

**Evaluating Acceptability of Land Titling  
(A case study in Sri Lanka)**

Rathnamali Rubasinghe  
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# Evaluating Acceptability of Land Titling (A case study in Sri Lanka)

by

Rathnamali Rubasinghe

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Thesis Assessment Board

Chairman: Prof. Ir. P. van der Molen

External examiner: Prof. Dr. J.A. Zevenbergen

Supervisor: Ir. C.H.J. Lemmen

Second Supervisor: Dr. A.M. Tuladhar

Member: Mr. J.F.M. van der Steen



**INTERNATIONAL INSTITUTE FOR GEO-INFORMATION SCIENCE AND EARTH OBSERVATION  
ENSCHEDA, THE NETHERLANDS**

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# Abstract

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In 1998, the government of Sri Lanka introduced a title registration system in response to numerous problems faced by deed registration systems. But the land titling program has not yet achieved the expected progress even if titles are issued free of charge. According to the title registration act, the landowner has to submit claim forms claiming that a particular land parcel belongs to him or her. Without the submission of that claim form the registration process cannot proceed further. One of the main operational problems is that all landowners do not submit the claim forms. There is a gap between implementation of the program and the acceptability by the landowners.

The study aims to identify the factors affecting the acceptability of land titling program by landowners in the provision of secured land tenure and title certificates. The acceptability of the land titling is assessed in terms of predefined factors; socio-economic and cultural factors, attitude and perception, trust and trustworthiness, awareness and participation, transparency, land information system and access to information, streamlining work process, and cost and efficiency. The study uses case study research methods with both qualitative and quantitative analysis using the perspective of four stakeholders namely Bim Saviya staff, landowners, Grama Niladhari and Lawyers.

Findings show that majority of landowners' attitude and perception are positive towards the title registration system because the government of Sri Lanka guarantees titles certificates which is a basis for easy access to credit, improved land tenure security and supports to a reduction in land conflicts. They trust the system and trustworthiness of the system is satisfactory. The majority are aware about the system and benefits of the title registration but not fully aware about the participation in the process of registration. The System is transparent but backward information flow from officers to landowner is not satisfactory. The land information system is paper based and accessible only at office for the public. The information about the process of title registration does not properly reach the landowners especially the gazettal cadastral map. The process is not streamlined but it is friendly to user. Landowners are satisfied with the existing efficiency of the system as land titles are issued free of charge. The cost of title registration can be reduced and its efficiency can be improved. Lawyers can influence the acceptability of the land titling as they are involved in land related matters. Financial institutions motivate the landowners in accepting the titles for collateral purposes.

Finally, this research found that attitude and perception, trust and trustworthiness, awareness and participation and transparency highly and also positively have an influence on acceptability of the system. Streamlining work process, efficiency and cost have low influence on the acceptability of the title registration by landowners, while land information system and access to information highly influence but negatively. The study finds that there is no relationship between socio-economic factors and acceptability of land titling, and make the followings suggestions for improvement of the system and further acceptability. It is needed to improve the quality of the awareness program especially landowners' participation in all registration process steps. It is recommended to redesign and simplify the system and thereby adapt economical data acquisition method to issue more titles within reasonable time period.

**Key words:** land titling program, landowner, claim form, title certificate, acceptability.

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# List of Abbreviations

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ACTS	Assistant Commissioner of Title Settlement
ARGT	Assistant Registrar General of Titles
CTS	Commissioner of Title Settlement
DCTS	Deputy Commissioner of Title Settlement
DG	Director General
DS-area	Divisional Secretary area
DSG	Deputy Surveyor General
EDM	Electronic Distance Measurement
FI	Field Investigator
FS	Field Surveyor
GN	Grama Niladhari
GNSS	Global Navigation Satellite System
GPS	Global Positioning System
IT	Information Technology
LC	Commissioner of Lands
LCD	Land Commissioner's Department
LIS	Land Information System
LRC	Land Reform Commission
LSD	Land Settlement Department
MASL	Mahaweli Authority of Sri Lanka
NHDA	National Housing Development Authority
PSOT	Preliminary Schedule of Titles
RGD	Register General Department
RGT	Registrar General of Titles
RTA	Registration of Title Act
SD	Survey Department
SG	Surveyor General
Snr. SS	Senior Superintendent of Surveys
SOT	Schedule of Titles
SS	Superintendent of Surveys

# 1. Introduction

## 1.1. Introduction

Effective management of the land resource depends on the efficient supply of reliable information about the land occupation, use, rights and the other data related to the land (UN/ECE, 1996). This information is acquired through land registration which is defined “*as a process of official recording of rights in land through deeds or as title on properties. It means that there is an official record (land register) of rights on land or of deeds concerning changes in the legal situation of defined units of land. It gives an answer to the questions who and how*” (Henssen, 1995). Worldwide, there are three types of land registration systems in practice, which are private conveyancing, registration of deeds and registration of title.

Private conveyance is a system in which, a seller and purchaser exchange documents without reference to any public register and it do not provide any information to the state. Hence, it is considered as an inefficient and insecure system. But it is still in practice in many parts of Latin America (Dale and McLaughlin, 2000).

In the system of deed registration, the deed itself is the document which is registered and describes the right of landowner in a deeds registry. In case of land rights transfer, the deed is evidence that a particular transaction took place. In the country where the registration is based on deed, the registered deed provides a priority claim to ownership over an unregistered or a subsequent deed (Törhönen, 2004). The registered documents provide a priority claim to ownership, and more security than private conveyance (Dale and McLaughlin, 2000), and should be more acceptable than private conveyance for the landowner as those documents are kept in public register. However, in some countries the system of deed registration seems not to be efficient for legal aspect, because the registered deed is not a title but an evidence of the transaction. During the transaction, deed is not a proof of legal rights of the involved parties, and consequently, it is not evidence of its legality. As the deed registration is not always based on the field survey, the deeds recording system usually offers insufficient information to identify areas and extent of lands. These deficiencies affect the conveyancing process, and lead to uncertainties of ownership, boundary disputes, unlawful occupancy, and the lack of a national, regional or local land inventory for decision making (Dale and McLaughlin, 1988; Zevenbergen, 1994).

Title registration system is considered as the most efficient system of land registration. It is based on the registration of land rights together with the name of the rightful claimant and the description, after the field survey, of restrictions and responsibilities. Its purpose is to simplify and secure conveyance, avoid repetition and increase efficiency (Törhönen, 2004). The advantages of titles registrations are among others the provision of land information, increase of tenure security which gives incentives to improve investments on land, which in turn increases the production and the value of land. It also

contributes to reduction of land disputes, serves as basis for taxation; it facilitates conveyance, access to credit, and improves land market (Dale and McLaughlin, 1988).

Land administration being part of public administration, the concept of good governance plays important role in its functioning. Good governance in land administration aims to protect property rights of individuals as well as of the state by introducing principles such as transparency, accountability, rule of law, equity, participation and effectiveness into land management (Bell, 2006). Therefore, it is essential to introduce a good system of land registration. Attributes of good practice of land registration can be considered as: simple design of registration processes, minimum cost of operations, appropriate technology, high affordability by users, high operational efficiency, transparent operations, high satisfaction of landholders and other stakeholders, equity and fairness in adjudication, certainty in outcomes, preservation and enforceability of legal rights in land, minimal regulations and state interventions, highly committed executing agency and high political support (AusAID, 2001).

At the same time, the success of any project depends upon its acceptability by the targeted population. Acceptability is the quality of being acceptable (Oxford Dictionary, 2009) or the degree of satisfaction related to a need, requirement, or standard (Your Dictionary, 2006). There are various views concerning acceptability. According to Raux and Souche (2000), "*there is no a theory of acceptability. A central assumption is that acceptability mostly relies on the two conditions of efficiency and equity*". Anyinam (1987) illustrates that when a certain service is available and accessible, the next requirement is its acceptability by the targeted users. In this respect, acceptability depends on the willingness of users to use available services and it has to be determined first before performing the services. In general, there are several factors to measure the degree of acceptability of services such as economic benefit, social factors, and cultural factors (Farayi; Odame, 2006). Consequently, the degree of acceptability of land title registration which is one type of services can be measured on basis of these factors as parameters of measurement. In addition, the degree of land owner's in understanding the process and benefit of the title registration, his/her awareness, perception, attitude, trustworthiness and participation in land registration process, access to the information can also be applied (Mitchell et al., 2008; Zevenbergen, 2004; Zevenbergen, 2006). This research intends to investigate those factors that affect the acceptability of land title registration in Sri Lanka.

## **1.2. Background**

In Sri Lanka, land registration has been mainly based on deed registration. The problems and inefficiencies related to this system have always drawn an attention for the need of its improvement. The reported problems include difficult to trace the history of deed, and to update land information which is also difficult to extract from the deed registry. The deeds are not accepted as evidence of ownership and can not be used as collateral by landowners in order to have access to bank credit because the registered land may not reflect de facto ownership. The registration does not include details on land use, buildings, geometric descriptions of the parcel, and some tenure forms are not accommodated in the system (Sangakkara, 2000). Due to all those problems, the land commission of 1985 strongly recommended changing the deed registration to a title registration system as a solution for these problems. The registration of Title should be introduced in order to establish a strong

registration system guaranteeing the land ownership and rights, ensuring reliability of transactions, utility of land as a capital generating instrument and providing an opportunity for scientific land management. The title registration act was passed in the parliament on March 17<sup>th</sup> 1998 and the title registration system was introduced in the country (Jayathilake, 2007).

The act is based on the concepts of Torrens title system, and it is applied in a systematic manner from an area to another as the Minister of the Land and Land Development gazette it. As the registration of title progresses from an area to another, the existing deed registration continues, because the new system is supposed to run in the parallel with the old system, during the transition period (Sangakkara, 2000). Following these developments in the line of introducing title registration system in the country, the government initiated a project named “Land Titling and Related Services Project” in 2002 with the support of the World Bank. Main objective of the project in the long term is to support the improvement of socio-economic conditions of the population of Sri Lanka by increasing the economic productivity of land resources (Thavalingam, 2003). The project is ended in 2006 and then continued by the government since the date. The new title registration program which is called “Bim Saviya (strengthen the ownership of land)” was implemented in 2007. Under this program, the lands are surveyed and demarcated, title certificate is issued free of charge and ownership is guaranteed. The goal of the project is to complete this task in a time frame of fifteen years for the whole country. The main objectives of this program are to introduce title registration which replaces deed registration practiced at present, to make arrangements to settle the ownership of the lands which are presently unsettled and establish a digital land information system (Bimsaviya, 2009b).

### **1.3. Research Problem**

Despite the extensive preparation of land titling program in Sri Lanka, some of landowners do not have incentive to register their properties; consequently, the project has not achieved the expected progress. According to the existing progress reports the number of cadastral parcels completed up to 2008 is 107368 and the registered title certificates are only 44144 (Bimsaviya, 2008). One of the main operational problems is that landowners do not submit the claim forms, an essential document for title registration, in time. For example, about 30% of the land owners do not submit their claim forms to get the title certificate that has been a setback in the implementation of the system and thus the system has not been successful as expected (Bimsaviya, 2008).

The land titling program in place is based on the concepts of the title registration and existing legal framework. In design stage, the community participation and customer’s requirements have not been taken into account. As the success of any project depends on its acceptability by the stakeholders, it is difficult to say that the designed project will be successful. Actually, there is a gap between the implementation of the program and its acceptability by the landowners. The reason is not identified yet, whether it is due to problems in its implementation process or due to factors that affect the acceptability such as lack of trustworthiness and awareness of the users on the system of registration, lack of transparency in the process of registration, or the complexity of the process of registration and unawareness about the landowner’s misunderstanding of the benefits of the land titling that distract landowners from submitting their claim forms. It seems that due to various factors, the system is not well accepted by the landowners. Therefore, there is a need to find out the reasons behind the unacceptability of the system, more specifically, non-submission of claim forms for registration.

Therefore, this research intends to study factors that affect acceptability of land titling program in provision of secured land tenure by issuing land title certificates. It is expected to contribute in improving the current title registration process.

#### **1.4. Motivation**

Despite the government's huge investment, the land titling registration program in Sri Lanka has remained unsuccessful to achieve the desired progress. The reason may be either the system has not been well accepted by the landowners or the system is not functioning well. The situation has questioned the effectiveness of the government's investment. Therefore, the management of the program wishes to find out the reasons for this situation but no any scientific research has been carried out to the date. Being involved with the program for few years, the current situation and organizational need have motivated to carry out this research to contribute in finding out the reasons affecting the acceptability of the title registration system.

#### **1.5. Research objectives**

##### **1.5.1. Main Objective**

To identify and investigate the factors affecting the acceptance of the land titling program by landowners, in the provision of title certificates for land tenure security.

##### **1.5.2. Sub Objectives**

- 1 To map the level of acceptance of the current land titling program by landowners
- 2 To identify which process steps of the current title registration system constitute the biggest bottlenecks for the land administration organizations
- 3 To assess which factors contribute to higher or lower acceptance rates of the land titling system by land owners

#### **1.6. Research Questions**

This research is based on following research questions in order to attain the research objectives:

Sub objective 1:

1. How to classify the level of acceptance of title registration?
2. How to prepare acceptability map using GIS?
3. What are the possible reasons of acceptance of land title certificates?

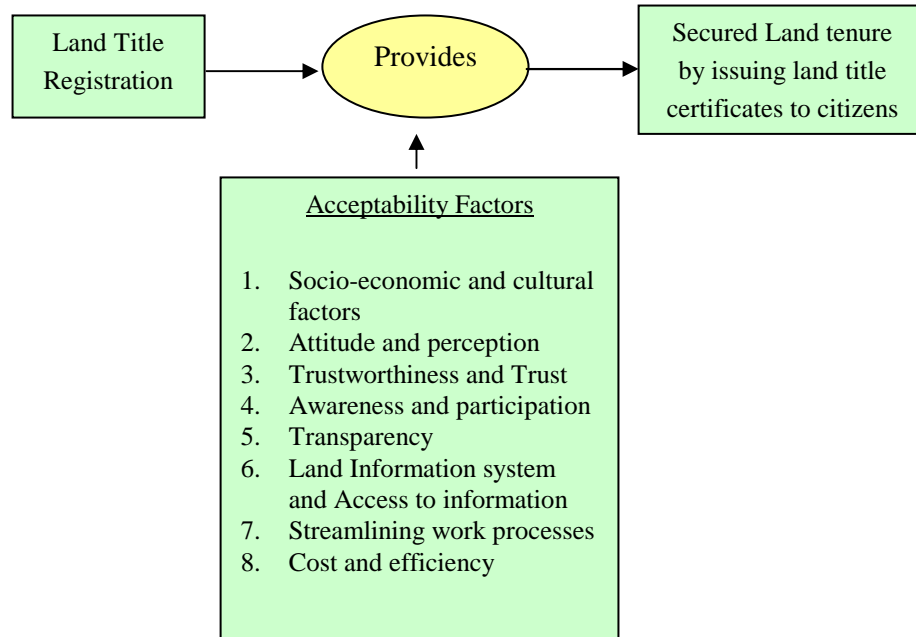
Sub objective 2:

4. What are the consecutive process steps of the land titling?
5. Who are the actors and their responsibilities in each process step?
6. How long and what intermediate products are generated in each process step?
7. How do the actors react on the quality of these intermediate products and final certificate?

Sub objective 3:

8. Which exogenous and which endogenous factors can play a role in title registration?
9. What are the factors that can influence the landowner's decisions on title registration?

## 1.7. Research Conceptual Framework



**Figure 1-1: Research Conceptual Framework**

Figure 1-1 gives the conceptual framework for this research. Based on the framework, this research is conducted. The main concept here is a) the land titling registration program provides tenure security by issuing title certificate to the land owners, b) success of the program depends upon its acceptability by the stakeholders, and c) the acceptability of the program depends on various factors, such as socio-economic and cultural factors, attitude and perceptions, trustworthiness and trust, awareness and participation, transparency, land information system and access to information, streamlining work process, cost and efficiency. From my research it is intended to find out what acceptability factors out of above affect on the system.

## 1.8. Research Design

The design of this research is presented in figure 1-2. This research begins with identification of research problem and research objectives, and also formulating research questions. In the second phase identification of the data, selection of the study area and sampling and design the questionnaire are included. The final phase focuses towards the analysis of the collected data. Also the synthesis and actions for the improvement are discussed. Finally, the conclusion is drawn from the whole study and the recommendations for further research are presented.



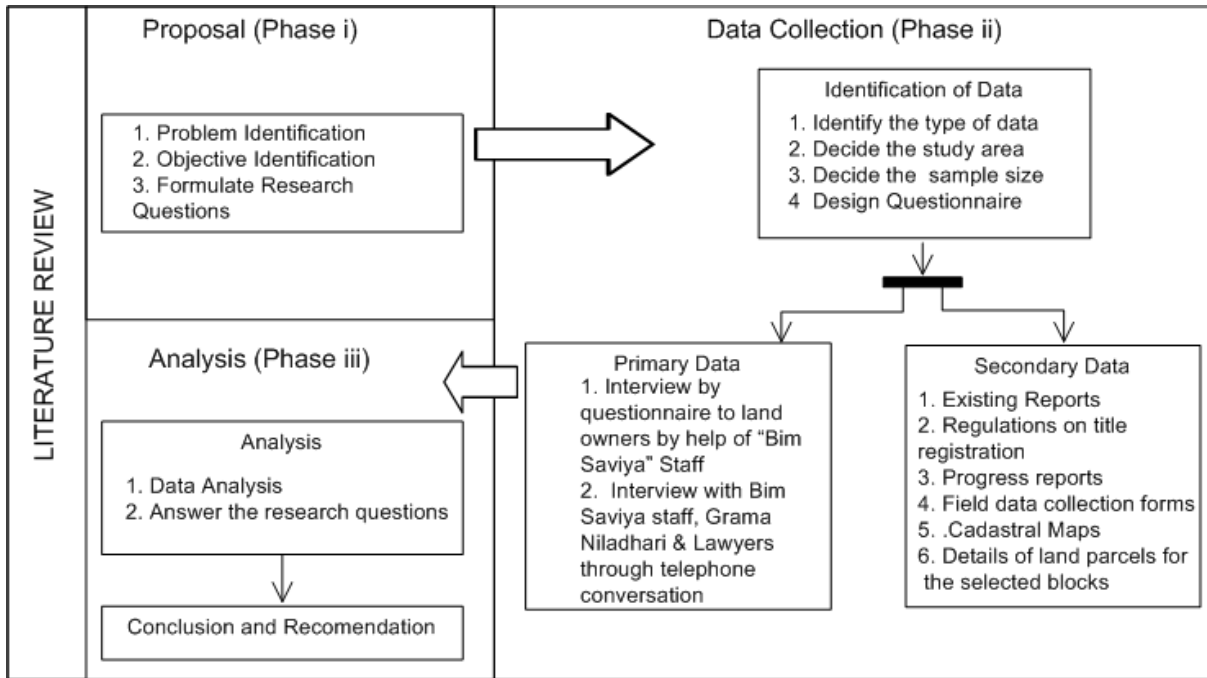


Figure 1-2: Research Design

## 1.9. Thesis Structure

### Chapter 1: Introduction

In this chapter, introduction and background of the research are discussed first. Then the research problem, motivation, objectives and questions are presented. Finally, the conceptual framework and design of the research are also provided.

### Chapter 2: Land Titling and Acceptability: A Literature Review

This chapter focuses on the review literatures on concepts on land registration systems, land registration systems, process of title registration, organizations involved in title registration and theoretical concept on factors affecting the acceptability of title registration.

### Chapter 3: Land Registration in Sri Lanka

This chapter provides an overview of the existing land registration system of Sri Lanka. Historical background of the development of land registration system, land tenure systems and land laws are discussed. Deed registration system and its commonly experienced problems are discussed. Finally title registration system and detail description about Bim Saviya program are described.

### Chapter 4: Methodology and Data Collection

This chapter describes the research methodology applied in this research. The selection of the study area and identification of stakeholders for the interview is presented. Then the methods of collecting primary and secondary data, validity and quality control and, limitation of data collection are described.

### **Chapter 5: Data Analysis**

This chapter describes on analyzing and interpretation of the collected data in order to find the factors affecting the acceptability of land titling in Sri Lanka. Synthesis and actions for the improvement also discussed.

### **Chapter 6: Conclusions and Recommendations**

In this chapter, conclusion drawn from the study and some recommendations for the further research are presented.



## 2. Land Titling and Acceptability: a Literature Review

### 2.1. Introduction

The aim of this chapter is to give theoretical concepts on land registration systems, land titling, processes of title registration and organizations involved in title registration. Moreover, this chapter gives the theoretical concept on the factors affecting the acceptability of title registration. The main objective of this chapter is to build a theoretical foundation for answering the research questions mentioned in the previous chapter.

### 2.2. Principles of Land Registration and Land Registration Systems

Land is treated as permanent form of property as it is immovable and indestructible (Henssen, 1987). However, its ownership is not permanent as it can be transferred from one person to another by different means like inheritance, sale, gift, mortgage, lease etc. Therefore, there is a need for recording the changed status of ownership or rights on lands.

In case of land property, this is done through the process of land registration. Land registration can be defined as “*the process of recording legally recognized interests (ownership and/or use) in land*” (Zevenbergen, 2002b). There are different systems of land registration. “*Land Registration systems provide the means for recognizing formalized property rights, and for regulating the character and transfer of these rights*” (Dale and McLaughlin, 2000). In land registration, there are three types of registration systems:

- Deed registration
- Improved deed registration system
- Title registration

Deed and Title registration systems are based on some basic legal principles, such as booking principle, consent principle, principle of publicity and principle of specialty (Henssen, 1995). He provides the following definitions for the four principles:-

- a. *The booking principle implies that a change in real rights on an immovable property, especially by transfer, is not legally effectuated until the change or the expected right is booked or registered in the land register*
- b. *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*
- c. *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*

- d. *The principle of specialty implies that in land registration, and consequently in the documents submitted for registration, the concerned subject (person) and object (i.e. real property) must be unambiguously identified*

According to (Henssen, as cited by Zevenbergen (2002a)), these principles are practiced in different ways in different countries. As an example, in most of US-jurisdictions the change of a right is not depending on its booking, but in practice most changes are booked. In the Netherlands the registration authorities are not even allowed to refuse the deed when the transferor is not registered as the previous owner and it implies that the consent principle not explicitly applicable (Zevenbergen, 2002b). As argued by van der Molen (2002), no any land administration systems in the world fully meet the real expectation of the publicity and specialty principles. It depends on the government land policy and the extent to which the system is maintained and accurate.

It is important to understand how different registration systems are in practice around the world. Better understanding of the systems will guide to identify suitable system of registration in Sri Lankan context. Further, the understanding of differences in registration systems will support to identify acceptability factors. For this purpose, detailed explanations of different registration systems are given in the following sections:

### **2.2.1. Deed Registration System**

According to Henssen (1995), *“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”*.

In a deed system the public registers contain the copied or abstract of the deed. The deed and date of registration authentically stored. It provides some measure of security against loss, destruction, or fraud. Registered document can be used as evidence in support of a claim to a property interest and it gives priority over unregistered one (Dale and McLaughlin, 2000). Deed registration system has some limitations. It does not register title to a property, difficult to determine the validity of a claim to ownership and in general registration is not compulsory and many rights are not registered (Dale and McLaughlin, 2000). But the advantage of deed registration is that the registrar can accept the deed for registration very quickly (Zevenbergen, 2002b).

### **2.2.2. Improved Deed Registration System**

Many countries have improved the operation of their deed registration through the change of the law or effective administration procedures (Zevenbergen, 2002b). Zevenbergen (1994) and also Henssen (1987), state that the characteristics of improved deed registration as follow:

- The system has some facilities that improve accessibility to the information
- The system has better object speciality by clear description of boundaries using parcel or index maps with unique parcel identifier
- The system has improvement in the completeness of legal data through legal mechanism such as making the registration of the deed a prerequisite for the transfer of title

- Improving reliability by assuring that the registered information is as good as possible
- The system has quick acceptance by checking formal requirements

Deed registration system is very successfully practicing in Scotland, South Africa, France and the Netherlands (Zevenbergen, 1994). In South Africa, the registrar required to satisfy him/herself that the deed fulfil with requirements otherwise s/he can reject the registration. When all requirements satisfied, the registrar will issue approved documents as the title deed to the right holder. Simpson (1976) states that, South African deed system classified as a title system. France and the Netherlands both have the parcel based registers. In Netherlands, the transfer of the ownership only legally take place after the deed has been registered (Zevenbergen, 2002b).

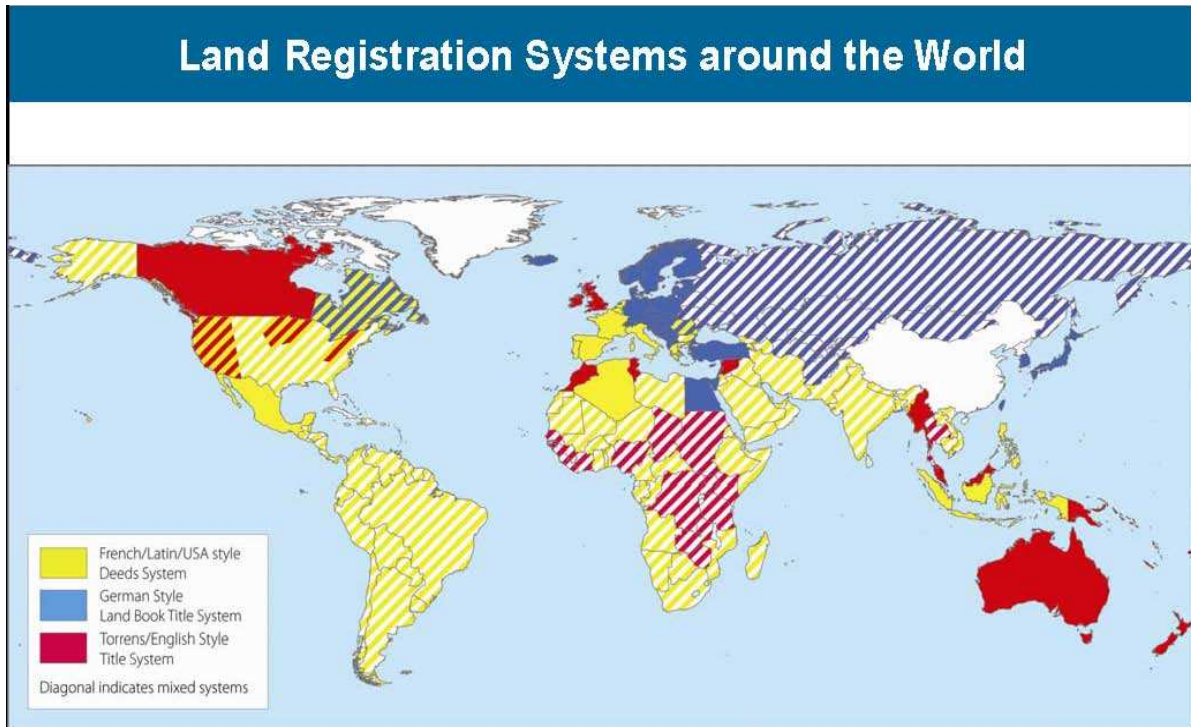
### **2.2.3. Title Registration System**

According to Henssen (1995), “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. So the right itself together with the name of the rightful claimant and the object of that right with its restrictions and charges are registered. With this registration the title or right is created”. In this system, each land parcel is unambiguously defined on a map, and rights along with the name of land owner associated with the parcel are mentioned on the register. Each right is recorded once and incompatible rights are excluded. For the transfer of whole parcel, only the name of owners is required to be changed. However, for the cases of subdivision, a new parcel plan is required and new title is issued. The land owner possesses the title, a copy of which is archived in the land registry agency. Similar is the provision for the cases of mortgaging, the title remains with the banking agency and a copy at the land registry agency (UN/ECE, 2005). People rely on the information mentioned in the register. In case of losing the ownership due to the malfunctioning of register, landowner is compensated.

Based on the characteristics of title registration system Henssen (1995) mentions three principles of title registration:

‘*Mirror principle*’, according to which the register is supposed to reflect the correct legal situation; ‘*curtain principle*’, according to which no further (historical) investigation beyond the register is necessary except overriding interests, and ‘*insurance or guarantee principle*’, which states that the state guarantees what is registered is true for third parties in good faith and that a bonafide rightful claimant who is contradicted by the register is compensated by the state.

There are various types of title registration that can be described such as the English group, the German/Swiss group and the Torrens group. England, Ireland, some Canadian provinces and Nigeria are included on the English group. Germany, Austria, Alsace-Lorraine, Switzerland, Egypt, Turkey, Sweden and Denmark are include to the German/Swiss Group and Australia, New Zealand, some provinces of Canada, some parts of USA, Morocco, Tunisia and Syria are included in the Torrens Group (Henssen, 1995). According to the Henssen (1995), the main differences between these three groups are in technical aspects with regards to the way parcels are described such as the English group use the large scale topographic maps, The German group use parcel based cadastral maps and the Torrens group use isolated survey plans.



**Figure 2.2.3-1: Land registration systems around the world (Enemark, 2009)**

According to the Dale and McLaughlin (1988) objectives of title registration system is to provide security while being simple, cheap to operate, accurate, expedient, and suitable to the particular environmental circumstances. The matter of security, accuracy, expediency and suitability are well accepted but there are some contradiction against the view on simplicity and cheapness of the system. According to (Larbi as cited by Zevenbergen (2002b)), the implementation of the process is quite complex as it requires highly skilled personnel, and high initial investment for cadastral surveys. The expensiveness of the system basically depends upon the surveying which depends on the type of boundary system adopted. A title system can use general or fixed boundary. The system with general boundary is cheaper than fixed boundary system, as the fixed boundary system requires high investment to demarcate accurate boundary. The negative title system is less expensive as it is faster and in depth investigation is not needed, but the system does not guarantee title (Zevenbergen, 2003). Success of a title registration system depends upon the degree with which local law and local administration accord with its basic principles (Ruof, as cited by Zevenbergen (2002b)).

#### **2.2.4. Negative versus Positive Systems**

Bogaerts and Zevenbergen (2001) divide land registration systems into two categories in terms of the guarantee that is assured by the government for a title as positive and negative systems. According to them, in a positive system, title is constituted by registration whereas in negative system the evidence of right is merely evidenced in the land registry. In the positive system, the registered titles are guaranteed by the state according to the registration law. Damage caused by mistakes is settled by the state. Whereas, in the negative system, the titles are not guaranteed by the state and only the mistakes by keeping the registers are corrected (Zevenbergen, 2002b).

To be more specific on these systems, the negative system has following characteristics Zevenbergen, (2003) :

- *There is a lack of guarantees for completeness, correctness and validity of the inscribing for the transferee*
- *The inactiveness of the registering institutions in connection therewith*
- *There is a lack of a complete registration of interest themselves, with the accompanying guarantees*
- *There is a lack of the financial guarantee in the form of liability for the state for the whole registration system*

In positive system the characteristics mentioned in the negative system are supposed to be amended. In a positive system there is guarantee of the title but the process is quite time consuming and costly as it needs in depth investigation in all kinds of aspects of the seller, the purchaser and their agreement (Zevenbergen, 2003).

Though, the negative system does not give guarantees to the title, it has some benefits over positive system. One of the main benefits is that the process is very fast and less costly. Not much interference is required from the land registry organizations with the seller and buyer (Zevenbergen, 2003). Both of the registration system can be practiced as positive and negative, for example (Table 2-1)

**Table 2-1: Positive and negative registration systems in practice**

Registration System	Negative	Positive
Deed system	France	South-Africa
Title system	Germany	Australia

(Dekker as cited by Zevenbergen (2002b))

### **2.2.5. Conversion from Deed to Title**

Based on the potential benefits of title registration system or to solve existing problems in land registration, the deed system is being transformed to title registration in many countries as example Ghana, Egypt, Hong Kong, and Sri Lanka etc. According to Zevenbergen (1998), many project proposals recommend to introduce title registration to improve land administration in developing countries without considering existing problems. United Kingdom, Greece and Ireland also started the transition process from the deed registration system to title registration system (Yavuz, 2005). The title registration was introduced in England in 1862 but up to 1998, 25% land parcels still under the old system (Zevenbergen, 2002b). Title registration in Ghana also not really successful, only 9000 titles have been registered within 10 years period (Zevenbergen, 1998).

