension in the accountability factor is that the Headmen are not government employees. They are appointed by the Deputy Commissioners in consultation with the Circle Chiefs. Though they are accountable to both DC and Circle Chief according to the terms of appointment, practically they are accountable only to the Circle Chief. Because the Headmen post is basically a local custom based post which was known as Dewan/Talukdar until the British period. The British Administration created the Headman post by abolishing the Taluk system. Since the Headmen feel less accountable to the formal administration, they may think of corrupt practices. Sometimes, they do delay in submitting the report to AC (L).

c. Human Resources of the Institutions

Most of the service providers think that the Headmen are not educated, skilled and trained enough to pursue their responsibilities. However, Headman is the lowest tier in the land administration system in CHDs and their role is very important to ensure

the quality of the whole system. According to the collected information from the quarterly meeting held on 25.07.2017 by AC(L), Langadu with the Headmen and Karbaris; minimum educational qualification of a Headman in Langadu is class five pass and maximum educational qualification is B.A. pass. Out of eighteen Headmen attended in that meeting, only four's educational qualification is H.S.C. or above. Other fourteen's educational qualification is S.S.C. or below. Out of these fourteen, one is class five pass and one is class eight pass.

There is no AC (L) post in some upazilas in CHDs. Among the four study upazilas, there is no AC (L) post in Lakkhichhari upazila. UNO of that upazila is also in charge of AC (L) but UNO is a very officer. He is the executive of Upazila Parishad and cannot manage sufficient time for the land related affairs. Thus, the absence of AC (L) affects the service time of land related services. However, out of four, two AC(L)s think that there is no need for AC(L) post in all upazilas in CHDs because they are given very less authority and it is not even precise. They do not have the power of record correction or mutation as like as the AC(L)s of the plain-land districts. They only justify the report sent by the Headman and then forward it to DC if the justification is right. Thus, their efficiency as an officer decreases and they cannot develop their skills regarding land management. Other two AC(L)s think that, there is necessity of AC(L) post in all upazilas in CHDs because AC(L)s take hearing of the seller and buyer, perform in-field inquiries of the land on behalf of the DC. They also perform inquires on land related cases, settlement process and acquisition process. If the land disputes are resolved and survey is completed, AC(L)s can perform better.

There is a post of Land Officer in three HDCs but all three posts are vacant at present. The Chief Executive Officer or Executive Officer play the role as additional duty. However, all three ADC (R)/RDC/LAO think that there should be a permanent officer in that post because the importance of land and transaction of land has been increased. Also for the reasons that he could monitor the land related activities thoroughly and check the file speedily before approval.

d. Physical Resources of the Institutions

The Headmen have no office. They use a room in their houses as office. They do not get any furniture to store the land related documents properly. They do not even get any stationeries for their offices. This is one of the reasons to demotivate the Headmen from doing their job efficiently.

e. Financial Resources of the Institutions

Headmen do not receive any salary from the government. They get only one thousand taka allowance per month and one percent commission from grove land tax which is a very insignificant amount. This is the major reason to demotivate the Headmen from being serious and devoted to their duties and it also instigates them to be involved in corrupt practices. Besides, most of the AC (L)s and Surveyors think that the budget allocation in the transportation sector is not sufficient for their office because they need to go to the field frequently for the inquiries to verify the information of land of the applicants.

5.2.3 Regarding the Legal Factors

a. Land Survey

A complete land record database is essential for an efficient land administration system. To have this, a complete and proper land survey is urgent. But no land survey has been conducted in CHDs by the government. All the service providers agreed that most of the land records are incomplete due to this. However, out of eight Headmen, five Headmen said that a survey was done in some mouzas nearer to district headquarters in 1971-74 and in 1983-85 but could not be finished because of some political reasons and mistrust between 'Paharis' and 'Bengalis'. Consequently, there is no daag (plot) number in most of the lands and those are only periphery dependent. Nevertheless, the peripheries are not specifically defined. This phenomenon along with communal issues generate more land disputes in CHDs. While there is any confusion regarding the title of any piece of land, it needs more time for clarification as well as deserves more inquiry and thus, seriously hampers the usual service time for the completion of a mutation process. Moreover, there is

no land survey office in CHDs. In addition to this, there is no printed land record and map in the region. The land record is known as touzi or joma-bondi and is hand written.

b. Land Manual

There is land manual for the LAS of plain-land districts but there is no land manual for the CHDs. This is the reason why the mutation process is different in Langadu, Lakkhichhari, Bandarban Sadar and Lama upazila. The process is practice oriented and varies district wise and varies even within the upazilas of same district. For example, registration is always done by DC Office in case of Rangamati District. But in Khagrachhari District, registration is done by DC Office if land's price is above ten lac taka, otherwise it is done by the UNO Office. However, Bandarban Sadar and Lama being the upazilas of same district, registration is done by DC Office in case of Bandarban Sadar and registration is done by UNO Office in case of Lama Upazila. Another variation is that Lama UNO Office is directly involved in the mutation process in Lama Upazila. The file from AC (L) Office moves to the DC Office through UNO Office in that upazila and makes an unnecessary delay which is not practiced in other upazilas of the study. If registration could be performed in upazila level in all cases, the process would be easier as well as time and cost effective for the service recipients and efficiency of the system would be increased. These problems would not arise if there were a land manual defining the steps of the process precisely and determining the number of institutions to be involved in the process.

5.3 Case 3 : Service Receivers' Experiences

Interviews were taken from fifteen service receivers from four different upazilas. Among them six respondents were from Langadu Upazila, two from Lakkhichhari Upazila, two from Bandarban Sadar Upazila and five from Lama Upazila. Except Bandarban Sadar upazila, other three upazilas are remote. Langadu is a remote upazila of Rangamati District and connected to the district headquarter only through waterway. Lakkhichhari is also a very remote upazila of Khagrachhari District though

connected to the district headquarter through road. Besides, Lama is also a remote upazila of Bandarban District.

5.3.1 Regarding the efficiency of LAS in CHDs

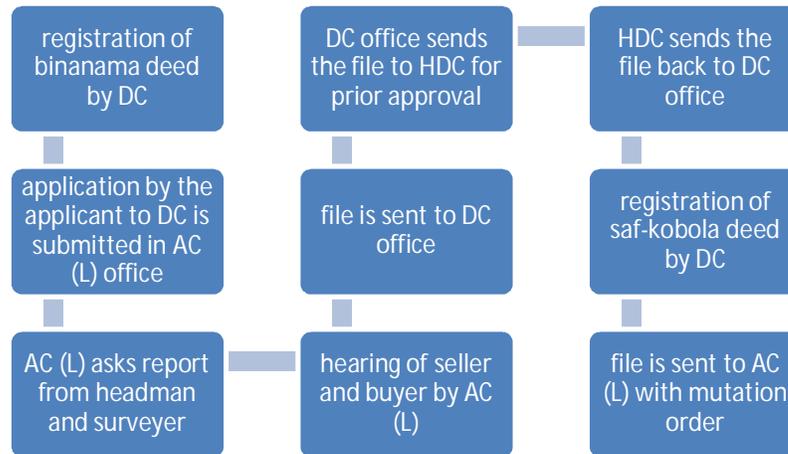


Figure 5.6 : Mutation Process in Langadu Upazila (in Rangamati District)

a.1 Time and cost for transportation to Rangamati district headquarter from Langadu

Langadu is a remote upazila and connected only through waterway to Rangamati district headquarter. It takes 3 and a 1/2 to 4 hours by launch to reach Rangamati from Langadu. The launch fare is 140 taka. A service receiver needs to go to district headquarter twice for the registration purpose. Once for binanama deed registration and once for saf-kobola deed registration. In those cases, he needs to go to Rangamati before the date of his/her hearing and stay at night in hotel. These cost nearly 2000 taka extra for him.

a.2 Time and cost for transportation to Langadu upazila headquarter

A service receiver needs to go to upazila headquarter twice for the mutation purpose. Once for submitting the application and once for hearing. Time and cost expended by 6 six respondents to reach upazila headquarter from their home is as following:

Table 5.1 : Time and cost for transportation to Langadu upazila headquarter

Service Receiver	Time	Cost	Exception
Service Receiver1	Less than 1 hour	10-20 taka	NA
Service Receiver2	Less than 1 hour	More than 30 taka	NA
Service Receiver3	Less than 1 hour	More than 30 taka	NA
Service Receiver4	Less than 1 hour	More than 30 taka	In dry season, it takes 1-2 hours of time and costs 120 taka
Service Receiver5	1-2 hour	More than 30 taka	NA
Service Receiver6	1-2 hour	More than 30 taka	NA

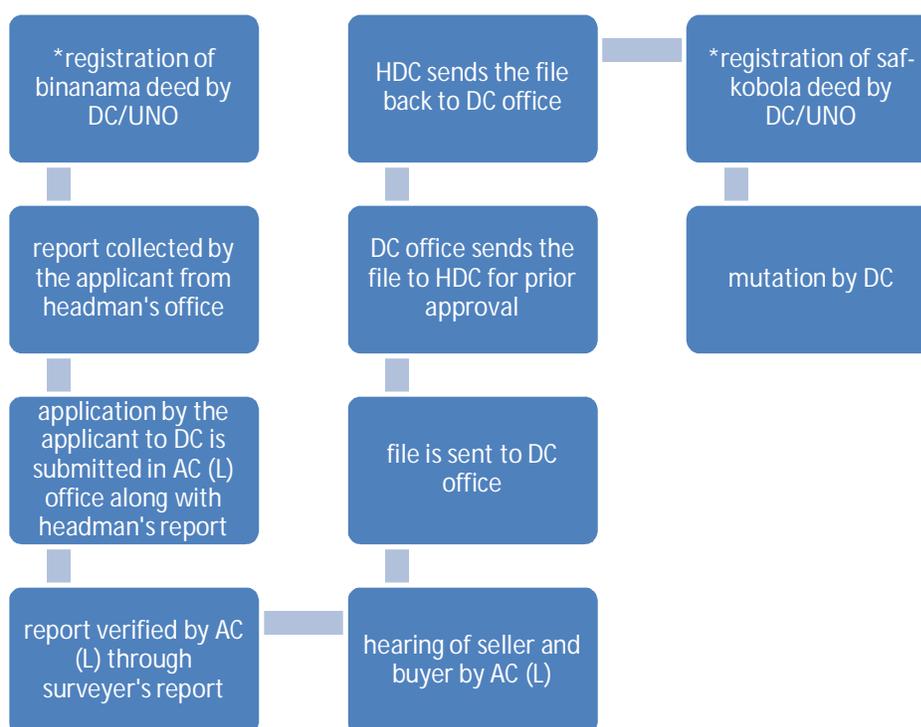


Figure 5.7 : Mutation Process in Lakkhichhari Upazila (in Khagrachhari District)

a.3 Time and cost for transportation to Khagrachhari district headquarter from Lakkhichhari

Lakkhichhari is a remote upazila of Khagrachhari district. A service receiver needs to go to district headquarter twice for the registration purpose (If the price of the land is above 10 lac taka). Once for binanama deed registration and once for final deed registration. For Lakkhichhari upazila, it takes 2 and a 1/2 to 3 hours by road to reach Khagrachhari district headquarter. The transportation cost is 90 taka per trip.

a.4 Time and cost for transportation to Lakkhichhari upazila headquarter

A service receiver needs to go to upazila headquarter twice for the mutation purpose. Once for submitting the application and once for hearing. Time and cost expended by 2 respondents to reach upazila headquarter from their home is as following:

Table 5.2 : Time and cost for transportation to Lakkhichhari upazila headquarter

Service Receiver	Time	Cost	Exception
Service Receiver1	Less than 1 hour	No cost, came on foot	NA
Service Receiver2	More than 2 hour	90 taka	He stays at district headquarter

