

Mutation and Updating of Land Records in Bangladesh: A Study at Gazipur Sadar Upazila

A Dissertation
By
Muhammad Ariful Islam
MAGD, Batch- IV
ID No 12172006

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Institute of Governance Studies
BRAC University
Dhaka

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Approved as to style and content by
Dr. Nasiruddin Ahmed
Supervisor and Professor
Institute of Governance Studies
BRAC University
Dhaka, Bangladesh.



Institute of Governance Studies
BRAC University
Dhaka
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ABBREVIATIONS AND ACRONYMS

A C (Land)	Assistant Commissioner (Land)
ADC	Additional Deputy Commissioner
ASO	Assistant Settlement Officer
CLO	Certificate of Land Ownership
CS	Cadastral Survey
DC	Deputy Commissioner
DGLRS	Directorate General of Land Records and Surveys
EBSATA	East Bengal State Acquisition and Tenancy Act
GOB	Government of Bangladesh
LDT	Land Development Tax
LRAP	Land Reform Action Programme
LRB	Land Reforms Board
MLJPA	Ministry of Law, Justice and Parliamentary Affairs
MOL	Ministry of Land
NPM	New Public Management
RDC	Revenue Deputy Collector
RoR	Record of Rights
TV	Television
ULAO	Union Land Assistant Officer
U N O	Upazila Nirbahi Officer
UP	Union Parishad (Council)
ZSO	Zonal Settlement Officer

GLOSSARY

Alluvion	Accretion of land by movement of water in river or sea
Amil	Government official
Amin	Surveyor/ Survey fieldworker
Awami	Mass peoples
Barga	Share-cropping
Bargadar	Share-cropper
Bazaar	Daily village market
Benami	Land property purchased and recorded in name of another person who is not the true owner
Bighas	Unit of land measurement (0.333 Acre)
Char	Alluvial land or land thrown up from river
Collector	District level official responsible for collection of land and caretaker of government land, the Deputy Commissioner
Dakhila	Pay slip of land tax
Debottor	Charitable property devoted to Hindu gods as per Hindu law
Diluvion	Loss of land by erosion of river or sea
Faujdar	Battalion commander of medieval Indian force
Jalmohal	A designated fishing ground. A water estate/ body
Jotedar	Rich peasants controlling land and revenue collector for zamindars
Kachari	Office for land tax collection
Kanungo	A revenue position junior to AC (Land)
Khajna	Land Tax
Khas	Special/ Exclusive
Khas	State owned land under administration of MOL
Khatian	Statement of Land Ownership
Khudkast raiyats	Self cultivating tenants
Monu	Ancient Indian Hindu saint
Monu-Shonghita	Ancient book of Indian myth

Mouza	Village (Revenue village/ Specifically Unit of Land Survey)
Mughals	Medieval Indian prolong Muslim dynasty
Munshi Khana	Place of writing or copying
Mutation	Actions of ACs (Land) to update records reflecting change in ownership and physical alterations
Nirbahi	Executive
Paikast raiyats	Non-self cultivating tenants
Pargana	Administrative territory of medieval India
Patta	Land ownership document of medieval India
Quazi/ Kazi	Judge of Islamic law court
Rayat	Tenant
Sadar	Headquarter
Sairatmahal	State owned miscellaneous property
Tahshil	Lowest Office of Land Administration Hierarchy comprising several mouzas(Now Union/ Municipal Land Office)
Tahshildar	Local revenue collector (In-Charge of Union Land Office)
Thana	Police Station/ Territory of a police station
Waqf	Devoted charitable property not for profit as per Islamic law
Zaigirdars	Local administrator of medieval India
Zamindar	Large landed proprietor from Mughal period with ultimate tax collection and extraction rights. Position modified under colonial Permanent Settlement Act of 1793
Zamindari	Zamindarship

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Statement of the Researcher

1. I hereby declare that I am the sole author of this thesis.
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Muhammad Ariful Islam
MAGD, Batch- IV
ID No 12172006

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The Author

Abstract

The government of Bangladesh has taken some steps for strengthening and transforming the public service to meet the need for a responsive and resilient public service that will meet citizens' specific needs, interests and demand. Issuance of a circular on mutation for land offices is a step forward in this regard. In April 2010, the Ministry of Land issued the circular fixing service process, time and fees of mutation of land records in land offices. According to the direction of Ministry of land all Upazila/ circle land offices and union land offices are implementing the circular. The main objective of the circular is to make land administration more accountable, responsive, transparent, people friendly and to ensure quality of service delivery in land offices. It aims to empower citizens by mentioning their rights, privileges and duties. To examine the current situation of the circular's implementation and identify the problems in implementation of the circular, an upazila land office was selected as research area. Both primary and secondary sources of data were used to get comprehensive picture of the reality.

The researcher contacted different participants; officials, staff of land offices and citizens to gather information. Besides, mutation case files and other secondary sources were examined to collect data. Questions were formulated to explore the problems faced by the citizens as well as the organization itself. The officers of AC Land office, staff, A.D.C (Revenue), D C and all the citizens taking services from AC Land office were selected as population. The desired sample size was 60. The sample was selected by purposive sampling technique. Of the 60 sample size 45 persons were from service receiver, 10 from service providers and 5 high level land officials of the district including ADC (Revenue) and Deputy Commissioner of that district. So, 45 citizens and 15 officers and staff were interviewed for that purpose. The qualitative and quantitative analyses were followed to analyze the data synthetically and statistically.

The study found that, the implementation of the circular in upazila land offices is not satisfactory. Service providers are not following the instructions of the circular and the people even do not know about the circular. From the findings it is evident that even after two years of its issuance the circular has not made any substantial dent on old colonial service delivery mechanism. This attitude of service providers is weakening the effectiveness of the circular. On the other hand, the citizens are totally ignorant of the circular and procedure. The complexity of land management system, citizens unawareness, shortage of resources, conflicting rules and regulations, colonial approach, lack of training, lack of freedom of opinion, workload, lack of logistic support, corruption in land sector etc. are working as bar to implement the circular. Those factors, therefore, are constraining the successful implementation of the circular in land offices.

Chapter One: Introduction of the Study

1.1. Introduction:

Man is extremely dependant on land. He/she take birth on land, live on land, die on land and mixes with land ultimately. As stated in the holy Quran: 'We (Allah) created you (Man) from/with the soil, We shall make you return to the soil and We shall call you back again from the soil.' Human life is surrounded by soil i.e. land. So, land is a highly complex issue of human life involving economic, social, political, cultural and often religious systems.

Bangladesh is a country featured by very high population growth and scarce of land. This is why management of this scarce land is very important and sensitive issue of governing the state. Land often forms a cause for conflict at regional, national, local and personal level in view of its value as an economic resource. Legal access to land is a strategic prerequisite for the provision of adequate shelter for all and the development of sustainable human settlements affecting both urban and rural areas. Land administration is thus a critical element and often a pre-condition for peaceful society and sustainable development.

1.2. Background:

British colonial rulers established feudalism in this Subcontinent deeply. In 1875 they enacted '*The Survey Act, 1875*' and under this act a survey namely '*The Cadastral Survey*' was conducted from 1888 to 1938 throughout the then Bengal presidency province of India. Records of Rights i.e. RoR/ khatians were prepared by this survey operation. All particulars of land, including name of the owners/ zamindars, occupants, description of land, and amount of revenue were described in those khatians. Copies of those records were preserved in the district record room and zamindars' tax office i.e. kachari or tahsil offices.

On the other hand newly appointed feudal lords/ Zamindars started exploitation and mismanagement in land administration. People became tenants/ rayats rather than citizen and started struggling. They struggled for survival. Once it turned into movement against feudalism/ zamindari system. As a result the then British government enacted a law namely '*The Bengal Tenancy Act, 1885*' to ensure tenants' right. Peasants' occupancy right to land was addressed by this law; mutation for tenants to land records was provisioned. Due to this act tenants' name was been written in survey records as occupants. But it was not implemented properly. As a result of continuous struggle and movement of the peasants an

inquiry commission was established after enactment of 'The Government of India Act, 1935' by the British government. This commission recommended to acquire all zamindaris with due compensation and bring the peasants/ rayats directly under the government. This recommendation was implemented by government of the east Bengal, state of Pakistan, after independence in 1947. The then government enacted '*The East Bengal States Acquisition and Tenancy Act, 1950*' and acquired all estates with all rent receiving interests and thereby brought all peasants/ rayats directly under the government as the owners of land.

Then a short survey known as 'State Acquisition' SA were made in order to prepare compensation assessment roll for giving compensation to zamindars and to bring the tenants/ rayats under the direct control of the government. Handwritten Records of Rights i.e. RoR/ khatians were prepared by this survey operation. All particulars of land, including name of the owners, description of land, and amount of revenue were described in those khatians. Copies of those records were preserved in the district record room, the then thana revenue offices (now Upazila Land Office), and tahsil (now union land) offices.

1.3. Statement of the Problem:

Mass people frequently go for various purposes to Upazila land (AC, Land) offices. It is an office at Upazila level which gives many services to citizen regarding land. Mutation and updating land records are major among those.

Mutation of land is one of the important services which many people take from AC (Land) office. According to government circular, the specific time limit for mutation is 60 days in city areas and 45 days in other areas. It means, if a person applies for mutation, the service should be provided within 60 days in city areas and 45 days in other areas. Service charge for mutation is determined 250 (two hundred fifty) taka through this circular. Necessary documents required for mutation is prescribed by the circular. But in most of the cases, it took more time. Sometimes it takes 3 to 6 months and even more. People were deprived of getting proper services. In order to address such problems, the government spontaneously took the decision to promulgate a procedural rule through government circular {পরিপত্রঃ স্মারক নং-ভূঃমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ} and implement it in Upazila/ circle Land offices.

It was expected that the circular would improve the old bureaucratic service delivery mechanism. About two and half years have elapsed since the circular was issued, time has

come to examine status of implementation of the circular in Upazila/ circle land offices and identify the problems that Upazila Land Office is facing in implementation of the circular. For answering these questions, a study is yet to be made in Upazila/ circle land offices. The researcher will collect data which will result in this study.

1.4. Illustration of the Problem

Presently about 95 percent of land offices prepare and serve their reports that they are implementing the circular and abiding the time frame as directed by the government circular. But there is no proper coordination supervision to monitor the implementation of the circular.

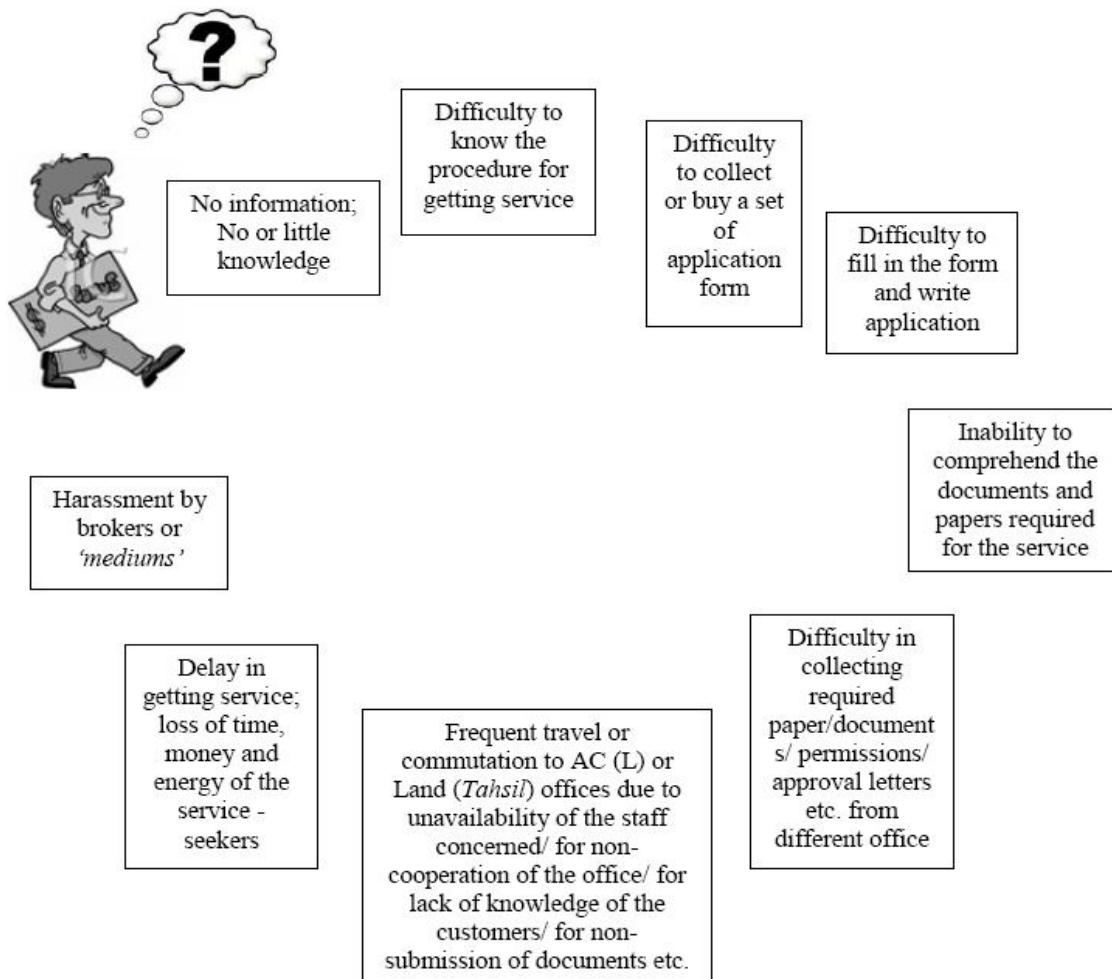


Figure-1.1: A World Full of Confusion

Even the citizens of the country do not know enough about the circular and how to get services from land offices according to law. Again, in Bangladesh, law is for people but not by people. It is not known to us whether people had an opportunity to provide their input into the circular formulation process. They cannot follow the instruction sometimes due to

illiteracy and sometimes for ignorance. According to JICA report on Public Administration Sector Review there are some reasons why service delivery in public sector is not being done according to prevailing law of the country and why people are not getting output of law. No government authority is formally and centrally looking after or coordinating the formulation and implementation of the circular. It is not clear whether targets of the circular are being properly achieved. The major implication of this study is that it will help us to know the position of the circular's implementation in A.C (land) office. The study will also help to make citizen more cautious about their rights and privileges and also duties of officials. The circular aimed at raising standard of mutation services by making more responsive to the wishes and needs of the citizens. So it is the attempt to see to what extent does the circular implemented in AC land offices with the principles of law. In short, the work done by the land offices in accordance to the circular can have great implication to society.

1.5. Rationale of the Study

Updating of record of rights through mutation is a matter of paramount importance in land administration and collection of land revenue. Failure in timely mutation terribly frustrates the assessment and collection of land revenue, transfer of land and fixation of title and possession, land use and settlement. Mutation also acts as the presumption of title and possession. Therefore, mutation of land and land ownership forms the very basis of land administration and land revenue. Unfortunately, People were deprived of getting proper services. For the removal of such problems government spontaneously took the decision to enact a law through government circular (পরিপত্র) and implement it in Upazila/ circle Land offices. But nobody knows what the extent of implementation of the circular is and what the problems are that the organization is facing in successful implementation of the circular.

So it is necessary to conduct a survey/ study to assess how the procedure of mutation directed through the circular is practiced and what is the impact of the circular to enhance the quality of service delivery.

1.6. Research Questions:

Two research questions formulated for this study are as follows;

Question 1- Is procedure of mutation and updating of land records practiced in conformity with the circular in Upazila/ Circle Land Offices?

Question 2- Does the existing procedure contribute to enhance the quality of service delivery?

1.7. Objectives of the Study

Clearly described service providing instructions and Citizen Charter has been introduced in almost all sectors of public as well as private organizations as an effective technique or tool. Service providers are now realizing that they have to be genuine service provider rather than to be mere administrators. This study can open an opportunity to understand the dimensions of the initiative. As AC Land offices are core unit for land related services for upazila, introduction and implementation is very much important for customer-focused governance. The study will be confined to implementation of the circular in Upazila land Office of Gazipur Sadar, Gazipur district. The reasons behind selection of the upazila from Gazipur district are that data gathered from that upazila will reflect the practical situation about the procedural practice of mutation. Part of Gazipur Sadar upazila is more developed and people are educated and cautious. The Upazila Land Office is one of the busiest offices of the country. The remote areas of the upazila are not developed and people are not educated enough and cautious. So there is an ample of possibility to get information from mass people. The study will also specifically look problems of implementation of the circular.

So, the specific objectives of the research are:

- a) To observe the procedural practice of mutation and extent of implementation of the circular in upazila land office.
- b) To assess the contribution of the circular to enhance quality of service delivery in Upazila Land Office.

1.8. Scope of the Study

Mutation of land and land ownership forms the very basis of land administration and land revenue. Unfortunately, People were deprived of getting proper services. For the removal of such problems government spontaneously took the decision to enact a law through government circular (পরিপত্র) and implement it in Upazila/ circle Land offices. But it is not known to us how the circular is implemented and what the problems are that the organization is facing. This is why the researcher is going to conduct this survey/ study to observe how the mutations are done and contribution of the circular to enhance the quality of service delivery.

