EVALUATING LAND GOVERNANCE ISSUES IN LAND TITLING PROGRAMME (A CASE STUDY IN SRI LANKA)

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February, 2013

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ABSTRACT

In Sri Lanka, the national land titling programme implements the systematic title registration process since 2002 based on the title act enacted in 1998. The programme has not been shown high progress for last ten years after the implementation. Even though the first registration is free of charge and title is guaranteed by state, the delay in performance has not been identified yet whether it is due to weak governance perspectives in processes or the way by which services are offered to stakeholders within the present institutional and organisational structure. The aim of this research is to evaluate the transparency and stakeholders' participation in the land titling programme.

A case study approach with both desk research and field research is adopted to meet the objective. Firstly, focuses on literature reviews in land titling and land governance theoretical aspects to identify the relevant elements and indicators and to develop frameworks for process and governance. Secondly based on those elements and indicators, questionnaires are prepared with suitable variables for both closed and opened questions. Interviews were conducted to the selected respondents of various stakeholder categories at both national and local (Study area: Homagama) levels. Also, secondary data are collected from relevant offices to identify the present institutional and organisational arrangements.

Two frameworks are analysed to evaluate governance issues in the titling processes based on identified 16 elements and 57 indicators. Primary and secondary data together with respondents' views (Especially experts' views) and literature relevancies have been used for analysis of frameworks. Accordingly, there are 13 satisfactory (23%), 12 average (21%) and 32 poor (56%) statuses of indicators have been identified. In this perception, transparency and public participation are hardly considered in the programme and it implies, increased transparency and stakeholders' participation enhance the performance of the titling programme. Also findings explicit that six elements such as quality institution, simplified process, staff training, openness & publicity, predictability and stakeholders' satisfaction are mostly important and influencing in performance of the titling programme.

Key Words: *Land Titling Process, Process Framework, Governance Framework, Transparency, Public Participation*

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ABBREVIATIONS

CAD	: Computer Aided Designing
A-R-P	: Acres-Roots-Perches
CM	: Cadastral Map
CMA	: Condominium Management Authority
CPDP	: Continuous Professional Development Programme
DS	: Divisional Secretary
EDM	: Electronic Distance Measurement
FB	: Field Book
GIS	: Geographical Information System
GN	: Grama Niladhari (Village Headman)
GPS	: Global Positioning System
ICT	: Information Communication Technology
LCGD	: Land Commissioner Generals' Department
LIS	: Land Information System
LGAF	: Land Governance Assessment Framework
LRC	: Land Reform Commission
LSD	: Land Settlement Department
LUPP	: Land Use Policy & Planning
MPC	: Multi-Purpose Cadastre
NHDA	: National Housing Development Authority
NPM	: New Public Management
RDA	: Road Development Authority
RGD	: Registrar Generals' Department
RTA-1998	: Registration of Title Act-No 21 of 1998
SD	: Survey Department
SDI	: Spatial Data Infrastructure
SG	: Surveyor General
TC	: Title Certificate
UDA	: Urban Development Authority
UML	: Unify Modelling Language

1. INTRODUCTION

1.1. General Background

Land is the premier factor for human existence, key vehicle for investment, identity and wealth of people, and place for shelter, food, materials, minerals and other all essentials for life *(Tuladhar, 2004)*. In this context, the necessity of effective management of the scare land resources for sustainable usage is the immediate and important need of every country. For this purpose, we need information about land related objects and subjects together with its tenure situation *(Bennett et al., 2008)*. In this regards, the system of land registration *(Zevenbergen, 2004)* helps in one hand to collect information related to land and on the other hand creates secure tenure. At the same time, immediate importance of land registration is largely determined by the societal need for proper land management and tenure security *(de Vries, 2004)*. Because, "*Land registration can provide the important information with regard to the question who holds which unit of the land*" *(Zevenbergen, 2002)*. There are two mainly worldwide accepted formal land registration systems currently in practice; deed registration system and title registration system.

In the deed registration system, the deed (itself a document) is registered in the deed register. The deed describes about the rights of the land owner on the particular land (or land parcel). Also the deed is the evidence for a particular land transaction took place. The registered documents (deeds) provide a priority claim for ownership *(Dale & McLaughlin, 2000)*. Further, the deed registration system can be mainly divided into two; simple and improved. According to Zevenbergen *(2002),* the improved system consists improved accessibility, better object speciality, use of computers, improved completeness and improved reliability.

Whereas, the title registration system (land titling) is the process of registering the rights itself (title) not the document (deed) together with the name of the rightful claimant, object of that right (connected land parcel) and restrictions if any. "*The title register is the final authority regarding the validity of a title*" *(Zevenbergen, 2002)*. Also land titling contributes to provide tenure security (for ownership) together with other components such as land value and land use *(Dale et al., 2000)* in the perception of the good land administration system *(Reerink & van Gelder, 2010)*. Therefore it is obvious that, efficient land titling acts as base for development and implementation of good land administration system.

The land titling process is often handled by the different organisations and institutions in different countries. In England & Wales, the land titling process is mainly carried out by land registry using ordnance survey master map as index for adopt general boundary system with governmental guarantee for title *(Landregistry, 2012)*. The act enacted in 1925 has been introduced more awareness about land titling and compulsory title registration especially when changes take place. This situation leads to more open and predictable to participate by stakeholders. The 2002 act gives simple ways to speedup, e-conveyance, true represent of reality and transparency. This situation increases the stakeholder's participation because of openness, accountable, easy process, benefit, responsibility, acting visibly and awareness.

At the same time in Germany, land titling process is mainly carried out by land registry (part of court) and survey department for precise survey plan with fixed (precise) boundary system *(AdV, 2012)*. Even though the title in Germany does not give real state guarantee, the right holder is protected by public faith (counter claim can be lodged within certain period) *(Hawerk, 2003)*. There are various actors (e.g. Judge, administrator justice, registry officials, surveyors, notaries) and various hierarchies in organisation (e.g. supreme, higher and lower surveying and cadastre authorities) are involved in the land titling process. Due to effectiveness and efficiency of the system, easy access to information, equity in rule of law for all in the society, high publicity with proper awareness, openness and visible activity ensure the high stakeholders' participation. The property cadastre shows the de facto status of real estate (i.e. precise location, size, use,

boundaries, and soil type). According to AdV *(2012),* property (real estate) means land parcel with buildings.

On the other hand in Sri Lanka, the land titling process (called "BIMSAVIYA") is carried out under the ministry of Land and Land Development by four departments; Registrar general, Land commissioner general, Land settlement and Survey. The systematic (area by area) and sporadic (voluntary) title registration of both private and state lands is currently taking place with governmental guarantee for title *(Bimsaviya, 2012)*. In this system, individual land parcels are surveyed in the ground (for precise survey plan with fixed boundary system) and land ownership rights are then investigated for the last 30 years back. Once the land ownerships are confirmed, the first class title certificates are issued. If there are any doubts or unclear on land ownership rights during this period with no other claims in the gazette notification, it is possible to issue the second class title certificates for 10 years period. After 10 years if there are no any other claims, it could be upgraded to the first class title certificates *(Act, 1998)*. For systematic title registration, Surveying and title registration is entirely free of charge for all stakeholders only for the first registration *(Bimsaviya, 2012)*. The cost is incurred by state, because the programme is initiated by the government. But, for voluntary title registration the entire cost is incurred by the client.

In all countries, the government govern the land sector *(van der Molen & Tuladhar, 2006)* through its authorities (i.e. land related organisations and connected institutions). Because, on the one hand the land is the scare and important national resource and on the other hand the land related benefits are important factors for reduce poverty and increase economic growth of the country. First let us consider about organisations and institutions. According to North *(1990)*, "*Institutions are the humanly devised constraints that shape human interaction and reduce uncertainty by providing guides*". Also he mentioned that, "*Organisations providing structure to human interaction and functioning as agents of institutional change"*.

Therefore, the land related authorities play a major role to implement good governance dimensions such as transparency in services, stakeholder's participation in decision making, accountability to and from stakeholders, rule of law in implementation process, access to land information for all stakeholders, equity to all people in the society, efficiency and effectiveness in the land sector *(Deininger & Feder, 2009)*. But equally rules, regulations and behaviours are important to frame the context of governance.

Whereas to implement the good land governance concepts, the government can coordinates, controls and steer the authorities *(Hood & Heald, 2006)* with good leadership to avoid unwanted side effects. Because, fair land governance leads to legalize the land rights for development *(Hoekema & Otto, 2011)*. Also, according to Enemark et al.*(2010) "Land governance is about the process, policies, and institutions which help in making decisions on access to land, land use, land rights and land development for implementing sustainable policies and establishing strong bond between the people and land"*. Therefore, execution of good land governance characteristics in land sector directly depend on the quality (satisfy all stakeholders needs) institutional arrangements of that country *(Deininger et al., 2012)*.

1.2. Current status of Land titling in Sri Lanka

In Sri Lanka, land registration system was based on deed registration until the Registration of Title Act (RTA-1998) was enacted in the parliament in 1998-March. Due to numerous problems faced in deed registration such as difficult to trace the history, cannot used for collateral purpose, not reflected the de facto situation of ownership, unclear tenure patterns and lack of geometric description of property etc. *(Sangakkara, 2000)* the land commission of 1985 strongly recommended to introduce the title registration system as alternative for deed registration system. Also according to Sangakkara *(2000),* he pointed out the initial problems to carry out the land titling in four different factors such as institutional, technical, legal and financial.

Presently, the on-going land titling programme has been in practice for last ten years (from 2002). Initially, it was estimated over 8.5 million land parcels (for precise survey and registration) would be covered by this programme within 15-25 years *(Thavalingam, 2003)*. Despite the extensive preparation with huge

investment of capital and human resources, the programme has not shown the successful progress. According to the progress report up to end of the year 2011 for the whole country, the estimated total number of parcels are 12 million (12,000,000), parcels surveyed are 617,000 and out of that registered parcels are only 223,768 *(Bimsaviya, 2012)*. This status of progress of the programme shows that only about 2% of parcels have been registered for about last 10 years after the implementation of land titling.

1.3. Research problem

In Sri Lanka, the national land titling programme mainly implements the systematic title registration process *(Act, 1998)*. In this programme, the public participation is vital important in the various stages of titling process such as preliminary investigation, adjudication, boundary demarcation, surveying, submission of title claim and determination of ownership *(Manual, 2003)*. At the same time, strong participatory approach supports the governance imperatives *(McCall, 2003)* such as transparency, stakeholders' participation, accountability etc. According to Rubasinghe *(2010)*, the land owners are accepting the land titling programme due to reliable, free of charge and legal strength of title with governmental guaranty. But, still it is unclear whether the reasons for low performance of processes and low progress of the programme can be directly or indirectly linked and attributed to lack of governance issues.

Inter-departmental coordination and data interchangeable mechanism between key departments involved in land titling seems rather poor *(Rubasinghe, 2010; Tennakoon, 1997; Wijayawardhana, 1998)*. Nearly same information related to the parcels and landowners are collected by the surveyors of survey department and title investigation officers of land settlement department separately *(Manual, 2003)*. This situation implies that there is no clear procedure for systematic data collection and which shows inefficiency, lack of openness, poor information sharing, acting non-predictably, impossible to get all information at one place and non-understandable. These elements are explicit the lack of transparency *(Koroso, 2011)* in the state organisations involved in the titling process (Figure 1-1).

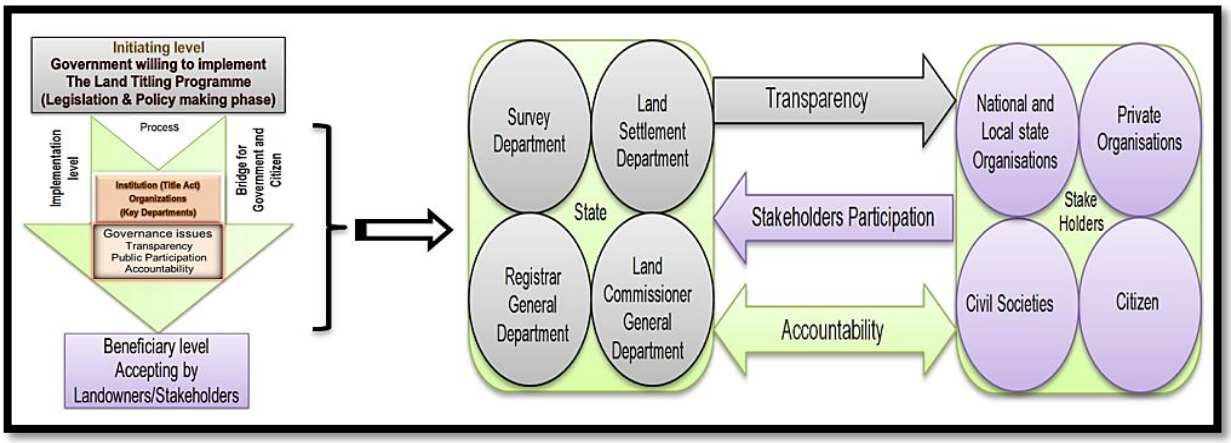


Figure 1-1: Conceptual Research Problem

Similarly, multiple acts and regulations involvement (e.g. while titling process is governed by RTA-1998, the key departments' own processes are governed by the individual departmental regulations) *(Bimsaviya, 2012)*, Institutional fragmentation (e.g. deed registration under registration of documents act and title registration under registration of title act are practicing simultaneously even in the declared areas for titling except for transitional period *(Sangakkara, 2000)* lead to less interest in submitting claims for title) *(Rubasinghe, 2010),* and some legislation deficiencies (e.g. non-mandatory for title, no room for handle all kind of tenure pattern in title act, no sound awareness arrangements) *(Act, 1998)* lead to negative influence in the titling process. These types of situations eventually create less effectiveness in the process, demotivate the stakeholders by external actors (lawyers, notaries, and licensed surveyors), less client orientation, less responsiveness, less involvement of public into the programme. According to Waheduzzaman *(2010)* and Wehrmann et al *(2006),* those indicators explicit strongly about the background of less stakeholders' participation (Figure1-1).

In addition, both state and stakeholders are not showing proper respects and reporting system for their responsibilities (e.g. the officials are showing less respond to the publics' problem on the other hand public also showing less cooperation and respond to support necessary documents) because the officials involved in the titling process are trying to fulfil their own departmental norms instead of considers the stakeholder's satisfaction *(Rubasinghe, 2010)*. Those indicators are highlighting, less standard procedures, lack of professionalism and non-ethics from public officials. All those elements are showing that there is lack of accountability *(Wehrmann et al., 2006)* in both sides (i.e. state and stakeholders, Figure 1-1). However, these kinds of situations usually lead to serious dissatisfaction of landowners/stakeholders.

Therefore it can be assumed that the land titling programme in Sri Lanka, if good land governance issues are properly addressed especially in organisational and institutional performance; can function more effectively and efficiently to improve the stakeholder's (i.e. National/Local government, Private companies including Banks and Citizen) prosper and economy of the country *(UN/ECE, 2005)*. At the same time there is no internationally accepted evaluation system for land related projects like land titling, but rather it depends on the background and specific project objectives *(Steudler et al., 2004)*. However, there are several attempts made by various bodies to establish various kinds of evaluation frameworks. The recently published Land Governance Assessment Framework (LGAF) by the main contribution of World Bank is differ from other monitoring approaches because, it facilitates to identify and monitor good practices in the land sector *(Deininger et al., 2012)*. Therefore, LGAF would be a good start point to tackle the governance framework in this research, through the indicators that identified in land titling process.

This research mainly focuses on evaluating the transparency (by state in the titling process i.e. Government transparency especially organisational transparency *(Oliver, 2004; Tuladhar, 2012)* it explicit acting visibly, predictably, understandably, openly, fairly and publicity) and stakeholders' participation (To the land titling programme i.e. user orientation, participate actively for decision making which affects them *(Tuladhar, 2012),* trust, user satisfaction, awareness, benefit, trust, quick service and quick response) within the current organisational and institutional arrangements. Because, according to Waheduzzaman *(2010)* "*Effective people's engagement ensures effective development by establishing accountable, legitimate and transparent government, i.e. good governance*". Similarly, "*transparency is the entry point to the land governance" (Tuladhar, 2012; Zevenbergen & Paresi, 2009)*. At the same time, Rubasinghe *(2010)* mentioned that the stakeholder's participation and their requirements had not been taken into account during the design phase of land titling programme in Sri Lanka. In addition, "*Good governance is, among other things, participatory, transparent and accountable*" *(UNDP, 1997)*. Therefore, the researcher thinks that on the one hand time limitation of study and on the other hand those two governance principles are mostly influencing on the performance of land titling process.

1.4. Motivation

Even though the first registration is free of charge in Sri Lanka, the delay of the land titling programme has not been identified yet whether it is due to weak governance perspective between state and stakeholders or the way by which services are offered to people within the present institutional and organisational structure. It is important to identify the reasons for this delay and remedy them as soon as possible for sustaining the land titling programme and there by boost economic development of the country. Because, improved land governance issues in land titling has major impact on benefit of stakeholders especially for poor people *(Deininger et al., 2012)*. There are some scientific researches and investigations in different perspectives and aspects of the title registration in Sri Lanka had been dealt by *(Rubasinghe, 2010; Sangakkara, 2000; Tennakoon, 1997; Wijayawardhana, 1998)*. But, no scientific research has been carried out to the date to investigate the delay of land titling in Sri Lanka with governance perspective. Being involved with the programme for few years, the delay in progress and national need have motivated to carry out this research.

1.5. Research hypothesis

The research is based on the hypothesis that, "Increased transparency and stakeholders participation enhance the performance of the land titling programme".

1.6. Research Objectives and Questions

1.6.1. Main Objective

To evaluate the transparency and stakeholders participation in the land titling programme.

1.6.2. Sub Objectives

1 To identify the steps and processes of land titling programme within the current institutional and organisational arrangements.

2. To assess the elements, indicators and levels of transparency and stakeholders participation in the land titling processes.

1.6.3. Research Questions

Questions for Sub Objective-1:

1 What are the main steps, processes and organisations involved in the land titling process?
2 How the current institutions and their fragmentation are streamlining the land titling process?
3 What is the process framework to analyse the organisational coordination/fragmentation?

Questions for Sub Objective-2:

4 What are the elements and indicators to measure the transparency and stakeholders' participation in land titling process?
5 What are the various stages that stakeholders' participation need in the land titling processes?
6 How Governance framework is developed?
7 What should be the levels of transparency and stakeholders' participation to boost the land titling programme?

1.7. Conceptual Framework

This research focuses the case in Sri Lanka and we consider only two principles of land governance such as transparency and stakeholders' participation (as discussed in the research problem). From this view, we investigate the application of those two land governance principles together with its elements and indicators into the land titling process within the current institutional and organisational arrangements. Also we evaluate whether the land governance can positively impact on the performance of land titling programme. To make this evaluation, we depend on two frameworks (process framework and governance framework). Therefore, a conceptual framework has been developed in order to carry out the research in methodological way (Figure 1-2).

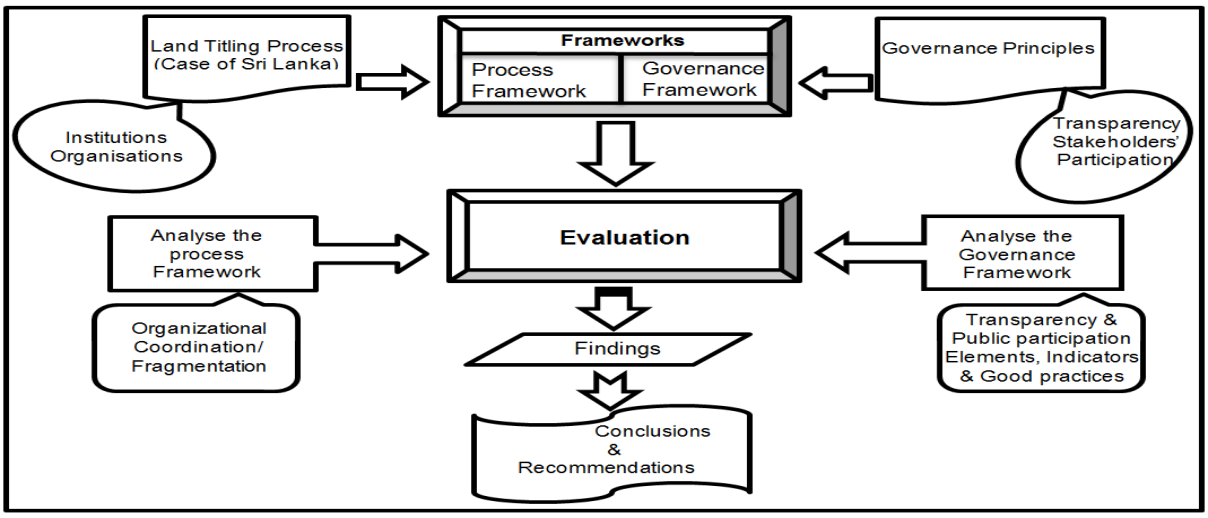


Figure 1-2: Research Conceptual Framework

1.8. Research Methodology

According to Kumar *(2000), "Research is a process for collecting, analysing and interpreting information to answer questions"*. Also he further mentioned that to qualify as a research, it is as much as possible to be controlled, rigorous, systematic, empirical, critical, valid and variable. Accordingly this research in order to achieve the research objectives by answering the research questions, the desk research and data collection by interviewing the targeted informants with qualitative data method were adopted as research methodology (Figure 1-3). At the same time qualitative data method includes text analysis, talks, interviews and interactions. Because, interviews are special form of conversation which provides a way of generating empirical data *(Silverman, 1997)*. Also he further pointed out that "*Interview conversation is a pipeline for transmitting knowledge*" and the validity of the research concerns the interpretation of data or information together with the researcher's skills. However, quality of this kind of research also depends on the standard and qualities of the materials are used. At the same time, "*None of the data source or methods provides fully (100%) accurate and reliable information" (Kumar, 2000).*

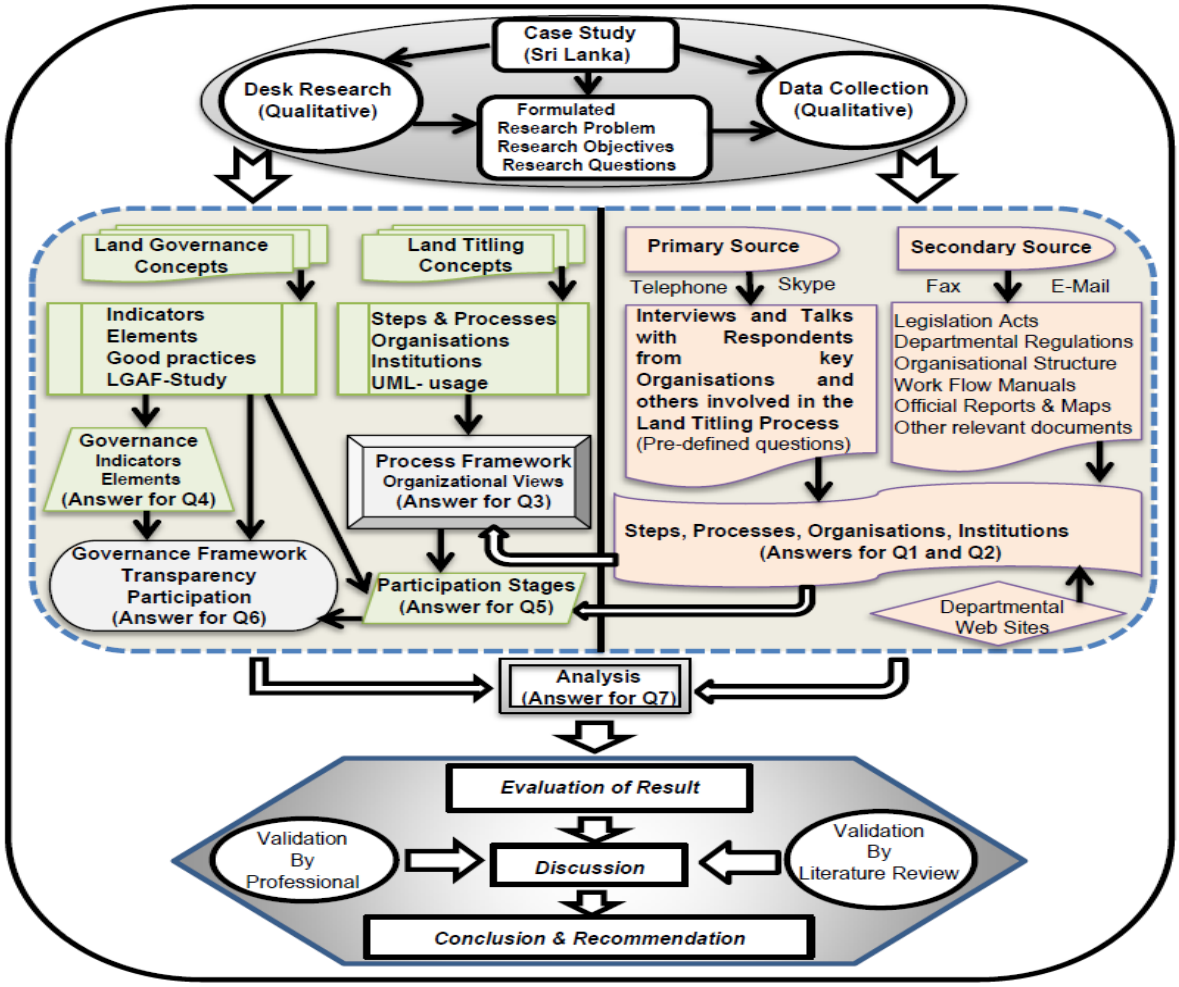


Figure 1-3: Research Methodology

1.8.1. Research approaches and Data sources

There are several ways for doing social science research such as "*Case studies, experiments, surveys, histories and analysis of archival information" (Yin, 2003).* In this research, we adopt case study approach starts with formulated the research problem, research objectives and research questions by literature review and from that decided the necessary data collection methods. This research consists of both desk research (Analysis of archival information) and distance data collection method for primary source together with some secondary source to empower the desk research (Figure 1-3). On the one hand desk research mainly focuses on two concepts (i.e. land governance with its elements, indicators, good practices and land titling with its steps, processes, organisations, institutions) to develop two important frameworks (governance and process) and answer related research questions (3 & 6), on the other hand distance data collection (Telephone, Skype, Fax, E-mail and Departmental Official Websites) includes both primary and secondary

data by interviewing the selected respondents from key departments involved in land titling of Sri Lanka to know the present processes, legislations and organisations of land titling and answer the related research questions (1 & 2) together with other respondents (Appendix 1) to find the present governance status in the titling processes and answer the related research questions (4 & 5). From this point, we analyse the results and findings to answer the research question (7). Finally, we make a discussion based on the evaluated result together with validation by related professionals and literature review and then the conclusion and recommendations were drawn.

As this research reasonably depends on the secondary sources (books, journal articles, legal and policy papers, official reports, scientific researches, legislation acts, authorised manuals, maps, internet retrievals and other relevant documents), there might be limitations in the usage of data and therefore it might be affects the findings. In order to avoid this situation, maximum all possible efforts were taken to keep the work accurate and reliable. For this purpose, the data were collected from reliable sources, compared with other related or similar sources. Also the precautions were taken to avoid all kind of bias in the research process. According to Kumar *(2000)*, "*Bias is a deliberate attempt either to hide what we have found in our study, or highlight something disproportionately to its true existence"*. In addition the quality, reality, consistency, timeliness and validity of the data were confirmed by professionals and executive officials who are engaging the land titling programme at ministry level in Sri Lanka.

1.8.2. Research Design

According to Yin *(2003)*, "*A research design is the logic that links the data to be collected and the conclusion to be drawn to the initial questions of study'*. The design of the research process mainly depends on the type of research to be carried out (i.e. qualitative or quantitative). The main purpose of qualitative research is to describe the variation in factor, situation or attitude of a social phenomenon. Whereas quantitative research in addition, helps to quantify that variation *(Kumar, 2000)*. Also he explained that a research study can be aim to various social objectives such as descriptive (describe a problem or issue), correlational (establish relationship between variables), explanatory (explain the reason for certain things happen) or exploratory (examine the feasibility of study). In this (case study) research we are used mixed approach as descriptive and explanatory approaches with qualitative data from primary and secondary sources (Table 1-1).

Main Objective	To evaluate the transparency and stakeholders' participation in the land titling programme						
Sub Objectives	To identify the steps and processes of land titling programme within the current institutional and organisational arrangements			To assess the elements, indicators and levels of transparency and stakeholders' participation in the land titling processes			
Research questions	What are the main steps, processes and organisations involved in land titling process?	How the current institutions and their fragmentation are streamlining the land titling process?	What is a process framework to analyse the organisational coordination/ fragmentation?	What are the elements and indicators to measure the transparency and stakeholders' participation in the land titling process?	What are the various stages that stakeholders' participation need in the land titling process?	How Governance framework is developed?	What should be the levels of transparency and stakeholders' participation to boost the land titling programme?
Data sources	**Primary data:** Interviews, talks **Secondary data:** Legislation acts, Departmental regulations, Literatures, Work manuals, reports	**Primary data:** Interviews, talks **Secondary data:** Legislation acts, Departmental regulations, Literatures, Work manuals, reports	**Primary data:** Interviews, talks **Secondary data:** Legislation acts, Literatures, Work manuals, Progress reports, Organisation chart	**Secondary data:** Literature reviews, Journal articles, Policy reports, Scientific researches, Relevant books, Reports from WB, FAO, UNDP, etc.	**Primary data:** Interviews, talks **Secondary data:** Legislation acts, Departmental regulations, Literatures, Work manuals,	**Primary data:** Results & Views **Secondary data:** Literature reviews, Journal articles, Scientific research, Authorise report Legislation acts	**Analysis result** from this thesis **&** **Secondary data:** Literature reviews, Scientific research, Work manuals, Legislation acts Policy reports
Expected Outcome	Finding various steps, processes with connected organisations in land titling	Highlight the acts, legislations, rules and regulations that govern the land titling process	Create a process framework to analyse all main processes and organisations' workflow	List out the all possible elements & indicators in order to evaluate the governance issues in land titling process	Explicit the various stages of involvement of stakeholders to contribute into the programme	Develop an governance framework to assess the governance impact in land titling	Finding and discussion for finalise the results and conclusions

Table 1-1: Research Design

1.8.3. Resources and Software Required

Now the day's computer and related software are very important resources to carry out the research and connected processes. These technologies not only help to speed up the work but also need to analyse, visualise and present the result in better and more accurate way. Similarly, in this research the following resources and software were used to carry out the process and produce better result.

- Personal computer and Laptop
- Telephone and Fax
- ArcGIS: For visualisation of study area
- UML: (Unify Modelling Language) to model the land titling process and activities by using Enterprise Architecture (EA)
- Microsoft Words, Excel, PowerPoint and Visio: to prepare text documents, reports, charts, graphs, presentation slides and display the concepts
- Auto CAD or SD CAD: to visualise Cadastre Maps
- End Note: for formulate the citations and list of references

1.9. Thesis Structure

The thesis structure is provided below.

Chapter One- Introduction: This chapter provides general background, current status of land titling in Sri Lanka, research problem, motivation, hypothesis, main and sub-objectives of the research, research questions, conceptual framework of the research, research methodology, research approach and data sources, research design, resources and software and thesis structure.

Chapter Two- Land Titling and Land governance (A Literature Review): This chapter provides a detail literature review related to land titling and land governance together with how land governance contributes in land titling process. Also, we highlight the commonly practicing land titling systems (briefly) in some other countries. Furthermore, discusses the necessary governance principles with various definitions to explicit the deep concepts together with scholars' views and identify the suitable elements and indicators for the development of process and governance frameworks in the land titling processes.

Chapter Three- Research Methodology and Data Collection: This chapter provides detail methodology for case study approach and data collection. Also here explains the detail procedure for preparation of questionnaires, collection of primary and secondary data, selection of study area and respondent, data analysis, and limitations if any.

Chapter Four- Land Titling Process in Sri Lanka: This chapter provides brief history, background, and details about steps, processes, organisations involved, institutions, and legislations govern the land titling process. Also gives some imagery display of outputs and activity process of the titling programme.

Chapter Five- Result and Analysis of the Process and Governance frameworks: This chapter presents the result and its' interpretation to analyse the process and governance frameworks (based on the details and findings from previous three chapters). Thereafter, those two frameworks are analysed based on the identified indicators with related literature reviews, results, and respondents' views to assess the suitable transparency and participation levels to identify the priority elements for the land titling process.

Discussion: This chapter deals with the discussion based on the priority elements, which are derived from previous chapter. This discussion based on analysis, literature relevancies and respondents' views. Also, the findings are checked for validity and feasibility from related experts views and literature relevancies.

Chapter Seven- Conclusion and Recommendations: This chapter gives the conclusion for the research together with possible recommendations for attention and future research purposes.

2. LAND TITLING AND LAND GOVERNANCE: LITERATURE REVIEW

2.1. Introduction

In the previous chapter, we have identified the research problem, objective and connected research questions to carry out this research with appropriate approaches and methods. This chapter describes the necessary theoretical foundations and definitions by literature reviews on land titling and land governance. Section 2-2 starts with the descriptions and details of land registration together with deed registration and deeply focuses on land titling with its components and principles. Thereafter section 2-3 touches into the land titling systems in practice (England, Germany and Australia). Section 2-4 gives the institutional and organisational arrangements for land titling system including benefits of land titling. Thereafter, move into the governance concepts (Section 2-5) together with land governance, good & weak land governance, impact of land governance on land titling and principles of good governance to get the firm theoretical and practical background in order to strengthen the arguments on governance perspectives. Finally, section 2-6 explains about frameworks in order to develop two frameworks (Process and Governance) and link governance issues on land titling processes together with elements, indicators and good practices. This chapter concludes with the summary in section 2-7.

2.2. Land Registration Systems

The inter-relationship of people and land is fundamental to human existence. "*Land is the source of all wealth lies at the heart of good government and effective public administration*" *(UN/ECE, 2005)*. Land administration as category of public administration, involves in determination and recording of up-to-date information about rights in land i.e. includes some form of land registration *(UN/ECE, 1996)*. Also it defines land administration as "*The process of determining, recording and disseminating information about the tenure* (ownership)*, value and use of land when implementing land management policies*". This definition depicted to incorporate land registration, cadastre and land information *(Steudler et al., 2004)*. Therefore, land registration is one key factor for land management, public administration and existence of good government to serve its nation.

Usually, land registration and cadastre are complement with each other and make an important role in land administration *(Zevenbergen, 2002)*. According to Zevenbergen *(2002) & (2004)*, "*Land registration is the process of recording legally recognised interest (ownership and/or use) in land through deed or title*" and "*Cadastre is an methodically arranged official record (public inventory) of information about land parcels (and/or properties) including details of their bounds, tenure, use and value*". Land registration together with cadastre gives the answer for the question "*Who and How own the land parcel (*with homogeneous tenure interest*) together with Where it located and How much*" *(Zevenbergen, 2004),* as core entities of the land registration system. But the cadastre approach is varies according to its application and usage such as legal (juridical), fiscal and multipurpose. However, legal cadastre is closely related to the land registration, tenure security and cadastral surveying in broad manner with wide usage of cadastre context in most countries *(Larsson, 1991)*.

Good land registration promotes an active land market, productive land use, security of land tenure and development of land value for mortgage market and land transaction *(UN/ECE, 2005)*. Also it mentioned that, effective land registration system promotes internal confidence between people, enterprises and government through raised the wealth of the nation and sustain the economic stability of the country at national level. At the same time, tenure security is the important outcome of land registration system at societal level. Whereas, "*Tenure security is an institution, i.e. rules invented by societies to regulate the behaviour on land and related resources, by defines how; right to land is allocated within society and access is granted to use, control, transfer, associated responsibilities and connected restraints*" *(FAO, 2002)*. Similarly, tenure security is the peoples' perception about a persons' right to land.

As land is permanent by nature, it cannot be transfer like other goods or commodity. But the rights on land (ownership) can be transferred among natural and/or non-natural person. This ownership transaction process can be done through the land registration system. According to UN/ECE *(2005),* functioning of any land registration system should be based on cost recovery but this cannot always be realistically achieved in the early years of a new system. At the same time, "*The government funding land registration (*And/or titling*) system is a real investment for the wider economy of the country; because, registered titles are bankable asserts of that country, which progressively draw investment*" (UN/ECE, 2005).

There are mainly two types of formal land registration systems currently in practice; deed registration and title registration. Each of these two registration systems has its own advantages and disadvantages in the social and economic perspectives. The successfulness of any of those registration systems depend on the views of its stakeholders. Because, stakeholders have to realise that the benefits of the system are very essential for them and on that perspective, they have to use, support and relay on that system *(Zevenbergen, 2004).* According to Larsson *(1991)*, in the non-cadastral countries there may be at least four distinctive stages in the land registration system; sporadic voluntary deed registration, sporadic compulsory deed registration, sporadic compulsory title registration and systematic compulsory title registration. However, the optimum usage and benefit of the land registration fully depends on the well-maintenance and timely-updating information on land register *(Simpson, 1976).* At the same time, for well-functioning of registration system, on the one hand it need to comply with the societal, cultural, economic and tenure factors of the country *(Larsson, 1991)* and on the other hand it need to combine with the seven features such as security, simplicity, accuracy, cheapness, expedition, suitability and completeness *(Zevenbergen, 2002).* Also he further mentioned that, there are four basic legal principles to be satisfied with any type of land registration system:

- ***"The booking principle*** *implies that a change in real rights on an immoveable property, especially by transfer, is not legally effectuated until the change or expected right is booked or registered in the land register.*
- ***The consent principle*** *implies that the real entitled person who is booked as such in the register must give his consent for a change of the inscription in the land register.*
- ***The principle of publicity*** *implies that the legal registers are open for public inspection, and also that the published facts can be upheld as being more or less correct by third parties in good faith, so that they can be protected by law.*
- ***The principle of speciality*** *implies that in land registration, and consequently in the document submitted for registration, the concerned subject (man) and object (real property) must be unambiguously identified".*

2.2.1. Deed registration

According to Zevenbergen *(2002), "A deed registration system means that the deed itself, being a document which describes an isolated transaction, is registered. This deed is evidence that a particular transaction took place, but it is in principle not in itself proof of the legal rights of the involved parties and, consequently, it is not evidence of its legality. Thus before any dealing can be safely effectuated, the ostensible owner must trace his ownership back to a good root of title".* Also he highlights that the information in the deed may be inconsistent with previous transaction. Because, the apparent consistency may be the result of copying from a previous deed that it was with error. Similarly, the information may not agree with the de facto situation on the ground because, no need to visit to the site or property location to investigate the fact and then register the deed (the deed system is man related). At the same time, the accuracy of the system depends on the efficient of the person or professional who involved into search of previous registration history. Usually, the deed or information on the deed register is not guaranteed by state but, deed generally provides certain level of security to owners *(Zevenbergen, 2002).* Because, generally deed register is public register anybody can check the details and the registered deed take priority over unregistered deed *(Dale et al., 2000).* There are two major categories of deed registration types; simple deed registration and improved deed registration.

In simple or basic deed registration system, it is kind of unorganised and less detailed deed system practice in the many parts of the United States *(Zevenbergen, 2002).* Usually in this system, register the document (deed) with names of the concerned parties and some property information without exact details and

location of particular property or land (without survey plan). But, on the other hand the improved deed system have been solved most of the deficiencies and problems exist in the basic system (e.g. in Netherlands, practicing the deed system in extremely improved way). In this improved system, there are various steps have been taken for various improvements such as "*Improved accessibility to the deed registers, better object speciality to define subject, object and rights in the register with clear cadastral plan, improved completeness of deed register by transfer the title and entered the deed details, improved reliability by check the correctness of information before enter into the register, use of computers for quick services together with better integration of components and quick acceptance for formal checking towards customer satisfaction*" *(Zevenbergen, 1994*) etc.