Lemmen (1999) identifies some challenges with the conversion from deed to title such as:

- Top legal expertise is required to define this process and legal basis has to be available
- The cadastral data set should be complete
- The process of transformation may be very expensive
- If the conversion is carried out area wise, there may occur specific complications on the boundary of the area (boundary between 'deed' and 'title' registration) such as gaps and overlaps, where the conversion has taken place



### **2.3. Processes of Title Registration**

The title is selected for land registration that requires some procedure to get the information of the land to a register in order to protect further interests in land. The public understanding of the processes involved in the registration is most important for the success of the system. Awareness, adjudication, demarcation and surveying, public inspection, registration and maintenance are the basic steps for the establishment of land registration. These process steps are affected by the acceptability of the system in a way or another.

#### **a. Awareness**

The first step for any system to be implemented for the public is developing awareness. The importance of awareness, especially for enhancing acceptability of the system is presented in 2.5.4. It is essential that the public become well informed about the operation of land registration system. The awareness not only educates the public affected by the systems with necessary information but also improves effectiveness and efficiency in the operation of the system. Public awareness can be enhanced through various means such as public meetings, broadcasting necessary information through radio, television, or publicizing through paper based media. The other means can be pamphlets, booklets with necessary information. When such means are used, the public should be informed of their rights and obligations regarding the implementation of the system (UN/ECE, 1996). Awareness plays an important role in enhancing the participation of the public in land registration activities and also contributes in making the system transparent.

#### **b. Adjudication**

The existing rights of the land parcels should be finalized authoritatively (UN/ECE, 2005). Adjudication does not change these rights but rather verify the existing legal situation (Dale and McLaughlin, 2000) by the responsible staff or committee. Adjudication is supported by legal frame work that indicates how the ownership of land is to be determined and recorded. In addition, the persons who are not satisfied with the results of adjudication can appeal against it within a limited period of time (UN/ECE, 2005). For the successful adjudication, it is necessary to give publicity through the newspapers, local radio, and notices in public area etc. before the work start and claims calling stage (Larsson, 1991). In general changing the deed registration system to title, there is no need of adjudication in field where deed registers are already exist and only require to adequate mapping of the physical boundaries (Dale and McLaughlin, 2000). It is needed careful investigation about deed to identify the parcel and their associated property rights.

#### **c. Demarcation and Surveying**

After the rights have been verified clearly through the adjudication process, the boundaries of the land parcels are marked on the ground by the monuments or pegs. This process can be described as demarcation. It is necessary to get the agreement between neighbors before surveying the boundary. Normally most of land parcels are bounded by linear features such as walls, fences and hedges or point features such as wooden pegs, iron bars, concrete markers or special stones (Zevenbergen, 2002b). In general, boundaries are considered as either fixed or general within the registration system. For fixed boundaries it is necessary to survey the land parcels accurately and mark the corners permanently with pipes, stones or concrete beacons. General boundaries are identified as far as possible on the ground and no need for accurate survey (Larsson, 1991). Surveying method depends

on the choice of the boundary concepts that is fixed or general boundary (Tuladhar, 1996). Cadastral surveys provide a basis for producing maps, which can be used for land administration and parcel based information systems.

#### **d. Public Inspection**

In this step, the cadastral maps and documents prepared from surveying and demarcation are made publicly available for the inspection of general public. The main idea of this process is to allow the concerned citizens time for the objections, appeals and the rectification of initial data. The publicity must be done adequately to ensure that all stakeholders and beneficiaries, including absentees, have the opportunity to object before the process of registration takes place (Larsson, 1991).

#### **e. Registration**

The registration is the final step for issuing a title. The registration is concerned with the entry of textual data and graphical data of the proceeding steps, in the public register (Dale and McLaughlin, 2000). The graphical data and legal/administrative data are linked with a unique identifier assigned to each parcel.

#### **f. Maintenance**

The reliability of the registration system depends on the proper maintenance of the register. The continuous maintenance of the register in up to date is very important, if registration is intended to protect private land rights. It is essential to make every possible arrangement to keep register up to date in textual data and graphical data. The close co-operation between land registry and survey organization is needed to maintain the register in a proper way. The cost and the delay of the subdivisions due to lack of surveyors are the main obstructs for the data maintenances. In addition, it is also linked with technical matters and also institutional and organizational structures (Larsson, 1991).

## **2.4. Roles of Land Registration Organizations**

At the first registration of land, several stakeholders such as government organizations, non government practitioners and individual citizens play different roles. In addition some other players are active when the transaction occurs. Governments organizations play a role in most of countries and while others are private practitioners. While introducing the first registration landowner has main role for the success of the system. The roles of each of them are described in details below.

### **2.4.1. Government Organizations**

A main role in a system of title registration is done by one or more government organizations. Commonly the function of land registration and cadastre are carried out by different organizations. In general, the Ministry of Justice is responsible for the registration while the Ministry of Lands is responsible for the surveying part. In many countries, land registration organizations and cadastral organizations are responsible to different ministries in the registration process (e.g. Austria, Germany, Sweden etc.). In some other countries all governmental functions are combined as one authority e.g. Indonesia (Zevenbergen, 2002b). As an example in Sri Lanka the Survey Department and Land Settlement Departments are under the Ministry of Land and Land Development but the Registrar General Department is under the Ministry of Public Administration and Home Affairs.

### **2.4.2. Non Government Practitioners**

In many countries private organizations and firms with skilled personnel are engaged in land registration and cadastral activities. However some countries allow the private practitioners to engage in title registration under their control. According to the Dale and McLaughlin (2000), the first registration of St. Lucia was based on surveys by the private sector. The Private practitioners such as lawyers, solicitors, notaries are engaged in the registration process and authorized surveyors are engaged in preparing cadastral maps related to the transactions.

### **2.4.3. Individual Citizens**

Role of individual citizen is needed during land adjudication process, conflict resolution, demarcation and surveying processes. Without their active participation in the process the registration is not complete (Dale and McLaughlin, 1988). To enhance awareness about new registration system, their support at the local level during the implementation of first registration is very important. Especially in adjudication process, citizen needs to provide documents as evidence for claiming right. In addition in demarcation stage they need to point out their boundaries with their neighbors. In generally citizen need low cost and efficient registration system and they need one stop shop for land registration minimize the time waste and the money.

## **2.5. Factors Affecting Land Titling/ Registration**

For the success of any system there are factors that influence the stakeholder's attitude to accept the system, such factors are other than the technological, organizational and legal aspects of the system. For an example, Zevenbergen (2002b) that the success or failure of a system of land registration depends on the view of the society. Some major factors that influence to view of society can be listed as follows:

### **2.5.1. Socio-economic and Cultural Factors**

According to Enemark (2008), the land responsibilities relate to a more social, ethical commitment or attitude to environmental sustainability and good husbandry. The public are supposed to treat land and property in a way that match to cultural traditions and ways of good ethical behavior. The system of land tenure and land use varies according to the cultural differences. The social acceptability depends on comprehensive ideas of various individuals and tribe which are related to the expression of their beliefs, norms and their relation to the land management system (Spendjian, 1993), same can be related with land registration system.

The indicators used to measure socio-economic factor for this research are: education, gender, age, occupation, monthly income, number of land parcels, extent of the land, land use type, ethnicity, mode of land acquisition, pattern of ownership, duration of holding landownership, etc. The section 2 and 3 of questionnaire in Appendix 2 elaborates the question related to these indicators.

### **2.5.2. Attitude and Perception**

According to Enemark (2008), the acceptability of the land management approach depend on the various attitudes of the individuals and group. An attitude represents an individual's degree of like or dislike of the system and it is generally positive or negative views of a system. The perception of land titling is described as the representation of what is perceived or knowledge gained by perceiving about

it. But according to Tuladhar and van der Molen (2003) *“In understanding the perceived value in relation to the cadastral systems, customer expects the products and services suited to their needs of required quality, reliable, user friendly, customized to their requirements for the users”*. Landowners’ perception of the land registration system is more influenced by the administrative plan and day-today operation (Zevenbergen, 2002a).

The indicators used to measure this factor for this research are: preferences of registration system, complexity of the system, consumption of time for participation, level of tenure security and impact in reducing land conflicts. The questions regarding these indicators are elaborated in the Appendix 2.

### **2.5.3. Trust and Trustworthiness**

According to David and Hackman (1999), *“ Trust is the belief that a specific other will be able and willing, in a discretionary situation, to act in the trustor’s best interest”* and also trust can be described as *“to a social cognition an individual applies to any thing the individual thinks of as a unitary actor”*. According to Tuladhar and van der Molen (2003), *“the value perceived by the customers increases satisfaction and similarly trust is also contributing factor to satisfaction”*. The degree of trust is contribution of service guarantee and higher standard of conduct.

The trustworthiness can be defined as combining on that the records are reliable and accurate, and on they are acceptable by the stake holders. For the land registration system the main emergent property is trustworthiness. It is not attributed to one or a few elements, but it depends on the registration system as a whole (Zevenbergen, 2002b).

Introducing the conversion of deed to title program, it is needed to obtain trust from the society to new system. The indicators used to measure this factor for this research are: satisfaction about field investigation and surveying process, the extent on tenement list, time for issuing title and correctness of the title certificate, trustworthiness of the system, equity of the service delivery, reliability and strength of land titling. The questions regarding these indicators are elaborated in Appendix 2 to 11.

### **2.5.4. Awareness and Participation**

#### **a) Awareness**

When introducing the new land registration system, awareness is the most important factor. The major activities of the registration system is to be introduced properly to the people about the legal framework related to the right and obligation of people in land registration, the systematic land registration process and subsequent transactions, services (no other payment outside land registration fee) and land management information (Sar, 2005). In addition it is necessary to aware people about the additional benefits from the new registration system (van der Molen, 2003a).

Not only the landowners but also the organizations involved in land registration should make aware the registration process and the responsibilities of each other. According to Thellufsen and Enemark (2008), there are two kind of awareness described as, *“firstly the involved organizations need to be aware of the existence and relevance of each other’s functions and responsibilities in order to develop effective, collaborative relationships and secondly, the organizations in common need to be aware of*

*the potential social, economical and sustainable opportunities that the organizations together possess in terms of interacting with the organization's external environment"*

### **b) Participation**

Community participation is the key role of successful implementation of systematic land registration (Lor, 2004). Since people have legal right on land parcel they should be participated in the land registration process including fieldwork and public displays cadastral maps and adjudication records (Setha, 2002). The key issues for the development and implementation of a new registration process are the institutional arrangements, cooperation and communication between organizations & others (Tuladhar, 2004). The participation of various parties involved in the process highlights the transparency of the system (van der Molen et al., 2009).

The participation of public can be identified in different levels such as full participation, partial participation and advisory participation. The full participants are responsible for all decisions involved in various important parts of the process including ascertainment of existing rights and determination of disputes. The partially participants are actively involved in parts of the process but not in making final decisions and the advisory participants are restricted to give advise the management. The highest participation and awareness of the public increase the acceptability of the new system (Larsson, 1991).

The indicators used to measure this factor for this research are: level of awareness, participation on awareness program, quality of the awareness program, knowledge about the benefits of the land titling program, awareness and participation in process steps and submission of claim forms. The questions regarding these indicators are elaborated in Appendix 2 to 9.

#### **2.5.5. Transparency**

Transparency is the principle that allows those affected public by administrative decision or social activities to know the basic facts and figures, and the methods and process in the transparent manner. It is widely recognized as a core principle of good governance (UN-HABITAT, 2004). Transparency in decision making and implementation reduce the uncertainty and the scope of corruption (Sheng, 2007; UN-HABITAT, 2004). Transparency is the vital factor for the trustworthiness of the system and also it presupposes a suitable and democratic system of the government, free of corruption in the system (Jurgen de Jong, 2007; van der Molen et al., 2009). The development of transparency is an essential tool to improve the effectiveness and efficiency of land management and administration system and they are necessary to be transparent in terms of tenure security, equal distribution of land, accuracy, quality, timeless, correctness and consistency of land information as available for all users (van der Molen et al., 2009).

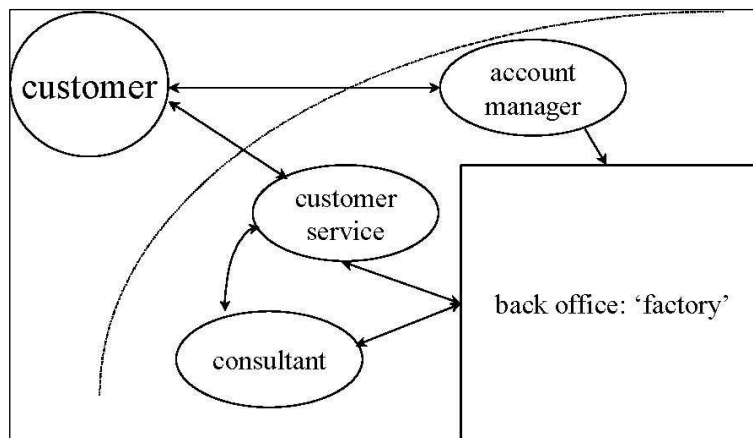
UN-HABITAT (2004), further, mention three main elements of transparency such as access to information, public participation and institutional reforms (Shrestha, 2009). The first two elements are access to information and public participation; see the sections 2.5.7 and 2.5.4 (b) respectively. In this section, the third element that is institutional reforms has introduced below.

The approach of institutional reform is to simplify administrative procedures and organizational structure to improve the performance of an organization, ultimately to improve the transparency. This

can be done in three ways; clarifying the mandate of the organization, making the service charter available for the general public, and establishing front desk at the office for better accessibility of the information to the citizens (Shrestha, 2009). The main idea of institutional reform is to make the services provided by an organization easily accessible to each of the customers. The three ways as mentioned above can contribute in this respect. For example, with the clear mandate, an organization can focus on its core business area and the citizens will not have any ambiguity about the organization to which they have to approach for the services of their interest. The service charter is the main tool to make the citizens aware about the services available at an organization, the cost of services, the person to contact in case of any problem, and the time required to get certain services done. The other better approach for institutional development can be the implementation of front office and back office concept in the organization.

Front-Office refers to the front part of the organization, visible for the customers and in direct contact with them, such as the marketing, user support, or after-sales service teams. Back Office refers to all parts of the organization to which the final user does not have access. The term therefore covers all internal processes within the organization (production, logistics, warehousing, sales, accounting, human resources management, etc.). The purpose of front office is to facilitate better information flow to the public, to increase access to decision makers and to provide efficient and equitable provision of public services while back office is for the process and maintain the information system.

Further, van der Molen (2003b) recommends the implementation of front office / back office model to adopt to the maintenance of customer relations. According to this model, the front office concentrates on supply of products and services, the maintenance of customer relations, the resolution of problems and the settlement of complaints, whereas the back office can concentrate in the day to day maintenance of the land information.



**Figure 2-1: Front office – back office concept (taken from van der Molen, 2003)**

The indicators used to measure this factor for this research are: transparency in process, level of addressing landowners' interests, corruption, and flow of backward information to the land owner. The questions regarding these indicators are elaborated in the Appendix 2.

### 2.5.6. Land information System

The Land information system is vital tool for legal, administrative and economic decision-making and also it is very important in the context of planning and development. The land information system consists of two parts, mainly data base spatially reference to land related data and also procedures and techniques for the systematic collection, updating, processing and distribution of data. It should allow to storage retrieval dissemination and use of land related information. In economical and efficient land information system, the information should be registered only once, kept up to date in a one place and allowed for public use. The information of land information should be in compatible format according to the user requirement (UN/ECE, 2005). In addition according to (UN/ECE, 2005), *“The security and privacy of personal data must be maintained and this must be balanced against the need for openness. Hence there must be clear guidelines on who can use information under what circumstances and in what ways”*.

The indicators used to measure this factor for this research are: data update, data sharing, access to public and publicity of information. The questions regarding these indicators are elaborated in Appendix 2 to 6.

### 2.5.7. Access to Information

In the context of systematic land registration, access to information has gained a recognition important issue to improve public participation. Prior to the fieldwork on title registration, it is needed to arrange public awareness meetings combined with effective use of mass media and traditional channels (Setha, 2002).

According to UN-HABITAT (2004), *“access to information is one of the key factors in the promotion of more effective participation in decision making by stakeholders”*. The followings are the tools to support the access to information. The first one is the public meeting and public hearings. Those are the mechanism to engage the community in open discussion on important decisions about the future. The second is the computerized record management system that provide the facility for the data availability through the internet to the public (UN-HABITAT, 2004). These tools help the community to engage effectively in the process of title registration. The degree of illiteracy and level of the information technology of the target area should be clearly determine before choosing the method for dissemination information (Boserup, 2005). Some methods of access to information are as follows:

**Hardcopy information:** Brochures, booklets, reports, newsletters are used to provide information through the printed information. These are distributed to people at the public places like post office, market place, libraries etc.

**Media:** Audiovisual are the cheapest and speedy method for information dissemination of wide area such as TV and radio. This is the best approach for illiterate people and also remote areas.

**Information and communication technology:** Internet and web access can use to disseminate policies, guidelines, accounts to relevant public application forms etc and to provide on line self service.

**Campaigns:** During the adjudication process campaigns can be commonly used to sensitize the entire population relative to land matters.

**General education:** The knowledge and the ability of the actively engaged adults in various issues in society are used in actively part in public affairs.

**Public meetings/Public hearing:** Public meetings are conducted as the part of the process of developing or explaining legislation and regulations regarding land matters by the local government officers. It is commonly used to explain new regulations and process also the solutions for the problem arising by the public (Jeff S et al.).

The indicators used to measure this factor for this research are: source of information about land titling program, effectiveness of the booklet, information flow of the process steps, information about the gazettal cadastral map, easiness of accessibility and awareness about the claim form. The questions regarding these indicators are elaborated in Appendix 2 to 11.

#### **2.5.8. Streamlining Work Process**

The removing unnecessary procedures and ensuring efficiency are main objectives of streamline processes by reducing time, complexity and increasing acceptability (Derby, 2002). In addition through the improvement of cost effectiveness, productivity, accuracy and speed of the service, it is easier to achieve the expected goal. Title registration process consists of sequence of connected steps such as adjudication, demarcation, surveying and registration. In adjudication process we collect all the information related to land right in the field. And also demarcation and surveying should be done in the field at the same time to minimize the disturbing landowners as little as possible. Then the effective basic principle i.e. one parcel–one visit, is in practice (Sar, 2005). The public participation is most important not only in first registration but also in conversion process in deed to title and all necessary information should be collected at a time, it gives more benefits to accelerate the continuation of the process. In general land titling is done by different organizations (cadastre, registration), it is necessary to provide information without delay. For that it is needed to define clearly the order of the process and, the actors and their responsibilities. Also the target of each steps and the specified time period should be clearly defined. The independent checks for each step should be carried out during the continuation of each process. The barrier for the streamlining is the lack of skilled human resources, physical resources and allocation.

The indicators used to measure this factor for this research are: terminating points, complexity of the process, quality of products including title certificate, time consumption for the intermediate product and issuing title, and efficiency of the system. The questions regarding these indicators are elaborated in Appendix 2 to 10.

#### **2.5.9. Cost and Efficiency**

The establishment of a national cadastre or land titling registration system is considered as a tool for good land administration, but it is an expensive process for the countries. It is needed not only large amount of government funds but also grants and loan from outsiders (Dale and McLaughlin, 2000; Potsiou and Ioannidis, 2003). That is because of the various factors influence to the land administration projects such as the original design and plans, the technical approach, the legal



approach, institutional aspects, organizational and operational issues, supervision and political influence (Potsiou and Ioannidis, 2003). In developing country this is worse due to the undeveloped land market and use of fixed boundary method (Potsiou and Ioannidis, 2003). It is needed to set the cost of registration per parcel within affordable limit. Larsson (1991) state that, surveying and demarcation cost are the greatest component of total expenditure. Not even the surveying method, the scale of the operation also influence to the total cost. Generally cost per one parcel in systematic surveys in large area is less than the cost per one parcel in sporadic surveys.

According to the Chimhamhiwa (2009), the efficiency is the measure of how economically the organisational resources are utilised. The efficiency depends on the time taken for the process as the state guarantee upon the title registration. And also the effect to obligate any subsequent challenge to the tenure state organization involved in very strict legal and survey related check in first registration in every land parcels (Griffith, 2007). According to Griffith (2007), the efficiency of the title registration depends on the structure of the system, institutions, legislation and policies.

The indicators used to measure this factor for this research are: level of efficiency in process, time consumption for a title and intermediate products, and cost per title. The questions regarding these indicators are elaborated in Appendix 2 to 11.

## **2.6. Remarks**

In this chapter, basic concepts about land registration, land registration systems, process of title registration, organizations and role of land registration and factors affecting on land titling have been discussed. The system of land registration is different in different countries. However, some basic principles can be found in each system. It is difficult to conclude which system is appropriated as it depends on the country context, the land policies in the country, and the way of practicing in reality. The socio-economic and cultural factors, attitude and perception, trust and trustworthiness, awareness and participation, transparency, land information system and access to information, streamlining work process, and cost and efficiency are theoretically identified as the main depending factors of acceptability of the new system and they act as the basis for designing the questionnaire which supposes to use for field data collection of this research.

### **3. Land Registration in Sri Lanka**

The aim of this chapter is to give general overview of land registration in Sri Lanka including the historical background of land registration systems, land tenure systems and current land registration systems. In addition it gives detailed description about the “Bim Saviya” program and title registration process. The chapter addresses some of the issues needed to answer the research questions as mentioned in Chapter 1.

Sri Lanka is the democratic socialist republic country, it is a unitary state whose legal and administrative structure is based on its’ constitution. The National Constitution forms the supreme law under an Executive Presidency and a Parliament. Sri Lanka is divided in to nine provinces and 24 districts. The administrative structure consists of provinces, districts, divisional secretary areas and Grama Niladhari units (Thavalingam, 2003).

The majority of lands in Sri Lanka are state-owned and controlled. Sri Lanka covers 6.56 million hectares, out of this total area, about 21.04% are agricultural land owned by the state, but cultivated by private farmers under different tenure arrangement, most of which restrict lease and sale. Another 13.42% is privately held agricultural land. Urban land comprises 0.76% private land and 0.15% state owned land. The remaining 64.63% is state land comprised of forests, sparsely used land, and land reserved for future uses (World Bank, 2001).

Following sections give detailed overview of the land registration and tenure system in the country.

#### **3.1. Historical Background**

The history of land records and registration in Sri Lanka dates back to the kingdom period, under local rulers. The land granted to Buddhist and Hindu temples by the King was recorded on rocks and copper plates. A land register called “Lekam Miti” was also maintained for the private lands (Berugoda, 1987). The Portuguese (1505-1658) and Dutch (1658-1796) carried out a system and compiled land registers called “Tomboos” for the maritime areas, which were under their rule (Abeyasinghe, 1978). These contained information for the tax purposes but these registers did not make any reference to survey plans.

During the English colonial rule (1815-1948), several attempts have been made for the establishment of a cadastre. In 1863, the English government was enforced the ‘Land Registration Ordinance’ for the establishment of Land Registration Department and implementation a full registration of title was based on cadastral map. To give better provision for the registration that act was amended in 1877. But implementation of this act failed in 1891 because of high cost (Berugoda, 1987). Systematic cadastral surveys commenced only in three urban villages Dehiwala, Wellawatta and Kiralapone (Thavalingam, 2003).

The present land registration system in Sri Lanka is mainly based on deed registration system, which is enacted by the “Registration of Documents Ordinance of 1927” (Abeyasinghe, 1978).

### **3.2. Existing Tenure Systems and Land Rights in Sri Lanka**

The existing tenure system combined with different type rights is continuous from the kingdom period and also from the different type of ordinance enacted during the Dutch and British periods. After the independence several land laws influenced the existing tenures. Those tenures and rights are described below.

#### **3.2.1. Land Tenure in Ancient Sri Lanka**

The present system of land tenure in Sri Lanka is the result of evaluation over several centuries influenced by the customs and traditions ingrained in the people. There are two different views held regarding the type of land tenure in ancient Sri Lanka (Abeyasinghe, 1978).

- a) *“The people were the owners of land and they consented to give a share of the produce for maintenance of the king in return for protection and administration*
- b) *The king was the absolute owner of all land landed properties. The king granted some of his lands to people who were supposed to render some sort of service to the king. Some lands were donated by the king to people, but king did not get any service from the grantee.”*

The both kind of systems was considered as free hold and inheritable rights. In general, ‘Paraveni’, ‘Otu paraveni’ and ‘Anda paraveni’ are the different kind of non service tenure systems (Abeyasinghe, 1978). There were also ‘Viharagam’ and ‘Devalagam’, which belongs to the temples and cultivated by the people serving the respective Buddhist or Hindu temples (Abeyasinghe, 1978).

#### **3.2.2. Land Tenure under Colonial Rule**

Due to the advent of colonization the above mentioned tenures were influenced by the colonization rules. The custom of the ethnic groups, Sinhalese, Tamil and Muslims related to land were converted to statutory law. Such laws are Kandiyani law, Thesawalamani law and Muslim law (Sangakkara, 2000). Significant changes to the land ownership policies in Sri Lanka were occurred during the British rule in 1805. With the recommendation of the ‘Colebrook’ administrative reform in 1833 the crown land ordinance came in to power in 1840. Under the Crown Lands Ordinance, all waste lands in the country such as forest, chena, uncultivated and unoccupied land were presumed to be property of crown, unless proved otherwise. As a result, local community lost their traditional rights of the lands (Wijesinghe, 1989). Subsequently, majority of total land area became state owned and they were sold for the plantation use. After the independence, these lands continued as state land (Sangakkara, 2000).

Because of the pressure and demanding lands for cultivation and settlement by the landless people and local leaders, rulers introduced a legislation called the land development ordinance in 1935. With this provision the government could alienate the lands for the people having no possession of any cultivable land, on a nominal free. This introduces a new type of tenure, with careful restrictions to prevent fragmentation of land (Wijesinghe, 1989). The allottee of a land parcel is given the opportunity to name his successor, and in the event of the death of an allottee prior to the nomination, one particular person according to the priority schedule attached to the ordinance, becomes eligible to

own land. Formation of any kind of sub-tenancies is prohibited under the tenurial rights of this ordinance. No land alienated under this can be sold. The land can be mortgaged but only to the government sponsored organizations.

### 3.2.3. Land Laws after the independence (1948)

After the independence, some major land laws were enacted in Sri Lanka to facilitate the delivery of services on state land programs and state land administration. They influenced existing tenure systems in the country. The laws, responsible institution and main objectives are described as follows:

**Table 3-1: Land laws after independence (Source: (Rafeek, 2008))**

Law	Responsible Institution	Main Objective
Paddy Land Act 1958	Agrarian Service Department	To secure tenancy rights of the cultivator from the land owner. Provide provision to pay one fourth of the produce to landlord subjected to a minimum of 15 bushels per acre.
Land Reform Law 1972	Land Reform Commission	To impose a ceiling on agricultural lands which individual of companies owned to 50 acres and allow more indigenous people to own land
Land Grant Special Provision Act 1979	Land Reform Commission	To facilitate the LRC land to vest the state and distribute lands to poor people free of charge.
Urban Development Authority Act	Urban Development Authority	To gazette the area to be developed To provide better physical environment for the optimum economic utilization To alienated the vested in authority to the general public for housing and commercial purposes under sale, lease, rent and rent purchase
National Housing Development Authority Act 1979	National Housing Development Authority	To construction of the houses by the Authority, development of areas with slums and shanties and providing facility for the people to obtain lands for housing development under sale, lease, rent and rent purchase
Mahaweli Authority of Sri Lanka Act 1979	Mahaweli Authority	To purpose of activating Mahaweli development work. To manage activities with regard to state lands situated within this area of jurisdiction To delegate the power to implement the Land Development Ordinance and State Land Ordinance
Registration of Title Act 1998	LSD, SD and RGD	To make provision for the investigation and registration of title to a land parcel ; for the regulation of transactions relating to a land parcel so registered and for matters connected therewith or incidental thereto
Survey Act 2002	SD	To provide for the powers and functions of the surveyor-general To regulate the carrying out of the land surveys To provide for the establishment of a land survey council to regulate the professional conduct of surveyors

#### **3.2.4. Authority of State Land**

The authority who exercises powers over the state lands is the Minister of Lands and Land Development. Land Commissioner's Department involve in the control and administration on state lands under the Ministry of Land and Land Development. Provincial Land Commissioner in each province carries out activities under the supervision of Land Commissioner and he is the coordinating officer between central government and provincial council in land management and administration activities. Divisional Secretary of each Divisional Secretary area (DS-area) carries out divisional level state land management and administration activities. The distribution and alienation of land is decided by him. S/He is guided by different legislation which covers the legal and tenurial aspects of disposition of land. S/He is responsible for the alienation and the systematic development of land in the DS-area. The tenurial rights given for the allottees of alienated land differ according to the legislation under which the grants are issued. Divisional Secretary also has powers to issue temporary permission to cultivate seasonal crops in areas where rain fed shifting cultivation only is possible (Wijesinghe, 1989).

#### **3.2.5. Land Tenure under Private Ownership**

Private ownership is considered as freehold ownership in Sri Lanka. The owner enjoys his ownership rights subject to certain incidents, liabilities, controls and prohibitions which are necessary for the benefit of the society (Wijesinghe, 1989). In the case of death of an owner without passing on his properties, half of the properties are inherited by his wife, and the remainder is divided equally among his children. As each child inherited a share by law, land became fragmented from generation to generation and this increases undivided shares in private ownership (Tennakoon, 1997). If his wife died earlier, all the properties are divided equally among the children. In the absence of wife and children, the property is inherited by legal inheritor; parents, brothers and sisters. Even in the case of properties passing according to a landowner's will, the tradition and practice is to distribute the properties equally among the children in term of the size and quality, thereby hoping to do justice to all of them. Both these systems of succession have led and still lead to extensive fragmentation of land (Wijesinghe, 1989). As a result, arise the co-ownerships, as it is seldom that the family lands are physically divided among the owners, and held in undivided shares. These undivided shares create a tenure known as "Thattumaru" or "Kattimaru". This system mainly applies to lands where the crops are seasonal. The co-owners of this undivided lands practice rotational cultivation patterns with agreement of each other (Tennakoon, 1997).

### **3.3. Deed Registration System in Sri Lanka**

The main land registration system in Sri Lanka is deed registration system. It is based on the 'Registration of Documents Ordinance' according to which unregistered deeds are declared to be void against subsequent registration of deeds (Berugoda, 1987).

Registrar General's Department, under the Ministry of Public Administration and Home Affairs, is the responsible department for deed registration in the country. The department keeps the record of the system by keeping a register book. The mode of holding the land is explained in the register. The deeds must be registered in the proper folio, and provision is made as the method of registration. All deeds of transfer of ownership or change in status of ownership including every judgment or court

order have to be registered to make them valid as a document. The transferring ownership or change in state of ownership means; sale, purchase, mortgage, contract or agreement, transferring any security, interest, encumbrance affecting any land, any agreement for future sale or purchase or transfer, every deed of release or surrender, every will of disposing of any land. Every deed affecting land is required to describe the land clearly for the registration (Tennakoon, 1997).

The transfer of deeds for private lands are prepared by an authorized Notary Public, according to the details provided by the parties or details indicated on the previously registered deeds, and send to the land registry for registration. It is needed three copies; original is registered at the land registry and delivered to the owner, the duplicate on which stamps in payment of the execution due to the government are affixed, is delivered at the local land registry by the attested Notary. The third copy is fixed in notary's office. Deed is not checked in the land registry before registration. Registrar is empowered to refuse any deed for registration, if it is found any fault (Tennakoon, 1997).

### 3.3.1. Problems with the Deed System in Sri Lanka

The commonly experienced problems with deed registration system in Sri Lanka are described in detail in the table below.