1.9. Significance of the research:

People in Bangladesh suffer a lot to get services related to land. Considering this, mutation service of upazila land office is chosen for this study. The present study is an attempt to find out the factors that affect successful implementation of the circular and its impact on service

delivery. Furthermore practice of the circular is by and large unexplored. No study has been conducted to investigate it in Bangladesh. The implementation scenario of the circular in land offices is not observed. In this perspective the present study is an attempt to map the extent of implementation of the circular in upazila land offices. Recently customer focused initiatives are being introduced in public sector of Bangladesh. In this context government enacted a law through the circular. It is a document which represents a systematic effort to focus on the commitment of the organization towards its citizens in respect of standard of services, information, choice and consultation, nondiscrimination and accessibility, grievance redress, courtesy and value for money. This also includes expectations of the organization from citizen for fulfilling the commitment of the organizations. This circular emphasizes on standard of services and information. So it's necessary to observe the implementation of such a tool devised for the sake of citizen. On the other hand, the study may be useful to the academics, scholars and other researchers. The study may validate the existing literature on policy implementation and generate new insights in this field that many to supplement the knowledge of different stake-holders in general and policy researcher in particular. Again the upazila land office has direct interaction with citizen as it is engaged in providing services regarding land. Hence, it is important to study about implementation of current reform by government and find whether it has been done the way as intended and what are the factors that impede its effective implementation. Lastly, the findings of this study may enhance the understandings of different actors involved in the policy implementation process. Policy makers may benefit from the findings by drawing a number of lessons. Further different actors may adopt some suggestions of finding to make implementation process more effective. For example, it is important to recognize the possible hurdles that affect the successful policy implementation. In short, this study may help in understanding policies and also in suggesting ways of improving policy implementation process.

1.10. Land Administration System in Bangladesh

Land administration system in Bangladesh is built upon three core functions- 1) land management, 2) land survey and 3) land transfer registration. Each of these functions is handled by a different category of offices (Rahman 1994). There are many offices to perform land related activities from Union Level to National level.

1.10.1. Land Management:

Organizational hierarchy and functions of land management in Bangladesh is described below;

A. Union Land Office or Tahshil Office

Union Land Office or Tahshil office is at the bottom tier of the land administration in Bangladesh. In 1988, Government of Bangladesh decided to establish land offices at all Unions of Bangladesh. However that decision has been realized partially so far. Union Land Offices could be established in all the unions of some districts however in many districts a union land office is responsible for more than one union. Union Land Office performs number of activities as follows:

- Collecting Land Development Tax (Khajna in local language) and issuing receipts (Dakhila in Local language).
- Determining the amount of land Development Tax.
- Filing certificate case to collect defaulted Land Development Tax.
- Opening new files for the successors of a deceased person.
- Updating the records according the order of the mutation cases.
- Keeping the accounts of leas money collected from haats and bazaars.
- Reporting on investigation information to A C (Land) about the application of mutation.

B. Upazila/ Circle Land Office or AC (Land) Office

There is an Upazila land office at every upazila in Bangladesh. Assistant Commissioner (Land) or AC (Land) in short is the in charge of this office. He is supported by some staffs including surveyor. Upazila land office performs the following responsibilities:

- Distribution of Khas land according to priority.
- Coordination between survey and management division.
- Supervising the collection process of Land Development Tax.
- Recovering of the grabbed governmental land.
- Overseeing the activities of the tahsildars (In-Charge of Union Land Office)
- Updating the registrars of mutation and records.
- Sending recommendation to the Deputy Commissioner about the distribution of Khas land.
- Implementation of land related acts and rules.
- Campaigning for collection of land Development tax.
- Arrangement of special survey in char land.

C. Collector's Office or Deputy Commissioner's Office at Districts

Every district has a Deputy Commissioner's office (DC Office) in Bangladesh according to the public administration system. There are some land related sections such as Revenue, Land Acquisition (LA), Revenue Munshi Khana, Record room and Vested Property section in every DC office.

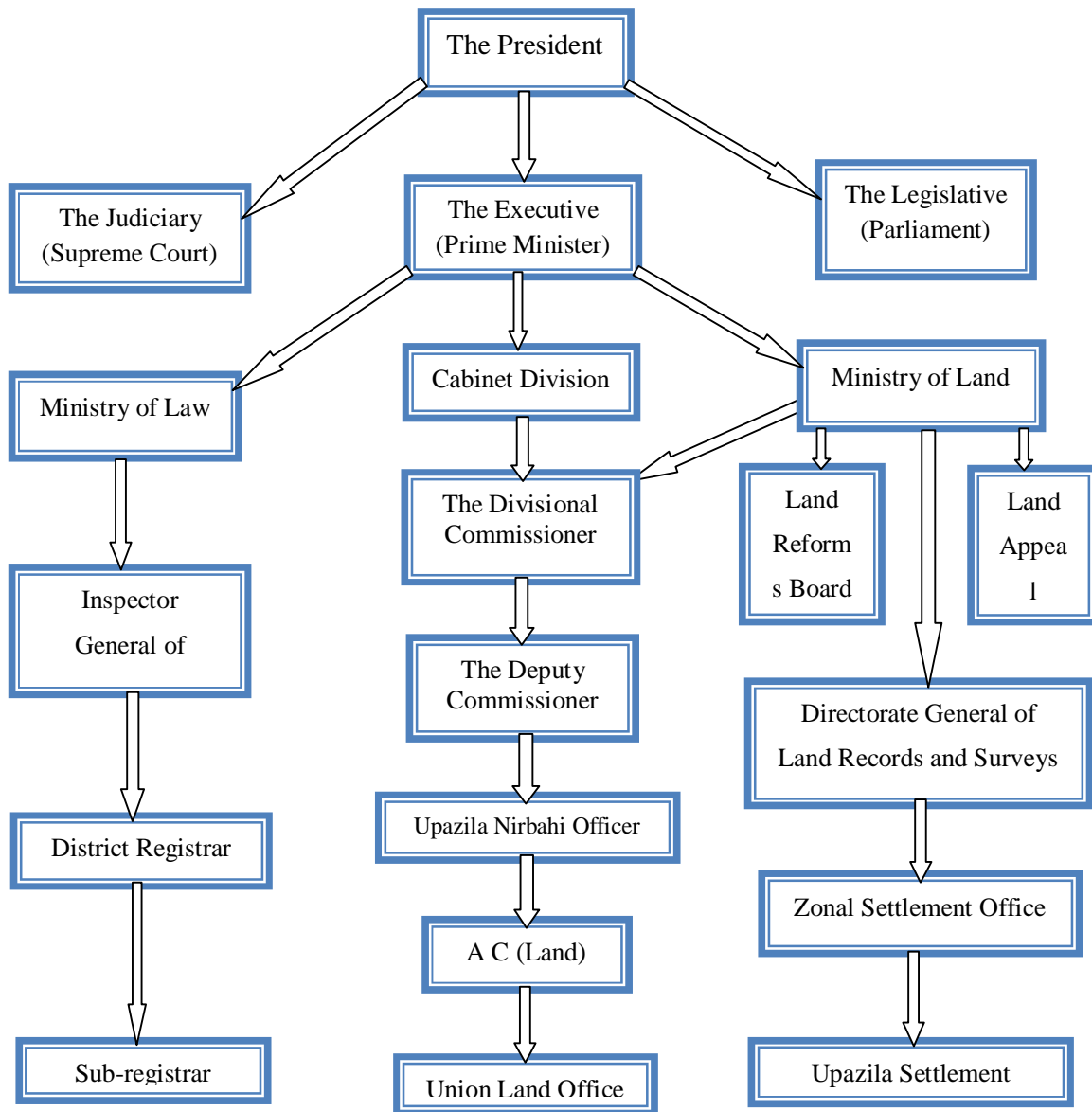


Figure-1.2: Organizational hierarchy of Bangladesh land administration

The deputy commissioner is called collector when performs his responsibilities related to land. An Additional Deputy Commissioner (Revenue) works under DC to deal with the responsibilities related to land.

D. Commissioner's Office at Divisions

Every Administrative division has a Commissioner's office (Divisional Commissioners Office) in Bangladesh according to the public administration system. There is a Revenue section in every Commissioner office. The divisional commissioner has the power to hear appeal cases lodged against orders of the collectors related to land. An Additional Divisional Commissioner (Revenue) works under the Commissioner to deal with the responsibilities related to land.

E. Land Reforms Board

Land Reforms Board was set up in 1989 to supervise the functions of the field offices and the implementation of land management and reform efforts. The Board also provides advice and recommendations to the Government on laws, orders and rules applicable to land when and asked to do so. A number of functions of the board are released through Upazila land offices and Union Tahsil offices. The main activities of the Land Reforms Board are listed below:

- Inspection, monitoring and supervision of district and upazila level committees relating to demarcation & settlement of khas lands.
- Lease out of the inter-divisional fisheries.
- Supervision of the offices of Deputy Land Reforms commissioners at the division level.
- Inspection, supervision and monitoring of all land offices from district to union level.
- Enquiry by order of the ministry against various allegations arising out of matters relating to land management of the field administration.
- Supervision of all audit objections of District, Upazila & Union land offices.
- Budget preparation & release of fund to all field level land offices.
- Assessment of the actual demands of Land development Tax, taking necessary measures to increase realization of the L.D Tax and making proper assessment of the demands L.D Tax of organizations/bodies under different Ministries/ Divisions and realization of that.
- Submission of monthly reports on L.D. Tax and other land related information to the Ministry of Land, I R D & other related departments.
- Management and supervision of the Court of Wards Estates and sending reports thereof to the Ministry of land.

F. Land Appeal Board

Land Appeal Board was established to act as per provision of the Land Appeal Board Act 1989 and Land Appeal Board (Amendment) Act 1990. All the activities of the Land Appeal

Board are being performed under the provisions of the Land Appeal Board Rules, 1990. The Board conducts its functions as per provisions of the said Acts & Rules and Circulars of the Ministry of Land. The Board acts as appellate authority of the Divisional Commissioners and accordingly disposes of the cases (Appeal, Revision, Review etc.). The following matters are disposed of by the Board:

- All Revenue Cases relating to Land.
- Appeals derived from Mutation Cases.
- Cases relating to Sairatmahal and Jalmahal.
- Cases relating to Land Records.
- Certificate Cases relating to Land Development Tax.
- Permanent Lease of Khas Land.
- Cases under P.D.R Act.
- Cases of the Exchange, Abandoned and Vested property.
- Cases relating to Waqf and Debottor property.
- Duties assigned by the Government from time to time.
- Supervision, Monitoring and Evaluation of the Sub-ordinate Revenue Courts.
- Advise government and comment on Acts, Rules, Regulations and Circulars relating to Land administration of the Government.

1.10.2. Land Survey

Organizational hierarchy and functions of land survey administration in Bangladesh is described below;

A. Upazila Settlement Office

There are Upazila Settlement Offices headed by Assistant Settlement Officer (ASO) in selected upazilas. A programme is going on for establishment of Upazila Settlement Offices in every upazila of the country. These offices work under ZSO under the Directorate General of Land Records and Surveys. This office was established to assist zonal settlement offices to finalize mapping of Mouzas and preparation of khatians/ RoR.

B. Zonal Settlement Office

Zonal Settlement Offices in greater districts work under the Directorate General of Land Records and Surveys. This office was established to finalize mapping of Mouzas and preparation of khatians/ RoR.

C. The Directorate General of Land Records and Surveys

The Directorate General of Land Records and Surveys undertakes periodic surveys to update records of land ownership and use. No special provision is made to survey urban areas compared to rural areas. Zonal settlement offices and upazila settlement offices are working under this directorate. The Directorate General of Land Records and Surveys perform the following responsibilities:

- To initiate and prepare schemes with time frame and estimate of expenditure for survey and preparation/revision of maps and record of rights of districts or part of a district for the whole country by rotation.
- To survey and prepare/revise maps and record of rights on mauza basis for every parcel/plot of land numbering about 80 million in the country by rotation.
- To print and reprint mauza maps numbering 96,402 sheets covering the whole country and to prepare, print and re-print Upazila, District and country maps.
- To print record of rights of each and every land holders in the country.
- To undertake Theodolite Traverse to provide basic control point for preparation of maps.
- To demarcate more than 2200 miles of International boundary and to prepare and print boundary strip maps thereof.
- To provide technical assistance to the district administrations for relaying inter-district and inter-thana boundaries.
- To examine and vet all proposals of the Government for re-organisation of Thana, Upazila and District Jurisdictions from technical and geographical point of view.

1.10.3. Land Transfer Registration

Organizational hierarchy and functions of land transfer registration in Bangladesh is described below;

A. Inspector General of Registration

There is an Inspector General of Registration in Bangladesh to inspect and oversee all district and sub-registrar offices.

B. District Registrar's Office

There is a District registrar in every district for supervising sub-registrar's offices and for preserving copies of registered deeds & registers.

C. Sub-Registrar's Office

There is a sub-registrar's office in every Upazila. This office is responsible for registering transfer of properties. Though this office is dedicated to land related activities however it works under the ministry of Law, Justice and parliamentary affairs. Any land transaction must be registered in this office within one month of period. Sub-registrar's office publishes an approximate value of land property of the concerned area.

1.11. Concepts of Mutation:

The Upazila land (AC, Land) office gives many services to citizen regarding land. Mass people frequently go there for various purposes. Mutation and updating land records are major services this office provides. Mutation of land is one of the important services which many people take from AC (Land) office. Sometimes people were facing various hazards of getting proper services. In most of the cases, it took unknown and unlimited times. Sometimes it takes 3 to 6 months and even more. For removal of such problems government spontaneously took decision to promulgate a law through government circular {পরিপত্রঃ স্মারক নং-ভূমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ} and implement it in Upazila/ circle Land offices. According to government circular the specific time limit for mutation is 60 days in city areas and 45 days in other areas. It means, if a person applies for a mutation, the service should be provided within 60 days in city areas and 45 days in other areas. Service charge for mutation is determined 250 (two hundred fifty) taka through this circular. As well as necessary documents required for mutation is prescribed by the circular.

A. Record of right/ Khatian

Records of rights i.e. RoR/ Khatians are prepared through survey operations. All particulars of land, including name/s, father's name, address/es and due share/s of the owners/ owners, description of land, and amount of revenue are described in prescribed forms (copy attached). Those filled up forms are called RoR/ khatians. Respective copies of those records are preserved in the district/ collector's record room, District Judge's record room, Upazila Land Office and Union Land office. A copy is given to the owner/ owners.

B. Updating Land Records

The records of rights are modified and updated through survey operations generally conducted by the Directorate General of Land Records and Surveys i.e. DGLRS of

government. It takes few years to complete a survey operation and thereby update the records of land. Within this long time many changes take place in the ownership of land due to sale, inheritance or gift. Which necessitate immediate ad-interim change, amendment, correction for modification of land record to assess land development tax and realize that correctly. The record of rights i.e. RoR/ Khatian is created or changed or modified for subdivision, amalgamation and consolidation of holding under section 116, 117 and 143 of *'The East Bengal States Acquisition and Tenancy Act, 1950'* i.e. EBSATA. Besides this alluvion and diluvion land for river erosion also necessitates change and modification in the land records.

C. Mutation

A man can establish his right over land in many different ways. It may be through inheritance, a transfer like sale-purchase, will, mortgage, lease, exchange, auction, decrees of courts and settlement by the government. If there occurs any change of ownership or any transfer of land due to any reasons stated above the transferee or the heir is required to have his name recorded as owner through mutation to update the record.

Writing and rewriting or replacing the name/names of owner/ owners or occupant/ occupants on the Records of Rights i.e. RoR/ khatians is popularly known as mutation. Ad-interim change, amendment, correction and updating of land records are made through mutation.

The mutation is an important process in the management of land. The collector i.e. the Deputy Commissioner (DC) is entrusted with this responsibility. However, the AC (Land) of Upazila/ Circle land offices do the above work under control of the collector/ the deputy commissioners (DCs).

D. The necessity of mutation:

Preparation and updating of RoR/ khatians through survey is a time consuming process. A survey operation takes many years to complete. As well as interval between two survey operations is also long. During this period lots of changes occur in the ownership of land. These changes need to be reflected in the relevant records and registers, where mutation is indispensable for fixation of land development tax, its realization will be impossible and government will be deprived of huge amount of revenue. Corrections are also required for land use and settlement in the interest of smooth revenue administration. Mutation and Updating Land Records are required in the following cases;

- a) After death of the recorded owner
- b) Transfer of land through sale, gift, will, decree, trust, waqf etc.

- c) Auction of land in a civil or certificate case
- d) Subdivision or amalgamation & consolidation of land holding
- e) Settlement of khas land by the government
- f) Acquisition of land by the government
- g) Alluvion or diluvion of land of river or sea side
- h) Abandoned land.

1.12. Procedure of mutation and updating land records:

Government takes survey programme in a particular area for correction and updating of records/ khatians according to section 144 of *'The East Bengal States Acquisition and Tenancy Act, 1950'* i.e. EBSATA and section 3 of the survey act, 1875. But mutation is an interim arrangement for immediate correction updating of records. The collector is the authority to do all sorts of mutations. It may be mentioned here that all AC (Land) is empowered to mutate if needed on behalf of the collector. It may also be mentioned here that mutations are done in two parts. Mutations arising out of inheritance and amalgamation of holding are recorded in the first part and those arising out of transfer and settlement etc. from the second part.