2.2.2. Title registration

According to Zevenbergen *(2002), "A title registration system means that not the deed, describing e.g. the transfer of rights is registered but the legal consequence of that transaction i.e. the right itself (title). So the right itself together with the name of the rightful claimant and the object of the right with its restrictions and charges are registered. With this registration the title or right is created".* So under this system, the basic unit for registration is the land parcel not the deed (the title system is land related). In this view, each parcel is identified on the cadastral map (the property section) and cross-referenced to the title registers that list the name of the owner, the nature of the tenure (the proprietorship section) and other all ancillary information (the encumbrances section) *(Larsson, 1991).* For well-functioning of this system, the title registers have to be kept up to date at all times in order to reflect the legal and de facto position on the ground. Therefore, only need to check the current entry on the title register to find the current situation. Usually, "*The information on the title register is guaranteed by the state so that, in the unlikely event of fraud or error, any one inadvertently suffering from the incorrectness of the information will be compensated" (Zevenbergen, 2002).*

In addition to four basic legal principles mentioned in section 2.2 for any land registration system, there are another four features such as clarity, correctness, legal security and understandable are expected from title registration system *(Zevenbergen, 2002).* Also he further pointed out that, for a successful title registration system the connected act and regulations need to comply with the three fundamental principles:

- *"**The mirror principle** which involves the proposition that the register of title is a mirror which reflects accurately and completely and beyond all argument the current facts that are material to title. With certain inevitable exceptions (such as overriding interests) the title is free from all adverse burdens, rights and qualifications unless they are mentioned in the register.*
- ***The curtain principle** which provides that the register is the sole source of information for proposing purchasers who need not and, indeed, must not concern themselves with trusts and equities which lie behind the curtain.*
- ***The insurance (or guarantee) principle** which is that, if through human frailty (in the register) the mirror fails to give an absolutely correct reflection of the title and the flaw appears, anyone who thereby suffers loss must be put in the same position, so far as money can do it, as if the reflection were a true one".*

While implementing a new title registration system, there is some process mechanisms (for legal cadastre) involved to execute the programme or project in the effective and efficient manner such as awareness to the stakeholders, adjudication to ascertain the rights together with ownerships and parcel boundaries, demarcation of parcel boundaries and surveying for prepare cadastre map, public participation for acceptance/rejection and finally registration with proper maintenance of register *(UN/ECE, 1996).* These initial procedures may slightly vary in different countries according to their political, economic, social, legislative, organisational, tenure and cultural background.

(A) Awareness to the Stakeholders

This is the first and important step of land titling to inform the public about the process and benefit of the programme in order to get their participation. Awareness helps to active support of the public into the process in all necessary levels and need to continuously make aware the people about regulations and procedures through leaflets, public and group meetings, medias such as radio, television and newspapers in national and local levels *(UN/ECE, 1996).*

(B) Adjudication

This is the next (legal) process where by existing rights in a particular parcel of land are finally and authoritatively ascertained. It is a pre request to registration of title, land consolidation and redistribution *(Larsson, 1991)*. Also he mentioned that, "*The goal of adjudication is to establish a land register with a great degree of legal validity*". According to Simpson *(1976)*, "*There is a cardinal principle in land adjudication that the process does not alter existing rights or create new ones*". It exactly says what rights exist, who is exercising those rights and what limitations are subjected. As such it is introducing correctness and final de facto situation into the land records *(Dale et al., 2000)*. The adjudication process may proceed sporadically or systematically as depend on what type of cadastre (sporadic or systematic) is going to be implemented *(Larsson, 1991)*. By sporadic is meant 'here and there', 'now and then', whenever or wherever there is a demand for titling or other reason for determining the precise ownership of an individual parcel. The systematic approach, on the other hand implies a methodical and orderly sequence in which all parcels brought on to the register area by area. In the longer term systematic adjudication is less expensive due to economies of scale, more safe as it gives maximum publicity to the determination of who owns what with how much extent, and more certain because investigations take place on the ground with direct evidence from owners of adjoining properties *(Dale et al., 2000; Larsson, 1991; Simpson, 1976)*. Normally there is an adjudication officer who is responsible for making the necessary decisions. He or she may be guided by local committees of non-officials. This local committee represents the people who are popular and respectable persons in the selected area. Once an area is selected for the adjudication programme, it is important to make **publicity** by announcements over the local radio, television or in the local press and public meetings to explain what is happening. It is essential that land owners have to have an understanding and confidence in what is going on and without their co-operation the adjudication will fail *(Larsson, 1991)*.

(C) Demarcation and Surveying

This is the next important, difficult, time consuming and expensive step in the titling process. Because, it is not only a purely technical matter but also consist of legal and practical implications together with the activities entail measurement, demarcation (fixing the exact boundary on ground with the concern of all related land owners) and land description for the purpose of preparing cadastre maps. *(Larsson, 1991)*. The choice of the survey method or combination of the methods depend on various factors such as boundary type (fixed and/or general), accuracy needed, terrain type, amount or level of features or information, time period, fund and availability of connected resource personnel *(Tuladhar, 1996; UN/ECE, 1996; Zevenbergen, 2002)*. At the same time, according to Larsson *(1991), "Boundaries are the main object of cadastral surveying. Normally other features, such as roads, watercourses, land-use boundaries, building, etc., are included, but the primary purpose is to define the land unit; on the ground and in the cadastre and register"*.

(D) Public Participation for Acceptance/Rejection

This is the next public participatory step of land titling process to make publicity of land parcel boundaries with details in the cadastral map and (in some countries) identified rights with ownership details for public inspection. The main purpose of this step is to give chances to the stakeholders to raise objections and appeals for rectification of errors or disputes in the collected data and information (participation for decision making) with the help of the (officials) government staff *(Larsson, 1991)*.

(E) Registration and Maintenance of Register

This is the final step of titling process. In this view, establishing the title register is the ultimate result of systematic adjudication and sometimes systematic adjudication followed by a voluntary registration *(Larsson, 1991)*. Therefore, the registration is executed by enter the final correct information which are determined in the preceding steps mentioned here together with the link to the cadastral parcel by unique identifier assigned in the related cadastral map *(Dale et al., 2000)*. At the same time, the success and reliability of the title registration system mainly depends on the proper and timely maintenance of the title register otherwise, the whole titling system will be collapsed. However, if the title register is not kept up to date, it quickly deteriorates in its value *(Larsson, 1991)*. Also he mentioned that, "*Maintaining a land registration system is, therefore, not a narrow, technical matter, but rather it is linked to institutional and organisational structure as well as to the education of experts, politicians and land owners*".

2.3. Land Titling Systems in Practice

There are three groups of title registration systems are operating in different countries:

(A) **The English Group** (e.g. England, Ireland, Nigeria, some Canadian provinces)
(B) **The German/Swiss Group** (e.g. Germany, Austria, Switzerland, Egypt, Sweden, Denmark)
(C) **The Torrens Group** (e.g. Australia, New Zealand, some parts of USA and Canada, Syria)

The differences between those three groups can be found mainly in land law, registration principles, technical aspects, parcel descriptions etc. For, e.g. English group uses large scale topographic map, while German/Swiss group uses parcel based cadastral map, whereas Torrens group uses isolated survey plan or cadastral plan *(Zevenbergen, 2002)*.

2.3.1. Land Titling in England and Wales

In England and Wales, the land registry is the central agency for carryout the land titling (as described in section 1-1) in sporadic manner with mandatory in certain cases. Even though the land titling was started from 1862, up to now covered about 75% of the whole country (19.7 million land parcels out of expected 23 million) *(Landregistry, 2012)*. According to the act of 1862, a precise definition of boundaries (i.e. define the exact position of the boundary on ground by land marks or beacons with precise coordinates) was necessary before registration but according to the acts of 1875 and 1885, introduced the general boundary concept (i.e. the exact line of the boundary is left undetermined and includes hedge, fence, wall, ditch or natural boundary like watercourse). However, all those acts were failed (only about 1000 title were registered during about 40 years period) because of voluntary registration, cost being borne by land owners, lack of awareness to the public about the benefit, resistant of solicitors and even most importantly the government was not shown more interest to encourage the registration *(Larsson, 1991)*. Thereafter, new act of 1897 introduced the compulsory registration in designated areas on sales or transaction of land. Also the act of 1902, insisted to spread the compulsory registration to the whole London but rest of England and Wales were remained with voluntary registration. However, after enacted the new act in 1925 the registration extended to whole England with existing regulations with the Ordnance Survey map used as basis for all description of land for registration (Figure 2-1). Because, the Ordnance Survey maps based on general boundary rule, covering whole England, maps are continuously revised, available in the scales of 1:2500 for rural areas and 1:1250 for urban areas and satisfies the all needs for the identification of the property *(Larsson, 1991; Simpson, 1976)*. Finally, they introduced a most innovated new act in 2002 which is currently in practice. This act is facilitated new laws with three main objectives such as speed up the registration, ensure the registers are true represent of reality and give way for e-conveyance. Further, this act reduced the title checking period for last 15 years, provisional title mature after 12 years and lease checking period 7 years. Due to those innovations, 20% of whole country has been registered in 5 years (2005-2010). But the enacted time of this new act, it was expected to complete the whole country within 5 years. *(Landregistry, 2012; LRA, 2002)*.

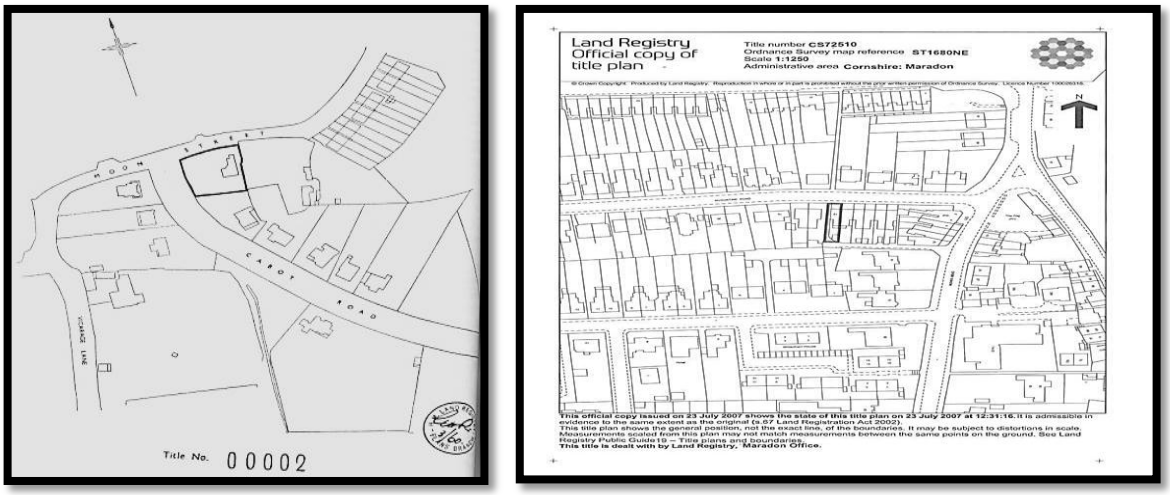


Figure 2-1: Ordnance Survey Index Map in England Land Certificates

Thick Lines Represent the General Boundary of a Land Parcel; Source: *(Larsson, 1991)* & *(Landregistry, 2012)*

2.3.2. Land Titling in Germany

In Germany, the title registration system (as described in section 1-1) is **simplified** by using good cadastre maps and well-functioning title registers called 'Land Book' and the system is work very well with the **good cooperation** and correct function of all actors *(Zevenbergen, 2002)*. Most of the Western Europe countries including Germany, have systematic coverage of the cadastre for entire country and the recorded information are continuously updated *(Larsson, 1991)*. Also he further mentioned that, in Germany even though the cadastral maps were originally of the "Island Map' type (Figure 2-2-left), now increasingly in the form of comprehensive coverage of standard sized maps (Figure 2-2-right) with common coordinate system and national grids. In addition, the buildings and other important information are integrated with cadastral maps and together called 'Property Cadastre' for expanded land information system and towards the multipurpose cadastral system. Presently, they have established a single cadastre with parcel based system for whole country for all types of lands such as state, private, urban, rural, forest etc. and accordingly, there is no informal or illegal settlements *(Hawerk, 2003)*. Generally each parcel has to be registered in the title register except the parcels in state ownership which are not part of a normal land market (e.g. street).

Even though, two main departments involved in titling process are under separate ministries (with various levels of actors and different hierarchies of organisational structures; section 1-1) and maintaining separate data bases for cadastral survey and land registry; the both registers and data bases are kept up to date simultaneously correspondence with each other *(AdV, 2012)*. This situation clearly shows the very good **inter-organisational coordination** with very well cooperation among the staff/employees. Similarly, the titling process in Germany fulfils the requirements of most of the customers by providing the timely updates LIS with e-services (One-stop-shop), using cadastre data for development purposes, CM (Figure 2-2-right) shows all necessary details to satisfy the all other agencies needs such as buildings, house numbers, soil assessment details, topographical information etc. *(Hawerk, 2003)*. Therefore, the user satisfactory factors are mandatorily implemented in the titling process and it explicit the availability of **quality output** and **quality institution** with effective **computerised** cadastral system.

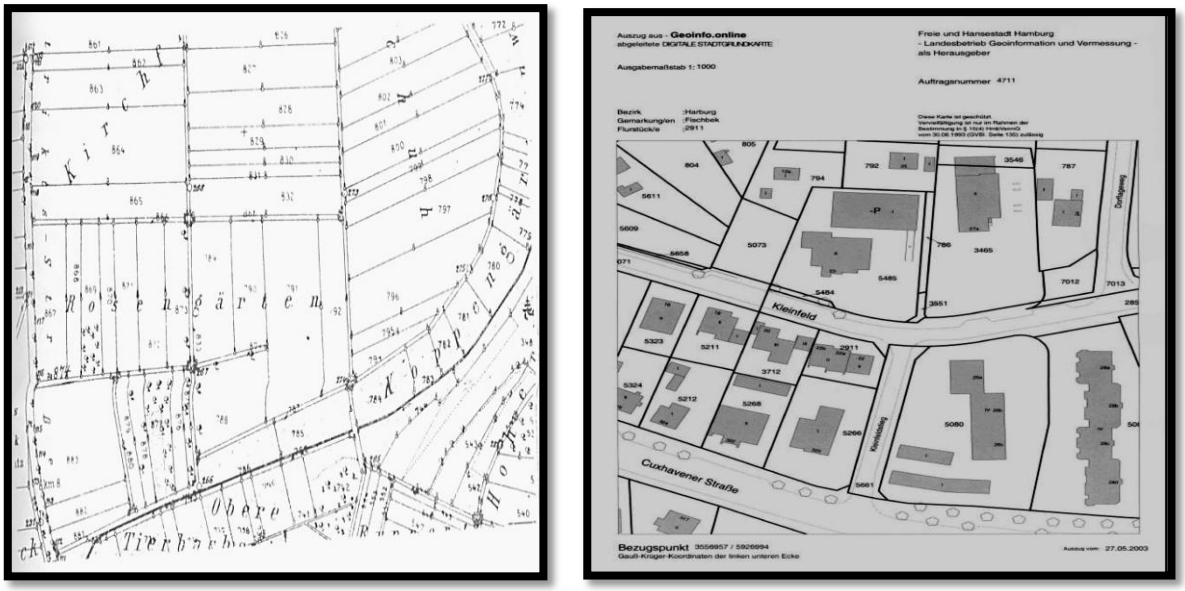


Figure 2-2: Island Map used (left) & Cadastral Map using (right) for Title Registration-Germany
Sources: *(Larsson, 1991)* & *(Hawerk, 2003)*

2.3.3. Land Titling in Australia

In Australia, the title registration system is based on Torrens registration system which introduced by Sir Robert Torrens in South Australia in 1858 and other Australian states followed soon after. According to this system, the land parcel is identified in the cadastral map (mostly based on fixed/precise boundary i.e. surveyed and shown the essential features and indicators of the boundary) and appended to the title certificate (extracted cadastral plan) (Figure 2-3). The title certificate shows the details about ownership,

description of land, easements, encumbrances and other necessary details and conditions *(Larsson, 1991)*. Also he mentioned that, it is mandatory to examine and register the all transactions at the title office to ensure the crown guarantee for new title/ ownership. The Australian land titling consists of both approaches (i.e. systematic and sporadic) with compulsory registration. Land titling in Australia are operated by the respective state administrations (slightly different procedures and departments' entails in different states). The land parcels are surveyed in the field and corresponding land ownership titles (with textual and spatial components together with additional details such as local government, utility, crown land needs) are recorded in the land registry *(Mitchell, 2010)*. Also he further mentioned that, "*As a Federation of States, Australia maintains centralized land administration offices in each State, which are almost completely computerised today. There is no prescribed organizational structure common to all states. Land administration is a state government responsibility under a range of government departments such as Environment, Planning, Information Technology or Land Administration. Embedded in these departments is a digital map of the state including the state's digital cadastral map, Land Registry and Titles Office, Crown Lands Management Office, Surveyors Board, and business units for Land Information and Resources. Combinations of these services can be found in all the States, integrated through sharing agreements and often residing in the one central metropolitan office. A consortium of all states and the Commonwealth, called the Public Sector Mapping Agencies Ltd, produces national cadastral map products*".

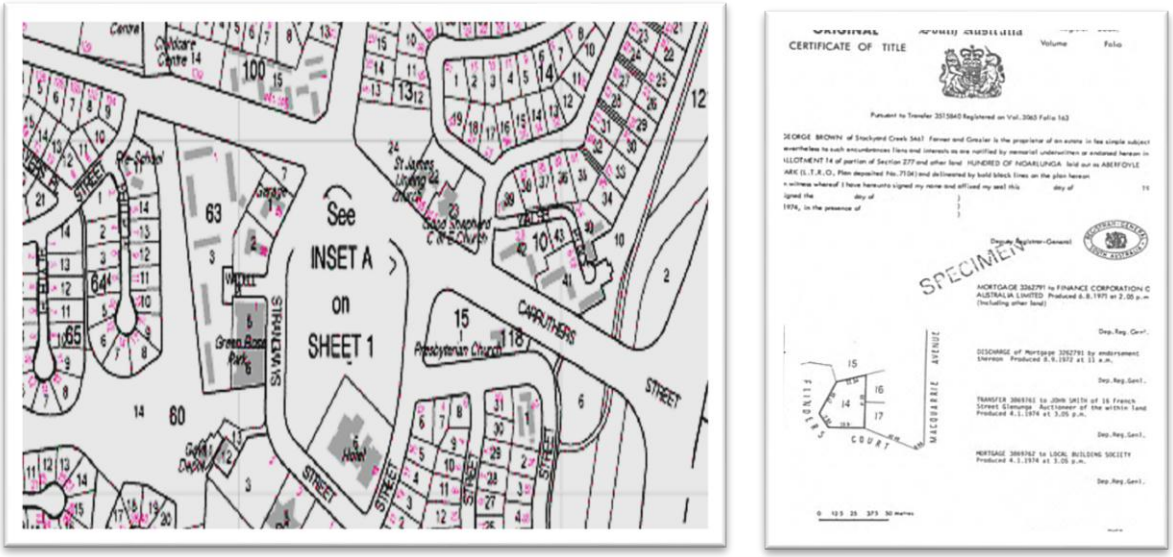


Figure 2-3: Cadastral Map & Cadastre Plan Appended in the Title Certificate-Australia
Sources: *(Mitchell, 2010)* & *(Larsson, 1991)*

2.4. Institutional and Organisational Arrangements for Land Titling System

The nature of institutional and organisational arrangements for cadastre, land titling/registration and land administration systems are so different from other types of systems because of involvement of variety of social, economic, legal and political factors such as effective law, good governance, administration system, organisational structure, land policies, land market, land use planning, public participation, customer satisfaction, user orientation, appeal procedures, benefit for society etc. The system will fail, if it is not considered those factors in the appropriate/**Quality** (Satisfy all user-needs) institutional arrangements *(van der Molen, 2000)*. At the same time, customer satisfaction and relation are most important and effective consideration in the organisational structure and strategy formation because, the interaction of the stakeholders are directly with the organisations for service provision *(Tuladhar & van der Molen, 2003)*.

2.4.1. Institutions

Success and well-streamed lining of cadastre or land titling system requires an appropriate and suitable (Quality) institutional issues *(UN/ECE, 1996)*. According to North *(1990)*, institutions are "*The rules of the game*" and the rules can be legal constraints such as laws, legislation acts, regulations, policies etc. Also, the rules are formal (e.g. statutory law) and informal (e.g. traditions) related to the function (e.g. land titling). These rules are streamed line how individuals and organisations interact among and between them to achieve the common goal of the function or system for stakeholders' satisfaction *(North, 1990)*. However,

it is the responsibility of the government to form a suitable institutional framework with consideration of public administration, good governance and legal situation for streamlining the land titling/land administration. Because, it includes various forms of systems such as tenure systems, registration systems, negative and positive system, general and fixed boundary system, centralised and de-centralised system, private and public system, active and passive system etc. *(van der Molen, 2001)*. Institutions and its changes can be taken in various phases such as structure, law, process, implementation, rights, steps, stages etc.

2.4.2. Organisations

Land administration organisations play important role in development and function of the land titling process. According to North *(1990),* the organisations and their entrepreneurs are "*The players of the game*" and organisations are made up of groups of individuals bound together by some common purpose to achieve the certain objectives. The effective implementation of cadastre/land titling system is a complex operation among several organisations. No part of the system is entirely independent of the other parts and if a part fails to work, then the whole system breaks down *(Larsson, 1991)*. Usually, more than one governmental organisations or various departments involve in titling process. Normally, there is land registry responsible for tenure or rights investigation and registration part and survey agency or department responsible for cadastral map preparation. The organisational setup is different way in different countries. In some countries cadastre and registration are by two separate organisations and the processes are linked (e.g. Germany), some other countries more than two or three departments involve in the titling process (e.g. Sri Lanka), in some cases single agency responsible for entire process but it uses the cadastre data from another organisation (e.g. England), at the same time in very few cases that entire cadastre process is handled by a single and more independent organisation with very successful functioning (e.g. Netherlands), another case in some countries whole cadastral processes are combined into single authority (e.g. Indonesia) *(Zevenbergen, 2002)*.

According to Larsson *(1991), "Ideally the registration and survey functions should be performed by a single agency. This arrangement guarantees the best possible* ***coordination*** *between the various parts of the whole operation"*. Also according to Zevenbergen *(2002),* he expressed his views in this regards as, "*In general, the* ***organisational aspects*** *seem to be of great importance in the well-functioning of the land registration systems and combining the registry and the cadastre in one organisation is a very sensible thing to do it. Other advantages of this setup are a clear structure for accountability and responsibility and more efficient way of updating*". Furthermore, most of the successful land administration systems have all the land related functions within one governmental organisation. Therefore, one governmental department should responsible for the all land administration infrastructure in a country *(Williamson, 2000)*. Also he further pointed out that, "*Global trends indicates that the most successful system also include all topographic mapping in the same organisation"*. In addition, the 'Cadastre 2014' foreseen for fully automated and without separation of land registration and cadastral mapping (Maps and registers together) for future cadastral system *(Kaufmann & Steudler, 1998)*.

In some countries there is only one governmental authority responsible for cadastre but in many countries, more than one authority handles the process and often exist poor channel of communication and limited cooperation between these authorities especially often each departments makes up its own rules *(UN/ECE, 1996)*. Also it further pointed out that, "*The execution of the land administration system should preferably be supervised by one government department*". However the cadastre organisations in most countries, whether it is single or multiple face the challenge to develop **stakeholders satisfaction** or customer-friendly organisational culture together with **self-finance** performance *(van der Molen, 2003b)*. Similarly, according to Tuladhar *(2004),* he also emphasis on importance of customers and stakeholders views and satisfaction for **organisational setup**, workflow and business process in various views such as customer orientation, product orientation, process orientation, task orientation and order orientation.

2.4.3. Benefits of Good Land Titling System

The stakeholders' perception depends on benefits from the land titling to them. Directly or indirectly it is the most important factor for succeed and sustain the system with their positive and active participation.

The advantages and dis-advantages of the Cadastre and land titling have been discussed in various circumstances by *(Larsson, 1991; UN/ECE, 1996, 2005; Zevenbergen, 2002)*:

(a) Advantages

- Anybody can immediately see, who is the owner of certain property
- Shows de facto situation of a land parcel and current rights applicable on it
- Gives the shape, size, location and boundary details of land parcel with reasonable accuracy
- In most countries, state guaranteed for the title; therefore, active registrar (check all titles)
- No need to make further investigation of correctness beyond the title register
- As title register is public one, anybody can check correctness of their and others property
- Registration is parcel based (not person based), there for less land disputes
- Information can be used as base for Spatial Data Infra-structure and multipurpose cadastre
- Tenure security implies secure transaction, improve productivity and active mortgage market
- Support for state revenue by land and property taxation
- Effective and efficient way to identify and manage the state land
- Facilitate to rapid land reform or land consolidation
- Improved access for urban and rural planning and policy making
- Can be extract more accurate and reliable statistical and spatial data
- Titles are bankable asserts and ascertain the wealth of a country
- Reduce legal mitigation, increase economic, social and infrastructure development
- Facilitate effective and rapid decision making for land acquisition or re-adjustment

(b) Dis-Advantages

- Need little concentration and investigation due to there may be 'overriding interests'
- Registrar has to check each and every title for correctness, need more time to register
- Costly and need more investment or capital to start, run and maintain the system
- Need more resource personnel with highly skilled, technological and technical instruments
- Limited application for rectification of errors and flexibility in process
- Looser of title due to fraud or error has to face long procedure (legal) to get compensation
- Take long time to cover the whole country (but depend on the methods and institutions)
- Very less possibilities to include all kinds of tenure patterns and continuum of rights

2.5. Governance

Generally, "*The governance is the way in which society is managed and how the competing priorities of interests of different groups are reconciled. It includes the formal institutions of government but also informal arrangements for achieving these ends. Governance is concerned with the process by which citizens participate in decision-making, how government is accountable to its citizens, how society obliges its members to observe its rules and laws" (FAO, 2007).* The concept of governance can be applied in different contexts, levels and areas such as global, national, regional and community levels; institutional and organisational contexts; state, private, civil society, activity, process, project and programme areas etc. Even though the governance is conceptually neutral, it is broader reference than the government *(Hood et al., 2006)* together with emphasise on process and institution that recognise the importance of power and politics *(Tuladhar, 2012).*

Similarly, "*The governance is used to denote the activity of controlling and steering the organisations in all kind; while government is used to mainly to denote the executive of the state*" *(Hood et al., 2006).* From this view, governance and its application is not a narrowed and limited application. Therefore, in a wide and general view "*Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them" (Kaufmann et al., 2012).* However, the context of governance has been approached in various way with similar aspects by different organisations (Table 2-1) according to their work programme and project orientations.

At the same time, implementation of governance implies at least two aspects namely: Multi level collaborative governance (good collaboration between all actors in both horizontal and vertical levels) and Regulatory governance (steering and guidance by the government). While, multi-level collaborative governance refers to the dispersion of authority away from central government upwards to supranational level, downwards to subnational level, and sideward to public or private networks. Whereas, regulatory governance is the use of public authority to set and apply rules together with the application of governance principles to that regulations *(van der Molen, 2012)*. In this view, the collaborative governance approach emits the importance of private and civil society into the national programme. Accordingly, the land titling programme as national task of a country; need strong collaborative governance approach and implementation of good governance principles, in order to execute the programme and connected processes in sustainable and successful way. However, we considers the **land governance** explicit the process, policies and institutions which are help to make decision about access, use and right of land and its development in sustainable way (section 1-1) for strong people-land relationship *(Enemark et al., 2010)*.

World Bank	The manner in which power is exercised in the management of a country's economic and social resources.
UNDP (United Nation Development Project)	The exercise of economic, political and administrative authority to manage a country's affairs at all levels.
OECD (Organisation for Economic cooperation and Development) & DFID (Department For International Development)	The use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development.
ADB (Asian Development Bank)	The essence, it concerns norms of behaviour that help ensure that governments actually deliver to their citizens what they say they will deliver.
USAID (United States Agency for International Development)	The capacity of the state, the commitment to the public good, the rule of law, the degree of transparency and accountability, the level of popular participation, and the stock of social capital.
UNECE (United Nation Economic Commission for Europe)	The processes in government actions and how things are done, not just what is done? It covers the quality of the institutions and their effectiveness in translating policy into successful implementation.
Institute of Governance, Ottawa	The institutions, processes and conventions in a society, which determine how power is exercised, how important decisions affecting society are made and how various interests are accorded a place in such decisions.
FAO (Food and Agriculture Organisation)	The process of governing. It is the in which society is managed and how the competing priorities and interest of different groups are reconciled. It includes the formal institutions of government but also informal arrangements. It is concern with the process by which citizen participate in decision making, how government is accountable to its citizen and how society obliges its members to observe its rules and laws.
Transparency International	The land governance is fundamentally about understanding power and the political economy. It involves the rules, process and structure through which decisions are made about the use of and control over land.
GLTN (Global Land Tool Network) & United Nation HABITAT	The land governance concern the rules, processes and structures through which decisions are made about access to land and use of land, the manner in which the decisions are implemented and enforced, and the way that the competing interest in the land are managed. It encompasses statutory, customary and religious institutions.
United Nation-Present Secretary General 'Ban Ki-Moon'	The political will must be mobilised to increase developmental assistance, including for capacity building for good governance.
United Nation-Former Secretary General 'Kofi Annan'	Good governance is perhaps the single most important factor in eradicating poverty and promoting development.

Table 2-1: Governance approach in different Organisations' views

2.5.1. Land Governance

Since the time of recognised the land as everlasting scare resources for human existence, there are various technical, management and social factors have been linked to land. Some of them are land tenure, land management, land policy, land reform, land consolidation, land acquisition, land surveying, land registration, land titling, land administration and from recent decade mostly considering about land governance. The good governance in the land sector (i.e. good land governance) increasingly recognised as critical and important tool for sustainable development in the land sector and property system *(Bell, 2011)*. Also, he further pointed out that "*The future investment should be on good governance, especially focus on completeness, reliability, fitness for use and cost effective land related data rather than spatial accuracy*". Therefore, good land governance not only control and manage the effective use of physical resources for sound economic and holistic social improvement but also key to achieve sustainable development *(Enemark et al., 2009)*. Also, they further pointed out that the sustainable land governance should:

- ✓ *"**Provide** transparent and easy access to land for all and thereby reduce poverty*
- ✓ ***Secure** investment in land and property development and thereby facilitate economic growth*
- ✓ ***Avoid** land grabbing and the attached social and economic consequences*
- ✓ ***Safeguard** the environment, cultural heritage and the use of natural resources*
- ✓ ***Guarantee** good transparent, affordable and gender responsive governance of land for the benefit of all including the most vulnerable group*

- ✓ ***Apply*** *a land policy that is integrated into social and economic development policy frameworks*
- ✓ ***Address*** *the challenge of climate change and related consequences of natural disasters, food shortage etc. and*
- ✓ ***Recognise*** *the trend of rapid urbanisation as a major challenge to sustain future living and livelihoods"*

The above mentioned all points that to be fulfil by the good land governance, can be mostly achieved by good land titling process (Section 2-4-3-a). Therefore in this view, the land governance and land titling are complementary to each other and the equal application of both in the systematic way yields the optimum benefit for the society and then country.

There are different views, definitions and perspectives are given to land governance by various scholars. "*Land governance concerns the rules, process and structure through which decisions are made about access to land and its use; the manner in which the decisions are implemented and enforced; the way that competing interest in land are managed*". *(Palmer et al., 2009).* At the same time *"Land governance concerns the property rights to land are defined and can be exchanged and transformed; the way in which public oversight over land use, land management, and taxation is exercised; the way the state land is managed, acquired, and disposed of; the nature and quality of land information available to the public and the ease with which it can be accessed or modified; and the way in which disputes are resolved and conflict is managed" (Deininger et al., 2012).* Whereas "*Land governance means the* ***spatial dimension of governance*** *that relates to land, property and natural resources*" *(Williamson, 2010).* Accordingly land governance is part of governance; more precisely it is the spatial component of the governance. Therefore, consider as governance concept is the wider and most suitable application for land titling process. Whereas, the **process** is "*Any activity or group of activities that takes an input, add value to it and provide an output to internal or external users*" *(Subedi, 2009).*

2.5.2. Good and Weak Governance in Land Sector

Good governance in land sector aim to protect the property rights of stakeholders by introducing the good governance principles. Whereas, weak governance in land sector leads to various social uncertainty and often characterised by bureaucratic and political corruption *(Wehrmann et al., 2006).* Also they further pointed out that, "*In many developing countries, land registration agencies often are considered to be one of the most corrupt and inefficient government agencies*". At the same time, "*There is no absolute measurement condition for good and weak governance; rather, there is a continuum between good and weak governance" (FAO, 2007).* But, they also mentioned that "*It should be possible to devise ways to measure the governance of a country and to compare it to that of other countries with the help of* ***indicators*** *that observed over time*". Therefore, it is usefulness to find out the characteristics of good and weak governance (Table 2-2) to formulate the suitable indicators in order to explicit the governance perception in the land sector of a country.

Good Governance	Weak Governance	Sources of Weak Governance
Efficient, Effective and Competent	Inefficient, Ineffective and Incompetent	Lack of capacity & Administrative corruption
Responsiveness	Unresponsiveness	Administrative corruption & Lack of capacity
Legitimate	Illegitimate	State Capture & Administrative corruption
Transparent (Open)	Opaque (Secretive)	Administrative corruption & State Capture
Consistent, Predictable and Impartial	Inconsistent, Unpredictable and Partial	State Capture & Lack of capacity
Accountable	Unaccountable	Administrative corruption & Lack of capacity
Equitable	Inequitable	Administrative corruption & State Capture
Sustainable	Unsustainable	State Capture & Lack of capacity
Locally Responsive	Locally Unresponsive	Lack of capacity & State Capture
Participatory	Exclusive	State Capture & Administrative corruption
Providing of Tenure Security and Stability	Unwilling or Unable to Provide Security and Stability	State Capture & Lack of capacity
Dedicated to Integrity (Free from Corruption)	Supportive of Corruption	Administrative corruption & State Capture
Reduce Land Conflicts and Illegal Land Transfer	Increase Land Conflicts and Illegal Land Transfer	Lack of capacity & State Capture
Decrease Transaction Cost	Increase Transaction Cost	Administrative corruption & Lack of capacity
Follows the Rule of Law	Inflows the Rule of Law	State Capture & Administrative corruption
Reached to the Poor	Unreached to the Poor	Administrative corruption & State Capture
Cheap and Fast Access to all Services	Costly and Slow Access to all Services	Administrative corruption & Lack of capacity
Easy Taxation	Difficult and Unfair Taxation	Administrative corruption & State Capture
Better Land Use Planning	Poor Land Use Planning	Lack of capacity & State Capture
Protects State Lands	Difficult State Lands Management	State Capture & Lack of capacity
Reduce Mitigation and Land Grabbing	Increase Mitigation and Land Grabbing	Administrative corruption & State Capture
Increase Property Market and Private Investment	Decrease Property Market and Private Investment	Administrative corruption & Lack of capacity

Table 2-2: Characteristics of Good and Weak Land Governance

Source: *(FAO, 2007; Wehrmann et al., 2006)*

According to FAO *(2007)*, the consequence sources of weak governance in land sector can be categorised into three major routes such as **Lack of capacity** (lack of resources, lack of qualified or competent staff, lack of institutional capacity, negligence and mismanagement), **Administrative corruption** (bribery, theft, fraud, extortion or blackmail, employment of facilitators, nepotism, favouritism and misconduct in public office) and **State capture** (agencies control by powerful, court give decision to favour of powerful, actions are taken with impunity, no decision makers, powerful capture the land in illegal way from poor, lands of powerful rezoned as high value use, compulsory purchase, forced eviction, unfair land acquisition, state owned lands transferred to powerful, mining or logging rights are allocated to powerful and state owned lands privatise for informal way or informal payment).

2.5.3. Land Governance impact on Land Titling

The ultimate goal of the land titling process is to create the effective title register with connective cadastre for issue the title certificate. The title certificate only (itself as physical reality) has no value, unless it recognised by the society and state (as social reality) for further usage such as evidence for ownership and/or rights on land (tenure security), means for collateral purpose, easy and quick land transaction etc. Therefore, physical reality (visible and touchable) together with social reality (invisible and untouchable) make the real world/value *(van der Molen, 2012)*. Similarly, the land titling process (visible-physical processes) together with the good governance (invisible-social perception) makes the real optimum benefit (positive impact) for the society and then the country (Figure 2-4).

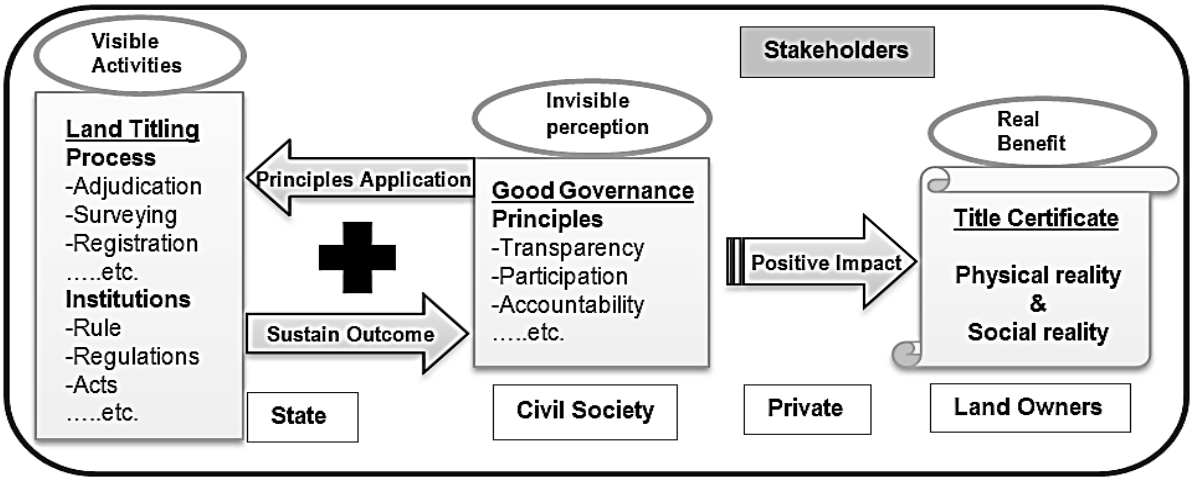


Figure 2-4: Strong linkage of Good Governance and Land titling for Holistic Outcome

Governance not only considers about outcome but also focuses on process and institutions *(Palmer et al., 2009)*. At the same time, land titling as a whole consists of processes (various steps with intermediate outcomes) and institutions (rules, acts, regulations). In this view, the impact of governance on the land titling clearly expose the necessity of strong linkage between governance and land titling for the holistic outcome and sustainability of the land titling process. The challenge for most of the countries is to create and implement the **good governance dimensions (Principles)** to promote and support the national programme together with the interaction of state sector, private sector and the civil society for the benefit of the society, stakeholders and then the country *(UNDP, 1997)*.

2.5.4. Principles of Good Governance

The principles or dimensions of good governance are the ways or elementary routes of application components of governance perspectives in various aspects and purposes. There are different but fundamentally same aspects of governance principles have been adopted by various organisations, according to their working areas. However, we considers the suitable principles, related to land titling process are Transparency, Public participation, Accountability, Rule of law, Equity, Effectiveness and efficiency, Security, Sustainability and Subsidiarity *(Deininger et al., 2009; Tuladhar, 2012)*.

Although there are different definitions and different principles adopted for governance by various organisations, the actual implementation of good governance depend on how far the governance

principles are incorporated or exercised into various aspects and processes such as land administration, economic growth, job opportunities, human development programme for poor, environment conservation, public sector management, corruption elimination and conflict or dispute resolution of the society and then for the country as whole *(van der Molen, 2012; Wehrmann et al., 2006)*. At the same time, all those governance principles are inter-related to each other in one way or another when applying in the real situation for single or combination of aspects *(Basnet, 2012)*. However, here we are dealing with two governance principles (**Transparency and Public participation**) as mentioned in (Section 1-3).

(A) Transparency

The terminology transparency has been in used from long ago in various usages in different studies such as social, physics, engineering, technology etc. The words 'trans' (movement) and 'parent' (visible) together formed the meaning of 'transparent' as every movement must visible to all *(Oliver, 2004)*. Therefore, from this view the transparency in land titling can be interpret as 'every process and steps must visible to stakeholders'. The perception of transparency has been discussed by various scholars. "*Transparency is acting; visibly, understandably and* ***predictably***" *(Tuladhar, 2012)*. Also he further mentioned that, transparency acts as door to enter into governance. At the same time, "*Transparency is considered as important element in management system not only in public sector but also in private sector*" *(Phuong, 2012)*. Also she said that, transparency is means to prevent corruption and enhances customer satisfaction *(Koroso, 2011)*.