**Table 3-2: Problems with Deed Registration System in Sri Lanka (Sangakkara, 2000)**

<b>Problems in the present deed system</b>	<b>Consequences</b>
The history of deeds cannot be properly traced	Large number of litigation. Usually takes many years to conclude (even 30-40 years). Presently 150000 cases pending (AusAID 1997). Litigation has held back socio-economic development and forced many families into poverty. The stalemate causes by litigation has fuelled poor land management.
Most of the land is not registered at the land registry. Even registered land may not reflect the de facto ownership. Information is not actual or up to date. Even extraction of information is very difficult	Information in the register cannot be used for administrative or planning purposes or environmental control. People don't use the register, as they don't trust the info to be correct
Land is not required to be identified by a survey plan. Boundaries are usually described by names of adjoin land parcels and their owners' name. Extents are given approximately. Even the plans prepared by licenses surveyors done without boundary marking and often without uniformity or standard. There is also no mechanism to preserve these plans.	Most disputes are on boundary demarcation issues. Courts have to follow lengthily procedures to give judgment on boundary issues. Contents of the register cannot be used for developing a land information system, as the parcel location is not shown in a plan
Deeds are not checked at the land registry for their correctness	Malpractice occurs very often. This gives room for litigation. Large sums of revenue are lost by the government by evading stamp duty through undervalued. It is estimated US\$ 15 million annual lost only Colombo district (AusAID 1997)

<b>Problems in the present deed system</b>	<b>Consequences</b>
Deeds are not accepted as evidence of proving title to land for collateral purposes by banks	People cannot raise money for development, affecting overall development of the country. Obtaining a title report from a specified lawyer is very expensive and time consuming
Registration does not carry details on land use, buildings and geometric descriptions	Valuation Department or local government cannot use the present register for taxation purposes. Due to this large revenue lost for the government
Some tenure forms are not accommodated in the system	Sharing arrangements and rotation cultivations “Thattumaru” and “Kattimaru” tenure is not recorded
Variation and extensions of mortgage, leases are not accommodated	It always has to write a new deed and register it to do any alteration. This is cumbersome and parties have to pay lawyers fee several times
Transactions of undivided shares take place without any physical subdivision of the land	Land has become uneconomical due to fragmentation. Subdivisions are done without any authority from planning institutions, leading to environmental problems and shantytowns development

### 3.4. Title Registration System in Sri Lanka

The need of title registration system is recognized by the land commission appointed by the government in 1985. As a result of that the government introduced the land titling registration system in Sri Lanka. The land titling programs basically consists of registering title of land parcels with existing rights based on certified cadastral plans. As per the provisions of the RTA, No 21 of 1998 the system is implemented to convert existing deed system to title system as well as register the previously unregistered land parcels in the new system, title registration system (Manual, 2003).

Then land titling activities commenced in three DS-areas, Divulapitiya, Udapalatha and Balangoda in 1998 by Land Settlement Department with the help of Survey Department (Jayathilake, 2007). The Survey Department carried out the survey activities and Land Settlement Department carried out adjudication and land registration activities but without any coordination with the Registrar General’s Office (RGD), in charge of deed registration. Titles issued by LSD and land registry records were not closed. It makes parallel transactions by title certificate and the deed. But the general public faced problems due to delay of issuing title while deed in hand has been cancelled (Jayathilake, 2007). Then in 2002 this program was extended to the project named Land Titling and Related Services project with the assistance of World Bank and for that Registrar General came into the registration process. In addition to areas mentioned above, titling program extended to Tambuttegama and Homagama DS-areas too. This project was implemented up to 30<sup>th</sup> September 2006. But weaknesses in the registration of title act also have affected the progress of the program. As there were no provisions to register co-ownership, to devise an alternative approach to submission of claims, to appointment of land tribunals to solve land problems and to clearly define ownership determination criteria

(Jayathilake, 2007). Though it has been understood to revise the act, the amendments of RTA was delayed several times and still in the discussion stage under the legal draftsmen (Jayathilake, 2007). But the present government realized that the title for the land is good approach to the development of the country. Therefore registration program extends to the island under the new project named as “**Bim Saviya**”.

### **3.5. Bim Saviya Program**

Bim Saviya, long term land titling program is planned to carry out from year 2007 until year 2021 in order to complete the whole Sri Lanka which is considered to have ten million land parcels. It is implemented by the Ministry of Lands and Land Development through the Bim Saviya Division with the mission of “*Towards a prosperous and land dispute free society*” and the mission of “*To introduce Land Title Registration to Sri Lanka and to strengthen the ownership thus providing better opportunity to personal development of people and to provide optimum and efficient utilization of land for development through an efficient and scientific land management*” (Bimsaviya, 2009a; Bimsaviya, 2009b). Under the Bim Saviya program titling process extended in selected villages in eighteen Divisional Secretary areas of Thalawa, Kanthale, Madirigiriya, Rideegama, Meerigama, Uduwara, Doluwa, Ridimaliyadda, Siyambalanduwa, Wligepola, Lunugamwehera, Tissamaharama, Moratuwa and previous mentioned five areas (Bimsaviya, 2009b).

#### **3.5.1. Organizational Structure and Mandate of the Bim Saviya Program**

The organization structure can be distinguished in national and divisional level. The national level has two parts. That is Level-A and Level-B. The main acting organizations are National coordinating committee in national level-A and the council appointed under the registration RTA & Advisory committee of the council in Level-B.

##### **National coordinating committee**

The national coordinating committee is chaired by Secretary of Ministry of Finance and consists of eleven members including Secretaries of Ministries of Agriculture, Land and Land Development, Urban Development etc. The key responsibilities and tasks of national coordinating committee are,

- Stipulate policy and broad frame for planning and implementing the programme
- Periodic review of progress of implementing the programme
- Inter ministry coordination and integration of the programme with other development programmes, as relevant
- Provide resources to the land titling program

##### **Council appointed under the RTA**

The council appointed under the RTA is chaired by Secretary of Ministry of Land and Land Development and consists of seven members including Addl. Secretary in charge of Land, representative of the Secretary of Public Administration and Home Affairs, CTS, SG, RGT and representative of Finance and Planning. The council is advised by the advisory committee which includes the relevant District Secretaries and Land Commissioner General etc. The responsibilities and tasks of this council are given below.

- Formulation of operational policies



- Serve as the main planning and management authority of the Program
- Facilitate inter-departmental /provincial functioning and act on cross- cutting issues
- Review implementation progress and direct suitable action
- Liaison with the National Coordination Committee
- Preparing of annual work programmes and submission of reports to relevant national authorities

### **Divisional Co-ordination Committee**

The divisional coordinating committee is the main body in divisional level of this program. This consists of eight members chaired by the Divisional Secretary including key provincial officers to land. The responsibility of this committee can be summarized as follows.

- Operational level work planning
- Operational/work coordination problem analysis and resolution
- Work facilitation between and within authorities
- Information collection/ dissemination
- Progress reviewing

### **Ministry and Departments involved**

The main ministries involved in the Bim Saviya program are Land and Land Development and Public Administration and Home Affairs. The Bim Saviya program is functioning under the special division named Bim Saviya Division in the Ministry of Land and Land Development. Under these two ministries the main organization engaged in title registration program are SD, LSD and RGD. The SD and LSD are under the Ministry of Land and Land Development and RGD is under the Ministry of Public Administration and Home Affairs. The responsibilities and tasks of Bim Saviya Ministry Division and each organization are described here in after.

### **Bim Saviya Division**

The Bim Saviya division in ministry consists of the Senior Assistant Secretary (Program Manager), three coordinators assigned by LSD, SD and RGD, IT officers and communication assistants. The main responsibilities and functions of this division describe as follows (Bimsaviya, 2009a).

- Stipulate policy and broad frame for planning and implementing the program
- Periodic review of progress of implementing the program
- Inter ministry coordination and integration of the program with other development programs, as relevant
- Provide resources to involved institutions
- Maintain close functional relationships at national and district/divisional program implementation levels
- Drafting policies and present them to Council
- Present important management issues / matters for decision/approval by Council
- Monitor and review progress and quality of program implementation and provide required guidance. Present periodic progress and evaluation reports to Council
- Provide technical expertise inputs required to implement the program
- General program overview on behalf of the Council
- Plan and conduct national level and regional level awareness campaigns

**Land Settlement Department**

The responsibility of LSD is the investigation and settling the rights in land and determination of title to the land and also the liaison with the Survey and Land Registration Departments and other land related organizations such as Land Reform Commission, Mahaweli Authority, and Land Commissioners Department etc. These responsibilities are connected with the following tasks

- Selecting the order of villages to be taken up
- Organization and arrangement of district and village level awareness program
- Investigation and collection of the information about lands
- Publicity of the gazette cadastral area and verification of ownership
- Directing land problems to related organizations
- Overall supervision of the process and monitoring the progress of the process

**Survey Department**

The SD is responsible to carry out the cadastral surveys and to prepare the cadastral map and plans. This is achieved through the following tasks.

- Establishment of geodetic control network
- Cadastral survey followed by boundary demarcation
- Maintain the accuracy and standards of cadastral survey and mapping
- Preparation of cadastral map and plans
- Data manipulation and management

**Registrar General Department**

RGD is responsible for the registration of title and the registration of deed. The main task of the RGD is to maintain the systematic registry and to issue title certificate to the registered land parcels and also register the subsequent transaction with a title certificate.

**Land Settlement Site Office**

This is the site office, under LSD, of land titling program which is responsible for

- Organizing awareness program at village level
- Investigation and collection of the information about lands
- Publicity of the gazette cadastral area and calling claims for registration
- Verification of ownership at local level
- Inform land problems to related organizations

The total number of staff working at this office is 12 excluding the office assistants.

**Divisional Survey Office**

This is also a site office, under SD, that is responsible for carrying out cadastral surveying and mapping. The main tasks of the office are as follows:

- Densification of control network for cadastral surveying at local level
- Cadastral survey followed by boundary demarcation
- Preparation of cadastral map and plans

The total number of staff working at this office is 43 excluding the office assistants.

### District Land Registry Office

This is a district level organization under RGD, which is responsible for registration and works at close collaboration with Land Settlement Site Office and Divisional Survey Office.

The total number of staff working at this office is 16 excluding the office assistants.

Following figure shows the organizational structure of the Bim Saviya program.

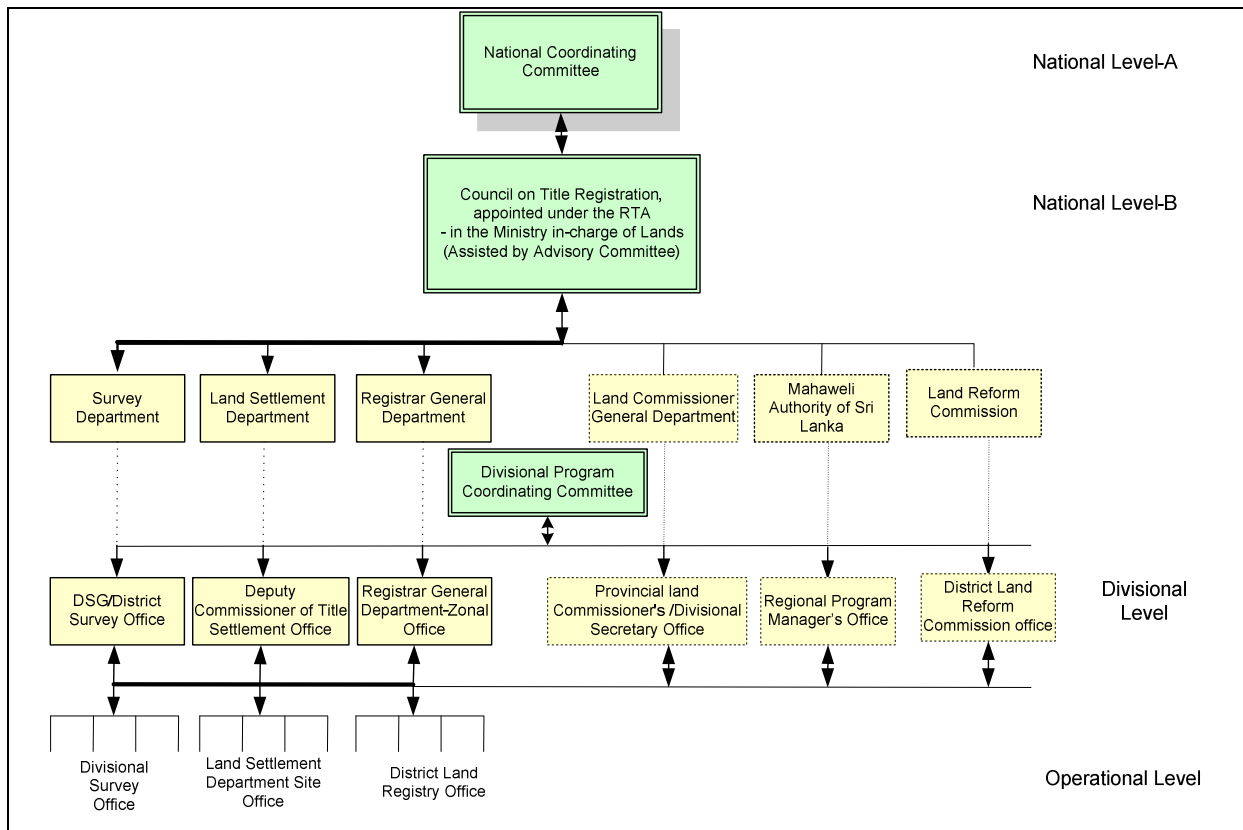


Figure 3-1 Organizational Structure of the Bim Saviya Program (Source: Bim Saviya Report 2009)

### 3.5.2. Land Titling Functions and Processes

There are three broad processes ultimately leading to registering title of a land parcel. They are: surveying of a land parcel and preparation of the cadastral map and plan by the SG; investigation and determination of title by the CTS and registration of title and issue of a title certificate by the RGT (Manual, 2003).

The methodology for systematic entire land titling processes are described below (Bimsaviya, 2009a):

#### a) Selection of Divisional Secretary Divisions

Divisional Secretary areas are selected each year according to the Bim Saviya master plan of the program (Bimsaviya, 2009a).

#### b) Gazettal of an Area by Minister – six months in advance

CTS initiates gazettal for the selected area six months in advance and informs SG and RGT to make necessary arrangements to commence preparatory activities (Bimsaviya, 2009a).

**c) Preparatory work for the selected Divisional Secretary Area****I. Preliminary data collection on Divisional Secretary Area**

Collection of information about DS Area (Number of villages and names of villages, number of state and private parcels in village, information on Vihara Devalagam lands, LRC lands, nature of land problems, GN Divisions, available plans) is carried out by the Senior Superintendent appointed in charge of the Divisional Secretary Area in collaboration with Divisional Secretary, District Planning Officer, District Land Use Planning Officer and other relevant officers (Bimsaviya, 2009a).

**II. Control Surveys**

The Superintendent of Surveys should make necessary arrangement to establish sufficient control points to cover the selected area in collaboration with the relevant GPS Unit (Bimsaviya, 2009a).

**III. Advanced Awareness Programs**

District level / Divisional level awareness programs should be organized in advance to commencement of surveying and investigation of land parcels as describe below (Bimsaviya, 2009a).

*District level Awareness*

District level awareness campaign is commenced four months ahead to the commencement of work in the first Divisional Secretary area of the District. In this campaign all the district level officers and organizations make aware the objectives and procedures by the Bim Saviya media unit. Deputy Commissioner, in charge of division, is responsible for coordinating this activity (Bimsaviya, 2009a).

*Divisional level awareness*

All government officers in Divisional Secretary area should be made aware of the program and the support required. Divisional level awareness also are conducted by Bim Saviya Unit with collaboration of Divisional staff (Bimsaviya, 2009a).

**d) Problem Solving Prior to Commencement of Work**

First round of problem solving related to land grants and LRC lands are expected to be commenced even before fieldwork is commenced. Problem solving is carried out by a team consisting senior officers from all three main departments. Wherever necessary, officers from Land Commissioner General, Divisional Secretaries, Land Reforms Commission and other related organizations will also be included in the team. They should identify problems in state lands, LRC and Vihara Devalagam Lands and try to provide solutions through related agencies (Bimsaviya, 2009a).

**e) Selection of Villages**

Deputy Commissioner of title Settlement in collaboration with the Superintendent of surveys and the Divisional Secretary prepares a list of villages for each site office showing the order in which they are taken up. Assistant Commissioners take up villages according to the schedule prepared. If a change is necessary, approval from the Deputy Commissioner will have to be obtained and Coordinator should be informed about the change (Bimsaviya, 2009a).

**f) Steps of Land Titling Process to Complete a Work of a Village**

Superintendent of Surveys (SS), in-charge of a survey team, decides the number of blocks and assignment of surveyors to each village. Assistant Commissioner of Title Settlement (ACTS) assigns

required number of Field Investigation officers (FIs) to carry out field work and land registry searches. The important steps in land titling process are listed below (Bimsaviya, 2009a).

- a) Village level awareness programs (Organized by ACTS with the help of SS and Title Registrar)
- b) Preliminary investigation
- c) Surveying and preparation of Cadastral Maps and issue of certified copies
- d) Legal Investigation for necessary parcels. (Parallel with g)/ Preparation of SOT
- e) Dealing with problem parcels
- f) Preliminary Gazettal (Section 12) and calling claims
- g) Investigating objections if any
- h) Preliminary determination of ownership
- i) Final gazettal (Section 14)
- j) Finalize SOT and Inform Determinations to RGT
- k) Close the Land register and open Title Register and issue certificate when relevant

After completion of survey of a village SOT is prepared and following information has to be extracted and reported to Bim Saviya Division through coordinators

- Number of land parcels
- State lands, LDO, LRC, Vihara Devalagam etc.
- Identified special land problems

### **3.5.3. Data Storage and Access to Data**

Currently Survey Department keeps cadastral information whereas Land Settlement Department keeps the records of determined titles. Registrar General Department maintains database for title at Title Registration office. LIS Branch in Survey Department maintains the cadastral parcel database. All cadastral maps and plans are given in compact disk (CD) to the Title Registration Office. All databases are isolated and land information system (LIS) has not been established yet. Linking of databases is in the preliminary stage (Bimsaviya, 2009a). Public has to visit relevant offices to access the data.

## **3.6. Remarks**

The historical background, current situation of land registration and related laws and acts are discussed in this chapter. After enactment of crown land ordinance most of the lands are state lands and few are private freehold. The land registration system was deed registration before 1998. To overcome the weakness of the deed registration government started titling but it was not achieved the satisfactory progress due to the weakness of RTA. Land titling program is implemented through three organizations, LSD, SD and RGD under two ministries. LSD is responsible for the determination of title, SD responsible for the cadastral mapping activities and RGD responsible for the registration of tile activities. At present titling is operated under Bimsaviya programme. The organizational structure of the Bim Saviya program and its responsibilities, and existing process of land titling are discussed in this chapter.

## 4. Methodology and Data Collection

### 4.1. Introduction

In previous chapter, the current situation of land registration systems has been described. In this chapter, the details of the methodology which were carried out prior, during and after data collection will be described. The tools and technique used for the collection of primary and secondary data needed to answer the research questions and to achieve research objectives are discussed.

### 4.2. Research Approach

The methodology of this research is mainly based on the approach of case study method. The research methodology is carried out according to flow diagram as shown in Figure 1-2, considering objectives of the study. It consists of three phases namely proposal phase, data collection phase and analysis phase.

#### 4.2.1. Proposal (Phase i)

This phase comprises of the identification of problem and research objectives based on the relevant literature and reports, text books, conference proceedings, and internet sources. The study of the mentioned sources revealed the problem according to that research questions was formulated to achieve the objectives.

#### 4.2.2. Data Collection (Phase ii)

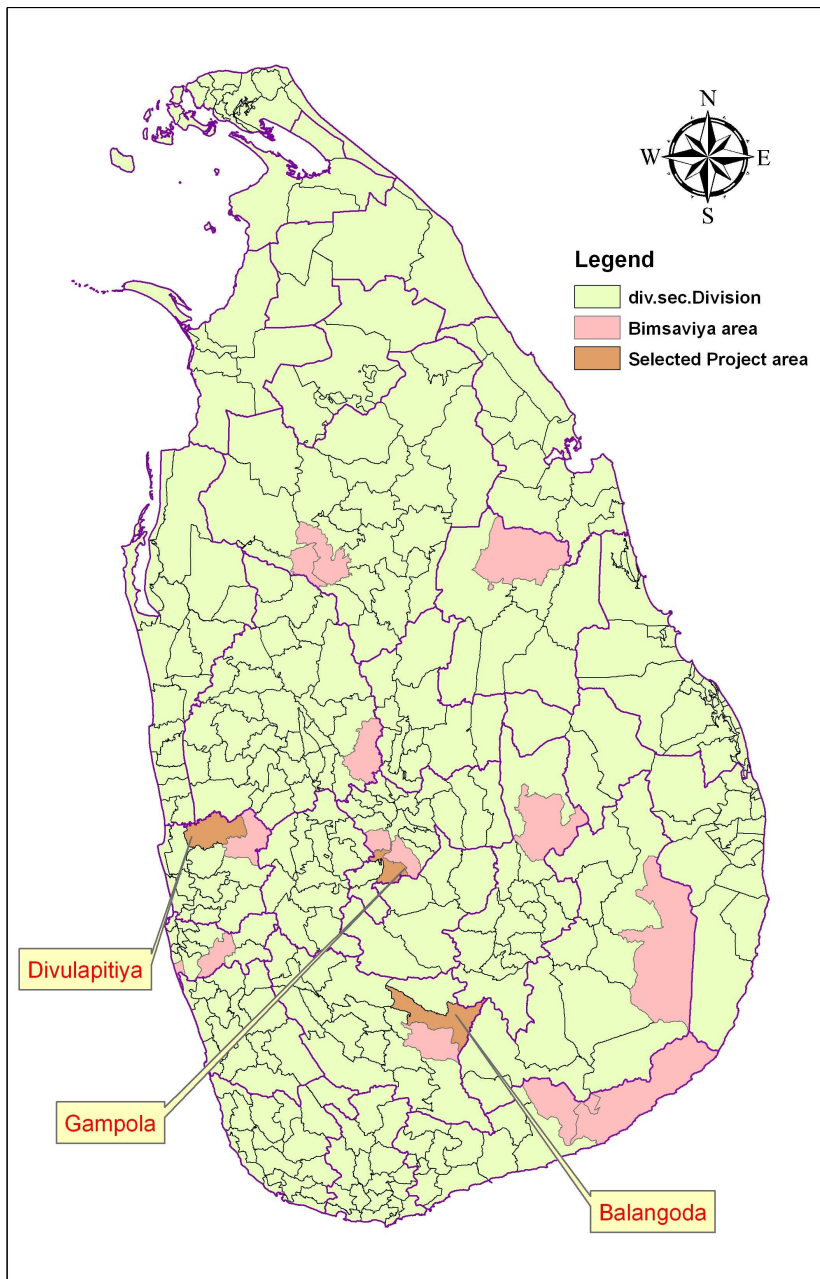
To achieve objectives of the research two types of data can be identified such as primary and secondary data. Both primary and secondary data were collected as described below for this research. According to the conceptual frame work which has been designed in chapter 1, Figure 1-1, the selection of study area and samples are described in next paragraph.

#### **Study area for the data collection from landowner**

Land titling program is practicing in eighteen DS areas in Sri Lanka. Out of these, three DS-areas such as Divulapitiya, Udapalatha (Gampola) and Balangoda are selected as the study area for the data collection from landowner because the title registration was first introduced in these DS-areas and they are represented the three different part of the country such as Western Province, Central Province and Sabaragamuwa Province respectively. Samples are randomly selected to cover Pradeshiya Sabaha area and Municipality area to represent the rural population and urban population. The table 4-1 shows the details of selected samples and the map of Sri Lanka showing the study area is given below.

**Table 4-1: Table showing the sample areas**

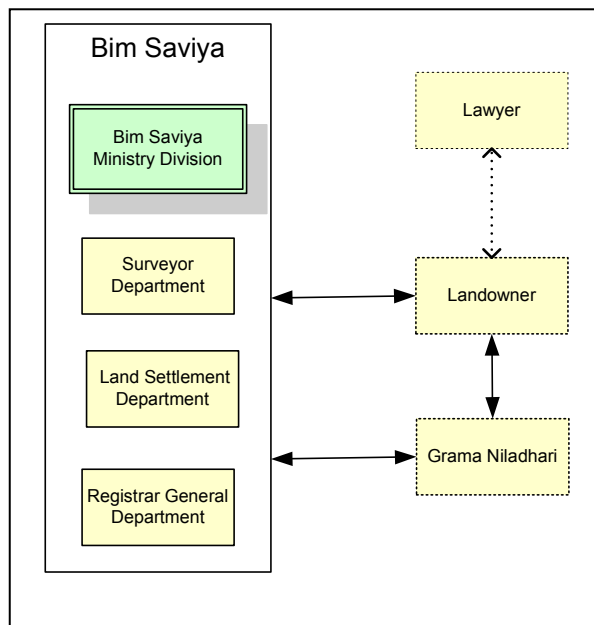
Municipality Area / Pradeshiya Saba Area	DS Area	Village Name	Block No.	No. of cadastral lots	Selected sample size
Pradeshiya Sabha	Divulapitiya	Kadawala	02	296	30
		Dagonna	14	209	30
Municipality Area	Balangoda	Balangoda	01	196	30
	Udawalatha (Gampola)	Pallewela	01	154	30

**Figure 4-1: Map of Sri Lanka showing study area**

### Identification of Stakeholders

To meet the objective of this research, I have chosen Grama Niladhari, landowner, lawyer and relevant management and operational level officers in key departments as the main stake holders of the system.

The Grama Niladhari is one of the stakeholders as s/he is the headman in the village for all government activities and s/he helps in distribution and collection of claim forms. Though lawyers raised the objection to RTA (Sangakkara, 2000) they are considered as one of stakeholder because they involved in subsequent transactions linking the landowners and land registry. Others shown in the figure are directly involved in the land titling process. The identified stakeholders are shown in figure 4-2.



**Figure 4-2: Identified stakeholders for interview**

### Questionnaire design for primary data collection

Questionnaires have been designed based on the acceptability factors as discussed in chapter 2 and corresponding indicators. Also, the attention was given to the identified stakeholders from different organizations by giving them different questions according to the conceptual framework in order to answer the research questions. The list of these factors and indicators are mentioned in appendix 1.

#### a). Bim Saviya Ministry Division

The open-ended and structured questionnaires for the interview with Bim Saviya Ministry Division officers such as Senior Assistant Secretary and three co-coordinators from key departments, are separately designed to know the public participation in title registration process, to identify challenges in terms cost, time and organizational structure in the existing process and the factors influencing the land titling program. The check lists for the interview are shown in appendix 3 to 6.

#### b). Survey Department, Land Settlement Department and Register General Department

The open-ended and structured questionnaires are separately designed for the interview with key department officers to get the information about public participation, current process steps, time



duration, quality of intermediate products, actors and their responsibilities, and factors influence to the operational level activities. The check lists for the interview are shown in appendix 7 to 9.

c). Landowner

The open-ended and structured questionnaires are designed for the landowners to get the data about their attitude and perception about new system, awareness, knowledge about the process in order to identify the factors influencing the acceptability of land titling. The questionnaire is shown in the appendix 2.

d). Grama Niladari

The information about awareness program, publication of gazette cadastral map, distribution and collection of claim forms was obtained from the Grama Niladhari through open-ended and structured questionnaires. The check list for the interview is shown in the appendix 10.

e). Lawyer

The open-ended and structured questionnaires are designed for the Lawyers to get the information about their attitude of the new system, comparison between both systems in terms of cost and time, and the knowledge and their opinion about the land titling. The check list for the interview is shown in the appendix 11.

### **Primary data collection**

The primary data collection was done through the questionnaires by interviewing above mentioned officers, lawyers and landowners through telephone conversation by me and at the field by the relevant officer in each DS-area as no possibility for data collection in field. The questionnaires were sent to the relevant officers such as Bim Saviya program, Grama Niladhari and Lawyers by post and e-mail then they were interviewed through the telephone with an appointment beforehand. Most of them are agreed to be recorded interview and this was very helpful for the generation of the interview transcript. The generation of transcripts made using the note taken during the telephone interview as they were not agreed to record. Then those transcripts were forward to respondents by e-mail or post for their approval.

The interviews of landowners were done with help of Bim Saviya staff who has been working in Divulapitiya, Udapalatha (Gampola) and Balangoda. The translated questionnaire and instructions were sent to the relevant officers by e-mail. In addition I explained to how to fill the each question by the telephone. Then I kept in touch them through the telephone while data collection was going on. After completion the data collection they sent me the original of questionnaires by mail and copy of the originals was kept with them for the safety. The details of interviews are shown in table 4-2.

**Table 4-2: Table showing the list of interviews**

Organization	No. of Interviews	Related Research Questions
Bim Saviya Ministry Division	4 (Additional Sectary, Three coordinators)	Q3,Q6,Q7,Q8
Survey Department	5 (Additional SG, FS, Two SS, Snr.SS)	Q3,Q4, Q5, Q6, Q7,Q8
Land Settlement Department	4 (Two ACTS, Two FI)	Q3, Q4,Q5,Q6,Q7,Q8
Register General Department	2 (Two Registrar)	Q4,Q5,Q6,Q7,Q8
Grama Niladhari	2	Q3,Q5,Q9
Landowner	113	Q3, Q7,Q8,Q9
Lawyer	2 (Lawyer, Judge)	Q7,Q8,Q9

### Secondary Data Collection

In order to collect secondary data and scientific information in support of the research, literature reviewing was performed. Those literatures include official reports, archival records, legal and policy documents, and other relevant official documents. Other general literatures such as books, journals, articles and conference proceedings related to land registration and land administration which is available in the ITC library (Adlib and Digital library) was used. Those literatures from different organizations in Sri Lanka were collected by mail and e-mail. The data source obtained from organization and institution are summarized below.

**Table 4-3: Data source collected from organizations**

Institution	Data Received
Survey Department	1:2000 digital cadastral data, tenement list and SOT of Dagonna Block 14 & Kadawala Block 02 Cadastral Survey Circular, Registration of Title Act 1998 Field Work Manual 5C
Land Settlement Department	Regulations for Title registration –Extraordinary Gazette 1998.10.21 Detail information about each parcel of Dagonna Block 14 and Kadawala Block 02 Field data collection forms Guide line booklet called “Ath Potha”
Register General Department	Organizational Structure of the RGD
Bim Saviya Ministry Division	Bim Saviya Implementation Strategies 2009 Progress Report 2009 Organizational Structure of the Bim Saviya program

### 4.2.3. Analysis (Phase iii)

The acceptability map was prepared for Dagonna Block 14 in Divulapitiya using the geospatial and attributes data in ArcMap software. The data collected from landowners were entered into spread sheet using Statistical Package for Social Science (SPSS) software. Data analysis was done using the same software and Microsoft Excel. Analysis is carried out in relation to the research objectives and questions which lead to conclusion of the study. The analysis will be described deeply in Chapter 5.

### **4.3. Validity and Quality Control**

The pre testing of questionnaire has been done with my Sri Lankan friends who are studying in ITC. The three Bim Saviya staff members who has been familiar with the study area but not previously involved in fieldwork have been selected for the field work. The detail description of the questionnaire has been given them through the telephone and also by mail. The data collection was done under the supervision of Superintendent of Surveys in the relevant area. After received the field data, the correctness of data has been cross-checked through the telephone with the respondents but it was limited only for the land owner who has the telephone connection. The randomly selected sample of 10% of the data was checked and for the 40% of the data verification of field survey was done through telephone.

After that, the results obtained from analysis of the interviews with landowners were compared with the scholarly persons who are living in the selected villages and professional staff in land titling program in Sri Lanka to verify whether the results are accurate and reasonable or not.

### **4.4. Limitation on Data Collection Phase**

Due to some difficulties 113 landowners out of selected 120 landowners were interviewed. This is because the data collectors could not contact all selected land owners as they are not in their lands.

### **4.5. Remarks**

This chapter outlined the research approach. The case study methodology based on this research. The data collection approaches are described in detail. Both primary and secondary data have been collected. The details of description of study area and criteria for selection of particular area are highlighted. Finally the validity control and limitations of data collection are described.

## **5. Data Analysis**

### **5.1. Introduction**

The previous chapter describes the research approach, data collection techniques and the study area of this research. As indicated in the previous chapter, this research approach is based on the primary and secondary data collection that is done qualitatively and quantitatively. This chapter includes the collected data and mainly focuses on results and analysis of them according to the factors affecting to the acceptability of land titling. The acceptability of the land titling will be analyzed with the help of collected data to answer the research questions mentioned in the section 1.6 in chapter 1. The results from data collection and analysis of data, presents under the results and analysis. That will describe the factors influencing the acceptability of title registration system and how they influence the acceptability of the system.

### **5.2. Results and Analysis**

In this section the data collected from the questionnaires in appendix 2, appendix 3 to 9, appendix 10 and appendix 11 are presented according to the landowners, employees, and Grama Niladhari and lawyers responses respectively. The all data collected for this study is from the area where the Bim Saviya program is in practice. The representation of the professionals and landowners is described in detail in section 4.2.2 in chapter 4. The results will be discussed in two aspects such as general issues of land titling and acceptability factors.