1.12.1. Mutation in case of inheritance:

In case of death of an owner of land the legal heir/s may apply for mutation to the Union Land Assistant Officer (ULAO)/ Tahsildar. The ULAO can also ask the heir/s to apply for mutation. The ULAO on receipt of the application makes an on the spot visit, inspect and ascertains the actual legal heir/s as per prevailing law of inheritance. S/He will also look into relevant religious laws and submit a report with recommendation to the AC (Land) of Upazila/ Circle. The AC (Land) starts a mutation case and calls for the concerned heirs and arranges hearing. Finally s/he passes order either granting or rejecting mutation prayer. Then the correction of records may be arranged accordingly. In the case where dispute arises about determination of heir/ heirs, the relevant court would determine the same as per provision of the Succession Act, 1825.

1.11.2. Mutation in case of Transfer

Any transfer in the form of sale, gift, waqf etc. of immovable property is compulsorily registrar-able according to section 5,7,8 of The Transfer of Property Act, 1882 and section 17 of The Registration Act, 1908 and 2004. This transfer must be communicated to the Upazila/

Circle land office through Land Transfer (LT) notice by the sub-registrar for processing mutation of the transferred land in the name of transferee/ transferees. But no copy of the deed is sent. On receipt of land transfer notice, the AC (Land) starts a mutation case, notifies the concerned parties. In these cases the ULAO sends inquiry report in prescribed form.

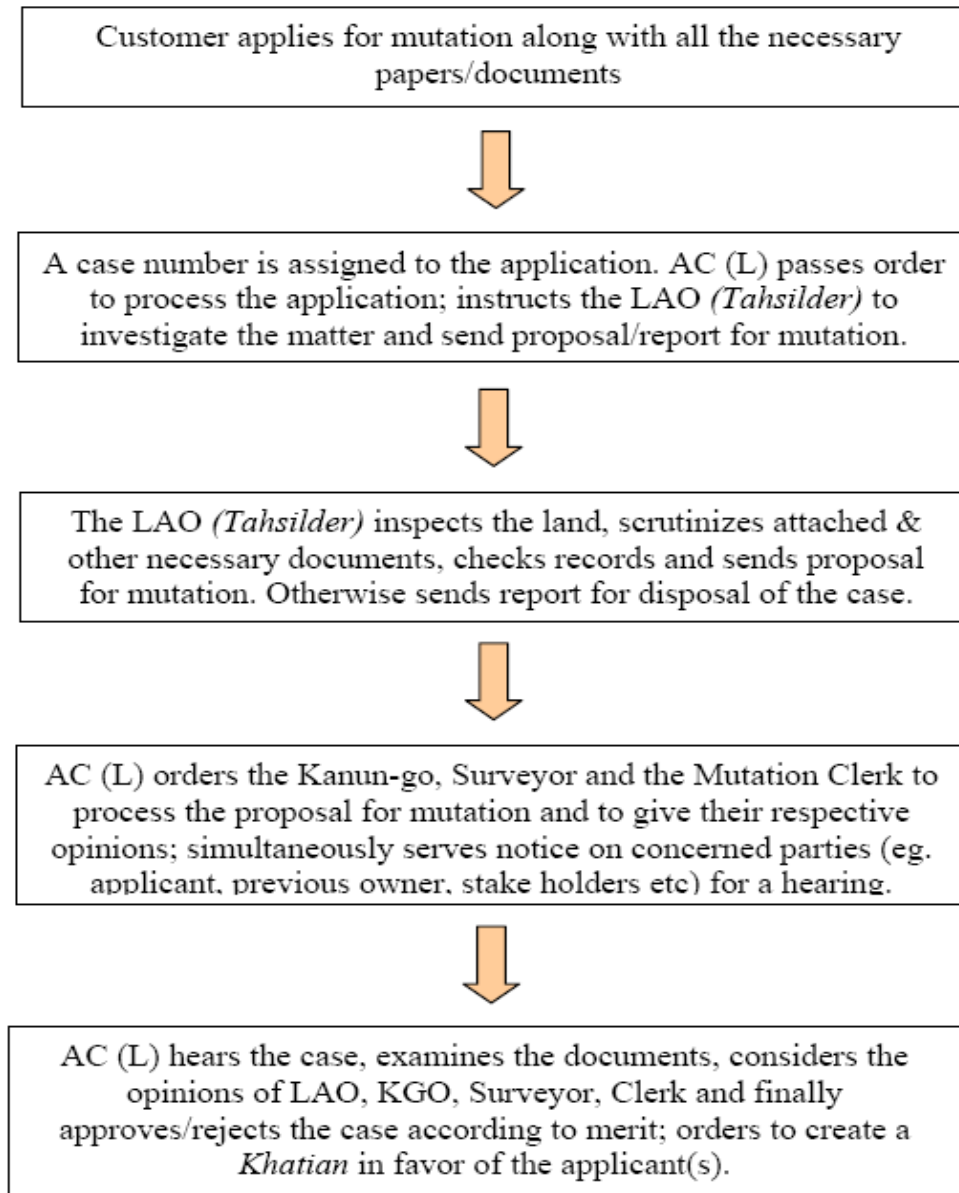


Figure-1.3: Flow-chart of mutation process

If necessary further inquiry is made through surveyor or field kanungo to ascertain the actual right, title and possession of the seller/ sellers and whether he/ she/ they has/ have the right to transfer the said land. If these things are found correct, the mutation order is passed by the AC (Land) in favour of transferee/ transferees otherwise not.

It is also mentionable, besides the above cases mutation is also done in the name of transferee/ transferees for auction purchase of land under the Public Demand Recovery Act, 1913 or through the decree of the court in other cases.

Moreover the AC (Land) correct/ amend the RoR against subdivision, amalgamation & consolidation of holdings according to the sections 116, 117 & 143 of '*The East Bengal States Acquisition and Tenancy Act, 1950*' i.e. EBSATA. Records are also amended or corrected in case of alluvion/ deluvion or abandonment of land thereby land development tax abated. In all types of mutation, the land in question is verified with the khatians, registers, census list/ registers of vested, abandoned and non-resident properties. AC (Land) is also required to see that the transferee/ transferees has/ have not exceeded upper limit of acquisition of land as provided by the section 90 of '*The East Bengal States Acquisition and Tenancy Act, 1950*' i.e. EBSATA, The President's Order 98 of 1972, or The Ordinance no. 10 of 1984. After consulting the above registers and laws the final mutation order is passed. According to the order new khatian/ khatians is /are created and entered accordingly in the register-1 (Khatian/ RoR register), register-2 (tenants' ledger), and register-9 (mutation register).

If anybody is aggrieved by the order of the AC (Land) can file an appeal to the collector within 30 days. If anybody is aggrieved by the order of the collector can lodge an appeal to the divisional commissioner against order of the collector within 60 days. If anybody is aggrieved by the order of the divisional commissioner can appeal to the land appeal board against the order of the divisional commissioner within 90 days. The order of the land appeal board is final.

1.12. Conclusion of the Chapter

Existing mutation process and service delivery of upazila/ circle land office based on '*The East Bengal States Acquisition and Tenancy Act, 1950*' i.e. EBSATA, The President's Order 98 of 1972 and government circular {পরিপত্রঃ স্মারক নং- ভূঃমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ}. In this study the researcher will try to examine practice of mutation procedure and its effect on employees and citizens.

Chapter Two: Literature Review

2.1. Introduction:

Land administration in Bangladesh has a long history that dates back to systems developed by the Hindu rulers of ancient India and still carries the heavy imprint of the elaborate system of land surveys and registration for revenue collection purposes introduced by the British. The way in which land is currently administered remains firmly rooted in practices established during the colonial era. The British, from the outset, gave high priority to the organisation of a centrally controlled management system that was designed to maintain political control and secure a steady source of state finance. Relatively little has changed in the post-independence era.

Attempts at re-distributive reform through the establishment of land ceilings have been a feature of both the Pakistan and Bangladesh periods. But whilst ostensibly designed to place land in the hands of the tiller and to return water bodies to those who fish them, these have largely been circumvented by the wealthy and powerful. High population densities and increasing fragmentation of holdings mean, in any case, that the scope for re-distribution declines as time passes.

Tenants' rights, including security of tenure, are enshrined in legislation. These are currently almost invariably ignored in practice, and may offer some scope for intervention.

2.2. Evolution of Land Administration:

Human civilization flourished on the land. Land management evolved along with human civilization. In ancient period man managed land in their own system and necessity. Here evolution of land management in Bangladesh is reviewed shortly and chronologically.

2.2.1. Ancient Era

Land administration in Bangladesh has a long history that dates back to systems developed by the Hindu rulers of ancient India. In Bangladesh, as a part of ancient Indian subcontinent, also there was a management system, though we do not know everything about that. Hindu rulers of ancient India introduced first land revenue systems. Who cleans first jungles he became the owner of that land to cultivate. In Monu-Shonghita, we saw Monu suggested to take one

sixth of the Produced crops as revenue. That suggestion was followed more or less all over the India.

2.2.2. Mughal Period

During the Mughal period, the Mughals did not interfere with the land system rather they were involved in assessment and collection of land revenue. At that time, revenue, justice and security were maintained under distinct entities where the officials were *the amil*, *the kazi* and *the fujdar*. Like the pre Mughal period, land revenue collection was left to Zaigirdars/ Zamindars. With the decline of Mughal power, the farmers were allowed on payment of the predetermined sum to appropriate the revenue for their own use (Hussain, 1995). In 16th century Sher Shah Shoori reforms land management and introduced system of land measurement for revenue assessment & collection.

2.2.3 British Period

In 1757 The East India Company occupied Bangladesh and started British rules here. In 1765, the East India Company acquired the Zamindary rights in Bengal. In 1769, the East India Company assigned European Officers known as Supervisors to oversee revenue administration. Leasing out land to the highest bidder for a period of five years was taken which was harmful for the tenants. Later on in 1790, it was reinstated by 10-year settlement but still had the problem of open auctioning. The controversy carried on up to 1793 when the Permanent Settlement Act was enacted (Hussain, 1995).

A. Permanent Settlement Act 1793

Considering revenue maximization in 1793 Lord Cornwallis ordered the Permanent Settlement Act. The main provisions of that act are given below (Alim, A,(1979):

- a) The Zamindars were asserted as proprietors of the soil and became the administrator of all property rights.
- b) According to a customary *pargana* rate (ten eleventh of the assets), the Zamindars used to accumulate fixed revenue from the tenants.
- c) Extension of any future augments of assets resulting from additional assessment of revenue was treated as the benefit for the Zamindars.
- d) The revenue was inevitably fixed in perpetuity. But Zamindars were accountable to sell their assets for amount overdue of revenue in case of any default in payment of revenue by

the sun set of the last day fixed for each installment as per the Revenue Sales Act (more popularly recognized as the Sun-set law).

e) According to customary *pargana* rate (entered in a document called the patta), the judgment of rent from them was carried on.

f) For the general well-being of their tenants, it was expected that the Zaminders would invest to improve and also take beneficial steps.

g) The Government kept the rights to legislate at any time for the security and wellbeing of the tenants.

With this system, peasant proprietorship of land was eliminated. The main motive of East India Company was to create safeguard receipts of land revenue. Records of that period show that about half of the estates in Bengal were sold in auction and most of the original Zamindars were impoverished (as for first two of three decades, land revenue was fixed as high as ten-eleven of the assets). At that time, there were only two classes of tenants, viz, *Khudkasht raiyats* (self cultivating) and *Paikash raiyats* (non-self cultivating). The position of the tenants was set aside unclear. Due to the non-existence of any clear provision of their status and rights, the landlords made arbitrary assessment of rent by taking benefit of the fluctuating *pargana* rates.

At that situation, to lessen the hardships of tenants, in 1830 the House of Commons set up a Select Committee to find out land tenure system and formulate appropriate recommendations. The committee however suggested legal and administrative reforms, which were not approved. By the middle of the 19th century revulsion of feeling developed against the regulatory authorities.

Act X of 1859 (known as rent act) contained a definition of tenancy which sought to protect the interests of the tenants. But in that act, there were two serious shortcomings; a) There was absence of the definition of fair and equitable rent, and b) in the lack of proper records, the tenants had complexity to establish twelve year's continuous possession. This resulted in agrarian disputes (Alamgir, 1981). Act XI of 1859 was entitled as "The Bengal Land revenue Sales Act, 1859" which again secured the rights of the Zamindars. In particular, this law repeated the right of auction purchaser to be 1) free from all encumbrances, 2) the right to enhance rents, and 3) the right to eject tenants (Ali, Shakhwat, 1986). But, these exceptions could not improve the condition of the tenant. In 1876, with proposal of fixation of rent a Bill

was set up which was never carried through. A commission (appointed in 1878) prepared a Bill for recognition of definite arrears of rent and suggested to undertake a complete modification of the tenancy law. In 1978, the Commission presented a draft bill and The Bengal tenancy act 1885 was based on that bill.

B. The Survey Act, 1875

In 1875 the British rulers enacted '*The Survey Act, 1875*' and under this act a survey namely '*The Cadastral Survey*' was conducted from 1888 to 1938 throughout the then Bengal presidency, province of India. Records of Rights i.e. RoR/ khatians were prepared by this survey operation. All particulars of land, including name of the owners/ zamindars, occupants, description of land, and amount of revenue were described in those khatians. Copies of those records were preserved in the district record room and zamindars' tax office i.e. kachari or tahsil offices.

C. The Bengal Tenancy Act, 1885

Due to the rise of agrarian disputes, the question of modification of rent law in East Bengal reached a stage at which it was certain that some new legislative measures would be initiated. The tenancy act 1885 was thus introduced on the principles of fixity of tenure at legal rents. The three main objectives of this act were:

- a) To give the settled raiyats the same protection like the old customary law.
- b) To guarantee to the landlord of a fair share of the increased value of the products of the soil; and
- c) To set rules by which the questions of disputes between the landlord and the tenants could be decided upon equitable principles.

Restricting the power of entering into contracts in violation of its basic principles protected the principles of the act. The act of 1885 was imperfect due to complexities of the tenural system that had developed for nearly hundreds years or so with its unbearable effect upon the agro based society that was born into numerous divisions and classes of various grades and shades of concern. It rested on the premise that a middle class based on the interest in land would develop and this class would constitute a stabilizing element in the socio political system.

2.2.4. Land Reform during the 20th Century

A first attack on Zamindar was started from 1902. After disparaging the Permanent Settlement System, the Memorandum on Revenue Policy of the Government of India declared in unequivocal terms that the system could not be acknowledged as a public model and on behalf of the cultivating class, the government must interfere (Alamgir, 1981).

With the rise of public opinion in favour of the tenants, the Act gradually underwent several important Amendments in 1928, 1938 and 1940. Since the working of the Permanent Settlement Regulation and the subsequent supporting Regulations and Acts were becoming inactive, a Land Revenue Enquiry Commission known as the Floud Commission was formed in 1938 with the main objective of going into the questions of abolition of the Zamindary system. In 1940, after comprehensive enquiries the commission recommended the elimination of the Zamindary system and all grades of rent receivers on payment of suitable compensation. As this system ceased to serve national interest, the Bengal Administrative Enquiry Committee of 1944 approved majority of the recommendations of Floud Commission. The result was draft of Bengal State Acquisition and Tenancy Bill, 1947. But there was huge difference in the opinion among different stakeholders.

2.2.5. Reforms in Pakistan Era

Reform initiatives in Pakistan era are described below;

A. EBSATA

After independence of Pakistan the East Bengal Legislative Assembly, in its fourth session formally approved the draft of Bengal State Acquisition and Tenancy Bill on February 1950. It was known as the East Bengal State Acquisition and Tenancy Act (EBSATA), 1951. The main provisions of the 1951 Act were three fold:

- a) Abolition of all rent receiving interests
- b) Prevention of future subletting and
- c) Place a ceiling on land holdings per family beyond 100 standard bighas (33.3 acres).

In 1961, Ayub regime elevated the land ceiling to 129.9 acres (375 standard bighas) under the East Pakistan Tenancy Act of 1961 leaving only insignificant fraction of land for redistribution (i.e. 163,741 acres, measuring only on estimated 0.07 acre to each landless labour after redistribution).

B. Inheritance law

The inheritance law for the Muslims in Bangladesh is defined by the principles of Sharia through Muslim Personal Law along with the general law which is non-religious and secular in its character. The Muslim personal law covers the field of marriage, divorce, maintenance, guardianship of children and inheritance whereas the general law covers the rights under the Constitution, penal code, the civil and criminal procedure codes, evidence act etc. Muslim law of inheritance has two distinct elements, namely, the customs of ancient Arabia and the rules laid down by the Quran and prophet Mohammad. Under the customary law of pre-Islamic Arabia the women in whatever capacity were excluded from inheritance. The Quran made quite a considerable change of the position. According to the Muslim Law there are three kinds of heirs:

- (i) "Sharers" who are entitled to a prescribed share of the inheritance,
- (ii) "Residuaries" who take on prescribed share, but succeed to the residue left after satisfying the claims of the sharers, and
- (iii) "Distant kindreds" who are blood relations other than the sharers and residuaries, and succeed generally in the absence of sharers and residuaries.

In the classification of the heirs, it is important to note that though the son's son and son's daughter have been made residuary and sharer respectively, daughter's children have been made distant kindreds. The principles of succession among the sharers and residuaries are two-fold:

- (i) The nearest in blood relationship excluded the remote one, and
- (ii) Whoever is related to the deceased through any person shall not inherit while the person is living.