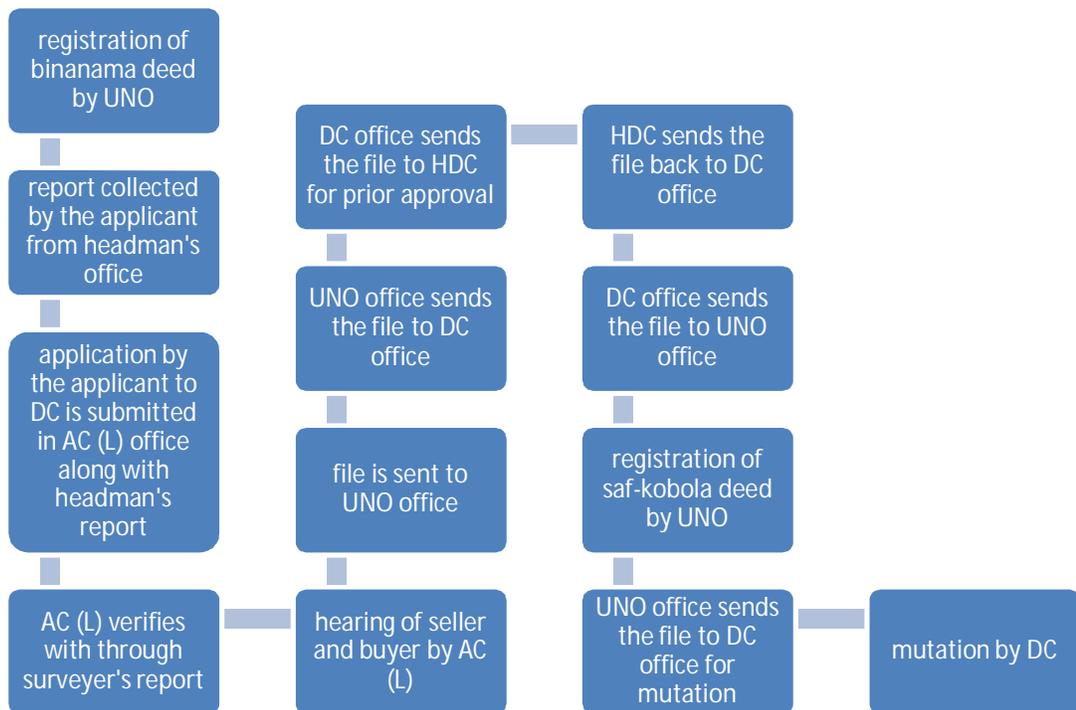


Figure 5.8 : Mutation Process in Lama Upazila (in Bandarban District)

a.5 Time and cost for transportation to Bandarban district headquarter from Lama

It takes 2 to 2 and a 1/2 hours by bus to reach Bandarban from Lama. The bus fare is 125 taka. A service receiver needs to go to district headquarter to collect the permanent resident from the Circle Chief's office if he is a 'Bengali'.

a.6 Time and cost for transportation to Lama upazila headquarter

A service receiver needs to go to upazila headquarter 4 times for the registration and mutation purpose. Once for submitting the application and thrice for hearing. Time and cost expended by 6 six respondents to reach upazila headquarter from their home is as following:

Table 5.3 : Time and cost for transportation to Lama upazila headquarter

Service Receiver	Time	Cost	Exception
Service Receiver1	Less than 1 hour	10-20 taka	NA
Service Receiver2	Less than 1 hour	10-20 taka	NA
Service Receiver3	Less than 1 hour	10-20 taka	NA
Service Receiver4	Less than 1 hour	10-20 taka	NA
Service Receiver5	Less than 1 hour	10-20 taka	NA

b. Time needed for the completion of a mutation case

The required time to finish the process is different in four upazilas. However, according to the information given by the service receivers, the range is minimum two months to maximum more than twelve months. On average, it is five to six months which is two to three months in plain-land districts.

5.3.2 Regarding the Institutional Factors

a. Corruption by the Institutions

All service recipients said that they had to pay extra money other than the government fees in different offices as following:

Table 5.4 : Amount of extra money needed to be paid at different offices

Headman's office	AC(L) office	UNO office	DC office	HDC
100 taka to 5000 taka	50 taka to 4500 taka	2% of the land's price (in case of Lama only)	2% of the land's price in Rangamati, 1% of the land's price in Bandarban and Khagrachhari	1% of the land's price

If the amount is sum up, it is found that a service recipients has to spend about thirty to fifty thousand taka for the disposal of a mutation case of a piece of land worth ten lac taka in CHDs. So, the system is not cost effective in terms of money and this factor affect the efficiency.

Some of the service recipients also informed that to get rid of such a lengthy process and hassles, they contracted with the middlemen for a large amount of money to get the job done on behalf of them. They also told that these middlemen are the petition/ deed writer in most of the cases. Thus, the service recipients are the victims again due to this corrupt practice.

b. Accountability of the Institutions

For CHDs, no time limit is set neither for the involved offices individually to finish their parts in time nor for the whole process. For this reason, none of the Offices made Citizen Charter regarding this service and none of the service recipients knows about Citizen Charter. Because of this, institutions are not accountable to the service receivers to deliver the service in time and thus, the process is delayed.

c. Human Resources of the Institutions

Some of the service receivers think that the Headmen are not educated, skilled and trained enough to pursue their responsibilities. However, Headman is the lowest tier in the land administration system in CHDs and their role is very important to ensure the quality of the whole system. There is no AC (L) post in some upazilas in CHDs.

UNO is given the charge of AC (L) as additional duty. However, all service recipients think that there should be AC (L) post in all upazilas because it increases the quality and efficiency of land related services.

5.3.3 Regarding the Legal Factors

a. Land Survey

A complete land record database is essential for an efficient land administration system. To have this, a complete and proper land survey is urgent. All service receivers tell that no complete land survey by the government was done in CHDs. They think that most of the land records in CHDs are incomplete for this reason. The records are only periphery based and the periphery is also not clearly specified. There are daag (plot) numbers for only few records. It is very difficult to identify a piece of land precisely without daag number. Some service receivers told that this phenomenon creates more land disputes and hampers the harmony among the neighbors. Sometimes, it becomes very difficult for a Headman/Surveyor/AC(L) to be sure of a plot of land and preparing the inquiry report. Thus, the absence of land survey is affecting the efficiency of the LAS in CHDs. Moreover, no decision on land survey is taken yet by the government.

b. Land Manual

There is land manual for the LAS of plain-land districts but there is no land manual for the CHDs. This is the reason why the mutation process is different in Langadu, Lakkhichhari, Bandarban Sadar and Lama upazila. The process is practice oriented and varies district wise and varies even within the upazilas of same district. However, all service recipients feel the necessity of uniformity of the process for streamlining and the uniformity can established only by preparing a land manual by the government for CHDs.

5.4 Case 4 : Four Mutation Cases from Four Upazilas

a. A Mutation Case in Langadu Upazila

The applicant submitted his application for selling a piece of land and mutation in name of the buyer with the recommendation of Headman to the Deputy Commissioner through AC(L) on 18.03.2016. The application was filed as mutation case number: 389(la)/2015-16(386) by AC(L) on 20.06.2016. Kanungo's inquiry report was verified by AC(L) and hearing of seller and buyer was taken by AC(L) on 30.08.2016. The case file was sent to ADC(R), Rangamati with recommendation for mutation by AC(L). The case file was verified by ADC(R) on 15.12.2016 and sent to Rangamati Hill District Council for prior approval. The RHDC gave prior approval on 13.02.2017 and sent the file back to DC office. The permission for mutation was given by DC on 22.02.2017 and the file was sent to Revenue Deputy Collector. RDC sent it to registration section on 01.03.2017. Registration was done by the registration officer (an assistant commissioner on behalf of DC) on 23.03.2017. Finally, a new holding number: 656/1187 was created in AC(L) office on 02.07.2017 and the case was disposed.

b. A Mutation Case in Lakkhichhari upazila

The applicant submitted his application for selling a piece of land and mutation in name of the buyer with Headman's report to the Deputy Commissioner through AC(L) on 06.04.2015. The application was filed as mutation case number: 08/2015(Lakkhichhari) by AC(L) on 07.04.2015. Surveyor's inquiry report was verified by AC(L) on 17.05.2015 and hearing of seller and buyer was taken by AC(L) on 24.05.2015. The case file was sent to RDC, Khagrachhari with recommendation for mutation by AC(L) on 27.05.2015. The case file was verified by RDC on 01.06.2015 and sent to ADC(R). ADC(R) sent the file to DC on 07.06.2015. DC sent the file to Khagrachhari Hill District Council for prior approval on 09.06.2015. The KHDC gave prior approval on 07.07.2015 and sent the file back to DC office. The permission for mutation was given by DC on 06.08.2015 and the file was sent to the registration officer (an assistant commissioner on behalf of DC). After registration, he sent it to RDC on 10.08.2015. RDC sent it to ADC(R) with recommendation for record correction on 05.10.2015 and ADC(R) sent to DC on 07.10.2015. DC gave the order for record correction on 08.10.2015. Finally, a new khatian number: 39 was created in AC(L) office on 27.12.2015 and the case was disposed.

c. A Mutation Case in Bandarban Sadar upazila

The applicant submitted his application for selling a piece of land and mutation in name of the buyer with Headman's report to the Deputy Commissioner through AC(L) on 21.09.2011. AC(L) ordered Surveyor to submit inquiry report on this issue on 25.09.2011. The Surveyor submitted the report on 10.10.2011. Then the application was filed as mutation case number: 453/sa/2011 by AC(L) on 23.10.2011. The hearing of seller and buyer was taken by AC(L) on 31.10.2011 and the case file was sent to RDC, Bandarban with recommendation for mutation by AC(L). RDC sent the file to ADC(R) on 23.11.2011 and ADC(R) sent it to DC on 24.11.2011. DC sent the file to Bandarban Hill District Council for prior approval. The BHDC gave prior approval on 23.01.2012 and sent the file back to DC office. RDC sent the file to ADC(R) on 02.02.2012 and ADC(R) sent it to DC on 14.02.2012. The permission for mutation was given by DC on 14.02.2012 and the file was sent to RDC. RDC sent the file to the registration officer (an assistant commissioner on behalf of DC) on 23.02.2012. The registration was done on 26.04.2012 and the case file was sent back to RDC. RDC sent it to AC(L) for record correction on 13.05.2012. AC(L) corrected the record on 30.06.2012.

d. A Mutation case in Lama upazila

The applicant submitted his application for selling a piece of land and mutation in name of the buyer with Headman's report to the Deputy Commissioner through AC(L) on 12.03.2017. The application was filed as mutation case number: 166/2017(Lama) by AC(L) on 15.03.2017 and AC(L) ordered Surveyor to submit inquiry report on this issue. The Surveyor submitted the report on 30.03.2017. The hearing of seller and buyer was taken by AC(L) on 11.04.2017 and the case file was sent to UNO, Lama. UNO, Lama sent the file to RDC, Bandarban with recommendation for mutation on 13.04.2017. RDC sent the file to ADC(R) on 11.05.2017 and ADC(R) sent it to DC on 21.05.2017. DC sent the file to Bandarban Hill District Council for prior approval. The BHDC gave prior approval on 06.06.2017 and sent the file back to DC office. RDC sent the file to ADC(R) on 21.06.2017 and ADC(R) sent it to DC on the same date. The permission for mutation was given by DC and the file was sent to UNO, Lama on 11.07.2017. UNO did the registration (on behalf of DC) on 07.08.2017 and sent the file back to DC office's record room for record correction.