#### **5.2.1. General Issues of Land Titling Program**

In this section, results and analysis on general issues like institutional and organisational aspects and other professional and political aspects related to land titling program are presented based on responds of officers and lawyers.

##### **5.2.1.1. Institutional and Organisational Aspects**

###### **Institutional Aspects**

They pointed out that there are three institutional aspects; resources, inter-organizational cooperation and organizational conflicts which influences the title registration.

###### **a) Resources**

The government has been allocated sufficient budget for whole Bim Saviya program to continue their work around 5 million US\$ for year 2009. Also they have adequate technical and other physical resources. According to the LSD respondents and Bim Saviya management respondents, LSD requires more staff such as ACTS, DCTS, Management Assistant and Data Entry Operators. Sufficient number of ACTS and DCTS staff is required because they are responsible for recommending the eligible parcel for titling, as the speed of the progress depends upon the number of parcels recommended for titling. According to the LSD head office respondents, they need more Investigators for the checking purposes. In terms of SD respondents, they have sufficient staff but for the Bim Saviya Management

respondents, more field surveyors are required. According to the RGD respondents, they need skilled persons in Information Technology to improve efficiency of the services being delivered.

It has been observed that human resources are insufficient. Financial and physical resources are available. Without sufficient human resources the title registration system can not be achieved. This is a critical successive factor.

#### b) Inter-organizational Cooperation and Organizational Conflict

Majority of the respondents (42%) find that the inter-organizational cooperation among RGD, SD and LSD is poor. Figure 5-1 shows different views of the interviewers. In general it was found that inter-organizational cooperation among RGD, SD and LSD is not satisfactory enough. As an example; the Secretary of the Land and Land Development does not have any authority to influence to the other organizations that are not functioning under his/her Ministry.

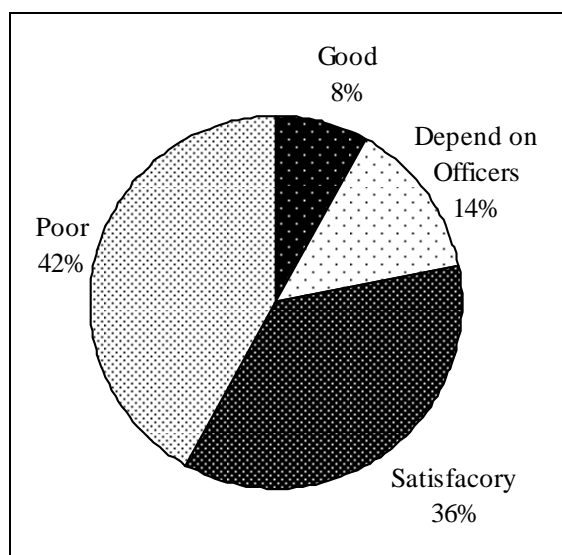


Figure 5-1: Inter organizational cooperation

Therefore 73% of the respondents suggested unifying the organization for the title registration, whereas 14% of the respondents suggested for establishing the field offices at the same places to improve the co-operation and better services delivery. 13% of the respondents suggested that every organization should work independently and their ultimate aim should be towards the issue a title to each parcels as soon as possible.

Due to lack of inter-organizational cooperation, there exists some kind of conflict of interest as well. According to the majority of the respondents (73%), the conflict has negatively affected the progress of titling program. However, 14% of the respondents see little impact on it and 13% of them see no impact of this conflict to the progress of land titling.

Also it was found that each organization has its own goal rather than doing the same title registration process together as one goal. For instance; LSD has changed the fieldwork procedure even though without having any positive impact on the progress. SD gives its main priority to survey new land parcels rather than amending and finishing up already surveyed parcels.

Because there is no proper inter cooperation among three key departments it is difficult to achieve the goal of the system. It affects to the success of the system in a non positive way, which can be regarded as an endogenous factor affecting the title registration system.

#### **5.2.1.2. Other Professional and Political Aspects**

According to the respondents, following are the other issues which influence to the title registration system.

##### **a) Comments and response of legal profession**

According to the officers' response in the first registration of land titling, there is no any role of lawyers but in the subsequent transactions they are involving the registration process and the lawyers give negative impression to the landowners about the title registration as they are not fully aware about the benefits of the title registration to country and individuals. And also the lawyers are not fully support for the amendment of RTA as an urgent requirement.

According to the lawyers' response about the title, the interviewed lawyers are very happy about the title registration since it is very convenient for verification of real right of the land parcels within few minutes. When considering the deed registration system, time taken for the search of history of deed takes around two hours and the preparation of a title report takes around five hours. Sometimes it is not possible to verify the ownership from the documents too. This implies that the lawyers are willing to accept the title registration system. But they suggested that the District Registrar should give priority and more attention for the registration of title.

The lawyers are the professionals who engage in land related problems directly with the landowners. If they are fully aware about the land titling system they can motivate the people to accept the title not the deed. The lawyers can play a main role in amendment of the RTA to overcome the existing problem and enabling to issue titles for all as they are expert in prevailing law in the country. As explained above lawyers are closely related to the land matters and land law in country they can play a role for positive or negative acceptance of the title registration. So lawyers are one of the exogenous factors influencing the acceptability of the title registration system.

##### **b) Acceptance of the Title Certificate by the Financial Organization**

According to the respondents, the financial organizations accept the title certificate as a legal document for the security purposes. Until now, financial organization mainly used the title report prepared by the lawyers for the collateral purposes. As financial organizations are now accepting title, it increases the acceptability of title certificate. The title report from the lawyer is expensive and time consuming but title certificate is free of charge for the landowners. This motivates the people to accept the title. Therefore, this factor can regarded as an exogenous factor playing role in the acceptance of title registration.

### c) Political Support

Government is fully supporting the program and also the change in government does not make any difference about the government policy regarding the land titling program. The one of the main role for the success of the system is the political support. This is also a positive context to find support in extra human resources. Therefore, political support can be regarded as endogenous factor playing role in the title registration system.

#### 5.2.2. Acceptability Factors

The findings are based on field data collected through interviews with landowners, officers, lawyers and Grama Niladharies.

Final conclusions were drawn based on landowner's responses. These responses were collected according to predefined factors and each and every factor contains few indicators. When the responses for majority of the indicators are greater than 65% of the respondents, the factor is considered as having high influence to the acceptance whereas less than 65% is considered as having low influence to the acceptance.

#### 5.2.2.1. Socio-economic and Cultural Factors

##### i. Socio-economic and cultural characteristics of sample population

In total, 113 landowners were interviewed in three DS-areas of Divulapitiya, Balangoda and Udapalatha (Gampola). The majority of the respondents (75%) are male. Most of landowners age ranges are between 35 and 55 and represent 63 % of the total population. They comprise three ethnic groups, mainly 91% of Sinhala, 5 % of Muslim and 4 % of Tamil. The educational levels of the sample population are the following figures: 5% have completed primary school, 90% completed secondary school and 5 % university studies. With a percentage of 48%, the figures show that the majority of landowners are self employed. 12% are employed by government, 19 % work in private sector, and 16% are unemployed while the rest, 5% is a category of retired people. The average income of each households in the case study area is US\$ 196. The majority of the respondents' (27%) income is between US\$ (150-200). The monthly income of the landowners are shown in figure 5-2.

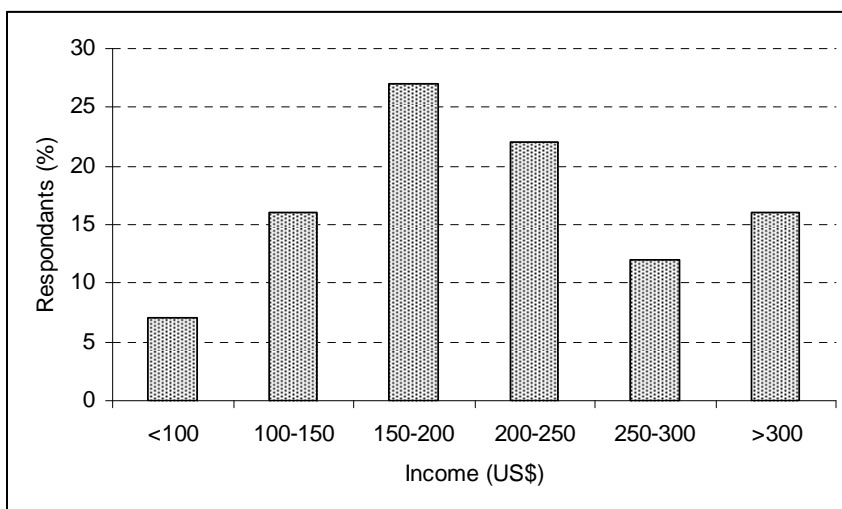
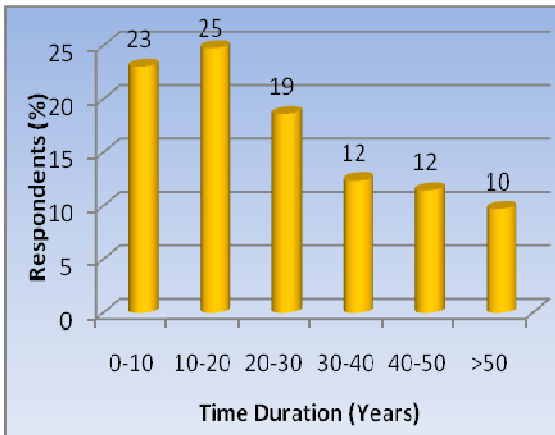


Figure 5-2: Monthly income of respondents

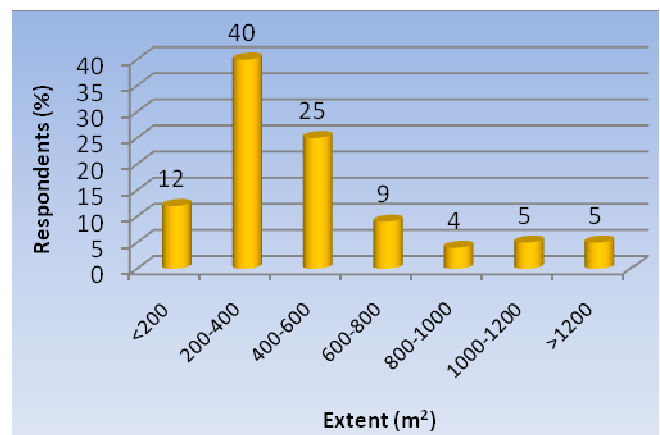
**ii. Landownership status**

**a) Duration of holding landownership**

Figure 5-3 shows the years of holding ownership and occupation on a parcel of land in study areas. Majority of the landowners ( 25%) are enjoying their rights on lands for about 10 to 20 years. Only about 10% of respondents are enjoying their rights for more than 50 years. The percentage of respondents who enjoyed the right for the shortest time duration of (0-10 years) is about 23%.



**Figure 5-3: No of years holding landownership**



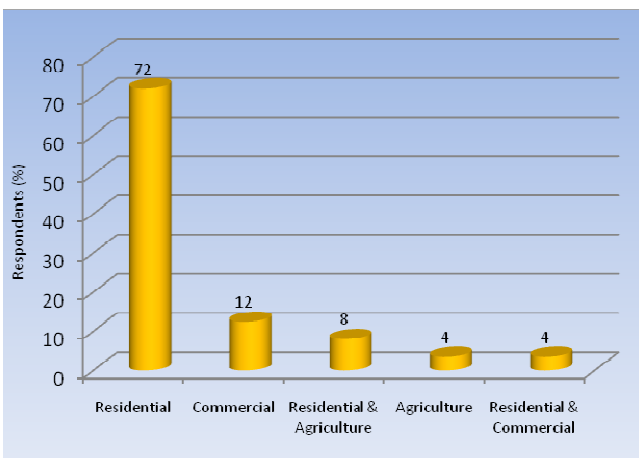
**Figure 5-4: Extent of the land parcels**

**b) Extent of the land parcels**

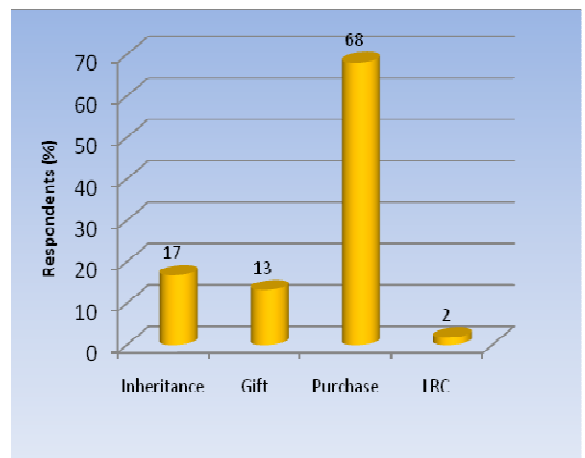
Figure 5-4 shows the area (extent) of the land parcels owned by the respondents. Majority of respondents (40%) have less than 400 m<sup>2</sup> of land, whereas households having the largest area range (more than 1200 m<sup>2</sup>) is only 5%.

**c) Land use type**

Figure 5-5 shows the land use type of the respondents' land parcels. Lands parcels are mostly used for residential functions (72%). Other types of use are commercial, residential and agricultural, agriculture, and residential and commercial.



**Figure 5-5: Land use type of the land parcels**



**Figure 5-6: Mode of the land acquisition**



#### d) Mode of the land acquisition

Figure 5-6 shows the mode of landownership of the sample. The most mode of land acquisition is purchase, 68% of respondents reported having acquired through purchase. 17% of respondents own land by inheritance, 13% acquired land through gift, whereas very few people possess land from LRC. In general, the ownership pattern is single owned (95%) and the 5% of respondents' lands are jointly and co-owned lands.

#### Analysis of social and cultural factors on acceptability

Based to the interviews, no relationship between the socio-economic factors and the acceptability of land titling could be found.

#### 5.2.2.2. Attitude and Perception about the Land Titling

Five indicators were used for investigating landowners' attitude and perception about land titling. Those indicators are; landowners' preferences of registration system, complexity of the system, consumption of time for participation in the process, level of tenure security, and impact in reducing land conflicts.

##### a) Landowners' preferences of registration system

Majority of the respondents (90%) preferred title system of land registration as shown in figure 5-7. The main reasons of preference, according to the respondents are title is guaranteed and it is easier to get credit from banks. Still some respondents (9%) are in favour deed system as the procedure is easy to follow.

##### b) Landowners' impression on complexity of title registration process

Regarding the complexity of the process majority of the respondents (69%) find the procedure is simple and easier to follow, whereas about 23% of the respondents consider the land titling process as complicated, as mentioned in figure 5-8.

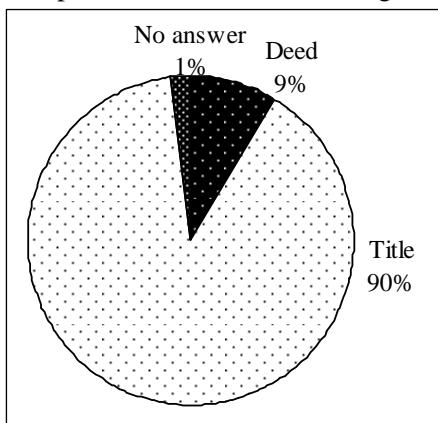


Figure 5-7: System Preference

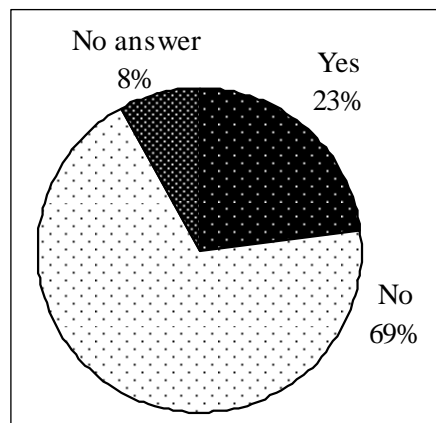


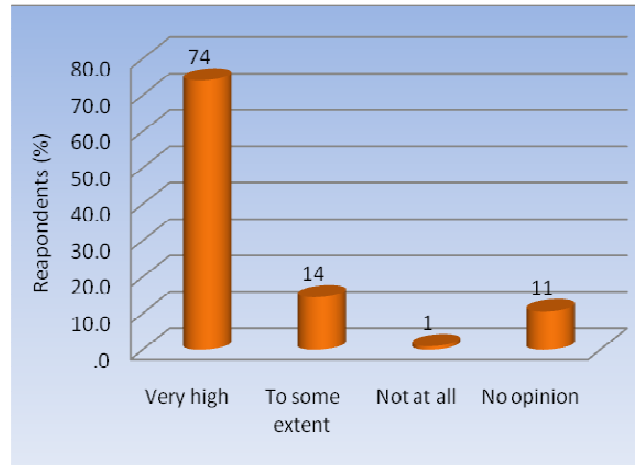
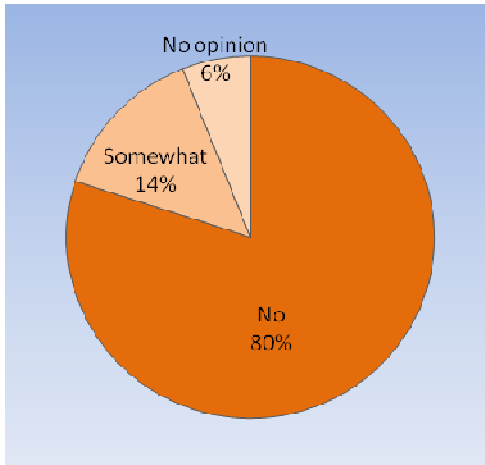
Figure 5-8: Landowners' impression on complexity of title registration process

##### c) Landowners' attitude about the participation as time consuming

As the landowners have to participate in several stages of land titling process, the respondents were asked their views about the time they have to devote during the whole process. As mentioned in figure 5-9, majority of the respondents (80%) do not feel it is time consuming. However, some 14% of the respondents find the participation as a bit time consuming as they have to participate quite a lot of time during the process.

**d) Landowners’ opinion about the level of tenure security of titled land parcel**

About 74% of the respondents believe that the system provides very high tenure security, whereas about 1% of the respondents still do not believe that the system provides better tenure security (figure 5-10).

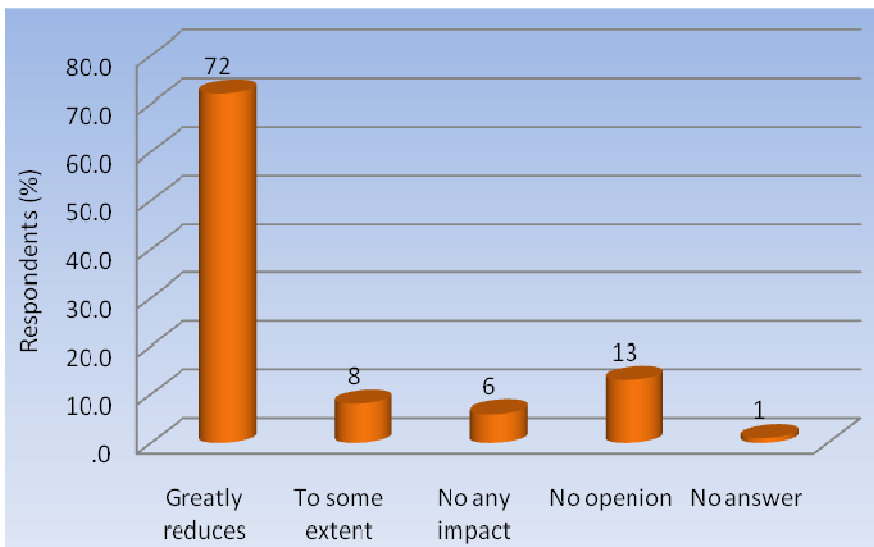


**Figure 5-9: Attitude about the participation as time consuming**

**Figure 5-10: Level of the tenure security of titled parcel**

**e) Impact of titling in reducing land conflict**

Regarding the contribution of the land titling in reducing land conflicts, majority of the respondents (72%) find positive impact of titling in reducing land conflicts, as mentioned in figure 5-11.



**Figure 5-11: Impact of titling in reducing land conflict**

**Officials’ responses on tenure security**

To cross check the landowners’ responses regarding tenure security provided by land titling and its contribution in reducing land conflicts, some 15 officials were interviewed about their experiences in this regard. Most of them (13) viewed that the system provide better security of tenure and the system is greatly contributing in reducing land related conflicts, however the rest 2 did not respond any in this regard.

### **Lawyers' opinion about the land titling program**

According to the lawyers (2), interviewed for their opinion about land titling, land titling is one of the best solutions for reducing land related disputes and to improve the tenure security as compared with the deed system.

### **Analysis of attitude and perception on acceptability**

The above results show that majority of respondents accepted the title registration system as it is guaranteed by the government. They believe that it will enhance the access to credit, increased tenure security and reduced land conflicts. That is, the land titling program is supported by the majority of the landowners. Therefore it is concluded that attitude and perception of landowners can highly influence the acceptability of land titling.

However, some of the respondents find that the process is complex and time consuming where participation is concerned. Some of the respondents do not have positive perception about the effect of titling in reducing land conflict and increasing tenure security, due to lack of awareness. The system need to be simplified so that landowners could not show this negative attitude towards the land titling program.

### **5.2.2.3. Trust and Trustworthiness**

Nine indicators were used for collecting citizen's response about the trust and trustworthiness of the land titling system. Those indicators are satisfaction about field investigation and surveying process, satisfaction about the extent on tenement list, satisfaction with the time for issuing title and correctness of the title certificate, trustworthiness of the system, equity of the service delivery, reliability and strength of land titling.

#### **a) Satisfaction about the field investigation, surveying and extent of the tenement list**

Most of the respondents (79%) are satisfied with the field investigation as shown in Table 5-1. 20% of the respondents are satisfied up to some extent. The main reasons for that are more time taken for field investigation and information is not collected at once. 95% of the respondents are satisfied with the field surveying and 92% for parcel extent that is indicated in the tenement list. Few respondents are not satisfied with field survey in case of the collected data are different from the existing data, as indicated in the cadastral plans provided by private surveyors. 8% of respondents are partially or not satisfied because the extent of parcel mentioned in the tenement list is lower than the extent in the deed.

**Table 5-1: Level of satisfaction about field investigation, surveying and extent of the parcel**

Level of Satisfaction in	Field Investigation %	Field Surveying %	Extent of the Tenement List %
Yes	79	95	92
Somewhat	20	04	05
No	01	01	03

### Officer's responses about the difference in the extent between the deed and the tenement list

When converting deed to title, sometimes the extent in the deed does not match with the extent specified in the cadastral map that is the extent found after fresh survey. They should match each other or the difference should be very small. Survey was carried out to check whether there is any impact of this difference on the progress of land titling or not. Then, 58% of the respondents find some impact, 21% of the respondents find noticeable impact where as 21% do not find any impact.

### b) Satisfaction with the correctness, time required for title certificate and parcel plan of the title certificate

All respondents who have the title certificate are satisfied with the correctness of the title certificate. 60% are satisfied with the time duration taken to issue a title. 40% of the respondents are not satisfied because it takes the more than one year to issue a title. 96% of respondents who have the title certificate have positive opinion about the correctness of cadastral plan attached on the title certificate.

### c) Satisfaction with the equity of the service delivery

Figure 5-12 shows respondents' opinion about the equity of service delivery in land titling program. 79% of the respondents opinion on land titling program appreciate the equity of service delivery, 14% of respondents do not appreciate it because they have not received title for their land, while 7% of respondents didn't give any opinion about the equity on service delivery.

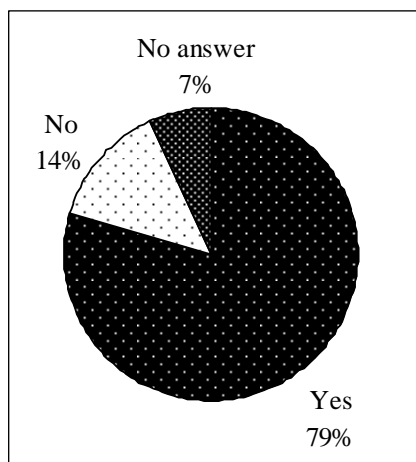


Figure 5-12: Equality in service delivery

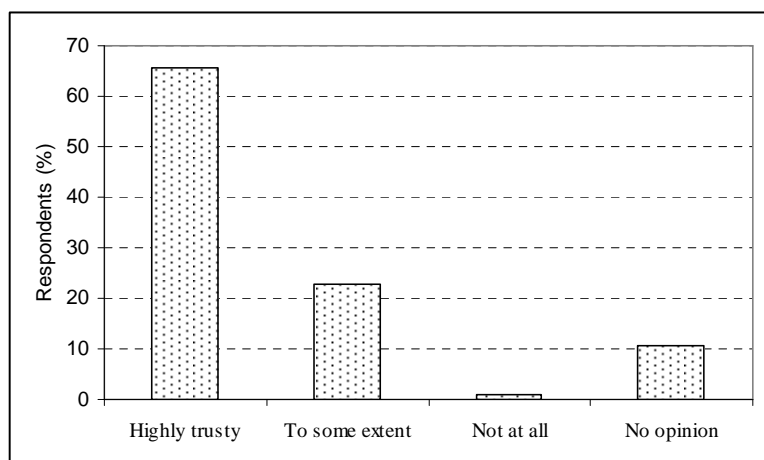


Figure 5-13: Landowners' opinion about the trustworthiness of the system

### d) Level of the trustworthiness of the system

#### Landowners' response

The figure 5-13 shows the respondent's opinion about the trustworthiness of the system. 66% of the respondents highly trust the system, 23% respondents trust the system to some extent and the 1% respondents say that the system is not trustworthy. The 10% of respondents do not have any opinion about the trustworthiness of the system.

#### Lawyers' response

According to two lawyers, there is no provision to check the landowners' signature. They cited a case in which a son sold his father's land having the land title and another case when one land was sold twice using both deed and title.

### e) Reliability of titling

#### Landowners' response

According to the figure 5-14, the majority (71%) of the landowners accepted that the process of land titling is very reliable while 17% of respondents expressed the reliability of land titling is up to some extent as the land titling registration is implemented in small area.

#### Lawyers' response

According to the two lawyers interviewed, their opinion about reliability of the land titling is up to some extent because it is still in preliminary level.

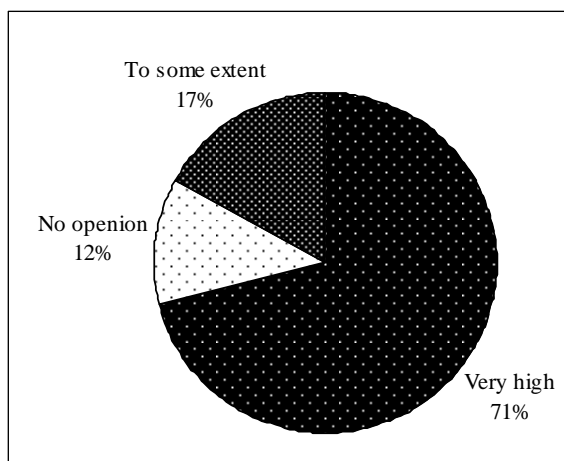


Figure 5-14: Reliability of land titling

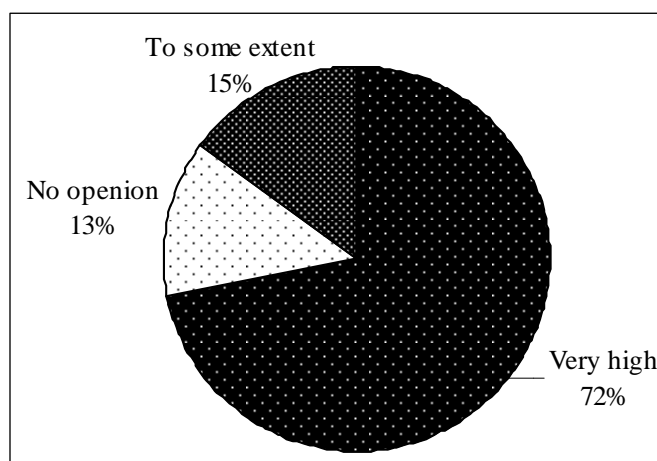


Figure 5-15: Level of strength of title certificate as legal evidence

### f) Level of strength of land titling as legal evidence

#### Landowners' response

According to the figure 5-15, the majority of landowners' opinion about the strength of title certificate as legal evidence for landownership is very high while it is to some extent for 15% of respondents.

#### Lawyers' response

One respondent says that there is no legal evidence of land title because the judges are not aware of the title registration. Other respondent does not have any idea about a land title as legal evidence.

#### Analysis of trust and trustworthiness on acceptability

According to the responses, the majority of the respondents trust the system and the trustworthiness of the system is satisfactory. Lawyers' criticised the verification of landowners' signature. They are the people who have the responsibility to verify the landowners' signature because landowners first come to them for the subsequent transactions. From the lawyers' response it can be observed that both the deed and title registers are not maintained in a proper way. Lawyers also stated that the lack of legal evidence in land titling exists. That is because title registration is in preliminary stage and poor co-operation between title registration program and related professionals like the lawyers. However, it is difficult to conclude the overall idea about the trust and trustworthiness of the title registration system by lawyers as this interview has very limited clues for it. Though majority of the respondents find the

system is reliable, there is still a need for improvement in the reliability of the system to address the unsatisfied minority of the people.

It can be argued that, majority of landowners trust the system because of the better field investigation, field surveying, and extent of the tenement list, equity service delivery, and reliability of the land titling and legal strength of the land title. That is they are satisfied about the trustworthiness of the system. The trust and trustworthiness is higher influencing factor of the acceptability of the system.

#### 5.2.2.4. Awareness and Participation

##### 1) Awareness

According to the land titling process, before the field work it is necessary to conduct awareness program in the village with help of GN. LSD department staff responsible for the program, in collaboration with other SD and RGD officers has to participate in the program, explaining its objectives, benefits for landowners, process steps, requirement and the responsibilities of the landowners in this process. Four indicators were used for acquiring landowners' awareness about land titling program. Those indicators are level of awareness, participation on awareness program, quality of the awareness program, knowledge about the benefits of the program.

##### a) Level of awareness about the land titling program

###### Landowners' response

Only 69% of respondents are aware about the land titling program and 31% of respondents are not adequately aware about the system.

###### Lawyers' response

Lawyers have different view than landowner. According to the interviewed lawyers, there are no any awareness program organized for the judges who are involved in the land matters (32% participate in land matters) in the Sri Lanka.

##### Source of information about the awareness program

Main source of information about the land titling program are Grama Niladhari, project officers, hand leaflet and posters.

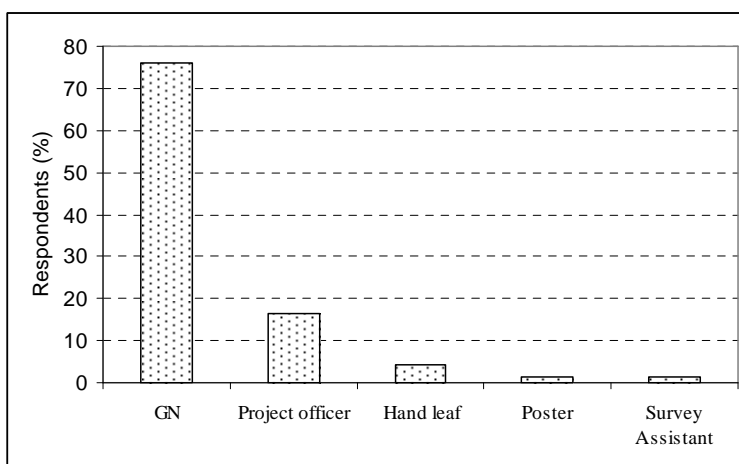


Figure 5-16: Source of information about awareness program

### Landowners' response

On interviewing the landowners the most of respondents got the information about the awareness program from the Grama Niladhari (figure 5-16). 16% of respondents get the information from project officer and the very less amount of respondent aware from the hand leaflet, posters and Survey Assistant.

### Officers' response

Supporting landowners' responses, officials viewed that the awareness program is informed to the landowners with help of the GN by letter and in addition most of time they use posters.

### b) Participation on the awareness program

#### Landowners' response

From the interview 53% of respondents participate in the program, and 47% of respondents not. Main reasons for not attending awareness program are not being aware of the program; recently purchased land, landowners busy and landowners reside far away from the land. Among them 69% of the respondents viewed that they didn't know about the awareness program (figure 5-17).