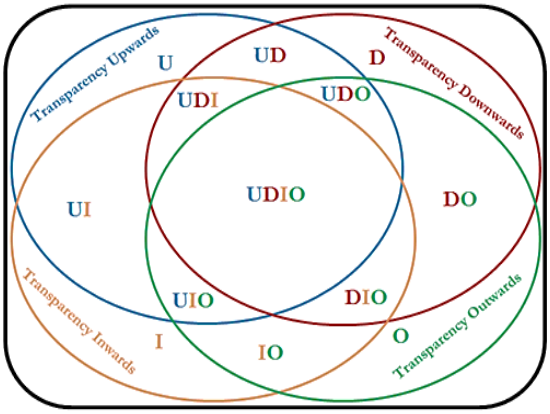
Similarly, "*Transparency is free flow of information" (Enemark et al., 2009)*. Also they mentioned that, under transparent environment in land sector organisations it is possible to provide necessary information for stakeholders' satisfaction and fulfil their requirements in holistic manner. In addition, the transparency has '**openness**' and it brings all information, rules, regulations, acts, procedures, decisions and outcomes of the land sector processes like land titling processes visible/available to all stakeholders *(Bagdai et al., 2009; Oliver, 2004)*. Therefore, transparency is widely recognised as a core principle of good governance *(UN-HABITAT & TI, 2004)*. Also it further highlights that, "*Transparency helps not only to inform the public about development ideas and proposals, but also to convince citizens that the public agencies are interested in listening to their views and responding to their priorities and concerns*".

According to Oliver *(2004),* he defined the transparency as "*The publics' right to know*; *it is letting the truth be available for others to see if they so choose, or perhaps think to look, or have the time, means, and skills to look*". This implies a passive posture or motivation (but now a day it is active disclosure) on the part of the individual or organisation under consideration. At the same time, the 'Transparency International-organisation' defines the transparency as "*A principle that allows those affected by administrative decisions, business transaction or charitable work to know not only the basic facts and figures but also the mechanisms and process. It is the duty of civil servants, managers and trustees to act visibly, predictably and understandably*". Similarly, the 'Asian Development Bank' defines the transparency as "*The availability of information to the general public and clarity about government rules, regulations and decisions*".

However, transparency is now the daily bread of everyday life for the average grass route citizen to high level analysts *(Oliver, 2004)*. Also, he further described the transparency in various aspects levels:

- **Government Transparency**: it extends from the local town council to the central government
- **Commercial Transparency**: all stakeholders in the organisation want to know all the facts about a company's health, structure, action of all officers etc.
- **Transparency in the professions**: Professionals, who offer services or functions, should perform in transparent way because they have taken an oath to serve in the public interest. Even more important perhaps in the skills.
- **Transparency in Non-Profit Organisations**: if their records are opaque and try to hide something or have lost face through a public scandal; budget or donations is certainly decreased.
- **Transparency in religious Institutions**: it serves to a set of stakeholders. Therefore, if there is lack of transparency then it quickly cut off the donations and supports of the stakeholders.
- **Transparency in the Investments**: result is increased reliance on individual investments.

Generally in an organisation, there are four directions of transparency approaches (Figure 2-5): Top down approach (Superior can observe the conduct, behaviour and results of subordinates) called **transparency upwards (U)**, Bottom up approach (Subordinates can observe the conduct, behaviour and results of their superiors) called **transparency downwards (D)**, **transparency outwards (O)** (Subordinates or inside staff can observe what is happening outside the organisation and monitor the behaviour of peers or competitors) and **transparency inwards (I)** (Those outside can observe what is going on inside the organisation and it gives the freedom of information) *(Hood et al., 2006; Tuladhar, 2012)*. At the same time for this organisational transparency, it is essential four general guideline principles such as leadership commitment, formalised process, training programme and communication with stakeholders *(Oliver, 2004)*. Also he emphasises that, "*Organisational transparency is not limited to upper management, but is implemented in a systematic and pervasive manner throughout the organisation*".



"UDIO denotes the simultaneous presence of all four directions of transparency. This is fully symmetrical transparency. At this stage no normative evaluation is made of the relative desirability" (Hood & Heald, 2006). As in this UDIO stage, the organization is fully transparent for desired level (With in necessary limit); No need further investigation about the transparency issue of the organization.
Source: *(Hood et al., 2006)*

Figure 2-5: Four Directions of organisational Transparency

Because of poor governance especially due to poor transparency, many people suffer by corruption and uncertainty at various levels in various organisations *(Bagdai et al., 2012; Bagdai et al., 2009; Tuladhar, 2012)*. As corruption is the misuse of office for private gain, the land sector also not free from corruption *(van der Molen & Tuladhar, 2007)*. Also they believed that, the land sector can help to curb corruption as possession of land is visible to anyone and land cannot be hidden and land registration /land titling principles (section 2.2 and 2.2.2) are greatly contribute to satisfy the transparency elements such as **openness, acting predictability**, visible process, inventory of land tenure, **supervision,** computerisation etc. *(van der Molen, 2007; van der Molen et al., 2007)*.

Therefore, it is clear that any project, programme or organisation needs to increase the transparency for the existence, sustain and better service provision for its stakeholders. Even though the transparency is a mixed and complex concept, it is vital important for successful organisational aspects *(Bagdai et al., 2009)*. At the same time to increase the transparency, the transparency tools such as assessing and monitoring, rule of law with ethics and integrity, institutional reform, easy access to information, and targeted participation with specific issues can be implemented at various suitable levels *(Custovic, 2010; Tuladhar, 2012; UN-HABITAT & TI, 2004; van der Molen et al., 2007)*. However, any system or programme or organisation can be taken as transparent if it has clear procedure regarding open and visible processes, predictable decision making which affects the public or stakeholders, and provides wide range of information timely, accurately, completely and reliably with easy access *(Shrestha, 2009; Tuladhar, 2012)*.

(B) Public Participation

The public participation is the vital requirement for planning and implementation of any national programme especially which affects the people directly *(Lane, 2005)*. The land titling programme as a national programme, is not exceptional from the need of strong stakeholders (All customers include citizens/land owners) participation. Because, stakeholders have legal right on land parcel and they can decide their land parcel boundary. As such, they should be participated in land titling/registration process in all stages such as adjudication, demarcation, surveying, title/ownership determination etc. *(Setha, 2002)*. Therefore, the important issues for development and implementation of a new land registration/titling

process are the cooperation and communication between stakeholders and respective organisations together with suitable institutional arrangements *(Tuladhar et al., 2004)*. At the same time, the participation of all stakeholders with standardise procedures highlights the transparency of the system and reduce the corruption in the process *(van der Molen, 2007)*.

The purpose of stakeholders' participation is to increase the quality of decision making and reduce uncertainty in the process in order to develop the stakeholders' confidence and trust on the programme *(Koroso, 2011)*. On the other hand the active engagement of all stakeholders particularly the poorest and most vulnerable people in the matters that affect their interest and economy, empowers their stable life and sustain their future *(Palmer et al., 2009; UNDP, 1997)*. Furthermore, the stakeholders' participation helps to fulfil the gap on information and decision making between government and other stakeholders as the participation is the process by which people take an active and influential hand in decision making that affects them *(Shrestha, 2009)*. Also she further pointed out that "*The public participation can be effective if the public feels their involvement is genuine and taken into account seriously and they should not be left with the feeling that the participation is adopted only as an act to legitimise policies*". The public participation in any project or programme can be involved in various levels and different forms.

According to Larsson *(1991),* there are **three levels** of public/community participation in the land titling/adjudication process:

- **Full Participation:** public are entirely responsible for all decisions involved in various important parts of the process, including ascertainment of existing rights and determination of disputes.
- **Partial Participation:** public are actively involved in one or certain part of the process only and not necessarily empowered to make the final decision.
- **Advisory Participation:** public are restricted to giving advice to the authority and cannot operate or function without the support of government staff, who keep the necessary records.

Whereas, there are **four forms** of public participation can be identified in the delivery of services and infrastructure development *(Shrestha, 2009; Tuladhar, 2012)*:

- **Informative participation:** people are getting informed about the interest and intention of government. The process is non-transparent, as one way flow of information without feedback mechanism and negotiation procedure.
- **Consultation Participation:** people can forward their views and opinion regarding the issues which affect them. Proper feedback mechanism is introduced between people and government before the decision making stage. Since it is only consultative process, the government can make decision based on the general views of people. Therefore consultative participation, in this aspect remains informative participation.
- **Co-operative participation:** people are involved in whole process up to decision making. This type of participation is a partnership approach between people and government. In this view, government acts as a facilitator and provider.
- **Mobilisation participation:** people are control the decision making process and government acts as initiatives on the request by people. This is the strongest form of participation, compare with other forms. However, people need to coordinate with government; because, cannot achieve the services and deliveries completely alone without couple with other agencies.

At the same time, there are **eight types** of citizen participation had been illustrated in a ladder pattern (from bottom rungs of the ladder, Figure 2-6) with each rung corresponding to the extent of citizens' power in determining the end product or output of process *(Arnstein, 1969; Tuladhar, 2012)*. In the non-participation type (manipulation and therapy), the real objective is not to enable people to participate in the programme but enable the authority to educate the people about benefits (awareness). Thereafter in the tokenism type (informing, consultation and placation), people are allow to hear and make voice (clarify) about what they heard from the authority and ensure the authority to answer or advice in positive and confident way in order to keep assurance and make changes in public quo. Finally in the citizen power type (partnership, delegated power and citizen control), increases the degree of decision making clout of

citizen and enter into a partnership that enables them to negotiate and engage in trade-offs with the authority or government. However, delegate power and citizen control have not obtain the majority of decision making seats or full managerial power by the citizens *(Arnstein, 1969)*.

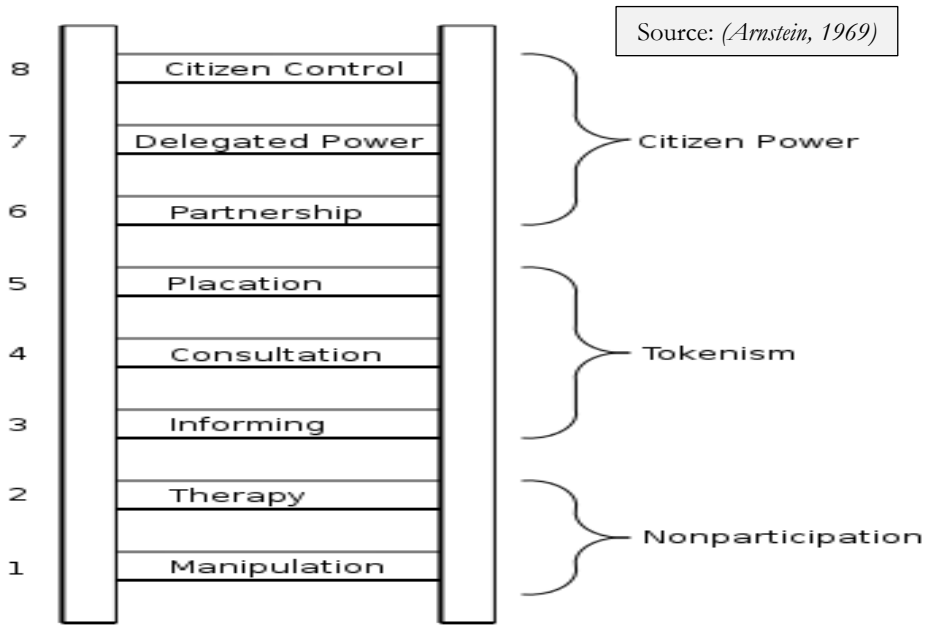


Figure 2-6: Ladder of citizen participation

Furthermore, a variety of public participation procedures exist that aim to consult and involve the public ranging from the public hearing to the consensus conference and yet the quality of the output of any public participation exercise is difficult to determine *(Rowe & Frewer, 2000)*. Also they described **eight methods** of public participation for any effective process as, "***Referenda, Public hearings/inquiries, Public opinion surveys, Negotiated rule making, Consensus conference, Citizens' jury/panel, Citizen/public advisory committee, and Focus groups***". Similarly, there are **two types** of theoretical evaluation criteria that are essential for effective public participation; **Acceptance criteria** (Concerns features of a method that make it acceptable to the wider public) and **Process criteria** (Concerns features of a process that are liable to ensure that it take place in an effective manner) *(Rowe et al., 2000)*.

However, the important and initial stage of public participation is to encourage and educate the participant or stakeholders to participate into the programme at proper stage and correct time. But, if the programme is **user-oriented** and they know the benefit to them together with **quality output** to increase all kinds of **customer's satisfaction**, then no need much effort to make aware the people about the programme. At the same time, there are various ways (single or combination) to arrange **awareness** rising programme: information campaigns, forums, broachers, workshops, specific public/group meetings etc. *(UN-HABITAT & TI, 2004)*. However, the **public/group meetings** can be effective tool for encourage public participation if it could be arranged carefully with qualified and positive attitude resources personnel to increase the **trust and confident** of the participants *(Shrestha, 2009)*. Also she further warned that the public/group meetings can be easily get chances to ignore the public views and interests by holding the meetings in odd times and unfavourable locations together with less experience staff who are fear to answer the questions which raised by public. Therefore, effective meetings can affect participants' beliefs in desirable way *(Halvorsen, 2003)*. Also he further pointed out that, "*After the participation in the quality project meetings, participants were significantly more likely to believe the agency was responsive to public concerns*".

2.6. Framework

In general, a framework is a real or conceptual structure intended to serve as support or guide for a basic structure underlying a system that expands the structure or system into useful way *(Abebe Haile, 1998)*. Usually, framework consists of assumption, concepts, values and practices that constitute a way of viewing the reality. In this view, the framework is not only a vital structure for assess or evaluate any

system or process but also an important external work platform for the realistic or practical approach. At the same time, the evaluation is required to find whether we are doing the "*Right things and Things right*" within the allocated resources, institutional and organisational arrangements and helps to review the process or activity together with observe the quality of work or output *(Basnet, 2012)*. Also she further pointed out that, *"The framework holds a comprehensive approach and considers issues related to all the stakeholders in any organisational pyramid and reviews the objectives and strategies through assessment of performance regularly"*.

Even though there is no internationally accepted framework with standard guidelines related for the land administration processes (Section 1-3), there are different methods of frameworks adopted for different purposes by various researchers that suitable to their own context and perspectives *(Abebe Haile, 1998; Ali et al., 2010; Basnet, 2012; Chimhambiwa et al., 2009; Koroso, 2011; Steudler et al., 2004)*. Some of them are:

- Logical framework analysis method
- Mixed approach method
- Process framework method
- Comparative evaluation method (e.g. for land administration system by *(Steudler et al., 2004))*
- Good governance criteria approach method (e.g. LGAF by *(Deininger et al., 2012))*
- Assessment framework method (e.g. for; urban land market *(Koroso, 2011))*
- Appraisal and performance evaluation framework method
- Structural framework method
- Behaviour and trend analysis framework method
- Cost and benefit analysis framework method

At the same time, LGAF approach would be ideal guide for the governance framework approach. Because, LGAF deals with land governance aspects/elements, related indicators and good practices used local respondents and existing situation at country level with focus on institutional and organisational arrangements and ranks are assigned for the various levels of answers. However, we have chosen two methods of frameworks as **process** and **governance** criteria approach for this evaluation of governance issues in land titling process. Because, on the one hand these two methods of frameworks are very closely related to the land titling process study and on the other hand, we need to deal with well-defined objectives, clear processes organisational and institutional fragmentation/coordination, governance principles, governance indicators and good practices.

2.6.1. Approach for Process and Governance Frameworks

The process and governance frameworks are developed based on the identified **elements, indicators and good practices** from the literature reviews related to land governance and land titling. The process framework mainly focuses on organisational coordination/fragmentation in the land titling process. Whereas, the governance framework is directly dealing with transparency and public participation aspects in the land titling process. Because, on the one hand the institutional and organisational aspects are highlighted in literatures as critical problem in land titling process (section 2-4) and on the other hand, organisation (Structure for human interaction) and institution (provide certainty for human interaction) are the vital important considerations for the transparent processes of a programme *(North, 1990)*.

(A) Elements

Elements are the first glance to identify the inside of a problem or performance and then deeply through its respective indicators *(UNDP, 2011)*. Similarly, elements are the drivers to reach into the problem or identify the situation *(Bennett et al., 2010)*. In those views, we have identified 16 elements from various literature reviews to develop both frameworks (sections 2-6-2 & 2-6-3).

(B) Indicators

The indicators are essential tools to assess or evaluate whether a land related activity or process is complying with particular principles/elements and helps to understand and monitor the direction or function of the project or programme *(Koroso et al., 2013)*. Also they mentioned that, "*Indicators give insight*

into the level of corruption, accountability, transparency and participation in decision making as well". Similarly, "*Indicators are useful tool to help in draw conclusion or decision on performance or process of a project or programme; and they are summarising the characteristics, highlights the trends and shows what is happening in a system (Basnet, 2012).* At the same time, "*Indicators tell us specifically what to measure to determine whether the objective has been achieved*" *(USAID, 1996)* and "*An indicator is a tool which provides particular information on state or condition of something measured against a certain benchmark*" *(Koroso, 2011)*. Similarly, the indicators are helping to explicit the various issues (**process**, function, **governance**, performance, pro-poor, economic etc.) and various measures such as how much is done, whether the progress is towards the objectives, what is the gap/problem, how the staff acts to implement the process, how is the satisfactory level of both staff and customers etc. *(Arko-Adjei et al., 2010; Kaufmann et al., 2012).*

There are various kinds of indicators have been developed for different observations and purposes; experienced based indicators (Actual levels of victimisation), perception based indicators (perception of society) *(Tuladhar, 2012)*, rule based indicators (De jure), outcome based indicators (De facto) *(Deininger, 2010)*, quantitative based indicators, qualitative based indicators, objective based indicators, subjective based indicators, level based (High/low) indicators, sector based indicators (Public/private) *(Basnet, 2012; Koroso, 2011)* etc. furthermore, the land sector indicators are often based on the opinion of the experts who are supposed to be worked or dealt with land related issues and/or connected research projects *(Deininger et al., 2009)*. At the same time, the worldwide agencies/organisations like UNDP, FAO, TI, USAID, UN/ECE, World Bank etc. have their own land governance indicators particularly designed for various land related projects, policies and processes. In addition, the LGAF is one of the most comprehensive and realistic approach with suitable governance indicators recently developed by experts in the land related sectors are mostly related to land titling process also *(Deininger et al., 2012).*

However, we kept in mind during the phase of development of our own most suitable indicators are relationship with already chose dimensions and elements, correlation with land titling process, objective of evaluation with the developed indicators and the purpose of the frameworks. At the same time, we have considered the applicability and suitability of various indicator types as discussed above and accordingly adopted most suitable types as quantitative and objective (e.g. number of time/organisation/process etc.), qualitative and objective (e.g. availability of information/system, trust etc.), experience based (e.g. ability to satisfy/fulfil etc.), perception based (e.g. willingness of staff/public etc.), and outcome based (De facto) for the validity and wide range of usability. Because, identifying and developing suitable indicators are mostly depend on the concepts (Elements) that researcher focuses to measure the variables (i.e. Elements/concept → Indicators → variable/quantifiable measures) *(Kumar, 2000)*. Also he expressed that, "*The choice of indicators for a concept might vary with the researcher but those selected must have a logical link with the concept*". Therefore, the indicators that we developed can be used at any level (National or local). Finally we have checked those indicators with good practices available in the land sector.

(C) Good Practices

Identifying and adopting good practices is a necessary part of organisational development and pursuit of any programme excellence because, good practices are distil innovative, reliable and validated approaches *(UNICEF, 2012)*. Also it further pointed out that, all good practices are an attempt to better understand about what works, what does not work, how works, why it is and what condition. Also, it can be assessed and documented using different methodologies such as careful analysis of first hand data, experts' views, evaluations, case studies, consultations etc. Even though there are various degrees and different contexts of good practices have been identified and adopted by various researchers and agencies in land sector, it is our duty to choose among the best suitable practices related to governance dimensions and land titling processes. Therefore, we have done bulk of various literature reviews to adopt best possible good practices for land titling process in perceptions of land governance elements to compare the indicators we developed in the process and governance frameworks (Sections 2-6-2 and 2-6-3).

Also we focused on various good practices adopted in land related activities by different countries such as Croatia, Laos, Lithuania, Macedonia, Thailand, Salvador, Moscow, Albania, Romania, Armenia, Indonesia,

Lesotho, Cambodia etc. *(Custovic, 2010; Wehrmann, 2012; Wehrmann et al., 2006)*. But, finally we have checked those all good practices what we adopted here with the land titling/registration processes of developed countries such as Netherlands, England, Germany, Australia, Sweden, Finland, Denmark etc. *(AdV, 2012; Custovic, 2010; Landregistry, 2012; Mitchell, 2010; Subedi, 2009)*, to see the validity and reliability.

2.6.2. Process Framework

For the development of process framework (Table 2-3), we have critically review the literatures and various countries experiences to bring up the most appropriate elements and related most suitable indicators (Section 2-6-1-B) with good practices (Section 2-6-1-C) to develop the process framework and analyse organisational coordination/fragmentation (organisational aspect as pointed out in section 2-4-2).

		Elements	Indicators	Good practices
Land Titling Programme	Organisational coordination/fragmentation	**Quality Institution**	Number of acts/regulation involved	Fewer most suitable laws to satisfy all stakeholders
			Inclusion of all tenure patterns in RTA-1998	Incorporation of all existing tenures into the process
			Comply of RTA-1998 with other public agencies acts/regulations	Parallelism and comply in regulations of all national organisations (e.g. land registration and municipality)
			Existence of compulsory titling in any situation	Mandatory for titling at least in transaction process
			Ability of RTA-1998 to streamline the whole process un-ambiguously	Act gives room for smooth work process in holistic manner with rigid interpretations
			Affordability of subsequent registration	Low cost and easy process of transaction
		Simplified process	Number of processes involved	Fewer the process to increase user understandable
			Time taken to complete a land parcel	Possible least period to deliver the output
			Number of organisations involved	Single agency system
			Number of stages that public need to meet staff	Minimum participation stages for active civic engagement
			Acceptance of the organisational setup	Simplified service provision for user satisfaction
			Availability of the counter office system	Front/back office system
		Data/ Information sharing	Method of data sharing between organisations	Automated data sharing to reduce errors
			Existence of field data collection at once	Single data collection with multiple sharing methods
			Availability of complete information to all stakeholders	All information about acts, processes and outcomes to be provided timely, reliably and truly to all users
		Computerisation	Availability of automated information sharing	Fully automated data sharing enhances the efficiency
			Existence of national data base with LIS	Maintenance of complete database with proper LIS
		One-stop-shop	Availability of all services at one place	One-stop-shop service procedure
			Existence of e-services	Effective e-service provision to eliminate corruption
			Willingness of staff to focus on titling as a single programme to solve public's need	Staff should be maintained the clienteles, rather than concentrate on individual or departmental needs
		Training/ Attitude of Staff	Competency of staff about titling processes	All staff with sound knowledge and skill in processes
			Existence of any corruption	Good code of conduct with positive attitude as part of the professional ethics of staff
			Availability of periodical training to staff	CPDP for staff

Table 2-3: Process Framework

Accordingly, we have chosen the following elements as mostly related to the organisational aspects in the land titling programme.

Quality institution that involves in the processes of a national program like land titling/registration leads to simplify process and transparency *(Custovic, 2010; UNDP, 1997)*. At the same time, here we mentioned the quality institution is the very suitable and most appropriate act to carry out the land titling process in smooth way (Section 2-4-1), even though there are many definitions available to define the term 'quality' in various situations.

Simplified process leads to satisfaction of stakeholders and success of programme through low cost, quick delivery, easy to understand. It also helps to eliminate corruption and mainly depends on the institutional and organisational arrangements *(Custovic, 2010; Wehrmann et al., 2006).*

Data/Information sharing is a pre-request for the transparent process and data inter changeable mechanism of an organisation or function because, the transparency is the entry point and core principle of good governance *(Tuladhar, 2012; Zevenbergen et al., 2009).*
Computerisation of all information and work processes help to the easy access to public, reduced officials, minimum operations, less direct contact between customers and staff, reduce corruption and increased transparency *(van der Molen, 2007).*

One-stop-shop is an easy accessible service provider mechanism where the public can be provided with various services (such as CM, TC, Transaction etc.) at one point of access/place, whether through web based or service counter (e.g. Netherlands, Denmark, Sweden, Finland) thus simplifying services and improving user satisfaction *(de Villiers & Tuladhar, 2010; Subedi, 2009; Wehrmann, 2012).*

Training/Attitude of staff or capacity development programme, lead to increase the accountability manner and it is ultimately towards the user satisfaction and well-functioning of land administration organisations with good and active stakeholders' participation. Also the training/education for continuous professional development of staff contributes to reduce corruption and increase the professionalism, leadership qualities, ethics, code of conduct etc. *(UNDP, 1997; van der Molen, 2007).*

2.6.3. Governance Framework

Governance framework (Table 2-4) has been developed for the land titling processes with considered the governance aspects (Transparency & public participation, section 2-5-4), suitable indicators (Section 2-6-1-B) and good practices (Section 2-6-1-C). For this purpose, we have studied various relevant literatures and related situation in many countries to bring up most suitable and relevant elements (as pointed out below) related to governance aspects and land titling programme.

Accordingly, we have found the following elements mostly related to transparency issues in the land titling process (Openness, acting predictably, publicity, client survey, supervision; section 2-5-4-A).

Openness is the path to make the public trust on processes. Facilities, office, processes, procedures, regulations, decisions, output, involving staff etc. should be open to public and public should enable to make periodic tours to offices to see what is happening and how it is making *(Oliver, 2004; Tuladhar, 2012).*

Acting predictably is the important need of a function or programme, which foreseen the future and forth comes situation to allocate the resources and time accordingly *(Shrestha, 2009; Tuladhar, 2012).*

Publicity is a vital tool to inform to public about the programme or project and the sufficient publicity makes the programme transparent and corruption free. Also, the publicity helps to increase public involvement. Effective publicity agendas can be longue through various mediums such as Television, Radio, Newspapers, Broachers, Public/group meetings, Public notices, Handbills, Web services, Campaigns etc. *(Shrestha, 2009; UN-HABITAT & TI, 2004; UNDP, 1997).*

Client survey is to gain insight into the level of awareness and customers knowledge regarding procedures and processes of land titling services, performance and quality of titling services, client satisfactory level, stakeholders' views and shortcomings, waiting time, fairness of cost or fee etc. The client survey is a feedback mechanism regarding the services offered *(UNDP, 2011; Wehrmann et al., 2006).*

Supervision is reducing corruption and increasing transparency. The periodic proper supervision to the staff by independent audits, monitor illegal operations and working with witness ensure the public trust and interest through increased transparency and accountability *(van der Molen, 2007).*

		Elements	Indicators	Good practices
Land Titling Programme	Transparency	**Openness**	Visibility of decisions making	Decision making process visible to all and especially for whom affects by that decision
			Understandably of procedure/process	All process and procedures clearly understandable by all
			Accessibility to information/data	All information available with necessary limited access
			Availability of standard forms for service request/delivery	Standard procedure with pre-defined formats and clear fee mechanism for transparent services
		Acting Predictably	Timely readiness of information about changes	Information about changes of laws/procedure reaches to all stakeholders quickly
			Possibility to achieve goal within certain time	Work-plan to cover the country within a reasonable time
			Existence of regular progress review	Proper periodical performance evaluation
			Availability of resources for sustainable programme	Suitable cost recovery process to sustain the programme with updated reliable information
		Publicity	Frequency of publicity	Frequent publicity leads to encourage civic participation
			Availability of publicity through all medias	Reaches the information to all especially poor people
			Effectiveness of publicity	Increases the interest of public towards the programme
		Client Survey	Existence of proper feedback mechanism	Regular client survey to know the satisfaction & knowledge of stakeholders about process & benefit
			Availability of complain/suggestion facilities	Proper complain/suggestion mechanism in offices
			Willingness of staff for customers' satisfaction	Staff focuses on user needs and their problems
		Supervision	Availability of independent audit	Periodic check of both staff and work processes
			Existence of quality control	Maintenance of minimum necessary accuracy of data
			Effectiveness of supervision	Increases the work quality & decreases the delivery time
	Public Participation	**Awareness**	Number of awareness programme per village	All stakeholders are aware about the process & benefits
			Awareness about awareness programme	All related people must be informed about awareness
			Method/s of awareness programme	Specific public/group meetings for effective awareness
			Ability to all for participate in awareness	Avoid awareness programme in odd/uneasy time/venue
		User orientation	Willingness of stakeholders for strong involvement	Every stakeholder should be realised the needs and benefits to them from the programme
			Accountability of stakeholders' needs	Value for the time and energy spent by stakeholders
		Quality output	Applicability of spatial data for all purposes	Data/information possible to use in any situation/need
			Acceptability of whole output by stakeholders	Output satisfies all stakeholders
		Trust & Confidence	Correctness of spatial data	Data facilitate to give true and accurate information
			Reliability of title information	Title register provides the final and correct information
			Guaranty of the title by state	Title gives more tenure security
			Existence of forgeries	Trustworthiness process and output
		User satisfaction	Number of registration systems in practice	One suitable registration system at an area/country
			Existence of clear public notices in offices	Public offices provide clear direction/information
			Ability of output to satisfy all users	Outcomes satisfy all requirements of all stakeholders
			Equity in service provision	Equal services for all especially for more vulnerable
			Existence of any resistant	Fulfil the genuine requirements of all stakeholders

Table 2-4: Governance Framework

Accordingly, we have found the following elements mostly related to public participation issues in the land titling process (Awareness, user orientation, quality output, trust & confidence, user satisfaction; section 2-5-4-B)

Awareness is one of the most important activities for any national programme like land titling. Proper and quality awareness helps people to understand the procedures and benefits for their active participation *(Shrestha, 2009; UNDP, 1997).*

User oriented programme with higher public participation is very less chances to get fails because, users feel that it is needed for them and it consists benefit for them *(Wehrmann, 2012; Wehrmann et al., 2006).*

Quality output is the capacity of end product (TC) which satisfies all customers' needs and requirements in all levels and therefore increases customer's involvement *(Wehrmann et al., 2006).*

Trust and Confidence of stakeholders are vital need for sustainability of a programme and it is fundamental result of transparent work processes. For this purpose, the stakeholders not only need to trust the process but also they need to have confidence on the staff and connected institutions *(Hood et al., 2006; UNDP, 1997).* Furthermore, the main causes for weak land related processes are not due to complexity but lack of public trust into the related institutions and organisations *(Custovic, 2010).* Also she nicely coded that, "*System of land administration will work if people have trust in it and people will have trust in it if system works well*". Whereas, trust is the social cognition and believes that makes other to think, feel interest and participate into the events or programme and the degree of confidence is depends on the contribution of guaranteed service and standard of conducts *(Rubasinghe, 2010).* Similarly, **trust** is "*The value perceived by customers' increases satisfaction and also it is contributing factor to satisfaction*" *(Tuladhar et al., 2003).*

User satisfaction leads to sustain and successful implementation of the land titling programme. The stakeholders' satisfaction not only depends on the satisfactory process and quality outcomes but also related to the institutional and organisational arrangements of the project *(Tuladhar et al., 2003; UNDP, 1997; Wehrmann et al., 2006).*

2.7. Summary

In this chapter we have provided theoretical foundation of land titling, start from land registration system and principles then touch the deed registration system and specifically mentioned the title registration system and its components with principles. Then we have briefly touched the land titling systems in commonly practice to see the different approaches. Also, it is commonly mentioned the advantages and disadvantages of title registration system after the institutional and organisational arrangements for land titling. However, the main focus is to establish the theoretical link between land titling and land governance. Because, it is assumed that land governance play a vital role in performance of land titling process. Therefore, described the governance correlation based on the theoretical views together with good and bad governance impact on land sector. Finally go around the governance principles with development of two frameworks (Process and Governance), indicators and good practices. Special and deep attention is given to transparency and public participation, as those are the main consideration. In addition, we have deeply concentrated on 16 elements which are gathered from various literature reviews and mainly used to develop two frameworks. Because, they are not only explicating relevancies of the topic but also giving validation for those elements by adopting the scholars or experts' views and their execution and/or usage of those elements.

3. RESEARCH METHODOLOGY AND DATA COLLECTION

3.1. Introduction

In the previous chapter, we have developed two frameworks by explicated the related elements and indicators from various desk researches in land governance and land titling aspects. This chapter focuses on selection of study area and respondents together with derivation of suitable variables from identified elements and indicators (from previous chapter) to prepare the questionnaires for the data collection phase. Accordingly, section 3-2 describes about the method adopted for this research and the reasons for chose the method. At the same time, section 3-3 tells about the study area selection and reasons. Thereafter section 3-4 describing about tools and techniques used for data collection together with the way selected various levels of respondents within the considered functional hierarchy, design of questionnaires with considered most suitable variables, primary data collection with detail procedures, and secondary data collection with data contribution protocol in order to ensure the maximum reliable necessary data collection to answer the connected research questions. Also it is describing about data analysis (section 3-5), ethical consideration and data validity (section 3-6), limitations in data collection phase (section 3-7) and finally concluded with the summary (section 3-8).

3.2. Research Methodology

As the land titling processes are real-life activities, the case study approach is most suitable method. Because, "*A case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident*" *(Yin, 2003)*. In this context, this research is mainly based on case study approach with a mixed approach of both descriptive and explanatory social objectives. Also this research method as shown in Figure 1-3, consists of various work phases such as proposal, selection of study area, data collection, analysis, report writing, evaluating of results and answer the research questions, validation of result etc. As this is a social science research, it is mainly based on qualitative data method supported by desk research. Furthermore, social science research can be strengthened by execution of a good single case study towards contribute to the scientific development with usefulness for generating and testing the hypothesis without bias *(Flyvbjerg, 2006)*.

3.2.1. Proposal Phase

In this phase identified the research problem, determined the research objective and sub-objectives and formulated the research questions together with the research hypothesis (Table 1-1). Thereafter, decided the research methodology to identify the suitable study area and connected data collection methods (Section 1-8-1 and Figure 1-3).

3.3. Study Area

In Sri Lanka, the entire country has been declared for land titling programme and the programme has been lounged at selected divisional secretary divisions in all 25 districts *(Bimsaviya, 2012)*. Therefore, it is essential for select a suitable area for necessary data collection from operational level respondents, external actors and citizens. Because of the work steps, executing processes and organisational setups are exactly same in all areas. In this context, we have selected the Homagama divisional secretary divisions in Colombo district (Figure 3-1) due to the following practical reasons:

- This division is one of the earliest land titling started areas (Around 2004). Therefore, it is feasible to collect necessary information deeply from experience staff.
- This division is closed to capital city of the country and it is possible to get uninterrupted electricity, internet and telephone facilities to contact the necessary and educated respondents.
- This division is a border area of Colombo district and consists of different pattern of societal types such as Urban, Pere urban, Rural, Agricultural, Industrial and Remote (undeveloped) areas.
- This division consists of land ownership with nearly all kinds of tenure patterns and nearly equal percentage of state and private lands.

- This division is located considerably close to the main offices (Head offices) of key departments that enable to collect the necessary secondary data quickly.

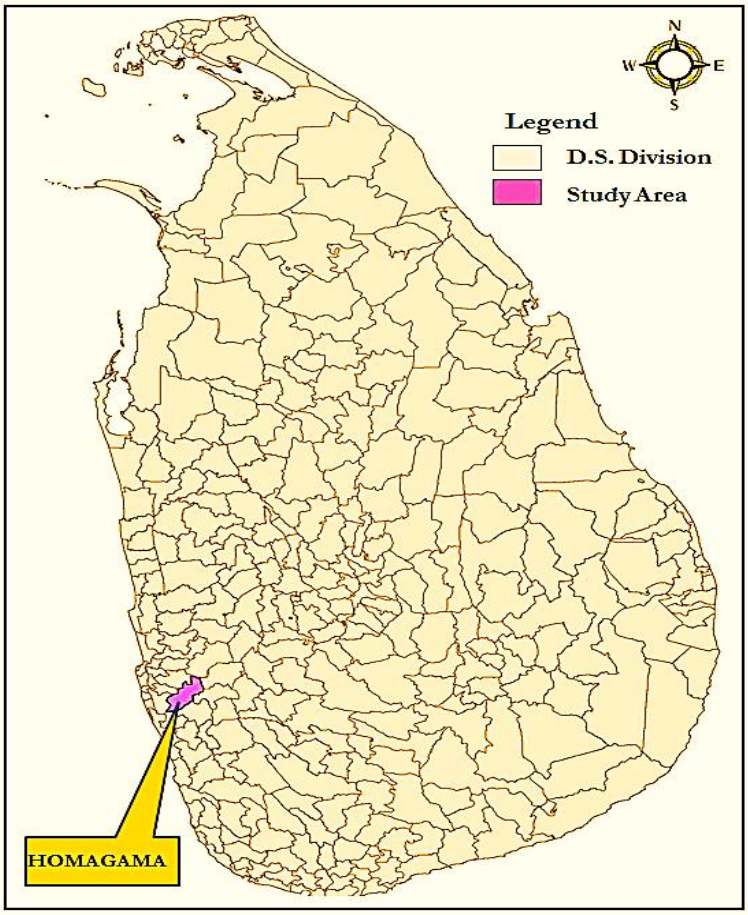


Figure 3-1: Map of Sri Lanka showing the Study Area

3.4. Data Collection

The next important and necessary phase is the data collection and plans very carefully and systematically, to collect necessary data without deficiency and redundancy. Because, the data would be able to answer the certain research questions directly and help to analyse the result (Figure 1-3). In this view, it is needed to collect both primary and secondary data to fulfil the research requirements. Due to the restriction for field visit, it is decided to design the semi-structured questionnaires with mostly closed questions for the data collection from identified stakeholders. Because, the structured or semi-structured questionnaires with closed questions are very convenient way for the telephone interviews *(Sliuzas, 2012)*. At the same time, interviews (direct or distance) help to gather necessary qualitative and quantitative data from key informants (person especially knowledgeable about an issue or specific situation) for the evaluation and qualitative studies *(Groenendijk, 2012)*. Also she describes that, "*An interview is a conversation between interviewer and respondent with the purpose of eliciting certain information from the respondent*". Therefore, we chose the mixed method for data collection as telephone conversation (interview) with different pre-designed semi-structured questionnaires for different category of stakeholders (respondents). Although, the research is mainly depend on qualitative data there are some quantitative data (like progress details) also collected and extracted to support and empower the qualitative data *(Dandekar, 2005; Kumar, 2000)*.

3.4.1. Identification of Stakeholders

As this research is focused on governance issues in land titling process, it is necessary to identify the exact and necessary minimum key respondents in different categories to collect reliable and correct primary data. In this regards, we have identified the necessity of policy level, management level, operational level and local level stakeholders (Figure 3-2). All those levels of stake holders further divided into two levels such as national and local. The national level respondents who are representing the whole country for land

titling programme (Senior Assistant Secretary for land titling and four Coordinators representing the key departments). At the same time, the local level (Study area) stakeholders who are operating, supervising, using, supporting, involving and getting benefit from land titling programme (Local heads, professionals, local government, financial organisations, civil society representatives, lawyers, notaries, private surveyors and land owners). The key respondents from citizens (land owners and public) were selected randomly from various societal and educational levels (Appendix-1) with the help of the staff from different local offices (From their preliminary data reports, with the citizens who have both e-mail and telephone facilities) in order to get contact them easily and to maintain the reliability of data. Also, try to maintain the gender equality in local level respondents to increase the reality and eliminate the bias. However, it was decided to collect data from citizens, civil society, financial organisation, local government and external actors to eliminate the bias and bureaucratic influences in the data and increase the data reliability.