List of documents which the applicant needed to submit with the application:

- Proof of land tax deposit (dakhila) of last year
- Debt clearance certificate for the seller

- Permanent resident certificate for both seller and buyer
- Birth certificate for both seller and buyer
- National ID copy of both seller and buyer
- Certified copy of tszi/jama bandi (land record)

Table 5.5 : Comparison of Four Mutation Cases at a Glance

Concerned Offices	Steps	Dates of Case1 (Langadu)	Dates of Case2 (Lakkhichhari)	Dates of Case3 (Bandarban Sadar)	Dates of Case4 (Lama)
AC(L) Office	Application submission	18.03.2016	06.04.2015	21.09.2011	12.03.2017
	Headman's report	Not mentioned	Not mentioned	Not mentioned	Not mentioned
	Surveyor's report	Not mentioned	17.05.2015	10.10.2011	30.03.2017
	Hearing date	30.08.2016	24.05.2015	31.10.2011	11.04.2017
	Disposal to DC Office	Not mentioned	27.05.2015		
UNO Office	Received by UNO	N/A	N/A	N/A	Not mentioned
	Disposal to DC Office	N/A	N/A	N/A	13.04.2017
DC Office	Received by RDC	Not mentioned	01.06.2015		Not mentioned
	Received by ADC (R)	Not mentioned	Not mentioned	23.11.2011	11.05.2017
	Received by DC	Not mentioned	07.06.2015	24.11.2011	21.05.2017
	Disposal to HDC	15.12.2016	09.06.2015		Not mentioned
HDC	Received by HDC	Not mentioned	Not mentioned	Not mentioned	Not mentioned
	Disposal to DC Office	13.02.2017	07.07.2015	23.01.2012	06.06.2017
DC Office	Mutation order by DC	22.02.2017	06.08.2015	14.02.2012	11.07.2017
	Received by RDC	01.03.2017	10.08.2015	13.05.2012	Not mentioned
	Received by ADC (R)	Not mentioned	05.10.2015	Not mentioned	Not mentioned
	Record update	02.07.2017	27.12.2015	30.06.2012	N/A
UNO Office	Received by UNO	N/A	N/A	N/A	07.08.2017

	Disposal to DC Office	N/A	N/A	N/A	Not mentioned
DC Office	Record update	N/A	N/A	N/A	23.08.2017
Total Time Taken		About 16 months	More than 8 months	More than 9 months	More than 5 months

5.5 Summary of the Key Findings

To gather primary data related to the study area, 39 respondents were interviewed. Among them 24 were service providers of different levels from different institutions and 15 were service recipients. The dependent variable of the study is *the efficiency of land administration system in CHDs*. All respondents said that the mutation process is very lengthy. However, the mutation process in plain-land districts involves only two institutions and is simpler. The process varies in different districts and upazilas. According to both group of respondents, it takes 5-6 months time on an average for a mutation case to be disposed in CHDs whereas it takes only 2-3 months on an average for a mutation case to be disposed in plain-land districts.

Regarding the independent variable, *institutional factors*, the study reveals that due to corrupt practices, the recipients had to bribe or pay speed money in all institutions. The more the number of institutions, the more the scope of corruption. The amount varied from fifty taka to five thousand taka in Headman's office and AC (L) office but it is fixed in UNO office (2% of land's price, only in case of Lama upazila), DC office (2% of land's price in Rangamati DC office and 1% of land's price in Khagrachhari, and Bandarban DC office) and HDC (1% of land's price in all HDCs). Thus, in total it takes about thirty thousand taka or above for the disposal of a mutation case.

All institutions have lack of accountability because there is no time limit for the institutions to render their service. As there is no time limit, they have not prepared any citizen charter and none of the service recipients know about citizen charter. Consequently, this factor is also delaying the land related services, specially the mutation process.

Both lack of human resources and deficiency in human resources are affecting the efficiency. There is no AC(L) post in some upazilas, for example Lakkhichhari upazila. The UNO works as AC(L) but he is busy with his regular activities and cannot spend sufficient time for the land related matters. Similar to this problem, there is a post of Land Officer in all HDCs but that post is vacant in all HDCs. The Chief Executive Officer (CEO)/Executive Officer (EO) works as land officer but he remains very busy with his main activities and cannot give that much time as the Land Officer could. That is why these factors are also responsible to delay the process. Beside these problems, lack of quality in Headmen is also affecting the efficiency because most of the Headmen are less educated, less skilled and less trained. In most of the cases, their reports are needed to be verified by the surveyor going to the field.

Deficiency in financial resources for the Headman's office and AC(L) office and deficiency of physical resources for the Headman's office are also working as demotivating factors and affecting the efficiency. The Headmen get only one thousand taka per month allowance and one percent commission from the grove land taxes which is a very poor amount. The budget allocation in the transportation sector for the AC(L) office is not sufficient but the AC(L) and surveyor need to go the field frequently for inquiry. The deficiency in allocated budget makes them disinterested to complete their duty in due time. Though the Headman's office is the lowest and very important tier of LAS in CHDs, actually there is no office for the Headmen. They just use a room of their house as office. They do not get any furniture to store the land records and documents properly and they also do not get any stationary for their official activities.

Regarding the independent variable, *legal factors*, the study revealed that absence of land survey and absence of land manual are affecting the efficiency. No land survey by the government was performed in CHDs due to the local resistance, the mistrust between the settler Bengalis and the local Paharis. According to the CHT Peace Accord, a land dispute resolution commission was established to resolve the land disputes between the Bengalis and Paharis but the commission is yet to function effectively because of its debated formation. However, PCJSS demands that no land survey can be done prior to the resolution of land disputes by the

commission. But the absence of land survey had caused and is causing incomplete land record containing insufficient information. As a result, there is no daag or plot number in most of the land records and the records are basically periphery dependent. However, the peripheries are not precisely specified. For this reason, it is very difficult to identify one's land properly and this phenomenon is creating more land disputes. This disputed lands take longer time to clarify the ownership and thus affect the efficiency of LAS in CHDs.

In addition to this, there is no land manual for the CHDs. For this reason, the same land related service follows different procedures in different districts and even in different upazilas of within the same district. For example, the mutation procedure is different in all four studied upazilas. In case of Langadu upazila, the service recipients need to go to Rangamati district headquarter twice for the registration purpose which is very time consuming for him/her. Langadu is connected to Rangamati only through waterway and it takes three and a half hours to Reach Rangamati from Langadu. A service recipients need to go to the district headquarter a day before his hearing date and he needs to stay at boarding at night which makes him/her spend some extra money as well.

In case of Lakkhichhari upazila, if the land's price is equal to or below ten lac taka, the service recipient needs not to travel to Khagarachhari district headquarter because in that case UNO/AC(L) does the registration. However, if the land's price is above ten lac taka he/she needs to travel to district headquarter twice for the registration purpose which is also time consuming for him/her because Lakkhichhari is a very remote upazila and it takes two and a half hours to reach Khagrachhari from Lakkhichhari.

Another interesting thing to be noted is that though Bandarban Sadar and Lama upazila belong to same district, the mutation procedure is different in those two upazilas. In case of Bandarban Sadar upazila, the registration is done by DC but in case of Lama upazila, it is done by UNO. Also to be noted that UNO office is involved in the mutation process in Lama upazila. Though there is AC(L) in Lama upazila, a mutation file does not move directly to DC office from AC(L) office, it is sent through

UNO office. Thus, in Lama upazila, an extra tier (UNO office) is found within the mutation process.

5.6 Conclusion

This study has attempted to explore the factors that are affecting the efficiency of Land Administration System in Chittagong Hill Districts. Using both primary and secondary data, this study has worked on the steps of land mutation process, land registration and the condition of land record to examine the efficiency of LAS in CHDs.

It may be stated here again that 'efficiency of LAS in CHDs' has been taken as the dependent variable of the present research, whereas 'socio-political factors', 'institutional factors', and 'legal factors' have been identified as the independent variables. There were some general assumptions that efficiency of LAS in CHDs depends on time taken to deliver a mutation service, money cost by a service receiver to take that service, accountability of the system and lastly the condition of land record in the region. These factors depend on the indicators of the independent variables. The study suggests that the factors which were assumed to affect the efficiency of LAS in CHDs have much relevance.

Chapter 6

Conclusion and Recommendations

In summing up the discussions made above, the thesis indicates that the LAS in CHDs is distinct from the plain-land districts. It is a tripartite system combining traditional LA, formal LA and a local government institution whether only formal LA prevails in plain-land districts. Usually involvement of more institutions within a process makes the process lengthy and complicated. For example, for a disposing land mutation case only two institutions (AC(L) office and Union Land office) are involved in plain-land districts. On the other hand, for the same service in the CHDs, four to five institutions are involved. The current thesis has examined why the LAS in CHDs is different and how its current shape has been formed. The present study has aimed to search the factors behind this scenario and how these factors are affecting the efficiency of LAS in CHDs.

The final chapter of the research is a review of the context of the study with an emphasis on the analytical framework and the research question of the research. It provides an overview of the extent to which the independent variables affects the efficiency of the LAS in CHDs. The chapter ends with some recommendations to increase the efficiency of the system with a proposal of scope for further research on the particular research area.

The study has attempted to reveal the factors that are affecting the efficiency of LAS in CHDs. Primary data collected through questionnaire survey from the service recipients and interview from the service providers, gave various insights to the actual scenario of the existing system and the factors affecting the efficiency of the current system. Some crucial observations also resulted from the analysis of prevailing acts, rules and regulations and also from the documents pertaining to the four case files from four upazilas of the research. A careful compilation and analysis of the findings has been done. The investigation also revealed some historical linkage to the current phenomenon.

According to the research question and the analytical framework, the study focused on the factors affecting the efficiency the LAS in CHDs. The dependent variable is efficiency of the LAS in CHDs and the two dependent variables are institutional factors, and legal factors. The investigation revealed that the institutional factors like lacking in human resources and lack of human resources, lack of physical and financial resources, corruption and lack of accountability by the involved institutions are affecting the efficiency of LAS in CHDs. Beside these factors, the legal factors like absence of land survey and land manual are also affecting the efficiency of LAS in CHDs.

The analyses of the prevailing acts, rules and regulations of land administration in CHDs; service providers' perspectives; service recipients' experiences, and four mutation case from four upazilas derive the answer of the research question. It can be summed up that institutional and legal factors are affecting the efficiency of LAS in CHDs that are originated from sociopolitical issues like the shifting the LAS in CHDs from traditionality to modernity and the impact of the Peace Treaty. Basically the LAS in CHDs was based on traditional norms, rules and customs. For any transfer of land ownership, verbal commitment was enough. The lands other than the homestead and farmed lands were considered as common land which belonged to the community. So, the necessity of document was never felt. However, the British took a step to transform the LAS in CHDs by introducing CHT Regulation, 1900 and appointing a DC with a provision of DC's mandatory permission for any sale or transfer of land. However, they did not abolish the customary system rather they wanted to safeguard those.

But the phenomenon experienced a turning point after the independence of Bangladesh when the government promoted settler Bengalis in 1979-1984 by neglecting the traditional LAS, though the government did not abolish the traditional system. The government provided land records for the settlers though these records are controversial. In 1997, Peace Accord was signed between GOB and PCJSS to recognize the rights of the ethnic minority people and end the insurgency between Shanti Bahini (armed group of PCJSS) and government forces. According to the provision of Peace Accord, the Hill District Council Act, 1989 was amended and a

clause was included with a provision that no sale or transfer of land can be performed without the prior consent of the HDC. Thus, an extra tier was added to the land administration of CHDS and a tripartite system emerged. Besides, no land survey has been conducted yet in the region because the land disputes have to be resolved prior to conducting land survey according to one of the terms of the Peace Accord.

All respondents agreed that the LAS in CHDs is very complicated and needs to be streamlined to increase its efficiency. The following aspects of the system and institutions can be taken into account to increase the efficiency of the system. These include the recommendations based on the findings.

First, the process should be streamlined. The mutation process in plain-land districts concerns only two offices: AC(L) office and Union land office because AC(L)s in plain-land districts have the mutation power and they do it on behalf of DC. As it is simpler than that of the CHDs and it takes lesser time. If the AC(L)s in CHDs are given the authority of record update (mutation), and registration and the Headman post is recognized as Union Land Assistant Officer (ULAO) of the plain-land districts by the government and if AC(L) and Headman are supervised by HDC according to the Peace Accord, the process can be streamlined. The supervising officer might be a Deputy Secretary ranked officer from BCS (Administration) Cadre, posted as the Land Officer of the HDC. If it is done so, the mutation case file will only be concerned by AC(L) office and Headman office. AC(L) will update and register the record and the service recipients would not need to go to district headquarter for a land related service, especially the mutation. On the other hand, the Headmen will be highly motivated when they will be considered as government employee equivalent to the ULAOs. Beside this, the provision of the Peace Accord will not be breached because it will have the supervision power. Also there would be a time limit for both AC(L) office and Headman office to render their service and time limit for the whole process to ensure faster service delivery. Thus, involvement of less offices will reduce the scope of corruption, execution time and outrage by the middlemen.