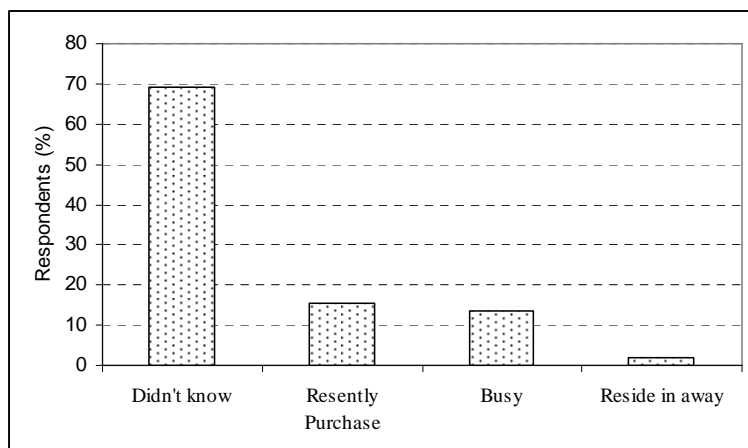


Figure 5-17: Reasons for the not attending the awareness program

### Officers' response

According to the officers who were working in the urban area, the landowners' participation in awareness is about 40%-60% which it is about 60%-80% in the rural areas. The reason, according to the officials, is that the landowners' who live in urban area are not willing to attend the awareness program with their busy daily schedules.

### c) Quality of the awareness program

To get the quality of the awareness program respondents were asked in five sub indicators such as objectives clearly explained, process steps understandable, convenient of the location, public views considered and convenient of the time.

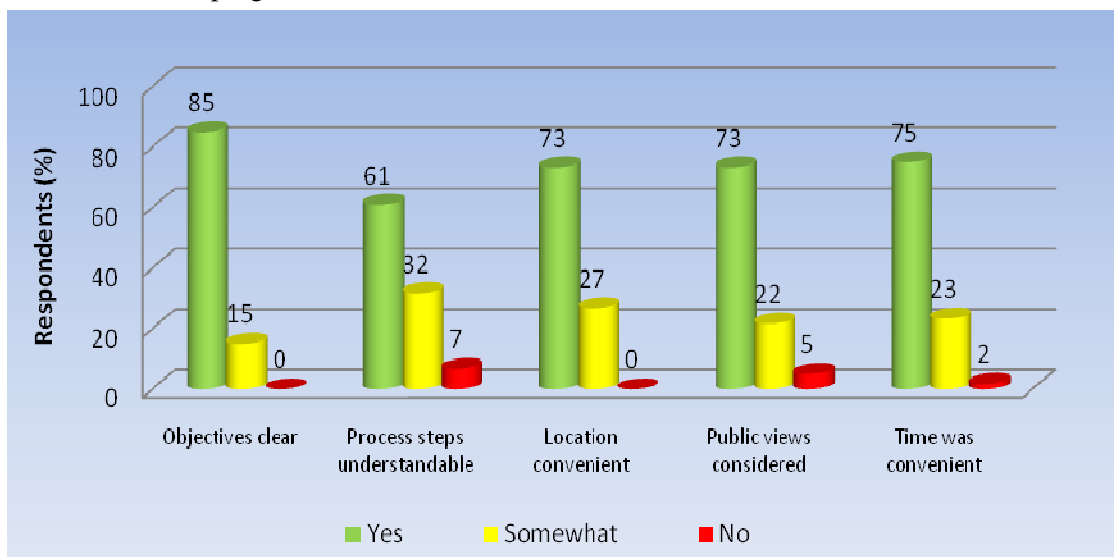
#### Landowners' response

Figure 5-18 shows landowners responses about the quality of awareness program. Majority of the respondents (85%) who attended the awareness program opined that the objectives of the program are clearly explained. Only 61% of respondents viewed the process steps are clearly explained in the

awareness program and 32 % of the respondents viewed that the process steps are clear to some extent and the rest of respondent viewed that the process steps are not clear to them.

Majority of the respondents (73%) viewed that the place of the awareness program is convenient and 27% of respondents say that the place is convenient to some extent. According to the comments of the respondents 73% viewed that the officers considered the public views and 22% reported that the public views are considered to some extent and the 5% of respondents highlighted that public views are not considered.

The 75% of respondents viewed that the time of the awareness program is convenient and 23% of respondents say that the time was convenient to some extent and only 2% of respondent say the time of the awareness program is not suitable for them.



**Figure 5-18: Quality of the awareness program**

### Officers' response

According to 91 % of the officers responses, the objectives of the awareness program were clear and 9% of the officers viewed that it depends on the speaker. Regarding the clarity of explanation about the process steps, 82% of officers viewed that they are understandable and 18% of officers viewed that is understandable to some extent. According to the GN responses, sometimes landowners couldn't understand and they request additional explanation from them. One officer (SD) mentioned that sometimes the awareness program has been suddenly announced and there is no possibility to attend the program due to daily schedule and difficult to find out representative. Regarding the location of the program, 91% officers agree because it located in public place like temple, church, or school in the village and accessible to citizen. 9% of officers agree to some extent because the limited space and facilities.

Regarding the time of the awareness program, 36% of officers viewed the time was convenient and the majority of the officers (55%) opinion is to some extent whereas 9% of the officers viewed the time is not convenient. Main causes are unavailability of most of landowners who have attended their official and other work during the week days. It is not possible to participate in the awareness program because in general the program starts about 3.00 pm during the weekdays (figure 5-19).



When considering officers responses about public views; 73% of officers are agreed that public views to be considered, 9 % agree to some extent, and 18 % disagree. According to them, most of public request are related to the land under permit, given by the state but LSD haven't legal power to solve the problem. Other important point is landowners' request to subdivide their lands but the SD staff only survey the existing agreed boundaries that do not involve lands partition (figure 5-20).

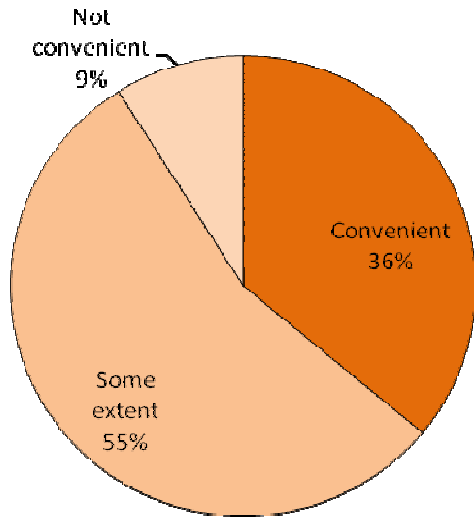


Figure 5-19: Officers' response about time of the awareness program

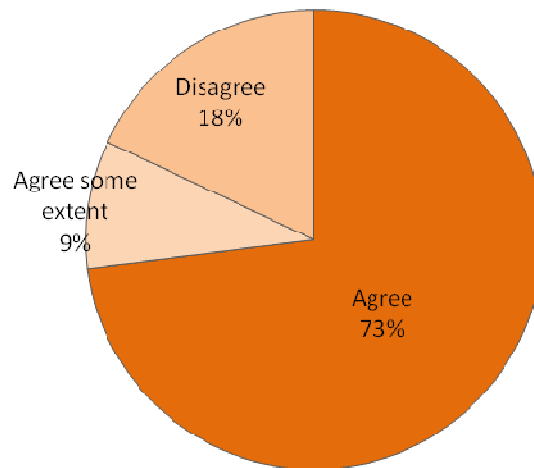


Figure 5-20: Officers' response about the considering public views

**d) Landowners' knowledge about the benefits of title registration**

Figure 5-21 shows the respondents knowledge about the benefits of title registration. More than 90% of respondents know the land titling provides easy access to credit, ownership guaranty and the title certificate free for all. More than 75% of respondents know that land titling increase the land value and speed up lands transaction process.

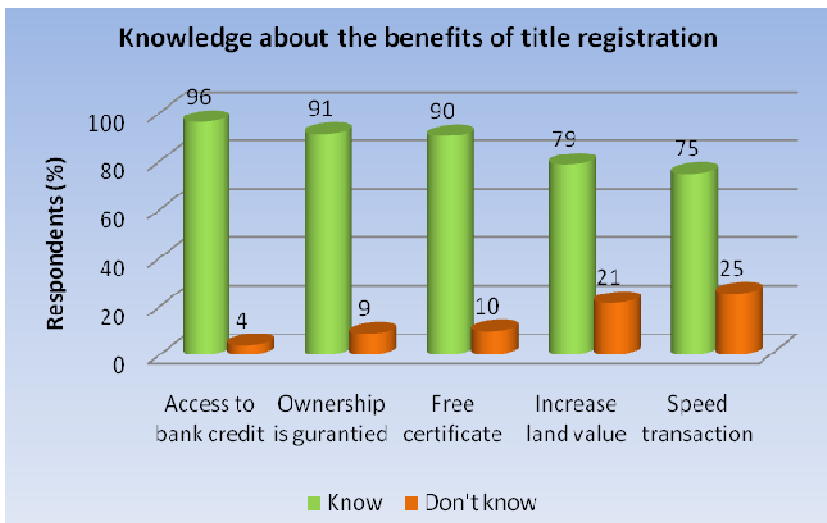


Figure 5-21: Landowners' knowledge about the benefits of title registration

## 2 Participation in land titling process steps

The major process steps in land titling are provide deed information, agree for the boundary with neighbours, participation in field survey, submission of claim forms, participation in investigation under section 13<sup>th</sup> of RTA, submission of objections for final determination and collection of title certificate. To acquire the landowners' participation about the land titling process the participation in above mentioned process steps is used as indicator.

### a) Awareness and participation about the process steps

#### Landowners' response

According to the figure 5-22, the majority of the respondents are with a good knowledge about the participation; that is they are aware in the process steps such as provision of deed information and participation in the boundary demarcation, and they satisfactorily participated in those process steps. Awareness and participation about the field survey and the submission of claim form is less than the previous two steps. But the majority of the respondents are not aware of the next process steps such as participation in investigation under section 13<sup>th</sup> of RTA and submit their objections about the final determination. It shows that the participation of the landowners is high if they are more aware about the each process steps.

#### Officers' response

According to the LSD officers, about 60%-80% landowners participate in the field investigation step (providing deed information). Regarding the boundary demarcation, the participation is around 60%-80% and the field surveying the participation is about 60%. They also stated that 10%-50% of landowners have been participated in the submission of the claim form. As mentioned by LSD officers, the participation in the investigation under the section 13<sup>th</sup> in RTA is 80% for landowners who are informed. All the officers haven't any experience about submitting objection about the final determination. According to the RGD officers, around 50% of landowners in rural area and 60%-80% in urban are collect their title certificates in time and also the rural land owners are less interested in collecting the title and collect it if they need any transactions.

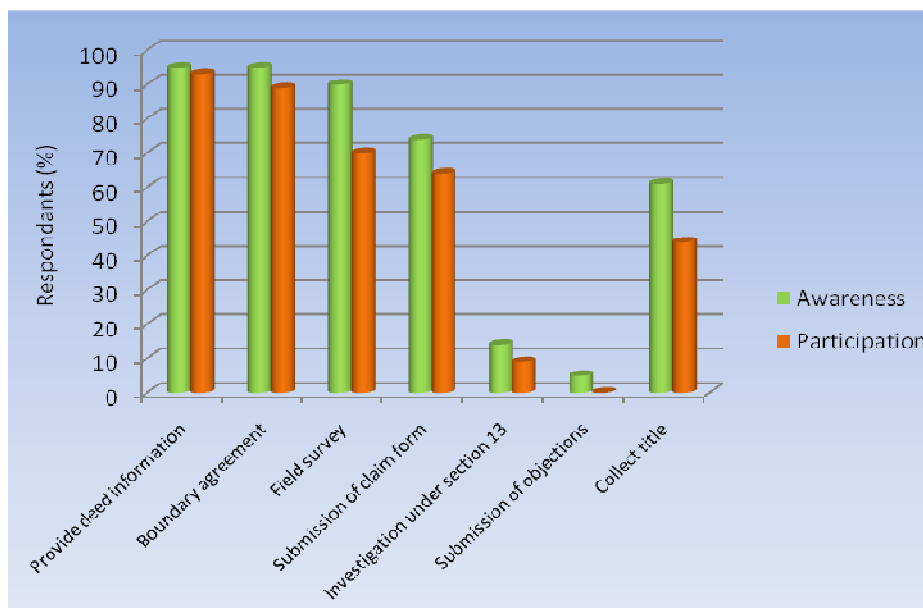


Figure 5-22: Landowners' awareness and participation about land titling process steps

## b) Submission of claim forms

Submission of claim forms is an important step which has influence in the progress of land titling program. According to Sri Lankan land titling process steps, after the gazettal notification about the cadastral map, citizens have to submit the claims for their rights within one month period.

### Landowners' response

#### i) Awareness about the submission of claim form in due time

When asking about the awareness about claim form submission in due time; only 13% of the respondents was found aware and majority of the respondents (87%) are not aware of this issue.

#### ii) Status of claim form submission

Figure 5-23 shows the status of receiving claim forms and their submission back to the office. Out of 108 respondents, only 75% (81) received the form. From those who received claim forms, 86% (70) respondents submitted the form back to the office.

#### iii) Reasons for the non submission of claim forms

The following results are based on the responses of the landowners who didn't submit the claim forms. 36% of respondents say they couldn't fill the form alone, 18% of the respondents reported to be busy with the work, 18% say that they need their land consolidated or subdivided, 18% says that they didn't know the importance of the claim form, 10% says they didn't submit the claim form because the program didn't provide the title for co-ownership lands (figure 5-24).

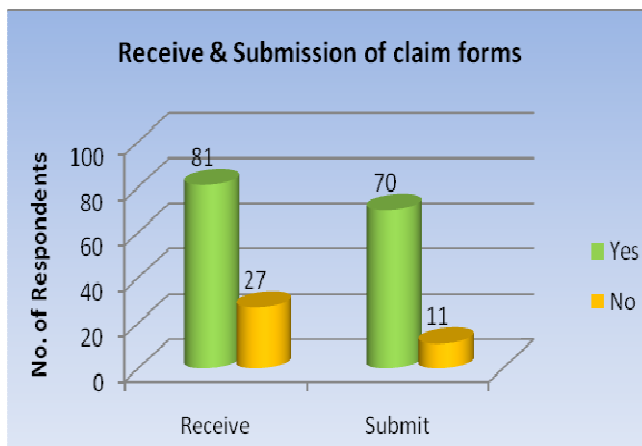


Figure 5-23: Landowners' response about the receive and submission of claim forms

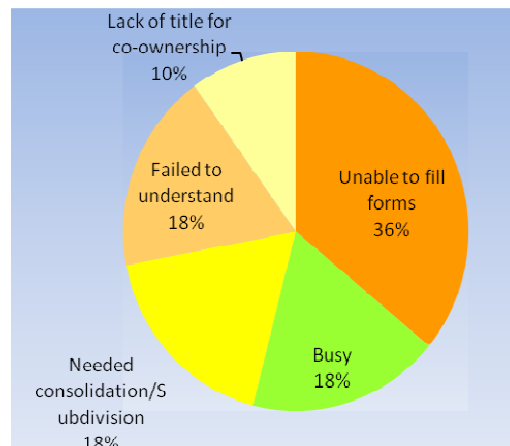


Figure 5-24: Reasons for the non submission of claim forms

### Officers' response

According to all officers' responses, there is no enough publicity for submission of claim form within one month period and lack of awareness is the main problem. They highlighted other reason like the publication of cadastral map that takes more time then the landowners have forgotten the information explain in the awareness program.

### **Analysis of awareness and participation on acceptability**

According to the results, 69% of the landowners are aware of the land titling program, though half of the respondents did not attend to the official awareness programs. This happened because of lack of information from relevant officers to the landowners, poor preparation of the awareness programs and low williness to attend such programs.

The majority of landowners found that the quality of the awareness program is satisfactory. However it is important to take further measures to improve the quality of the awareness program for better participation in all process steps of the land titling program. According to the interviewed officials, the awareness programs are organized without proper coordination between the officials from the organizations involved in the land titling program. Hence sometimes, the relevant officials are absent during the awareness program. The results show that there is a need for proper adjustment in the timing of the programs according to the prevailing situation of the respective villages. Due to the lack of adequate legal provisions not all the requests from the landowners can be fulfilled, though majorities' interested are not satisfied. The interviewed lawyers are in favour of awareness programs for the judges as well, as they have to make decisions on the cases of land related conflicts. Even though awareness regarding some process steps is less, it is found from the interviews that landowners have sufficient awareness regarding the benefits of title registration.

In response to the question regarding respondents' awareness and participation in process steps, it has been found that for the most of the process steps the majority of the landowners have sufficient knowledge about process steps, except 'investigation under section 13<sup>th</sup> of RTA' and 'submission of objections for the final determination'. Awareness on submission of claim form in due time is insufficient. However, the majority of the claim form recipients have submitted in time. It can be revealed from this situation that if the process of distribution of claim forms is improved, there can be significant higher number of submissions improving the progress of the program. In addition, the complexity of the claim form is the other reason of low submission: people need officers' assistance in filling the forms. All the officers suggested that the overall improvement in publicity and awareness, are of vital importance for timely submission of claim forms.

The participation in the awareness program helps people to know about the title registration system, its benefits and its legal situation. Better awareness about the participation for each process step and improved information from the officers to landowners will increase the participation in all process steps. Therefore awareness and participation is another higher influencing factor landowners' decision.

#### **5.2.2.5. Transparency**

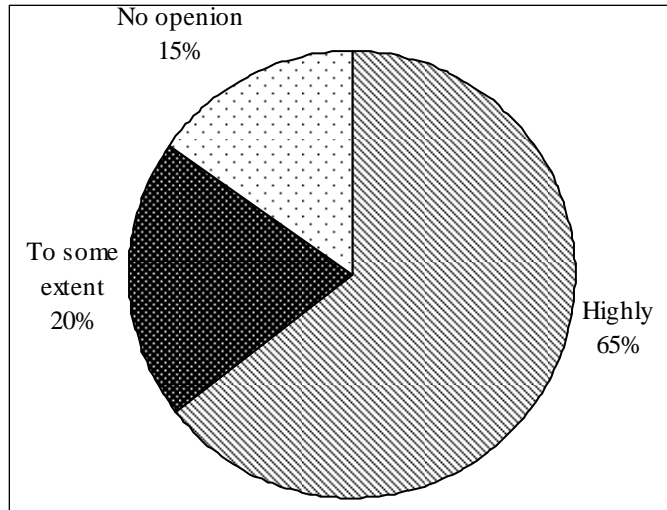
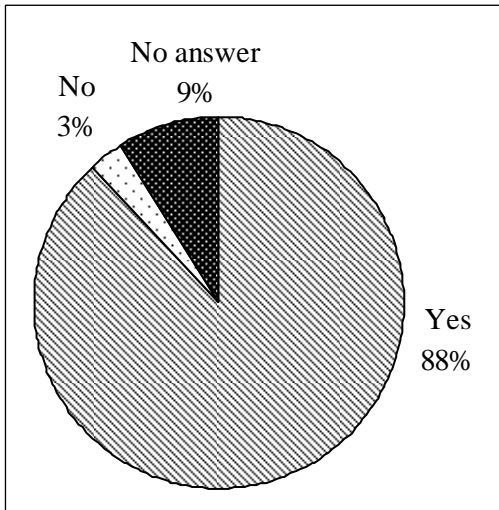
For the acquisition of citizen's response about transparency of land titling system four indicators were used. Those indicators are; transparency in process, level of addressing landowners' interests, corruption and the backward information flow about non recommending of title certificate.

**a) Transparency in registration process**

According to result of the landowners' response elaborated in figure 5-25, 88% has agreed that the process is transparent and 9% did not give any answer for it.

**b) Level of addressing the landowners' interest**

According to the majority of the respondent (65%) shown in figure 5-26, they accept that the system consider the landowners' interest while the 20% says to some extent and 15% didn't express any opinion about it.



**Figure 5-25: Landowners' response about the transparency in registration process**

**Figure 5-26: Level of addressing landowners' interests**

**c) Corruption**

According to all respondents the title registration system is free from corruptions.

**d) Landowners' response about backward information flow on the reasons of non issuing title certificate**

According to the responses of landowners those who had not received title certificate, only 52% of respondents have received the reasons for none issuing of title and out of them 80% respondents have taken the action to furnish the required information and documents for the title.

**Analysis of transparency on acceptability**

From the results it has been found that the majority of the respondents find the process to be transparent and all agreed that the system free of corruption. At the same time, it takes quite a long time to get the process completed. It is important to enhance the users' interest and improve the backward flow of information as the landowners are willing to submit the required information and documents in time if they are properly informed.

As the system is transparent and free of corruption, the landowners are highly willing to follow the system. Therefore transparency of the system highly influences the decision of the landowners' about the title registration.

### 5.2.2.6. Land Information System and Access to Information

#### 1) Access to Information

The accessibility for the information of the land titling system is evaluated under six indicators. Those indicators are; source of information about land titling program, effectiveness of the booklet, information flow of the process steps, information about the gazettal cadastral map, easiness of accessibility of gazettal cadastral map and accessibility of claim form.

#### a) Source of information about the land titling program

According to the figure below, more respondents get the information about land titling program from the project officers (32%) and the awareness program (31%). 22% of respondents aware from the Grama Niladhari and 7% from the neighbours and their relations. Very few respondents are aware of the posters, hand leaflet, Survey Assistant, mobile communication and news papers to get the information.

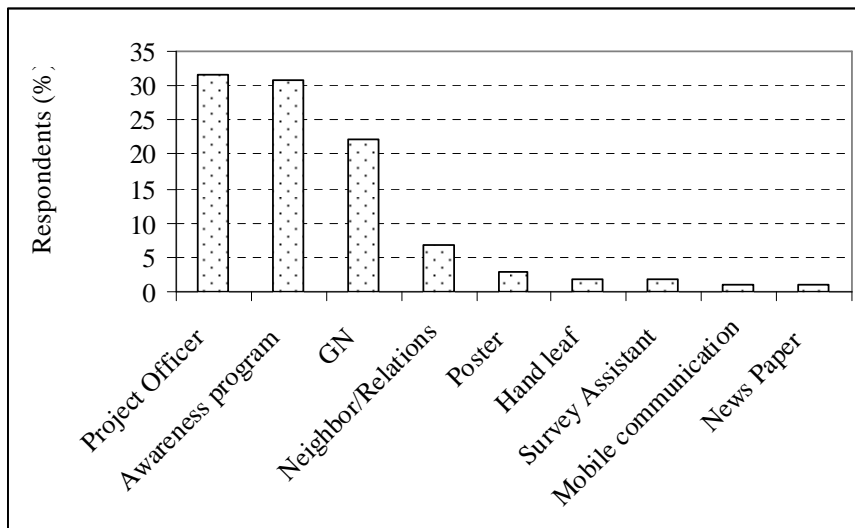


Figure 5-27: Source of information about the land titling program

#### b) Effectiveness of booklet provided by awareness program

There are only 30% of respondents those who have attended the awareness program, are interested in the booklet provided at the program and it has not effectively used to access the information and the majority (54%) is not interested in that booklet.

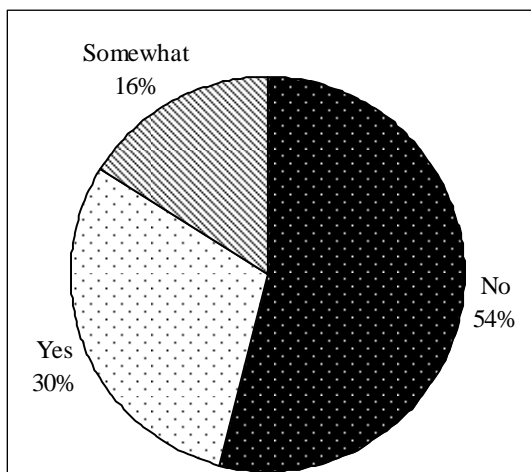


Figure 5-28: Effectiveness of booklet provided by awareness program

**c) Information flow of the process steps**

Field investigation date is informed to the landowner by a letter through the GN or officer himself. According to the officials interviewed, 66% of respondents informed the date of boundary demarcation through letter by post or messenger and 34% respondents informed through the GN. The date of surveying is not informed 66% of respondents and 34% respondents informed verbally. The dates of investigation under the section 13<sup>th</sup> of RTA and the collection of certificate are informed the landowner through the letters by post. The gazette of final determination of title under the section 14<sup>th</sup> of RTA is also sent to the landowner by post for his/her information.

**d) Information about the gazettal cadastral map****Landowners' response**

The detail of the interview has shown that there are only 25% respondent aware their gazettal cadastral map and 75% didn't know about the gazettal cadastral map.

**Officers' response**

According to the all interviewed officers, the publicity is given through some posters published in the populated area and the GN office. They stressed that this publicity is not enough because the all landowners may not go through these posters specially those who reside away from the areas. The public can access to the gazettal cadastral map at GN office, LSD site office and head office, Divisional survey office, District survey office and the Divisional secretariat office.

**e) Easiness of accessibility to gazettal cadastral map**

According to the landowners responds the majority (around 57%) pointed out that it is not easy to access the gazettal cadastral map while others found easier. The main reasons are; GN is in his/her office only for few days and need to be there many times to get the information about the gazettal cadastral map, other wise need to go to LSD site office.

**f) Accessibility of Claim form****Landowners' response**

Only 75% of the respondents received claim forms. According to the Figure 5-29, most of landowners get the claim form from the LSD site office and GN office. According to the landowner's responses, 63% land owners submit their claim forms to the FI or LSD site office and rest of them submit to the GN.

**Officers' response**

According to officers' view, there is no proper method to verify that all landowners received the claim form. According to one GN, he distributed the claim form personally to the landowners and collected one by one from the landowners. According to the other, she gives the claim forms those who come to her office and collect those which are brought to her office. According to the officers, they check the receiving of claim form with parcel file and they informed to others to submit the claim form to the site office or through the investigation meeting under the section 13<sup>th</sup> of RTA.

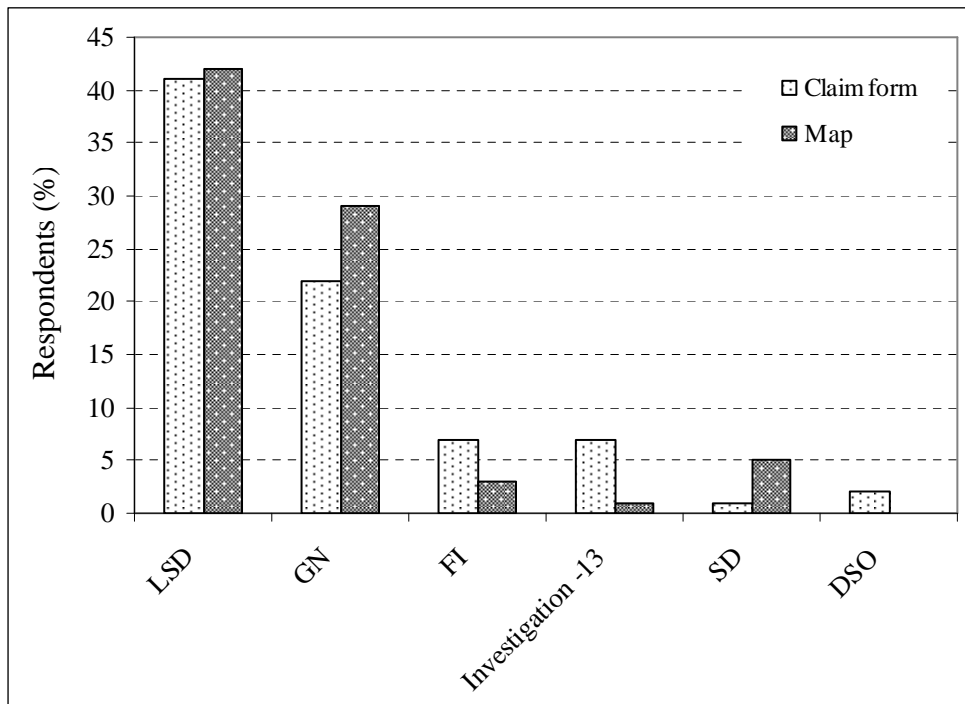


Figure 5-29: Distribution of claim forms and accessibility of cadastral maps

## 2) Land Information System

As mention in the section 3.5.3 in chapter 3, there is no integrated land information system. But each department maintains their own data bases. The landowners' response and officers' response about land information system were collected under four indicators. Those indicators are; data update, data sharing, access to public and publicity of information.

### a) Data update

According to interview of LSD officers, six of LSD site offices are maintaining the networked database but it is not used in head office and they prepare manually two schedules for the RGD. The SD maintains the parcel wise data base at the SG office (LIS branch) but it is not linked to the regional offices such as District and Divisional survey offices. So the updating of the data base is done through the manual transferring of digital data stored in compact disk (CD). The hard copies of the cadastral maps are filled in the District survey office and they are endorsed after receiving the list of land parcels for which the title issued by RGD. In RGD, each district land registry maintains their database and backup the data once a month. Then the registrar send the detail of the title issued parcels in digital format to the District Survey office for their updates.

### b) Data sharing

According to the officers' interview, SD sends the cadastral maps in paper format to the LSD office and both format (paper and digital) to RGD office. All information from LSD to RGD is in paper format.

### c) Access to public

The public access to the gazettal cadastral map is described in section 5.2.2.6(d). Landowners can access land registration information from District Land Registry office with a payment. According to



the lawyers, they can very easily access the information of the title compared to deed registration system.

#### **d) Publicity of information**

According to the landowners, 96% of respondents agree to publish their land information and 4% not agreed to publish.

#### **Analysis of land information system and access to information**

Currently the land administration system of Sri Lanka can be accessed by means of manual methods. Though the respondents are satisfied with current approach, there is a high support by the respondent for developing an ICT based information system to accommodate the interest of a wider user community who are willing to publish their land information.

As one of the main documents for the determination of title to the land, the claim form should be easily available to the landowners but there is no proper method for verification, distribution and collection of it. The involvement of GN in the system is not unique especially in distribution and collection of claim forms. The results imply that the access to information of the system has been made though the awareness program, project officers and GN but not through any other means like posters, leaflet, etc. The booklet provided at the awareness program has not been effectively used for the access of information. The publicity of the gazettal cadastral map is not sufficient and majority of the respondents found difficult to access the gazettal map. Without the cadastral parcel number and extent of the tenement list it is not possible to complete the claim form. Based on the results, it is clear that there is no unique method for the information interchange between relevant officers and landowners.

It can be concluded that the accessibility to the land information is manually at the different office and the access to gazettal cadastral map is difficult also the information about the process does not properly reach to the landowner. Therefore weakness of access to information of the system negatively affects the acceptability of the system.

#### **5.2.2.7. Streamlining Work Process**

The streamlining of the work process was monitored using five indicators. Those indicators are; terminating points, complexity of the process, and quality about the intermediate products and title certificate, time consumption for the intermediate product and issue a title, and efficiency of the system. Time consumption for the intermediate product and issues a title and efficiency of the system have been discussed in section in 5.2.2.8. To identify the existing situation of the acceptability of land title program, the cadastral block 14 named Dagonna was chosen as a sample from the available data.

#### **a) Terminating points**

According to the activity diagram mentioned in section 5.3, the continuity of the process can be broken down in the four steps. Those are the terminating points of the work process. They can be identified as submission of deed information, agreement for the boundary with neighbours, submission of claim forms and verification of eligibility to issue a title. Except the verification of eligibility described in step 26 in section 5.3 other are due to the poor participation of landowners.

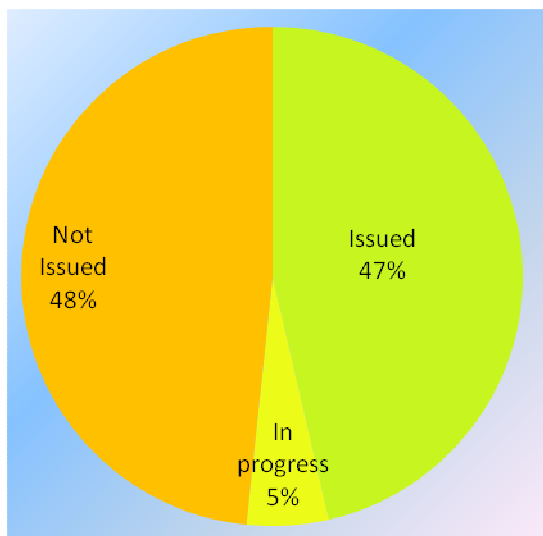
Participation in these process steps are discussed in the section 5.2.2.4. Title is recommended if the LSD regulations are satisfied. If not the reasons should be specified. For the verification of the reasons in practice the data of the Dagonna block 14 has been collected and analyzed.