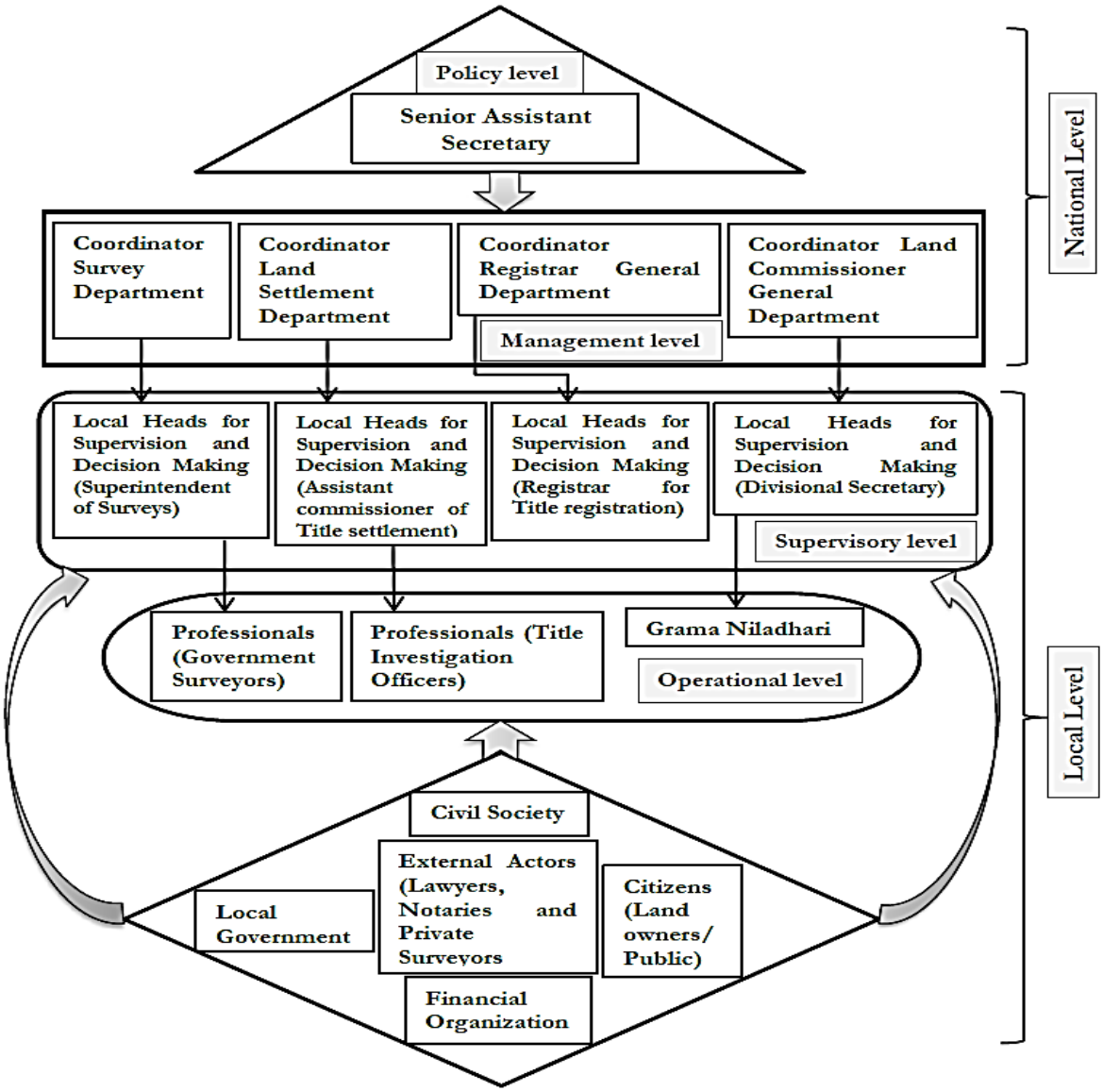


Figure 3-2 Functional Hierarchy for Data Collection

3.4.2. Design of Questionnaires

"*Questionnaire is an instrument for primary data collection; well formulated and systematically design questions are believed to give superior and error free necessary data for the study and outcome of the research*" *(Basnet, 2012)*. In this view, semi-structured questionnaires with mostly closed and some open-ended questions were prepared in different levels (Table 3-1) such as policy, management, supervisory and operational, beneficiary and involvement, and users in order to get their views (Appendix 2). At the same time, mainly focused on the research questions and research objectives in order to seek or extract answers from key respondents through questionnaires for certain research questions directly. Furthermore, those questionnaires have

been designed based on the research problem (Section 1-3), Research objectives (Section 1-6), institutional and organisational arrangement (Section 2-4), transparency and participation elements (Section 2-5-4-A & 2-5-4-B) and derived variables from related elements and indicators (Sections 2-6-1, 2-6-2 & 2-6-3). In addition, we have gone through various literatures to find some more variables connected to the identified elements and indicators in order to prepare the questionnaires with relative simple questions and in more realistic way to bring up suitable answers. Accordingly, we have found the following different categories of additional variables to adopt into appropriate manner in the questions:

(A) Transparency related variables

Information publicly available, visible process, anti-corruption, ethics, integrity, fairness, clear procedures, suitable fewer institutions, legitimacy, accountability Minimum number of organisations, organisational cooperation, rule of law, efficiency & effectiveness, front/back office system, service charter, complaint mechanism, understandable and easy access to information in; timely, accurately, completely and reliably *(Shrestha, 2009; Tuladhar, 2012; UN-HABITAT & TI, 2004; UNDP, 1997; van der Molen, 2007, 2012; van der Molen et al., 2007; Wehrmann, 2012), (Custovic, 2010; Hood et al., 2006; UNDP, 1997; Wehrmann et al., 2006; Zevenbergen, 1998)*, *(Bagdai et al., 2009; Best, 2002; de Villiers et al., 2010; Koroso, 2011; Oliver, 2004; Shrestha, 2009; Tuladhar, 2004; UN/ECE, 1996; van der Molen, 2003b; Zevenbergen et al., 2009).*

(B) Public Participation related variables

Active participation**,** motivation of stakeholders, benefit, responsiveness, public involvement, standard procedures, professionalism, code of conduct, decentralisation *(Shrestha, 2009; Tuladhar et al., 2003; UN-HABITAT & TI, 2004; UNDP, 1997; Waheduzzaman, 2010; Wehrmann et al., 2006)* and *(Arnstein, 1969; Christine, 2007; van der Molen et al., 2006, 2007; Wang et al., 2008; Wehrmann, 2012).*

Response	Respondent Level	Number of Respondents
National Level	Policy (Ministry)	1
	Management (Departmental Heads)	4
Local Level	Supervisory (Local Heads)	4
	Operational (Professionals)	4
	User (Local Government, Financial Organisations)	3
	Involvement (Lawyers, Private Surveyors, Notaries)	4
	Beneficiary (Citizen-Land Owners & Civil Society)	12

Table 3-1: Key Respondent Levels

3.4.3. Primary Data Collection

Primary data collection is done by filling the questionnaires (Section 3-4-2) through telephone conversation (Section 3-4-1) from selected key respondents (Appendix 1). The questionnaires were e-mailed to the respondents in advance who are having the e-mail facility, together with the short introduction of the purpose and request appointment (Time and date) for the direct telephone interview. This procedure is mainly adopted to make clear and get prepare for the interview together with provide enough time for respondents to get ready. Another main reason is to eliminate the possible errors and inefficiencies, that can be expected in the telephone interviews as warned by *(Deming, 1944)*. The other some respondents who are not having the e-mail facility were contacted over the phone to introduce the purpose and contents of questionnaires together with appointment request. According to the time allocated by the respondents, contacted them and filled the questionnaires in systematic way and noted down the additional comments delivered by the stakeholders. The overall summary and individual level summary of the collected primary data for closed questions are annexed (Appendices 3 & 4) respectively. To make the interviews reliable and effective, the most of the questions are closed questions and provided possible ranges (No) 1 to (Yes) 5 (Appendices 3 & 4) to conveniently decide the answers by respondents. Because, tabulation of qualitative answer is useful to reveal the predominance of interview-based studies *(Silverman, 1997)*. Also he further describes that, "*Qualitative research is best viewed not as a set of free-standing techniques but as based on some analytically defined perspective*".

3.4.4. Secondary Data Collection

In addition to the primary data, we need some important and necessary secondary data such as acts, departmental regulations, process manuals, organisational structures, work progress details, digital map for study area, digital cadastral maps and connected tenement information, circulars, title certificate details and reports to carry out the research in systematic way and answer the connected research questions (Table 3-2). All those data are retrieved from connected key departmental offices and Bim Saviya office located at land ministry. For this secondary data collection purpose, we used the e-mail facility with connected offices and responsible officers. In addition we used the mail transfer for get digital data by compact disk (CD) format. At the same time used the key department's websites to get some data for certain level. Furthermore, beyond the secondary data from Sri Lanka, we used the both digital and physical ITC library for literature reviews and desk research together with other available and reliable digital libraries and ITC lecture notes and/or course materials.

Research Questions	Methods of Data collection that Contribute to Answers for Research Questions
1	Primary data from policy and management level respondents Secondary data from Bim Saviya and other 4 key departments about their work processes Literature review for additional and printed details
2	Primary data from policy and management level respondents Secondary data from Bim Saviya and other 4 key departments about their work processes Literature review for additional and printed details
3	Primary data from all level respondents Secondary data from all 4 key departments Literature review for additional details
4	Literature review and Secondary data from all 4 key departments
5	Primary data from supervisory and professional level respondents Secondary data from all 4 key departments
6	Literature review for indicators, good practices and frame works Primary data from all level respondents Secondary data from all 4 key departments and Bimsaviya
7	Literature review and results from analysis and frame works

Table 3-2: Process and Protocols for Data to Contribute for Answer the Research Questions

3.5. Data Analysis

The data are collected through semi-structured questionnaires with opened and closed questions. The closed questions from 32 respondents are tabulated in overall summary and separate level summary (Appendices 3 & 4) to analyse the governance issues (Transparency and Stakeholders' participation). In addition to the summaries of closed questions, the stakeholders' views for some structured open questions from selected levels of respondents (Policy, Management, professional and users) were noted down in systematic format separately and incorporated in the result analysis (Chapter 5) and discussion (Chapter 6) phases. All the analysis processes are done using Microsoft extension software such as Microsoft Word, Microsoft Excel etc. At the same time, Arc Map software is used to visualise the map for the study area and cadastral map.

3.6. Ethical Consideration, Validity and Quality Control

The ethical consideration and code of conduct are very important matters in the whole process of the research especially in the data collection phase *(Rossiter, 2012)*. Data protection and respect of respondents' rights specially their privacy and secrecy are considerable sensitive points in this regards. Therefore, the conversations to fill up the questionnaires were arranged after the permission with scheduled appointment was received from them without any force and after they have understood the purpose well. At the same time, we agreed to use the data and conversation results only for this particular research purpose. Similarly, the understandably of the all sets of questionnaires have been pre-tested with my colleague and friends in Sri Lanka who have little and considerable knowledge about the land titling

programme, separately in order to check the feasibility of questionnaires to deal with both key respondents and citizens. For this pre-testing purpose we have used the e-mail facility.

Furthermore, the quality and reliability of the collected data have been crosschecked with different respondent levels to ensure the correctness and truthiness. The most of the data are tallied with all the respondent levels and departments. Very few deviations between departments have been noted and crosschecked by re-contact them over the phone to ensure the reliability. The important point noted was, not much different in collected data and views between policy or management levels and citizen or user levels. This situation explicit the increased data validity and decreased bias and bureaucratic.

3.7. Limitation in Data Collection

Even though the policy, management, supervisory, and professional levels respondents have shown keen interest the citizen and financial organisation respondents are not shown much interest for participate in conversation. But external actors were participated reasonably to explain their ideas. Out of 20 citizen's contact details received from connected offices, only 11 citizens could be contacted and balance citizen's telephone and/or e-mail connections are changed or not in used. Furthermore, in most cases (In all respondent levels) it was difficulties to contact them in the given appointment time due to their busy work or telephone switched off. Therefore, tried to contact several time and had to arrange several alternative appointments. At the same time, most of the respondents are denied to record the conversation and publish their names. Furthermore, the websites of key departments are not up-to-dated for several years. Therefore, it was needed to contact the connected departments to verify the current information.

3.8. Summary

This chapter outlines the research methodology, data collection procedure and study area selection. Also, it described about preparing of questionnaires in depth with more details and possible reasons. Similarly, highlighted about methods and procedures adopted for identification of stakeholders, questionnaire design and primary and secondary data collection in detail way to imply the real situation. At the same time, we have discussed about the data analysis, ethics in data collection, validation of data and questionnaire together with data quality and limitations in the data collection to justify the process and procedures. Finally, concludes this chapter with sincere thanks to all respondents for their devoted response in spite of their busy schedule to collect the complete and reliable data.

4. LAND TITLING PROCESS IN SRI LANKA

4.1. Introduction

In the previous chapter, we have illustrated the research method and data collection procedures. Also, the data collection included both primary and secondary data. The aim of this chapter is to give details about land titling processes in Sri Lanka, mainly from secondary data and some extent from literature reviews in order to answer certain research questions (1 & 2) directly and for prepare the activity diagram to answer the research question 5. Accordingly, it starts with short historical background (Section 4-2), present situation of land titling programme with direct and indirect benefits of the programme (Section 4-3), administrative decentralisation and details about the key departments (SD, LSD, RGD and LCGD) involving in the land titling process (Section 4-4). In addition, it focuses on the steps and processes of the land titling together with the institutional and organisational arrangements and structures including the sample displays of its final and intermediate outputs with field data collection details (Section 4-5). Finally, deals with institutions that streamed line the land titling process (Section 4-6) and summary (Section 4-7).

Sri Lanka is a tropical island consist the extent of 65610 square Km, lies southeast of the Southern tip of India in the Indian Ocean with wet, dry and intermediate climate zones and population of about 20 million *(Thavalingam, 2003)*. The hierarchy of administrative divisions to support the central government consists of 9 Provinces, 25 Districts, 332 Divisional Secretariat Divisions and 14022 Grama Niladhari Divisions in descending administrative order and area. Within those administrative divisions, there are 37500 Villages available for further simplification of defining and limiting terrain area according to people's culture and administrative needs *(PubAd, 2011)*. The majority of lands are state owned or controlled by state (about 80%) and balance is private lands *(Rubasinghe, 2010)*.

4.2. Historical view of Cadastral System in Sri Lanka

The land registration and land record have been in practice since kings periods under local rulers. During the period of kings, all the lands were belong to king and the lands granted for Buddhist and Hindu temples (presently temple lands) by the king were recorded on rocks and copper plates. At the same time, the lands granted to people by king for their services (presently private lands) were recorded on land register called 'Lekam miti' *(Rubasinghe, 2010)*. Thereafter during the colonial period, the Portuguese (1505-1658) and Dutch (1658-1796) maintained the land register called 'Tombos'. But that information was mainly for tax purpose and the land registers did not referenced to any cadastral maps or survey plans. Thereafter during the English colonial period (1815-1948), several attempts had been made for established a real cadastre *(Abeyasinghe, 1978, 1979)*.

Accordingly, systematic title registration system had been commenced in three sub urban villages within the Colombo district (Dehiwala, Wellawatta and Kirullapone) based on an act passed in 1877 for the purpose. However, "*This activity was abandoned in 1891 after three years of operation, mainly due to the high costs involved" (Thavalingam, 2003)*. Thereafter, enacted the amended registration of document ordinance in 1927 and accordingly basic deed registration system has been practiced for whole country by Registrar General Department under the ministry of public administration and home affairs mainly for private lands. Whereas the earlier cadastre areas such as Dehiwala, Wellawatta and Kirullapone in Colombo district, have been practiced the land registration based on improved deed registration system *(Abeyasinghe, 1979)*.

The basic deed register explains the mode of holding the land with owner/s name/s. The registered deeds have priority over un-registered deed. Therefore all deeds of transfer of ownership, change in status of ownership, mortgages, lease, encumbrances, easements or provisional reservations and any court decision or judgments have to be registered to make them as valid (deed) document *(Rubasinghe, 2010)*. Those processes are mostly applicable for private lands. The transfer deeds for private lands are prepared by authorized notary public according to the details provided by the parties or details indicated on the previous deed and submit to the land registry for registration. Normally, Notary has to prepare three

copies of a deed. The original copy registered in registry and returned to the owner, the duplicate affixed the stamp for duty or levy (government tax) and filed in the land registry, and the triplicate files in Notary's office. The correctness of deed is not verified by the Registrar, but Registrar has the authority to refuse for registration of a deed if found any mistakes, errors or faults *(Tennakoon, 1997)*.

Time to time, various problems encountered in the deed registration system and those problems were seriously affect the development and economy of the country in dramatic way. Some of those problems had been pointed out by *(Tennakoon, 1997)*:

- *"The deed register does not prove the title to the land. Hence, it is expensive and time consuming to get the title to land*
- *Deed is not accepted as evidence for collateral purpose and financial organizations ask title report attested by authorized lawyer*
- *Separate title reports need for different purpose therefore same title has to be repeated for various purpose*
- *No survey plan or parcel location referencing the land parcel due to high cost of surveying and it is not legal requirement for deed registration, only approximate extent and tentative adjoining owners of land parcels are mentioned*
- *No administrative mechanism for land information system, the information are not up-to- dated and not reliable*
- *Involvement of litigation due to boundary disputes and fraudulent of deed*
- *Trace the history in the deed register is very difficult task*
- *Reliable and correctness of deed registration is depend on the efficiency of history search and effective of the concern officer*
- *Registrar no need to examine the content and correctness of deed*
- *Indexing the deed solely by the name of the parties concerning and not indexing by land parcel"*

Therefore, the land commission held in 1985 recommended for title registration in order to overcome the problems identified in deed registration *(Tennakoon, 1997)*. Accordingly, the government of Sri Lanka has enacted the RTA-1998 in parliament and the presently on going title registration system has been carrying out by the ministry of lands and land development *(Bimsaviya, 2012)*.

4.3. The Present Land Titling Programme (Bim Saviya)

Even though the Title Registration Act had passed at the parliament in March 1998, the land titling programme was started practically in 2002 at some selected areas as pilot projects with the World Bank funding aid. This initial project was named as "Land Titling and Related Services project (LTRSP)" and continued until end of 2006. Thereafter, from 2007 onwards the land titling programme has been continuing with funding by Sri Lanka government as a national programme with named as "**Bim Saviya**" (strengthen the ownership of land). Under this programme, the lands are demarcated in field and surveyed and ensured the ownership and issued a Title Certificate for free of charge. Further, it was expected to complete this programme in a time frame of 15 years and already started all over the country in selected Divisional Secretariat Divisions (Figure 4-1) *(Bimsaviya, 2012)*. Also it explains the main objectives of the programme as:

- *"Introduce title registration in place of deed registration practiced at present*
- *Settle or make arrangements to settle the ownership of the lands which are presently unsettled*
- *Establish a Digital Land Information System"*

4.3.1. Direct and Indirect benefits of Bim Saviya

In Sri Lanka, most of the cases filed in all civil courts are land related problems due to the inefficiencies of the deed registration system *(Bimsaviya, 2012)*. Also, it further pointed out the direct and indirect benefits of issue of title certificate as:

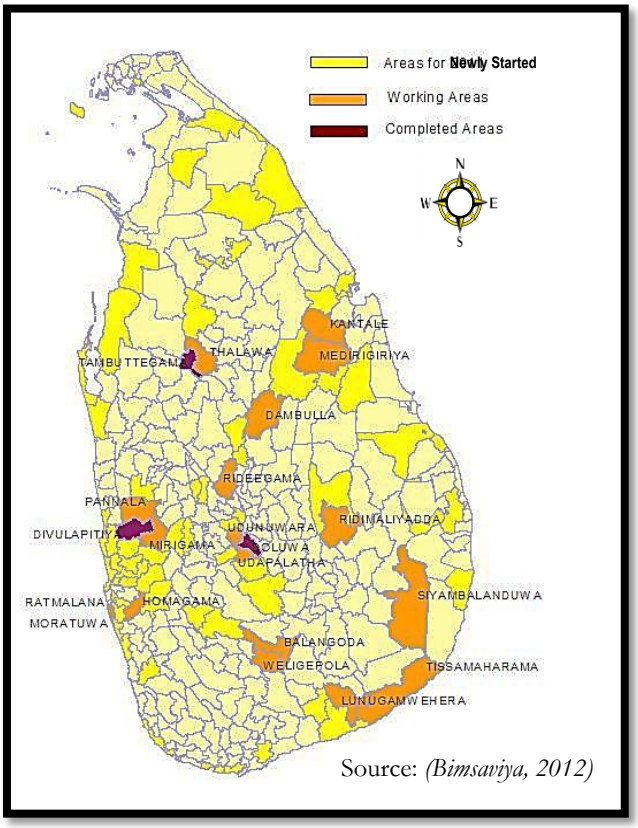
Direct benefits

- *"Ensure a title free from doubt and uncertainty*
- *Assurance by the state on land title*
- *Land transactions could be made quickly and easily at a reliable manner (No need to waste the time running after legal advice when purchasing or selling a land with a Title Certificate)*
- *Removal of impediments to land developments. Since the ownership is clear and allow quick and efficient land transaction*
- *Search for history of title is no more need*
- *Minimize land disputes, murders, and conflicts pertaining to land*
- *The Title Certificate is not complicated as the deed. Therefore the public could easily identify the necessary information*
- *Each Title Certificate contains a simple and clear plan, which the owner himself could recognize the location of his own land*
- *Only the government issues the Title Certificate which minimizes forgeries and disputes related to land*
- *A database is maintained on every land plot of the country, therefore the future development activities could be done at optimal level"*

Indirect long term benefits

- *"Gradual minimization of forgeries and corruptions in land related documentation matters*
- *Strengthening of the land market*
- *Increase in national productivity and economic growth rate through the gradual rise in national income*
- *Identification of land resources of the country and prevention from fraudulent use of land*
- *Higher productivity in commercial and banking activities*
- *It is an investment for the future generations which could help in the creation of a prosperous life*
- *Improved land development*
- *Peaceful society"*

Figure 4-1: Areas Carrying out the Bim Saviya Programme



Source: *(Bimsaviya, 2012)*

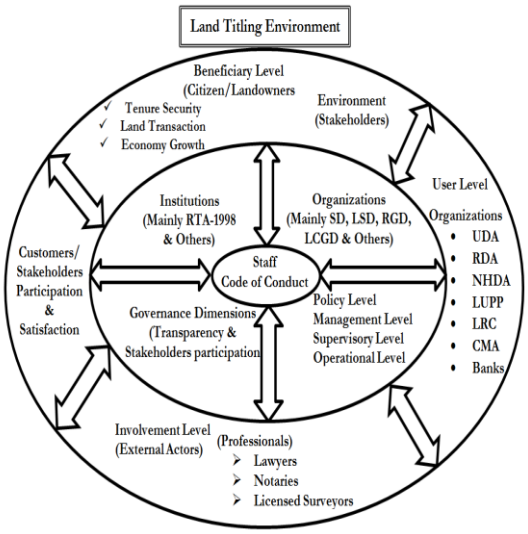


Figure 4-2: Land Titling Environment in Sri Lanka

4.4. The Key Organisations Involved in (Bim Saviya)

Four Departments have mainly joined in hands in launching the Bim Saviya Programme (Figure 4-3):

Under the Ministry of Land & Land Development,

- Survey Department
- Land Settlement Department
- Land Commissioner General's Department

Under the Ministry of Public Administration & Home Affairs,

- Registrar General's Department

However, apart from those four key departments, there are some other departments and organisations (Such as Agriculture Department, Land Use Policy Planning Department, National Housing Development Authority, Land Reform Commission, Local Governments, Urban Development Authority, Road Development Authority, Railway Department, Electricity Board, National water supply and drainage Board etc.) influencing in the land titling environment (Figure 4-2) on little or some other ways due to the available institutional or legitimacy collaboration in the land related matters. Because of, those organisations are the custodians of mass amount of land in all over the part of the country under the various acts and regulations. At the same time, some of those organisations are also alienating land for various category of people under different acts and regulations *(Wijayawardhana, 1998)*.

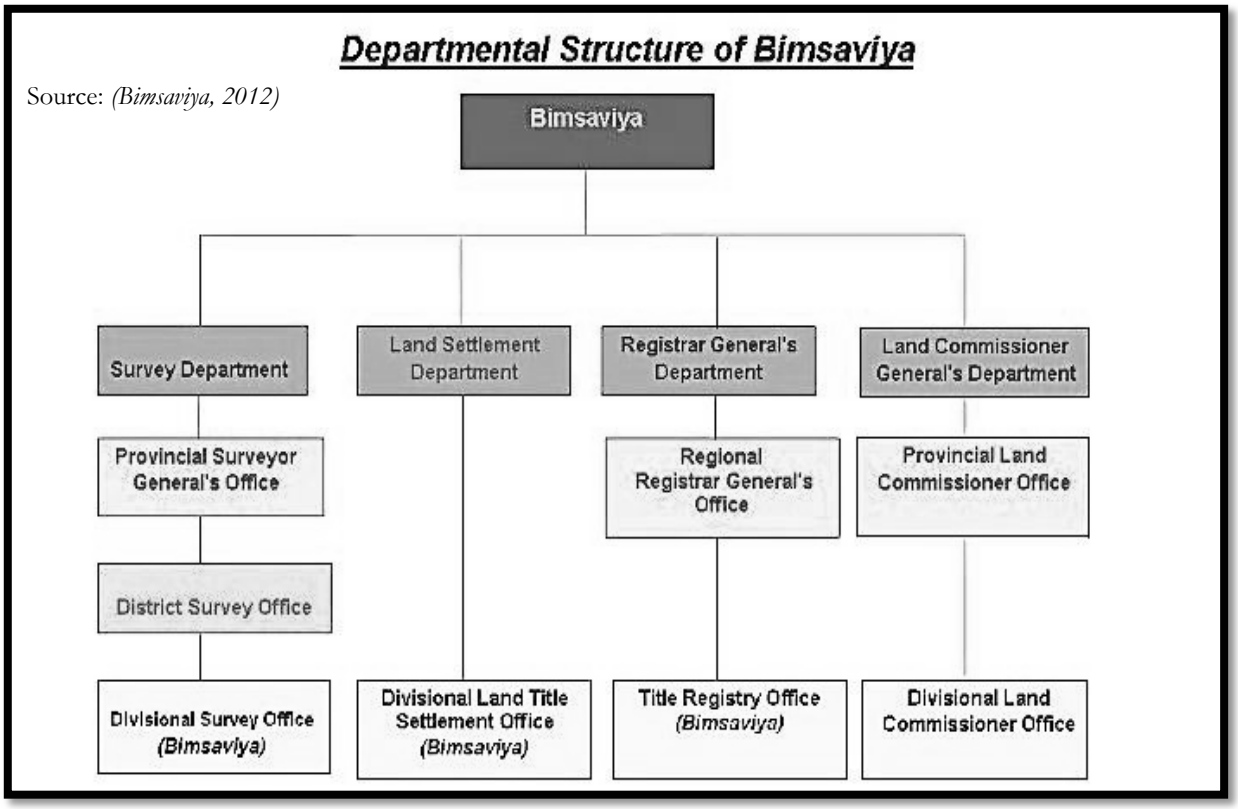


Figure 4-3: Key Departments Involved in Bim Saviya

4.4.1. Survey Department

The Survey Department is the oldest government department in Sri Lanka established in 2nd August 1800. This is the national Surveying and mapping organization and also the national focal point of Geographical Information System (GIS), Land Information System (LIS) and Remote Sensing processes and products *(Survey, 2011)*. Surveyor General is the head of the organization and consists of sub offices at all levels such as national, provincial (Headed by Provincial Surveyor General), district (Headed by Senior Superintendent of Surveys) and divisional (Headed by Superintendent of Surveys).

In Sri Lanka for several decades, the identification and survey the state lands for settlement purpose was the main work of survey department *(Larsson, 1991)*. Due to this process, "*About 80% of the country (State lands) is covered by village plans (Scales of 1:3168, 1:4000 and 1:6336) prepared to demarcate the state lands from private lands" (Thavalingam, 2003)*. Also he mentioned that, the subdivisions within the state land in the village plans were properly surveyed and recorded. Any private lands within the village plans were separately shown with its outer boundary only and named as Title Plans. Until the implementation of RTA-1998, the survey department (Government Surveyors) only deals with state lands. At the same time, the survey of private lands dealt by Licensed Surveyors who have the annual licensed issued by the Surveyor General.

Survey department (together with Licensed Surveyors) is the sole responsible for cadastral surveying and cadastral mapping for the Bim Saviya programme, under the RTA-1998 *(Act, 1998)*. Accordingly, the survey department has the following tasks:

- Establishment of geodetic controls as necessary for cadastre surveys (using GPS & EDM)
- Arrangement of awareness for people in local level together with other departments such as land settlement department and land registry
- Take part in adjudication process and collect primary information
- Demarcation of boundaries
- Survey of land parcels (using Total Station) and preparation of cadastral maps (using CAD)
- Maintain the cadastral data for National Land Information System

4.4.2. Land Settlement Department

The Land Settlement Department was established in 1931, to identify and make settlement between state lands and private lands after pre pare the village plans (Section 4-4-1) *(Tennakoon, 1997)*. After enacted the RTA-1998, the Commissioner of Title Settlement was appointed to investigate and finalize the titles to the land parcels as prepared and shown in the cadastral maps *(Act, 1998)*. Accordingly, land settlement department has the following tasks in national and local level for the land titling process:

- Arrange awareness programme in national and local level for stakeholders
- Adjudication and collect information about land, owners and tenure types
- Investigate the title and connected details
- Publicity of cadastral and title information and calling claims for title registration
- Verification of ownership and titles with the help of public participation
- Convey the information and data for connected organizations for further action

4.4.3. Registrar Generals' Department

The Registrar General Department was initially established in 1864 for the registration of lands and thereafter, started to register the civil registration such as births, marriages and deaths from 1867 onwards *(RGD, 2011)*. Also it further mentioned that, presently the civil registration activities have been decentralized to the divisional secretariat level by 332 offices and land registration process (Deed Registration) is carried out in district level by 42 offices. The departmental services mainly divided into three:

- Civil Registration (Registration of birth, marriages and deaths)
- Document Registration (Deed registration)
- Title Registration

After enacted the RTA-1998, the (Additional) Registrar General of Title was appointed to carry out the title registration work by appointing Registrar of Title to each such district level land/title registry as necessary and appropriate. The unit of record in a title register is the land parcel shown on the cadastral map prepared by Surveyor General. Title Registration shall be effected by entering in the title register, the prescribed particulars relating to title to such land parcel after investigated and recommended by Commissioner of Title Settlement (Section 4-4-2) *(Act, 1998)*.

4.4.4. Land Commissioner Generals' Department

The Land Commissioner's Department was established in 1935, with the introduction of Land Development Ordinance to create the administrative structure that needed to administer, conserve and systematic development of state lands. Later, this department was upgraded and came to be known as the Land Commissioner General's Department with effect from 15th September in 2004 with decentralized the functions to provincial and divisional levels *(LCGD, 2007)*. Also it mentioned the services offering by the department are:

- "*Legalizing state land policy*
- *Disposal of state lands*
- *Issue of lawful ownership for land development*
- *Land taxes and charges*
- *World food programme*
- *Mobile services*
- *Legal assistance"*

Under the Bim Saviya programme, the Land Commissioner General's Department expected to ensure the ownership of the people who are settled in the state lands and for which the disputes are pertaining while facilitating the title registration *(LCGD, 2007)*. At the same time it pointed out that there are four major solutions expected to extend, that related to state lands for the Bim Saviya programme:

(1) "*Regularization of encroachers and giving permit to issue a grant or long term lease*
(2) *Giving a grant for lands for which the permits were already given*
(3) *To settle disputes in the lands for which the permits were already given*
(4) *To settle disputed ownerships of the lands for which the grants were issued*"

4.5. Steps and Processes involved in Bim Saviya

The steps and processes of systematic land titling programme basically consists of registering the title of land parcels with existing rights based on the connected cadastral maps with the time frame of **25** weeks to issue the title certificate (Figure 4-4) for a parcel *(Manual, 2003)*. This means conversion of existing deed registers to title registers as well as registering title of new land parcels upon determination of title in terms of provision in the RTA-1998 *(Bimsaviya, 2012)*. There are five broad work steps lead to carry out three major tasks to register the title of a land parcel *(Act, 1998)*.
Accordingly, the three major tasks to be executed in systematic land titling are:

- *"Surveying of land parcels and preparation of the cadastral map*
- *Investigation and determination of title*
- *Registration of title and issue of title certificate"*

The five broad steps *(Bimsaviya, 2012; Manual, 2003)* in systematic land titling are:
Step 1: "*Public awareness and collection of field information*
Step 2: *Land surveying and legal investigation*
Step 3: *Calling and recommending claims for title*
Step 4: *Determination of title and final notification*
Step 5: *Registration of title and issue of title certificate"*

Each step consists of number of processes (Appendix 6) in the land titling programme *(Manual, 2003)*. The land parcel shown in the connected cadastre map with homogeneous interest is the basic unit for title registration *(Act, 1998)*. The land parcels are shown in the cadastral map (Consist of both digital and hard copies Figure 4-5 and 4-6) with unique identification number with 12 digits (e.g. 520001010001 means first two digits denote the District, next four digits denote the Village, next two digits denote the Block number within the particular village and last four digits denote the Parcel number within the particular block) *(DSR, 2008)*.

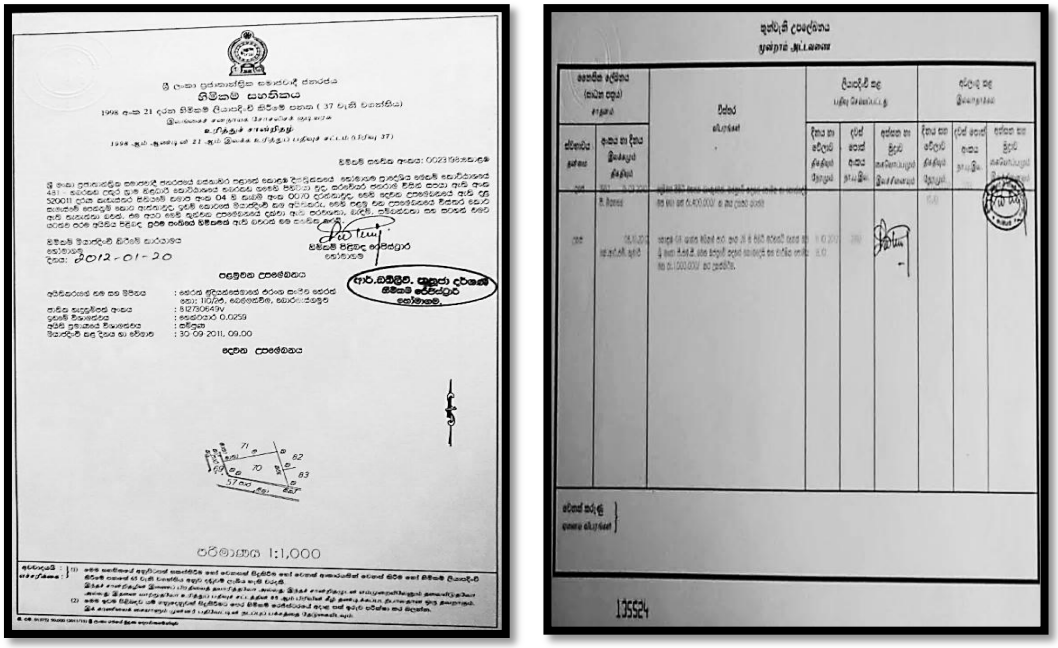


Figure 4-4: Front and Back sides of the Title Certificate in Sri Lanka

Figure 4-5: CAD interface (left) and Arc Map interface (right) of Cadastral map (part)

Surveyors (SD)	Title Investigation Officers (LSD)
Copy of present Deed for the land parcel	Copy of present Deed for the land parcel
Copy of National identity card of present owner/s	Copy of National identity card of present owner/s
Copy of Survey plan if any available for the parcel	Filled up the form about the rights details
Boundary details & any disputes in land parcel	Boundary details & any disputes in land parcel
Authority letter if owner/s nominate representative	Authority letter if owner/s nominate representative
Name, address & present contact details of owner	Name, address & present contact details of owner
Sketch of land parcel & boundary description	
Climate/environmental condition during survey	
Signature for the boundaries pointed out correctly	
Coordinates of points in boundary and other details	
Present land use details	
Number of important trees & buildings in parcel	

Table 4-1: Field data collection by SD and LSD

At the same time, each steps consists of various activities (Appendix 5 shows the activity diagram of main steps and process, based on UML and Enterprise Architecture Software) starts with first step (Selection of area/village) to the last step (stakeholders/landowners receive the TC). Also it explicit that, same activity has been under taken by different departments for their needs (e.g. If we consider the activity as field data collection, it is carrying out by two departments; Table 4-1).

Furthermore, each main process contains series of sub-processes to completely incorporate the particular main process of a particular main step (Section 4-5). For example if we consider the one main process of LCGD as, '**Check and recommend the titles for state lands**' (Appendix 5) it's consisting of the following number of categorised different sub-processes *(LCGD, 2007)*:

- Land with settled grant deed (Surveyed)
- Land with settled grant deed (Un-surveyed)
- Land with un-settled or dispute grant deed
- Land with settled permit (Surveyed or Un-surveyed)
- Land with settled permit (Can or cannot be issue grant deed quickly)
- Land with un-settled or dispute permit (Surveyed or un-surveyed)
- Encroached lands and lands to be alienated
- Lands given to or used by Government organisations
- Lands reserved for various governmental/common purposes
- Lands given on long term lease

In the same way if we consider the one main process of SD as, '**Check and certify the cadastral map**' it's consisting of various sub-processes of checking the cadastral surveys done by surveyors in both field and office separately by supervising officer, at least 10% of whole work in each sub-process *(DSR, 2008)*:

In field, when cadastral surveys on progress or after completion the following checks to be done.

- ✓ Closer of traverses and correctness of offsets and coordinates
- ✓ Entries in the field book (FB) and keeping including tenement information
- ✓ Reliability and satisfaction of work completed or so far completed
- ✓ Coordination and efficiency of the survey team
- ✓ Boundaries of parcels properly pointed out by owners and correctly shown in FB
- ✓ Any struggle, objection or problem in carrying out the work
- ✓ Landmarks buried properly and shown in FB
- ✓ Time frame of completion related to available work load
- ✓ Suitability of the size and boundary of the block
- ✓ Proper information to the people to ensure the higher participation

In office, during the preparation phase and after completion of CM by surveyors there are series of sub-process to check by supervising officer, after verify certain things in CM by office draughtsman:

- ✓ Cadastral map number against the name of the village and parcel numbers (Section 4-5; 12 digits)
- ✓ Comparison of village boundary with boundaries of adjoining villages of completed CMM
- ✓ All parcels are numbered correctly on map and the FB respectively
- ✓ All parcels are closed properly and boundary descriptions are correctly given on map and FBB
- ✓ All boundaries are defined and described on map and FBB
- ✓ Surface monuments for control traverse are shown and check whether it is sufficient
- ✓ Incorporation of old works of statutory surveys correctly done (Sections 4-4-1, 4-6, Figure 4-7)
- ✓ IF old surveys are incorporated, ensure No gaps/overlapping areas between the two surveys
- ✓ Coordinate values of surface monuments tally with the values obtained by GPS observation
- ✓ Coordinates of all boundary points given in the FBB with adjusted Coordinates of all traverses
- ✓ Digital data files are correctly prepared, named and stored
- ✓ Comparison of sheet edges of different sections of a CM; both in digital and hard copy
- ✓ Old statutory plans and 16 Chain Reference Diagram are properly endorsed, and connected amendment tracings are prepared
- ✓ 1:10,000 index diagram of CM is properly prepared and amended, Amendment tracing prepared
- ✓ Tenement information (Figure 4-7) agrees with FBB and fulfil requirements of cadastral surveys
- ✓ Extents of all parcels are correct (Check computation)
- ✓ Completeness and the reliability of the Surveyors report and Prospection diagram
- ✓ Utilisation of time for CM and achievements with reasons for if any delay
- ✓ Co-ordinate values given in sheet edges tally with ideal true value
- ✓ North line, scale, signature, and other details in plan and Tenement list accordingly
- ✓ Digital maps are with correct layers and data backup correctly
- ✓ All connected forms and letters from GN and stakeholders for the prove of participation

In addition to the various check by supervising officer (Divisional superintendent), there are additional check of CM (In office, most of above sub-processes) by headquarters superintendent for the quality control purpose. Thereafter, District superintendent is carrying out the final check (In office, most of above sub-processes) before certify the CM by him on behalf of the Surveyor General (Figure 4-6). Similarly, in LSD and RGD also have various sub-processes for each main process. However, as we are not concerning about the sub-processes here it is meaningless to describe much on sub-processes.