Second, however, removing any tier from the LAS in CHDs is not a practical thought because of the sociopolitical reality. The involvement of the HDC came from the impact of the Peace Treaty and it cannot be deducted from the process. If it is attempted to do so, it will face political resistance from the ethnic minority groups because they think that HDC is their institution based on which they can practice autonomy. On the other hand, Headman's office is the representation of the customary LAS of the ethnic minority people and that is why the importance of this tier also cannot be ignored. So, if there is no scope of deducting any tier from the system what can be the solution to reduce the service delivery time. A solution can be setting time limit for all the institutions involved in the process so that the mutation can be completed within a certain time. Another solution might be the introduction of e-mutation or e-service in land related service so that it increases the efficiency by reducing the physical mobility of the service recipients and by reducing the scope of corruption.

Third, there should be AC(L) post in all upazilas of CHDs and appointed Land Officer in all HDCs so that quality and efficiency of the service delivery is enhanced. Because when a UNO is in charge of AC(L) in upazila and CEO/EO is in charge of Land office in HDC, he/she cannot manage sufficient time for the land related files or services. UNO has to coordinate all activities in a upazila and CEO/EO has to look after all activities of HDC. At present, there is no AC(L) post in some upazilas and the post of Land Officer is vacant in all HDCs.

Fourth, the Headman post should be converted to government post because they receive only one thousand taka allowance per month and one percent commission from the grove land tax which is a very poor amount but they are performing the role of ULAO for the CHDs. At present, there is no office for the Headmen, they use one room of their house as office. The Headmen are very less motivated due to their current status.

Fifth, a complete cadastral land survey of the whole region should be done because a rich land information database is not possible to prepare without it and the amount of land disputes cannot be reduced without the database. Efficiency of LAS

in CHDs cannot be ensured without complete land record because the incomplete land records generate more disputes and disturb the usual efficiency. According to the provision of the Peace Accord, a land commission was established to resolve the land disputes in CHDs but the commission is yet to function because of some debated clause in the CHT Land Dispute Resolution Commission Act, 2001. All stakeholders should come forward to be agreed to the points regarding the resolution of land disputes by the commission so that the disputed cases can be disposed and the land survey can be started as soon as possible. During the survey process a team comprising of an officer, a surveyor, a Headman, a Karbari (village chief), representatives from various political parties, male and female representatives youth society can be appointed per union. The representatives in Pahari inhabited areas will be from Paharis, the representatives in Bengali inhabited areas will be from Bengalis and the representatives in mixed inhabited areas will be from both. The villagers will select the representatives.

Sixth, there should be a land manual for the CHDs because the CHT Regulation or Manual, 1900 is for the overall administration of the region. That manual is not specifically for land administration. The plain-land districts have land manual for their land administration and the processes are unified because of the land manual. But the same mutation process is different in different districts and upazilas because of the absence of a manual. Practices by the local administration have determined the procedures and thus varies according to district and upazila. This variations have included unnecessary tier and practices to make the process more complex. If the procedures are defined by the manual, for example if AC(L) is authorized as registration officer on behalf of DC and the involvement of UNO office is excluded from the process, the mutation and registration process will become more efficient by reducing the inconvenience of the service recipients.

End Notes (Some Important Terminologies)

"Bengali" :

People living mainly in the plain-land districts whose mother tongue is Bengali.

Cadastre :

The cadastre is a land information system with two parts: a series of maps showing the size and location of all land plots along with text records describing the attributes of the land.

Circle :

The British divided the whole region of CHT into three demarcated areas naming as circle.

Circle Chief :

The leader of a circle is known as circle chief who was previously known as "Raja".

"Deserving person":

There is no explanation or other information provided in the amending legislation specifying the definitional criteria of a "deserving person".

Dewan/Talukdar :

Person appointed in charge of taluks (comprising a set of villages) with the power of revenue collection. Before the British period intervention in LAS in CHDs, the Dewan/Talukdars used to work under the Raja.

Headman :

Person appointed in charge of mouza with the power of revenue collection and local trial.

"Hillmen/Pahari/Jumma/Hill people" :

The indigenous inhabitants of the Chittagong Hill Districts who are ethnically different from the people living in plain-land districts.

Khatian/Record of Rights :

An statement containing the attributes and information of the land in plain-land districts.

Mouza :

An area comprised of a number of villages. The concept of mouza was initiated by the British to collect land revenue in the CHT.

Mutation:

The transfer process for updating the land record in the name of buyer after a land transaction is performed.

"Non-hillmen" :

Non-hillmen resident means a person who has a house in the district of Chittagong Hill Tracts for at least 15 years and no house outside that district, or has a house in the district of Chittagong Hill Tracts with agricultural land settled by the Deputy Commissioner of that district without any house or agricultural land outside that district.

Tszi/Jama Bandi :

A form used to illustrate the attributes and information of the land in CHDs.

ULAO/Tahshildar :

A government employee who works at union level under the supervision of AC (L) in plain-land districts to look after the land related matters.

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Annexure

Annex I

Questionnaire 1

This questionnaire is prepared to collect data from the **Assistant Commissioner (Land)s**, which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchanggya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

General Information of the Respondent :

1. Name :
2. Designation :
3. Name of the Office :

General Questions

4. How many steps are there in a mutation process and what are those?
5. How much time does it take for the disposal of a mutation case?
6. How much government does a service recipient need to pay the disposal of a mutation case?
7. How many times does a service recipient need to visit your office to get the mutation service?

Once Twice Thrice More than that

8. Does land settlement or lease is given in the hill districts at present? (If your answer is 'yes', mention the steps, disposal time and cost; if answer is 'no', please mention the reasons).

yes

Steps :

Disposal time :

Cost :

no

Reasons :

9. What are the reasons behind the current Land Administration System in Chittagong Hill Districts? (please explain briefly)

Historical Political Geographical Not known

Explanation :

10. Are the Headmen educated, skilled, and trained enough for carrying their duties?

yes no not known

11. Is the Assistant Commissioner (Land) post is necessary for all upazilas? Why?

yes no

Reasons :

12. Is the allocated budget for your office is sufficient?

yes no not known

12a. If the answer of question 12 is 'no', what is your suggestion regarding this?

13. What official facilities do the Headmen receive in course of carrying their duties?

- Stationary Furniture Monthly allowance Commission
 Treatment allowance Others None

14. Do the Headmen have any sort of accountability to the district administration?

- yes no not known

14a. If the answer of question 14 is yes, what type of accountability is that?

15. Is there any land manual for the hill districts? (if the answer is no, please mention the name of the act, rules, regulations and circulars, based upon which land related services are executed)

16. Is there any survey and settlement office in hill districts?

- yes no

17. Has any land survey has been conducted by the government in hill districts? (if your answer is yes, please mention the year, otherwise explain the reasons)

- yes year no

Reasons:

18. Is there sufficient information and map to precisely identify the land of an owner in hill districts? (please mention the limitations if the answer is 'yes')

- yes no

Limitations :

19. Do the hill districts have printed land record?

- yes no

20. Is only the limitation of land records responsible for land disputes? (If the answer is 'no' mentions the other causes)

yes no

Reasons:

21. Can people submit land development tax easily? Where is it submitted?

yes no

Headman Office AC (L) Office UNO Office DC Office

Circle Chief's Office Hill District Council

22. Are there land registry or sub-registry offices in hill districts? (if the answer is no, which office performs registration)

yes no

Headman Office AC (L) Office UNO Office DC Office

Circle Chief's Office Hill District Council

23. Does your office have citizen charter?

yes no

24. Is citizen charter hung in a visible place in your office?

yes no

25. Do people and the staff of your office know about and follow it?

yes no

26. Do the service recipients need to pay extra money other than the government fees?

yes no not known

27. Do you think that any tier of Land Administration System in hill districts can be reduced? (please mention the tier/tiers name if your answer is 'yes')

yes no

Headman Office AC (L) Office UNO Office DC Office

Circle Chief's Office Hill District Council

28. Please put your suggestions below on enhancing the efficiency of Land Administration in Chittagong Hill Districts.

a. On land title transfer/mutation process :

b. On land registration process :

c. On conducting land survey :

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex II

Questionnaire 2

This questionnaire is prepared to collect data from the **Surveyor/Kanungos**, which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchanggya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

The first ten questions are same as that of Questionnaire 1

11. Do you perform infield inquiry to verify Headmen's report?

yes no not needed

The rest of the questions are same as the question no. 11-28 of Questionnaire 1

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex III

Questionnaire 3

This questionnaire is prepared to collect data from **Headmen**, which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchanggya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

The first seven questions are same as that of Questionnaire 1

8. Do you Surveyor/Kanungo/AC(L) perform infield inquiry to verify your report?

yes no

Questions no. 9-10 are same as Questions no. 8-9 of Questionnaire 1

11. Have you received any training? (if answer is 'yes', please mention the type)

yes

computer training land related training others

week long training month long training

no

Questions no. 12-14 are same as Questions no. 11-13 of Questionnaire 1

15. Who is your controlling authority?

AC (L) UNO DC Circle Chief

Chairman, HDC

16. Is there any land manual for the execution of your land related activities? (if the answer is yes, please mention the its name)

Questions no. 17-29 are same as Questions no. 16-28 of Questionnaire 1

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex IV

Questionnaire 4

This questionnaire is prepared to collect data from the **Upazila Nirbahi Officers**, which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchanggya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

The first seven questions are same as that of Questionnaire 1

8. Within how many days a mutation case file is sent to higher or lower level offices from your office?

one week two weeks three weeks more than that

The rest of the questions are same as the question no. 8-28 of Questionnaire 1

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex V

Questionnaire 5

This questionnaire is prepared to collect data from the **Additional Deputy Commissioner (Revenue)/Revenue Deputy Collector/Land Acquisition Officer**, which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchangya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

The first seven questions are same as that of Questionnaire 1

8. Within how many days a mutation case file is sent to Hill District Council or lower level offices from your office?

one week two weeks three weeks more than that

Questions no. 9-12 are same as the question no. 8-11 of Questionnaire 1

13. There is a post of Land Officer in every Hill District Council. Do you think that an officer should be permanently posted to that position?

yes no

Reasons :

14. Is the budget allocation by the government for the land offices is sufficient?

yes no not known

Questions no. 15-24 are same as the question no. 13-22 of Questionnaire 1

25. How much time does it take for a land registration service?

one week two weeks three weeks more than that

26. How many times does a service recipient need to visit your office for the land registration purpose?

Once Twice Thrice More than that

27. Do the service recipients need to pay extra money other than the government fees for the land registration service?

yestaka no not known

The rest of the questions are same as the question no. 23-28 of Questionnaire 1

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex VI

Questionnaire 6

This questionnaire is prepared to collect data from the **Chief Executive Officers/Executive Officers, Hill District Councils** which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchanggya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

The first seven questions are same as that of Questionnaire 1

8. Within how many days a mutation case file is sent to DC Office from your office?

one week two weeks three weeks more than that

8a. What are the reasons while it takes more than two weeks?

human force crisis inertness corrupt practices

Questions no. 9-12 are same as questions no. 8-11 of Questionnaire 1

13. There is a post of Land Officer in every Hill District Council. Is any officer posted to that position at present?

yes no

14. Do you think that an officer should be permanently posted to that position?

yes no

Reasons :

14. Is the budget allocation by the government for the land offices is sufficient?

yes no not known

Questions no. 15-16 are same as questions no. 12-13 of Questionnaire 1

17. Do the Headmen have any sort of accountability to the Hill District Council?

yes no not known

17a. If the answer of question no. 17 is 'yes', what kind of accountability is that?