Acceptance of title registration system in Sri Lanka is classified into four categories based on the acceptance of the system by public and government. They are accepted, in progress, rejected and not suitable for issuing a title. The accepted category means that the landowner agrees with governmental legal framework. In those cases most of time, titles are already issued. Second category, in progress, means that both parties agree but the title issuing is in progress. Rejected implies the landowners who already received claim forms but didn't submit back to the officials, those who did not receive claim forms but aware of the program, landowners those who received claim forms but do not aware about the submission back and who are not aware of the program and also didn't receive claim forms. The last category; 'not suitable' means that the landowner agreed but it is not suitable to issue a title in accordance to the governmental legal framework.

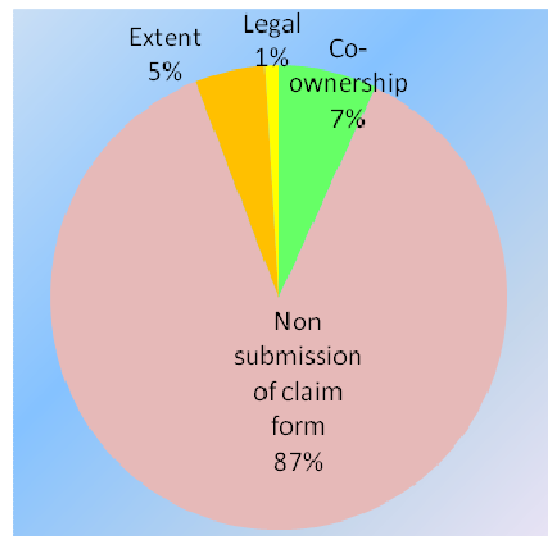
According to the above categories acceptability map was prepared to visualize the existing situation in the land titling program (figure 5-32).

It consists of 209 land parcels including 16 roads. The present condition of issuing land titling is illustrated in figure 5-30. According to that 47% of the land parcels are already issued the title. The main reason for not to issue the title is non submission of claim forms (figure 5-31).

But according to the interview of landowners, only 44% landowners get the title for their land out of 109.



**Figure 5-30: Progress of Title Registration**



**Figure 5-31: Barriers for the recommendation of title**

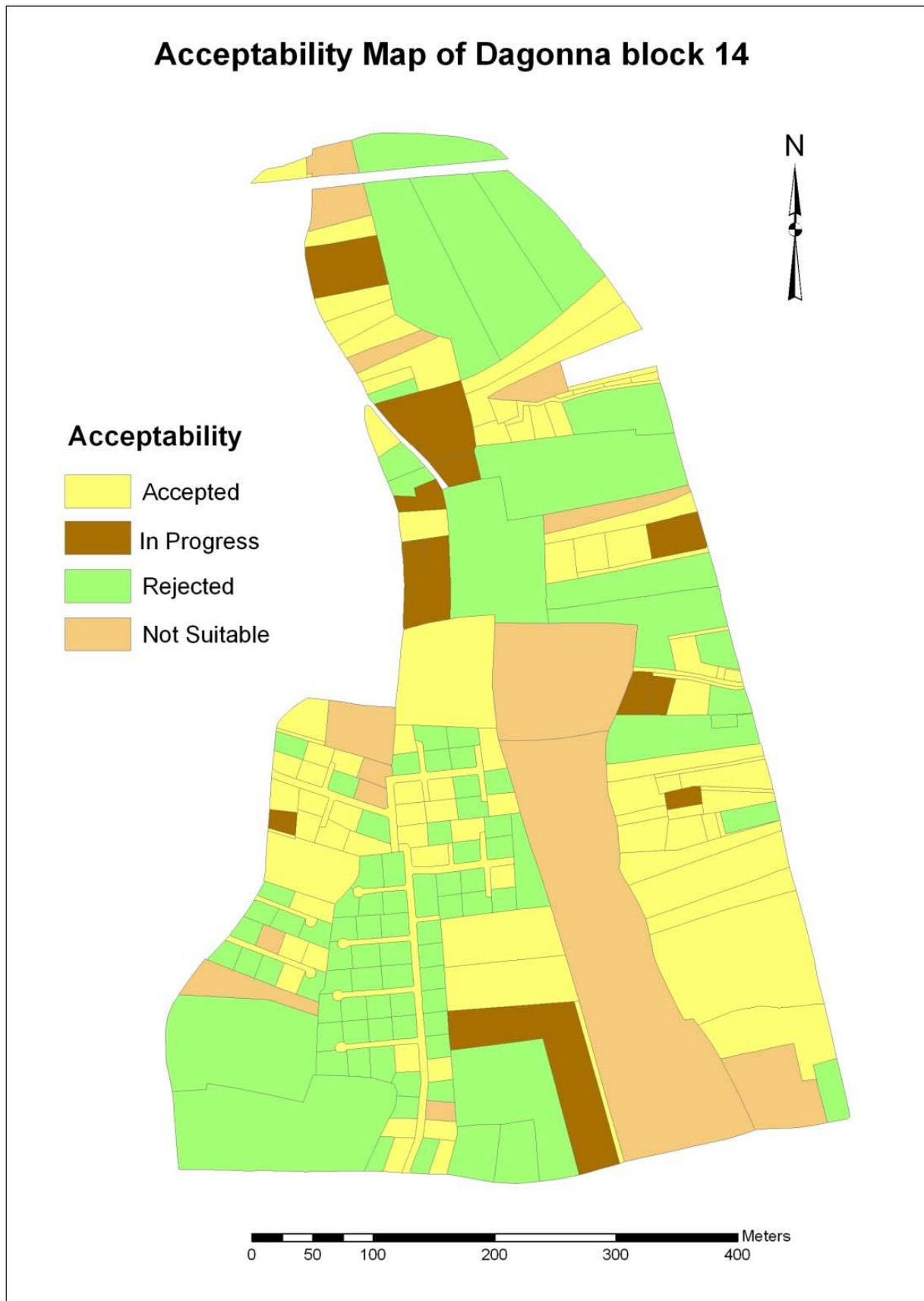


Figure 5-32: Acceptability Map

**Officers' response about non recommending title**

According to the LSD respondents, existing law is not sufficient to cater the problems in land and to register all land parcels. They highlighted that the determination of the right of co-owned parcels is difficult and jointly owned land parcels are also treated as co-owned land. CTS have no power to recommend a title for the land parcels that are state owned but cultivated by people under a permit. Also there is no provision in RTA to issue the title for right to effect in future for the “*Viharagam*” and “*Devalegam*”. They mentioned that considerable extent difference in tenement list and in the deed and non submission of claim form are also the reasons for the non recommendation. They expressed that the RTA and departmental regulations are being amending to overcome the above problems.

**b) Complexity of the process**

The complexity of the system was monitored in terms of process steps and documentations. The responses of the people about them are described below.

**Landowners' response**

The result of the landowners' view of the complexity of the process has been discussed in the previous section 5.2.2.2 According to that the majority of landowners consider that the process is simple. But 23% of landowners say that the process is complex because of many participation in process steps. The complexity of the claim form was checked with the sample of landowners who had submitted it. 69% respondents (out of 70 respondents), have filled the claim form themselves and the rest with a help of other.

**Officers' response**

According to the officers, the collection of information at once is impossible because of the submission of the claim form. As it is necessary to include the cadastral parcel number and the extent of the parcel in the claim form it can be submitted after completion of the cadastre map.

**c) Quality of intermediate products and the Title certificate**

The officers' responses about the quality of intermediate products and the landowners' responses about title certificate are described in Table 5-2.

**Table 5-2: Quality of the intermediate products and title certificate**

<b>Product</b>	<b>Responses about the product</b>
Cadastral Map and cadastral plans	All quality control respondents reported that there are very few mistakes found in plan work. Mostly found incompleteness of texts in boundary description. Before approving the plan work, FS makes all corrections required. According to one of the LSD respondents, digitized cadastral map in Mahaweli area are not compatible with the ground situation because of the unofficial subdivision. Some respondents mentioned that there were no mistakes but rarely cadastral maps have to be amended because of landowners' request.
Parcel file, Investigation report & schedule	According to the LSD respondents, sometimes defects in legal facts are encountered due to the difficulties in reading and understanding of land records
Recommendation of titles	According to the LSD head office respondents, sometimes mistakes are found in the lineage of ownership
Schedules for RGD	According to the respondents from RGD, sometimes life interest and servitude are not included in the schedule and the boundary description, extent, easement and encumbrance are different from the information of previous registrations are entered in the book
Title Certificate	According to the landowners those who have title certificate, 100% satisfied with the correctness of the title certificate and 96% satisfied with the parcel plan shown in the title certificate

### **Analysis of streamlining work process on acceptability**

The results show the progress of the land titling program is dependent on the landowners' participation and the program is affected by lack of proper legislation. The provision of titles for all parcels at a time should be included in RTA by amendments. One of the major reasons for the non-issuance of title is related to non-submission of claim forms in time. One of the causes for non-submission is that the claim form is not easy to fill in. Landowners are contacted several times for collecting information. Though the quality of the intermediate products and title certificates is in satisfactory level there is still room for improvement by taking necessary steps for quality control to avoid the mistakes seen in intermediate products. According to the results, most of landowners are satisfied with the quality of the title certificate and they do not find the process to be complex. However, the process is not properly streamlined as there are some terminating points but it is user friendly. Based on the landowners' responses, it can be concluded that this factor is not highly affecting the acceptability of the system. Therefore, streamlining work process is one of the endogenous factors affecting the system.

#### **5.2.2.8. Efficiency and Cost**

Three indicators were used for acquiring the opinion of landowners, lawyers and officers about efficiency and cost. Those indicators are; level of efficiency in process, time consumption for a title and intermediate products and cost per title.

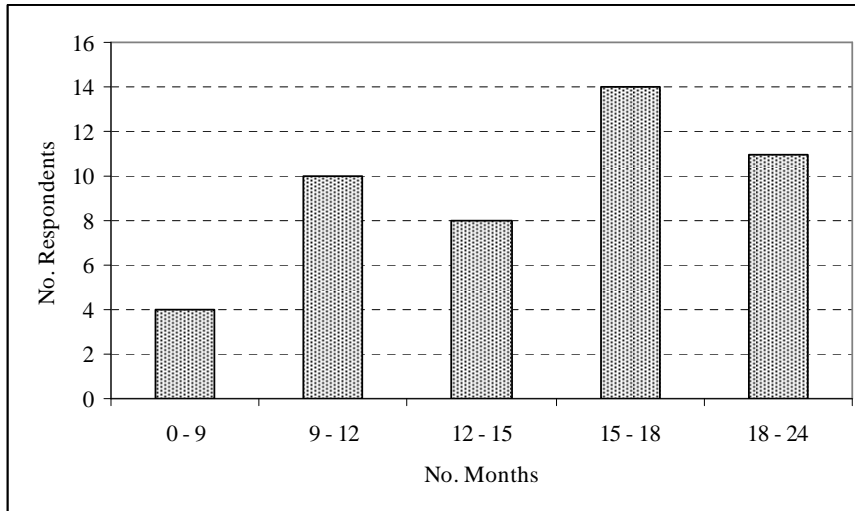
**a) Landowners' opinion about efficiency of the process**

According to the respondents, 56% respondent considers the system as efficient while 32% consider system as inefficient because the time duration for issue a title and inability to issue titles for all land parcels. The 12 % of respondents said that they have no idea about it.

**b) Time consumption to get a title**

**Landowners' response**

According to the respondents, the most of them spend more than one year to get a title. Very few number of respondents (9%) get title within 9 months (figure 5-33).



**Figure 5-33: Time taken to get a title certificate**

**c) Intermediate products and time period**

**Officers' response**

According to time description for each step in section 5.3, the intermediate products and time taken to produce these products are mentioned in the following Table 5-3. This information is based on the interview of officials involved in land titling project. Therefore, the time is based on empirical experiences of the officials. Total time required for issuing a title is 163 to 207 working days.

**Table 5-3: The time period for the completion of the intermediate products**

Steps	Product	Time Duration (working Days)
S2,S3,S8-S13, S15	Cadastral Map	29-48
S14, S16	Cadastral plans	3
S1, S3-S7, S17-S30	Parcel file, Investigation report & schedules for the final determination under section 14 <sup>th</sup> of RTA	113-155
S31-S36	Gazettal final determination and Schedules for RGD	41
S37-S39	Title Certificate	8

Figure 5-34 shows the major task in the land titling process and the minimum time for the issue a title. Time taken for the establishment of geodetic control network and participation in awareness program of SD staff is included in the task of awareness, field investigation and control survey. The maximum time taken for the issue a title presented in Appendix 12.

The top management of Bimsaviya program has viewed that the total time can be reduced by reducing the time taken for the following steps

- Preparing cadastral map
- Time for the calling claim forms
- Recommendation of title
- Determination and gazettal of title
- Prepare schedules in manual

The top management officers proposed that it is necessary to arrange a better supervision, to use an efficient method for handling the information (e.g. computerized system), integration of field investigation, adjudication and surveying.

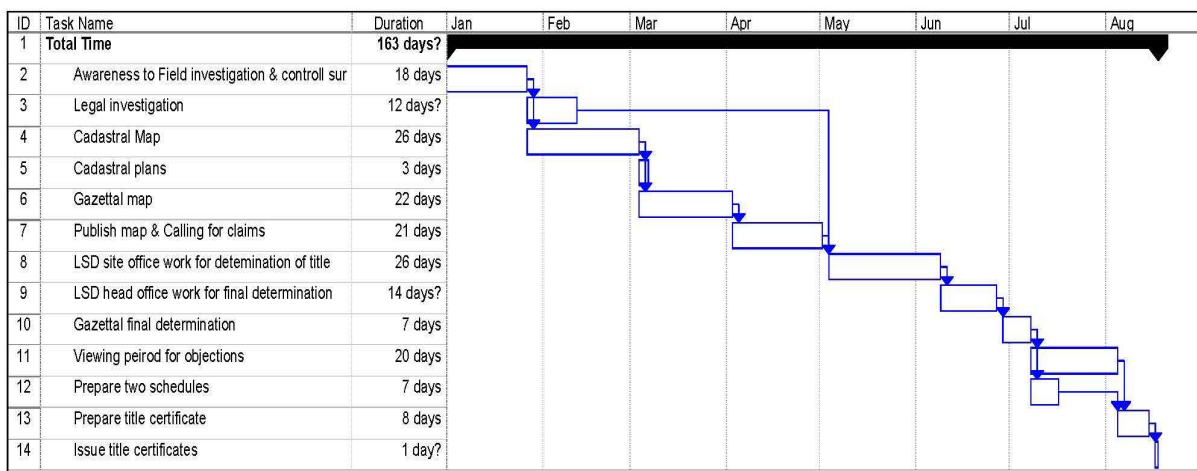


Figure 5-34: Minimum time for issue a title

#### d) Cost per a title

##### Officers' response

In first registration stage, Government issues a title free of charge for the landowner. According to the LSD and RGD officers, they didn't calculate the cost per parcel and according to SD officer surveying cost per one parcel is about US\$ 23 without overhead cost. According to the Bimsaviya Management, cost per title is about US\$ 60 and according to the senior land administration officer, cost per title is US\$ 100.

According to the Additional secretary of Bimsaviya, the cost can be reduced if the survey cost reduced. He supposed if each surveyor complete 100 parcels per month, the total cost can be reduced. But according to the field staff, that target is difficult to achieve in the hilly area and it can be achieved only in flat area. One senior officer mentioned that now more organizations engage in this process for surveying, investigation adjudication, registration and problem solving and monitoring. These procedures should be shortened for reduction of the time & cost. All of SD officers viewed that no need to change the data acquisition method depending on rural and urban area because of maintaining one database for the whole.

**Lawyers' response about the cost and time of registration of subsequent transaction**

According to the interview of the lawyers, the time taken for the registration of subsequent transaction is less than two weeks but time taken for the registration of deed is more than one month. The cost for the registration of a title is little higher around the additional US\$ 9 compared to the deed registration. The cost per a search of a land record is higher than the records of deed registration.

**Analysis of efficiency and cost on acceptability**

According to the results, the time required for issuing a title should be minimized for the enhancement of the efficiency of the system, though almost half of the respondents viewed that the system is efficient. Others viewed that the system is not efficient as time period for the issue of title is lengthy and titles are not issued for all the land parcels at a time. Even though the titling process is delayed it does not have impact on regular land related activities such as transaction, and the titling is free of cost for the landowners. Therefore, there is not much dissatisfaction with the efficiency of the system.

According to the results of the respondents presented in section 5.3, it takes different time period for the same activity in different region for instance process step 9, step 10 and step 11. The figure 5-34 shows that whole work process depends on the time taken for the preparation of cadastral map. It seems that final gazettal is done within seven days while it takes one to two months to gazettal the cadastral map. Schedules are prepared in manual method and did not use the SOT data base. The officer's view about the cost per parcel implies that now it is time for the top management to pay a deep attention for the control of the cost per title as the three organizations are not aware about the cost per title. It reveals that the lawyer's point of view about the efficiency make positive impression for the title registration system though the cost for title is little higher than deed registration.

Finally, even though the title certificates are free of charge for the landowners, the government spent much money for it and it takes minimum 7.5 months. From the landowners' point of view, this factor doesn't have direct influence to the acceptability of land titling. According to the expenditure and time for issuing title, the cost and time can be reduced. Therefore, cost and efficiency are among endogenous factors affecting the system.

**5.3. Work Flow and Performance**

Three key departments involved in this land titling process and their responsibilities, detail description of prior work for the land titling process and main steps of land titling process has been discussed in chapter 3 sections 5.2. Grama Niladhari involve in this process to give help organize the awareness program and distribute and collect the claim forms. In addition LSD needs to gazette the cadastral map and final determination of title with help of the Government Press. The activities in a land titling process are shown in figure 5-35 in detail. The diagram is based on the responses of the LSD, SD and RGD officials. Time taken to complete each process step has also been mentioned. The volume of work for the titles registration of 100 parcels is the basis for the calculation of required time to complete each step of the process.



1) Activity diagram for Work flow

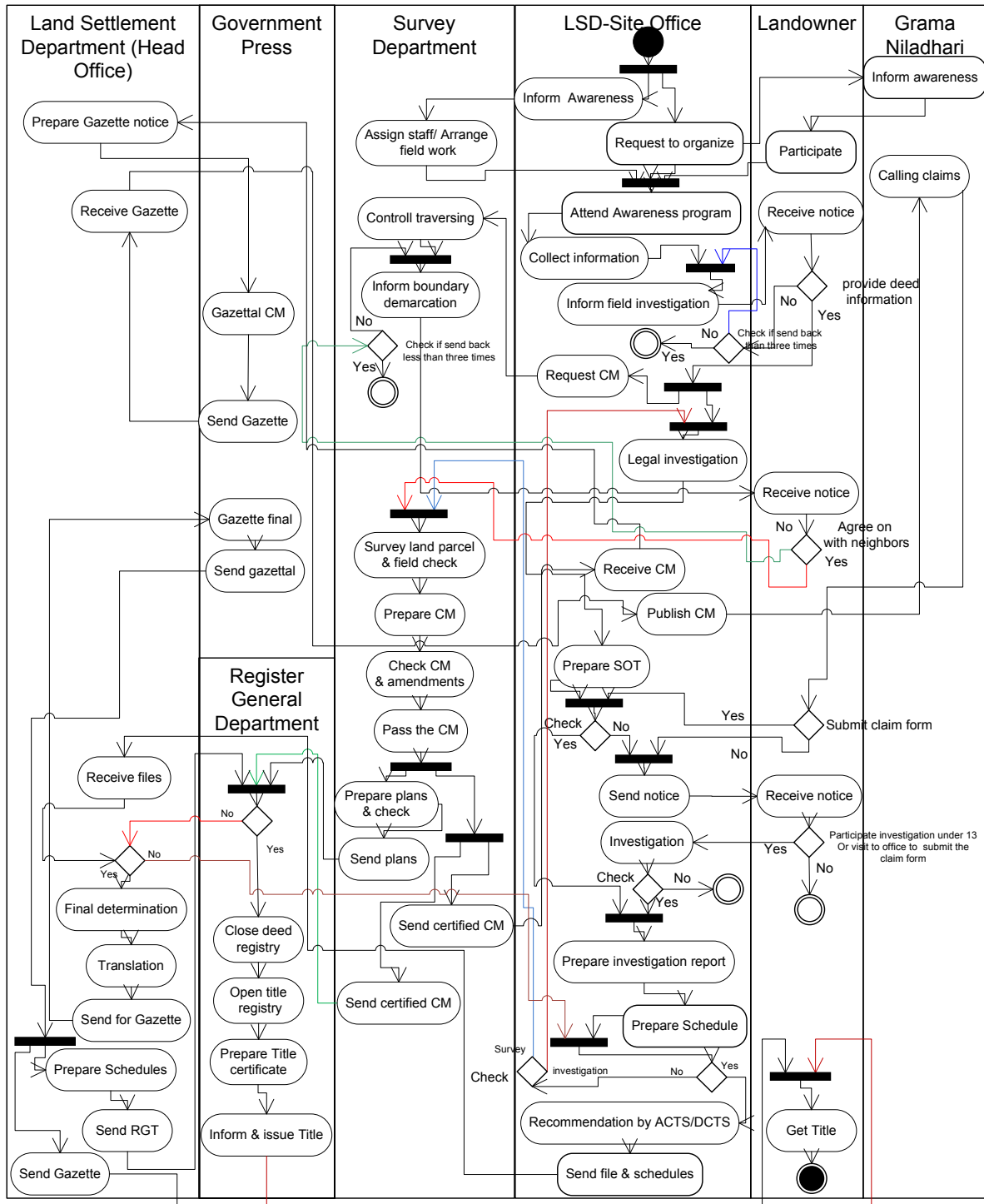


Figure 5-35: Activity diagram of existing registration process

Each activity of the diagram is described in detail below.

Step 1: ACTS in charge of LSD site office organize the awareness program for the landowners with support of Grama Niladhari and informs SD staff to participate. Landowners are informed by GN about the awareness program. It may take around one day to complete this step.

Step 2: SS in charge of Divisional Survey Office makes arrangements to establish geodetic controls and assign a FS assistants to the target area. This activity takes around two days.

Step 3: LSD and SD officers conduct the awareness program describing the objectives of the program and field work procedures. The step takes one day.

Step 4: FI collects the preliminary information about state lands, "Vihara Devalagam" and other lands owned by the state agencies. According to the respondent from Divulapitiya, Moratuwa and Homagama, the step takes around three, one and two days respectively. This is because of the distribution of state lands in each division.

Step 5: Landowners are beforehand informed by FI about date and time of field investigation. Then FI visits the land parcels and collect the necessary data. FI try thrice to contacts the landowner during the field investigation period otherwise that parcel is not included in the process. According to the respondents, Divulapitiya, Moratuwa and Homagama, the step takes around ten, twelve and fifteen days respectively to complete cadastral block with 100 parcels.

Step 6: FI prepares the list of landowners and ACTS send the request of cadastral map to the Divisional Survey office. At the same time FI informs the relevant organizations about the identified land matters to take necessary action for the solution. According to the all respondents, this step takes around three days.

Step 7: FI starts the legal investigation for the collected information through the land registry records. According to the respondents from Divulapitiya and Moratuwa, it takes twelve days and according to the Homagama respondent, the step takes around fifteen days due to the difficulties in finding the land records beyond thirty years.

Step 8: FS carry out the densification of control network using EDM traversing to cover the selected area (cadastral block). According to the respondents from Mirigama and Balangoda, this step takes around three days to cover one cadastral block with 100 parcels.

Step 9: Landowners are informed for the boundary demarcation and while doing the boundary demarcation the land marks are buried along the agreed boundaries. FS informs thrice the landowners to get the agreement for the boundary with neighbours those who have not attend or not agreed with the boundary. According to the respondents from Mirigama it takes around five days and according to the Balangoda respondent, the step takes around eight days to cover one cadastral block with 100 parcels because of the terrain undulation in those areas.

Step 10: FS survey the land parcels then SS check the ten percent of the field survey at the field for the specified accuracy of the survey. According to the Mirigama respondent, it takes seven days and according to the Balangoda respondent, the step takes around fifteen days to complete one cadastral block with 100 parcels because of the practical difficulties.

Step 11: FS prepares the cadastral map for the block. According to the Mirigama respondents, preparing cadastral map takes around seven days and according to the Balangoda respondent, it takes

around fifteen days to complete one cadastral block with 100 parcels because of the amendments of old records and more plan work.

Step 12: SS check the cadastral map and if necessary it send to FS for the amendments. The step takes around two days.

Step 13: The Snr.SS check and pass the cadastral map. According to the all respondents the step takes around one day.

Step 14: SS check the cadastral plans prepared by the draughtsman to cover the cadastral map. According to the all respondents this step takes around two days.

Step 15: Snr.SS sent the certified copy of the cadastral map to the LSD site office and District RGD office. According to the all respondents, the step takes around one day.

Step16: SS send the digital cadastral plans to District RGD office. According to the all respondents, this step takes around two days.

Step 17: ACTS send Cadastral map to the LSD head office to gazette under the section 12<sup>th</sup> of RTA. According to the all respondents, the step takes around one day.

Step 18: Meanwhile in the LSD site office Management Assistant or Data Entry Operators enter the legal investigation data to the data base which is called SOT. According to the all respondents, the step takes four days to enter the all data to data base.

Step 19: In the LSD head office the gazette notification of the cadastral map is prepared and certified by DCTS and send it to the Government Press. According to the respondent, the step takes around one day.

Step 20: Government press gazette the cadastral map and send gazette notifications under the section 12<sup>th</sup> of RTA to the LSD Head Office. According to the respondent, the step takes one to two months because of the delay due to work load of Government Press.

Step 21: Gazette notifications sent to the LSD site office to publish in the public places of the village with help of the GN by means of posters to submit the claim form within one month. FI hands over the claim forms and cadastral map to the GN. According to the all respondents, the step takes around one day.

Step 22: It is allowed one month to submit the claim forms for citizens.

Step 23: FI collects the claim forms from the GN. According to the all respondents, the step takes around one day.

Step 24: FI check the claim form with the investigated legal records and check whether more than one claims received for a land parcel. According to the all respondents, the step takes one day.

Step 25: If more than one claims received for the same lands ACTS informs to the persons for the investigation under section 13<sup>th</sup> of RTA to verify the real owner. According to the respondent of LSD Divulapitiya, it takes around five days as they use this opportunity to collect the claim forms from those who have not submitted the claims during the specific time. According to the respondent of LSD Moratuwa and Homagama it takes one to two days as they only use the investigation under section 13<sup>th</sup> of RTA to verify the real owner from the submitted claims and they request to land owners those who have not submitted the claim forms to come to LSD site office and submit the claim forms.

Step 26: FI verify the eligibility of the cadastral parcels to issue a title according to the regulations, legal investigation records, claim forms and decision of the investigation under section 13<sup>th</sup> of RTA (if available). According to the respondents Divulapitiya, Moratuwa and Homagama, this step takes two, eight and three days respectively.

Step 27: FI prepares the investigation report for each land parcels. According to the respondents Divulapitiya, Moratuwa and Homagama, this step takes four, seven and five days respectively.

Step 28: FI prepares the schedule under section 14<sup>th</sup> of RTA and forward them with the file of each parcel to the ACTS. It takes two days according to the Divulapitiya and Homagama respondents and three days according to Moratuwa respondent.

Step 29: ACTS check the investigation report with cadastral map and recommend the title certificates and send it to the DCTS for the approval. If ACTS finds any mistakes from the legal information, it return to the FI and if needed he amends the cadastral map then request to SD for the amendments. According to the all respondents, the step takes eight days.

Step 30: DCTS gives approval for recommended titles. The recommended schedule with file of the parcel is sent to the LSD head office for the gazette under the section 14<sup>th</sup> of RTA. According to the all respondents, the step takes around three days.

Step 31: Investigators in LSD Head Office check the parcel files and schedules. If they found any mistakes, return the file to the Site office. According to the respondents of LSD head office, this step takes three days.

Step 32: DCTS on behalf of CTS approve the final determination of the title and this step takes one day.

Step 33: Translators translate the final determination into the Tamil and English language for the gazette. According to the respondent, the step takes ten days.

Step 34: Final determination send to the Government press to gazette it under section 14<sup>th</sup> of RTA. Government Press sends the copies of the gazette to SLD to distribute among the landowners, RGD and SD. According to the respondent, the step takes around seven days to publish the gazette.

Step 35: One month viewing period for the objections after final gazettal.

Step 36: Two schedules are prepared for each parcel to inform to the RGT to close the deed registry and to open the title registry. According to the respondent, the step takes seven days.

Step 37: Additional Title Registrar compares the schedule and deed registry records. If two records are not similar, the schedules are returned to the LSD head office for correction.

Step 38: If two records are similar, Additional Title Registrar close the deed registry and Title Registrar checks the correctness of closed deed and Title Registrar opens a title register.

Step 39: Title Registrar prepare a title certificate for registered land parcels. According to the all respondents, Step 37 to 39 takes around eight days.

Step 40: Title Registrar inform the landowner to collect the title certificate from district land registry. According to the respondents normally once a month the arrangement is made for the distribution of title certificates and this step takes around one to three days.

However, these 40 steps can be simplified as eleven categories including the responsibilities of each actor.

**Table 5-4 : Actors and their responsibilities in each process steps**

Process Step	Actor	Responsibilities
Conduct the awareness program	LSD	Make aware the land owners about the title registration
Field investigation	LSD	Collection of the legal information in field
Legal investigation	LSD	Verification of legal status of ownership
Surveying and preparing cadastral maps and plans	SD	Preparation of cadastral map and plans
Preliminary gazettal map and calling claims	LSD	Gazettal cadastral map and collect the objections
Investigation objections	LSD	Verification of real owner
Determination of ownership	LSD	Preliminary determination of ownership
Final gazettal and viewing period for objections	LSD	Gazette the determined ownership and collection of objections
Finalize schedule of titles and inform to RGT	LSD	Inform to RGT to close the deed register and open the title register
Systematic updating of the register	RGD	Close the deed register and open the title register
Issue a title certificate	RGD	Issue a title certificate according to the finalize schedule of title

### **Analysis of workflow**

From the activity diagram it can be learned that the existing land titling process can be improved. An alternative method for the collection of information from the landowners should be considered. Present methods cause unnecessary delay and there is a risk of termination of the process. The activity

diagram consists of 40 activities operating in three organizations, a complex of the system. The more complexity results in discontinuity of the process. Figure 5-34 shows that commencement and the time period of cadastral map preparation is a barrier for the commencement of the determination of the title. It is better to start the surveying at the same time of field investigation to avoid that barrier. The time taken for the gazetting a cadastral map depends on the efficiency of the Government Press. It is found that the gazetting of cadastral map takes approximately same time period as the preparation of cadastral map. That should be minimized to prevent the unnecessary delay.

## 2) Performance of the land titling program

The performance of the title registration system can be monitored using the physical progress or the outcome of the system. That is shown in tabular form below.

**Table 5-5: Progress of the land titling program**

Year	Cadastral Maps completed (Lots)	No. of Claims Received	Gazette for Determination	Land Parcels Registered	Certificates Issued	Subsequent Transactions
2002-2006	54746	30151	23063	23374	5669	1687
2007	12428	10581	7727	6148	5985	1230
2008	40194	8402	16701	14622	3447	1597
Total	107368	49134	47491	44144	15101	4514

The expected outcome for the year 2009 from SD is 48000 parcels of cadastral maps (9600 per office), from LSD recommendations of same number of parcels and 30000-40000 parcels (6000 per office) to be registered in RGD.

### Analysis of performance

According to the progress of title registration, average surveyed parcels, average determination of title and average registration of titles are respectively 17894, 7915 and 7357 land parcels. But the total number of land parcels is ten million to cover the whole island then it is needed to survey 9892632 land parcels. According to surveying rate of previous years, it takes 552 years to survey the rest. Within six or seven generations the land parcels are fragmented and the total number of land parcels is increased. When compared with the rate of determination and registration, they need more time period than surveying. Then the method for the data acquisition, determination and registration is not efficient. In addition the rate of performance is not unique in three organizations.