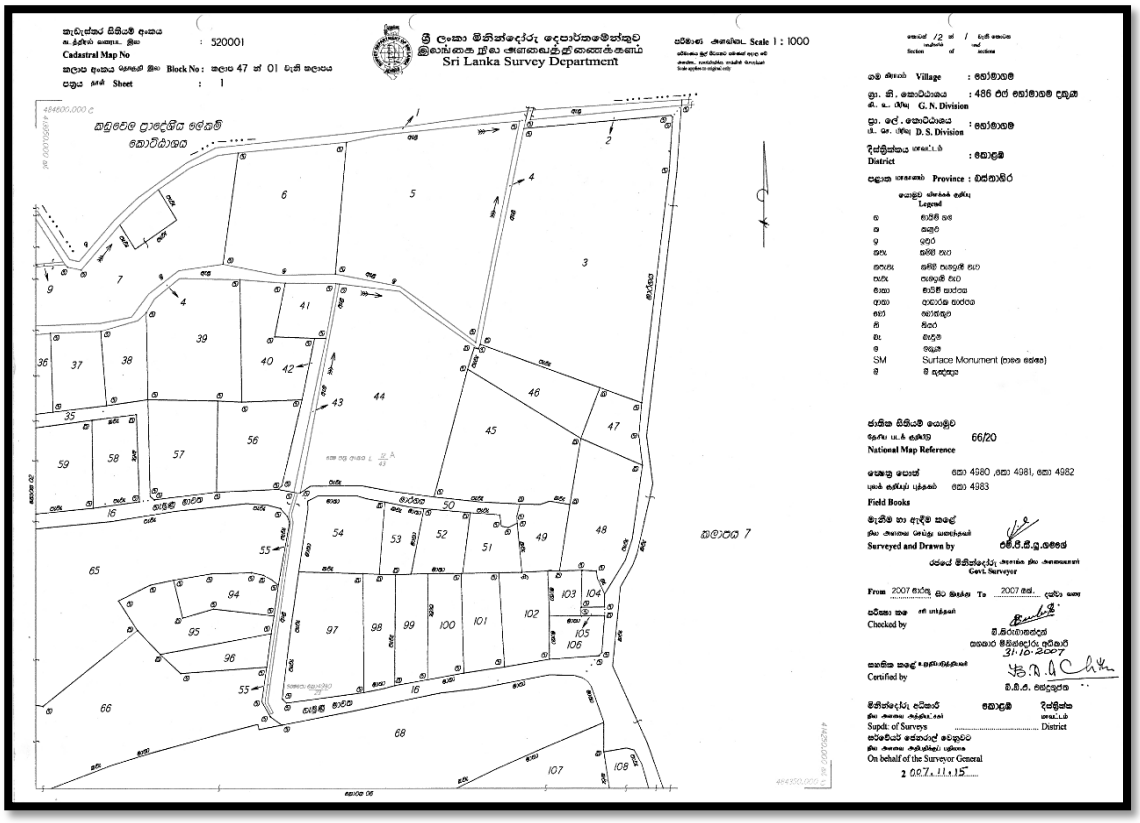


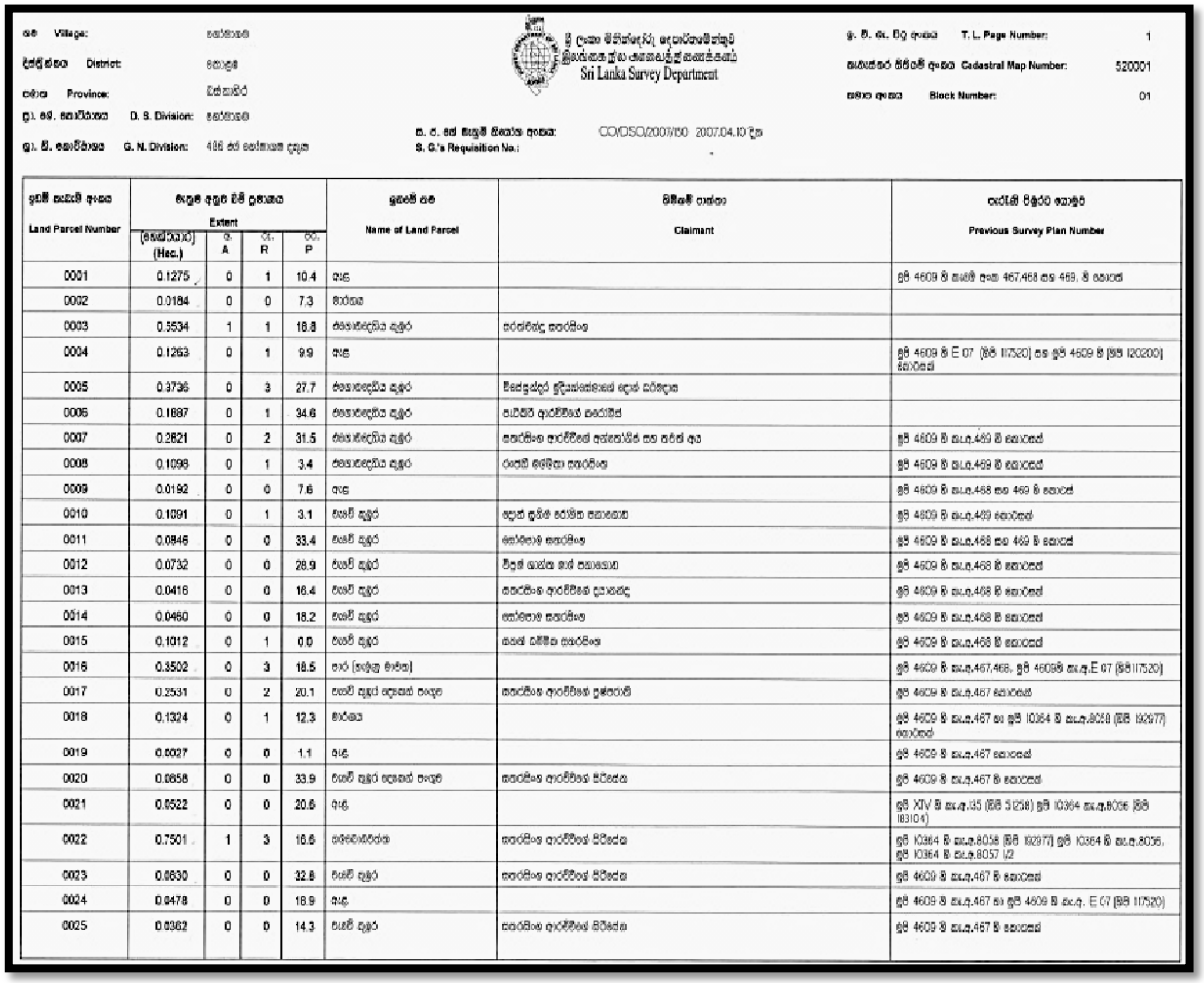
Figure 4-6: Hard copy of Cadastral map (Section-1)

4.6. Institutions that Streamlining the Bim Saviya

The RTA-1998 (As sole institution) was enacted in the parliament to carry out the land titling programme in systematic manner. But, due to some deficiencies and less powerfulness of this act there are other many laws, regulations, ordinance and acts are influencing on the land titling process in little or much ways. According to policy level respondent, there are about 65 acts, regulations, laws or traditions in addition to the RTA-1998, have been identified that are little or mostly influencing on (At least in some part of) the titling process. Also he further pointed out that, most of those other old regulations are influencing in negative way or some kind of resist (speed brake) to the performance of the Bim Saviya. Also, the influence of multi-institutions in land titling process had been pointed out by *(Sangakkara, 2000; Tennakoon, 1997)*. Some of those other institutions and details are given (Appendix 7).

A simple example for effects of multi-institution is the insecurity of tenure for inherited temple lands owners. In this type of cases, the people who are living in those lands were registered in the land registry and they have clear deed for more than 60 years (Some cases) and they are living for many generations and inherited from their parents or purchased from the legal registered owner. At the same time, some owners have received many million rupees of loans from banks for those lands as surety (Because of clear title) and built multi-storied buildings. Now under the Bim Saviya, those lands were surveyed and mentioned in the last two columns (Claimants and previous survey plan details) of the tenement list (Figure 4-7) for cadastral map *(DSR, 2008)* as claimant is state/temple and given the previous village plan details (Section 4-4-1) together with the present owners' name as remark. Accordingly, cannot issue the title certificates for those lands even though the title investigation period is 30 years (Section 1-1). In this

view, therefore some land owners express their view as "*Bim Saviya leads to create tenure insecurity*" and here institutions create uncertainty in interaction between staff and stakeholders but, actually institutions exist to reduce the uncertainties involved in human interaction *(North, 1990)*. However after enacted the RTA-1998, the action was taken to amend the earlier acts as well as the current act in order to ensure the smooth titling process *(Sangakkara, 2000)*. Also he stated that, "*This action includes the amendments mainly to the land development ordinance, land acquisition ordinance, land reform law, registration of documents ordinance, prescription ordinance, state land ordinance, land settlement ordinance, trust ordinance and other about 50 laws*".



Village: District: Province: D. S. Division: G. N. Division:

Sri Lanka Survey Department

T. L. Page Number: 1
Cadastral Map Number: 520001
Block Number: 01

S. G.'s Requisition No.: CO/DSO/2007/50 2007.04.10

Land Parcel Number	Extent (Hec.)	A	R	P	Name of Land Parcel	Claimant	Previous Survey Plan Number
0001	0.1275	0	1	10.4			
0002	0.0184	0	0	7.3			
0003	0.5534	1	1	18.8			
0004	0.1263	0	1	9.9			
0005	0.3736	0	3	27.7			
0006	0.1887	0	1	34.6			
0007	0.2821	0	2	31.5			
0008	0.1098	0	1	3.4			
0009	0.0192	0	0	7.6			
0010	0.1091	0	1	3.1			
0011	0.0846	0	0	33.4			
0012	0.0732	0	0	28.9			
0013	0.0416	0	0	16.4			
0014	0.0460	0	0	18.2			
0015	0.1012	0	1	0.0			
0016	0.3502	0	3	18.5			
0017	0.2531	0	2	20.1			
0018	0.1324	0	1	12.3			
0019	0.0027	0	0	1.1			
0020	0.0858	0	0	33.9			
0021	0.0522	0	0	20.6			
0022	0.7501	1	3	16.6			
0023	0.0830	0	0	32.8			
0024	0.0478	0	0	18.9			
0025	0.0362	0	0	14.3			

Figure 4-7: Tenement List (first page) of parcels information for Cadastral map

4.7. Summary

This chapter is discussed about the background of cadastre system and land titling in Sri Lanka with slightly touched the reasons for shifted to title system from the deed system together with some history. Thereafter, shown the areas where the land titling activities take place and also indicated the present organisational setup for the Bim Saviya together with some administrative/organisational details of each key department. After that, we have focused on the steps and processes of the Bim Saviya. But, did not investigate about the sub-processes of each process because, it beyond the limit of objective and connected research questions. At the same time, we have displayed the main outcome of Bim Saviya with some intermediate outcomes such as cadastral maps, tenement list etc. Finally, we have discussed about the institutions which are streamlining the land titling processes currently. The information for this chapter is obtained mainly by secondary data and some primary data together with reasonable literature review for further information.

5. RESULTS AND ANALYSIS OF THE PROCESS AND GOVERNANCE FRAMEWORKS

5.1. Introduction

The previous chapters (1 to 4) are brought us into the important phase of the research through preparation of research proposal, desk research for development of two frameworks, primary and secondary data collection, and conversion of secondary data about present land titling process into required format to answer the certain research questions. This chapter focuses on interpretation of results of primary data into well suitable and easy understandable way in order to analyse the process and governance frameworks in more appropriate way and holistic manner to move towards conclusion. Accordingly, Section 5-2 gives the interpretation of results from primary data how it has been incorporated into the analysis phase to come up with solid, concrete and most realistic answers in order to deliver the conclusion. Also within this section, we have presented the results into graph/chart format as separate categories (institutional aspects, organisational aspects, transparency aspects, public participation aspects, and annual progress) to incorporate in the analysis phase. At the same time, it is essential to assign some conceptual weighting system for various indicators, elements and levels in the analysis and discussion stage are highlighted. Thereafter, analyse the process and governance frameworks in section 5-3 and section 5-4 respectively. Finally section 5-5, deals with levels of governance issues to boost the titling programme based on the knowledge obtained from analysis parts and desk research. Thereafter, concluded with summary in section 5-6.

5.2. Interpretations of Results from Primary Data

This case study research consists of field data collection in addition to the desk research with various literature reviews. The field data collection includes both primary and secondary data (Section 3-4). Furthermore, the outcome of the data collection is base for the analysis of process and governance frameworks. Therefore, it is vital needed to interpret the results in suitable way and useful format to understand easily and incorporate into the analysis and evaluations. Because, results for closed questions (Appendices 3 & 4) are available in range from 1 to 5 to conveniently and exactly deliver the answer by various respondents and gives meaning according to the type of question as described below:

- **1** (No/Very poor/Not available)
- **2** (Poor/Less than average/Less than some extent)
- **3** (Average/Some extent)
- **4** (More than average/More than some extent/Less than satisfactory)
- **5** (Yes/ Satisfactory/Available)

In addition to those range of answers, we have recorded the answers for the open questions and respondents views in systematic way separately to incorporate into analysis, evaluation and discussion. At the same time the results, derived and extracted as quantitative information from the closed questions are organised in chart/graph format in order to explicit the real situation and connected answers in more easy and understandable way to analyse the frameworks in useful manner (Figures 5-1 to 5-7). Because, the mixed approach of qualitative and quantitative makes the analysis more realistic and the quantitative data helps to empower the qualitative data in order to get more holistic outcomes *(Silverman, 1997)*. Furthermore in order to carry out the evaluations phase in more meaning full way and make conclusion in very use full manner, we have divided those range into three concrete categories of answers:

- **Poor/No** (Range 1-2)
- **Average/Some extent** (Range 3)
- **Satisfactory/Yes** (Range 4-5)

5.2.1. Institutional Aspects in Land Titling Process

There are some institutional related aspects, as pointed out in A-E in the table below (as interviewed the respondents) and in the graph below (Figure 5-1) to incorporate in the analysis/evaluation phase. It is given in the respondents answer percentage against the response type range of 1-5 (Appendices 3 & 4).

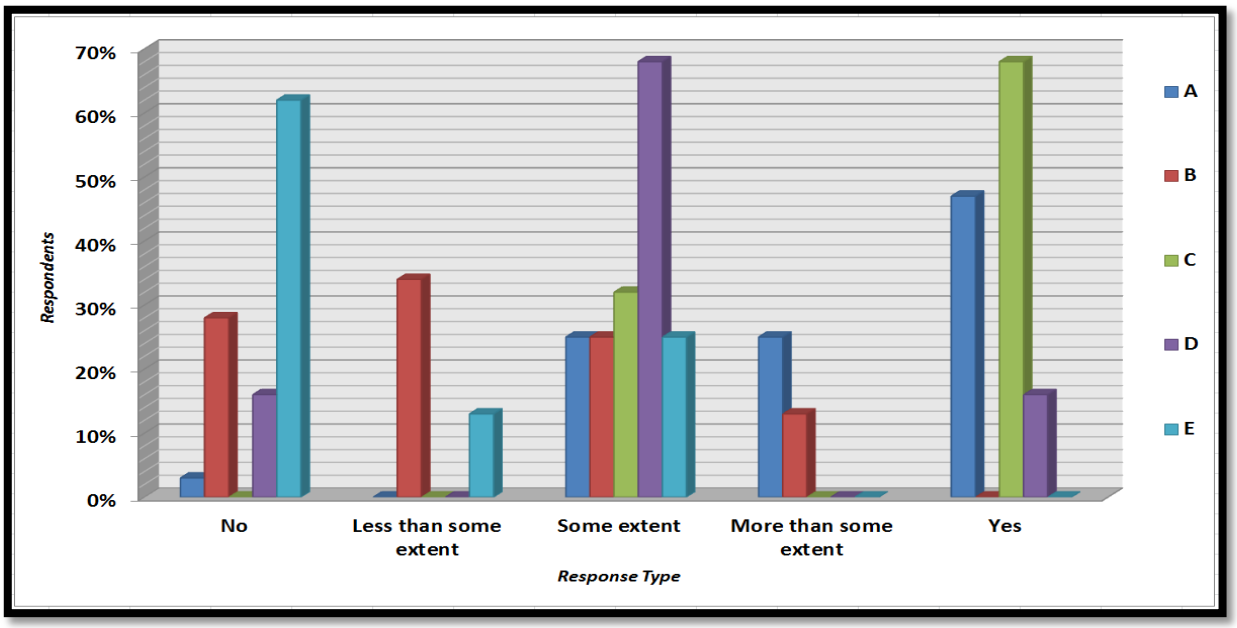


Figure 5-1: Outcomes related to some Institutional aspects

A	Practicing both Deed & Title in same area is Complicated
B	Bank & municipality are using the Whole Outcome
C	Need changes in RTA-1998
D	Satisfaction of Outcome (Quality of Title certificate)
E	Satisfaction about the Delivery Time of Title Certificate

(Figure 5-1) shows outcomes for some institutions related aspects, as pointed out by A-E in the table. It is given in the respondents answer percentage, against the response type range of 1-5 (Appendices 3 & 4).

In addition to the closed questions, there are very few questions with pre-coded answers were asked in questionnaires. Accordingly, answers are presented in chart format (Figure 5-2).

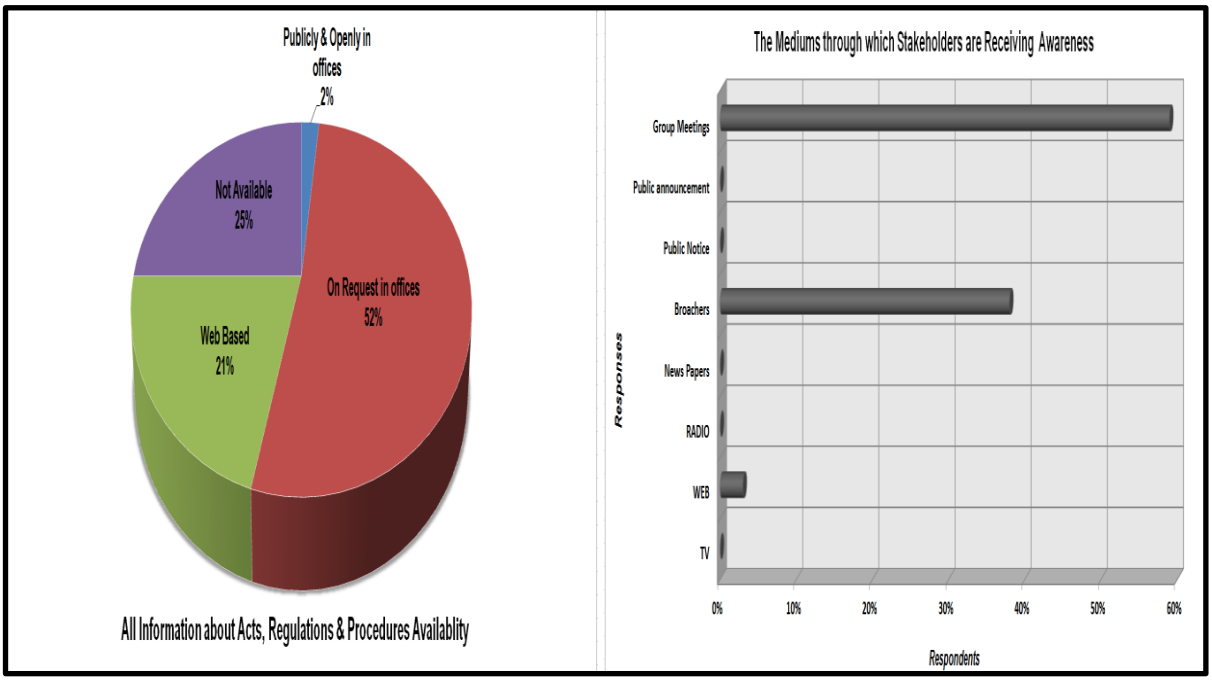


Figure 5-2: Availability of Information and Medium of Awareness

5.2.2. Organisational Aspects in Land Titling Process

There are some organisational related aspects, as pointed out in A-E in the table below (as interviewed the respondents) and in the graph below (Figure 5-3) to incorporate in the analysis/evaluation phase. It is given in the respondents answer percentage against the response type range of 1-5 (Appendices 3 & 4).

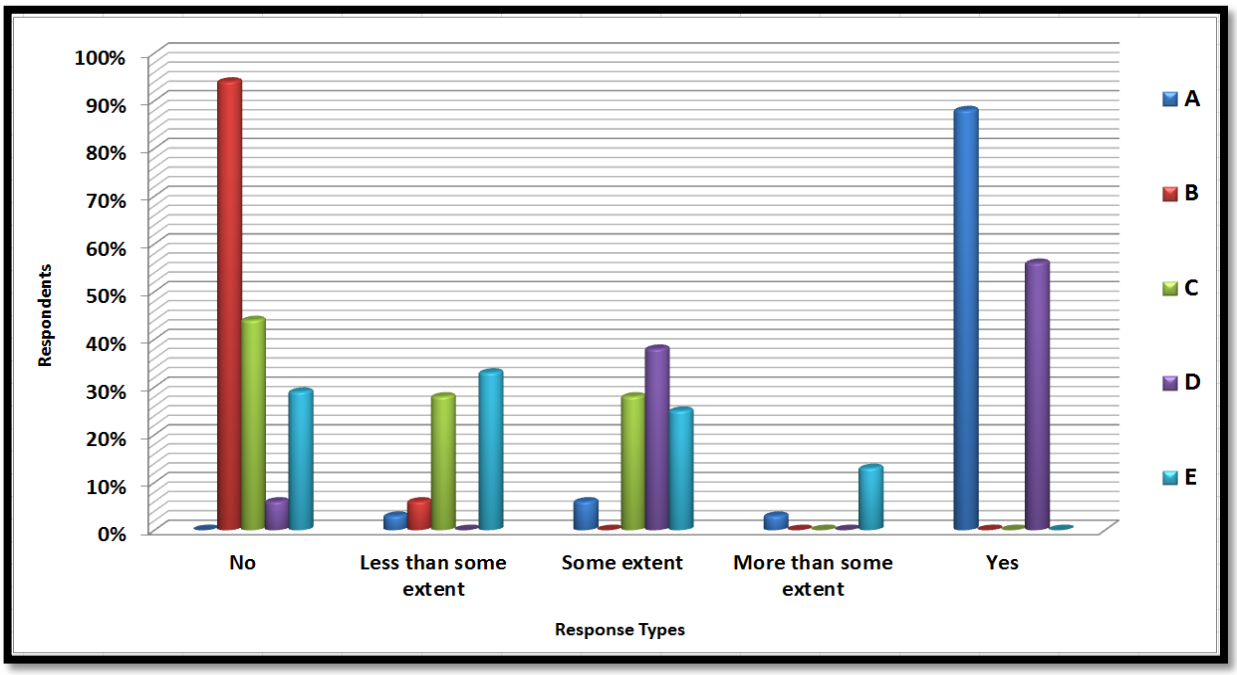


Figure 5-3: Outcomes of some Organisational related aspects

A	Land Titling Processes Under One Roof or As Single Agency Make Enhance the Performance
B	Satisfaction with Present Bim Saviya Organizational Setup
C	All Services Related to Land Titling can be Get at a Place at a Time
D	Separate Customer Interface in Land Titling Offices Makes Easy, Efficient and Customer Satisfaction
E	Clear Directions and Public Notices about Processes and Procedures are shown in Bim Saviya Offices

At the same time, inter departmental coordination and data inter changeable mechanism are highlighted below (Figure 5-4) to incorporate in the analysis/evaluation phase, as the respondents answer percentage against the response type range of 1-5 (Appendices 3 & 4).

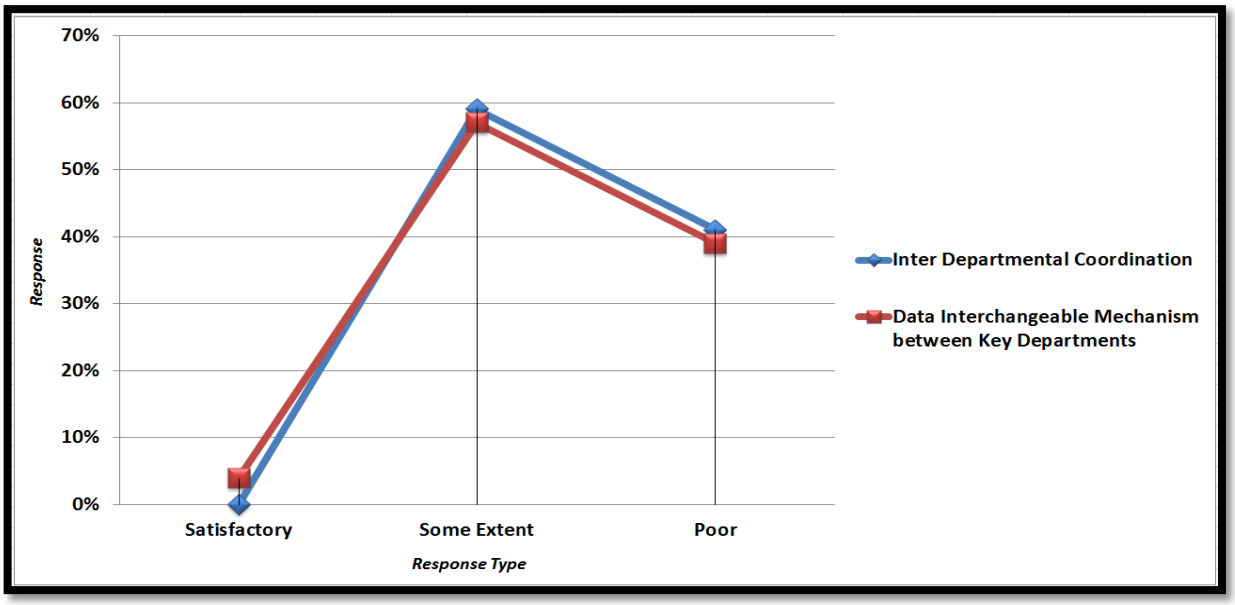


Figure 5-4: Inter-Organisational coordination & Data interchangeable mechanism

5.2.3. Transparency Aspects in Land Titling Process

There are some transparency related aspects, as pointed out in A-J in the table below (as interviewed the respondents) and in the graph below (Figure 5-5) to incorporate in the analysis/evaluation phase. It is given in the respondents answer percentage against the response type range of 1-5 (Appendices 3 & 4).

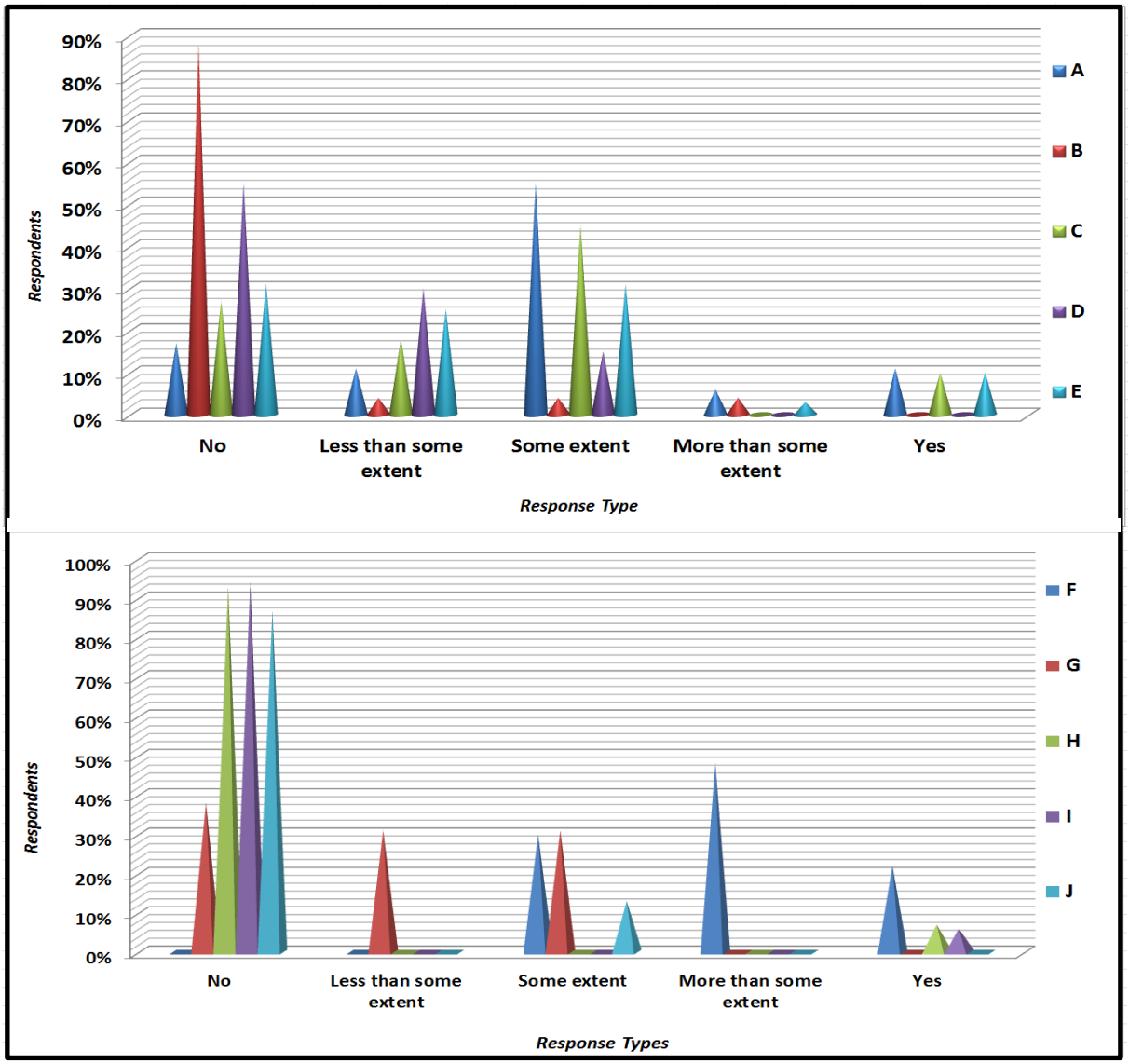


Figure 5-5: Outcomes of some Transparency related aspects

A	Possibility to Easily Get Information to Stakeholders from Bim Saviya Offices
B	Stakeholders are Receiving Information of Bim Saviya on Changes & Procedures in Quickly & Correctly
C	All Processes and Information about Bim Saviya are Open & Visible to Stakeholders
D	All Steps and Processes of Bim Saviya can Clearly See & Understand by All Stakeholders
E	Bribes, Corruption or Lack of Ethics Take Place in Bim Saviya Offices or with Officers
F	Standard Forms Available for Service Request or Information Exchange by People in Bimsaviya Offices
G	Suggestion or Complaint Boxes available in Bim Saviya Offices for Regular Monitoring
H	Client survey/Feedback mechanism available in Bimsaviya offices to Review the Customer Satisfaction
I	Opening, Closing, Working and Public Times are Properly Shown and Followed in Bimsaviya Offices
J	Any Discrimination in Language, Race, Status or Religion can be Observed in Bimsaviya Processes

5.2.4. Public Participation Aspects in Land Titling Process

There are some public participation related aspects, as pointed out in A-J in the table below (as interviewed the respondents) and in the graph below (Figure 5-6) to incorporate in the analysis phase. It is given in the respondents answer percentage against the response type range of 1-5 (Appendices 3 & 4).

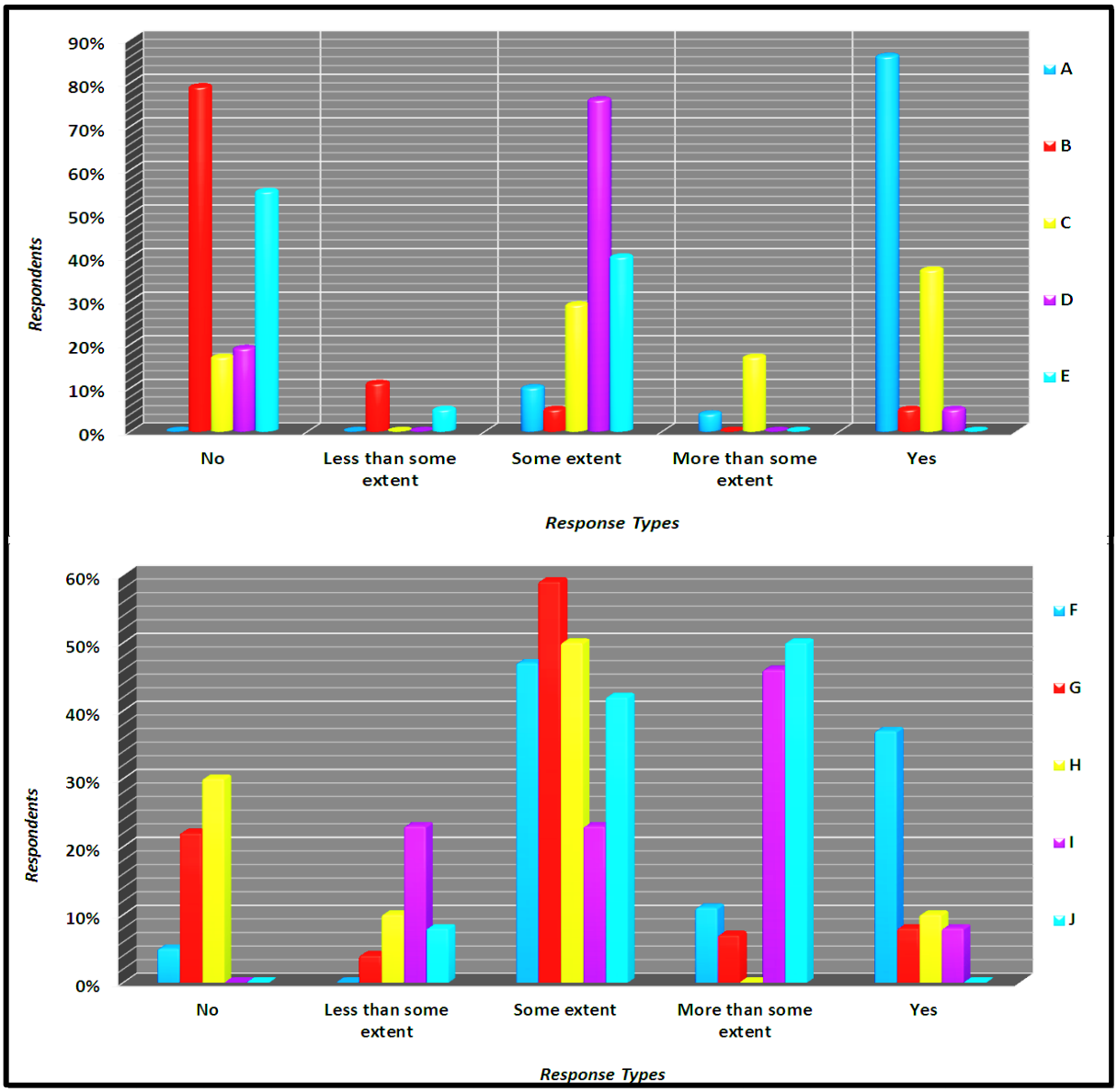


Figure 5-6: outcomes of some Public participation related aspects

A	Discrepancies Reported by Owners in the CM Affect the Performance of Land Titling Process
B	Enough Publicity about the Land Titling Processes & benefits Available in all Levels & all Mediums
C	Problems or Dissatisfaction from Stakeholders reported after completion of each Departmental works
D	Bimsaviya Staff Showing Immediate Interest & Quick Response for Public's Needs and Problems
E	Satisfied with the Awareness providing to Stakeholders about the Procedures & Benefits of Bimsaviya
F	Stakeholders are Actively Participating in the Land Titling Processes
G	Enough & Convenient Time given to People to Know the Processes & then Participate in Bimsaviya
H	Subsequent Works of Land Titling Processes are Convenience & Affordable by Public
I	Any Political, Professional or Trade Unions Resist the Land Titling Processes
J	Any External Factors or Actors are Influencing in Negative Way into the Land Titling Processes

5.2.5. Annual Progress of Land Titling Process

The total output (Yearly progress) of each department, represents in the whole country level given as total number of land parcels from year 2007 to year 2012 (Figure 5-7). The output is very high in years 2010 & 2011 because, there were incentive payments to the staff from years 2009 to 2011 for the extra output beyond the monthly norm.

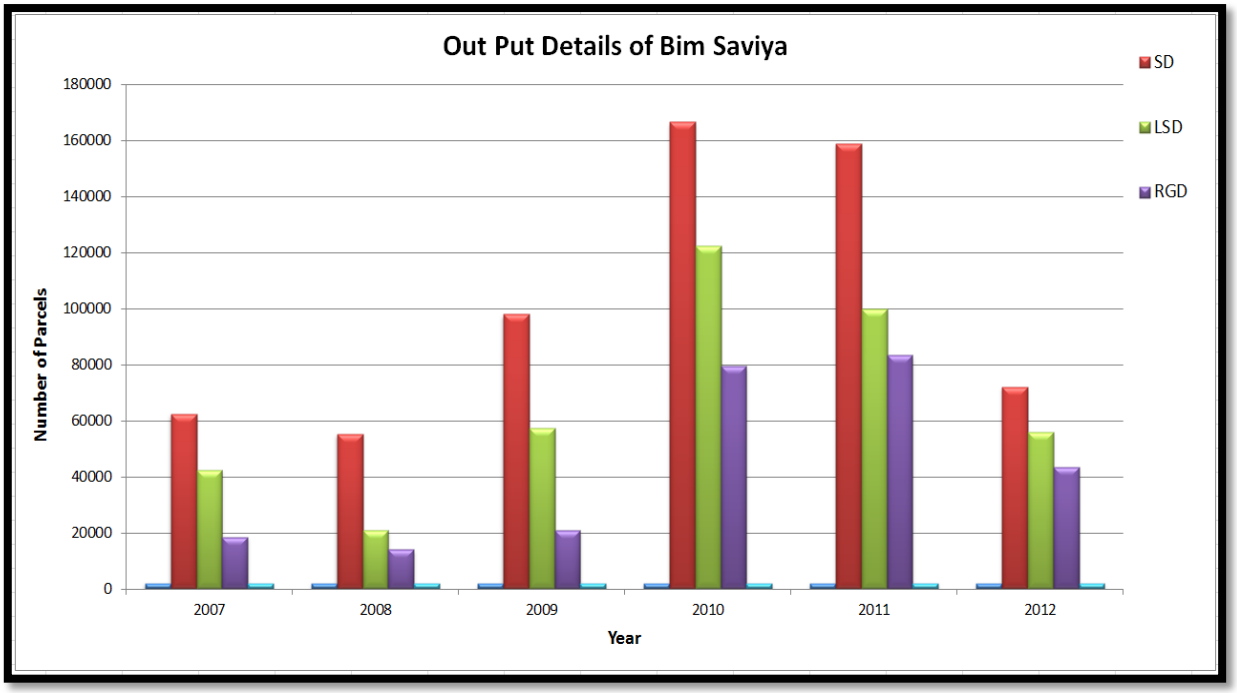


Figure 5-7: Annual progress details of three organisations (SD, LSD & RGD)

5.2.6. Assigning weights

As all levels of responses are equally important in evaluation purpose, we are not going to assign weights for obtained results mathematically but, for analysis purpose considered more weights conceptually for policy and management levels. Because of some analysis have more influence on secondary data (especially in process framework). Furthermore during discussion (Section 6), we are focusing to highlight the most influencing indicator for particular element as conceptual weighting manner.

5.3. Analysis based on Indicators of the Process Framework

Analysis of process framework depends on primary data, secondary data (Mostly), respondents' views (Mostly policy and management levels) and the activity diagram (Appendix 5). At the same time the analysis is based on the indicators depicted in the process framework (Table 2-3).

- **Number of acts/regulation involved: about 66**

According to policy level, mainly RTA-1998 and another 65 acts/regulation involve in some or many ways (Section 4-6 & Appendix 7). Most of those are influencing in negative way in the titling process. Therefore, this situation creates not only complication in processes but also leads to customers' dissatisfaction *(Custovic, 2010)*.

- **Inclusion of all tenure patterns in RTA-1998: No**

According to respondents, only few tenure types such as private-single ownership, state grants etc. with un-dispute titles and boundaries can be included in the titling process. According to involvement level, even for co-ownership, lease, and conditional transfers are not included in the act. Similarly, the temple lands (Section 4-6) tenure pattern also one hot issue in land titling processes. At the same time, arrangements for inclusion of all possible tenure types in the titling process make the stakeholders feel respected them based on their right and be more cooperative to help in resolving land disputes during the demarcation or surveying process of the titling programme *(Ghimire, 2011)*.