The rest of the questions are same as the question no. 15-28 of Questionnaire 1

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex VII

Questionnaire 7

This questionnaire is prepared to collect data from the **Service Recipients**, which will only be used in the purpose of academic research. The data will be used in writing the thesis for Master in Public Policy Program (MPPG) of North South University. The heading of the thesis is "Land Administration System in Chittagong Hill Districts : Examining the Efficiency".

Prepared by : Mikon Tangchangya

Student/Researcher

Master in Public Policy Program (MPPG)

North South University, Dhaka.

General Information of the Respondent :

1. Name :

2. Profession :

3. Address :

General Questions

4. How much does it take to reach to district headquarter from your home? What is the transportation cost?

Time: less than an hour 1-2 hours more than that

Cost: 10-20 taka 21-40 taka more than that

5. How much does it take to reach to upazila headquarter from your home? What is the transportation cost?

Time: less than an hour 1-2 hours more than that

Cost: 10-20 taka 21-40 taka more than that

6. How much does it take to reach to Headman Office from your home? What is the transportation cost?

Time: less than an hour 1-2 hours more than that

Cost: 10-20 taka 21-40 taka more than that

7. How many steps are there in a mutation process and what are those?

8. How much time does it take for the disposal of a mutation case?

9. How much government does a service recipient need to pay the disposal of a mutation case?

10. How much does it cost for you for the disposal of a mutation case?

11. What is the frequency of visit by you for the completion of a mutation case?

Headman Office.....times, AC (L) Office.....times, UNO Office.....times, Circle Chief (Raja) Office.....times, DC Office.....times, Hill District Council.....times

12. What are the reasons behind the current Land Administration System in Chittagong Hill Districts? (please explain briefly)

Historical Political Geographical Not known

Explanation :

13. Are the Headmen educated, skilled, and trained enough for carrying their duties?

yes no not known

14. Is the Assistant Commissioner (Land) post is necessary for all upazilas? Why?

yes no

Reasons :

15. Is there any survey and settlement office in hill districts?

yes no

16. Is there sufficient information and map to precisely identify the land of an owner in hill districts? (please mention the limitations if the answer is 'yes')

yes no

Limitations :

17. Do the hill districts have printed land record?

yes no

18. Is only the limitation of land records responsible for land disputes? (If the answer is 'no' mentions, please mention the other causes)

yes no

Reasons:

19. Can people submit land development tax easily? Where is it submitted?

yes no

Headman Office AC (L) Office UNO Office DC Office

Circle Chief's Office Hill District Council

20. Are there land registry or sub-registry offices in hill districts? (if the answer is no, which office performs registration)

yes no

Headman Office AC (L) Office UNO Office DC Office

Circle Chief's Office Hill District Council

21. What is the frequency of your visit to that office to get that service?

Once Twice Thrice More than that

22. Within how much time do you get that service?

one week two weeks three weeks more than that

23. Do you need to extra money other than the government fees for that service? (if the answer is 'yes', mention the amount)

yestaka no

24. Do all land related offices have citizen charter?

yes no

25. Are those citizen charters hung in a visible place?

yes no

26. Do the officials and you follow it?

yes no

27. Do you need to pay extra money other than the government fees in the land related offices? (if your answer is 'yes', please mention the amount for the offices)

yes no

Headman Office.....taka, AC(L) Office..... taka, UNO Office..... taka, Circle Chief (Raja) Office..... taka, DC Office..... taka, Hill District Council..... taka

28. Do you think that any tier of Land Administration System in hill districts can be reduced? (please mention the tier/tiers name if your answer is 'yes')

yes no

Headman Office AC (L) Office UNO Office DC Office

Circle Chief's Office Hill District Council

29. Please put your suggestions below on enhancing the efficiency of Land Administration in Chittagong Hill Districts.

a. On land title transfer/mutation process :

b. On land registration process :

c. On conducting land survey :

Respondent's signature (optional)

Date :

Thank you very much for your cooperation

Annex VIII

[বাংলাদেশ গেজেট, ১ম খণ্ড, ৩ রা আগস্ট, ১৯৮৯ তারিখে প্রকাশিত]

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

ভূমি মন্ত্রণালয়

শাখা-১

প্রজ্ঞাপন

ঢাকা, ৪ টা শ্রাবণ ১৩৯৬/১৯শে জুলাই, ১৯৮৯

নং ডুম:শা-১/১৬/৮৯-৫৮০-- পার্বত্য চট্টগ্রাম জেলাসমূহে রাজ্যমাটি পার্বত্য জেলা স্থানীয় সরকার পরিষদ আইন, ১৯৮৯, খাগড়াছড়ি পার্বত্য জেলা স্থানীয় সরকার পরিষদ আইন, ১৯৮৯ ও বান্দরবান পার্বত্য জেলা স্থানীয় সরকার পরিষদ আইন, ১৯৮৯ অনুযায়ী তিনটি পার্বত্য জেলা স্থানীয় সরকার পরিষদ গঠন করা হইয়াছে। এই আইন তিনটিকে কার্যকরী করার লক্ষ্যে সরকার প্রশাসনিক পুনর্বিন্যাস ও উক্ত পুনর্বিন্যাস বিষয়ক কমিটি গঠন করিয়াছেন। উক্ত কমিটির সিদ্ধান্ত অনুযায়ী সংশ্লিষ্ট আইনগুলির ধারা ৬৪ তে বর্ণিত বিধান বাস্তবায়নের উদ্দেশ্যে নিম্নোক্ত আদেশ জারী করা হইলঃ

Chittagong Hill Tracts Regulation (Regulation II of 1900) এবং ইহার সংশোধনীসমূহ অনুযায়ী পার্বত্য জেলাসমূহে ডেপুটি কমিশনার ভূমি বন্দোবস্ত ও অস্থানীয়দের নিকট ভূমি হস্তান্তরের অনুমোদন দিতেন। উল্লিখিত পার্বত্য জেলা স্থানীয় সরকার পরিষদ আইনসমূহ প্রবর্তনের পর এক্ষণে সংশ্লিষ্ট স্থানীয় সরকার পরিষদের পূর্বানুমোদন ব্যতীত কোন জায়গাজমি বন্দোবস্ত এবং উক্তরূপ জায়গাজমি জেলার বাসিন্দা নহেন এইরূপ কোন ব্যক্তির নিকট হস্তান্তর করা যাইবে না। তবে সংরক্ষিত ও রক্ষিত বনাঞ্চল, কাণ্ডাই হ্রদ এলাকা, কাণ্ডাই বিদ্যুৎ প্রকল্প এলাকা, রাষ্ট্রীয় শিল্প কারখানা এলাকা, সরকার বা জনস্বার্থের প্রয়োজনে হস্তান্তরিত বা বন্দোবস্তকৃত জায়গাজমি এবং রাষ্ট্রীয় স্বার্থে প্রয়োজন হইতে পারে এইরূপ কোন জায়গাজমি বা বনের ক্ষেত্রে এই বিধান প্রযোজ্য হইবে না।

এই আদেশ, সংশ্লিষ্ট স্থানীয় সরকার পরিষদ যেদিন হইতে প্রথম আনুষ্ঠানিক সভায় মিলিত হইবেন, ঐ তারিখ হইতে কার্যকরী হইবে।

রাষ্ট্রপতির আদেশক্রমে

এ. এইচ. এম. সিরাজুল হক

যুগ্ম-সচিব।

বা:স;মু:-৮৯/৯০-২৪৩৫ জি-১১০--৬-৮-৮৯।

Annex IX

স্বাক্ষর - ৪৫

অতি জরুরী

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়
বাংলাদেশ সচিবালয়, ঢাকা।

নং-পাচবিম(প-১)-পাঃ জেলা/বিবিধ/৮৫/২০০০-২৬৮

তারিখ : ২৭/১০/২০০১ খ্রিঃ

বিষয় : তিন পার্বত্য জেলা পরিষদ কর্তৃক ভূমি বন্দোবস্ত প্রদান কার্যক্রম বন্ধ রাখা প্রসংগে।

পরবর্তী নির্দেশ না দেয়া পর্যন্ত তিন পার্বত্য জেলায় ভূমি বন্দোবস্ত প্রদান কার্যক্রম বন্ধ রাখার জন্য নির্দেশক্রমে অনুরোধ জানানো হলো।

কার্যার্থে:-

- ১। চেয়ারম্যান, রাংগামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা পরিষদ।
- ২। জেলা প্রশাসক, রাংগামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা।

জ্ঞাতার্থে অনুলিপি :-

- ১। চেয়ারম্যান, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ, রাংগামাটি।
- ২। সচিব, ভূমি মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৩। কমিশনার, চট্টগ্রাম বিভাগ, চট্টগ্রাম।
- ৪। মাননীয় উপমন্ত্রী একান্ত সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়।

p-1/bibidh

Annex X

2

0-5

স্বাধীনতা বাকু লেন সরকার
পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়
পরিদ-১ শাখা
বাংলাদেশ সচিবালয়, ঢাকা।
(www.moch.gov.bd)

১৬৩
২১/০৪/১৪

নং-২৯.২১৪.০০.০০.০১৭.৮৫.২০০০(অংশ-১)/১১১

তারিখ: ১০/৪/২০১৪খ্রি:

বিষয়: তিন পার্বত্য জেলায় জমি বন্দোবস্ত প্রদানের ক্ষেত্রে আরোপিত স্থগিতাদেশ শিথিলকরণ প্রসঙ্গে।

*RDC
Current File
মন্ত্রণালয়
২০/০৪/১৪*

- সূত্র: (১) পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়ের ২০/১০/২০০১ তারিখের পত্র বিদ(প-১)-পাঃজেলা/বিবিধ/৮৫/২০০০-২৮০ নং স্বাক্ষর
(২) পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়ের ০৯/১০/২০০৪ তারিখের পত্র বিদ(প-১)-পাঃজেলা/বিবিধ/৮৫/২০০০-১৭৫ নং স্বাক্ষর
(৩) পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়ের ১৯/৬/২০১৪ তারিখের ২৯.২১৪.০০.০০.০১৭.৮৫.২০০০(অংশ-১)/১২৭ নং স্বাক্ষর।
(৪) পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়ের ০১/৭/২০১৪ তারিখের ২৯.২১৪.০০.০০.০১৭.৮৫.২০০০(অংশ-১)/১৩৯ নং স্বাক্ষর।

উপর্যুক্ত বিষয় ও সূত্র- ৪ নং স্বাক্ষরে বর্ণিত পরের ২ নং অনুচ্ছেদের ১ ও ৩ উপ-অনুচ্ছেদ সংশোধনপূর্বক নির্দেশক্রমে জানানো যাচ্ছে যে, বর্তমানে তিন পার্বত্য জেলায় জমি বন্দোবস্ত প্রদানের কার্যক্রমে আরোপিত স্থগিতাদেশ নিম্নলিখিত ক্ষেত্রসমূহে Case to Case ভিত্তিতে পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয় বিচার-বিশ্লেষণ করে শিথিল করতে পারে:

- (ক) (১) শিক্ষা প্রতিষ্ঠান;
(২) ধর্মীয় প্রতিষ্ঠান, যথা মসজিদ, মন্দির, গীর্জা ইত্যাদি;
(৩) শূশান, কবরস্থান ইত্যাদি;
(৪) বাণিজ্যিক কারণে বাজারকাঠের জমি কেবলগার খত্ত মেয়াদী ইজারা প্রদানের ক্ষেত্রে;
(৫) সরকারের কোন দপ্তরের অফিস প্রয়োজনে,