## 5.4. Validation of Results

The validation verified that results obtained from previous analysis and from different sources like scholarly people from villages and professional staff members are not conflicted with each other.

## 5.5. Synthesis and Actions for Improvement

The acceptability of the titling is assessed in terms of the predefined factors; socio-economic and cultural factors, attitude and perception, trust and trustworthiness, awareness and participation, transparency, land information system and access to information, streamlining work process and, cost

and efficiency. According to the results of the research, there is no relation between the socio-economic factors and acceptability of land titling. The study finds that attitude and perception, trust and trust worthiness, awareness and participation, transparency and land information system and access to information highly influence the acceptability of the land titling. The less influencing factors are streamlining work process and cost and efficiency.

The attitude and perception can influence the acceptability of the system, though some landowners are not satisfied with the procedure which is time consuming and complex. Therefore it is necessary to simplify the process.

The analysis of awareness and participation shows that they positively affect the acceptability of the system, full the awareness of the landowners about the process steps is needed to improve the land titling process requirements. The publicity of the awareness programme should be wider to meet every landowner in the area and the schedule should satisfy the landowner's interest and should be feasible for the officers. The submission of claim form depends on the method of distribution and collection. Therefore the mechanism of delivering claim form is necessary to be improved, so that all landowners should have access to the forms.

Although the system is trusted and satisfactorily trustworthy, the information collection method, inequity in service and the duration for issuing title make the some landowners unhappy. So the system is necessary to be redesigned to achieve equity in service, to achieve a timely collection of information and to issue the title within short period. There should amendment of RTA to provide the title to all tenures.

The transparency of the system is high but the backward information flow is less. It is necessary to redesign the process for improvement of backward communication.

There is no integrated land information system in use at the three key departments. For the access to data, citizens have to visit different offices which is time consuming and costly to them. If there is a integrated database, all data can be accessed from one place. Then three organizations should investigate if they can come to an agreement to maintain an integrated layer based spatial database (one layer for each organization) instead of maintaining individual databases. Then it is also clear who is responsible for which data. Also the information about the gazettal cadastral map is poorly reached by landowners. Therefore it is better to make it available on the internet and in media close to landowners. Another alternative for publishing gazettal cadastral maps, should be introducing the public inspection of cadastral maps and legal data which facilitates individual objections within reasonable time period. For this there is a need for a pilot survey to find out its feasibility. For the implementation of above proposal it is very important to amend existing rules and regulations related to title registration program.

One of the lower influencing factors of the acceptability is the streamlining of work process. The system is not streamlined as it depends on the landowners' participation and it is affected by insufficient legislation. The redesign of the system would make the process more streamlined.

The cost and efficiency of the system is not highly affecting the acceptability but further research is needed to investigate on alternative methods of data acquisition for the reduction of costs and increased efficiency.

There are three departments for the operation for the land titling program, but there is no proper coordination among the departments and each of them has its own interest. It is needed to develop a better coordination and cooperation between key departments. The majority of the officers suggested one organization for the title registration, and then there can be one common goal. According to Henssen and Williamson (1990), amalgamation of organizations into one would be complicated in many countries but should have a close co-operation between the organizations. Then there is need for changing officer's attitude towards the common goal without considering their own authority.

Another bottleneck is the lack of professional cooperation between land titling program and lawyers. Then it is necessary to build better cooperation with lawyers by working closely for the success of the title registration system.

## **5.6. Remarks**

This chapter presents the results of analysis of field data collection. Followings are summarized as the findings of the analysis.

The attitude and perception of the landowners towards the title registration is positive. The majority of the landowners trust the system and trustworthiness of the system is at satisfactory level. Awareness and participation highly influence to the acceptability but lack of information flow from officers to landowners affect the participation in the official awareness program. The submission of claim forms is not complete because of no proper distribution of claim form and landowners need help to fill it up. And it is found that there is no relationship between socio economic and cultural factors and the acceptability of the title registration system. Also it can be concluded that these factors are exogenous factors influence to the title registration.

The system is transparent and free of corruption but there is no proper backward information flow from officers to landowners. Access to land information is manually at office and access to information about the program is not satisfactory especially the gazettal cadastral map. Land titling process is not streamlining and there exists some terminating points. The cost per title can be reduced and efficiency of the system can be increased but it is not directly influence to the landowners' decision. These factors go under the category of endogenous factors that effect to the title registration.

In addition, the research found that the organizational cooperation between key organizations, resources and political support are endogenous factors and, influence of lawyers and acceptance of the title certificate by financial organizations are exogenous factors play roles in the title registration. The existing work flow is complex and performance of the system is not satisfactory. The existing RTA is not sufficient to cater the titles to all tenure systems in Sri Lanka. Finally, further improvements for the land titling program to make it acceptable through the public are discussed in this chapter.





## 6. Conclusions and Recommendations

### 6.1. Introduction

Main objective of this study is to identify and to investigate factors affecting the acceptance of the land titling program by landowners in the provision of title certificates for land tenure security in Sri Lanka. For the successful achievement of the main goal, the main objective is divided into three sub objectives. Conclusions drawn from the study for each sub objective are presented below.

### 6.2. Conclusions

#### Sub Objective 1:

The first sub objective is to map the level of acceptance of the current land titling program by landowners. To achieve this objective, three research questions were formulated.

*Q1: How to classify the level of acceptance of title registration?*

The acceptance of title registration system in Sri Lanka is classified into four levels: accepted, in progress, rejected and not suitable for issuing a title. This is discussed in section 5.2.2.7 in detail.

*Q2: How to prepare acceptability map using GIS?*

The acceptability map is prepared based on the previously mentioned levels in section 5.2.2.7 and final output is presented as a map in figure 5-32.

*Q3: What are the possible reasons of acceptance of land title certificate?*

The possible reasons to acceptance of the title certificate are the government guaranteed title, easier access to credit, increased tenure security and reduced number of land conflicts. This is discussed in section 5.2.2.2 in detail.

#### Sub objective 2:

The second sub objective is to identify which process steps in the current title registration system constitute the biggest bottlenecks for the land administration organizations. Question no. 4 to 7 facilitate to identify bottlenecks of existing land titling process in Sri Lanka while giving in depth understanding of considerable number of process steps.

*Q4: What are the consecutive process steps of the land titling?*

It was found that there are 40 consecutive process steps within this system though they can be summarised as eleven meaningful categories. This is described in detail in section 5.3.

*Q5: Who are the actors and their responsibilities in each process step?*

The actors and their responsibilities of each process step are presented in Table 5-4.

*Q6: How long and what intermediate products are generated in each process steps?*

Intermediate products and their production time are presented in Table 5-3.

*Q7: How do the actors react on the quality of these intermediate products and final certificate?*

The qualities of the intermediate products are in satisfactory level and section 5.2.2.7 provides in detail evidences for that.

According to this research, the time that takes to complete whole process varies between 163 to 207 working days because of main bottlenecks in the processing steps: the efficiency of the Survey Department and the delay of gazettal cadastral map. If the time taken for preparing the cadastral map varies or if it delays, all steps after that will be affected. Also if the delay occurs at governmental press it is unavoidable that all the process steps after that will be delayed.

In addition to this, the landowner's participation plays vital role within this process. It means that, there are three steps that require his/her participation: provision of deed information, agreement on the parcels boundaries with neighbours and submission of claim forms. If the landowners do not participate actively, the process delays or it does not take place.

Insufficient publicity for calling claim forms, low involvement of GN for distributing and collecting claim forms and manual administrative works instead of using already prepared data bases are the other bottlenecks.

The limitations of the existing regulations are the biggest bottleneck for the determination of titles. Those limitations concern: co-ownership, extent different between deed and tenement list, legal issues, no provision of RTA to issue title for service tenure ("*Vihara and Devalagam*") and CTS has no legal power to issue a title to the land under government permit.

It is found that the performance of the system is not satisfactory to cover the whole country within a reasonable time period.

### **Sub objective 3:**

The third sub objective is to assess which factors contribute to higher or lower acceptance rates of the land titling system by landowners. This objective is achieved through research questions 8 and 9.

*Q8: Which exogenous and which endogenous factors can play a role in title registration?*

Attitude and perception, trust and trustworthiness, awareness and participation, influence of lawyers, and acceptance of the title certificate by financial organisations are found as the exogenous factors, and transparency, land information system and access to information, streamlining work process, costs and efficiency, organisational cooperation between key organisations, resources and political support are the endogenous factors. These are discussed in the sections 5.2 and 5.6 in detail.

*Q9: What are the factors that can influence the landowner's decisions on title registration?*

The factors that can influence the landowner's decisions on title registration are available in the main conclusion.

However, when considering the continuation of this program, the allocated budget and the physical resources are sufficient. Though the system is fully supported by the government, there exists lack of human resources. The other important factor affecting the program is the lack of a proper inter organizational co-operation between the key departments.

## **Main Conclusions**

The main objective of this research is to identify and investigate factors affecting acceptance of the land titling program by land owners in the provision of secure land tenure and title certificates. In order to achieve this, eight acceptability factors were predefined and were assessed through the responses to the questionnaires. The predefined factors are socio-economic and cultural factors, attitude and perception, trust and trustworthiness, awareness and participation, transparency, land information system and access to information, streamlining work process, and cost and efficiency. The influence of these factors in the acceptance of land titling is found as follows:

- 1) The socio-economic and cultural factors such as income level, academic level, religion, and status and mode of landownership, among others, could not be found to influence the acceptability of the program.
- 2) Attitude and perception of landowners has high influence\* in the acceptance of the program and it is because the title is guaranteed by the government, it will contribute better access to credit with the title, and it increases tenure security and reduced land conflicts.
- 3) Trust and trustworthiness also has high influence\* to the acceptance of the program. Landowners are highly satisfied with the approach of field work process, equality in service delivery, the reliability of land titling, and the legal strength of the land title. Due to these reasons, the system is highly trusted by the landowners and its trustworthiness is satisfactory.
- 4) Awareness and participation is the other factor which has high influence\* in the acceptability of the program. The research has showed that the landowners with good awareness about the program had highly participated in the programme and timely discharging of their obligations related to the program and the condition is just opposite for the landowners having less awareness. Due to these reasons, it can be concluded that awareness and participation has high influence\* in the progress of the program.
- 5) Transparency is another factor which shows high influence\* in the acceptability of the program. The system is corruption free and one of the reasons for why landowners are willing to follow the program.
- 6) Land information system and access to information have high influence\* in the acceptability of the system. From this research it is clear that when designing the present system, this factor was not taken into account. Because of that, its influence is high but towards the negative way.

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\* - SEE SECTION 5.2.2 FOR THE CLASSIFICATION OF HIGH AND LOW

- 7) Streamlining work process does not have direct influence in the acceptability of the system. Even though the system is not properly streamlined, landowners do not care about it as it is user friendly. This is the reason why it has less influence\* in the acceptability.
- 8) Efficiency and cost also do not have direct influence in the acceptability of the system. Since it is free for the landowners and their regular land related matters are not affected by the unavailability of the tile. That is why this factor has less influence\* in the acceptability of the system.

Apart from the above pre defined factors, there are two other factors which influence the land owner's decision on acceptability of the program. One of these factors is the lawyer influences as they are the professionals having close relationship with the landowners in land related matters.

The second is the acceptance of the title certificate by financial organizations for collateral purposes. This factor has high influence in the acceptability of the system, since financial institutions have high trust over the lands' title.

### **6.3. Recommendations**

The following recommendations can be provided for the use of results from this research.

Further research is recommended in the way the system can be redesigned so that the system and related processes are simplified, and the time and costs are reduced in a substantial way. And also to look towards a more economical data acquisition method as GNSS or use of satellite imagery should be considered to investigate

When redesigning the process, it is recommended to give special attention on the claim form issue and gazetting the cadastral map. If landowner of the land parcel identifies in the field, but without claim form, there is no possibility to provide a title according to the present regulations. Elimination of issuing claim forms in the process or filling the claim form on site during data acquisition is expected to have a positive impact on the performance of land titling in Sri Lanka.

The gazetting cadastral map should be improved. This requires research.

In order to reduce the complexity and costs in access to land data, it is recommended to design and create an integrated land information system among key departments. It facilitates the user to visit one nearest place for all his/her land data needs.

Since lack of awareness of land titling process steps, the quality of the awareness program should be improved while improving the publicity.

It is also proposed to develop a better coordination and cooperation between key departments in order to fulfil the common goals of land titling program without considering their own authority.

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## 8. Appendices

**Appendix 1: Indicators for the acceptability factors**

<b>Factor</b>	<b>Source of evidence</b>	<b>Indicators</b>
Socio-economic and cultural factors	Interview with landowners	Education, Gender, Age, Occupation, Monthly income, Number of land parcels, Extent of the land, Land use type Ethnic, Mode of land acquisition , Pattern of ownership, duration of holding landownership
Attitude and perception	Interview with landowners, officers and lawyers	Preferences of registration system, complexity of the system, consumption of time for participation, level of tenure security, impact in reducing land conflicts
Trust and trustworthiness	Interview with landowners and lawyers	Satisfaction about field investigation and surveying process, the extent on tenement list, time for issuing title and correctness of the title certificate, trustworthiness of the system, equity of the service delivery, reliability and strength of land titling
Awareness and participation	Interview with landowners, officers and lawyers	Level of awareness, participation on awareness program, quality of the awareness program, knowledge about the benefits of the land titling program Awareness and participation in process steps and submission of claim forms
Transparency	Interview with landowners and officers	Transparency in process, level of addressing landowners' interests, corruption, Flow of backward information to the land owner
Access to information and Land Information system	Interview with landowners, officers, GN and lawyers	Source of information about land titling program, effectiveness of the booklet, information flow of the process steps, information about the gazettal cadastral map, easiness of accessibility of gazettal cadastral map, accessibility of claim form Data update, data sharing, access to

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		public and publicity of information
Streamlining work process	Detail land information and spatial data about Dagonna Block 14 Interview with landowners and officers	Terminating points, complexity of the process, quality of products including title certificate, time consumption for the intermediate product and issuing title, and efficiency of the system
Cost and Efficiency	Interview with landowners, officers and lawyers	Level of efficiency in process, time consumption for a title and intermediate products, and cost per title

**Appendix 2: Questionnaire for the landowners**

<b>Evaluating Acceptability of Land Titling in Sri Lanka</b>	
<b>Landowner Questionnaire</b>	
The purpose of this survey is to evaluate acceptability of land titling in Sri Lanka. This field work study is part of the thesis research project above and a requirement for the MSc Degree in LA at ITC. We are committed to keep privacy of all the information provided by the respondents and the information will be used for study purpose only.	
Interviewer's Name:	Questionnaire No:
<b>1. Identification Information</b>	
1.1 D.S. Area Name: .....	1.2 Village Name : .....
1.3 Block Number : .....	1.4 Cadastral Parcel No: .....
1.5 Name of Respondent: Mr. / Mrs. ....	
1.6 Telephone No ( <i>If available</i> ): .....	
<b>2. General Information</b>	
2.1 Age : .....	2.2 Sex : Male                  Female
2.3 Religion: .....	2.4 Ethnic Group: .....
2.5 Educational Level    ( <i>tick in corresponding cell</i> )	
No Schooling	G.C.E (A/L) / H.S.C
Primary	Degree or Higher
Secondary	Other, <i>please specify</i>
G.C.E (O/L) / S.S.C	.....
2.5 Occupation: .....	2.6 Monthly Income: .....
<b>3. Land &amp; Ownership</b>	
3.1 How long have you been living on this land? .....years	
3.2 How many land parcels do you have? .....	
3.3 Extent of land: <b>A.... R.... P.....or (Ha .....</b> )	
3.4 Type of land Use: ( <i>tick in corresponding cell</i> )	
<b>land use</b>	
Residential	
Residential and Agriculture	
Agriculture	
Commercial	
Residential and commercial	
Other, <i>please specify</i> .....	
3.5 Source of Ownership of land	
Inheritance          Gift                  Purchase                  Other, <i>please specify</i> .....	
3.6 Ownership pattern: Singly owned                  jointly/co- owned	
<b>4. Land Titling Program</b>	
4.1. Do you know about land titling program?                  Yes                  Somewhat                  No	
If yes or somewhat,	
4.2. How do you know about land titling program? ( <i>tick in all possible answers</i> )	
Awareness program	Internet
Mobile communication/ loud speaker	Grama Niladhari/ (Assistant)
Poster	Project officer(FI/FS)
Hand Leaf	Survey Assistant
News Paper	Neighbour/Relations
Television	Street drama
Radio	Other, <i>please specify</i> .....

4.3. Did you attend the awareness program about title registration?

Yes No (If Yes, proceed to the question 4.4)

If no, why did not you attend the awareness program? .....

4.4 How did you know about the awareness program?

Mobile communication/ loud speaker		Grama Niladhari/ (Assistant)	
Hand Leaf		Project officer(FI/FS)	
Poster		Neighbour/Relations	
Survey Assistant		Other, please specify .....	

4.5 What is your opinion about the quality of the awareness program? (Pl answer all )

Opinion about awareness program	Yes	Somewhat	No
Objectives were clear			
Land titling process steps were understandable			
Location was convenient			
Time was convenient			
Public views were considered			

4.6 Did you read the booklet provided at the awareness program?

Yes Somewhat No

If yes or somewhat, are the given information (tick all possible answers)

Information on the booklet	Yes	Somewhat	No
Clear			
Understandable			
Accurate			
Truthful			

4.7 What process that you know or/and in which process did you participate? (tick all possible answers)

No.	Process	Know	Participation
1	Attend the awareness program		
2	Provide details about deed		
3	Show the boundaries & give boundary agreement		
4	Participate in the field survey		
5	Submit the claim form		
6	Participate inquiry under the section 13 <sup>th</sup> in RTA		
7	Submit the objections for the final gazettal		
8	Collect the title certificate		
9	Other, please specify .....		

4.8 Do you think the participation in those above processes is time consuming?

Yes Somewhat No No opinion

If yes or somewhat,

In which process could you not participate in? .....

4.9 Do you know about the gazette notification about cadastral map?

Yes No

4.10 Do you know; after gazette notification of cadastral map; that you have to submit a claim form within a period of one month? Yes No

4.11 Did you get the claim form? Yes No (If No, proceed to the question 4.17)

4.12 Where did you get the claim form or check the gazettal cadastral map? (tick all possible answers)

Place	Cadastral Map	Claim Form
Grama Niladhari's Office		
Divisional Survey Office		
Land Settlement Dept. Office		
Divisional Secretary Office		
Investigator/Project officer		
Awareness meeting		
Investigation under the section 13 <sup>th</sup> in RTA		

4.12a. Is it easy to get the cadastral map information?

Easy                      Somewhat                      Difficult

4.13 Did you submit the claim form? Yes                      No                      (If No, proceed to the question 4.16)

a. If yes, how did you fill it?    Myself                      I get help from another

If you needed help, for which part of the form: .....

b. To whom did you submit the claim form? .....

4.14 Can you submit the claim form as soon as you complete to fill in it? Yes                      No

If, no what are the reasons? .....

4.15 When you submit the claim form to Grama Niladhari/officer, did you find him/her the same day or several times?

on the same day	
on the second day	
many attempts were needed	

4.16 If you did not submit the claim, what was the reason? (tick all possible answers)

I couldn't fill it alone	
I couldn't find the deed number (so many numbers)	
I couldn't find the cadastral parcel number	
I couldn't agree the extent of the parcel in the cadastral map	
I do not believe in information from the surveying	
I expect a reduction of land area in coming future	
I filled it but I couldn't find officer to submit it	
I didn't know to where I have to submit it	
I didn't know it's important	
I couldn't get any idea about claim form from the awareness program	
Nobody came to collect it	
I haven't time to fill it	
I do not find any benefit from new system of title registration/ Deed is enough for me	
I don't believe in the government program of title registration	
Other, please specify .....	

4.17 General questions about the benefits of the title registration (Please answer all the questions)

Questions	Yes	No
Do you know that you can get easy access to bank credit and loan after the registration?		
Do you know that your ownership is guaranteed by the government?		
Do you know that the title registration cost is supported by the government?		
Do you know that title registration can facilitate land transaction in term of speed and cost?		
Do you know title registration would help to increase the value of land?		

4.18 Do you think that title registration process is complicated to you? Yes No  
 If yes, what are the reasons? .....

4.19 Do you think that title registration process is transparent? Yes No  
 a. If yes, How do you appreciate it? Very Good Good Normal  
 b. If no, Why is it not transparent? .....

4.20 Which registration system do you prefer? Deed Title

4.21 Why do you prefer this system?  
 .....

4.22 Are you satisfied with the field investigation? Yes Somewhat No  
 If somewhat or no, what are the reasons? .....

4.23 Are you satisfied with the field surveying? Yes Somewhat No  
 If somewhat or no, what are the reasons?  
 .....

4.24 Are you satisfied with the extent of the land parcel? Yes Somewhat No  
 If somewhat or no, what are the reasons?  
 .....

4.25 Did you get the title certificate to your land? Yes No  
 A) If yes,  
 a. Are you satisfied with the correctness of the title certificate? Yes No  
 b. How long did it take to issue the title certificate? .....

c. Are you satisfied with this time duration? Yes No  
 d. Are you satisfied with the parcel plan given in the title certificate? Yes No  
 B) If no,  
 a. Did you know, for what reason you didn't get the title certificate?  
 .....

b. Have you been informed the reasons by the land titling office? Yes No  
 c. Did you response for it? Yes No

4.26 Did you pay for the land title other than mentioned? Yes No  
 If yes, for which step?  
 To provide deed information For land marks Surveying  
 To get the claim form Submission of claim form Determination of title to land  
 Get title Certificate

4.27 Do you think project officers treat equally for all landowners?  
 Yes Somewhat No  
 If somewhat or not, what is your experience?  
 .....

4.28 What is your opinion about the trustworthiness of the land titling program?  
 Highly trusty To some extent Less trusty Not at all No opinion

4.29 How would you assess the level of tenure security once a parcel is titled?  
 Very high To some extent low Not at all No opinion

4.30 What is your perception about the impact of titling in land conflict?  
 Greatly reduces To some extent reduces No any impact No opinion

4.31 Once you get a title to a parcel, do you need to go other organisation for verifying or registering?

Yes            No            No idea

If yes, which organizations? .....

4.32 What is the possible risk in titling?

.....

4.33 How sincere is the land titling project in addressing landowners' interests?

Highly sincere    To some extent    Less sincere    Not at all    No opinion

4.34 How is the reliability of titling?

Very high    To some extent    Low    Not at all    No opinion

4.35 How strong is the title certificate as a legal evidence of ownership for court cases, if any?

Very high    To some extent    low    Not at all    No opinion

4.36 Do you think that the process of title registration is efficient? Yes            No

If not, what are the causes of inefficiency?

.....

4.38 Do you like to share your land information with others? Yes            No

4.37 What are your suggestions for improvement of the current process of title registration

.....

.....



**Appendix 3: Check list for the interview with coordinator-Land Settlement Department**

**Evaluating Acceptability of Land Titling in Sri Lanka  
Check List for the interview with Coordinator-Land Settlement Department**

**Identification Information**

Questionnaire No: .....

Officers' Name: .....

Designation: .....

Organization Name: .....

Place of work: .....

**1. General information about the process of land registration**

1. What is your role in Land Titling Program?

.....  
.....

2. What are other actors and their responsibilities in the land titling process

Actor	Responsibility

3. What is the organizational structure of the land titling program?

.....

4. Do you get expected progress from field/legal investigation steps?

Yes          Somewhat          No

If yes, how do you appreciate? .....

If somewhat or not, what are the reasons?

.....

How do you overcome those reasons?

.....

5. Do you get expected progress from determination of title steps?

Yes          Somewhat          No

If yes, how do you appreciate? .....

If somewhat or not, what are the reasons?

.....

How do you overcome those reasons?

.....

6. Do you get expected progress from title registration? Yes          Somewhat          No

If yes, how do you appreciate? .....

If somewhat or not, what are the reasons?

.....

How do you overcome those reasons?

.....

7. How much time does it take for determination of a title certificate?

Do you think existing time can be reduced? Yes          No

For which steps time can be reduced?

.....

What are the possible ways to reduce the existing time duration?

.....

8. How much does it cost for the determination of a title certificate?

Do you think this cost can be reduced? Yes          No

For which steps cost can be reduced?

.....

What are the possible ways to reduce the existing cost?  
 .....

9. Do you observe the progress of land titling program?  
 Yes                      No

If yes, do you think program have expected progress?  
 Yes                      No

10. If you feel the program does not have expected progress, what do you think the most hindering factor for this?

Non submitting claim form	
Co-ownership	
Undivided land	
Joint ownership	
Extent problem	
Boundary disputes	
Organizational arrangement	
Other	

11. What should be the solution?  
 .....

**1. About Awareness program**

12. Which type of awareness program do you organize?  
 National level              Regional level              Landowner

If national level,

13. To whom do you organize the awareness program?  
 .....
14. How do you assess the level of participation of relevant persons about the awareness program?  
 .....
15. Do you think, participants were able to influence out come of the meeting?  
 .....

If regional level,

16. To whom do you organize the awareness program?  
 .....
17. How do you assess the level of participation of relevant persons about the awareness program?  
 .....
18. Do you think, participants were able to influence out come of the meeting?  
 .....

If landowner,

19. What is your opinion about the quality of the awareness program?

<b>Opinion about awareness program</b>	<b>Yes</b>	<b>Somewhat</b>	<b>No</b>
Objectives were clear			
Land titling process steps were understandable			
Location was convenient			
Time was convenient			
Messages were clear			
Participants were able to influence outcome of the meeting			
Public views were considered			

20. How do you assess level of landowners' awareness about the importance of land titling and submitting claim forms?  
 Important              Some extent              Not important

<p>21. How are landowners motivated to participate on the awareness program?                  .....                  .....</p>
<p><b>2. General questions for the public participation</b></p> <p>22. In your opinion, do landowners participate sufficiently in the program?                  Yes                      Some Extent                      No</p> <p>If some extent or no,</p> <p>23. How does the organization motivate them to participate in the process?                  .....</p>
<p><b>3. Questions about the claim form</b></p> <p>24. What is the importance of the claim form?                  .....</p> <p>25. Do you think existing publicity of gazette notification about the cadastral map is enough for calling the landowner to collect claim form?                  Yes                      No                  If no, what are the reasons?                  .....                  I have heard that landowners do not have expected participation in submitting claim forms, how far is this true?                  Yes                      Some extent                      No</p> <p>26. What is the tentative percentage of the landowners submitting claim forms in time? ... %</p> <p>27. Do you have a proper way to distribute and collect claim forms?                  .....</p> <p>28. What are the challenges identified in the collection of claim forms?                  .....</p> <p>29. What can be a better approach to collect claims forms to avoid the problem less submission?                  .....                  .....</p> <p>30. Is there any consequence if you provide the title certificate without waiting for the claim form which land parcels were identified in field and the land registry from the process?                  .....</p>
<p><b>4. Questions about factors influence to the title registration</b></p> <p>31. Do you have sufficient skilled staff for the title registration? Yes                      No                  If no, which areas that are missing the staff?                  .....                  Is there any program to recruit the missing staff?                  .....</p> <p>32. Do you have sufficient equipments, technology and resources for the work?                  Yes                      No                  If no, are there any programs to improve the existing situation?                  .....</p> <p>33. Do you have sufficient budget for the work? Yes                      No                  If no, what are the future plans to solve the problems related to budget?                  .....</p> <p>34. Do you think, registration of title act should be amended? Yes                      No                  If yes, what are the reasons?                  .....</p>

35. What are the influencing factors for the delay of the amendment of RTA?  
.....
36. Do you think difference between the extent of tenement list and the extent describe in deed is influence to the acceptability of the land titling registration?  
Yes            Somewhat            No  
If yes or somewhat; what should be the solution?  
.....
37. Is there a political support for the title registration? Yes            No  
  
If yes, how does the government support the program of title registration?  
.....
38. Are the financial institutions accepting the title certificate? Yes            No  
  
If no, what are the reasons?  
.....
39. Do you think that they are other actors like lawyer or notary who can influence the title registration program? Yes            No  
  
If yes, how do they influence the program?  
.....
40. How do different organizations cooperate in the process of title registration?  
.....
41. Do you think that organizational conflicting role affect negatively the progress of the “Bimsaviya” program? Yes            No  
If yes, in which way?  
.....  
How can this problem be solved?  
.....
42. Do you have land information system? Yes            No  
If no, what are the barriers for the implementation of LIS?  
.....  
.....
43. What are your suggestions for improvement of the current process of title registration?  
.....  
.....

**Appendix 4: Check list for the interview with coordinator –Survey Department**

**Evaluating Acceptability of Land Titling in Sri Lanka  
Check List for the interview with Coordinator –Survey Department**

**Identification Information**

Questionnaire No: .....

Officers' Name: .....

Designation: .....

Organization Name: .....

Place of work: .....

**1. General information about the process of land registration**

1. What is your role in Land Titling Program?

2. What are other actors and their responsibilities in the land titling process

Actor	Responsibility

3. Do you get expected progress from field surveying and cadastral mapping steps?

Yes                  Somewhat                  No

If yes, how do you appreciate?

If somewhat or not, what are the reasons?

How do you overcome those reasons?

4. How much time does it take for complete one cadastral map (**100 land parcels**)?

Do you think existing time can be reduced? Yes                  No

For which steps time can be reduced?

What are the possible ways to reduce the existing time duration?

5. How much does it cost for the survey one cadastral parcel?

Do you think this cost can be reduced? Yes                  No

For which steps cost can be reduced?

What are the possible ways to reduce the existing cost?

6. Do you observe the progress of land titling program (Bim Saviya)?

Yes                  No

If yes, do you think program have expected progress?

Yes                  No

7. If you feel the program does not have expected progress, what do you think the most hindering factor for this?

Non submitting claim form	
Co-ownership	
Undivided land	
Joint ownership	
Extent problem	
Boundary disputes	
Organizational arrangement	
Other ( <i>please specify</i> )	

8. What should be the solution? .....

**2. About Awareness program**

9. Which type of awareness program do you attend?  
 National level                  Regional level                  Landowner

If national level,

10. How do you assess the level of participation of relevant persons about the awareness program?  
 11. Do you think, participants were able to influence outcome of the meeting?  
 Yes                  Somewhat                  No

If regional level,

12. How do you assess the level of participation of relevant persons about the awareness program?  
  
 13. Do you think, participants were able to influence out come of the meeting?  
 Yes                  Somewhat                  No

If landowner,

14. How do you assess the level of participation of landowners about the awareness program?  
  
 15. What is your opinion about the quality of the awareness program?

<b>Opinion about awareness program</b>	<b>Yes</b>	<b>Somewhat</b>	<b>No</b>
Objectives were clear			
Land titling process steps were understandable			
Location was convenient			
Time was convenient			
Messages were clear			
Participants were able to influence outcome of the meeting			
Public views were considered			

16. How do you assess level of landowners' awareness about the importance of land titling and submitting claim forms?  
 Important                  Some extent                  Not important  
 17. How are landowners motivated to participate on the awareness program?

**3. General questions for the public participation**

18. In your opinion, do landowners participate sufficiently in the program?  
 Yes                  Some Extent                  No  
 If some extent or no,  
 19. How does the organization motivate them to participate in the process?

**4. Questions about the claim form**

20. What is the importance of the claim form?  
  
 21. Do you think existing publicity of gazette notification about the cadastral map is enough for calling the landowner to collect claim form?  
 Yes                  No  
 If no, what are the reasons?  
  
 22. I have heard that landowners do not have expected participation in submitting claim forms, how far is this true?  
 Yes                  Some extent                  No  
  
 Is there any consequence if you provide the title certificate without waiting for the claim form which land parcels were identified in field and the land registry from the process?