- **Comply of RTA-1998 with other public agencies acts/regulations: No**

According to respondents (Especially including policy and management levels), even the UDA regulations which are streamlining the municipalities and local government activities are not comply with the RTA-1998 and this is the reason that local governments are not accepting the CM (Figure 5-1-B).

- **Existence of compulsory titling in any situation: No**

According to policy and management levels, not compulsory for title registration in any case or situation but it is kind of voluntary process. Whereas in most countries where the title system is in practice, compulsory for the titling at least in transaction process (e.g. England).

- **Ability of RTA-1998 to streamline the whole process un-ambiguously: No**

According to respondents, even the key organisational activities are not controlled by the RTA-1998. According to policy and management levels, strongly need changes in RTA-1998 to carry out the titling process in smoothly with successful manner (Figure 5-1-C). At the same time according to lawyers, all the stakeholders' needs and requirements are not accommodated in the act. Also, the act is not clear and not competent due to it gives room for interpret into different way by different person (e.g. the co-ownership, even for husband and wife cannot be registered now but it had been registered earlier few months ago).

- **Affordability of subsequent registration: Some extent**

According to respondents the transaction cost is relatively high. According to policy and management levels, there is no state arranged fee mechanism for subsequent registration. Therefore, it is un-avoidable for external actors' monopoly especially in notary fee and private surveyors cost. Even though the affordability is in average level (Figure 5-6-H), it is little costly especially for poor people. Because according to supervisory and operational levels, the fees for external actors are not uniformity (e.g. Lawyers/Notaries are charging 1% to 3% of the property value as their fee in addition to the government transaction tax as 3% of the property value). In this view, the government tax and lawyers fee are nearly same (in some cases) and apart from this the private surveyors cost to be bared by the owner if there is a sub-division involved.

- **Number of processes involved: 27 main processes** (Appendix 6)

In addition there are many sub-processes for each main process (Section 4-5).

- **Time taken to complete a land parcel: 175 days (25 weeks)**

According to policy level it is 175 days practically in systematic process *(Manual, 2003),* according to management level and beneficiary levels it is more than 2 years and according to Rubasinghe (2010) it is 163-207 working days. Hence, almost all respondents are not satisfied with delivery time (Figure 5-1-E).

- **Number of organisations involved: 4**

Mainly there are four organisations (Section 4-4). Number of organisations involved should be minimum (1 or 2) for effective & efficient services (Section 2-4-2). Even, separation of cadastre and registration causes unnecessary burden and duplication of work *(Subedi, 2009)*. The well cadastre functioning countries have single agency system (e.g. Netherlands, Sweden and Finland) or maximum dual agencies (Survey department & land registry) with well coordination mechanism (e.g. Germany, Austria and Switzerland).

- **Number of stages that public need to meet staff: 9**

Maximum 9 stages and are not always. It is depends on the situation and existence of any disputes in title and/or boundary (Appendix 5). Otherwise (If there is no any disputes), there may be 1 or 2 stages less (i.e. 7 or 8 stages).

- **Acceptance of the organisational setup: No**

Almost all respondents are not satisfied with the present organisational setup (Figure 5-3-B). Because of lack of cooperation between the key organisations with separate location, long output delivery time, cannot get service at a place etc.

- **Method of data sharing between organisations: Manual** (**average** level)

According to respondents (policy, management, supervisory and operational levels), the data transfer between departments are manual process in both digital and hard copy formats (Figure 5-4).

- **Existence of field data collection at once: No**

According to respondents, the field data collection is carrying out separately by separate departments at separate time (Section 1-3, Appendix 5 & Table 4-1).

- **Availability of the counter office system: No**

According to most respondents (Including policy and management levels), there is no front/back office system in titling offices. But, according to few respondents (Especially in supervisory level) there is separate customer interface in the land registry only and most respondents like this system (Figure 5-3-D). At the same time, the front office is visible for the customers and keeps contact with them to offer service including the help desk or inquiry service and, back office is for the all internal processes of production and maintains the information (Figure 5-8). This system helps to maintenance of customer relations, make customer satisfaction, improve service quality and reduce corruption *(Tuladhar, 2012; van der Molen, 2003a; Wehrmann, 2012).*

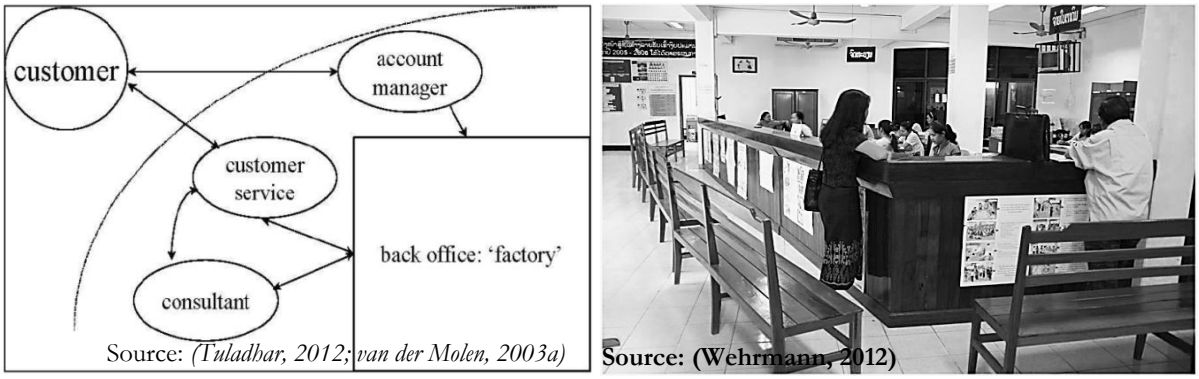


Figure 5-8: Front office/Back office concept and application

- **Availability of complete information to all stakeholders: Some extent**

According to respondents, for some extent the information for all stakeholders is available (Figure 5-5-A). At the same time, as departmental web sites are not up-to-dated for long time and no much important information on it, users have to visit to each department to get necessary information.

- **Availability of automated information sharing: No**

According to respondents (Policy, management, supervisory and operational levels), there is no automated data/information-transfer/sharing procedures between organisations or stakeholders.

- **Existence of national data base with LIS: No**

According to respondents (Policy, management, supervisory and operational levels), there is no national data base with LIS. At the same time, availability of LIS with data base management system (DBMS) widely helps to maintain inter-departmental coordination by share the information/data not only between organisations but also to stakeholders in efficient way. Because, the success of the system of land registration depends on organisational aspects and the level of cooperation between organisations involved in the system *(Zevenbergen, 1998)*.

- **Availability of all services at one place: No**

According to respondents, no possibility to get all titling services at one place (Figure 5-3-C). At the same time, well computerised one-stop-shop-services with good organisational coordination increase customer satisfaction *(Wehrmann, 2012)*. Even most of respondents are strongly expected for single agency system (Figure 5-3-A).

- **Existence of e-services: No**

According to respondents, there are no e-services for titling process. Whereas, access to public by e-services for participation, complain, information, consultation & delivery will enhance the efficiency of titling process. At the same time, open access to land ownership, value and use which are open to public inspection with limited privacy protection and direct access to service can improve transparency *(van der Molen, 2002a)*.

- **Willingness of staff to focus on titling as a single programme to solve public's need: Some extent**

According to respondents, for some extent staffs show interest on public's need and focuses on titling process as sole objectives. But if possible to extent it into the high satisfactory level with simplified process for few stages of public participation, it helps to enhance the performance of titling programme. At the same time, the simplicity of processes have a great influence on public participation and structure for organisational coordination (Figure 5-4) and also the simplicity implies transparency which is highly needed in order to achieve the higher customer satisfaction level and all other goals *(Tuladhar, 2004)*.

- **Competency of staff about titling processes: Some extent**

According to most of respondents, skills and knowledge of staff about the titling process is in some extent and not in the competent level. But according to the involvement level, "*The officers, from top to bottom levels are not very clear about the process, procedure and act to carry out the work in efficient and effective manner*".

- **Existence of any corruption: No**

According to most of respondents, the titling system is corruption free (Figure 5-5-E). At the same time according to some involvement level respondents, "*The public servants should deliver maximum output with high quality in possible minimum time. But, it is not happened in titling process because, lower progress, and lower work norm for*

*staff (*Output is dramatically high during incentive payment period; Figure 5-7*) with less quality output. Therefore, it is kind of corruption or improper utilisation of public fund*". Whereas according to some operational level respondents, "*Some external actors (Especially private surveyors) motivate the state staff to forward the customers towards them*" Similarly according to some beneficiary level respondents, "*A few surveyors requested money to incorporate some subdivision works during survey/demarcation process*".

- **Availability of periodical training to staff: No**

According to most of respondents (Policy, management, supervisory and operational levels), there is no proper regular motivation programme or CPDP to most of the staff. At the same time, CPDP for staff contributes to reduce corruption and increases efficiency *(UNDP, 1997; van der Molen, 2007).*

5.4. Analysis based on Indicators of the Governance Framework

Analysis of governance framework depends on primary data (Mostly), secondary data and respondents' views. At the same time, the analysis is based on the indicators depicted in the governance framework (Table 2-4) and divided into two parts: transparency and public participation.

(A) Transparency

- **Visibility of decisions making: Yes**

According to respondents, the final decision making is visible to all. Because, under article 12 of RTA-1998 the gazette notification is made by LSD to finalise the output such as title situation, CM details etc. All interested people can see the gazette notification. Because, of the availability in all languages, in most public offices and make visible in the connected area GN-office. Based on the information in the notification anybody (land owners) can forward comments, problems, rejection, dissatisfaction, error etc.

- **Understandably of procedure/process: No**

According to respondents, all steps and processes cannot see and understand by all stakeholders (Figure 5-5-D). Because of too many processes, regulations, organisations and its hierarchies, attitude of staff, lack of awareness and publicity etc. At the same time according to involvement level, even the staffs are not clear about the processes and procedure. In this view, cannot expect the clear understand from stakeholders. Furthermore, on the one hand the titling process must be simple and short with fewer processes to easily understand by public and also, it increases the opportunity for transparent activities with customer satisfaction *(Wehrmann et al., 2006)* and on the other hand, all processes in the steps must be performed by logical order and staff also must have full understanding about it. If this requirement is fulfilled, customers can find the clear and transparent procedure *(Custovic, 2010).*

- **Accessibility to information/data: Some extent (On request)**

According to respondents, it is available for some extent on request from titling offices (Figure 5-2-left). Because, the departmental web sites are not up dated and have no much information and no national LIS. Whereas, all the information that actually need to stakeholders must provide truly, timely & correctly (Section 2-5-4-A). At the same time the public offices should be as open as possible about all the decisions and actions (Available for some extent; Figure 5-5-C), they should give reasons for their decisions and can restrict information only when the wider public interest are clearly demanded *(Hood et al., 2006).* Also they pointed out that, "*The transparency is policy measures and policy measure is about the operation is open to public scrutiny. Also, the transparency includes making it clear; who is taking the decision, what are the measures, who is gaining from them and who is paying for them*".

- **Availability of standard forms for service request/delivery: Yes**

According to respondents, almost all offices have standard, pre-defined, and printed forms for service request/delivery/information exchange in efficient manner (Figure 5-5-F).

- **Timely readiness of information about changes: No**

According to respondents, there is no possibility to get information about changes of laws/procedures quickly (Figure 5-5-B). Because according to operational level, "*Even the staffs get information about the changes very late so, no way to people get it quickly*".

- **Possibility to achieve goal within certain time: No**

According to policy level, there is no predicted vision to complete the systematic titling process within the targeted time (15 Years).

- **Existence of regular progress review: Yes**

According to respondents, there are monthly, quarterly and yearly progress reviews and performance appraisals in titling offices. Especially in SD, there are proper mechanisms to account the work details, progress and performance from daily basis to annual basis. However, almost all key departments have proper system to measure the progress. Accordingly, shown annual progress (in land parcels) (Figure 5-7).

- **Availability of resources for sustainable programme: Yes**

According to policy level, there is enough political support, funds and resources available to carry out the programme in long run. As the titling process is state oriented, there is no cost recovery procedure. But, if any changes in policy at political level there may be difficulties for enough funding to run the programme in free of charge. However, self-financing is the ideal method for sustain the titling *(UN/ECE, 2005).*

- **Frequency of publicity: Poor**

According to respondents, there is no enough publicity in all levels (National to local) (Figure 5-4-B) to encourage and worm up the stakeholders.

- **Availability of publicity through all Medias: No**

According to respondents, there is no proper publicity in all Medias (Figure 5-6-B) to encourage and educate the stakeholders. According to policy and management levels, they are planning to lounge the publicity in all Medias very soon.

- **Effectiveness of publicity: Poor**

According to respondents, there is no effective publicity arrangement. According to operational level, "*Publicity might available once in blue moon*". Therefore, publicity is very poor effect on public engagement.

- **Existence of proper feedback mechanism: No**

According to respondents, there is no any feedback mechanism or client survey in titling offices (Figure 5-5-H). At the same time, need proper customer survey to know their satisfaction & knowledge about processes & services with their views/problems to enhance the client relation and their satisfaction. According to involvement level, "*There is no punishment to the staff for the wrong things done or made errors in process and as such, they are doing the same error/mistakes repeatedly*". Therefore, this situation has created serious dissatisfaction and less interest on titling process for the all kind of stakeholders.

- **Availability of complain/suggestion facilities: No**

According to respondents, there is no proper complain/suggestion facilities in titling offices (Figure 5-5-G). According to policy and management levels, if any serious matter to make complain anybody can forward it to higher officials/authority in directly/indirectly and accordingly they will take action to investigate the matter and inform to the related client/s.

- **Willingness of staff for customers' satisfaction: Some extent**

According to respondents, the staffs are willing to satisfy customer's needs and requirements in responsible way and immediate manner is available for some extent (Figure 5-6-D).

- **Availability of independent audit: Some extent**

According to respondents, there is some audit checking process by the internal audits (Audits from inside the particular department) and external audits (Audits from the auditor general's department) in independent way. But this procedure is very rare and not in regular interval or period. At the same time the general audits are mainly focus on general matters such as accounts, leave, vehicles, attendance, etc.

- **Existence of quality control: Yes**

According to respondents (policy to operational levels), there are various kinds of quality controls supervisions and checking procedures to eliminate errors and mistakes are adopted by all departments according to their work type. For e.g. in SD there are various stages and levels of quality checks done by different levels at both field and offices at both during process and after completion (Section 4-5).

- **Effectiveness of supervision: Some extent**

According to respondents, especially in involvement, user and beneficiary levels there are no much effects on various supervisions and quality controls due to continuous errors/mistakes in outputs.

(B) Public participation

- **Number of awareness programme per village: 1 (per village or GN division)**

According to respondents, there is only an awareness programme per village or GN division as appropriate during starts the work at that area. Therefore, respondents feel it is not enough (Figure 5-6-

E). Because, if anybody or group of people couldn't attend that particular programme there is no alternatives or other continuous awareness arrangements. At the same time, awareness programme helps to build mutual trust between people & staff together with explicit the benefits & procedures.

- **Awareness about awareness programme: Some extent**

According to respondents, it is in some extent. Because, the GN is sole responsible for arrange the programme in village/division level and normally inform by the public notice in his/her office. In some cases, some GNN move further and make more publicity within the area by messenger or through some other civil societies. At the same time, if somebody not visited to GN office during the publicity period or went out from the particular area temporarily/permanent, there is less or no chance to know about the awareness programme. Therefore, respondents see the publicity about the awareness is available for some extent and not fully satisfy the expectation or necessity and it is the duty of staff to ensure the participation of all people in that area.

- **Method/s of awareness programme: Public/group meetings (Satisfactory)**

According to respondents, the awareness programme is by the public/group meeting in the particular area (Figure 5-2-right). They are satisfied with this method. Because, the public/group meeting is an effective tool to educate and encourage the public (Section 2-5-4-B)*(Shrestha, 2009; UN-HABITAT & TI, 2004).*

- **Ability to all for participates in awareness**: **Yes**

According to respondents, it is in the satisfactory level. Because, the awareness programme is arranging in public/common places such as community centres, schools, religious halls, or any other common convenient and accessible place for all in that particular area. At the same time, the meetings are arranging in mostly week-ends or evenings in order to participate all categories of working people and others easily.

- **Willingness of stakeholders for strong involvement: Yes**

According to respondents, they are willing to participate into the titling programme (Figure 5-6-F). Also, for some extent enough time given to public to know about titling (Figure 5-6-G). Therefore, there may be problem or irresponsible manner in provide room for take into account of this public willingness by the respectable organisations and there is lacking of backward information flow (to people) and responsibility from staff *(Rubasinghe, 2010)*. However, all stake holders' active participation and their needs must be considered in sustainable way if it is reasonable and genuine. Furthermore, the active participatory process can reduce the risk of errors in the titling and considers the needs of all society into account, helps to avoid the miss-understanding among various stakeholders *(Hentic & Bernier, 1999)*. Also according to them, "*The efficiency and effectiveness of public service are elements which are important, but which can be enhanced by improving the quality and transparency of channels of communication*". At the same time, the decentralisation of programme for active civic involvement helps to implement good governance dimensions especially in local level and it will give significant impact to enhance the effectiveness of the programme (Hentic *et al.*, 1999). Also they further mentioned that, "*In order to be significant, the public participation must be institutionalised and not only take the form of ad-hoc consultation dictated by the need of the moment*".

- **Accountability for stakeholders' need: No**

According to respondents, there is no satisfactory account for user requirement and not user-oriented programme. At the same time, even in the design stage of the programme user-needs were not taken into account *(Rubasinghe, 2010)*. According to management level, they agreed that the programme is not user-oriented and according to policy level, believes for some extent it is user-oriented and their requirement were considered in the designing phase of the programme at least for some extent.

- **Applicability of spatial data for all purposes: No**

According to respondents, the spatial data can be used only for the legal purpose due to availability of the legal cadastre information (Boundary, location, name, land use, extent tenure type etc.) only. Good practice is that all outcomes satisfy the all stakeholders' needs. But, the spatial data is not satisfied the all stakeholders need (e.g. Local government/municipality).They are expecting to fulfil their needs (e.g. need to show the buildings and other things which are permanently attached to the land parcel) and incorporate their regulations (UDA) into the land titling processes. At the same time according to policy and management levels, this is legal cadastre and carryout for free of cost. Therefore, no need to include everything into the CM and the local government is expecting beyond the limit for their business purpose. At the same time, on the one hand they have accepted that for the customers satisfaction the buildings should be shown on the CM (as like other countries; Figures 2-1 to 2-3) because, otherwise people have

to approached a private surveyor to get a detail survey plan by paying high cost and on the other hand the management level further said that, presently no capability for continuous updating process if buildings are shown on the CM. However, according to policy level there is no any statutory law or regulations for not to show the buildings on the CM. At the same time the RTA-1998 article 4 says, "*The unit of record in a title register shall be a land parcel shown on the CM*" and article 75 says, "*Land includes land covered with water, and any benefit arising out of any land, all things attached to the earth or permanently fastened thereto*" and "*Land parcel means an area of land separately delineated on the CM*". Therefore in this perspective, '**The unit of record in the title register is a land parcel and the land parcel is the part of land shown separately on the CM. Whereas the land includes all things attached to it or permanently fastened thereto**' *(Act, 1998)*.

- **Acceptability of whole output by all stakeholders: Some extent**

According to respondents, local governments and financial organisations are not accepting the spatial data from titling process but they are accepting the title information. Because, they are expecting MPC data or SDI information and most importantly, they expect property detail (i.e. land parcel and buildings). Another reason RTA-1998 is not comply with their regulations, especially local government regulations (Figure 5-1-D). Therefore, they accept the TC for some extent only for title. At the same time, the customer satisfaction is dependent on the extent to which the customers experience with product, services and assistance provided by organisations *(van der Molen, 2003a)*. According to beneficiary level, need not pay high cost to the lawyers to get a title report for collateral purpose as the TC with title schedule can be used for that purpose. Furthermore, they pointed out the extent of the land parcel is given only in the unit of Hectare in the TC and it is difficult for them to convert into A-R-P unit as familiar for them. But according to policy level, the reason for given the extent only in Hectare is to avoid the unnecessary dissatisfaction of customers otherwise people are disappointed for even the decimal fraction of a perch.

- **Correctness of spatial data: Average**

According to respondents, in most cases there are discrepancies in boundary and extent in the final CM compared with existing survey plan for that particular parcel and it affects the performance of the titling programme seriously (Figure 5-6-A & C). According to supervisory and operational levels, the discrepancies mainly due to the variation of boundary between reality (CM) and old survey plans and accordingly extent also get varies. Also they pointed out that, extent in the deed was not exact one and it is approximate extent, land owners are not maintained correct boundaries and hence they are not in the position to show the exact boundary on ground, and the boundaries depicted in the old survey plan is not existing on ground now (Reality). Therefore, according to them the main reason for this variation is due to the negligence of landowners in most cases (although there are evidence for certain amounts of errors/mistakes done by the surveyors). Therefore, the main problem may be on the one hand it is kind of question between legal object and real object concept and on the other hand the attitude of people about their confidence on the system and trust on the staff. Because, the degree of trust is depended on the contribution of guaranteed service and standard of conducts *(Rubasinghe, 2010)*. Similarly, **trust** is "*The value perceived by the customers' increases satisfaction and also it is contributing factor to satisfaction*" *(Tuladhar et al., 2003)*. Furthermore, there are seven objects (exercises) that need for the public servants to get optimum transparency in public organisation such as "*Effectiveness, trust, accountability, autonomy & control, confidentiality with privacy & anonymity, fairness, legitimacy*" etc. *(Hood et al., 2006)*. Also they further explained that, "*transparency is widely made organisations and their officers both more* ***trustworthy*** *and more* ***trusted***". Similarly, people's **trust** into the titling system is essential for the well-functioning of the system. The complexity of processes with many organisational involvement leads to customer confusion and dissatisfaction on system *(Custovic, 2010)*. Therefore, transparency is necessary to build the **trust** among state and stakeholders for the smooth function of titling programme *(Ghimire, 2011)*.

- **Reliability of title information: Yes**

According to respondents, correctness and reliability of title information are in satisfactory levels; even though few cases pointed out by the respondents (e.g. the private property (especially private paths) has been registered under the state name).

- **Guaranty of the title by state: Yes**

According to respondents and RTA-1998, the title detail in the title register and correspondent TC are guaranteed by the state.

- **Existence of forgeries: No**

According to supervisory level, there is no forgery found in TC. Also they said, in the study area up to now they have issued about 30,000 TCC and out of that they found only one minor forgery situation. Therefore, according to them no forgeries exist.

- **Number of registration systems in practice**: **2**

According to respondents, practicing both registration systems (Title and deed) in the same area is complicated (figure 5-1-A) and leads to forgeries. Also, they pointed out that due to practicing both system and no compulsory for titling, people who have land with clear deed and un-dispute boundary are not showing ken interest to get the TC. Therefore, it is affecting the performance of the titling process.

- **Existence of clear public notices in offices: No**

According to respondents, there is no clearly shown public direction notices in all titling offices (Figures 5-3-E; 5-5-I). Whereas according to Supervisory level, in land registry public direction notices available for some extent. However, Clear notice about procedures & processes indicated for public understanding & directions in public offices is very important for customer satisfaction and efficient service provision. Because, the customer satisfaction is dependent on the extent to which the customers experience with product, services and **assistance** provided by organisations *(van der Molen, 2003a)*.

- **Ability of outputs to satisfy all users: No**

According to respondents, some intermediate outputs (e.g. CM) are not satisfying all users' needs.

- **Equity in service provision: Yes**

According to respondents, there is no discrimination in service provision (Figure 5-5-J). Therefore, all services are equal to all people and no any discrimination or un-humanity procedures are taking place in titling offices.

- **Existence of any resistant: Yes**

According to respondents, some external actors are acting in negative way about titling process and also they try to influence on attitude of people negatively. Therefore, their activities are made some kind of resistant in the performance of titling process (Figures 5-6-I & J). According to policy and management levels, those external actors are influencing in negative way not for public's benefit but for their own benefits (e.g. lawyers are worried about their income and private surveyors are focused for their independency in work).

5.5. Levels of Transparency and Public Participation need to boost the Titling Programme

It is not easy task to decide the suitable levels of transparency and public participation to enhance the titling processes. Because, "*Governance clearly not a simple matter*" *(Best, 2002)*. But, it is essential for find out required levels of transparency and public participation from the analysis of process and governance frameworks to boost the titling. Because, the public participation makes the work strength and the transparency is the harmonisation from that work. At the same time, the public participation is very essential for land titling especially in the identification of land parcels and their owners as well as in determining the boundaries of the land parcels *(Wehrmann et al., 2006)*. Also they clearly pointed out that, "*Good governance includes people's participation and transparency; are the most important principles in the land administration process*".

However from the analysis phase of process and governance frameworks, we came to know that more than half of the whole indicators (32 indicators out of total 57 indicators (56%); Appendices 8 & 9) are showing in negative way or poor status of governance issues in the land titling processes. Accordingly, the poor status of transparency and public participation indicators are highlighting about: deficiencies in the RTA-1998, long processes with inappropriate organisational setup, incompetency and negative attitude of staff, lack of stakeholders satisfaction, vision and work programme are not clear, lack of visibility and understandably, and lack of publicity/awareness etc. Therefore, those situations are clearly showing the strong necessity of governance issues to boost the titling programme with most suitable levels of transparency and public participation from the very basic points.

Accordingly, **government transparency, transparency in the profession** and **symmetrical organisational transparency** are the most essential levels to boost the titling from the very basic point

(Section 2-5-4-A). Because, on the one hand the government transparency is the basic consideration of this research (Figure 1-1) and on the other hand, it gives solution for the weak points such as institutional deficiencies, organisational inefficiencies with inappropriate setups, unpredictable vision and work programme, and lack of publicity/awareness etc. Similarly professional transparency also equally important for eliminate the incompetency and negative attitude of staff, increase the work performance and user satisfaction, accountable for public needs and deliver the quality output in possible short time. At the same time, the symmetrical organisational transparency gives equal and balance four directions (upwards, downwards, outwards and inwards) especially for the public organisations like land titling organisations to increase sustainability, visibility, openness, understandably and successfulness. Because, public sector/organisations play a leading role in the management and implementation of a country's policies and resources *(Hentic et al., 1999)*.

At the same time, suitable levels of public involvement depends on the specific situation, type of programme, nature of project and method of decision making (knowledge based or value based) in the process *(Rowe et al., 2000)*. However, according to the outcome of the analysis the relevant participation levels for boost the land titling are: **advisory** and **partial** with **consultation** and **co-operative** forms, including the participation types such as **manipulation, therapy, informing**, **placation** and **partnership** together with both participation criteria (**acceptance** and **process**) (Section 2-5-4-B). Because, on the one hand public cannot take entire decision on titling processes and on the other hand the titling programme needs to consider the governance issues from the basic levels. As such, we have considered the advisory and partial levels with consultation and co-operative forms together with start from very basic point (manipulation & therapy). At the same time informing, placation and partnership types are very essential for average level usage. Also, acceptance and process criteria are important for first people accept the programme and then they trust the processes to feel the reliability. Furthermore, most of the poor indicators that already mentioned above from the frameworks analysis are mostly covered by those levels and types of public participation.

5.6. Summary

This chapter facilitated to analyse two frameworks (Process and governance). In this manner, we have carried out the task based on identified indicators in both frameworks and data collection results together with some literature reviews. Also, focused to explicit the outcome of data collection in both qualitative (Respondents views) and quantitative (Figures 5-1 to 5-7) ways together with easy and understandable interpretation of the results from (Appendices 3 & 4). Furthermore, outcomes of analysis have been evaluated as rigid result format (Appendices 8 & 9) in order to highlight the exact situation of land titling programme, in more easy way and useful manner. Accordingly, the final evaluation as follows:

Elements	Indicators	Satisfactory level-Indicators	Average level-Indicators	Poor level-Indicators
16	57	13 (23%)	12 (21%)	32 (56%)

First we have analysed process framework, with its identified indicators together with qualitative and quantitative results including literature relevancies in order to come up the real situation of organisational coordination/fragmentation within the present institutional arrangement. Accordingly, the analysis highlights that most of the indicators are existing with negative or poor functional situation in the titling process such as too many regulations, not include all tenure patterns, not comply with other public agencies regulations, no compulsory for titling, many processes, long delivery time, many organisations with less coordination, many stages for public participation, no automated system with LIS for effective data transfer and provide e-services, no one-stop-shop system, lack of training and knowledge to staff etc.
Thereafter analysed the governance framework, it gives inside of transparency and participation situation in the titling process directly, through suitable indicators that identified already. Accordingly, the governance issues have not been incorporated in the titling process in satisfactory manner because, most of those indicators are highlighted poor or in average situation. Egg no ability of output to satisfy all user needs, more than a registration system, no clear directions/public notices in offices, no timely readiness of information, no vision to achieve goal within certain time, no proper data sharing with understandable process, no proper publicity/awareness, no cost recovery for sustainability, no single data collection etc.

6. DISCUSSION

6.1. Introduction

In previous chapter, we have analysed and evaluated two frameworks (Process and Governance) based on identified indicators in the good governance perception of the land titling processes. This chapter performs the discussion based on **priority elements** used in frameworks, through makes link between the findings and the existing knowledge in the prescribed area. Also findings are explained with respondent's views, connected literatures, and similar situation where if it is applicable. Because, "*No two countries have exactly the same approach although there are many common* ***elements***" *(UNECE, 2004)*. Similarly, 'One size fit all' notion also not applicable for the cadastre or land titling/registration processes due to each country has its own "*History, tenure patterns, development policies, culture, administration system, institutional and organisational setup, legal certainty, relationship between state and stakeholders, economy capability"* etc. *(van der Molen, 2003a)*. Therefore, it is focused on common and priority elements with poor status identified in the findings. Furthermore, those frameworks are applicable for evaluation purpose of similar situation in other countries due to the applicability and validity of elements, indicators and good practices we used.

Accordingly, the chapter starts with the choice of priority elements in section 6-2. From this point, we move into the discussion with each priority elements start with quality institution (Section 6-3), simplified process (Section 6-4), training and attitude of staff (Section 6-5), openness & publicity (Section 6-6), acting predictably (Section 6-7) and user satisfaction (Section 6-8). Finally, section 6-9 highlights further consideration for BimSaviya. At the same time, we use the views of Senior Assistant Secretary and Co-ordinators for titling process in Sri Lanka (Who are the most experienced experts and higher officials in policy and management levels) to validate the findings and other respondents' views where if it necessary and applicable together with available related literature relevancies. Because, no any previous study or results have been available in this particular topic to do the benchmarking *(Deininger et al., 2009)*. Furthermore during the discussion phase, we are assigning (**Highlighted**) the weight conceptually for the most influencing indicators based on analysis and respondents' views together with literature relevancies.

6.2. Choice of Priority Elements

There are 6 most priority elements have been identified (Table 6-1) from the analysis executed in the previous chapter and mainly based on evaluation (Appendices 8 & 9), final evaluation (Section 5-6) and identified levels of transparency and public participation to boost the titling processes (section 5-5) together with identified poor status indicators (Section 5-6), respondents' views, literature reviews and existing knowledge. Even though all elements are highlighting the inside of the land titling processes in the governance perspectives, the priority elements are vital important for the immediate attention to boost the titling from basic point and rest of elements may need to run the programme. At the same time if the priority elements are incorporated in proper way and correct time, the most of the balance elements would be incorporated automatically as **complementary** manner (Table 6-1). Because, those priority elements are diagnosing the institutional, organisational, transparency and public participation aspects from the basic stages of the titling process. Especially if there is a quality institution (i.e. it satisfies all stakeholders' needs and requirements), almost all other elements will be incorporated automatically.

Accordingly, we found poor status indicators (Section 5-6) as: too many regulations, not include all tenure patterns, not comply with other public agencies regulations, no compulsory for titling, many processes, long delivery time, many organisations with less coordination, many stages for public participation, no automated system with LIS for effective data transfer and provide e-services, no one-stop-shop system, lack of training and knowledge to staff, no ability of output to satisfy all user needs, more than a registration system, no clear directions/public notices in offices, no timely readiness of information, no vision to achieve goal within certain time, no proper data sharing with understandable process, no proper publicity/awareness, no cost recovery for sustainability, no field data collection at once etc.

Poor Status Indicators	Required levels of Transparency/Participation	Priority Elements	Complementary Elements
RTA-1998 is not: included all tenure types, complied with other public agency's regulations, mandated for titling, able to streamed line the processes unambiguously	Government and organisational transparency with advisory and consultation participation including partnership & accept	Quality Institution	All other elements
Many processes, long delivery time, many organisations, many public participation stages, lack in organisational setup & coordination, no field data collection at once, no all services at one place	Symmetrical organisational transparency with partial and co-operative participation including information & placation with process criteria	Simplified Process	One-stop-shop, Data/information sharing
Staffs have no: CPDP, competency about titling processes, positive attitude towards common goal. Also no automated data transfer, no national LIS with e-services, spatial data cannot use for all purposes	Profession and organisational transparency with partial and co-operative participation including information & placation with process criteria	Training & Attitude of Staff	Computerisation, Quality output
Lack of: understandable process, data sharing, publicity, awareness. no e-services	Government transparency with manipulation, therapy & accept	Openness & Publicity	Data/information sharing, Awareness
No: timely readiness information, cost recovery, possible to achieve the goal within certain time, feedback & complaint mechanism	Government and organisational transparency with advisory and consultation participation including partnership & accept	Acting Predictably	Client survey, Supervision, Data/information sharing
Not: ability of outputs to satisfy all users, single registration system, available clear directions and public notices in offices	All levels of transparency and public participation as mentioned in section 5-5	User Satisfaction	User-orientation, Trust & confidence

Table 6-1: Priority Elements

6.3. Quality Institution

There are many institutional problems and deficiencies have been identified from the findings and respondents views (Table 6-1). At the same time, the amendment of the act is complex issue because it related to the land policy and tenure topology of the country, change of the present organisational setup and it affects the autonomy and authority of the existing setup, decreases the involvement and importance of the legal profession, and need of tenure reform and it is a sensitive issue due to connected to the social, cultural, historical and political matters *(Sangakkara, 2000)*.

Another considerable matter is that the capability for dealing with titling process across the whole country at once. Presently, the land titling programme has been started at least at one DS area of each district (Figure 4-1) but according to the management level respondents none of any area has been covered fully up to now, even though (Figure 4-1) it says that the three areas (Thambuttegama, Doluwa and Divulapitiya) are already covered *(Bimsaviya, 2012)*. At the same time, "*The cadastre will be largely worthless unless it is substantially complete within a particular geographical area and the registers must be kept simple, and must concentrate on the essentials, goals of multiple usage and integration to the conception of modern LIS*" *(Larsson, 1991)*. Also he highlights that, the systematic title registration requires the resolution of the problems associated with the rights and land-man relationship with simplified, suitable, fair, and **quality institutions** (i.e. laws, acts and regulations; Section 2-4-1. e.g. *The English system, did not begin to work smoothly until the very complicated land laws were reformed in 1925*). Therefore, the institutional problem is one of major reasons for the delay of the titling in Sri Lanka and the programme will be diminish, if does not make **ability of RTA-1998 is to streamline the whole titling process unambiguously**.

6.4. Simplified Process

Although the organisational fragmentation is another one of the major reasons for the delay of the land titling programme, there are some other side effects also pointed out by the respondents such as poor inter-departmental coordination, poor data interchangeable mechanism, staffs are showing less interest in public's problems and they mainly focus on their own departmental needs, scapegoating, people need to visit all these departments to solve their needs, try to keep their own departmental authority for monopolies etc. At the same time, almost all respondents are expected for **single agency** or **all**

organisations under one roof as one authority with one-stop-shop system (Appendix 3, Figure 5-3-A) and even almost all literatures and scholars views also explicit the same recommendation for the effective and efficient titling processes (Section 2-4-2). Similarly, "*The foundation of an efficient cadastral system is the coordination among the organisations responsible for the land registration and cadastral mapping*" *(Tennakoon, 1997)* and also he proposed for one cadastral office under one director as a single agency in one building with automated system for the Sri Lanka title registration. Whereas in Netherlands, due to **simplified processes** the confusion among staff and customers are avoided and also due to simple and clear procedures, organisation, and institution there is high transparency in processes *(Custovic, 2010)*.

Apart from the organisational fragmentation, there is ministerial fragmentation also exists in the Sri Lanka titling system (Section 4-4). Because of this reason, the minister of lands and land developments cannot control the RGD which is under separate ministry *(Rubasinghe, 2010)*. Therefore, Thavalingam *(2003)* recommended to separate the land registry (All land related matters) from the RGD and tagged it under the land ministry so that, it is enabled to amalgamate it with the SD to make as single agency functioning for titling processes. Because, global trend shows (Section 2-4-2) the countries with single agency system (e.g. Netherlands) for the cadastre, mapping and registration purposes are delivering cost effective, quick and quality output with higher user satisfaction. At the same time, single agency system does not means that such an agency controls the use of land across the country but, it does control the land registration and related matters *(Williamson, 2000)*. Also he further highlighted a very important message that, "*One of the major weaknesses in establishing land administration project is that they focus on establishing* ***organisations****, not the* ***process*** *but they should be focused on the key cadastral process of land adjudication and land transfer (Including subdivision and consolidation), with all institutional and organisational arrangements are focused on the process*".

6.5. Training and Attitude of Staff

There are plenty of views explicit by the respondents regarding the training, professionalism, ethics, quality work, quality output, work norm, quick responsiveness, knowledge about the process and procedures etc. According to the respondents of LSD, both management and operational levels are expressed their views that the training and connected knowledge in the titling process is very less and no proper arrangements for the **regular training** or **CPDP**. Whereas, the respondents from SD (Both management and supervisory levels) views that there are enough trainings and workshops have been arranged time to time to motivate the staff for required level. But, the operational level respondents from SD denied those views and according to them most of the process and procedures are learnt by themselves and not from the short training or one day workshop. However, due to the entry requirement as a Surveyor in SD is degree level they are technically qualified and have upgradable capacity.

At the same time, sound technical knowledge with good professionalism (quality work capacity) would help to increase the user satisfaction and safeguard the ethical consideration. Because, Professionalism together with good code of conduct of staff leads to attract customers and from which the rate of participation would be enhanced *(UNDP, 2012; Wang et al., 2008)*. Also, if there is no code of conduct then transparency is questionable *(Tuladhar, 2012)*. Therefore, knowledge with professinalism gives the **quality output** and it is essential and necessary qualification for any professionel. Imagine if doctors having the works with errors or mistakes and engineers proposed the building structures with errors or mistakes. Even we are expecting from a technician to work without error and mistake (e.g. If an electrical technician works with errors or joined connections mistakenly, what will happen?).

Therefore, quality work with professionalism and ethical manner are essential characteristic for staff. Because, it impact on the total production cost and may leads to exceed the market value of the product (e.g. *If the cost of cadastral survey is high, then sometimes it exceeds the market value of the land being surveyed*) *(Chimhambiwa et al., 2011)*. Also they described that the land administration products and work process quality can be viewed as, "*The conformance of submitted work to legislative specification*". At the same time, in most departments or organisations quality is a central component of strategic plans and management systems (e.g. SD, there are series of quality checks of the CM, Section 4-5). Similarly in South Africa, Zimbabwe

and Namibia in spite of higher professional status and numerous quality checks there are about 50% of CM are rejected by SG from approval due to less quality (With errors/mistakes/non-conformance with legislations of those countries) *(Chimhambiwa et al., 2011)*. Because, of the quality of the product directly related with the transparency and public participation. Also it directly connected to the stakeholders satisfaction (Section 2-5-4-A & B).

6.6. Openness and Publicity

Most people have the attitude that, cadastre/ titling processes are generally "*Expensive, slow, bureaucratic, technocrats, higher transaction cost*" and less open/visible *(Zevenbergen, 1999)*. At the same time, the higher transaction cost (Sub registration cost) affects the economy of the country *(North, 1990)*. Usually, the land titling or "*Land registration is needed for the reduction of uncertainty on exchange of land rights*" and literature shows that the land titling or "*Land registration only runs well, when virtually every transfer is actually registered*" and updated with the mandatory registration processes *(Zevenbergen, 1999)*. Also he further highlighted that, "*In case of system of land registration it could be professionals who make a part of their living, because of the present inefficient procedures and therefore introducing improvements; Lawyers usually benefit from confusion regarding land rights and Surveyors prosper over high levels of surveying accuracy*". Similarly according to respondents, the legal practitioners are trying to prevent the amendments in the RTA-1998 and also they had been tried to prevent from enacting the title registration act in 1997 *(Sangakkara, 2000)*. The same situation was existed in South Australia in 1850s when Sir Robert Torrens was tried to introduce the titling system *(Zevenbergen, 1999)*. Also he further pointed out that, "*Even in the 1970s in New South Wales-Australia, it were probably the bankers, solicitors and surveyors were boundary conscious rather than the general public*".