(খ) বাজারকাঠের জমি স্থায়ী বন্দোবস্ত প্রদানের ক্ষেত্রে আরোপিত স্থগিতাদেশ শিথিলের লক্ষ্যে প্রেরিত প্রতিটি প্রস্তাব The Chittagong Hill Tracts Regulation, ১৯০০ এর জমি বন্দোবস্ত সক্রান্ত ৩৪ নং ধারা ও তিন পার্বত্য জেলা পরিদ অধিনের ৬৪ নং ধারার বিধান এবং বিশেষ কার্বানি (কল্যাণ)বিভাগের ২২-১২-১৯৯০ ইং তারিখের বিজ্ঞপত্র(কল্যাণ)-২(৯)১০(প্রা)/০২১ নং স্বাক্ষরের বর্ণিত নির্দেশাবলী সকল আনুষ্ঠানিকতা পালন পূর্বক মন্ত্রণালয়ে প্রেরণ করতে হবে।

২। গত ১০-৬-২০১৪ তারিখে পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়ের মাননীয় প্রতিমন্ত্রীর সভাপতিত্বে আন্তঃমন্ত্রণালয় স্তরে সিদ্ধান্ত অনুযায়ী উপরে বর্ণিত ক্ষেত্রসমূহের সাথে নিম্নলিখিত ৩টি ক্ষেত্রেও জমি বন্দোবস্ত প্রদানের কার্যক্রমে আরোপিত স্থগিতাদেশ Case to Case ভিত্তিতে পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয় বিচার-বিশ্লেষণ করে শিথিল করতে পারবে:

- (১) মুক্তিযোদ্ধা কাম্প্রেস নির্বাণ(সর্বোচ্চ ৫ শতাংশ, প্রতি উপজেলা সমরে একটি),
(২) স্থানীয় পর্যটন(জেলা পরিষদের ব্যবস্থাপনার ব্যতির প্রদানের ভিত্তিতে),
(৩) জেলা ও উপজেলা পর্যায়ে স্মার্টসিজন ভবন নির্মাণ (সর্বোচ্চ ৫ শতাংশ)।

পার্বত্য জেলাসমূহে জমি বন্দোবস্ত প্রদানের ক্ষেত্রে আরোপিত স্থগিতাদেশ শিথিলের সকল প্রস্তাবের ক্ষেত্রে পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয় হস্তান্তর সিদ্ধান্ত গ্রহণ করবে।

*A/S
২১/০৪/১৪
সিডি*

জেলা প্রশাসক এর কার্যালয় (জেলা ই-সেবা কেন্দ্র) বাস্তবস্থান পার্বত্য জেলা।	
এইএলপি	দৃষ্ট করণী/স্বাক্ষর
স্বাক্ষর (স্বাক্ষর)	স্বাক্ষর

২১/০৪/১৪
(কার্বানি হাফা)
সিনিয়র সহকারী সচিব
ফোনঃ ৯৪৪৬৬৮।
Email: sasparisad@mochna.gov.bd

- কার্বানি বিতরণ:**
১। চেয়ারম্যান
রাহামাতি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা প্রশাসক,
২। জেলা প্রশাসক, রাহামাতি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা।

- অনুলিপি(জ্যেষ্ঠতার ভিত্তিতে নয়):**
১। সিনিয়র সচিব, জমি মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
২। সচিব, সেভিসলেটিভ ও সংসদ বিদ্যক বিভাগ, বাংলাদেশ সচিবালয়, ঢাকা।
৩। বিভাগীয় কমিশনার, চট্টগ্রাম বিভাগ, চট্টগ্রাম।
৪। মুখ্য নির্বাহী কর্মকর্তা, পার্বত্য চট্টগ্রাম অঞ্চলিক পরিদ, রাহামাতি।
৫। মুখ্য নির্বাহী কর্মকর্তা, রাহামাতি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা পরিদ।
৬। মাননীয় প্রতিমন্ত্রীর একান্ত সচিব, পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
৭। সচিব মহোদয়ের একান্ত সচিব, পার্বত্য চট্টগ্রাম বিদ্যক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।

Annex XII

হেডম্যানের কার্যালয়
২৯৩নং ছাগল বাইয়া মৌজা
লামা, বান্দরবান পার্বত্য জেলা।

20



স্মারক নং-২২৬,০২,০৪২,০০.২০২৭+০০৪২ তারিখ: ০৮.০৪.২০১৭

স্বাক্ষর

মাননীয়,
জেলা প্রশাসক মহোদয় সমীপেয়,
বান্দরবান পার্বত্য জেলা।
মাধ্যমেয় স্বাক্ষর কর্তৃপক্ষ।

১৬৬-১৭

মহোদয়,

সবিনয় বিনীত নিবেদন এই যে, অধীন ২৯৩নং ছাগল বাইয়া মৌজার হেডম্যান হই। আবেদনকারীঃ রাইমং মার্মা, পিতা- মৃত মংরে মার্মা, মাতা- অমোউ মার্মা, মোবাইল- ০১৮২৮৮৪১২২৮, জা.প.নং- ০৩২৫১০৭২৭৮৮০১, সাং- মধুকিরি মন্টার পাড়া, ২৯৩নং ছাগল বাইয়া মৌজা, উপজেলাঃ লামা, জেলাঃ বান্দরবান পার্বত্য জেলা। তাহার পরিবারের ভরণ পোষণ ও বে-সরকারী ঋণ পরিশোধের জন্য একতালীন নগদ টাকার বিশেষ প্রয়োজনের তাহার নামীয় ২৯৩নং ছাগল বাইয়া মৌজার ৪৭২নং হেক্টিং এর আন্দর ০.৭১৪২ একর ১ম শ্রেণীর জমি হতে ১নং ক্রেতার নিকট ০.০৫৮৮ একর এবং ২নং ক্রেতার নিকট ০.০৫ একর সহ সর্বমোট ০.১০৮৮ (শূন্য দশমিক এক শূন্য আট আট) একর ১ম শ্রেণীর জমি মোট মং- ৪,০৫,০০০/- (চার লক্ষ পঞ্চাশ হাজার) টাকা এবং মূল্য সাব্যস্ত করিয়া পার্শ্বিক ক্রেতাপত্রের নিকট বিক্রয় করার অনুমতি পাওয়ার আবেদন করিয়াছেন। প্রস্তাবিত জমি সম্পূর্ণ বিবানমুক্ত। উক্ত জমি চলতি ২০১৬-১৭ অর্থ বছরের বাজনা পরিশোধ আছে। বিক্রিত জমি সরকারী ঋণ ও অধিগ্রহণকৃত ও বন বিভাগের জমি অন্তর্ভুক্ত নহে এবং আদালতে কোন দেওয়ানী মামলা নাই। উক্ত জমি ক্রেতাপত্রের নিকট জমি বিক্রয় চুক্তি নামা দলিল নং- ১১৯/২০১২ ও ৩৮২/২০১৬নং (শামা) জমি বিক্রয় বায়না নামা দলিল মূলে জারগা দখল ছাড়িয়া দিয়াছেন। ক্রেতাপত্রও অত্র মৌজার স্থায়ী বাসিন্দা। ১নং ক্রেতার নামে অত্র ২৯৩নং ছাগল বাইয়া মৌজার আয়/৫০৬নং হেক্টিং এর ৩.৫০ একর ৩য় শ্রেণীর ও ২নং ক্রেতার পিতার নামে ২৮৬নং ফাঁসিয়াবালা মৌজার আয়/১২২৯নং হেক্টিং এর ০.৫০ একর ৩য় শ্রেণীর জমি বেকর্ডকৃত আছে।

(নিম্ন এখানে দুই
হস্তের স্বাক্ষর (মুদ্রা) করিয়া
স্বাক্ষর করিতে হইবে।

পার্বত্য জেলা প্রশাসকের নামঃ
১। চেম্বারের ছিটান, জিন্দা, চেম্বারিং পু- ০১৮৩২৭৩৮৩৬৩,
জা.প.নং- ০৩২৫১০৭২৭৮৮০১, বিদ্যুৎ- মৃত অক্ষয় শাক্তির, মার্মা-
কিরি মন্টার, ২। শাহিনা আকতার, পিতা- হুসৈন আহমদ, ফাঁসি-
বায়া মৌজা, উপজেলা- লামা, জেলা- বান্দরবান পার্বত্য জেলা।

এমতাবস্থায় আবেদনকারীর আবেদনের মতে তফসীলকৃত জমি পার্শ্বিক বিক্রিত ক্রেতাপত্রের নিকট বিক্রয় করার অনুমতি দেওয়া যাইতে পারে মর্মে সুপারিশ সহকারে নিবেদন করিলাম।

তফসীলঃ ২৯৩ নং ছাগল বাইয়া মৌজা,

হেক্টিং নং- ৪৭২,
জমির পরিমাণ- ০.১০৮৮ (শূন্য দশমিক এক শূন্য আট আট) একর ১ম শ্রেণীর জমি,
টাকার পরিমাণ- ৪,০৫,০০০/- (চার লক্ষ পাঁচ হাজার) টাকা মাত্র।
যাহার চৌহদ্দি-১: উ: নিজ, দ: রাস্তা, পূ: রাস্তা ও নিজ, প: নিজ।
যাহার চৌহদ্দি-২: উ: মংগুই মার্মা, দ: রাস্তা, পূ: ক্রেতার নিজ, প: শেইচিং মার্মা।

০৬.০৪.১৭
জেলা প্রশাসক (স্বাক্ষর)
বান্দরবান পার্বত্য জেলা
স্মারক নং, তার, ক্রেতাপত্র।

Annex XIII

সামাজিকী মামলার বিষয়ে কনসাল্ডে/সার্ভেয়ারের তদন্ত প্রতিবেদন

স্থানঃ

সরকারী কৃষিশানার(ফ্রন্ট)
শালকরবান সদর, বাম্বরবান পার্বত্য জেলা।

সূত্র প্রবেশন নং- ৪০৫

তারিখঃ- ২৫/০১/২০১১

- | | |
|--|---|
| <p>১। আবেদনকারীর নাম ও ঠিকানা</p> | <p>১- মোহাম্মদ (মিকোফট)
পিতা- প্রাচী মিয়া
স্বাং- ৩৩৭ নং বাম্বরবান শিকার
বাম্বরবান মঞ্চ, বাম্বরবান পার্বত্য জেলা।</p> |
| <p>২। জেতার/খসীতার নাম ও ঠিকানা</p> | <p>২- জামিৎ মর- বাম্বরবান
পিতা- মওদুৎ হাৎ মাকমুৎ
স্বাং- ৩২০ নং বাম্বরবান শিকার
কাগড়াই, বাম্বরবান মঞ্চ, বাম্বরবান পার্বত্য জেলা।</p> |
| <p>৩। প্রস্তাবিত জমির বিবরণ</p> | <p>৩- ৩৫৭ নং বাম্বরবান মৌজা
জমির/খসীতার নং- ৮৩ ৩০৮ আড়া
জমির পরিমাণ- ০.৫৫ একর
শ্রুতি- ২য়, নাম নং- ৩০৬ জাহাঙ্গির