C. Enemy Property Act 1965

During the Pakistan period, the vested property was known as 'enemy property' after the 1965 Indo-Pak war. On 6 September 1965, at the outbreak of war, the Central Government of Pakistan promulgated the Defence of Pakistan Ordinance in order to ensure public safety. Under this, the Governor of East Pakistan declared an Order on 3 December 1965 in which the property of the minorities was declared "Enemy Property".

With the emergence of Bangladesh, the law relating to the administration of Enemy Property remained in force of the Laws Continuance Enforcement Order 1971. The Government of Bangladesh enforced an order on 26 March, 1972 known as the Bangladesh Vesting of

Property and Assets Order, 1972. Since then various ordinances, amendments, circulars, memos, and committees have been formed but have failed to solve the problem of minority.

2.2.6. Reforms in Bangladesh Era

After independence of Bangladesh the Government made several attempts to protect land right of the peasantry. Several attempts were taken to reform land administration during many of the regimes, though most of those were not implemented properly. Some of those notable initiatives are described below.

A. Presidential Order No. 98 of 1972:

Through the Presidential Order No. 98 of 1972, the retainable ceiling of land per family was brought down to 33.3 acres. But it was relaxed in case of cooperative society of farmers, cultivation of tea, rubber and coffee and for production of raw materials. The committee for land reform felt that revision settlement operation would cost Tk 10 million without which the ownership pattern could not be determined (Ali Shakawat, 1986). The Awami League Government formed another Land Revenue Committee in 1974, which failed to address the issues concerning land system.

B. The State Acquisition and Tenancy Order 1972:

In 1972, the State Acquisition and Tenancy Order 1972 was promulgated. Under this amendment, raiyats having 25 bighas of land or less per family were exempted from paying any rent. As a result, the government lost revenue of Tk. 68 million (Bangladesh Progress, 1972, P.12). All char lands would thus be at the disposal of the government and would be available for settlement by the poorer classes of agriculturists in accordance with government policy and the provisions of the law.

The 1977 land occupancy survey found that 9.67 percent families in the rural areas owned 50.68 percent of total agricultural land. At the other end 77.67 percent of families owned 25.17 percent of land. The landless families constituted 28.10 percent of total rural families in 1960 and in 1977, it stood at 32.79 percent indicating enhancement of skewed land ownership. Main findings from this survey were:

- _ there are many owners who own land in excess of the prescribed ceiling of 100 bighas,
- _ It was difficult to have a number of owners exceeding the ceiling amount with their type of modernization.

C. Land Reforms Ordinance 1984:

Land Reforms Ordinance 1984 was promulgated based on the recommendation of Land Reform Committee formed in 1982 in order to improve the production relations in the agricultural sector. There were mainly five sections of the ordinance:

1. The ownership ceiling on land
2. Protection of the rights of the sharecroppers
3. Legally establishing the minimum wages for agricultural labourers
4. Formalizing a decentralized and strengthened survey and
5. Establishing a settlement administration.

The ownership ceiling was retained at 33.3 acres, and the sharecropping practices were revised to safeguard rights of the tillers and sharecroppers. It also provided prohibition on acquisition of new agricultural land by a family beyond 60 bighas (near about 20 acres), prohibition of benami transaction and enforcements of rights of sharecroppers of “bargadars” in the land area under barga cultivation. In this new law, the division of barga land is prescribed as follows:

1. One third shall be received by the owner of the land
2. One third shall be received by the bargadar for his labour
3. One third shall be received by the owner or the bargadar or by both in proportion to the cost of cultivation other than the cost of labour borne by them.

As mentioned in Barakat et al (2001), the Land Reform Action Program 1987 included the following as khas land:

- 1) all lands (eligible for settlement) included in part II of Register VIII;
- 2) all lands which have changed their character and included in part I of Register VIII;
- 3) agriculture land included in part V of Register VIII;
- 4) all lands, fallow or cultivated under different government or semi government bodies if found either unutilized or acquired in excess of requirement subject to return;
- 5) Lands where ownership has been extinguished or the land is not claimed by anybody;
- 6) Surrendered lands under P.O.98/72 (Bangladesh Land Holding Limitation Order, 1972);
- 7) Lands thrown up from the bed of the river or sea;
- 8) Land resumed by the government (section 92 of EBSATA);
- 9) Any land surrendered to the Government under any law for the time being in force.

From the above, it can be said that sources of khas land include diluviated land, newly accreted char land, land excess of ceiling, land due to cancellation of ownership, government procured land through auction, some categories of land in register VIII, unutilized pond of different government and semi government bodies among others.

D. Establishment of Cluster Village:

In 1988 a “cluster village development” programme was undertaken to relocate the landless people on Government lands, but only 800 such villages could be formed for 32,000 households by 1996. Act 1972 was restored in 1991. In 1996, a new ‘agricultural Khas Land Management and Resettlement Policy’ was introduced again with limited impacts on settling the landless poor.

E. Land use policy 2001:

In 2001, the government introduced a land use policy. Major focus was on:

- 1) reforming the present land administration system;
- 2) updating different laws for land administration;
- 3) establishing a data bank for khas, fallow, char land and others;
- 4) introducing certificate of land ownership (CLO);
- 5) distributing agriculture and non-agricultural khas land;
- 6) emphasizing on project approach, as landless people were not organized;
- 7) adopting a jalmahal policy to establish the rights of poor fishermen;
- 8) Adopting and implementing unified rules with the aim of alleviate poverty by way of providing income support to marginal farmers and land less farmers.

2.3. Mutation Process Reform

Mutation of land is one of the important services which many people take from AC (Land) office. Sometimes people were facing various hazards of getting proper services. In most of the cases, it took unknown and unlimited times. Sometimes it takes 3 to 6 months and even more. For removal of such problems government spontaneously took decision to promulgate a law by issuing circular {পরিপত্রঃ স্মারক নং- ভূঃমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ} and implement it in Upazila/ circle Land offices. According to government circular the specific time limit for mutation is 60 days in city areas and 45 days in other areas. It means, if a person applies for a mutation, the service should be provided within 60 days in city areas and 45 days in other areas. Service charge for mutation is determined 250 (two hundred fifty) taka

through this circular. As well as necessary documents required for mutation is prescribed by the circular.

2.4. Conclusion of the Chapter

It was expected that the circular will improve the old bureaucratic service delivery mechanism. After passing about two and half years what is the status of implementation of the circular in Upazila/ circle land offices, what is the extent of implementation of the circular and what are the problems that the organization is facing in successful implementation of the circular- these are the main concern of this study. For answering this question, a study is yet to be made in Upazila/ circle land offices. In this perspective data will be collected which will result in this study.

The researcher will observe and examine the implementation and effectiveness of this circular through this study.

Chapter Three: Theoretical Aspects and Analytical Framework

3.1. Introduction:

Though it is late, in Bangladesh customer focused initiative has been introduced in public sector. The present study provides a scope to visualize the emerging state of the venture. For this purpose, a framework is needed to be developed for analysis. The central objective of this chapter is to develop that framework. The major topics of the chapter are discussion on important concepts of implementation, major theories and models of implementation and lastly, a framework for analyzing implementation process of the circular on mutation in upazila/ circle land offices.

3.2. Theoretical Aspects:

With the advent of New Public Management (NPM) principles and mode of thinking in organizing efficient and effective service delivery, a number of methods are being used today. Citizen centric service approach is one of such techniques, which puts citizens in the forefront to decide about the nature, form and type of services. Furthermore, it also presupposes that people have confidence in the mechanism established to sanction the behavior of office holders, so that when the later deviate from what is prescribed they will be held accountable. In other words, service providing based on this approach is a process that outlines the commitment of the service provider towards the citizen through clearly specified benchmarks of quality and standards of service. It is a new device under the umbrella of good governance to foster effectiveness in public service delivery system.

The last quarter of 20th century has witnessed a fundamental change in administrative values and the pattern of governing system. Traditionally, the government-citizen relationship has been veered in a donor-recipient mould, in which citizen were eclipsed in decision making and marked by provider domination. But the New Public Management doctrine came to replace the rigidity in the performance of government. Under the umbrella of good governance, this approach tends to move the conventionally top-centric government bureau into one that is bottom-up and citizen driven citizen centric.

Mutation of land is one of the important services which people take from AC (Land) offices. But people were facing hazards of getting proper services. In most of the cases, it took unlimited times. Sometimes it took 3 to 6 months and even more. To solve such problems

government spontaneously took the decision to enact a law through government circular {পরিপত্রঃ স্মারক নং- ভূঃমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ} and implement it in Upazila/ circle Land offices. According to government circular the specific time limit for mutation is 60 days in city areas and 45 days in other areas. It means, if a person applies for a mutation, the service should be provided within 60 days in city areas and 45 days in other areas. Service charge for mutation is determined 250 (two hundred fifty) taka through this circular. As well as necessary documents required for mutation is prescribed by the circular.

3.3. Issues in Implementation:

The circular is a formal document of proclamation which spells out citizens' entitlement and indicates the service providers' obligations. To study the actual working of the circular and to explore the barriers of implementation of the circular in upazila/ circle land offices we can discuss the concepts of implementation as such. The discussion in the following paragraph will try to capture the essence of implementation given by various scholars. As the circular is a newly launched reform initiative in Bangladesh many factors may affect its implementation. To observe these factors different implementation theories are reviewed. Of them, interactive model of policy implementation by Thomas and Grindle (1990), a model of policy implementation process by Van Meter and Van Horn (1975), Skeletal Flow of the variables involved in implementation process by Sabatier Mazmanian(1990) are important. Michael Hewlett and Mr. Ramesh in their Policy Cycles and Policy Subsystems identified policy implementation as an important stage of policy cycle. On the logic of problem solving Ramesh and Hewlett (2003) identified 5 stages in the policy cycle. In this model, policy implementation is the 4th stage which relates to how government put policies into effect.

In an attempt to relating the present research problem with theory, it is found that 'Policy Implementation Process' by Van Meter& Van Horn is more suited for the purpose. They have described policy implementation as `encompassing those actions by public and private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions. This includes both onetime efforts to transform decision into operational terms, as well as continuing efforts to achieve the large and small changes mandated by policy decisions.

'Lack of implementation should not refer to failure to get going but to inability to follow through.'" Therefore, the study of implementation examines those factors that contribute to

the realization or non-realization of policy objectives. So, the model of Van Meter and Van Horn involves actors and factors of implementation within a single organization. In their policy implementation process they highlighted that regarding organization (which is the key actor of implementation) change is a factor which is important for organization to work. Some other factors like – resource limitations, sunk cost, the collective benefits of stability are examined by Kaufman (1971) which give organizations many advantages in change are also addressed by Van Meter and Van Horn.

Organizational control is another important factor for implementation process. According to Willensky, control is “The problem of getting work done and securing compliance with organizational rules”. So, we find in this model numerous headings have been used to explore the aspect towards organizational life.

For understanding implementation of a policy decision in an organization many issues are important- leadership authority, managerial control, coordination, hierarchy, human relation, democracy, incentive and compliance. According to Meter and Horn “Compliance may be the special case in the study of implementation- usually related to the specific obedience or lack thereof to a law or directives” and different types of organization may require different kinds of compliance system. How participants are behaving- whether they have negative, positive or intense orientation towards the organization- that is important for implementation process. With reference to Kaufman 1973, it is presented in the model that increased compliance also depends on superiors’ role. So theoretical perspective of Van Meter and Van Horn’s implementation process is that consensus over policy goals and policy objectives are important for implementation. To what extent do implementing officials agree on the goals of the program that is important for effective implementation. Gross and associates in 1971 identified several factors that affect goal consensus- and thus implementation. One of these factors is the extent to which subordinates or implementers have participated in the policy decision- “Participation leads to higher staff morals and high staff morale is necessary for successful implementation.” Meter and Horn expressed their expectation that, goal consensus have a greater affect on policy implementation process. In their model of policy implementation they identified six variables which shape linkages between policy and performance. These are:

- 1) Standard and objectives of policy
- 2) Resources

- 3) Characteristics of the implementing agency
- 4) Economic, social and political formation
- 5) Inter-organizational communication and enforcement activities
- 6) The disposition of the implementers.

Many other interlinking variables are shown within these six variables. For example: policy resources may include funds and other incentives in the program that might encourage or facilitate the administration. Inter-organizational communication and enforcement activity include: Institutional mechanism, procedure, technical advice and assistant etc. Characteristics of the implementing agency may include: competence and size of organization's staff, the vitality of the organization, the degree hierarchical control of sub-unit decisions, the degree of pen communication, political resources etc. It is also hypothesized that economic, social and political environment of the implementing jurisdiction or organization will affect most of the six variables. So, like this model the present research problem can be discussed and the dependent and independent variables can be identified within the implementation process of the circular on mutation in AC Land Offices of upazila level.

So, taking this into account the present study is asking some theoretical questions like-

1. Do A.C. (Land) offices have adequate administrative capacity to implement the circular?
2. What is the contribution of citizens in preparation and implementation of the circular?
3. Does leadership matter in the implementation of the circular?
4. To what extent, do administrators at the top and bottom level of AC Land office accept and approve the circular?
5. Is the implementation of the circular backed by adequate financial resources and knowledge?
6. Does a strong political will exist for its implementation?
7. Do the people feel a part of the process of implementation of the circular in A.C Land offices?

3.4. Variables of Analysis:

The present section is devoted to the independent variables used in this study. The main assumption is that there are a number of cultural and behavioral, organizational, economic

and political factors that may have been affecting and arguably encumbering to some extent the effective implementation of the circular in upazila land office. These three major factors may be subdivided into a number of variables. The rest of the discussions will follow focusing on the three major variables in a theoretical perspective with regard to the context of Bangladesh.

3.4.1. Organizational Variables:

Several studies have shown that organizational factors impinge effective policy implementation (Thomas and Grindle:1990, Van Horn and Van Meter:1976). So, several factors affect how individuals perceive the circular at organizational levels. Some of the organizational factors that may affect the success of the implementation of the circular are discussed below.

3.4.1.a. The disposition of the implementers:

Consensus over policy goals and objectives by the implementers is essential for effective implementation. Policy makers assume that policy goals and objectives are shared by implementers, but many studies show that policies often carry vague, unresolved or conflicting meanings to them (Brodkin 1990, Calista:1986, Yanow 1996). Again, policies often contain only hazy guidelines and practices for the implementers. The implementers often work under incomplete, inaccurate, or simply idiosyncratic understandings of what policy means to them or their everyday work practice (Pressman and Wilddavasky 1973, Van Horn and Van Meter 1976).

In ‘The Policy Implementation Process- A Conceptual Framework’ Van Metre and Van Horn accomplished that the disposition of implementers is one of the most important component in the policy implementation process. In this respect ‘three elements of the implementers’ response may affect their ability and willingness to carry out the policy:

- I. Their cognition (comprehension and understanding) of the policy,
- II. direction of response towards it (acceptance, neutrality & rejection) and
- III. The intensity of that response.

I) Cognition:

Van meter and Van Horn observe that, the implementers understanding of the general intent as well as specific provisions of the policy is very crucial. So, general cognition of

implementers towards new change has a bearable mark on its success or failure. An implementer might know what policy means or consists of in broad terms but he may lack knowledge for carrying out the duties required. Without proper cognition implementers may comprehend the policy through their lenses. The meaning of policy is created in context (Lin:2000)(Yanow:1996), not only from the actual words of legislation but also from the knowledge and values implementers bring to their jobs. Successful implementation may be frustrated when officials don't have clarity about what they are supposed to do. The chances of realizing principles and doctrine of the circular hampers if officials are not able to comprehend the policy itself. Further, the officials may screen out some of the provisions of THE CIRCULAR if they feel that these are in contradiction with their own beliefs, values, assumption and identities.

ii) Response or Reaction:

The direction of implementers' disposition towards the standard and objectives of policy is also important. Implementers may fail to execute policies faithfully because they reject the goals contained in them and the opposite case i-e wide spread acceptance will enhance greatly the potential for successful execution (Kaufman, 1960). Thomas and Grindle argued that new reform may initiate reaction or response in two areas:

- 1) Public arena and
- 2) Bureaucratic arena.

In this case, reaction may likely take place in the bureaucracy. The circular have tendencies to inculcate certain new values, habits and practices in bureaucracy. As the argument is that it concentrates costs on the bureaucracy and creates benefits and advantages for public. Due to response engender in bureaucracy, implementers may fails to execute policies faithfully because they reject the goals contained in them. If some elements of the circular offend the value system of the official or stuffs of the organization, they may reject some of the goals of the circular. Patrick (as quoted in Van meter & Van Horn ; 1976) has succinctly written that it arises from the fact that human groups find it difficult to carry out effectively acts for which they have no underlying beliefs. The development may lead to open defiance or outright rejection of the new circular provisions. In contrast, acceptance of the policy standards & objectives by implementers may enhance greatly potential for successful execution.

iii) Intensity of response:

The intensity of implementers, disposition may affect the performance of the policy (Van mater & Van Harn; 1975). Intense negative performances may lead to outright and open defiance of the policy's objectives. On the other hand, if the responsible functionaries favour the particular issue, then the likelihood of successful realization of the goals may be high. Less intense attitude among implementers may cause deviation and evasion to policy goals

3.4.1.b. Competence and size of the organization's staff:

The competence level and size of the organization staff is one of the characteristics of administrative agency that affect policy performance. The trained staffs are more capable of doing duties promptly. Again over staffing or less staffing both hamper the actual performance of the organization. For the present case i.e. upazila land office, the working experience of the staff in specific area contribute to enhancing the competence level of organization staff. For this Meter and Horn identified this characteristic of implementing organization as one of the vital factors.