Generally, the combination of details such as institutions, organisations, processes, procedures that work well in one country is not suitable in another country (Section 6-1). "*Especially introducing title registration in case where the existing system is weak, will not turn out to be very effective*" *(Zevenbergen, 1998)*. Also he mentioned the example of title system in Ghana, only 9000 titles were registered during 10 years period (whereas in Sri Lanka it is 223,768; Section 1-2) and the failure in Ghana was mainly due to lack of coordination among agencies, ignored the requirement of deal with old records such as deed, deficiencies in CM and identifiers in **processes that cannot understand by public or other agencies**, lack of public participation, TC not covered all kinds of tenure patterns (As the availability of more customary tenures), no **open & visible** or user-oriented process (lack of transparency), not incorporate the title act with other agencies legislations, **lack of publicity** etc. Furthermore in Ghana, since 19th century (Ordinance 1895) the simple deed registration system was in practice and they had been replaced the improved deed registration system by introduced an ordinance in 1962 (Act 122). They had decided to introduce titling and it was enacted by title registration law (PNDCL 152) in 1986 *(Zevenbergen, 1998)*.

Even in England & Wales (As highly developed country), practicing title registration system since 1862 and covered about 75% of the country for last 150 years and the important consideration here is in first 40 years they were able to registered only about 1000 titles due to voluntary system, resistant of lawyers, inappropriate institutions, no interest of both state and stakeholders, **lack of publicity** and awareness to the public regarding the benefit of the system etc. (Section 2-3-1). However, after introduced the simplified processes, mandatory for title registration (At least in transaction), vast **publicity** and quality institution it was able to boost the titling and the very important opportunity was the ordnance survey topographic maps in large scales covered the entire country in systematic way with timely updated information (Section 2-3-1) *(Landregistry, 2012; Larsson, 1991; Simpson, 1976)*.

6.7. Acting predictably

Foreseen the future of the titling process and predictable action for face the problems and short comings are important needs for successful programme. In this regards there should be a well predicted **time period for complete the systematic process in whole country** and sustain the programme in long run. Because, otherwise the system may loss the public and political support *(Henssen & Williamson, 1990)*. Furthermore timely delivery, timely readiness's of information to users, proper performance evaluation are

vital important foreseen functions for wellbeing of the programme. At the same time, it is necessary to make the cadastral cover up (with minimum necessary accuracy of cadastral mapping) of whole country (also it helps to implement the sporadic titling, as presently no capability to carry out it) by progressive titling process *(Sangakkara, 2000)* or any other appropriate method with suitable combinations of speedy data collection procedure (without relay **only** on sophisticated ground survey methods) such as satellite images, ortho photos, point cadastre, GPS etc. *(Meijer et al., 2012)*. Because, if we considered the leading cadastre or land titling performance countries they have almost full coverage of cadastral or topographical or any other suitable kind of maps to identify the parcels with reasonable necessary accuracy in fixed or general boundary concepts e.g. Western Europe Countries: Netherlands, England, Germany etc.

At the same time self-financing/cost recovery is another important predicted procedure for sustain the programme with continuous updating and satisfactory service to stakeholders. In this perception, NPM procedure/concept is most appropriate to implement cost recovery titling service. Because, the land titling process is major part of the land administration and the land administration is part of public administration (Section 2-2) need the optimum public management qualities *(Zevenbergen, 1999)*. Furthermore, NPM helps to reduce government budget, decrease span of control (public service to and by public), improve efficiency & user-orientation, increase ICT application & governance issues in process *(Eertink, 2012)*. Also he highlighted that, NPM offers path for symmetrical transparency (Section 2-5-4-A).

Therefore, the NPM concept is recommended approach in the land titling process. Even the respondent's views also insist the requirement of NPM such as user-orientation, quality output with cost recovery service, transparent process, active public participation, accountability, corruption free, quick delivery, customer satisfaction, e-services etc. At the same time, with the use of the ICT era it is great opportunity to introduce **e-services** for the application of effective **data/information sharing** mechanism together with NPM *(Navarra & Cornford, 2007)*. Also they said that, "*NPM with e-services supports for innovations, not only in the re-shaping of process but also to increase user satisfaction and create more democratic forms of governance*". In this perception, the future cadastral system (Cadastre 2014) also expected for full (100%) cost recovery with close work of public and private sectors together *(Kaufmann et al., 1998)*. Furthermore, Sangakkara *(2000)* also explained the need of cost recovery, optimum use of resources, quality output, reduction of production cost, use of modern technology etc. in the land titling process.

6.8. Stakeholders' Satisfaction

The **satisfaction of all kinds of stakeholders** (At least most of them) is vital important for success of a project or programme and also it is the back bone for the sustainability of that programme or project (Section 2-4-2). In this perception, if we considered the land titling programme in Sri Lanka it is far away from this user-satisfaction concept. Because, almost all kinds of stakeholders are explicit their views and responses in negative way due to very long delivery time of TC (More than 2 years in most cases), CM cannot use for all purposes, not user-oriented programme, cannot get titles for all kinds of tenure patterns, staff not shows interest on solving public's need, the process and procedures are not much open and visible, very less publicity and awareness, output is not much quality, parallel practice of both title and deed systems, multi institutional and departmental fragmentation, no e-services, no easy and affordable methods for sub-registration etc.

According to policy and management levels respondents, their arguments regarding the quality of the CM are: it is legal cadastre, free of charge, no facility for quick and continuous updates etc. It is true for the legal/juridical cadastre, the boundary of the land parcel in the CM is well enough for the location and identification purposes *(Larsson, 1991)* and there is no cadastre in the world that absolutely satisfies all stakeholders needs with existing subjects, objects and rights within the jurisdiction *(van der Molen, 2002b)*. Also he further pointed out that, "*If the building is part of the property and not legally separated from it, then from a legal point of view-the owner of the property becomes owner of the building and surveying and mapping that building is meaningless*" but for the accessible of public (Identification purpose) and other development needs the physical objects can be shown in the CM. At the same time according to beneficiary level respondents,

public ready for pay the cost if it is affordable and if the TC can get very quickly with quality CM. Because, "*public will not be prepared to pay for issue of TC or CM if they have to wait for 2-3 years and conversely, they will be perfectly prepared to pay for product/service that provides them with added value*" *(van der Molen, 2003a).*

Another important consideration according to the user level (Banks & Local government) response that, their dealing and consideration is about property (i.e. Land & Building with other permanent features) for the land use planning approval, collateral purpose, valuation purpose and sales agreements. Therefore, they are expecting the MPC details or SDI information on the CM. However, the user satisfaction and their needs are varying according to their core business aspects and future development plans. One interesting and important thing that we have noticed here that, even though the land titling process and procedures are not identical for two countries (Section 6-1) the customers of any of the country's expectations, needs and requirements in the land related process are nearly same such as quick and guaranteed delivery time, quality services and output, value for money with time and energy, reliable information with ready access (e-services) etc. *(van der Molen, 2003a).* Also in this perception he further mentioned that, "*The structural attention to the maintenance of appropriate customer satisfaction is not simply a side activity and land related organisations traditionally exhibit a strong focus on output in view of their concentration on the day-to-day maintenance of administration and geometric database. Also, many land administration organisations are of the opinion that customer satisfaction will automatically result from the availability of sufficient funds for investments in new maps, improved accuracy, maps at large scale, new database etc. but it is not true*".

However, the user requirement for the MPC and/or SDI information is not a surprise event and cannot be ignored simply because of the land as limited resource (Scarcity for future usage). In this view, the only 2D (Normal property) and 3D (Condominium property) approaches for the land/property are not satisfied the future needs. Therefore, it is the vital important and un-avoidable need in the near future for most of the countries to adopt the multi-use of property (like in most parts of Netherlands and North America) with 3D cadastre (e.g. various stories of a property can be used for different purpose) and 4D cadastre (e.g. same property can be used for multi-use at multi-time) *(van der Molen, 2002b).* Also he highlighted in this regards, "*The cadastre for multi-use property, should be rigidly incorporated with the quality institution and balance between cost and benefit because, without appropriate legal frameworks and* ***transparent*** *public administrative structures,* ***cadastres*** *cannot operate properly*".

Another consideration according to involvement level respondents (especially Lawyers), the titling programme is neither user-oriented nor state-oriented. Because, of not much active participation of stakeholders as well as no keen interest of state (staffs from top to bottom levels). But, the only evidence that implies programme is state-oriented due to the free of charge for whole processes. At the same time if people feels that the titling process is benefited for them then they will participate, if there is not much benefited (no details in CM, not accepted by local government and they have clear deed with undisputed title and boundary) then why should be they participated? Therefore, most of imperfections are due to the institutional and organisational arrangements with weak governance or improper accommodation of good governance issues in the titling processes. This kind of situation exists in most of the countries especially in developing countries, the situation is worse *(Koroso, 2011; van der Molen, 2007).*

6.9. Further Consideration for 'Bim Saviya'

Finally in addition to the research objectives, it is more suitable to summarise the findings from two frameworks and discussion phase into most appropriate way in order to easily understand by all categories of stakeholders. In this view, the matrix format of findings (Appendix 10) is given as appropriate method to explicit the situation of the land titling process in the governance perspectives for further consideration of Bimsaviya in future. Because, this matrix format focuses on identification of Strength and Weak points in key organisations and programme together with Opportunities and Threats for further consideration and future development *(Hill & Westbrook, 1997).*

7. CONCLUSION AND RECOMMENDATIONS

7.1. Introduction

In previous chapters five and six, we have analysed the frameworks and evaluated the results of those frameworks (Based on the frameworks developed in chapter-2 for the governance issues in land titling programme) and discussed the results, findings and respondent's views. In this chapter, the conclusion (Section 7-2) of the research is provided together with final conclusion to fulfil the objectives mentioned in sections 1-6; based on findings and results in those previous two chapters and followed by recommendations (Section 7-3).

7.2. Conclusion

The conclusion is presented based on the two sub-objectives mentioned in section 1-6-2. At the same time, we have formulated sets of research questions (Section 1-6-3) in order to explicit those two sub-objectives through answering those research questions respectively.

Sub-objective 1: To identify the steps and processes of land titling programme within the current institutional and organisational arrangements. It further divided into three research questions.

1. **What are the main steps, processes and organisations involved in the land titling process?**

There are 5 main steps involved in the land titling process (Section 4-5):
Step 1: Public awareness and collection of field information
Step 2: Land surveying and legal investigation
Step 3: Calling and recommending claims for title
Step 4: Determination of title and final notification
Step 5: Registration of title and issue of title certificate

There are 4 main organisations involved in the land titling process: Survey Department, Land Settlement Department, Registrar Generals' Department and Land Commissioner Generals' Department (Section 4-4 & Figure 4-3).
There are 27 main processes involved in the land titling programme connected to those main steps, are described in Appendix 6.

2. **How the current institutions and their fragmentation are streamlining the land titling process?**

The Registration of Title Act (RTA-1998) is controlling the overall processes of the titling programme (Section 4-6). In addition, there are about 65 acts/regulations have been identified (Appendix 7) that are influencing in the titling process in some ways. Because, the main organisations are not controlled by the RTA-1998 and they are controlling by their own departmental acts/regulations and related procedures. In addition, there are many other agencies and commissions influenced/correlated in some or many ways (e.g. UDA, RDA, LRC, CMA, NHDA, LUPP etc. Section 4-4 & Figure 4-2). All those other agency's acts/regulations are also interfering in some extent or more in the titling process. Furthermore, deed registration system also practicing parallel to the titling system. Hence those acts/regulations related to deed system and connected all procedures also influencing into to the titling process. At the same time, there are many tenure types have been in practices since the ancient king's period. Especially there are many varieties of agricultural tenure patterns also available in various part of the country in various ways. Also, there are various land and community laws for different communal societies in different part of the country (e.g. Kandian law, Thesawalamai law, Muslim law etc. Appendix 7) is applicable for those particular communities in the particular areas only.

Therefore, those multiple institutions and their fragmentations are streamlining the land titling process with confusion manner, negative influence, performance resistant, contradictory way, long process and complex procedures. Because, of the less powerfulness of the RTA-1998 and/or interpretation of the RTA-1998 in different way by different officials and departments. Egg Article 73 of RTA-1998 says, "*The provision of this act shall have effect not withstanding anything to the contrary contained in any other written law, and where there is any conflict or any inconsistency between the provision of this act and any other law, the provisions of this act shall prevail over such other law*". At the same time, there are deficiencies in the RTA-1998 such as not accommodated all user's needs, not incorporated all tenure types, not complied with other public agency's regulations, no mandated for title registration etc.

3. **What is the process framework to analyse the organisational coordination/ fragmentation?**

The process framework to analyse the organisational coordination/ fragmentation is given in table 2-3 & section 2-6-2, analysis of process framework is given in section 5-3 and the process framework evaluation result summary is given in appendix 8.

Sub-objective 2: To assess the elements, indicators and levels of transparency and stakeholders' participation in the land titling processes. It further divided into four research questions.

1. **What are the elements and indicators to measure the transparency and stakeholders' participation in land titling process?**

The elements to measure the transparency and stakeholders' participation in land titling process are:
Quality institution, simplified process, data/information sharing, computerisation, one-stop-shop, training/attitude of staff, openness, acting predictably, publicity, client survey, supervision, awareness, user-orientation, quality output, trust & confidence, and user satisfaction (16 elements). At the same time, each element consists of number of indicators to measure the transparency and stakeholders' participation in the land titling process. Accordingly, there are 57 indicators have been identified (Sections 2-6-2 & 2-6-3, Tables 2-3 & 2-4).

2. **What are the various stages that stakeholders' participation need in the land titling process?**

The activities of land titling process (Appendix 5) give the various stages that need public participation:

- Awareness programme/meeting
- Providing information to the Title investigation officers (LSD)
- Providing information to the Surveyors and for boundary demarcation (SD)
- During surveying the land parcels (SD)
- Submitting claims or raising objections (Under section 12 of RTA-1998; by LSD & GN)
- Dispute identification or resolution for state lands (LCGD & GN)
- Resolution or investigation of title disputes (Under section 13 of RTA-1998; by LSD)
- Resolution or investigation in deviation of boundary and/or extent due to raised objection (SD)
- Issuing/receiving the TC (RGD)

3. **How Governance framework is developed?**

The Governance framework is developed with necessary elements, suitable indicators and good practices is given in table 2-4 and section 2-6-3.

4. **What should be the levels of transparency and stakeholders' participation to boost the land titling programme?**

Levels of transparency to boost the land titling programme (Section 5-5) are:

- Government transparency (Institutions/policy)
- Transparency in the profession (Process, attitude, quality)
- Organisational transparency (Symmetrical in transparency; upwards, downwards, outwards and inwards)

Levels of public participation to boost the land titling programme (Section 5-5) are: Advisory and partial together with participation forms such as consultation and co-operative. At the same time, the participation types such as manipulation, therapy, informing, placation, and partnership are necessary for the successful land titling process. Furthermore, the both participation criteria (acceptance and process) are important together with highest level of public involvement.

7.2.1. Final conclusion

The final conclusion reflects the main objective of this research '**To evaluate the transparency and stakeholders' participation in the land titling programme**'. Accordingly, two frameworks have been developed (Tables 2-3 & 2-4), analysed and evaluated those two frameworks (Sections 5-3, 5-4 & 5-6) and finally given the summary with solid/concrete results for those frameworks (Appendices 8 & 9). Therefore based on the final summary, the final result in easy understandable way (Section 5-6) as:

Elements	Indicators	Satisfactory level-Indicators	Average level-Indicators	Poor level-Indicators
16	57	13 (23%)	12 (21%)	32 (56%)

There are enough evidences showing to sum up the final conclusion as, 'The transparency and stakeholders' participation in the land titling programme are in the poor level'. In this perception, increased transparency and stakeholders' participation enhance the performance of the land titling programme. At the same time, it is essential and immediate need for take actions to boost the land titling programme from the present situation. Therefore, there are 6 elements such as quality institution, simplified process, training/attitude of staff, openness & publicity, acting predictably, and stakeholders' satisfaction have been identified as most priority elements for the progress of land titling programme (Section 6). Because, organisation (Structure for human interaction) and institution (provide certainty for human interaction) are the vital important considerations for the transparent processes of a programme (Section 2-6-1).

However, the nature of problem for the low progress of the titling process is differing from country to country (Section 6-1) and mostly depends on the quality to which the governance issues are adopted in the processes. Whereas, the two frameworks (Process and Governance) are suitable to evaluate the governance issues in the similar situation in any country to find remedy or suitable solution in order to overcome that situation (Section 6-1).

7.3. Recommendations

There is no end for needs of researches and correspondent findings. Based on previous findings and conclusion/findings of this research, there are wide spreads of research streams have been emerged for future researches. At the same time, there are many improvements and re-designs need in the particular problem, project or programme to incorporate the findings of the research or study in suitable way. Therefore, these recommendations are divided into two paths for future study and need of improvements in the prescribed area or programme.

Accordingly, following important recommendations are helped to consider the future studies in similar or related study areas.

- In this research, we have considered two governance principles such as transparency and public participation. Whereas, other governance principles especially accountability, rule of law, effective & efficiency, sustainability etc. also might be influenced in the performance of the titling process.

- The frameworks can be further strengthened by accommodating wide coverage of elements and related indicators in the prescribed areas.

- As land titling is part of land administration and land administration is part of public administration, the NPM concept will be more practical applicability in the titling process to improve the efficiency and develop the sustainability in the future titling programme. Therefore, need more and deep study or research with investigation to find the suitability and applicability.

- Need in depth research to find the suitable combination of data collection methods for both spatial and non-spatial data, in order to make quick delivery of output with minimum necessary accuracy.

Also, the following improvements are recommended to incorporate in the land titling processes in order to boost the programme and increase the performance in sustainable way.

- Based on this research and previous findings, there is immediate need for the re-design of the titling process in order to accommodate governance issues especially simplified organisational process, quality institutional arrangements, staff motivation/education, effective publicity in all medias, predictable decision making and customer satisfaction. At the same time, it is recommended to consider the single agency system, speedy data collection methods for both spatial and non-spatial, quick delivery and implementation of e-services with national LIS during the re-design process of the titling programme.

- During the re-design, it is recommended to consider the level of spatial data to be presented in the CM especially property details to satisfy most of the stakeholders with suitable methods for continuously updating mechanism and affordable cost recovery procedure.

- The present situation of titling process in the governance perspectives (Appendix 10) is highlighting strengths, weaknesses, opportunities and threats are identified in the titling process. Therefore, it is recommended to consider the future titling processes to increase the strengths, take advantage of opportunities to overcome the weaknesses and find suitable solution with sustainable strategy formulation for threats.

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Appendix-1: Details of all Respondents

Response	Respondents	Designation	Organization	Gender
National Level (Represents for the whole Country)	Policy Level	Senior Assistant Secretary-Bim Saviya	Ministry of Land and Land Development	M
	Management Level (Coordinators)	Coordinator-Bim Saviya Deputy Surveyor General	Survey Department	M
		Coordinator-Bim Saviya Assistant Commissioner of Title Settlement	Land Settlement Department	M
		Coordinator-Bim Saviya Land Commissioner	Land Commissioner General Department	F
		Coordinator-Bim Saviya Deputy Registrar General	Registrar general Department	M
Local Level (Represent for the study area)	Supervisory Level (Local Heads)	Registrar of Title	Registrar general Department	F
		Superintendent of Surveys	Survey Department	M
		Assistant Commissioner of Title Settlement	Land Settlement Department	M
		Divisional Secretary	Divisional Secretariat	M
	Operational Level (Professionals)	Government Surveyor	Survey Department	M
		Government Surveyor	Survey Department	F
		Title Investigation Officer	Land Settlement Department	F
		Title Investigation Officer	Land Settlement Department	M
	Users Level (Local Government)	Technical Officer	Pradesiya Saba	F
	Beneficiary /User Level (Civil Society)	Grama Niladhari	Divisional Secretariat	F
	Users Level (Financial Organizations)	Loan Officer	Nations Trust Bank	M
		Credit Officer	L.B.Finance	F
	Involvement Level (External Actors)	Licensed Surveyor	Own Private Office	F
		Licensed Surveyor	Own Private Office	M
		Notary Public & Lawyer	Own Private Office	M
		Notary Public & Lawyer	Own Private Office	M
	Beneficiary Level (Citizen - Land Owners &Public)	Teacher	Secondary School	M
		Accounts Clerk	Private Organization	F
		-	-	F
		Managing Director	Private Vehicle Sales	M
		IT Officer	Private Computer Centre	M
		Technician	R.M.K.Garage	M
		Teacher	Kids Play School	F
		Business	Own Shop	M
		Farmer	Own Farm	M
		Home Maker (House Wife)	Home	F
		Lecturer	Technical college	M

Appendix-2: Questionnaires for five different levels

Evaluating Land Governance Issues in Land Titling programme in Sri Lanka
Questions for the Interview with Senior Assistant Secretary-Land Titling

The questions are for carryout a research on the above topic to fulfil the study requirement of MSc degree in Land Administration at University of Twente-Faculty (ITC). The information given will be treated with confidentiality and only use for particular study purpose. The assistance given by you, in this regard is highly appreciated.

Part-A: General information

Name: **Organisation:**

Work Place: **Role in Land Titling:**

Contact No: **E-Mail:**

Part-B: Institutional information

1. What are the other legislation acts or regulations, in addition to the RTA-1998 streamed-line the land titling programme?

2. Are the activities of key departments controlled by their own departmental regulations? Yes/No
   If yes, is it not affect the work flow of land titling programme? (No) 1-2-3-4-5(Yes)

3. Do you think, the RTA-1998 is well enough to carry out the land titling programme in satisfactory manner? (No) 1-2-3-4-5(Yes). If answer<5, need it any amendments or amendments already done?

4. Are there any political, professional bodies and/or trade unions resistant in performance of the land titling programme? (No) 1-2-3-4-5(Yes). If answer>1, what could be the reason?

5. Are there any external factors and/or actors influencing in negative way in land titling programme? (No) 1-2-3-4-5(Yes). If answer>1, could you please give details?

6. Is there compulsory for title registration in (RTA-1998) declared areas or any other circumstances?

7. Do you feel, that practicing both deed and title system in same area (except for transitional purpose) affect the performance of the land titling programme? (No)1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

8. Are the local governments and financial institutions accepting and /or using the title certificate as whole (i.e. Title and Cadastre Plan satisfy their entire expectations)? (No)1-2-3-4-5(Yes)
   If answer<5, what could be the possible reasons?
   Is there any contradiction between RTA-1998 and their regulations?

Part-C: Organisational information

9. What are the other departments involved in land titling programme, in addition to the main four departments?

10. How is the inter-departmental coordination for work process? Satisfactory/Some extent/poor
    If it is some extent or poor, what are the alternative actions to reduce this situation?

11. Do you think, it will be more efficient in work process; if key departments' functions are under one roof or as single agency? (No)1-2-3-4-5(Yes)

12. According to the land titling progress in 2011, only 2% of expected land parcels are registered. What are the possible reasons for this delay?

Part-D: Transparency information

13. What is the time duration to issue the title certificate for a land parcel?

14. Do you think, the work processes of land titling are efficient to meet the objectives with in certain period? (No) 1-2-3-4-5(Yes). If answer<5, what are the reasons and solutions?

15. Do you have enough political support, funds and resources to carry out the programme through out? (No)1-2-3-4-5(Yes)

16. How often the publicity regarding the land titling, conducting?

17. Is such publicity conducting in all levels such as national, regional, village and G.N. division?

18. In which medium/s use for conduct the publicity to the public (television, related webs, radio, newspapers, broachers, public notice/announcement, and public/group meetings)?

19. How all information about act, regulations, actors and procedures of land titling, available to the stakeholders (publicly & openly in office, web-based, on request, not available)?

20. Is there any facility to get all services regarding land titling at one place or office? Yes/No
    If no, do you think if arranged at one place leads more customer satisfaction? (No) 1-2-3-4-5(Yes)

21. How arranged structured client survey/complaint mechanism with regular monitoring procedures to view the performance in customers' awareness, knowledge, satisfaction and problems/complaints?

22. Are there any bribe, lack of professional ethics and/or any kind of corruption take part in any stages?

Part-E: Stakeholders Participation information

23. Who are the Stakeholders in land titling process?

24. What are the different steps of land titling process that need stakeholders' participation?

25. Are the officials/organisations keeping the production standards to satisfy the all customers need and encourage them for active participation for their benefits? (No)1-2-3-4-5(Yes)

26. How often awareness programmes to stakeholders are conducting to participate in all steps with well understanding about all processes, benefits and outcomes?

27. Which level/s (national/local) and method/s (medium/s) use to conduct awareness programme?

28. How all steps of land titling ensuring the user-orientation and active participation of stakeholders?

29. Are the present organisational setups, clearly defined tasks and responsibilities of each department to attract and encourage stakeholders for active participation in land titling? (No)1-2-3-4-5(Yes)

30. Were stakeholders' participation and views considered in the planning, designing and policy making stages of the land titling programme? (No)1-2-3-4-5(Yes)

31. Is there cost recovery process involved in first or substantial registration with defined fee schedules?

32. Any comments and/or suggestions?

Evaluating Land Governance Issues in Land Titling programme in Sri Lanka
Questions for the Interview with Coordinators (Represent the main Departments) -Land Titling

The questions are for carryout a research on the above topic to fulfil the study requirement of MSc degree in Land Administration at University of Twente-Faculty (ITC). The information given will be treated with confidentiality and only use for particular study purpose. The assistance given by you, in this regard is highly appreciated.

Part-A: General information

Name: **Designation:**

Work Place: **Organisation:**

Gender: **Role in Land Titling:**

Contact No: **E-Mail:**

Part-B: Institutional information

1. What are the other legislation acts and regulations in addition to RTA-1998, streamed-line your departmental work in land titling programme?

2. Do you think, the RTA-1998 is well enough to carry out the land titling programme in satisfactory manner? (No) 1-2-3-4-5(Yes). If answer<5, need it any amendments or amendments already done?

3. Are there any political, professional bodies and/or trade unions resistant in performance of the land titling programme? (No) 1-2-3-4-5(Yes). If answer>1, what could be the reason?

4. Are there any external factors and/or actors influencing in negative way in land titling programme? (No) 1-2-3-4-5(Yes). If answer>1, could you please give details?

5. Do you feel, that practicing both deed and title system in same area (except for transitional purpose) affect the performance of the land titling programme? (No)1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

6. Is there compulsory for title registration in (RTA-1998) declared areas or any other circumstances?

7. Do you think, the discrepancies in shape and/or extent of land parcels between cadastre map and deed affect the performance of the land titling programme? (No)1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

8. Are the local governments and financial institutions accepting and /or using the title certificate as whole (i.e. Title and Cadastre Plan satisfy their entire expectations)? (No)1-2-3-4-5(Yes)
   If answer<5, what could be the possible reasons?
   Is there any contradiction between RTA-1998 and their regulations?

Part-C: Organisational information

9. What are the steps and connected processes involved in land titling programme by your department?

10. How is the inter-departmental coordination for work process? Satisfactory/Some extent/poor
    If it is some extent or poor, what are the alternative actions to reduce this situation?

11. Do you think, it will be more efficient in work process; if key departments' functions are under one roof or as single agency? (No)1-2-3-4-5(Yes)

12. According to the land titling progress in 2011, only 2% of expected land parcels are registered.
    What are the possible reasons for this delay? (Can you provide the progress details of last 5 years with monthly norm details?)
13. How is the data inter-changeable mechanism between key departments? Satisfactory/Some extent/poor. If it is some extent or poor, what are the reasons?

Part-D: Transparency information

14. What is the time duration to complete your department work for a land parcel?

15. How you make understand and clear; about all activities, information and steps of your departmental work to the stakeholders?

16. How all information, procedures and changes of your departmental work process; available to stakeholders timely, truly and openly?

17. How all information about outcome, act, regulations, actors and procedures available to the stakeholders (publicly & openly in office, on request, web-based, not available)?

18. Are there any regular motivation and/or professional development programme for officials? (No) 1-2-3-4-5(Yes)

19. How arranged the structured client survey/complaint mechanism with regular monitoring procedures to view the performance in customers' awareness, knowledge, satisfaction and problems/complaints?

20. Are there any bribe, lack of professional ethics and/or any kind of corruption take part in any stages? (No) 1-2-3-4-5 (Yes)

Part-E: Stakeholders Participation information

21. Who are the Stakeholders in land titling process?

22. What is the main need/purpose for stakeholders' participation in your departmental work?

23. What are the various steps of your departmental work that need stakeholders' participation?

24. Is the officials/organisation keeping the production standards to satisfy the all customers need and encourage them for active participation for their benefits? (No)1-2-3-4-5(Yes)

25. How often make awareness programme to stakeholders about all processes, benefits and outcomes?

26. Which level/s (national/local) and method/s (medium/s) use to conduct awareness programme?

27. How all steps of land titling ensuring the user-orientation and active participation of stakeholders?

28. Are your subordinates respecting the stakeholders and show interest in quick action for their problems? (No)1-2-3-4-5(Yes)

29. Are there any discrimination in providing services by officers, regarding the; status, education, language, ethnic, religion and relationship of stakeholders? (No)1-2-3-4-5(Yes)

30. Any comments and/or suggestions?

Evaluating Land Governance Issues in Land Titling programme in Sri Lanka
Questions for the Interview with Divisional Heads and Professionals-Land Titling

The questions are for carryout a research on the above topic to fulfil the study requirement of MSc degree in Land Administration at University of Twente-Faculty (ITC). The information given will be treated with confidentiality and only use for particular study purpose. The assistance given by you, in this regard is highly appreciated.

Part-A: General information

Name: **Designation:**
Work Place: **Organisation:**
Gender: **Role in Land Titling:**
Contact No: **E-Mail:**

Part-B: Institutional information

1. Do you think, the RTA-1998 is well enough to carry out the land titling programme in satisfactory manner? (No) 1-2-3-4-5(Yes). If answer<5, need it any amendments or amendments already done?

2. Are there any political, professional bodies and/or trade unions resistant in performance of the land titling programme? (No) 1-2-3-4-5(Yes). If answer>1, what could be the reason?

3. Are there any external factors and/or actors influencing in negative way in land titling programme? (No) 1-2-3-4-5(Yes). If answer>1, could you please give details?

4. Do you feel, that practicing both deed and title system in same area (except for transitional purpose) affect the performance of the land titling programme? (No)1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

5. Do you think, the discrepancies in shape and/or extent of land parcels between cadastre map and deed affect the performance of the land titling programme? (No)1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

6. Are the local governments and financial institutions accepting and /or using the title certificate as whole (i.e. Title and Cadastre Plan satisfy their entire expectations)? (No)1-2-3-4-5(Yes)
   If answer<5, what could be the possible reasons?
   Is there any contradiction between RTA-1998 and their regulations?

7. Are there any tenure patterns and/or connected deficiencies in RTA-1998 or in your departmental regulation, affect your work process? (No) 1-2-3-4-5(Yes).
   If answer>1, what is that?

Part-C: Organisational information

8. How is the inter-departmental coordination for work process? Satisfactory/Some extent/poor
   If it is some extent or poor, what are the alternative actions to reduce this situation?

9. Do you think, it will be more efficient in work process; if key departments' functions are under one roof or as single agency? (No)1-2-3-4-5(Yes)

10. According to the land titling progress in 2011, only 2% of expected land parcels are registered.
    What are the possible reasons for this delay? (Can you provide the progress details of last 5 years with monthly norm details?)

11. How is the data inter-changeable mechanism between key departments? Satisfactory/Some extent/poor. If it is some extent or poor, what are the reasons?

12. What are the data collecting by you/your departments in field?

13. Are you/your office handled with subsequence work (after first registration)? (No)1-2-3-4-5(Yes)
    If answer<5, who are others handle that works? Is there any clear fees schedule for that works?

Part-D: Transparency information

14. What is the time duration to complete your work for a land parcel?

15. How all activities and steps of your department process; available to see and clearly understand by the stakeholders?

16. How you make available; about all procedures and changes in regulations; to the stakeholders very quickly and correctly?

17. How all information about outcome, act, regulations, actors and procedures available to the stakeholders (publicly & openly in office, on request, web-based, not available)?

18. Are there standard forms available for service request by stakeholders in offices?
    (No) 1-2-3-4-5 (Yes)

19. Is the office separated for customer interface and internal work process? Yes/No

20. Are there clear steps and public notice about procedures available to direct and make clear the public? (No) 1-2-3-4-5 (Yes)

21. How arranged the structured client survey/complaint mechanism with regular monitoring procedures to view the performance in customers' awareness, knowledge, satisfaction and problems/complaints?

22. Can customers solve their problems at once in your office without visiting multiple times and multiple offices? (No) 1-2-3-4-5 (Yes). If answer<5, what could be the possible reasons?

23. Are you receive any problematic cases or dis satisfaction of stakeholders, after completing the work? (No) 1-2-3-4-5 (Yes). If answer>1, what could be the reasons?
    How many cases receive per month and how long take it to complete?

24. Are there any bribe, lack of professional ethics and/or any kind of corruption take part in any stages? (No) 1-2-3-4-5 (Yes)

Part-E: Stakeholders Participation information

25. Who are the Stakeholders in land titling process?

26. What is the main need/purpose for stakeholders' participation in your departmental work?

27. What are the various steps of your departmental work that need stakeholders' participation?

28. How often make awareness programme to stakeholders about all processes, benefits and outcomes?

29. Which level/s (national/local) and method/s (medium/s) use to conduct awareness programme?

30. How all steps of land titling ensuring the user-orientation and active participation of stakeholders?

31. Are you showing quick action and rapid response for stakeholders' problems? (No)1-2-3-4-5(Yes)

32. Are stakeholders given convenient and enough time to know the processes and then participate? (No)1-2-3-4-5(Yes)

33. Are there any discrimination in providing services by officers, regarding the; status, education, language, ethnic, religion and relationship of stakeholders? (No)1-2-3-4-5(Yes)

34. Any comments and/or suggestions?

THANK YOU

Evaluating Land Governance Issues in Land Titling programme in Sri Lanka
Questions for the Interview with External Actors, Civil Society and Citizen-Land Titling

The questions are for carryout a research on the above topic to fulfil the study requirement of MSc degree in Land Administration at University of Twente-Faculty (ITC). The information given will be treated with confidentiality and only use for particular study purpose. The assistance given by you, in this regard is highly appreciated.

Part-A: General information

Name: **Designation:**

Work Place: **Organisation:**

Gender: **Role/Benefit in Land Titling:**

Contact No: **E-Mail:**

Part-B: Institutional information

1. Do you feel, that practicing both deed and title system in same area (except for transitional purpose) make complicated? (No) 1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

2. Do you think, the discrepancies in shape and/or extent of land parcels between cadastre map and deed affect the performance of the land titling programme? (No)1-2-3-4-5(Yes)
   If answer>1, what could be the possible solution?

3. Are the local governments and financial institutions accepting and /or using the title certificate as whole (i.e. Title and Cadastre Plan satisfy their entire expectations)? (No)1-2-3-4-5(Yes)
   If answer<5, what could be the possible reasons?
   Is there any contradiction between RTA-1998 and their regulations?

4. Do you feel any amendments or changes need in RTA-1998? (No) 1-2-3-4-5(Yes)
   If answer>1, what type of changes?

5. Do you satisfy with the process and outcome (Title certificate) of the land titling programme?
   (No) 1-2-3-4-5(Yes) If answer<5, what could be the reasons?

Part-C: Organisational information

6. How is the inter-departmental coordination for work process in land titling programme? Satisfactory/Some extent/poor. If it is some extent or poor, what is the reason?

7. Do you think, it will be more efficient in work process; if key departments' functions are under one roof or as single agency? (No)1-2-3-4-5(Yes)

8. How is the data inter-changeable mechanism between key departments? Satisfactory/Some extent/poor. If it is some extent or poor, what are the reasons?

9. According to the land titling progress in 2011, only 2% of expected land parcels are registered.
   What are the possible reasons for this delay?

10. Are you satisfied with the present organisational setup of the land titling offices?
    (No) 1-2-3-4-5(Yes) If answer<5, what are the reasons?

Part-D: Transparency information

11. Can you easily get any data or information that you need from land titling offices?
    (No) 1-2-3-4-5(Yes) If answer<5, what is the reason?

12. Are you receiving information about changes or procedures very quickly and correctly?
(No) 1-2-3-4-5(Yes)

13. Are the process, information and outcome of land titling are visible and open to you?
(No) 1-2-3-4-5(Yes). If answer<5, what could be the reason?

14. Do you feel enough publicity is lounging about land titling in all levels such as national and local? (No) 1-2-3-4-5(Yes)

15. Are you satisfied with the delivery time (duration to issue the title certificate) for a land parcel?
(No) 1-2-3-4-5(Yes). If answer<5, please specify reasons?

16. Are all information about act, regulations, actors and procedures available to you?
(Publicly & openly in office, on request, web-based, not available)

17. Can you get services at once in titling office without visiting/contacting multiple times and multiple offices? (No)1-2-3-4-5(Yes)

18. Are you felt any bribe, lack of professional ethics and/or any kind of corruption take part in any stages?
(No) 1-2-3-4-5 (Yes)

19. Are all activities and steps of land titling process; available to see and clearly understand by you?
(No) 1-2-3-4-5 (Yes). If answer<5, what is the reason?

20. Are there standard forms available for service request by you in titling offices?
(No) 1-2-3-4-5 (Yes)

21. Are there clear steps and public notice about procedures available to direct and make clear to you in land titling offices? (No) 1-2-3-4-5 (Yes)

22. Do you think, if the office separated for customer interface from internal work process would be more efficient and easy for customers? (No) 1-2-3-4-5 (Yes)

23. Are there suggestion/complaint boxes with regular monitoring procedures and quick actions on that? (No) 1-2-3-4-5 (Yes)

24. Do titling offices arranged structured client survey/feedback mechanism with regular monitoring procedures to view the performance in customers' awareness, knowledge, satisfaction and problems?

25. Can you solve your problems at once in an office without visiting multiple times and multiple offices? (No) 1-2-3-4-5 (Yes). If answer<5, what could be the possible reasons?

26. Are you felt any problems or dis satisfaction on work, after completing by officials?
(No) 1-2-3-4-5 (Yes). If answer>1, what is the reason?

27. Are officials showing interest and response to fulfil your needs? (No) 1-2-3-4-5 (Yes)

Part-E: Stakeholders Participation information

28. What is the main purpose and steps for your participation in land titling process?

29. Are you satisfied with the awareness conducted to make publicity about all processes, benefits and outcomes of the land titling? (No) 1-2-3-4-5 (Yes). If answer<5, what could be the reasons?

30. Which way/s you receive the awareness about land titling (television, related webs, radio, newspapers, broachers, public notice/announcement, and meetings)?

31. Are you actively participated in the land titling process? (No) 1-2-3-4-5 (Yes).
If answer<5, what could be the reasons?

32. Are you getting immediate or quick response from titling offices for your need?
(No) 1-2-3-4-5 (Yes). If answer<5, what could be the reason?

33. Are you given convenient and enough time to know the processes and then participate?
(No) 1-2-3-4-5 (Yes)

34. How you deal subsequent works (not for first registration)? Is it convenient and affordable?
(No) 1-2-3-4-5 (Yes). If answer<5, what is the reason and how long it will take to complete?

35. Is the opening and closing times of titling offices properly shown and maintaining it? Yes/No

36. Are there any discrimination in providing services by officers, regarding the; status, education, language, ethnic, religion and relationship? (No) 1-2-3-4-5 (Yes)

37. Any comments and/or suggestions?

Evaluating Land Governance Issues in Land Titling programme in Sri Lanka
Questions for the Interview with Local Government and Financial Institution-Land Titling

The questions are for carryout a research on the above topic to fulfil the study requirement of MSc degree in Land Administration at University of Twente-Faculty (ITC). The information given will be treated with confidentiality and only use for particular study purpose. The assistance given by you, in this regard is highly appreciated.