 চৌহদ্দি- ৩১- সার্বজনীন হলে।
 ৩২- পৌরসংগঠন বাম্বরবান
 ৩৩- বিক্রেতার জমি।
 ৩৪- সরকারী জাহাঙ্গির এলাকা।</p> |
| <p>৪। প্রস্তাবিত জমি সরকারী হকুমে দখলকৃত, খালি
কোন সংস্থার বা উন্নয়ন প্রকল্পের অধীনে কিনা</p> | <p>৪- না।</p> |
| <p>৫। বিরোধিতা কিংবা</p> | <p>৫- জমি বিরোধিতা নেই।</p> |
| <p>৬। প্রস্তাবিত জমির দখল</p> | <p>৬- সরকারী দখল।</p> |
| <p>৭। পার্শ্ববর্তী কনসাল্ডে অর্ন্তত আছে কিনা</p> | <p>৭- না।</p> |
| <p>৮। প্রস্তাবিত জমি স্বাধিক/কোল প্রতিষ্ঠানের
সিকিট মায়বন্ধ কিনা</p> | <p>৮- না, সরকারী পরিমার্জন (বায়ুসুস্থ-মরুৎ মায়বন্ধ)।</p> |
| <p>৯। বিক্রয়/পাওয়ার সিলের নামে অথবা
পিতা/মাতা/স্বামী/স্ত্রী নামে কোথাও কোন
জমি আছে কিনা, থাকলে তার বিবরণ</p> | <p>৯- বিক্রয়কৃত জমির কোন সিলের জমি আছে।
বাকি জমি- সরকারী জমি।</p> |
| <p>১০। কেতা স্থায়ী বাসিন্দা হলে তার জিতি</p> | <p>১০- কেতা স্থায়ী বাসিন্দা- কেতা স্থায়ী বাসিন্দা
বিবরণ- মরুৎ মায়বন্ধ জমির বিবরণ।</p> |
| <p>১১। সর্বস্বত্ব মৌজা হেতুমানের মতামত</p> | <p>১১- মরুৎ মায়বন্ধ জমির সর্বস্বত্ব মৌজা হেতুমানের
মতামত- জমির বিবরণ।</p> |
| <p>১২। প্রতিবেদনকারী কনসাল্ডে/সার্ভেয়ারের
মতামত(কেতা স্থায়ী/না)</p> | <p>১২- মরুৎ মায়বন্ধ জমির সর্বস্বত্ব মৌজা হেতুমানের
মতামত- জমির বিবরণ।
 মরুৎ মায়বন্ধ জমির সর্বস্বত্ব মৌজা হেতুমানের
মতামত- জমির বিবরণ।
 ৩০৪ একর ২০ শ্রুতি জমির বিবরণ- জমির
বিবরণ- মরুৎ মায়বন্ধ জমির বিবরণ।</p> |


 সার্ভেয়ার
 বাম্বরবান পার্বত্য জেলা

Annex XIV



“বান্দরবান পার্বত্য জেলা” জমি হস্তান্তরের বায়নানামা দলিল নং ০০০৫/২০১

জমি বিক্রয়/দলিল দাতা:	জমি ক্রয়/দলিল গ্রহীতা:
নাম : মোহাম্মদ মোহাম্মদ	নাম : জাহিদ মং মাহমুদ
পিতা : হুসৈন মিয়া	পিতা : হুসৈন মং মাহমুদ
মাতা : হাবিবা বাতুন	মাতা : আছা মাহমুদ
সং : ৩৩৭ নং বালাখাটা মৌজা	সং : ৩২১ নং বাইখালী মৌজা
উপজেলা : বান্দরবান সদর	উপজেলা : কাঞ্চাই
জেলা : বান্দরবান পার্বত্য জেলা।	জেলা : বান্দরবান।
	বর্তমান ঠিকানা: পূর্ব বালাখাটা
	৩৩৭ নং বালাখাটা মৌজা
	উপজেলা : বান্দরবান সদর
	জেলা- : বান্দরবান পার্বত্য জেলা।

বান্দরবান জমির বিবরণ:
 উপজেলা : বান্দরবান সদর। মৌজা : ৩৩৭ নং বালাখাটা মৌজা
 হেক্টর নং- ৮৪, দশ নং- ৩০৬ এর অংশ হতে ০.০৫ (পাঁচ শতক) একর ২য় শ্রেণীর জমি বিক্রিত।

চৌহদ্দি:
 উত্তরে : পাইন হাটা দক্ষিণে: পৌরসভার সড়ক
 পূর্বে : বিক্রয়কার জমি পশ্চিমে: মকবুল আহমদ এর সীমানা।
 বান্দরবান জমির বিক্রয় মূল্য : ৬,৫০,০০০/- (ছয় লক্ষ পঞ্চাশ হাজার) টাকা।
 বান্দরবান জমির পরিপোষিত মূল্য : ৫,৫০,০০০ (পাঁচ লক্ষ পঞ্চাশ হাজার) টাকা সম্পূর্ণ নগদ।
 বান্দরবান জমির মূল্য বৃদ্ধিতে দেওয়া হইয়াছে কিনা? : হ্যাঁ, জমির মূল্য বৃদ্ধিতে দেয়া হয়েছে।
 জমি হস্তান্তরে কাল : পরিবর্তিত কাল পোল ও কেমেরারী কর্ম চালা পরিচালনা করে কাল।
 মিউট / নামজারী হামলা কলু করা হয়েছে কিনা? : এখনো কলু করা হয় নাই।

Handwritten signature and notes in Bengali.

বর্তনীয়:
 আমি স্বীকৃত সত্ত্ব মিউট মাফলা কলু করিয়া দিব। চূড়ান্ত অনুমোদন লাভ সাপেক্ষে ‘সাব কনলা’ রেজিস্ট্রি দলিল সম্পাদন করিয়া নিতে বাধ্য থাকিব। ইহাতে আমি বা আমার স্থলাভিষিক্ত অধি-ব্যবস্থাপনার কোন প্রকার গুণের অঙ্গতি নাই বা রহিল না। কর্তৃক সর্বমঙ্গলতে বাতিল বশিরা থায়া হইবে। ইতিপূর্বে কোন ব্যক্তি বা প্রতিষ্ঠানের নিকট উক্ত জমি মায় সূত্রন বা বেলা বিক্রি করা হয় নাই। অন্য হইতে দলিল গ্রহীতা আমার হাতে স্বত্বান হইয়া স্ববীর্য জেল মগল করিবেন। জমি বিক্রয় ও হস্তান্তর বিষয়ে পিত্তের স্বাকীরা অবহিত আছেন। প্রত্যয়ন কিংবা অন্যের নিকট মায়মততা এবং অবৈধ হস্তান্তরের দ্বারা আপন ক্রোডা ক্রটিয়া হইলে এমতাবস্থায় আপন ক্রোডা/ দলিল গ্রহীতা আমার বিরুদ্ধে আইনানুগ ব্যবস্থা গ্রহণ করিতে সক্ষম থাকিবেন।

Handwritten signature and date: ২১/০৯/১১
 দলিল দাতার স্বাক্ষর / টিপসই

Handwritten signature
 দলিল গ্রহীতার স্বাক্ষর / টিপসই

সাক্ষী	নাম	পিতার নাম	স্বাক্ষর
১। হুসৈন মিয়া	হুসৈন মিয়া	হুসৈন মং মাহমুদ	<i>Handwritten signature</i>
২। জাহিদ মং মাহমুদ	হুসৈন মিয়া	হুসৈন মং মাহমুদ	<i>Handwritten signature</i>

দলিল নিষেধের সীলন স্বাক্ষর/সম্মতকারী:
Handwritten signature and date: ১১-০৯-২০১১



৪। দলিল দাতার নাম, স্বাক্ষর ও ঠিকানা:

নাম : পুলিন্দ চাকমা
 পিতার নাম : মৃত বামী চাকমা
 মাতার নাম : মেরুনী চাকমা
 বয়স/জন্ম তারিখ : ১৪/০৪/১৯৫৫খ্রি.
 ধর্ম : বৌদ্ধ
 পেশা : কৃষি
 জাতীয়তা : বাংলাদেশী,
 জাতীয় পরিচিতি নম্বর : ১৯৫৫৪৬১৬১৭১৩৭২৬৬৮

খঃ

বর্তমান স্থান: ১৪/০৪/১৯৫৫খ্রি.

স্থায়ী ঠিকানা:

গ্রাম/রোড : হাজাহড়ি পড়া
 মৌজা : ৮২ নম্বর ছোট খুলং মৌজা
 থানা/উপজেলা : লক্ষীছড়ি
 জেলা : ঝাংড়াছড়ি

বর্তমান ঠিকানা:

গ্রাম/রোড : হাজাহড়ি পড়া
 মৌজা : ৮২ নম্বর ছোট খুলং মৌজা
 থানা/উপজেলা : লক্ষীছড়ি
 জেলা : ঝাংড়াছড়ি

৫। আবেদনকার/অভিনিধি/অভিজ্ঞাবকের মাধ্যমে দলিল সম্পাদিত হইয়া থাকিলে তাহাদের নাম, ঠিকানা, বিবরণ:

নাম :
 পিতা/স্বামীর নাম :
 মাতার নাম :
 বয়স/জন্ম তারিখ :
 ধর্ম :
 পেশা :
 জাতীয়তা :
 জাতীয় পরিচিতি নম্বর :
 প্রযোজ্য নহে।

স্থায়ী ঠিকানা:

গ্রাম/রোড :
 মৌজা :
 থানা/উপজেলা :
 জেলা :

বর্তমান ঠিকানা:

গ্রাম/রোড :
 মৌজা :
 থানা/উপজেলা :
 জেলা :

৬। আবেদনকার নামার বিবরণ:

দাতার নাম:
 অফিসের নাম/দুতাবাসের নাম:
 দলিল নং:

গ্রহীতার নাম:
 জেলা/দেশের নাম:
 তারিখ:

১৯/০৪/১৯৫৫

(খিরা ইব্রাহিম উদ্দিন)
 মহাকর্ষক বালিশার ও
 রোহাউদুদীন কর্মকর্তা
 কৃষিক্ষেত্র পরিচালক
 ১৯/০৪/১৯৫৫



১৩/০৩/২০১৩

৭। হস্তান্তরার্থী জমির মালিকানার ধারাবাহিক বিবরণ: (বধ্যাধ ক্ষেত্রে ওয়ারিশ ও বায়া দলিল সমূহের বিস্তারিত বিবরণ এবং হস্তান্তরের উদ্দেশ্যে, সম্পত্তির দখল, ইজমেন্ট স্বত্ব এবং হস্তান্তর সম্পর্কিত উল্লেখযোগ্য মন্তব্য যদি থাকে):

আমার নামে নামজারী মামলা নং- ০৮/০৭প্রি. মূলে প্রাপ্ত লক্ষীছড়ি উপজেলাধীন ৮২ নম্বর হেট খুক মৌজার ২০ নং খতিয়ানে জায়গা-জমি রেকর্ডকৃত আছে। উক্ত জমি দিফটকভাবে ভোগ দখলে বিনামূল্যে আছে। বর্তমানে আমার পারিবারিক খরচের জন্য নবদ টাকার প্রয়োজনে উক্ত খতিয়ানের অন্দর ১৪৪ আং দাগে ০.২৭ (সাতাইশ শতক) একর ২য় শ্রেণি জমি সর্বস্বত্বলো মং- ২,০০,০০০/- (দুই লক্ষ) টাকা মূল্য সাব্যস্তে নিম্ন তফসিলে বিক্রির প্রস্তাবে নামজারী মামলা নং-০৮/লক্ষী/১৫প্রি. রত্নু করিলে হান্দীয় জেলা প্রশাসক, খাগড়াছড়ি মহোদয় গত ০৬/০৮/২০১৩প্রি: তারিখে চূড়ান্ত অনুমোদন মোতাবেক আমি কর্তৃত জমি সাফ বিক্রি করিলাম এবং ক্রেতা বরাবরে জমির দখল হাতিরা নিয়া চিরতরে নিঃস্বত্ববান হইলাম। অদ্য হইতে দলিল গ্রহীতা কর্তী জমি জর সূত্রে আমার পরিবর্তে মাসিক ও সত্ববান হইয়া পুরুষানুক্রমে ভোগ দখল তথা সকল হস্তান্তরে আমি বা আমার পরবর্তী ওয়ারিশগণ দাবী দাওয়া করিলে অর প্রেক্ষিত দলিল মূলে সর্বগ্রহী অগ্রাহ্য হইবে। দলিলের যাবতীয় বিবরণ আমার জ্ঞান ও বিশ্বাস মতে সত্য স্বীকারে ঘোষণা অদ্য রেজিস্ট্রেশন কর্মকর্তা, মহোদয় সমীপে হাতিরা হইয়া অর দলিলের প্রয়োজনীয় স্থানে নিজ নাম/টিপসই স্বাক্ষর করিলাম।

৮। একাধিক ক্রেতা/গ্রহীতাদের ক্ষেত্রে ক্রয়কৃত/জমির হারাহারি মালিকানা বিবরণ:- প্রযোজ্য নহে।