3.4.1.c. Training of staffs:

Skilled and competent manpower is also one of the pre requisites for successful implementation of new program and policies (Hill: 2003). As the circular aims to bring certain changes in the existing systems, therefore, the staffs of Upazila land office must have a wide range of skill, resources, and knowledge to implement it effectively. For effective implementation of the circular the organization may utilize planned strategy like training, refresher course and orientation program for the office staffs. Training may update expertise and cognition of employee which in turn will lead to capacity building. If the organization capacity is adequate, there are greater opportunities for effective implementation. Ingraham observed that capacity building through training and the provision of information can shape policy outcomes. Through training officials of Upazila land office can articulate new techniques to do particular task of that organization according to the circular.

Therefore, if the officials are not well trained and are not taught new values and culture of the circular then they may overlook those provisions.

3.4.1.d. Response to citizen or degree of open communication:

It means networks of communication with free horizontal and vertical communication and a relatively high degree of freedom in communication with persons outside the organization.

More interaction between the organization and citizen as well as between interrogational communications can provide the implementing agencies with added vitality and expertise improving their capacity to execute the program. Easy access to the organization for information play vital role in smooth working of the circular. In context of Bangladesh, many people are ignorant and don't know where to go for specific work .For gathering information they pay much in terms of time and money. Open communication can provide easy access for them. Again inter organizational communication is also needed to observe policy fully and completely. Otherwise, problems may arise as subordinates fail to comprehend fully what is expected of them.

3.4.2. Cultural Variables:

Schein(1992:12) described culture as ‘a pattern of basic shared assumptions that the group learned as it solved its problems of external adaptation and internal integration, that has worked well enough to be considered valid and therefore, to be taught to new numbers as the correct way to perceive, think and feel in relation to those problems’’. Culture as perceived by Hofstede is “the collective programming of the mind that distinguishes the members of one group or category of people from others’’. Culture is learned but not innate .The following discussion is focused on the specific variables that are used in this study in respect of culture.

3.4.2.a. Uncertainty Avoidance:

Uncertainty Avoidance as defined by Hofstede (1997) is “the extent to which the members of a culture feel threatened by uncertain or unknown situation.” It is a subjective feeling on experience expressed through nervous, stress and a need for predictability by having written and unwritten rules and regulations. In this type of culture more and more rules are created to regularize the behaviour of subordinates. Most things are standardized and codified in such kind of culture. The detailed rules and regulations hardly provide any room for flexibility and new ideas, experiments, new concepts and habits to accomplish work. The organization having such work culture, the official, has strong preferences to follow the rules. Such a situation often leads to rule-oriented behavior among workers that breeds rigidity and ultimately leads to red-tapism.

In this type of arrangement, bureaucracy is more process oriented rather than result-oriented. Process oriented work culture follows certain rituals to conduct any work irrespective of its necessity to the present context. Such officials have strong tendencies to maintain status-quo.

Rules and regulations make the system closed and that leave little room for participation of the outsiders. In brief uncertainty avoidance makes work more rigid, complex and promotes slow decision making. As Bangladesh has strong uncertainty avoidance culture, decision making is very slow here and that's why it is assumed for the purpose of the study that it (uncertainty avoidance) acts as a bar for effective implementation the circular. But in contrast to it, in weak uncertainty avoidance culture, organizational members try to make working procedure easier, flexible, simple and transparent and less time consuming such an organization aims at achieving pre-determined goals and objectives. Existence of fewer rules make the system open that permit citizens to communicate and participate in various activities with ease. The argument is that, the stronger the uncertainty avoidance, the more is the likelihood that, there may be many rules and regulations. These rules may bring rigidity and inflexibility. It may resist change and innovation. This means such type of configuration, which enhances that the system may opt to behave in closed manner, may affect implementation of the circular adversely.

3.4.2.b. Power Distance:

According to Hofstede there are four dimensions of culture and power distance is one of them. Hofstede termed power distance as ‘-the extent to which the less powerful member(s) of the institutions and organizations within a country expect and accept that power is distributed unequally.’ The relationship between superiors and subordinates in the organization is basically determined by this dimension of national culture. The higher the power distance, the more is the nature of authoritarian work culture in an organization. Subordinates are expected to obey the orders of the supervisors .Centralization of power is the main characteristics of this type of culture. Direction from the top initiates most of the works rather than subordinates take any initiative for work. In the high power distance organization, superiors and sub-ordinates consider each other existentially unequal and also the citizen consider themselves as inferior/ unequal to the officials,. This leads to pyramid-like structure resulting in tall hierarchies of people reporting to each other.

3.4.3. Political and Economic variables:

Public sector reform in developing countries is greatly associated with economic and political environment. The way in which public servants responds to the political environment and how that environment influence public organization is of great importance . Hence, several

factors within the environment (Thomas and Grindle 1990, Sabatier and Mazmanian 1989) may directly or indirectly affect the implementation of public policies.

3.4.3.a. Political Commitment:

Along with the implementers, political leaders or public representatives or policy makers support is very much needed for policy implementation. But at times politicians pursue specific reforms or changes for symbolic value. Sometimes, policy become substitute for an action, policy is taken to demonstrate that something is being done without actually tackling the real problem. (Fudge and Barret), In other words, not only implementers may resist change or approach both objectives and programmes in term of their own interpretation, but also that the policy – makers may find if necessary or advantageous to neglect policy execution. (Lane:1997) In the case of the circular in upazila land office, the issue is whether there is the presence of real political will by the state to execute the valued mentioned in the circular. Though land office is such an organization where every work is done by the bureaucrats and other govt. officials the consciousness of local political leaders, their communication with the bureaucrats and above all if the policy makers conceptualized the benefits of the circular for the purpose of citizen- these are the indicators of their political will (Balch 1980:44-40) has identified 4 strategies to enforce policies, which govt. may use :1)Information strategies 2)Facilitation strategies 3)Regulative strategies 4)Incentive strategies. Therefore, the degree of the success in implementing the circular will rest on what strategies the govt. utilizes along with the extent of political will applied.

3.4.3.b. Awareness of citizens:

Without public involvement and their support, there are low chances to put into effect policies especially the circular that need wider public propagation and participation. Thomas and Grindle (1990: 1171) argued that the outcome of some reforms is largely determined by societal response. In other words, public involvement is also indispensable to implement new program. They further pointed out that public support may be mobilized only if they have knowledge about the new program or policy. In this case it is the citizen's awareness about the circular.

Without information about the circular, the citizens may not form their opinions, and hence may not lend their support for it. Further, the extent of public support to proposed change (s) depends on the costs and benefits (ibid: 1171) offered by the particular reform. The more the

benefits to public, the greater may be the public participation, and eventually the higher may be the support for the reform. It is evident that the circular offers more benefits and least costs to the public. Therefore, the citizens may have high participation and support for it. Policies in which the public or a wide range of participants are not involved, then these may not have the advantage of generating social acceptance and legitimacy to sustain the reform (ibid. 1170). In other words, citizens provide legitimacy to the output of any system. All organizations and institutions are part of a larger system of society and their outputs are consumed in it. Rothstein (1998: 69) observed, “it is scarcely possible to carry out a program successfully – however ingeniously designed it may be, and however well organized its implementation – if it does not enjoy the confidence of the group toward which it is directed, or of the citizen at large.” Public participation and support basically depends on the level of awareness among masses about new changes. If there is a higher level of awareness among the citizenry, they may shape their ideas better for the support/or rejection of the proposed programme. In addition to costs and benefits, the nature of new policy affects their knowledge base and level of participation. If a proposed program has high technical content, less are the chances that citizens may understand its details. Eventually, they may have low awareness. Low awareness means less involvement of the public which in turn may affect the outcome of the policy.

3.4.3.c. Resource Allocation:

Resource is another important factor for policy implementation. Van Meter and Van Horn identified that availability of resources help to achieve vigorous enforcement. When vast sum of money or other resources are perceived to be available, implementers may view the program with added favor and compliance may be encouraged by the prospect of receiving a share of these resources. Conversely, support for a program will not be encouraged if implementers perceive that few benefits will be realized by active participation. Availability of fiscal and other resources may create a demand – by private citizens and organized groups- for participation in a successful implementation of the program (Van horn and Van Mater-1975). As observed by Sabatier and Mazmanian (1989), the need for adequate funding is critical in the implementation of any programme. In the words of Howlett and Ramesh (2003: 185), for effective policy implementation, “funding must be allocated, personnel assigned, and rules and procedures developed.” Any new change requires funds to execute it. If sufficient funds are not available for different activities then implementation may suffer unfavorably. If Upazila land office does not possess the required funds for marketing the

circular, to organize training, refresher and orientation courses and various other related activities, then the programme may be affected adversely. Grindle and Thomas (1990) rightly pointed out, in addition to funds; other resources like managerial and technical that are required for the successful implementation of public policies. They further acknowledge that access to these resources depends much on the ability of implementers to identify the type of resources required, and where, and how they could be acquired (Vijender Singh Beniwal-2005).

3.5. Analytical Framework:

According to the above discussion we may accumulate the variables of analytical framework in the table below:

Table- 3.1: Variables of Analytical Framework

Variables	Indicators	Assessing scale
Organizational Variables	Implementers understanding and comprehension of the policy decision	Awareness and ownership of the circular
	Implementers acceptance neutrality or rejection of policy decision	Use of the circular by the implementers
	Sufficient competent staff appointment	Number of staff
	Proper training (once, twice or thrice) on specific issue	Number of training session on the circular
	Access of citizens to organization's Staffs	Talking opportunity
Cultural Variables	Fear of law, rules, and regulations	Importance given to rules and regulations
	Degree of interaction between citizen and staffs / officers of the organization	Frequency of getting ideas from citizen
	Interaction between officers and staffs.	Frequency of getting ideas from subordinates
	Style of leadership (Consultative or autocratic)	Level of hierarchy
Economic and Political variables	Political Will to implement the circular	Providing rules /regulations
	Extent of knowing about the circular	Heard the name or know at least something about the circular
	Any additional fund for the circular implementation	Allocation of money

Now, according to the above discussion we may design an analytical framework in this way:

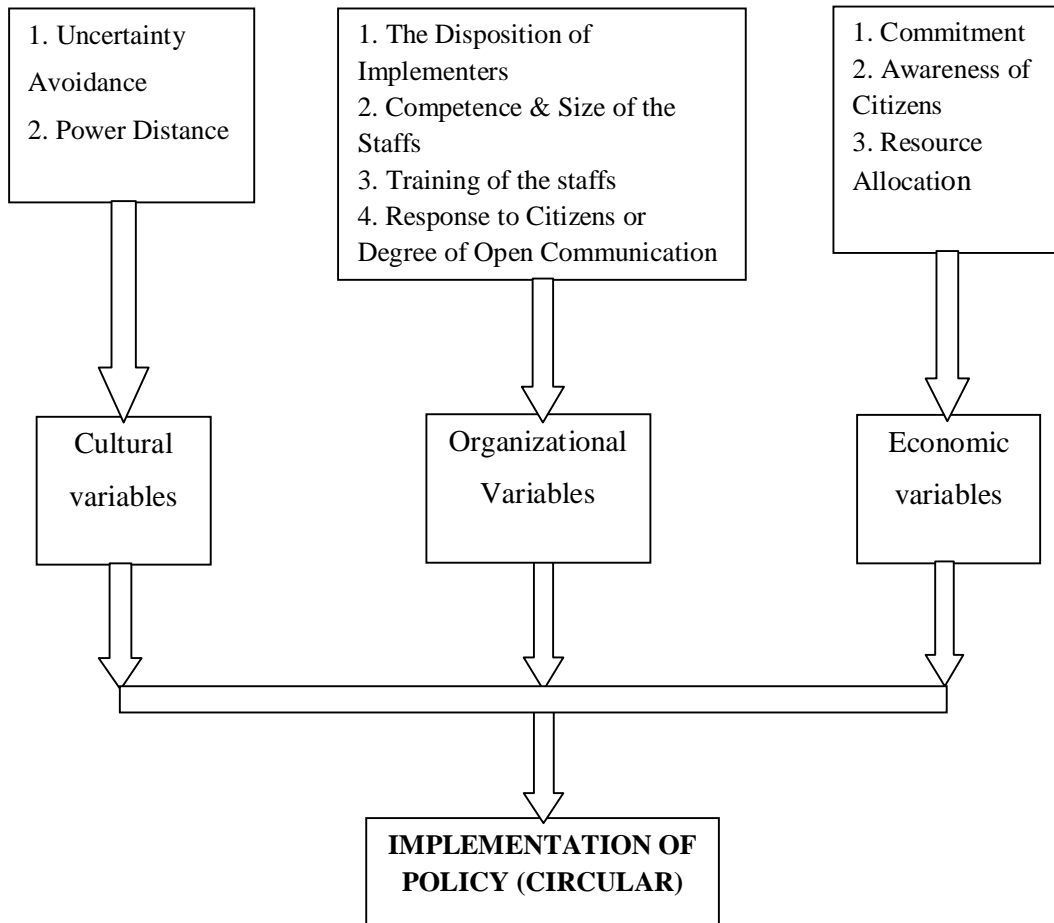


Figure- 3.1: Analytical Framework

3.6. Conclusion of the Chapter:

In this chapter discussion is mainly focused on the theoretical framework devised for the study. It has been argued that several factors stand between designing a reform and securing execution of it. The government has introduced the citizen's charter in upazila land offices to empower citizens. To explore factors that affect the circular implementation the researcher has reviewed literature and derived major factors that determine implementation process. The researchers have chosen a mixed approach to analyze the main factors that affect effective implementation of citizen's charter. The data have been collected mainly through open-ended interviews, questionnaires and documents. Carrying out research in land sector is a demanding task. It requires a number of strategies and tactics to overcome challenges in the field.

Chapter Four: Research Methodology

4.1. Introduction:

Getting land-related services in Bangladesh is a hazardous job. This consideration led to choose upazila land offices which are pioneer organizations that have implemented the recent reform specially promulgation of this circular. The present study is an attempt to uncover the factors that affect successful implementation and its impact on service delivery. Furthermore this area is by and large unexplored. A very little study has been conducted to investigate the circular in Bangladesh. None of these studies cover the effective implementation and impact of the circular in land offices. So, the present study therefore is an attempt to map the extent of the circular implementation in upazila land offices.

The main aim of the present study is to explore the factors that impede the implementation of the circular in particular and to understand the policy implementation in general. This chapter presents the methodology applied for the purpose. It deals with the elaborate discussions on research strategy, research design, research methods and techniques used for data collection and data analysis.

4.2. Research Design:

Research design provides a framework to the researcher to navigate the journey in the field and finally execute the study. The nature of the problem to be studied and research question to be answered are the guiding pillars to decide what approach and strategy would be employed to pursue a research. According to Creswell 2003 research design fall into 3 categories

- i) Quantitative
- ii) Qualitative and
- iii) Mixed method.

The present study utilizes a mixed method approach. The qualitative approach is used as a predominant method because the research is conducted in its natural setting where the quantitative method will be used to analyze the data. The mixed method overcomes the disadvantages of qualitative and quantitative methods and benefits from the advantages of each. According to Creswell (2003) one of the chief reason for conducting a qualitative study is that the study is exploratory and the researcher seeks to listen to participants and build a

picture based on their experiences and perceptions. In other words qualitative study allows for in-depth analysis of comments and perceptions that individual's viz. different stakeholders- bureaucrats, citizens and politicians hold about the circular. Further qualitative approach provides room for discussions between the researcher and participants which allows capturing insights and direct understandings from participant's perspective.

The present case is more amenable to use mixed method as the researcher intends to map the realities through participant's lenses. This study is more concerned with how citizen look at the circular, In what ways their perception vary among different actors such as bureaucrats, citizens and local politicians. Does it have coherent meaning within bureaucracy- mid level and frontline staff? In a way, the study strives to highlight how different actors form their meaning and reality about what constitutes the circular and what it is meant for?

4.3. Research Area:

The study on implementation of the circular in land offices of Bangladesh is a contemporary, ongoing process. The present study is exploratory as the implementation of the circular is a present phenomenon. This study seeks to uncover the factors that affect the successful implementation of the circular in AC (Land) offices. In this study I will take upazila land office, Gazipur sadar from Gazipur District to find out the problems of Implementation of the circular.

4.3.1. Gazipur District

Gazipur District with an area of 1741.53 sq km is bounded by Mymensingh and Kishoreganj districts on the north, Dhaka, Narayanganj and Narsingdi districts on the south, Narsingdi on the east, Dhaka and Tangail districts on the west. Annual average temperature maximum 36°C and minimum 12.7°C; annual rainfall 2376 mm. Main rivers: old Brahmaputra, Turag, Shitalakshya, Bangshi, Balu, banar.

Administration: Gazipur district was established in 1984. It consists of 5 upazilas, 46 union parishads, 710 mouzas, 2 municipalities and 1163 villages. The upazilas are Gazipur sadar, Kaliakair, Kaliganj, Kapasia and Sreepur.

Main occupations Agriculture 45.73%, agricultural labourer 11.73%, wage labourer 2.65%, commerce 10.85%, transport 2.79%, construction 1.1%, service 14.41%, others 10.74%.

Land use Total land under cultivation 125287.53 hectares, fallow land 16935.35 hectares; single crop 34.84%, double crop 50.76%, treble crop 14.40%, land under irrigation 41.18%.