**5. Questions about factors influence to the title registration**

23. Do you have sufficient skilled staff for the title registration? Yes No  
 If no, which areas that are missing the staff?  
 Is there any program to recruit the missing staff?
24. Do you have sufficient equipments, technology and resources for the work?  
 Yes No  
 If no, are there any programs to improve the existing situation?
25. Do you have sufficient budget for the work? Yes No  
 If no, what are the future plans to solve the problems related to budget?
26. Do you think that you have sufficient regulations for the cadastral surveying?  
 Yes Somewhat No  
 If somewhat or not, what else should be included?
27. Do you think accuracy of the cadastral surveying should depend on the urban and rural area?  
 Yes No  
 If yes, what is the method for the data acquisition?
28. Do you think, registration of title act should be amended? Yes No  
 If yes, what are the reasons?
29. What are the influencing factors for the delay of the amendment of RTA?
30. Do you think difference between the extent of tenement list and the extent describe in deed is influence to the acceptability of the land titling registration?  
 Yes Somewhat No  
 If yes or somewhat; what should be the solution?
31. Is there a political support for the title registration? Yes No  
 If yes, how does the government support the program of title registration?
32. Are the financial institutions accepting the title certificate? Yes No  
 If no, what are the reasons?
33. Do you think that they are other actors like lawyer or notary who can influence the title registration program? Yes No  
 If yes, how do they influence the program?
34. How do different organizations cooperate in the process of title registration?
35. Do you think that organizational conflicting role affect negatively the progress of the "Bimsaviya" program? Yes No  
 If yes, in which way?  
 How can this problem be solved?
36. Do you have land information system? Yes No  
 If no, what are the barriers for the implementation of LIS?
37. What are your suggestions for improvement of the current process of title registration?

**Appendix 5: Check list for the interview with coordinator –Registrar General Department**

Evaluating Acceptability of Land Titling in Sri Lanka	
Check List for the interview with Coordinator-Register General Department	
<b>Identification Information</b>	
Questionnaire No: .....	
Officers' Name: .....	Designation: .....
Organization Name: .....	Place of work: .....
<b>1. General information about the process of land registration</b>	
1. What is your role in Land Titling Program?	
2. What are other actors and their responsibilities in the land titling process	
<b>Actor</b>	<b>Responsibility</b>
3. What is the organizational structure of the Register General Department in land titling? .....	
4. Do you get expected progress from title registration? Yes          Somewhat          No If yes, how do you appreciate? ..... If somewhat or not, what are the reasons? ..... How do you overcome those reasons? .....	
5. How much time does it take for register a title certificate? Do you think existing time can be reduced? Yes                  No For which steps time can be reduced? ..... What are the possible ways to reduce the existing time duration? .....	
6. How much does it cost for register a title certificate? Do you think this cost can be reduced? Yes                  No For which steps cost can be reduced? ..... What are the possible ways to reduce the existing cost? .....	
7. Do you observe the progress of the whole land titling program? Yes                  No If yes, do you think program have expected progress? Yes                  No	
8. If you feel the program does not have expected progress, what do you think the most hindering factor for this?	
Non submitting claim form	
Co-ownership	
Undivided land	
Joint ownership	
Extent problem	
Boundary disputes	
Organizational arrangement	
Other	



9. What should be the solution?  
 .....

**2. About Awareness program**

10. Which type of awareness program do you attend? *(Please tick all possible answers)*

National level          Regional level          Landowner

If national level,

11. How do you assess the level of participation of relevant persons about the awareness program?

12. Do you think, participants were able to influence outcome of the meeting?

Yes          Somewhat          No

If regional level,

13. How do you assess the level of participation of relevant persons about the awareness program?

14. Do you think, participants were able to influence out come of the meeting?

Yes          Somewhat          No

If landowner,

15. How do you assess the level of participation of landowners about the awareness program?

If landowner,

16. What is your opinion about the quality of the awareness program?

<b>Opinion about awareness program</b>	<b>Yes</b>	<b>Somewhat</b>	<b>No</b>
Objectives were clear			
Land titling process steps were understandable			
Location was convenient			
Time was convenient			
Messages were clear			
Participants were able to influence outcome of the meeting			
Public views were considered			

17. How do you assess level of landowners' awareness about the importance of land titling and submitting claim forms?

Important          Some extent          Not important

18. How are landowners motivated to participate on the awareness program?  
 .....

**3. General questions for the public participation**

19. In your opinion, do landowners participate sufficiently in the program?

Yes          Some Extent          No

If some extent or no,

20. How does the organization motivate them to participate in the process?  
 .....  
 .....

**4. Questions about the claim form**

21. What is the importance of the claim form?  
 .....

22. Do you think existing publicity of gazette notification about the cadastral map is enough for calling the landowner to collect claim form?

Yes          No

If no, what are the reasons?

23. I have heard that landowners do not have expected participation in submitting claim forms, how

far is this true?

Yes                      Some extent                      No

24. What can be a better approach to collect claims forms to avoid the problem less submission?  
 .....
25. Is there any consequence if you provide the title certificate without waiting for the claim form which land parcels were identified in field and the land registry from the process?  
 .....

**5. Questions about factors influence to the title registration**

26. Do you have sufficient skilled staff for the title registration? Yes                      No  
 If no, which areas that are missing the staff?  
 .....  
 Is there any program to recruit the missing staff?  
 .....
27. What programs are arranged to the training and motivation of the staff?
28. Do you have sufficient equipments, technology and resources for the work?  
 Yes                      No  
 If no, are there any programs to improve the existing situation?  
 .....
29. Do you have sufficient budget for the work? Yes                      No  
 If no, what are the future plans to solve the problems related to budget?
30. Do you have sufficient regulations for title registration? Yes                      No  
 If no, what could be the included?  
 .....
31. What are the problems do you faced during the transition period?  
 .....  
 What could be the solutions?  
 .....
32. Do you think, the existing land policy is supporting to the title registration?  
 Yes                      No  
 If no, what could be changed?  
 .....
33. Do you think, registration of title act should be amended? Yes                      No  
 If yes, what are the reasons?  
 .....
34. What are the influencing factors for the delay of the amendment of RTA?  
 .....
35. Do you think difference between the extent of tenement list and the extent describe in deed is influence to the acceptability of the land titling registration?  
 Yes                      Somewhat                      No  
 If yes or somewhat; what should be the solution?  
 .....
36. Is there a political support for the title registration? Yes                      No  
 If yes, how does the government support the program of title registration?  
 .....
37. Are the financial institutions accepting the title certificate? Yes                      No

If no, what are the reasons?  
.....

38. Do you think that there are other actors like lawyer or notary who can influence the title registration program? Yes            No  
.....

If yes, how do they influence the program?  
.....

39. How do different organizations cooperate in the process of title registration?  
.....

40. Do you think that organizational conflicting role affect negatively the progress of the “Bimsaviya” program? Yes            No  
.....

If yes, in which way?  
.....

How can this problem be solved?  
.....

41. How do you send the data to different departments in title registration program?

42. How do you receive the data from different department in title registration program?

43. How do the different departments coordinate in maintaining the land records?

44. What limitation that the public have in access to government -held land related data?

45. According to the current procedure, government has to collect required information not in once, but in many times from landowners. Do you have any idea or suggestion to get all the information at once?

46. What are your suggestions for improvement of the current process of title registration?  
.....  
.....



**2. About Awareness program**

17. Which type of awareness program do you organize?

National level                  Regional level                  Landowner

National level,

18. To whom do you organize the awareness program?

19. How do you assess the participation about the awareness program?

20. Do you think, participants were able to influence outcome of the meeting?

Regional level,

21. To whom do you organize the awareness program?

22. How do you assess the participation about the awareness program?

23. Do you think, participants were able to influence outcome of the meeting?

Landowner,

24. What is your opinion about the quality of the awareness program?

<b>Opinion about awareness program</b>	<b>Yes</b>	<b>Somewhat</b>	<b>No</b>
Objectives were clear			
Land titling process steps were understandable			
Location was convenient			
Time was convenient			
Messages were clear			
Participants were able to influence outcome of the meeting			
Public views were considered			

25. How do you assess level of landowners' awareness about the importance of land titling and submitting claim forms?

Important                  Some extent                  Not important

26. How are landowners motivated to participate on the awareness program?

**3. General questions for the public participation**

27. In your opinion, do landowners participate sufficiently in the program?

Yes                  Some Extent                  No

If some extent or no,

28. How does the organization motivate them to participate in the process?

**4. Questions about the claim form**

29. What is the importance of the claim form?

30. Do you think existing publicity of gazette notification about the cadastral map is enough for calling the landowner to collect claim form?

Yes                  No

If no, what are the reasons?

31. I have heard that landowners do not have expected participation in submitting claim forms, how far is this true?

Yes                  Some extent                  No

32. What is the tentative percentage of the landowners submitting claim forms in time? ... %

33. Do you have a proper way to distribute and collect claim forms?

34. What are the challenges identified in the collection of claim forms?
35. What can be a better approach to collect claims forms to avoid the problem less submission?
36. Is there any consequence if you provide the title certificate without waiting for the claim form which land parcels were identified in field and the land registry from the process?

#### 5. Questions about factors influence to the title registration

37. Do you have sufficient skilled staff for the title registration? Yes            No  
If no, which areas that are missing the staff?  
Is there any program to recruit the missing staff?
38. Do you have sufficient equipments, technology and resources for the work?  
Yes            No  
If no, are there any programs to improve the existing situation?
39. Do you have sufficient budget for the work? Yes            No  
If no, what are the future plans to solve the problems related to budget?
40. Do you think, registration of title act should be amended? Yes            No  
If yes, what are the reasons?
41. What are the influencing factors for the delay of the amendment of RTA?
42. Do you think difference between the extent of tenement list and the extent describe in deed is influence to the acceptability of the land titling registration?  
Yes            Somewhat            No  
If yes or somewhat; what should be the solution?
43. Is there a political support for the title registration? Yes            No  
If yes, how does the government support the program of title registration?
44. Are the financial institutions accepting the title certificate? Yes            No  
If no, what are the reasons?
45. Do you think that they are other actors like lawyer or notary who can influence the title registration program? Yes            No  
If yes, how do they influence the program?
46. How do different organizations cooperate in the process of title registration?
47. Do you think that organizational conflicting role affect negatively the progress of the “Bimsaviya” program? Yes            No  
If yes, in which way?  
How can this problem be solved?
48. Do you have land information system? Yes            No  
If no, what are the barriers for the implementation of LIS?
49. What are your suggestions for improvement of the current process of title registration?

**Appendix 7: Check list for Land Settlement Department Staff**

<b>Evaluating Acceptability of Land Titling in Sri Lanka</b> <b>Check List for the interview with Land Settlement Department staff involved in the Title Registration Program</b>													
<b>Identification Information</b> Interviewee Number: ..... Officer's Name: ..... Post or Title in organization: ..... Department: ..... Place of work: .....													
<b>1. General information about the process of land registration</b>													
1. What is your role in Land Titling Program? ..... .....													
2. What are other actors and their responsibilities in the land titling process													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Actor</th> <th>Responsibility</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Actor	Responsibility											
Actor	Responsibility												
3. What are the consecutive steps of land titling process and what is the time duration of each step?													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Steps</th> <th>Duration</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Steps	Duration											
Steps	Duration												
4. What is the expected outcome or result of each step?													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Steps</th> <th>Outcome</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Steps	Outcome											
Steps	Outcome												
5. Does each step lead to expected result? Yes          Somewhat          No .....													
6. If yes, how do you appreciate the result? .....													
7. If somewhat or not, what are the steps for which you do not get the expected results? .....													
8. For which reasons you do not obtain the expected result or outcome? .....													
9. How do you overcome those reasons? .....													
10. Are these all steps done in the offices located in the same place? Yes          No													
11. If not, please enumerate the steps that are completed in the same location .....													
12. Which way is used to transfer data from an office in one location to the office in other location? .....													
13. Do you think that the program of land titling is in good progress? Yes                  Somewhat                  No													

14. If you think that the program does not have expected progress, what do you consider as the hindering factor for this?

Non submitting claim form	
Co-ownership	
Undivided land	
Joint ownership	
Extent problem	
Boundary disputes	
Organizational conflicting role	
Other	

15. Do you provide title certificates for the all land tenure types in Sri Lanka?  
 Yes                  No

16. If not, for which land tenure do not you provide titles?  
 .....

17. For which reasons do not provide the title certificates?  
 .....

**2. About Awareness program**

18. Which type of awareness program do you organize for title registration?  
 .....

19. How are the landowners informed about the awareness program? .....

20. How do you assess the participation of landowners in the awareness program?  
 .....

21. What is your opinion about the quality of the awareness program?

<b>Opinion about awareness program</b>	<b>Yes</b>	<b>Somewhat</b>	<b>No</b>
Objectives are clear			
Land titling process steps are understandable			
Location is convenient			
Time is convenient			
Messages is clear			
Participants are able to influence outcome of the meeting			
Public opinions are considered			

22. Do you provide booklet about title registration in the awareness program?  
 Yes                  No

23. How do you assess level of landowners' awareness about the importance of land titling and submitting claim forms?

Important                  Some extent                  Not important

**3. General questions for the public participation**

24. In your opinion, do landowners have to participate in title registration program?  
 Yes                  Somewhat                  No



25. If yes, which steps of the program require landowner's participation?

Awareness program	
Provide deed information	
Agree for boundary	
Participate in surveying stage	
Submit claim form	
Participate in investigation under section 13 <sup>th</sup> in RTA	
Submit the objections for the final gazettal	
Collect title certificate	
Other	

26. Do they participate sufficiently in the process?  
.....

27. If no, in which step do not they generally participate?  
.....

28. Do you think what the reasons are for not participate in these steps?  
.....

29. How does the organization motivate them to participate in the process?  
.....

**4. Questions about gazette notification**

30. How do you publish the gazette notification about the cadastral map?  
.....

31. Do you think this publicity is enough for calling the landowner to collect claim form?

Yes                      No

If no, what are the reasons?  
.....

32. What are other means that can be used to overcome those problems?  
.....

33. From where people get the information about gazette cadastral map?  
.....

34. Do you have any experience, if landowners need any help to find out the details about cadastral parcel from the map?  
.....

35. If they need help, how do they get it?  
.....

**5. Questions about the claim form**

36. What is the importance of the claim form in the process of title registration?  
.....

37. I have heard that landowners do not participate in submitting claim forms, how far is this true?

Yes                      Some extent                      No

38. What is the tentative percentage of the landowners who submit claim forms in time?  
.....

39. How is the claim forms distributed to the landowner?

Grama Niladhari's Office		Investigator/Project officer	
Divisional Survey Office		Awareness meeting	
Land Settlement Dept. Office		Investigation under the section 13 <sup>th</sup> in RTA	
Divisional Secretary Office		Other, please specify .....	

40. How do you check if all landowners receive claim forms?  
.....

41. Do you think that all landowners receive claim form?  
.....
42. If no, what are the reasons for not distributing claim forms to all landowners?  
.....
43. Are there any alternative methods to distribute claim forms to all landowners?  
.....
44. Do you think that landowners can fill in the claim forms without any help?  
.....
45. If they need help, how can the claim forms be made easier to understand by landowners?  
.....
46. How are claim forms collected from landowner?  
.....
47. Do you think that all claim forms are collected?  
.....  
If no, why all claim forms are not collected?  
.....
48. What are the mechanisms of incentives for the responsible person who collects claim forms?  
.....
49. What further actions that are taken to collect the claim forms?
- |   |  |
|---|--|
| Send a reminder   |  |
| Collect it within the investigation under section 13 <sup>th</sup> in RTA |  |
| Other   |  |
50. What can be a better approach to collect claims forms to avoid the problem of not submission?  
.....
51. Is there any consequence if you provide the title certificate without waiting for the claim form which land parcels were identified in field and the land registry from the process?  
.....

**6. Questions about factors influence to the title registration**

52. Do you have sufficient skilled staff for the title registration? Yes                      No  
If no, which areas that are missing the staff?  
.....
53. Is there any program to recruit the missing staff?  
.....
54. Do you have sufficient equipments, technology and resources for the work?  
Yes                      No
55. If no, are there any programs to improve the existing situation?  
.....
56. Do you have sufficient budget for the work? Yes                      No
57. If no, what are the future plans to solve the problems related to budget?  
.....
58. Do you have sufficient regulations for recommend for the title?  
Yes                      Somewhat                      No  
If somewhat or not, what should be the solutions?  
.....
59. Do you think difference between the extent of cadastral map and the extent describe in deed is influence to the acceptability of the land titling registration?  
Yes                      Somewhat                      No  
If yes or somewhat; what should be the solution?

60. Are the real state agencies supporting the title registration program? Yes      No
61. If yes, which support do you receive from them?  
.....
62. Are the financial institutions accepting the title certificate? Yes      No
63. If no, what are the reasons?  
.....
64. Do you think that they are other actors like lawyer or notary who can influence the title registration program?  
.....
65. If yes, how do they influence the program?  
.....
66. How do different organizations cooperate in the process of title registration?  
.....
67. Do you think that organizational conflicting role affect negatively the progress of the “Bim Saviya” program?    Yes                  Somewhat                  No
68. If yes or somewhat, in which way?  
.....
69. How can this problem be solved?  
.....
70. If you have any suggestion for the improvement of title registration program, please explain.  
.....

**Appendix 8: Check list for the interview with Register General Department staff**

**Evaluating Acceptability of Land Titling in Sri Lanka  
Check List for the interview with Registrar involved in the Title Registration Program**

**Identification Information**

Interviewee Number: .....  
 Officer's Name: ..... Post or Title in organization: .....  
 Department: ..... Place of work: .....

**1. General information about the process of land registration**

1. What is your role in Land Titling Program?

.....  
 .....

2. What are other actors and their responsibilities in the land titling process

Actor	Responsibility

3. What are the consecutive steps of land titling process and what is the time duration of each step?

Steps	Duration

4. What is the expected outcome or result of each step?

Steps	Outcome

5. Does each step lead to expected result? Yes          Somewhat          No

.....

6. If yes, how do you appreciate the result?

.....

7. If somewhat or not, what are the steps for which you do not get the expected results?

.....

8. For which reasons you do not obtain the expected result or outcome?

.....

9. How do you overcome those reasons?

.....

10. Are these all steps done in the offices located in the same place? Yes          No

11. If not, please enumerate the steps that are completed in the same location

.....

12. Which way is used to transfer data from an office in one location to the office in other location?

.....

13. Do you think that the program of land titling is in good progress?  
 Yes                      Somewhat                      No

14. If you think that the program does not have expected progress, what do you consider as the hindering factor for this?

Non submitting claim form	
Co-ownership	
Undivided land	
Joint ownership	
Extent problem	
Boundary disputes	
Organizational conflicting role	
Other	

15. Can you register the all land parcels in the final gazettal?  
 Yes                      Somewhat                      No

If somewhat or not

- a) How much percentage?
- b) What are the reasons?

.....

16. How can this problem be solved?

.....

**2. General questions for the public participation**

17. In your opinion, do landowners have to participate in the title registration program directly?  
 Yes                      Somewhat                      No

18. If yes, which steps of the program require landowner's participation?

Awareness program	
Provide deed information	
Agree for boundary	
Participate in surveying stage	
Submit claim form	
Participate in investigation under section 13 <sup>th</sup> in RTA	
Submit the objections for the final gazettal	
Collect title certificate	
Others .....	

19. How are the landowners informed to collect title certificate?

.....

20. Which method do you used to distribute the title certificate?

.....

21. Do they participate sufficiently to collect title certificate?

Yes                      Somewhat                      No

If somewhat or not,

- a) How much percentage do not collect title certificate?

.....

- b) What are the reasons to not collect the title certificate?

.....

- c) What are the possible ways to distribute the title certificate?

.....

d) How do you motivate them to collect the title certificate?  
 .....

22. Do you inform to them; deed is not valid after the registration of title?

Yes No

23. Do you provide information about the process of subsequent transaction after issue the title certificate to landowners?  
 .....

24. How can a general public access to the information?  
 .....

**3. Questions about factors influence to the title registration**

25. Do you have sufficient skilled staff for the registration? Yes No

If no, which areas that are missing the staff?  
 .....

26. Is there any program to recruit the missing staff?  
 .....

27. Do you have sufficient equipments, technology and physical resources for the work?

Yes Somewhat No

Is there any solution for the overcome this problem?  
 .....

28. Do you have sufficient budget for the work? Yes No

If no, what are the future plans to solve the problems related to budget?  
 .....

29. Do you have sufficient regulations for title registration? Yes No

If no, what could be the included?  
 .....

30. What are the problems do you faced during the transition period?  
 .....

What could be the solutions?  
 .....

31. Do you think, the existing land policy is supporting to the title registration?

Yes No

If no, what could be changed?  
 .....

32. Is there a political support for the title registration? Yes No

If yes, how does the government support the program of title registration?  
 .....

33. Can you get cadastral plans and maps in relevant time?

Yes somewhat No

If somewhat or not; what are the reasons?  
 .....

What should be the solution?  
 .....

34. Do you think difference between the extent of tenement list and the extent describe in deed is influence to the acceptability of the land titling registration?

Yes Somewhat No

If yes or somewhat; what should be the solution?

35. Do you think that other actors like lawyer or notary who can influence the title registration program?  
.....

36. If yes, how do they influence the program?  
.....

37. How do different organizations cooperate in the process of title registration?  
.....

38. Do you think that organizational conflicting role affect negatively the progress of the “Bim Saviya” program?    Yes                      Somewhat                      No

39. If yes or somewhat, in which way?  
.....

40. How can this problem be solved?  
.....

41. If you have any suggestion for the improvement of title registration program, please explain.  
.....

**Appendix 9: Check list for the interview with Survey Department staff**

<b>Evaluating Acceptability of Land Titling in Sri Lanka</b> <b>Check List for the interview with Survey Department staff involved in the Title Registration Program</b>	
<b>Identification Information</b> Interviewee Number: ..... Officer's Name: ..... Post or Title in organization: ..... Department: ..... Place of work: .....	
<b>1. General information about the process of land registration</b>	
1. What is your role in Land Titling Program? .....	
2. What are other actors and their responsibilities in the land titling process	
<b>Actor</b>	<b>Responsibility</b>
3. What are the consecutive steps of land titling process and what is the time duration of each step?	
<b>Steps</b>	<b>Duration</b>
4. What is the expected outcome or result of each step?	
<b>Steps</b>	<b>Outcome</b>
5. Does each step lead to expected result? Yes                  No .....	
6. If yes, how do you appreciate the result? .....	
7. If somewhat or not, what are the steps for which you do not get the expected results? .....	
8. For which reasons you do not obtain the expected result or outcome? .....	
9. How do you overcome those reasons? .....	
10. Are these all steps done in the offices located in the same place? Yes                  No	
11. If not, please enumerate the steps that are completed in the same location .....	
12. Which way is used to transfer data from an office in one location to the office in other location? With messenger                  By post                  Other .....	
13. Do you think that the program of land titling is in good progress? Yes                  Somewhat                  No	





**3. General questions for the public participation**

24. In your opinion, do landowners have to participate in title registration the program?  
 Yes                      Somewhat                      No

25. If yes or somewhat, which steps of the program require landowner's participation?

Awareness program	
Provide deed information	
Agree for boundary	
Participate in surveying stage	
Submit claim form	
Participate in investigation under section 13 <sup>th</sup> in RTA	
Submit the objections for the final gazettal	
Collect title certificate	
Others.....	

26. How are the landowners informed about boundary demarcation?  
 .....

27. Do they participate sufficiently in the boundary demarcation stage?  
 Yes                      Somewhat                      No

If somewhat or not, what are the reasons?  
 .....

28. How are the landowners informed about land surveying?  
 .....

29. Do landowners participate sufficiently in the surveying stage?  
 Yes                      Somewhat                      No

If somewhat or not, what are the reasons?  
 .....

30. How does the organization motivate them to participate in the process?  
 .....

**4. Questions about gazette notification**

31. How do you get the information about the publish gazette notification about the cadastral map?  
 .....

32. Do you think this publicity is enough for calling the landowner to collect claim form?  
 Yes                      No

If no, what are the reasons?  
 .....

33. What are other means that can be used to overcome those problems?  
 .....

34. Where people get the information about gazette cadastral map?  
 .....

35. Do you have any experience, if landowners need any help to find out the details about cadastral parcel from the map?  
 .....

36. If they need help, how do they get it?  
 .....

**5. Questions about the claim form**

37. What is the importance of the claim form in the process of title registration?  
 .....
38. I have heard that landowners do not participate in submitting claim forms, how far is this true?  
 Yes                      Some extent                      No
39. What can be a better approach to collect claims forms to avoid the problem of not submission?  
 .....
40. Is there any consequence if you provide the title certificate without waiting for the claim form which land parcels were identified in field and the land registry from the process?  
 .....

**6. Questions about factors influence to the title registration**

41. Do you have sufficient skilled staff for the title registration? Yes                      No  
 If no, which areas that are missing the staff?  
 .....
42. If yes, is there any program to recruit the missing staff?  
 .....
43. Do you have sufficient equipments, technology and physical resources for the work?  
 Yes                      Somewhat                      No  
 If somewhat or not, what are the necessary resources?  
 .....
44. Do you have sufficient landmarks for the targeted area?  
 Yes                      Somewhat                      No  
 If somewhat or not, is there any possible solution for overcome this situation?  
 .....
45. Can you get service of Geodetic Branch in required time?  
 Yes                      Somewhat                      No  
 If somewhat or not, is there any possible solution for overcome this situation?  
 .....
46. Do you have sufficient budget for the work? Yes                      Somewhat                      No  
 If somewhat or not, what are the future plans to solve the problems related to budget?  
 .....
47. Do you think that you have sufficient regulations for the cadastral surveying?  
 Yes                      Somewhat                      No  
 If somewhat or not, what else should be included?  
 .....
48. Do you think accuracy of the cadastral surveying should depend on the urban and rural area?  
 Yes                      No  
 If yes, what is the method for the data acquisition?  
 .....
49. Do you have any experience; landowner not agrees with the extent of tenement list?  
 Yes                      No  
 If yes, how many percentage in general for one block? .....  
 How much percentage can you get agreement for the extent of the tenement list? .....
50. Do you think difference between the extent of tenement list and the extent describe in deed is influence to the acceptability of the land titling registration?  
 Yes                      Somewhat                      No

If yes or somewhat; what should be the solution?  
.....

51. Are the real state agencies supporting the title registration program? Yes            No  
If yes, which support do you receive from them?  
.....

52. Do you think that they are other actors like lawyer or notary who can influence the title registration program? Yes            Somewhat            No  
If yes, how do they influence the program?  
.....

53. How do different organizations cooperate in the process of title registration?  
.....

54. Do you think that organizational conflicting role affect negatively the progress of the “Bim Saviya” program? Yes            Somewhat            No  
If yes or somewhat, in which way?  
.....

55. How can this problem be solved?  
.....

56. If you have any suggestion for the improvement of title registration program, please explain.  
.....

**Appendix 10: Check list for the interview with Grama Niladhari**

<b>Evaluating Acceptability of Land Titling in Sri Lanka</b>			
<b>Check List for the interview with Grama Niladhari involved in the Title Registration Program</b>			
<b>Identification Information</b>			
Interviewee Number: .....			
Officer's Name: .....		Post or Title in organization: .....	
Department: .....		Place of work: .....	
<b>1. General information about the process of land registration</b>			
1. What is your role in Land Titling Program? .....			
2. Which stage do you involve in the land titling registration program?			
To help to organize the awareness program			
Inform about awareness program to the landowners			
Attend the awareness program			
Inform about date of field investigation & boundary demarcation to landowners			
To help to solve boundary disputes			
To publish the gazettal cadastral map			
To distribute the claim forms			
To help the landowners to fill the claim forms			
To collect the claim forms			
To help to organize the investigation under section 13 <sup>th</sup> in RTA			
Participate in investigation under section 13 <sup>th</sup> in RTA			
Others.....			
3. Which are the incentives you get for this service? .....			
4. Do you think that the program of land titling is in good progress? Yes                      Somewhat                      No			
<b>6. About Awareness program</b>			
5. Do you have any experience in the awareness program? Yes                      No			
6. If yes, what is your role in the awareness program? .....			
7. What is your opinion about the standard of the awareness program?			
<b>Opinion about awareness program</b>		<b>Yes</b>	<b>Somewhat</b>
Objectives are clear			
Land titling process steps are understandable			
Location is convenient			
Time is convenient			
Messages is clear			
Participants are able to influence outcome of the meeting			
Public opinions are considered			
8. Do you think sufficient information included in booklet provided for the landowners? Yes                      No If not, what should be included? .....			

9. How do you assess level of landowners' awareness about the importance of land titling and submitting claim forms?  
 Important                      Some extent                      Not important

**7. General questions for the public participation**

10. In your opinion, do landowners have to participate in title registration program?  
 Yes                      Somewhat                      No

11. If yes, which steps of the program require landowner's participation?

Awareness program	
Provide deed information	
Agree for boundary	
Participate in surveying stage	
Submit claim form	
Participate in investigation under section 13 <sup>th</sup> in RTA	
Submit the objections for the final gazettal	
Collect title certificate	
Other	

12. How are the landowners informed about each step?  
 .....

13. Do they participate sufficiently in the process?  
 .....

14. If no, in which step do not they generally participate?  
 .....

15. Do you think what the reasons are for not participate in these steps?  
 .....

16. How do you motivate them to participate in the process?  
 .....

**8. Questions about gazette notification**

17. How do you get the information of the gazette notification about the cadastral map?  
 .....

18. How do you publish the gazette notification about the cadastral map?  
 .....

19. Do you think this publicity is enough for calling the landowner to collect claim form?

Yes                      No

If no, what are the reasons?  
 .....

What are other means that can be used to overcome those problems?  
 .....

20. From where people get the information about gazette cadastral map?  
 .....

21. Do you have any experience in helping to find out the details of their land parcels from the cadastral map?  
 .....

22. If they need help, how do they get it?  
 .....

**9. Questions about the claim form**

23. What is the importance of the claim form in the process of title registration?  
 .....

24. From where do you get the claim forms to distribute the landowners?  
 .....

- .....
25. How do you distribute the claim forms to the landowner?  
.....
26. How do you verify if all landowners receive claim forms?  
.....
27. Do you have any experience, if landowners need any help to fill the claim form?  
Yes            No  
If they need help, for which part of the claim form?  
.....  
How do they get it?  
.....
28. If they need help, how can the claim forms be made easier to understand by landowners?  
.....
29. How do you collect the claim form land owner?  
.....
30. I have heard that all landowners do not submit claim forms, how far is this true?  
Yes            Some extent            No
31. What is the tentative percentage of the landowners who submit claim forms in time?
32. How do you verify if all landowners submit their claim forms?  
.....
33. If all landowners do not submit the claim forms, what are the reasons?  
.....
34. What can be a better approach to collect claims forms to avoid the problem of not submission?  
.....
35. In which way do you submit the collected claim forms to project office?  
.....
36. Do you have any problem in handing over the collected claim forms to the project office?  
.....
37. Do you satisfy the cooperation of the project officers in this process? Yes            No  
If no, which area to be improved?  
.....

**10. Questions about factors influence to the title registration**

38. Do you have sufficient regulations to engage in land titling program?  
Yes            No  
If no, what regulations should be included?  
.....
39. Do you have sufficient resources for the land titling work?  
Yes            Somewhat            No  
If somewhat or no, what are the resources do you want?  
.....
40. Do you have sufficient guide to engage in titling program from your higher officer?  
.....
41. Do you think difference between the extent of cadastral map and the extent describe in deed is influence to the acceptability of the land titling registration?  
Yes            Somewhat            No  
If yes or somewhat; do you think that the landowners agree to get the title for the extent in the tenement list?  
.....
42. Do you think that other actors like lawyer or notary who can influence the title registration program?  
.....

.....  
43. If yes, how do they influence the program?  
.....

44. If you have any suggestion for the improvement of title registration program, please explain.  
.....





.....

13. What is the cost of the registration of a deed? .....

14. Do you have any experience about title registration work? Yes No  
 If yes, how long have you been involved with it? .....

15. How do you assess the activities in title registration compare with deed registration?  
 Time ..... Cost ..... Complexity .....

16. In your opinion, is it easy to practice title registration system?  
 If yes, how do you appreciate it?  
 .....  
 If no, what are the reasons?  
 .....

17. What is your experience about the landowners' perception about the title registration system?  
 .....

18. How do you access the information of the title?  
 .....

19. How do you assess the title registration system in terms of tenure security compared to the deed registration system?  
 Very high. High Same Less

20. Do you think title system is more secured for financial organisations than deed?  
 Yes Somehow No  
 If yes/somehow, how?

21. Would you recommend landowners to get title? Yes No  
 If yes, why  
 .....  
 If not, what are the reasons?  
 .....

22. How is the reliability of titling?  
 Very high To some extent Low Not at all No opinion

23. How strong is the title certificate as a legal evidence of ownership for court cases, if any?  
 Very high To some extent low Not at all No opinion

24. Do you think title registration system is negatively affected to the profession?  
 Yes No  
 If yes, what are the reasons?  
 .....

25. What are your suggestions for improvement of the current process of title registration  
 .....

**Appendix 12: Maximum time for issue a title**