৯। একাধিক বিক্রেতা/হস্তান্তরকারীর ক্ষেত্রে হস্তান্তরিত জমির হারাহারি মালিকানা বিবরণ:- প্রযোজ্য নহে।

১০। সম্পাদনের তারিখ (বঙ্গাব্দ ও খ্রিষ্টাব্দ)
 বঙ্গাব্দ: দিবস: মাস: বৎসর:
 খ্রিষ্টাব্দ: দিবস: মাস: বৎসর:

(Signature)
 ১৩/৩/১৩
 রেজিস্ট্রার
 রেজিস্ট্রেশন ও
 ডকুমেন্টস বিভাগ
 ১৩/৩/১৩



১১। সম্পত্তি তফসিল:-

জেলা- খাগড়াছড়ি, থানা/উপজেলা- সদর,
 মৌজা- ৮২ নম্বর ছোট পুকুং মৌজা, ভূমি অফিস- খাগড়াছড়ি।
 বিবরণ: বতিয়ান নং- ২০, দাগ নং- ১৪৪ আং দাগে ০.২৭ (সাতাইশ শতক) একর ২৪ শ্রেণি জমি।

১২। সম্পত্তি চৌহদ্দির বিবরণ:

উত্তর: মতিলাল চাকমার সীমানা	দক্ষিণ: গুরু চাকমার জমির সীমানা
পূর্ব: সরকারী রাস্তা	পশ্চিমে: ফুল কুমার চাকমার জমি

১৩। হস্তান্তরিত সম্পত্তি পরিমাণ (অংকে ও কথায়): ০.২৭ (সাতাইশ শতক) একর।

১৪। হস্তান্তরিত সম্পত্তির মূল্য পরিশোধের বিবরণ: (যদি থাকে) অংকে ও কথায় মং- ২,০০,০০০/- (দুই লক্ষ) টাকা।

১৫। হস্তান্তরিত সম্পত্তির হাত নকশা ও পরিমাণ: ০.২৭ শতক।

১৬। দলিল পাঠ করিয়া/করাহিয়া আমি/আমরা দলিল দাতা/দাতাগণ উহার মর্ম অবগত ও সম্মত হইয়া স্বাক্ষর করিলাম:

দাতা/দাতাগণের স্বাক্ষর: *দাতা/দাতাগণের স্বাক্ষর*
 তারিখ:

১৭। দলিল পাঠ করিয়া/করাহিয়া আমি/আমরা দলিল গ্রহীতা/গ্রহীতাগণ উহার মর্ম অবগত ও সম্মত হইয়া স্বাক্ষর করিলাম:

গ্রহীতা/গ্রহীতাগণের স্বাক্ষর:
 তারিখ:

স্বাক্ষর
 (মি/মিসেস/মিস/মিসেস)
 সরকারী কর্মসূচীর ও
 উদ্দেশ্যে করিয়া
 স্বাক্ষর করা হইল।



১৮। সাক্ষী/সাক্ষীপত্রের নাম, ঠিকানা ও স্বাক্ষর:

ক) নাম : বিশ্ব জ্যোতি দেওয়ান পিতার নাম : মৃত নিশি কুমার দেওয়ান মাতার নাম : মৃত বিমলা দেওয়ান গ্রাম/রোড নং : পেরাছড়া হেতমান পাড়া ডাকঘর : খাগড়াছড়ি থানা/উপজেলা : খাগড়াছড়ি সদর	স্বাক্ষর : তারিখ: ২০১৫/০৮/০৩
খ) নাম : কন্যান চাকমা পিতা/পামীর নাম : মৃত নন্দসিং চাকমা মাতার নাম : বিচিত্রী চাকমা গ্রাম/রোড নং : ৬ নং প্রকল্প গ্রাম থানা/উপজেলা : সদর	স্বাক্ষর : তারিখ: ২০১৫/০৮/০৩

১৯। কৈফিয়ত (যদি থাকে):

২০। সনাক্তকারীর নাম, ঠিকানা ও স্বাক্ষর:

নাম : বিশ্ব জিৎ বীসা। পিতা/পামীর নাম : মৃত শচীন্দ্র লাল বীসা। মাতার নাম : মৃত মহামায়া চাকমা। গ্রাম/রোড নং : খবং পড়িয়া। ডাকঘর : খাগড়াছড়ি। থানা উপজেলা : খাগড়াছড়ি সদর	স্বাক্ষর : তারিখ: ২০১৫/০৮/০৩
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২১। হস্তাক্ষরিত সম্পত্তি সঠিক পরিচয় এবং বাজার মূল্য সম্পর্কে সত্যক অবহিত হইয়া আমি নিম্নস্বাক্ষরকারী অত্র দলিল মুসাবিদা করিয়াছি/লিখিয়া নিয়াছি এবং পক্ষপনকে পাঠ করিয়া তদাইয়াছি। দলিলটি ০৬ বর্ষে লিখিত।

দলিল লেখকের নাম: বিশ্ব জিৎ বীসা,
ঠিকানা- গ্রাম: খবং পড়িয়া,
থানা/উপজেলা: খাগড়াছড়ি সদর,
সনদ নং-

পিতার নাম: মৃত শচীন্দ্র লাল বীসা,
ডাকঘর: খাগড়াছড়ি সদর,
জেলা: খাগড়াছড়ি।
অফিসের নাম-

দলিল লেখকের স্বাক্ষর ও সীল:

স্বাক্ষর

স্বাক্ষর
স্বাক্ষরকারীর নাম:
পদের নাম:
স্বাক্ষরকারীর পদ:
স্বাক্ষরকারীর ঠিকানা:



স্বাক্ষর

২২। দলিল দাতার হাফ নামা:

ব্যবসর,
রেজিস্ট্রিশন কর্মকর্তা,
খাগড়াছড়ি পার্বত্য জেলা।

আমি পুন্নিম চাকমা, পিতা- মৃত বাসী চাকমা, মাং- বেরশী চাকমা, মাং- হাঙ্গাছড়ি পাড়া, ১২ নম্বর ছোট
দুলাই মৌজা, উপজেলা-পান্ডাছড়ি, খাগড়াছড়ি পার্বত্য জেলা। এই মর্মে হাজনারা প্রদান করিতেছি যে, আমার
নিজ শারীর হস্তান্তর্যাবীন জমির নিম্নলিখিত মালিক। অন্য কোন পক্ষের সাথে বাসনা হুক্তি স্বাক্ষর করি নাই বা অন্য
কোথাও বিক্রয় করি নাই বা অন্য পক্ষের নিকট বন্ধক রাখি নাই। এই সম্পত্তি সরকারি বাস/অর্পিত বা পরিত্যক্ত
সম্পত্তি নয় বা অন্য কোন নামে সরকারের উপর বর্তায় নাই। আরও হাফ করিতেছি যে, উপস্থিত কোন তথ্য
ভুলভাবে লিপিবদ্ধ হইয়া থাকিলে তজন্য আমার বিরুদ্ধে সেওয়ানী ও মৌজাদারী বাসনা করা যাইবে। হস্তান্তরিত
জমি সম্পর্কে কোন স্কুল, অসত্য, মিথ্যাক্রিয়ক তথ্য প্রদান করিয়া থাকিলে প্রয়োজনে নিজ খরচে স্কুল তত্ত্ব করিয়া
কতিপূরনসহ নতুন দলিলা প্রস্তুত ও রেজিস্ট্রেশন করিয়া দিতে বাধ্য থাকিব। উল্লেখ্য যে, দলিলে হস্তান্তরিত
সম্পত্তির মূল্য কম দেখানো হয় নাই।

সনাক্তকারীর স্বাক্ষর ও তারিখ:

স্বাক্ষর ও তারিখ

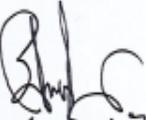
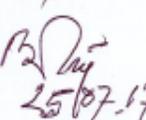
হাফকারীর স্বাক্ষর ও তারিখ:

২৩। রেজিস্ট্রেশন কর্মকর্তার নাম, পদবী, স্বাক্ষর ও তারিখ:

স্বাক্ষর

রেজিস্ট্রেশন কর্মকর্তা
খাগড়াছড়ি পার্বত্য জেলা

କ୍ର.ନଂ	ସେକ୍ସନ୍ ନାମ ଓ ବିବରଣୀ	ମୋବାଇଲ ନମ୍ବର	ସ୍ୱାକ୍ଷର
୦୧	ଶ୍ରୀ ଚିତ୍ରାଲକ୍ଷ୍ମୀ (ଫିଲ୍ଡ) ୩୦୦ କାଳାହାଣ୍ଡି ଥାନା କୃଷି ବିଭାଗ	୦୯୫୬୫୭୧୨୨	
୦୬	ମାଧବୀ ମାଧବୀ ୧୫୫୫ ୨୧ ନଂ କାର୍ଯ୍ୟାଳୟ ନି.ସ. ମାଧବୀ	୦୧୫୫୭୮୦୪୮୬୨	
୦୭	ସୁଧା ବିକାଶ ଚକ୍ରବର୍ତ୍ତୀ ୨୧ ନଂ କାର୍ଯ୍ୟାଳୟ H.B.C.	୦୧୫୫୭୨୧୩୮୮	
୦୮	ଶ୍ରୀ ରାମ ଚନ୍ଦ୍ର ୨୨ ନଂ କାର୍ଯ୍ୟାଳୟ ନି.ସ. S.S.C	୦୧୫୫୨୧୨୫୧୨	
୦୯	କମଳାକାନ୍ତ ଚକ୍ରବର୍ତ୍ତୀ (୧୫୫୫ ୧୫ ନଂ କାର୍ଯ୍ୟାଳୟ) ନି.ସ. (ମୋ.ସଂ) ୦୯୫୫୨୧୨୫୧୨	୦୯୫୫୨୧୨୫୧୨	କମଳାକାନ୍ତ
୧୦	କିଶୋର ଚକ୍ରବର୍ତ୍ତୀ S.S.C କାର୍ଯ୍ୟାଳୟ	୦୧୮୨୦୩୫୬୭୮	
୧୧	କମଳାକାନ୍ତ ଚକ୍ରବର୍ତ୍ତୀ -S.S.C କାର୍ଯ୍ୟାଳୟ	୦୧୫୫୩୧୨୩୪୫	
୧୨	କମଳାକାନ୍ତ ଚକ୍ରବର୍ତ୍ତୀ ନି.ସ. କାର୍ଯ୍ୟାଳୟ	୦୧୮୫୬୭୮୯୦	
୧୩	ନି.ସ. କାର୍ଯ୍ୟାଳୟ ନି.ସ. କାର୍ଯ୍ୟାଳୟ	୦୧୮୬୭୮୯୦	
୧୪	S.S.C କାର୍ଯ୍ୟାଳୟ ନି.ସ. କାର୍ଯ୍ୟାଳୟ S.S.C କାର୍ଯ୍ୟାଳୟ	୦୧୫୫୬୬୬୬୬	

କ୍ର.ସଂ.	କର୍ମଚାରୀଙ୍କ ନାମ ଓ ପଦବୀ	ଯୋଗାଯୋଗ ନମ୍ବର	ତାରିଖ
୨୭	<p>ଶ୍ରୀମତୀ ବିକାଶ କରକର ଉପର ଆମ୍ବିଆ ନୂଆପଲ୍ଲୀ ନରାୟଣ ପାଠଶାଳା ପ୍ର.ମ. ପ୍ର. ମି. କାମ →</p>	<p>01553756937 01828817256 (ଉପର)</p>	<p> 25.02.17</p>
୨୮	<p>ଶ୍ରୀମତୀ ସୁମିତ୍ରା ପାଠଶାଳା (ଉପର) ଉପର କାମ୍ବିଆ ମାଧ୍ୟମିକ ଶାଳା, ପାଠଶାଳା ଉପର, ଉପର ଶାଳା ଉପର କାମ୍ବିଆ</p>	<p>01875999419</p>	<p> 25.07.17</p>