Figure- 4.1: Map of Gazipur District

Land control Landless 11.60%, marginal 38.80% intermediate 30.40%, and 19.20% rich. Main crops are Paddy, jute, mustard seed, sugarcane, chilli, arum, turmeric, ginger. Extinct and nearly extinct crops are Indigo, Aus paddy and Aman paddy. Main fruits are Jackfruit, pineapple, litchi, black berry, guava, mango, papaya, kamranga, palm, boroi, karamcha, wood apple, tamarind. Fisheries, poultries and dairies are Poultry 8511, dairy 114, fishery 646 and hatchery 7. (Banglapedia)

4.3.2. Gazipur Sadar Upazila

Gazipur Sadar Upazila of Gazipur district with an area of 446.38 sq km, is bounded by Sreepur upazila on the north, Savar upazila and Uttara thana and Rupganj upazila on the south, Kaliganj (Gazipur) and Rupganj upazilas on the east, Kaliakair and Savar upazilas on the west. Main rivers are Turag, Balu, Labandaha and Salda. Tongi Khal is noted.



Figure- 4.2: Map of Gazipur Sadar Upazila

Gazipur upazila was established in 1983 consisting of Joydebpur and Tongi police stations. It consists of 2 municipalities, 8 union parishads, 189 mouzas (villages) and 244 villages.

Population 588492; male 53.83%, female 46.17%; Muslim 92.46%, Hindu 7.04%, Christian 0.35%, Buddhist and others 0.15%.

Main occupations of the population are Agriculture 26.63%, agricultural labourer 7.68%, wage labourer 2.94%, industry 1.41%, commerce 14.71%, transport 4.73%, construction 1.79%, service 28.31%, others 11.8%.

Land use Total land 41300 hectares; cultivable land 30645 hectares, fallow land 1140 hectares, forests 5052 hectares; single crop 49.3%, double crop 26.2% and treble crop land 24.5%; land under irrigation 42%. Land control Landless 21.1%, marginal 49.4%, intermediate 24.3%, and 19.20% rich; per capita land 0.05 hectares.

Main crops are Paddy, jute, mustard, turmeric. Extinct and nearly extinct crops are Indigo, Aus paddy, Aman paddy. Main fruits are Jackfruit, pineapple, litchi, mango, black berry, guava, papaya, palm, boroi, jambura, wood apple, tamarind. Fishery, dairy and poultries are Fishery 7, poultry 3815, dairy 80. Hats, bazars and fairs Hats and bazars are 36, of which Tongi, Pubail, Mirzapur, Kasimpur, Joydebpur; Baruni Mela (Kaddar) and Rath Mela (Joydebpur) are notable. Main exports are Jackfruit, pineapple, vegetables, cosmetics, foot ware, electric and electronic goods, medicine, readymade garments, bidi, cigarette, mosquito coil. (Banglapedia)

4.4. Data Collection Tool:

To collect the data of the study interview of the citizens will be held and questionnaire is being developed to hold the interview. The questionnaire for citizens is developed mainly to investigate their problems in getting service according to the circular. The interview of the officials will include questions about organizational problems, skills of the service providers to implement the circular. Besides this some files of mutation case will be examined to collect data and observe the implementation of the circular in practice. Those files will draw the real picture and show the reality and rhetoric of the procedural practice.

4.5. Population and Sample size with sampling technique:

The officers of AC Land office, staffs, A.D.C (Revenue), D.C and all the citizens taking services from A.C Land office will be elected as population. The desired sample size is 60. The sample will be selected by purposive sampling technique. Of the 60 sample size 45 will be from service receiver, 10 from service provider and 5 high level officials of the district,

Deputy Commissioner of that district, ADC (Revenue), Revenue Deputy Collector (RDC) and other related officials. Service receivers and service providers will be interviewed separately with different questionnaire.

4.6. Demographic Composition:

Demographic composition for data collection is given below;

Table- 4.1: Demographic Composition

Sl. No.	Composition	Number
1	Mutation Service Seekers	45
2	Service Providers	10
3	Officers of DC office	5
4	Total =	60

4.7. Data Analysis Technique:

The qualitative and quantitative analysis will be followed to analyze data. The open ended questions will be analyzed synthetically and the close ended question will be analyzed statistically.

4.8. Sources of Data:

The data for the study will be obtained from various sources including documents, interviews etc. So data will be collected from both:

- 1) Primary and
- 2) Secondary sources.

4.8.1. Primary data:

Primary data for this study will be gathered by interview of the citizens, service providers and higher officers of the district who are responsible to look after the implementation of any government policy in the district. The interviews will be conducted from January 10 to January 20, 2013. Semi structured and open ended questionnaire is being developed for the citizens who are unable to give formal interview. This strategy is designed to get information from actors in their own words. Besides this some files of mutation case will be examined to collect data. Again some observations will be made to understand different independent variables of the circular implementation in upazila land offices.

4.8.2. Secondary data:

For secondary data I will mainly rely on review of previous studies on policy implementation in general and specific studies on land policy & quality service delivery in the Bangladesh context. Secondary resources are mainly used to understand the concept of policy implementation by analyzing definitions offered by various scholars. Moreover, the literatures review facilitated in chalking out the theoretical framework for this study. Besides this, to comprehend and develop the existing norms and values, the belief system and practices of Bangladeshi society in general and administrative system in particular, different books and articles were referred as main sources of information. Lack of proper documentation is a common feature in the case of government office that I think will cause difficulties in getting accurate and detailed information for the research. Basically I used previous studies, reports, websites and a few official publications to gather background and general information about various aspects of the circular.

4.9. Limitations and challenges:

This research will concentrate on implementation of the circular in upazila land offices. So collecting relevant materials might become a problem as it has already been mentioned that little research has been carried out on the issue. Some other problems may have to face, like:

4.9.1. Accuracy of Data:

One of the major limitations of the study is the accuracy of data. As a significant portion of the study population is government employee they might tend to hide facts to cover up their insincerity and indifference to the citizens in respect of service delivery. They also might not be interested to share real information with the researcher to avoid future complications in their service career. On the other hand, the service receivers might hesitate to disclose their sufferings and problems lest it would endanger their possibility to receive service.

4.9.2. Access to Public Offices:

Generally, access to government offices is a major challenge in the field. One may face serious problem in accessing especially high profile bureaucrats. But as a researcher I was a bit lucky. Only problem I faced is that the Deputy Commissioner was very busy in some special kind of duty at that time. So I had to take help of my honorable supervisor Dr. Nasiruddin Ahmed. He had made a opportunity for me to contact and interview with the Deputy Commissioner. Second, I may find that many officials are not serious. There was a

tendency among them to defer interview schedule due to political and social activities which indicates their low priority towards research.

Moreover, at times in the middle of an interview they got involved in other activities. Therefore, I took help from the officials' kith and kin and friends to get reliable data informally.

4.9.3. Access to Public Documents:

Another challenge may be the difficulty in gathering documented information from officials. In some cases documents may not be found readily available and considered confidential. For example, I may get insight interview and necessary information from A.C Land of the land office but the staffs may keep details of the mutation case files or other information as they perceive most of documents as the “confidential”, and he was not in a position to provide any documents. In fact, very few documents were available.

4.9.4. Limited time:

Time is another constraint in the field work. The time given for the data collection was too short. At times key officials were on long holidays. Further, for doing qualitative studies researcher requires more time to analyze data while gathering information. As at times he may need extra time to restructure his design in the light of new developments and insights. In brief, I personally feel that if I had more time then it would have helped to obtain more reliable data.

4.10. Conclusion of the Chapter:

The study on implementation of the circular on mutation in Bangladesh is a contemporary, ongoing process. The present study is exploratory as the implementation of the circular is a present phenomenon. This study seeks to uncover the factors that affect the successful implementation of the circular in AC (Land) offices. In this study the researcher will take upazila land office, Gazipur sadar from Gazipur district to find out the problems of Implementation of the circular.

Chapter Five: Data Analysis and Findings from the Study

5.1. Introduction

This is a study conducted by the researcher to know the current status of implementation of the circular on mutation process in Upazila Land offices named 'Procedural Practice of Mutation and updating Land Records'. Upazila Land Office of Gazipur Sadar from Gazipur district of Bangladesh was selected to gather data. Objectives of the research were to observe the extent of implementation of the circular, to explore the factors that affect the implementation of the circular in upazila land offices, to explore the problems of the circular implementation – both from citizen's side and from organization side. For that purpose data is gathered from Gazipur Sadar Upazila Land Office of Gazipur district. The researcher took the opportunity to meet the officers and office staff of Upazila Land Office, Gazipur Sadar and office of the Deputy Commissioner, Gazipur as well as also meet the citizens who came to take services from that office.

This study on implementation of the circular in land offices is a contemporary, ongoing process. The present study is exploratory as the implementation of the circular is a present phenomenon. This study seeks to uncover the factors that affect the successful implementation of the circular in AC (Land) offices. In this study the researcher took Gazipur sadar upazila land office of Gazipur District to find out the problems of Implementation of the circular.

The officers of AC Land office, staff, A.D.C (Revenue), D.C and all the citizens taking services from A.C Land office was elected as population. The sample size was 60 and sample was selected by purposive sampling technique. 45 of sample size were from service receiver, 10 from service provider and 5 high level officials including ADC (Revenue) and Deputy Commissioner of that district. The service receivers and service providers were interviewed separately by two separate interview schedule. Both of the two populations gave quantitative data and qualitative opinions. Besides this some files of mutation cases had examined to collect data. All the files are disposed and approved/ mutated for petitioner/s. Again some observations will be made to understand different independent variables of the circular implementation in upazila land offices.

5.2. Some findings from preliminary observation:

At the very beginning of the study, it was found that complete process of mutation is not described in the circular. Only three (3) major steps of mutation process are included leaving all other tasks. When the researcher asked the officer and office staff why only three steps are included in the circular – their argument was that these three steps are major so these are defined. Through observing the office premises and analyzing citizens' responses, the researcher found that, no citizen charter or any other methods of display were used to make citizens aware of mutation procedure.

5.3. Cultural Issues Found

The circular on mutation { পরিসত্রঃ স্মারক নং- ভূঃমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ } was issued in 2010. The Ministry of Land communicated the decision in terms of a circular to district, upazila and union land offices. According to the direction of the Ministry D.C offices, UNO offices, AC (land) offices and union land offices are liable for implementing the circular.

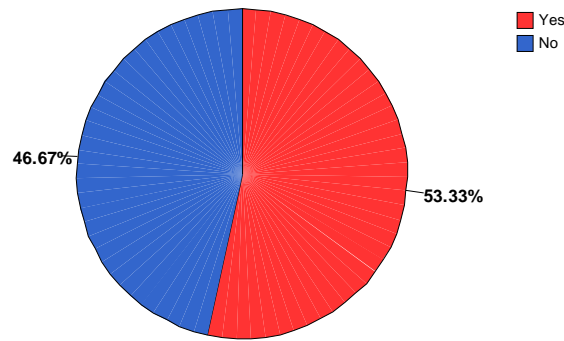
The researcher found some facts regarding implementation of the circular. Here the researcher will present some issues related to culture found through the study.

5.3.1. Knowledge about Mutation Procedure

The researcher interviewed 45 service seeking citizens, among them 21 person know how to apply for mutation and 24 do not know. The tables below present data found;

Table-5.1: Know Application Procedure			
No.	Class/ Type	Frequency	Percent
1	Yes	21	46.7
2	No	24	53.3
3	Total	45	100.0
Question- Do you know how to apply for mutation?			

As well as 53% of them see the prescribed application form of mutation and 47% do not see that.



Q. Have you seen the prescribed form?

Figure- 5.1: Seen application form of mutation

5.3.2. Awareness about the Circular

Most of the citizens interviewed by the researcher do not know what the circular is. They even did not hear about it. Some did notice the circular but do not know that this is the thing which is issued for them to get better service delivery. Table below shows the number of citizens familiar and unfamiliar with the circular.

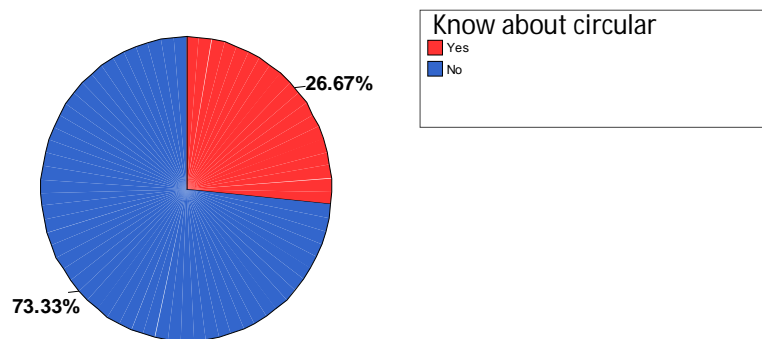


Figure- 5.2: Heard about circular

The table shows that only 27% respondents from citizens know about the circular.

Table- 5.2: Awareness about the Circular			
No.	Class/ Type	Frequency	Percent
1	Marginally	6	13.3
2	Briefly	6	13.3
3	Subtotal	12	26.7
4	Do not know	33	73.3
5	Total	45	100.0
Question- How much aware of the circular you are?			

The respondents are those who take services from the Upazila Land Office. On the other hand 100% respondents from service providers know about the circular.

Again, those who know about the circular, intensity of their knowledge are very poor. The tables above present the data regarding it.

Table- 5.3: Awareness of employees			
No.	Class/ Type	Frequency	Percent
1	Marginally	4	26.7
2	Fully	11	73.3
3	Total	15	100.0
Question- How much aware of the circular you are?			

Only 73% of employees know it fully. None of the citizen knows it fully. 13% of service receivers know marginally and another 13% know briefly. 27% of service providers know it marginally.

5.3.3. Knowledge about Controlling Authority

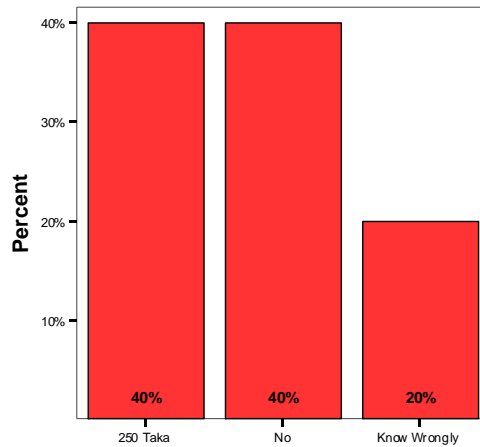
Citizens' knowledge about controlling authority of upazila land office is a bit higher. 53% of respondents know that and all of them know that rightly. The tables below present the data;

Table- 5.4: Citizens' Knowledge about Controlling Authority			
No.	Class/ Type	Frequency	Percent
1	Yes	24	53.3
2	No	21	46.7
3	Total	45	100.0
Question- Do you know to whom complaints to be lodged against this office?			

Table- 5.5: Citizens' Knowledge about Appeal Authority			
No.	Class/ Type	Frequency	Percent
1	Deputy Commissioner	24	53.3
2	Do not know	21	46.7
3	Total	45	100.0
Question- To whom complaints to be lodged against this office?			

5.3.4. Citizens' Knowledge about Fee of Mutation

Citizens' knowledge about fee of mutation is also poor. The researcher found that only 40% of respondents know the fee rightly and 40% do not know it. Other 20% of respondents claimed that they know it, but replied wrong amount. The figure below shows the data;



15. Do you know how much money is needed as fee of mutation

Figure- 5.3: Knowledge about Fee of Mutation

5.3.5. Service Providers' Approach to the Citizen

Service providers approach to the citizen is not matching with any one of the governance theory. More or less employees are bearing the colonial approach. Only 20% of service providers treat citizens as 'customer' 40% of them treat as 'client' and rest 40% of them treat citizens as 'beneficiary' though none of them attend citizens as 'tenants'.