Part-A: General information

Name: **Designation:**

Work Place: **Organisation:**

Gender: **Role/Benefit in Land Titling:**

Contact No: **E-Mail:**

Part-B: Institutional information

1. What are the benefits your organisation receives from land titling?

2. Do you feel, that practicing both deed and title system in same area (except for transitional purpose) make complicated? (No) 1-2-3-4-5(Yes)
If answer>1, what could be the possible solution?

3. Do you satisfy with the process and outcome (Title certificate) of the land titling programme?
(No) 1-2-3-4-5(Yes) If answer<5, what could be the reasons?

4. Are you accepting and /or using the title certificate as whole (i.e. Title and Cadastre Plan satisfy your entire expectations)? (No) 1-2-3-4-5(Yes). If answer<5, what could be the possible reasons?
Is there any contradiction between RTA-1998 and their regulations?

5. Do you feel any amendments or changes need in RTA-1998? (No) 1-2-3-4-5(Yes)
If answer>1, what type of changes?

Part-C: Organisational information

6. How is the inter-departmental coordination for work process in land titling programme? Satisfactory/Some extent/poor. If it is some extent or poor, what is the reason?

7. Do you think, it will be more efficient in work process; if key departments' functions are under one roof or as single agency? (No)1-2-3-4-5(Yes)

8. Are you/your organisation highly participated and /or coordinate in any way, on land titling process? (No) 1-2-3-4-5(Yes). If answer<5, what could be the possible reasons?

9. Can you easily get any data or information that you need from land titling offices?
(No) 1-2-3-4-5(Yes) If answer<5, what is the reason?

Part-D: Transparency information

10. Are you using or need to use any data or information from land titling offices?
(No) 1-2-3-4-5(Yes) If answer>1, How is the data quality? Is it satisfying your requirements?

11. Are the process, information and outcome of land titling are visible and open to you?
(No) 1-2-3-4-5(Yes). If answer<5, what could be the reason?

12. Are you receiving information about changes or procedures very quickly and correctly?
(No) 1-2-3-4-5(Yes)

13. Do you feel enough publicity is lounging about land titling in all levels such as national and local? (No) 1-2-3-4-5(Yes)

14. Are all information about act, regulations, actors and procedures of titling process available to you? (publicly & openly in office, on request, web-based, not available)

15. Can you get services at once in titling office without visiting/contacting multiple times and multiple offices? (No)1-2-3-4-5(Yes)

16. Are you felt any bribe, lack of professional ethics and/or any kind of corruption take part in any stages? (No) 1-2-3-4-5 (Yes)

Part-E: Stakeholders Participation information

17. Are you satisfied with the awareness conducted to make publicity about all processes, benefits and outcomes of the land titling? (No) 1-2-3-4-5 (Yes). If answer<5, what could be the reasons?

18. Which way/s you receive the awareness about land titling (television, related webs, radio, newspapers, broachers, public notice/announcement, and meetings)?

19. Are you getting immediate or quick response from titling offices for your need?
(No) 1-2-3-4-5 (Yes). If answer<5, what could be the reason?

20. Are you given convenient and enough time to know the processes and then participate?
(No) 1-2-3-4-5 (Yes)

21. Are there any discrimination in providing services by officers, regarding the; status, education, language, ethnic, religion and relationship? (No) 1-2-3-4-5 (Yes)

22. Any comments and/or suggestions?

Appendix-3: Overall Summary of the Results for closed questions

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	1	0	8	8	15
2	Discrepancy in shape & extent affect progress	0	0	3	1	24
3	Financial organizations & local government using the title certificate as whole	9	11	8	4	0
4	Need changes in RTA-1998	0	0	6	0	13
5	Satisfaction of outcome (Title certificate)	3	0	13	0	3
6	Single agency/under one roof make efficient	0	1	2	1	28
7	Satisfaction with present organizational setup	15	1	0	0	0
8	Can easily get information from titling offices	3	2	10	1	2
9	Receiving information regarding changes/procedures quickly & correctly	23	1	1	1	0
10	Process & information are visible & open	6	4	10	0	2
11	Enough publicity in all levels	15	2	1	0	1
12	Satisfy with delivery time	10	2	4	0	0
13	Can get services at a place at a time	14	9	9	0	0
14	Any bribe, corruption or lack of ethics	10	8	10	1	3
15	All steps & process clearly see & understand	11	6	3	0	0
16	Standards forms for service request	0	0	7	11	5
17	Clear direction & public notices in offices	7	8	6	3	0
18	Customer interface separated from internal process is more easy & efficient to customers	1	0	6	0	9
19	Suggestion, complain boxes, regular monitor	6	5	5	0	0
20	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	27	0	0	0	2
21	Any problem/dissatisfaction after completion	4	0	7	4	9
22	Officers showing interest & response for need	5	2	10	6	2
23	Satisfied with the awareness about benefits	11	1	8	0	0
24	Actively participated in titling process	1	0	9	2	7
25	Getting immediate & quick response for need	4	0	16	0	1
26	Given enough & convenience time to know the process well and then participated	6	1	16	2	2
27	Subsequent works convenience & affordable	3	1	5	0	1
28	Opening/closing times properly shown/follow	15	0	0	0	1
29	Any discrimination in providing services	26	0	4	0	0
30	Any political, professional/trade union resist	0	3	3	6	1
31	External factors/actors influencing negatively	0	1	5	6	0
32	Efficient to meet the goal within certain time	1	0	0	0	0
33	Political support, resources &funds for project	0	0	0	0	1
34	Offices keep production standard	2	2	0	1	0
35	Present setup clearly defined the tasks & responsibility of each departments	0	1	0	0	0
36	Local Government use any data/information from titling	1	0	0	0	0
37	RTA-1998 is enough to do titling satisfactory	6	5	1	0	1
38	Compulsory for title registration	5	0	0	0	0
39	Regular motivation, training/CPDP for officer	2	1	0	0	1
40	All steps ensure user orientation& active	10	0	1	0	0
41	Any tenure patterns/regulation affect progress	2	0	1	1	4
42	Subsequent work with proper fee mechanism	4	2	2	0	1
43	Separate customer interface in office	7	0	0	0	1

S/No	Question	Satisfactory	Some Extent	Poor
44	Inter departmental coordination	0	19	13
45	Data inter changeable mechanism	1	16	11

S/No	Question	Publicly & Openly in Office	On Request	Web Based	Not Available
46	All information about act, regulation, actors & procedure available	1	22	9	10

S/No	Question	TV	Web	Radio	News Paper	Broacher	Public Notice	Publicly Announce	Meeting
47	Medium receive awareness	0	1	0	0	12	0	0	19

Answer Range:

(1) No
(2) Less than some extent
(3) Some extent
(4) More than some extent
(5) Yes

Appendix-4: Results of closed questions for different levels

(A) Policy level-Senior Assistant Secretary (1 Respondent)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	0	1	0
2	Discrepancy in shape & extent affect progress	0	0	0	1	0
3	Financial organizations & local government using the title certificate as whole	0	0	0	1	0
4	Need changes in RTA-1998	0	0	0	0	1
5	Single agency/under one roof make efficient	0	0	0	0	1
6	Satisfaction with present organizational setup	0	1	0	0	0
7	Enough publicity in all levels	0	1	0	0	0
8	Can get services at a place at a time	1	0	0	0	0
9	Any bribe, corruption or lack of ethics	0	1	0	0	0
10	Customer interface separated from internal process is more easy & efficient to customers	0	0	0	0	1
11	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	1	0	0	0	0
12	Any political, professional/trade union resist	0	0	0	1	0
13	External factors/actors influencing negatively	0	0	0	1	0
14	Efficient to meet the goal within certain time	1	0	0	0	0
15	Political support, resources &funds for project	0	0	0	0	1
16	Offices keep production standard	0	1	0	0	0
17	Present setup clearly defined the tasks & responsibility of each departments	0	1	0	0	0
18	RTA-1998 is enough to do titling satisfactory	0	1	0	0	0
19	Compulsory for title registration	1	0	0	0	0
20	All steps ensure user orientation& active	0	0	1	0	0
21	Subsequent work with proper fee mechanism	1	0	0	0	0

S/No	**Question**	**Satisfactory**	**Some Extent**	**Poor**
22	Inter departmental coordination	0	0	1

S/No	**Question**	**Publicly & Openly in Office**	**On Request**	**Web Based**	**Not Available**
23	All information about act, regulation, actors & procedure available	0	1	0	0

S/No	**Question**	**TV**	**Web**	**Radio**	**News Paper**	**Broacher**	**Public Notice**	**Publicly Announce**	**Meeting**
24	Medium receive awareness	0	1	0	0	1	0	0	1

(B) User level-Financial organization (2 Respondents)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	1	0	1
2	Financial organizations & local government using the title certificate as whole	0	0	2	0	0
3	Need changes in RTA-1998	0	0	2	0	0
4	Satisfaction of outcome (Title certificate)	0	0	2	0	0
5	Single agency/under one roof make efficient	0	0	0	0	2
6	Can easily get information from titling offices	0	0	1	0	1
7	Receiving information regarding changes/procedures quickly & correctly	2	0	0	0	0
8	Process & information are visible & open	0	0	2	0	0
9	Enough publicity in all levels	2	0	0	0	0
10	Can get services at a place at a time	0	0	2	0	0
11	Any bribe, corruption or lack of ethics	0	0	2	0	0
12	Satisfied with the awareness about benefits	0	0	2	0	0
13	Actively participated in titling process	0	0	1	0	1
14	Getting immediate & quick response for need	0	0	2	0	0
15	Given enough & convenience time to know the process well and then participated	0	0	1	0	1
16	Any discrimination in providing services	2	0	0	0	0
17	Financial organization/Local Government use any data/information from titling	0	0	2	0	0

S/No	**Question**	**Satisfactory**	**Some Extent**	**Poor**
18	Inter departmental coordination	0	1	1

S/No	**Question**	**Publicly & Openly in Office**	**On Request**	**Web Based**	**Not Available**
19	All information about act, regulation, actors & procedure available	0	1	0	1

S/No	**Question**	**TV**	**Web**	**Radio**	**News Paper**	**Broacher**	**Public Notice**	**Publicly Announce**	**Meeting**
20	Medium receive awareness	0	0	0	0	2	0	0	1

(C) User level-Local Government (1 Respondent)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	1	0	0	0	0
2	Financial organizations & local government using the title certificate as whole	1	0	0	0	0
3	Need changes in RTA-1998	0	0	0	0	1
4	Satisfaction of outcome (Title certificate)	1	0	0	0	0
5	Single agency/under one roof make efficient	0	0	0	0	1
6	Can easily get information from titling offices	1	0	0	0	0
7	Receiving information regarding changes/procedures quickly & correctly	1	0	0	0	0
8	Process & information are visible & open	1	0	0	0	0
9	Enough publicity in all levels	1	0	0	0	0
10	Can get services at a place at a time	1	0	0	0	0
11	Any bribe, corruption or lack of ethics	1	0	0	0	0
12	Satisfied with the awareness about benefits	1	0	0	0	0
13	Actively participated in titling process	0	0	1	0	0
14	Getting immediate & quick response for need	1	0	0	0	0
15	Given enough & convenience time to know the process well and then participated	0	0	1	0	0
16	Any discrimination in providing services	1	0	0	0	0
17	Financial organization/Local Government use any data/information from titling	1	0	0	0	0

S/No	**Question**	**Satisfactory**	**Some Extent**	**Poor**
18	Inter departmental coordination	0	1	0

S/No	**Question**	**Publicly & Openly in Office**	**On Request**	**Web Based**	**Not Available**
19	All information about act, regulation, actors & procedure available	0	1	0	0

S/No	**Question**	**TV**	**Web**	**Radio**	**News Paper**	**Broacher**	**Public Notice**	**Publicly Announce**	**Meeting**
20	Medium receive awareness	0	0	0	0	1	0	0	1

(D) Management level-Coordinators (4 Respondents)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	1	3	0
2	Discrepancy in shape & extent affect progress	0	0	0	0	4
3	Financial organizations & local government using the title certificate as whole	0	0	1	3	0
4	Need changes in RTA-1998	0	0	0	0	4
5	Single agency/under one roof make efficient	0	1	0	0	3
6	Receiving information regarding changes/procedures quickly & correctly	2	0	2	0	0
7	Any bribe, corruption or lack of ethics	1	2	1	0	0
8	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	4	0	0	0	0
9	Officers showing interest & response for need	0	0	1	2	1
10	Any discrimination in providing services	4	0	0	0	0
11	Any political, professional/trade union resist	0	1	0	2	1
12	External factors/actors influencing negatively	0	0	2	2	0
13	Offices keep production standard	2	1	0	1	0
14	RTA-1998 is enough to do titling satisfactory	1	2	1	0	0
15	Compulsory for title registration	4	0	0	0	0
16	Regular motivation, training/CPDP for officer	2	1	0	0	1
17	All steps ensure user orientation& active	3	0	1	0	0

S/No	Question	Satisfactory	Some Extent	Poor
18	Inter departmental coordination	0	4	0
19	Data inter changeable mechanism	1	2	1

S/No	**Question**	**Publicly & Openly in Office**	**On Request**	**Web Based**	**Not Available**
20	All information about act, regulation, actors & procedure available	1	4	2	0

S/No	**Question**	**TV**	**Web**	**Radio**	**News Paper**	**Broacher**	**Public Notice**	**Publicly Announce**	**Meeting**
21	Medium receive awareness	1	1	1	1	3	0	0	4

(E) Supervisory level-Local Heads (4 Respondents)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	1	1	2
2	Discrepancy in shape & extent affect progress	0	0	0	0	4
3	Financial organizations & local government using the title certificate as whole	1	3	0	0	0
4	Need changes in RTA-1998	0	0	1	0	3
5	Single agency/under one roof make efficient	0	0	0	1	3
6	Receiving information regarding changes/procedures quickly & correctly by users	3	0	1	0	0
7	Can get services at a place at a time	2	2	0	0	0
8	Any bribe, corruption or lack of ethics	2	2	0	0	0
9	Standards forms for service request	0	0	1	1	2
10	Clear direction & public notices in offices	1	1	0	2	0
11	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	3	0	0	0	1
12	Any problem/dissatisfaction after completion	0	0	1	1	2
13	Officers showing interest & response for need	0	0	1	2	1
14	Given enough & convenience time to know the process well and then participated	0	1	3	0	0
15	Any discrimination in providing services	4	0	0	0	0
16	Any political, professional/trade union resist	0	2	1	1	0
17	External factors/actors influencing negatively	0	1	2	1	0
18	RTA-1998 is enough to do titling satisfactory	2	2	0	0	0
19	All steps ensure user orientation& active	4	0	0	0	0
20	Any tenure patterns/regulation affect progress	0	0	1	1	2
21	Subsequent work attend by your department	2	1	0	0	1
22	Separate customer interface in office	3	0	0	0	1

S/No	Question	Satisfactory	Some Extent	Poor
23	Inter departmental coordination	0	4	0
24	Data inter changeable mechanism	0	4	0

S/No	**Question**	**Publicly & Openly in Office**	**On Request**	**Web Based**	**Not Available**
25	All information about act, regulation, actors & procedure available	0	4	1	0

S/No	**Question**	**TV**	**Web**	**Radio**	**News Paper**	**Broacher**	**Public Notice**	**Publicly Announce**	**Meeting**
26	Medium receive awareness	0	1	0	0	0	0	0	4

(F) Operational level-Professionals (4 Respondents)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	0	0	4
2	Discrepancy in shape & extent affect progress	0	0	0	0	4
3	Financial organizations & local government using the title certificate as whole	2	2	0	0	0
4	Need changes in RTA-1998	1	0	0	0	3
5	Single agency/under one roof make efficient	0	0	0	0	4
6	Receiving information regarding changes/procedures quickly & correctly by users	4	0	0	0	0
7	Can get services at a place at a time	2	1	1	0	0
8	Any bribe, corruption or lack of ethics	2	1	1	0	0
9	Standards forms for service request	0	0	0	3	1
10	Clear direction & public notices in offices	1	3	0	0	0
11	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	4	0	0	0	0
12	Any problem/dissatisfaction after completion	0	0	1	0	3
13	Officers showing interest & response for need	0	0	3	0	1
14	Given enough & convenience time to know the process well and then participated	1	0	3	0	0
15	Any discrimination in providing services	4	0	0	0	0
16	Any political, professional/trade union resist	0	0	2	2	0
17	External factors/actors influencing negatively	0	0	1	3	0
18	RTA-1998 is enough to do titling satisfactory	3	0	0	0	1
19	All steps ensure user orientation& active	4	0	0	0	0
20	Any tenure patterns/regulation affect progress	1	0	0	0	3
21	Subsequent work attend by your department	2	1	1	0	0
22	Separate customer interface in office	4	0	0	0	0

S/No	Question	Satisfactory	Some Extent	Poor
23	Inter departmental coordination	0	1	3
24	Data inter changeable mechanism	0	2	2

S/No	Question	Publicly & Openly in Office	On Request	Web Based	Not Available
25	All information about act, regulation, actors & procedure available	0	3	1	1

S/No	Question	TV	Web	Radio	News Paper	Broacher	Public Notice	Publicly Announce	Meeting
26	Medium receive awareness	0	0	0	1	0	0	0	3

(G) Involvement level-external Actors (Lawyers & Private Surveyors) (4 Respondents)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	1	2	1
2	Discrepancy in shape & extent affect progress	0	0	1	0	3
3	Financial organizations & local government using the title certificate as whole	0	3	1	0	0
4	Need changes in RTA-1998	0	0	1	0	3
5	Satisfaction of outcome (Title certificate)	0	0	4	0	0
6	Single agency/under one roof make efficient	0	0	0	0	4
7	Satisfaction with present organizational setup	3	1	0	0	0
8	Can easily get information from titling offices	0	1	3	0	0
9	Receiving information regarding changes/procedures quickly & correctly	2	1	0	1	0
10	Process & information are visible & open	0	2	2	0	0
11	Enough publicity in all levels	2	1	1	0	0
12	Satisfy with delivery time	3	1	0	0	0
13	Can get services at a place at a time	0	3	1	0	0
14	Any bribe, corruption or lack of ethics	0	1	2	1	0
15	All steps & process clearly see & understand	1	2	1	0	0
16	Standards forms for service request	0	0	1	3	0
17	Clear direction & public notices in offices	0	1	3	0	0
18	Customer interface separated from internal process is more easy & efficient to customers	0	0	0	0	4
19	Suggestion, complain boxes, regular monitor	0	3	1	0	0
20	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	4	0	0	0	0
21	Any problem/dissatisfaction after completion	0	0	1	2	1
22	Officers showing interest & response for need	0	1	1	2	0
23	Satisfied with the awareness about benefits	2	1	1	0	0
24	Actively participated in titling process	0	0	0	2	2
25	Getting immediate & quick response for need	0	1	3	0	0
26	Given enough & convenience time to know the process well and then participated	0	0	1	2	1
27	Subsequent works convenience & affordable	0	0	3	0	1
28	Opening/closing times properly shown/follow	4	0	0	0	0
29	Any discrimination in providing services	4	0	0	0	0

S/No	Question	Satisfactory	Some Extent	Poor
30	Inter departmental coordination	0	1	3
31	Data inter changeable mechanism	0	2	2

S/No	Question	Publicly & Openly in Office	On Request	Web Based	Not Available
32	All information about act, regulation, actors & procedure available	0	4	2	0

S/No	Question	TV	Web	Radio	News Paper	Broacher	Public Notice	Publicly Announce	Meeting
33	Medium receive awareness	0	0	0	0	4	0	0	4

(H) Beneficiary level-Civil Society (1 Respondent)

S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	0	0	1
2	Discrepancy in shape & extent affect progress	0	0	0	0	1
3	Financial organizations & local government using the title certificate as whole	0	1	0	0	0
4	Need changes in RTA-1998	0	0	0	0	1
5	Satisfaction of outcome (Title certificate)	0	0	1	0	0
6	Single agency/under one roof make efficient	0	0	0	0	1
7	Satisfaction with present organizational setup	1	0	0	0	0
8	Can easily get information from titling offices	0	0	0	1	0
9	Receiving information regarding changes/procedures quickly & correctly	1	0	0	0	0
10	Process & information are visible & open	0	1	0	0	0
11	Enough publicity in all levels	0	1	0	0	0
12	Satisfy with delivery time	1	0	0	0	0
13	Can get services at a place at a time	1	0	0	0	0
14	Any bribe, corruption or lack of ethics	0	0	1	0	0
15	All steps & process clearly see & understand	0	1	0	0	0
16	Standards forms for service request	0	0	0	1	0
17	Clear direction & public notices in offices	1	0	0	0	0
18	Customer interface separated from internal process is more easy & efficient to customers	0	0	0	0	1
19	Suggestion, complain boxes, regular monitor	1	0	0	0	0
20	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	1	0	0	0	0
21	Any problem/dissatisfaction after completion	0	0	0	0	1
22	Officers showing interest & response for need	1	0	0	0	0
23	Satisfied with the awareness about benefits	1	0	0	0	0
24	Actively participated in titling process	0	0	1	0	0
25	Getting immediate & quick response for need	0	0	1	0	0
26	Given enough & convenience time to know the process well and then participated	0	0	1	0	0
27	Subsequent works convenience & affordable	0	0	1	0	0
28	Opening/closing times properly shown/follow	1	0	0	0	0
29	Any discrimination in providing services	1	0	0	0	0

S/No	Question	Satisfactory	Some Extent	Poor
30	Inter departmental coordination	0	1	0
31	Data inter changeable mechanism	0	0	1

S/No	Question	Publicly & Openly in Office	On Request	Web Based	Not Available
32	All information about act, regulation, actors & procedure available	0	1	0	0

S/No	Question	TV	Web	Radio	News Paper	Broacher	Public Notice	Publicly Announce	Meeting
33	Medium receive awareness	0	0	0	0	1	0	0	1

(I) Beneficiary level-Citizen (11 Respondents)

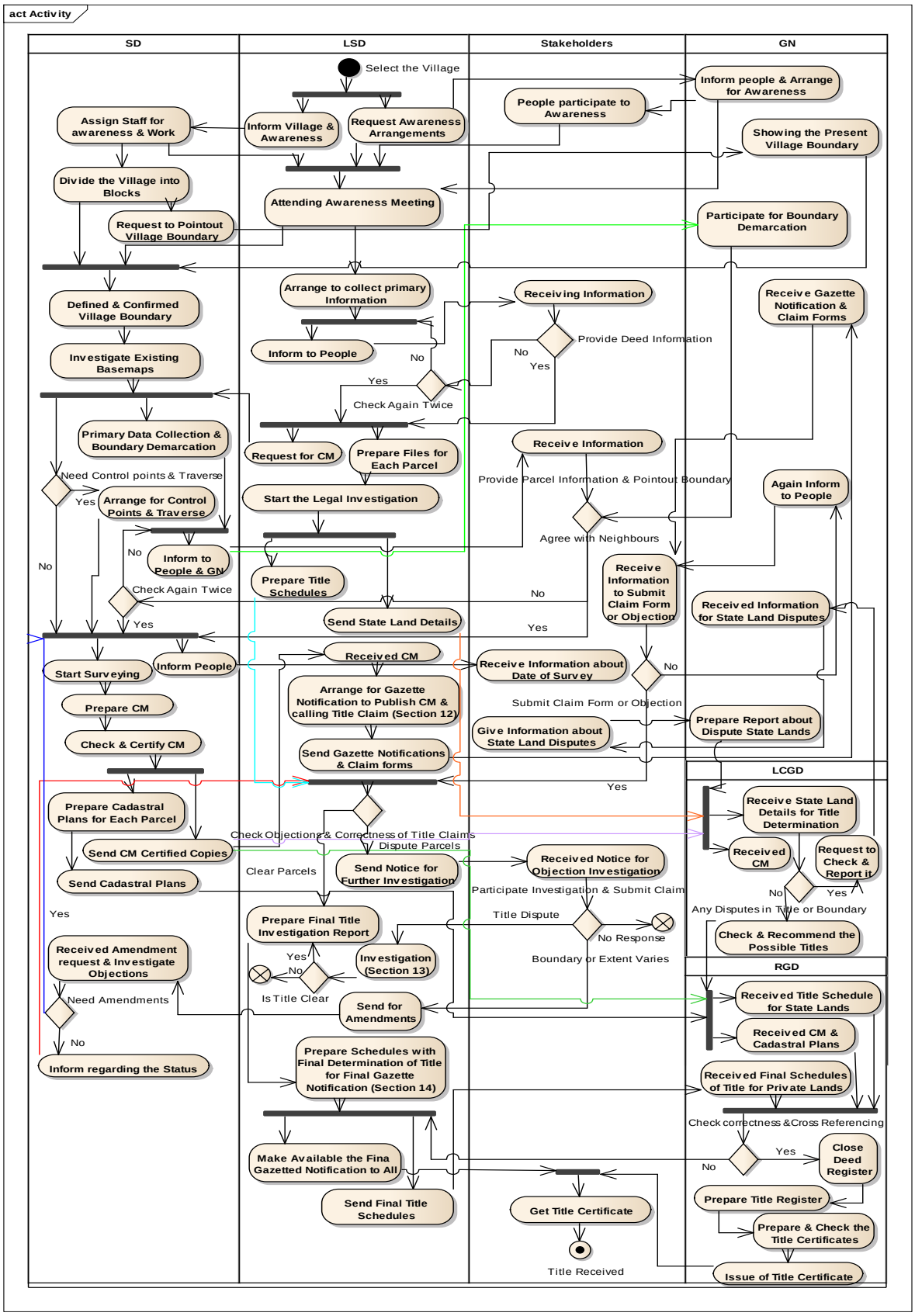
S/No	*Question*	*1 (NO)*	*2*	*3*	*4*	*5(YES)*
1	Practicing both deed & title is complicated	0	0	4	0	7
2	Discrepancy in shape & extent affect progress	0	0	2	1	8
3	Financial organizations & local government using the title certificate as whole	5	2	4	0	0
4	Need changes in RTA-1998	0	0	3	0	8
5	Satisfaction of outcome (Title certificate)	2	0	6	0	3
6	Single agency/under one roof make efficient	0	0	2	0	9
7	Satisfaction with present organizational setup	11	0	0	0	0
8	Can easily get information from titling offices	3	1	6	0	1
9	Receiving information regarding changes/procedures quickly & correctly	10	0	1	0	0
10	Process & information are visible & open	3	1	6	0	1
11	Enough publicity in all levels	10	0	0	0	1
12	Satisfy with delivery time	6	1	4	0	0
13	Can get services at a place at a time	7	0	4	0	0
14	Any bribe, corruption or lack of ethics	3	2	3	0	3
15	All steps & process clearly see & understand	6	3	2	0	0
16	Standards forms for service request	0	0	6	3	2
17	Clear direction & public notices in offices	4	3	3	1	0
18	Customer interface separated from internal process is more easy & efficient to customers	1	0	6	0	4
19	Suggestion, complain boxes, regular monitor	5	2	4	0	0
20	Client survey/ feedback/ regular monitoring to view customers satisfaction, knowledge	10	0	0	0	1
21	Any problem/dissatisfaction after completion	3	0	4	1	3
22	Officers showing interest & response for need	3	0	7	0	1
23	Satisfied with the awareness about benefits	6	0	5	0	0
24	Actively participated in titling process	1	0	6	0	4
25	Getting immediate & quick response for need	3	0	7	0	1
26	Given enough & convenience time to know the process well and then participated	5	0	6	0	0
27	Subsequent works convenience & affordable	2	1	8	0	0
28	Opening/closing times properly shown/follow	10	0	0	0	1
29	Any discrimination in providing services	7	0	4	0	0

S/No	Question	Satisfactory	Some Extent	Poor
30	Inter departmental coordination	0	6	5
31	Data inter changeable mechanism	0	6	5

S/No	Question	Publicly & Openly in Office	On Request	Web Based	Not Available
32	All information about act, regulation, actors & procedure available	0	3	2	8

S/No	Question	TV	Web	Radio	News Paper	Broacher	Public Notice	Publicly Announce	Meeting
33	Medium receive awareness	0	2	0	0	4	0	0	11

Appendix-5: Activities of land Titling Process



Steps & Time	Processes	Responsible Departments	Sections in RTA-1998
Step 1 (3 weeks)	Conduct public awareness in the selected area	LSD & (GN)	1, 67, 75
	Divide the village (cadastral unit) into convenience size of blocks (about 100 parcels or 50 hectares)	SD	10, 11
	Collect preliminary information about the area and define the clear village boundary if necessary	LSD, SD & (GN)	10,11
	Investigate existing base/statutory maps and arrange for control survey network within area if necessary	SD	10,11
	All primary data collection in field about land parcels & owners to determine title & prepare map	SD & LSD	10,11,12
	Demarcation of parcel boundaries in field with the written agreement of owners & adjoining owners	SD & (GN)	4,5,10,11,12
	Prepare files for each land parcel to insert the details	LSD	12
Step 2 (8 weeks)	Survey individual land parcels and prepare cadastral map	SD	50, 51
	Investigate legal rights to land parcels in land registry	LSD	12, 13
	Prepare and certify the investigation report (title schedule)	LSD	26
	Send the details of state lands for determination to LCGD	LSD	19
	Check and recommend title for state lands to land registry	LCGD	19
	Check and certify the cadastral maps & send copies	SD	4,5,10,11,12
Step 3 (6 weeks)	Notification to the public to present their claims for title and forward any objection/dissatisfaction in cadastral map	LSD	12
	Issue of claim application and receive back from people	LSD & (GN)	12
	Compare the claims with investigation report and find the discrepancies to the further investigation	LSD	13
	Inform the discrepancies regarding cadastral map for further review and any amendments if necessary attend it suitably	LSD & SD	23
	Recommends the possible claims to prepare gazette notice	LSD	14
Step 4 (6 weeks)	Make final determination of title	LSD	14
	Publish the final gazette notification	LSD	14
	Prepare the final schedules for title registration	LSD	14,26, 27
	Prepare cadastral plans for individual parcels	SD	4,5
	Send final schedules and cadastral plans to land registry	SD & LSD	4,5,14,26, 27
Step 5 (2 weeks)	Cross-referencing and closing of deed register	RGD	27, 52
	Prepare title register	RGD	5, 27, 53
	Prepare and check the title certificate	RGD	32, 33, 37, 41, 42
	Issue of title certificate	RGD	37

Appendix-6: Steps, Processes and Organisations Involved in Land Titling Programme

Appendix-7: Details of some other Institutions, Influencing in Land Titling Processes

S/No	Institutions' (Acts/Regulations/Laws/Traditions)	Acts/Ordinance No and Year
1	Crown Lands Encroachment Ordinance (Waste Lands Ordinance)	12/1840, 1/1897, 22/1931, 8/1947, 8/1954
2	Service Tenure Ordinance	1870
3	Land Resumption Ordinances	4/1887, 2/1934, 57/1942, 22/1955
4	State Land marks Ordinance	7/1909
5	Evidence Ordinance	14/1895, 15/1904, 16/1925, 25/1927, 18/1928, 1/1946, 3/1961
6	Land Settlement Ordinance	20/1931, 22/1932, 31/1933, 22/1955
7	Land Development Ordinance	19/1935, 3/1946, 49/1953, 22/1955, 16/1969, 21/1971, 43/1973
8	Land Redemption Ordinance	61/1942, 62/1947
9	State Lands Ordinance & State Lands (claims) Ordinance	8 & 9/1947, 13/1949, 21/1931
10	Definition of Boundaries Ordinances	1/1844, 13/1905, 28/1919, 27/1933, 8/1947, 22/1955
11	Temple Lands Compensation Ordinance	28/1944, 9/1950
12	Town and Country Planning Ordinance	13/1946, 9/1950, 29/1953, 10 & 22/1955
13	Paddy Lands Tenure Reforms	1/1953
14	Paddy Lands Act and Paddy Land (Special provision) Act	1/1958, 2/1970
15	Nindagama Lands Act	30/1968
16	Land Acquisition Acts	9/1950, 39/1954, 22/1955, 28/1964, 20/1969, 48/1971, 8/1979
17	Land Reform Law and Land Reform (Amendment) Law	1/1972, 39/1975
18	Estates (Control of transfer and acquisition) Act	2/1972
19	Agricultural Land law	42/1973
20	Apartment Ownership Laws	11/1973, 25/1982, 39/2003
21	Urban Development Authority Law	41/1978, 70/1979
22	State Lands (Recovery of possession) Act	7/1979
23	Land Grants (Special provision) Act	43/1979
24	Survey Act	17/2002
25	Registration of Documents Ordinance	1864, 1877, 1927
26	Prescription Ordinance	
27	Trust Ordinance	
28	Notary's Ordinance	
29	Departmental Regulations for All Key Organizations	
30	Thattumaru and Kattimaru (Paddy land traditions)	
31	Kandian Law (Applicable to Kandian Sinhalese)	
32	Thesawalamai Law (Applicable to Jaffna Tamils)	
33	Muslim Law (Applicable to Muslim society)	
34	Acts and regulations of Mahaweli authority	
35	Acts and regulations of Local Governments	
36	Acts and regulations of Road Development Authority	

Source: (Abeyasinghe, 1978, 1979; DSR, 2008; Sangakkara, 2000; Tennakoon, 1997)

Appendix-8: Process Framework Analysis Summary

Elements	Indicators	Good practices	Result
Quality Institution	Number of acts/regulation involved	Fewer most suitable laws to satisfy all stakeholders	66 (Poor)
	Inclusion of all tenure patterns in RTA-1998	Incorporation of all existing tenures into the process	No
	Comply of RTA-1998 with other public agencies acts/regulations	Parallelism and comply in regulations of all national organisations (e.g. land registration and municipality)	No
	Existence of compulsory titling in any situation	Mandatory for titling at least in transaction process	No
	Ability of RTA-1998 to streamline the whole process un-ambiguously	Act gives room for smooth work process in holistic manner with rigid interpretations	No
	Affordability of subsequent registration	Low cost and easy process of transaction	Some extent
Simplified process	Number of processes involved	Fewer the process to increase user understandable	27 (Poor)
	Time taken to complete a land parcel	Possible least period to deliver the output	175 days (Poor)
	Number of organisations involved	Single agency system	4 (Poor)
	Number of stages that public need to meet staff	Minimum participation stages for active civic engagement	9 (Poor)
	Acceptance of the organisational setup	Simplified service provision for user satisfaction	No
	Availability of the counter office system	Front/back office system	No
Data/ Information sharing	Method of data sharing between organisations	Automated data sharing to reduce errors	Manual (Some extent)
	Existence of field data collection at once	Single data collection with multiple sharing methods	No
	Availability of complete information to all stakeholders	All information about acts, processes and outcomes to be provided timely, reliably and truly to all users	Some extent
Computerisation	Availability of automated information sharing	Fully automated data sharing enhances the efficiency	No
	Existence of national data base with LIS	Maintenance of complete database with proper LIS	No
One-stop-shop	Availability of all services at one place	One-stop-shop service procedure	No
	Existence of e-services	Effective e-service provision to eliminate corruption	No
	Willingness of staff to focus on titling as a single programme to solve public's need	Staff should be maintained the clienteles, rather than concentrate on individual or departmental needs	Some extent
Training/ Attitude of Staff	Competency of staff about titling processes	All staff with sound knowledge and skill in processes	Some extent
	Existence of any corruption	Good code of conduct with positive attitude as part of the professional ethics of staff	No (Satisfactory)
	Availability of periodical training to staff	CPDP for staff	No

Appendix-9: Governance Framework Analysis Summary

Elements	Indicators	Good practices	Result
Openness	Visibility of decisions making	Decision making process visible to all and especially for whom affects by that decision	Yes
	Understandably of procedure/process	All process and procedures clearly understandable by all	No
	Accessibility to information/data	All information available with necessary limited access	Some extent (On request)
	Availability of standard forms for service request/delivery	Standard procedure with pre-defined formats and clear fee mechanism for transparent services	Yes
Acting Predictably	Timely readiness of information about changes	Information about changes of laws/procedure reaches to all stakeholders quickly	No
	Possibility to achieve goal within certain time	Work-plan to cover the country within a reasonable time	No
	Existence of regular progress review	Proper periodical performance evaluation	Yes
	Availability of resources for sustainable programme	Suitable cost recovery process to sustain the programme with updated reliable information	Yes
Publicity	Frequency of publicity	Frequent publicity leads to encourage civic participation	Poor
	Availability of publicity through all medias	Reaches the information to all especially poor people	No
	Effectiveness of publicity	Increases the interest of public towards the programme	No
Client Survey	Existence of proper feedback mechanism	Regular client survey to know the satisfaction & knowledge of stakeholders about process & benefit	No
	Availability of complain/suggestion facilities	Proper complain/suggestion mechanism in offices	No
	Willingness of staff for customers' satisfaction	Staff focuses on user needs and their problems	Some extent
Supervision	Availability of independent audit	Periodic check of both staff and work processes	Some extent
	Existence of quality control	Maintenance of minimum necessary accuracy of data	Yes
	Effectiveness of supervision	Increases the work quality & decreases the delivery time	Some extent
Awareness	Number of awareness programme per village	All stakeholders are aware about the process & benefits	1 (Poor)
	Awareness about awareness programme	All related people must be informed about awareness	Some extent
	Method/s of awareness programme	Specific public/group meetings for effective awareness	Satisfy
	Ability to all for participate in awareness	Avoid awareness programme in odd/uneasy time/venue	Yes
User orientation	Willingness of stakeholders for strong involvement	Every stakeholder should be realised the needs and benefits to them from the programme	Yes
	Accountability of stakeholders' needs	Value for the time and energy spent by stakeholders	No
Quality output	Applicability of spatial data for all purposes	Data/information possible to use in any situation/need	No
	Acceptability of whole output	Output satisfies all stakeholders	Some extent
Trust & Confidence	Correctness of spatial data	Data facilitate to give true and accurate information	Average
	Reliability of title information	Title register provides the final and correct information	Yes
	Guaranty of the title by state	Title gives more tenure security	Yes
	Existence of forgeries	Trustworthiness process and output	No
User satisfaction	Number of registration systems in practice	One suitable registration system at an area/country	2 (Poor)
	Existence of clear notices in offices	Public offices provide clear direction/information	No
	Ability of output to satisfy all users	Outcomes satisfy all requirements of all stakeholders	No
	Equity in service provision	Equal services for all especially for more vulnerable	Yes
	Existence of any resistant	Fulfil the genuine requirements of all stakeholders	Yes

Appendix-10: Matrix format of findings for Further Consideration of Bim Saviya

Strengths	Weaknesses
• Standard forms available for service request/delivery • Equity in service provision • No forgery in TC • No bribe, corruption • State guaranteed to the title • Method of awareness as public/group meeting • Visibility in decision making • Reliability of title information	• Title registration is not compulsory process • No data base mechanism for automated data sharing purpose with LIS • RTA-1998 is not fully capable to carry out the process unambiguously • Stakeholders are not accepting the present organisational setup • No timely readiness of information about changes of regulation or process to stakeholders • Publicity is not take place properly • No one-stop-shop service system • Clear directions & public notices are not indicated in offices to understand the procedures by public easily • Most offices have no front/back office system • No any suggestion/complaint boxes in offices • No client survey/feedback mechanism • Subsequent work (Sub-registration) is not much convenient and affordable by the stakeholders, especially poor people • No regular education/training programme for staff • Inter-departmental coordination and data inter changeable mechanism between key departments are not in the satisfactory manner • Manuel data sharing mechanism between key departments • No e-services for customer satisfaction • Not incorporated most of the governance issues into the process • No data collection process at once and many processes • Many stages of public participation • No simplified process • Not user-oriented programme • Organisational fragmentation (No single agency system) • No publicity through all medias • Only one awareness meeting for village/GN division
Opportunities	**Threats**
• Availability of funds, resources and political support • Venue & time of awareness are convenient to participate • Willingness of stakeholders for strong involvement • Existence of quality control • Acceptance of TC for collateral purpose in Banks	• Not a cost recovery process • Change in political situation might leads to cut in government budget • Financial organisation & local government are not using whole data • Some resistance from professional bodies and trade unions • Not possible to meet the goal in certain period • Involvement of multiple institutions • Stakeholders are expecting MPC or SDI details • RTA-1998 gives room for interpret it in different way by different officials and accordingly changing processes & procedures time to time • Stakeholders needs & requirements are not accounted in the RTA-1998 • Practicing both deed and title in same area • Discrepancies in shape & extent in the CM • Delivery time is too long • RTA-1998 is not covered all kinds of tenure pattern • Not comply the RTA-1998 with regulations of other public agencies • Spatial data cannot use for all purposes