The graph below present scenario of service providers approach to the citizen;

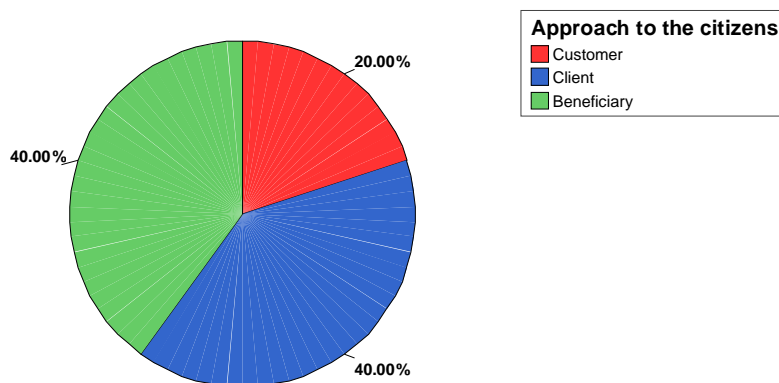


Figure- 5.4: Service providers approach to the citizen

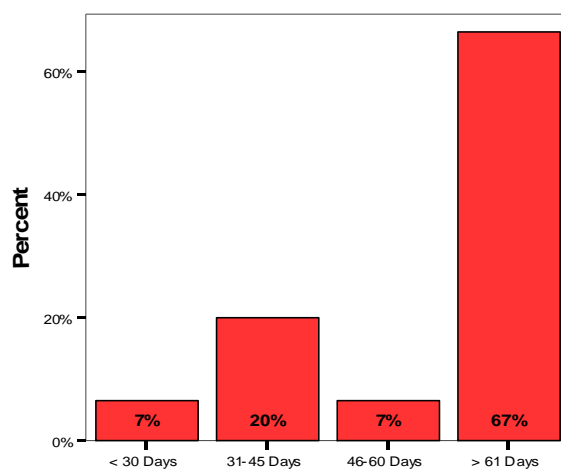
5.3.6. Time Taken for Mutation

The researcher examined 7 (Seven) files of mutation case. It is found during examination that, only two applications of seven were disposed within the time limit. One of those took 6 months, one took 5 months and another three cases took near about 3 months each. The details are shown in the table below;

Table- 5.6: Time taken for Mutation

Serial No.	Mutation Case No.	Land (Decimal)	Mouza (Village)	Date of Application	Date of Disposal	Time Taken
1	Kashi- 296/12-13	0.03	Madhabpur	11.07.12	07.01.13	180 Days
2	Baria- 160/12-13	0.125	Kauyer	31.07.12	01.01.13	153 Days
3	Puba- 2320/12-13	0.1343	Naagpara	27.11.12	08.01.13	42 Days
4	Gazi- 1556/12-13	0.0413	Joydevpur	27.09.12	17.12.12	81 Days
5	Bason- 2124/12-13	0.0842	Ichahata	19.12.12	08.01.13	20 Days
6	Tongi- 1333/12-13	0.0495	Shilmun	27.09.12	01.01.13	95 Days
7	Gasa- 1173/12-13	0.085	Gasa	07.10.12	14.01.13	98 Days

On the other hand, from interviewed citizens the researcher found that, time is not maintaining in most of the cases. Time of application for mutation is found as; 67% of applicants applied more than 60 days ago and 7% of them applied before 46 days. Others are applied in less than 45 days. The figure below shows the data.



3. When you have applied for mutation?

Figure- 5.5: Application Time

Citizens' perception about time maintaining in land offices is also negative. Only 13% of citizens think that the land offices usually deliver mutation service in time directed through the circular. 87% think they do not follow the instruction of the circular. The data found are shown in the table below;

Table- 5.7: Perception on service delivery in time			
No.	Class/ Type	Frequency	Percent
1	Yes	6	13.3
2	No	39	86.7
3	Total	45	100.0

Question- Do you think officials of land office usually deliver service in time mentioned by the circular?

5.3.7. Time Required for Mutation

Among interviewed service receivers 27% have received the service of mutation, whereas 73% of them yet to get that, though prescribed time of many of them have been over.

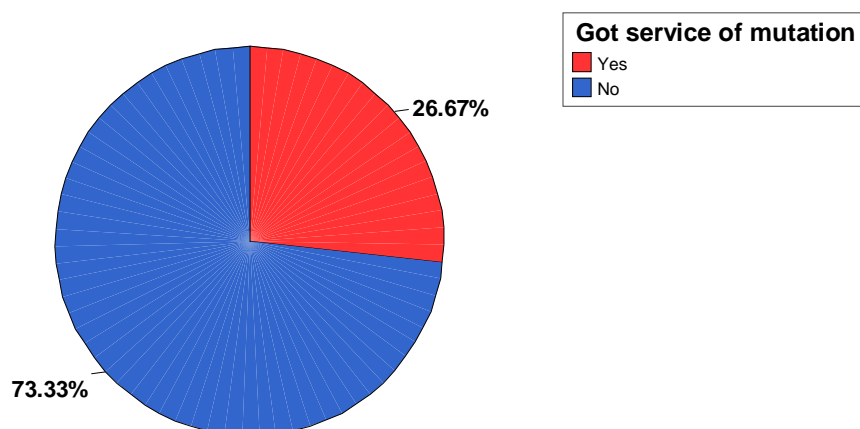


Figure- 5.6: People who Received Service

Service providers claimed that more time is needed to deliver the service, particularly for busy land offices. The table below shows the data regarding requirement of time;

Table- 5.8: Needed time to dispose a mutation case			
No.	Class/ Type	Frequency	Percent
1	Below 30 Days	1	6.7
2	30-45 Days	3	20.0
3	46-60 Days	4	26.7
4	61-90 Days	6	40.0
5	Above 90 Days	1	6.7
6	Total	15	100.0
Question- How much time is needed generally to dispose a mutation case?			

40% of service providers think 90 days are enough for mutation, 7% of them think more than 90 days are needed. 26% of them opine that more than 45 days required but less than 60 days are enough. Only 20% think 45 days are enough and only 7% say 30 days are enough for mutation. It is clear here that only 27% of service providers believe that within 45 days disposal of mutation case is possible, whereas 73% of them demand more time than prescribed in the circular.

According to Hofstede culture is the software of mind and determines the behavioral pattern of the social groups, contributes in work culture, so it is normal that this culture plays an important role in working system of any organization of a country.

5.4. Socio-economic Issues

The researcher found some socio-economic issues regarding implementation of the circular throughout the study. Some political factors like political will, public support and citizens' awareness play important role in implementation of a policy. So this chapter highlights the role the environment plays in the successful implementation of public policy. More specifically this study focuses on how society and economy affect the effective implementation of the circular. In other words, this part explains how the socio-economic variables (a. Citizens' awareness and b. Resource allocation) affect the implementation of the circular in Upazila land office. Findings of this study regarding these issues are being presented below;

5.4.1. Organization's capability

When the researcher asked about organization's capability to implement circular successfully, then 80% of respondents from service providers answered negatively.

Table- 5.9: Capability to Implement			
No.	Class/ Type	Frequency	Percent
1	Yes	3	20.0
2	No	12	80.0
3	Total	15	100.0
Question- Have your office sufficient funds, logistics and manpower to implement the circular?			

The table above shows the land office has not sufficient funds, logistics and manpower to implement the circular successfully. Due to this incapability staffs are not getting trained, citizens are not becoming aware. Propagation on the circular is insufficient. So service delivery is not satisfactory.

5.4.2. Male Dominancy:

Absolute dominance of male in the mutation process is found during the survey. All of 10 service providers in upazila land office are male. As well as the Deputy Commissioner, the Additional Deputy Commissioner (Revenue) and the Revenue Deputy Collector are male. It may not be pleasant, but true; all of 45 service receivers interviewed are also male.

5.4.3. Level of Education

Service providers of land offices are educated, but service receivers' level of education is not strong enough. Only 27% of service receivers are passed SSC and above level.

Table-5.10: Citizen's Education Level			
No.	Class/ Type	Frequency	Percent
1	Class 1-5	6	13.3
2	Class 6-10	27	60.0
3	SSC	6	13.3
4	Graduation	3	6.7
5	Master	3	6.7
6	Total	45	100.0

Table- 5.11: Official's Educational level			
No.	Class/ Type	Frequency	Percent
1	HSC	5	33.3
2	Graduate	3	20.0
3	Master	6	40.0
4	PhD	1	6.7
5	Total	15	100.0

Question- Do you know how to apply for mutation?

More than 73% of service receivers are near about uneducated. Two tables above present the data.

5.4.4. Citizens' occupation

As expected before the majority of service-seeking people are farmers or peasants. But the

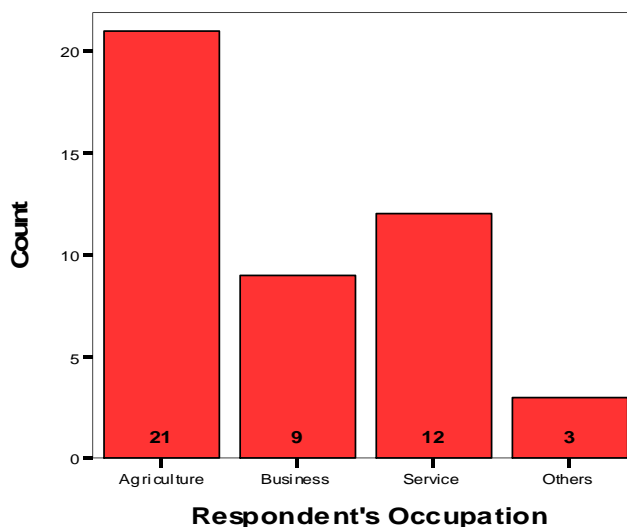


Figure- 5.7: Citizens' Occupation

ratio is not so high. Only 47% of them are agriculture based. 20% of them are business people, 27% are government or private sector service holder and rest 6% are doing other jobs.

5.4.5. Citizens' Income Level

Income level of service-seeking people is not high enough. Information regarding income of service-seeking people is shown in the table below;

No.	Class/ Type	Frequency	Percent
1	Below 10,000 Taka	12	26.7
2	10,000 to 20,000 Taka	30	66.7
3	20,001 to 30,000 Taka	3	6.7
4	Above 30,000 Taka	0	0
5	Total	45	100.0

None of the respondents said that they earn more than 30,000/- taka per month. Only 7% of them earn taka 20,000/- and above per month, 66% earn within taka 10,000 to 20,000 per month and 27% of the people earn less than taka 10,000/- per month.

5.5. Organizational Issues Found

The researcher found some variables regarding organizational behaviors and cultural issues. Some organizational factors play vital role in implementing new reform initiative. The main focus of this section is analysis on how organizational dimensions (i. disposition of implementers, ii. competence and size of organization staff, iii. training of staff and iv. open communication) affect the implementation of the circular in upazila land offices. Here those findings are described as follows;

5.5.1. Practice of Circular in Land Offices

The circular on mutation { পরিসপত্রঃ স্মারক নং- ভূঃমঃ/শা-৯/(বিবিধ)/১৩/০৯-৩৮৫, তারিখঃ ০৫-০৪-১০ খ্রিঃ } was issued in 2010. But complete practice of the circular dose not found through study. Only 7% of respondent from citizens said that the circular practiced in land office. The tables below present the data;

No.	Class/ Type	Frequency	Percent
1	Yes	3	6.7
2	No	42	93.3
3	Total	45	100.0
Question- In your opinion, is the circular practiced in land offices?			

Table- 5.14: Service Providers Opinion about practice of circular			
No.	Class/ Type	Frequency	Percent
1	Yes	14	93.3
2	No	1	6.7
3	Total	15	100.0
Question- Is the circular practiced in your office?			

The tables above show 93% of citizen and 7% of employees opined that the upazila land office does not practice the circular accordingly. However 93% of employees claimed that the circular is being followed.

5.5.2. Contribution of Circular in Service Delivery

Among the citizens only 20% believe that the circular helps them to get better service. The tables below present data found;

Table- 5.15: Citizens Perception about Contribution of the Circular			
No.	Class/ Type	Frequency	Percent
1	Yes	9	20.0
2	No	36	80.0
3	Total	45	100.0
Question- Do you think the circular helps you to get service you need?			

Table- 5.16: Employees Perception about Contribution of the Circular			
No.	Class/ Type	Frequency	Percent
1	Yes	15	100.0
2	No	0	0
Question- Do you think the circular helps you to deliver quality service?			

On the other hand 80% of citizens do not believe that the circular helps them to get better service. However all of the employees claimed its contribution to improve service delivery, though they differed in its importance.

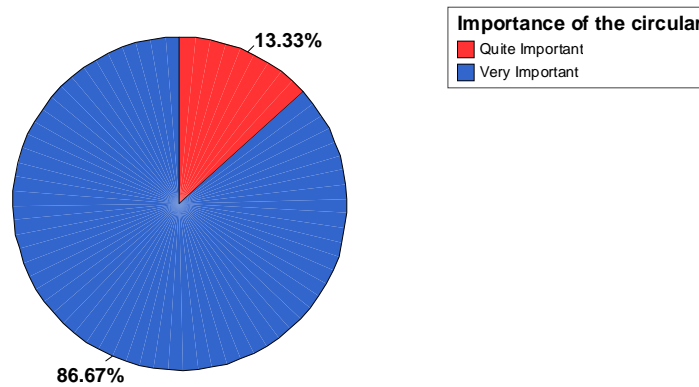
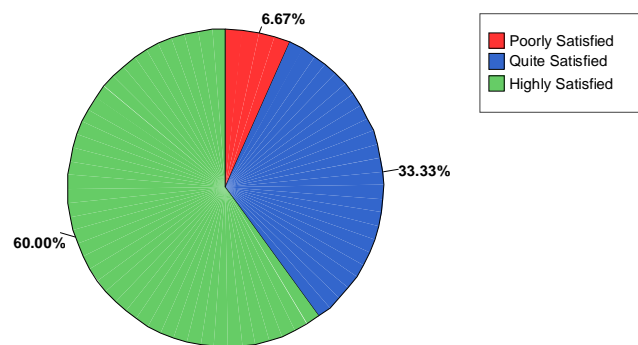


Figure- 5.8: Contribution of the circular

87% of them opined that it is very important and 13% believe it is quite important for mutation.

5.5.3. Officials' Satisfaction with the Circular

Service providers are satisfied with the rules issued by the circular. Among them 60% are highly satisfied, 33% are quite satisfied and 7% are poorly satisfied. None of them are dissatisfied. These are shown in the figure below;



Q. Do you feel satisfied with rules issued by the circular?

Figure- 5.9: Employees' Satisfaction with the Circular

5.5.4. Supervision of Implementation

Superior officials' supervision and government's regulation is continuing to implement the circular accordingly.

Table- 5.17: Superiors' supervision of Implementation			
No.	Class/ Type	Frequency	Percent
1	Yes	14	93.3
2	No	1	6.7
3	Total	15	100.0
Question- Do the superior inspectors ask about implementation of the circular?			

Table- 5.18: Government's regulation to Implement			
No.	Class/ Type	Frequency	Percent
1	Yes	13	86.7
2	No	2	13.3
3	Total	15	100.0
Question- Does government take any regulative step to implement the circular?			

Among the service providers 93% say superior officials' are supervising its implementation regularly and 87% say government is regulating time to time for implementation of the circular accordingly.

5.5.5. Following of Case Serial

All of the service providers say that they are disposing mutation cases serially. But most of the citizens do not agree with it. Citizens opined that the reasons behind not following time and serial are;

- I) Lack of will
- II) Shortage of manpower
- III) Overloaded works

38% of respondents say shortage of manpower, 15% say lack of will of officials, another 15% say excessive workload is the main reason behind it. Rest 31% mentioned others reasons.

The figure below present peoples' perception;

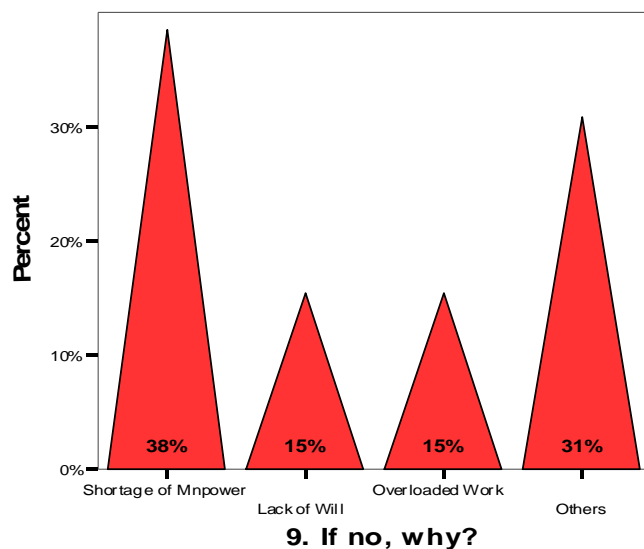


Figure-5.10: Reasons for not following

5.5.6. Crash programme to dispose pending cases

No crash programme has been taken to dispose pending cases of mutation in Gazipur sadar upazila land office.

5.5.7. Departmental Proceedings against Employees

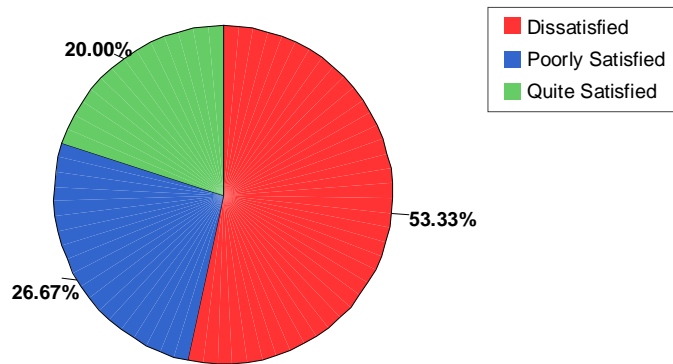
There are a number of departmental proceedings lodged against land officials of Gazipur district. According to ADC (Revenue), Gazipur 12 of them got punishment last year through DPs. But specific data regarding Gazipur sadar upazila could not found.

5.5.8. Taking of Citizens Feedback

The entire 45 respondent from citizens said that upazila land office does not seek feedback and suggestions on the quality and effectiveness of their service delivery.

5.5.9. Satisfaction of Citizens

Satisfaction level of service receiving citizens is not so high. The figure below shows the picture of citizens' satisfaction.



Q. Do you feel satisfied with service delivered to you?

Figure- 5.11: Satisfaction Level of Citizens

Only 20% of respondents are quite satisfied and 27% are poorly satisfied with the mutation service delivery of land office. None is highly satisfied. However 53% of respondents are dissatisfied with the service delivery.

5.6. Findings from Qualitative Data

To identify problems of implementing the circular, to get suggestions for implementing the circular from the respondents and to find way of citizen' awareness building the researcher collected some qualitative data during the study. Here those qualitative issues are presented below;

5.6.1. Problems of implementing the circular

Some factors work as bar to the implementation of the circular, the study aimed one specific question to the employees of the organization. The answers found from the officers and staffs are displayed here;

The major problems of implementing the circular are;

1. Do not have own and equipped office building/ space
2. Do not have record room and record preserving mechanism
3. Existence of powerful axes of frauds
4. Excessive workload in office
5. Same and common TO&E for every upazila land office irrespective of work volume

6. Shortage of manpower even as allocated
7. Shortage of logistics, equipments, vehicles and resources
8. Old and unusable records of land
9. Office space and environment is not suitable
10. Citizens unawareness & attitude
11. Conflicting rules and regulations
12. Absence of modified and updated procedures
13. Lack of training and skill development
14. Excessive workload of employees
15. Complexity of land management laws
16. Corruption
17. Absence of feedback taking

Most of the employees emphasized on citizens' awareness. Because they found that citizens do not know the process. Another thing they emphasized is lack of resources both economic and human resources. The land office is suffering for shortage of manpower.

5.6.2. Suggestions for better service delivery and implementing the circular

The researcher seeks suggestions for better implementation of the circular and betterment of service delivery. Aiming that one specific question is asked in the study to the respondents.

The answers found from the respondents are displayed here;

The initiatives should be taken for better service delivery and implementing the circular are;

1. Ensure strict supervision of superior officials on land offices
2. Ensure frequent effective inspection in land offices
3. Increase government's regulating steps
4. Increase people's participation
5. Peoples' awareness building
6. Establishment of social audit
7. Ensure departmental proceedings and legal actions against corrupts and frauds
8. Ensure reward and punishment for appreciation and correction or rectification
9. Reorganize manpower structure and TO&E according to work volume of office
10. Conduct digital land survey
11. Digitization of existing land records
12. Initiate electronic service delivery
13. Establishment of circle land office to redistribute workload

14. Allocation of logistics, equipments, vehicles and sufficient budgetary resources
15. Arrangement of training for staffs and officials
16. Create posts of a surveyor and a night guard in all union land offices and recruit that.

5.6.3. Suggestions for citizen' awareness building

The researcher seeks suggestions for building citizens' awareness. Aiming that one specific question is asked in the study to the respondents. The answers found from the respondents are displayed here;

The initiatives should be taken to build awareness of citizen for implementing the circular are;

1. Propagation through mass media (radio, television, newspaper, website etc.)
2. Propagation by billboard, hording, poster, loudspeaker and religious leaders
3. Inclusion of land laws in text books of educational institutions.

5.7. Conclusion of the Chapter:

The Upazila land office does not have adequate resources. It gets very little budget allocation, particularly limited and scarce funds and untrained and unskilled human capital. Limited budget is permitting to acquire certain accessories and utilities besides, hiring more staff. The workforce of the land offices is also not well trained and skilled enough to handle the new challenges of the circular. In other words, they are helpless, untrained and unskilled to implement the circular. Therefore, lack of these initiatives and resources is impeding the implementation of circular.

Chapter Six: Recommendations and Conclusion of the study

6.1. Introduction

From the study it appears that due to interventions of the circular, the overall performance of land offices has increased and objectives of the circular have achieved partially. Though, the overall perceptions of citizens about land office remain unchanged. In this chapter those things are recapitulated. Findings and recommendations of the study is presented in this concluding chapter. In the beginning part main findings of this study is highlighted. Then some of the recommendations for successful implementation of the circular are made. After that, scope of further study is discussed.

6.2. Findings of the study

The researcher found some facts regarding implementation of the circular throughout the study. Here some of the findings are presented briefly.

1. People do not know the procedure of mutation, even application process. Among 45 interviewed citizens only 21 people know how to apply for mutation and 24 do not know the process.
2. People do not know what the circular is. They even do not hear about it.
3. Citizens' knowledge about controlling authority of upazila land office is a bit higher. 53% of respondents know about the authority correctly.
4. People do not know the amount of mutation fee. Only 40% of respondents know the fee rightly and 40% do not know it. Others 20% know wrong.
5. Employees of land office are bearing the colonial approach. Only 20% of service providers treat citizens as 'customer' 40% of them treat as 'client' and rest 40% of them treat citizens as 'beneficiary'
6. Time limit mentioned by the circular is not maintaining in most of the cases.
7. Time limit is not sufficient for all offices. More time is needed to deliver the service, particularly for busy land offices.
8. Land office has not sufficient funds, logistics and manpower to implement the circular successfully.
9. Absolute dominance of male in the mutation process. All service providers and receivers are found male.

10. Service providers of land offices are educated, but service receivers' level of education is not in satisfactory level. More than 73% of service receivers are below SSC or near about illiterate.
11. The majority of service-seeking people are farmers or peasants.
12. Income level of service-seeking people is not high enough. Only 7% of them earn taka 20,000/- and above per month, others are at below the line.
13. The circular is not practiced completely in land office.
14. The circular contributes a little to increase quality of service. Among the citizens only 20% believe that the circular helps them to get better service.
15. Superior officials' supervision and government's regulation is found continuously to implement the circular accordingly.
16. Mutation cases are not disposed according to serial number of the cases always. All of the service providers say that they are disposing mutation cases serially. But most of the citizens do not agree with it.
17. No crash programme has been taken to dispose pending cases of mutation in Gazipur sadar upazila land office.
18. A number of departmental proceedings lodged against land officials, 12 of them got punishment last year in the district. But specific data regarding Gazipur sadar upazila are not found.
19. Upazila land office does not seek feedback and suggestions from stakeholders on the quality and effectiveness of their service delivery.
20. Satisfaction level of service receiving citizens is too little. 53% of respondents are dissatisfied with the service delivery and none is highly satisfied.

Besides these the researcher found some problems. The major problems of implementing the circular are as follow;

1. Land office does not have own and equipped office building/ space
2. Upazila land offices do not have record room and record preserving mechanism
3. Existence of powerful axes of frauds
4. Excessive workload in office
5. Same and common TO&E for every upazila land office irrespective of work volume
6. Shortage of manpower even as allocated
7. Shortage of logistics, equipments, vehicles and resources

8. Old and unusable records of land
9. Office space and environment is not suitable
10. Citizens unawareness & attitude
11. Conflicting rules and regulations
12. Absence of modified and updated procedures
13. Lack of training and skill development
14. Complexity of land management laws
15. Corruption both financial and ethical
16. Absence of taking feedback from stakeholders.

6.3. Recommendations:

The researcher has got some suggestions to overcome the hurdles and develop quality of service delivery by the study. The recommendations found for better service delivery and implementing the circular are;

- 1) Establish record room in every upazila/ circle land offices to preserve all records
- 2) Ensure strict supervision of superior officials on land offices
- 3) Ensure frequent and effective inspection in land offices
- 4) Increase government's regulating steps
- 5) Build peoples' awareness
- 6) Establishment of social audit. Participation of citizens in the implementation process should be assured as the circular has been implementing for the welfare of the citizens
- 7) Ensure departmental and criminal proceedings and legal actions against corrupts and frauds. Ensure reward and punishment for appreciation and correction or rectification.
- 8) Reorganize manpower structure and TO&E according to work volume of office
- 9) Conduct digital land survey
- 10) Land management system should be updated according to the need of the situation and time. Digitize existing land records and introduce electronic service delivery immediately
- 11) Establishment of circle land offices to redistribute workload
- 12) Allocation of logistics, equipments, vehicles and sufficient budgetary resources

- 13) Arrangement of training for staffs and officials. Orientation program should be arranged to make the officers and staffs well aware about the circular and procedure
- 14) The official-citizens relationship should be reshaped in such a manner where officials as well as staffs would be easily accessible for the citizens.
- 15) Staffs should be employed in the vacant post as well as new posts should be created to reduce work load enhance proper implementation of the circular. Particularly posts of a surveyor and a night guard in all union land offices and recruit of that is essential
- 16) The land system of Bangladesh is typical as well as complex and for this reason the working system of land offices are also distinct types. Service process for land offices should be prepared considering these facts.
- 17) The initiatives should be taken to build awareness of citizens;
 - a. Propagation through mass media (radio, television, newspaper, website, religious leaders)
 - b. Propagation by billboard, hording, poster, public notice boards, and door to door campaigns through loudspeakers and
 - c. Inclusion of land laws in text books of educational institutions.

6.4. Policy Related Recommendations

Before conclude the dissertation the researcher wants to place some recommendations regarding public policy relating to land administration particularly land office management. The recommendations are as follow;

1. The circular should be redesigned. All steps of mutation process must be included and other functions of land offices should be incorporated as regulations. A complete land administration regulation may be framed
2. Reorganize manpower structure and TO&E according to work volume of office. Categorize offices according to workload and reshape the manpower structure and TO&E accordingly
3. Same time limit is not sufficient for all offices. More time is needed to deliver the service, particularly for busy land offices irrespective of city and rural area. Set the time according to workload
4. Land office has not sufficient funds, logistics and manpower to implement the circular successfully. Increase allocation of resources and enhance institutional capacity

5. Introduce feedback and suggestions seeking culture from stakeholders in all land offices
6. Establish record room in every upazila/ circle land offices to preserve all records. Thus no records can be destroyed, stolen or loosed
7. Well designed and complete office building or space for every upazila/ circle and union land offices should be ensured. Because, office space and environment is not suitable for quality service delivery and record preserving
8. Circle land offices in large and busy upazilas should be established to redistribute workload
9. Creation of posts of a surveyor and a night guard in all union land offices and recruitment of that is a must for quality service delivery and secured record preserving
10. Orientation and training program should be designed and arranged accordingly to make the officers and staffs well aware about the circular and procedures

6.5. Scope of further study

This study on implementation of the circular in land offices is a contemporary, ongoing process. The present study is exploratory as the implementation of the circular is a present phenomenon. This study seeks to uncover the factors that affect the successful implementation of the circular in AC (Land) offices. In this study the researcher took Gazipur sadar upazila land office of Gazipur District to find out the problems of Implementation of the circular. So there are huge scopes for further study, because;

1. This study is a starting one, there are a lot of issues to be observed and examined
2. This is a continuous process, scenario are changing always. So further study is the only way to know the latest and changed scenario
3. Gazipur sadar upazila is one of the busiest and prospective areas of the country. This upazila may not represent all other upazilas. So further study is needed to get the complete picture
4. Time allocated for this research is too short to examine everything completely. So further study is needed to examine everything related completely
5. There is no previous study in this issue and no second upazila could include in this research for shortage of time and money. So there is no scope of comparison with this study or upazila. This is why further study is needed

6.6. Conclusion:

This study was aimed to explore the factors that affect the successful implementation of the circular and to understand the implementation process of the circular in upazila land offices. But the researcher found some issues; most of those are negative to some extent. At last, this study has focused specifically on the problems of implementation policy, in this case, the circular. If further research is done to investigate more, then it would be beneficial for larger generalization. So, this would lead to develop a comprehensive model for understanding successful policy implementation process especially in the context of Bangladesh.

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APPENDIX- 1: Socio-Economic Profile of the Respondents (Citizens)

Table-A 1: Respondent Citizens' Age			
No.	Class/ Type	Frequency	Percent
1	Below 25 Years	3	6.7
2	26 to 35 Years	12	26.7
3	36 to 45 Years	18	40.0
4	Above 45 Years	12	26.7
5	Total	45	100.0

Table-A 2: Respondent Citizens' Sex			
No.	Class/ Type	Frequency	Percent
1	Male	45	100.0
2	Female	0	0

Table-A 3: Respondent Citizens' Education			
No.	Class/ Type	Frequency	Percent
1	Class 1-5	6	13.3
2	Class 6-10	27	60.0
3	HSC	6	13.3
4	Graduation	3	6.7
5	Master	3	6.7
6	Total	45	100.0

Table-A 4: Respondent Citizens' Occupation			
No.	Class/ Type	Frequency	Percent
1	Agriculture	21	46.7
2	Business	9	20.0
3	Service	12	26.7
4	Others	3	6.7
5	Total	45	100.0

Table-A 5: Respondent Citizens' Income			
No.	Class/ Type	Frequency	Percent
1	Below 10,000 Taka	12	26.7
2	10,000 to 20,000 Taka	30	66.7
3	20,001 to 30,000 Taka	3	6.7
4	Above 30,000 Taka	0	0
5	Total	45	100.0

APPENDIX- 2: Socio-Economic Profile of the Respondents (Employees)

Table-A 6: Respondent Officials' designation at office			
No.	Class/ Type	Frequency	Percent
1	DC	1	6.7
2	ADC	1	6.7
3	AC&SAC	4	26.7
4	KGO & Surveyor	3	20.0
5	Office Asst.	6	40.0
6	Total	15	100.0

Table-A 7: Respondent Officials' sex			
No.	Class/ Type	Frequency	Percent
1	Male	15	100.0
2	Female	0	0

Table-A 8: Respondent Officials' age			
No.	Class/ Type	Frequency	Percent
1	26-35 Years	5	33.3
2	35-45 Years	6	40.0
3	45+ Years	4	26.7
4	Total	15	100.0

Table-A 9: Respondent Officials' Educational level			
No.	Class/ Type	Frequency	Percent
1	HSC	5	33.3
2	Graduate	3	20.0
3	Master	6	40.0
4	PhD	1	6.7
5	Total	15	100.0

APPENDIX 3: Questionnaire A (Interview schedule for service receiver: citizens)



Institute of Governance Studies

BRAC University

MA in Governance and Development 2012-13

Questionnaire (Interview schedule for service receiver: citizens)

I. Demographic information:

Name:

Address:

Telephone (If Any):

Sex: (please √) 1) Male 2) Female Age:

Education: (Please encircle the total year of education completed)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 16 17 18 19+
(Primary) (Secondary) (College) (Graduation) (Post-graduate)

Occupation:

Monthly Income: Taka-

II. Questions:

1. For which service, you have applied to land office? (Please √)

Mutation Others

2. If mutation, have you got the service? (Please √)

Yes No

3. When you have applied for mutation? (Please mention)

4. Do you know that government has issued a circular setting procedure and time limit of mutation and updating of land records? (Please √)

Yes No

5. If yes how much aware of that you are? (Please √)

Fully Briefly Marginally

6. In your opinion, is the circular practiced in land offices? (Please √)

Yes No

7. Do you think the circular helps you to get service you need? (Please √)

Yes No

8. Do you think officials of land office usually deliver service in time mentioned by the circular? (Please ✓) Yes No

9. If no, why?

....

10. Do you know to whom complaints to be lodged against this office? (Please ✓)
Yes No

11. If yes, to whom complaints to be lodged against this office? (Please mention)

.

12. If you do not know about government circular, why?

.

13. Do you know how to apply for mutation? (Please ✓)

Yes No

14. If yes, have you seen the prescribed form? (Please ✓)

Yes No

15. Do you know how much money is needed as fee of mutation?

Yes No

16. Do you feel satisfied with service delivered to you? (Please ✓)

Dissatisfied Poorly satisfied Quite Satisfied Highly satisfied

17. Does land office seek feedback from you on the quality and effectiveness of their service delivery? (Please ✓)

Yes No

18. If yes, your suggestions / feedback have been reflected in follow up action? (Please ✓)

Yes No

19. In your opinion, what steps should be taken to build up people's awareness?

1.

2.

3.

4.

20. In your opinion, what steps should be taken for implementing the circular?

1.

2.

3.

4.

....Very special Thanks for your kind cooperation....

APPENDIX 4: Questionnaire B (Interview schedule for service receiver: employees)



Institute of Governance Studies
BRAC University
MA in Governance and Development 2012-13

Questionnaire (Interview schedule for service provider/employees)

I. Demographic information:

Name:

Designation:

Telephone (If Any):

Sex: (please √) 1) Male 2) Female Age:

Education: (Please encircle the total year of education completed)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 16 17 18 19 20+

(Primary) (Secondary) (College) (Graduation) (Post-graduate)

II. Questions

1. How do you attend service seeking citizens? (Please √)

As customers As clients
As beneficiaries As tenants

2. Do you know that government has issued a circular setting procedure and time limit of mutation and updating of land records? (Please √)

Yes No

3. If yes, how much aware of that you are? (Please √)

Fully Briefly Marginally

4. Is the circular practiced in your office? (Please √)

Yes No

5. Are all necessary documents found generally attached with application?

Yes No

6. Do you think the circular helps you to deliver quality service? (Please √)

Yes No

7. What is the importance of that circular for your Office? (Please √)

Very important Quite Important
Less important Not important

8. Do you feel satisfied with rules issued by the circular? (Please ✓)

Dissatisfied

Poorly satisfied

Quite satisfied

Highly satisfied

9. Do the superior inspectors ask about implementation of the circular? (Please ✓)

Yes

No

10. Have your office sufficient funds, logistics and manpower to implement circular successfully? (Please ✓)

Yes

No

11. Does government take any regulative step to implement the circular? (Please ✓)

Yes

No

12. How much time is needed generally to dispose a mutation case? (Please Mention)

13. Do mutation cases disposed number wise (serially)? (Please ✓)

Yes

No

14. Have you taken any crash programme to dispose pending cases? (Please ✓)

Yes

No

15. Is there any departmental case faced by employee of this office?

Yes

No

16. If yes, how many of them are punished? (Please mention the number)

17. In your opinion, what are the major problems of implementing the circular?

1.

2.

3.

18. In your opinion, what steps should be taken for betterment of service delivery?

1.

2.

3.

19. If you do not know about government circular, why?

...

Signature:

Date:

...Very special Thanks for your kind cooperation....

Notes